

Opinion No. 21-2925

April 29, 1921

BY: HARRY S. BOWMAN, Attorney General

TO: Mr. Porfirio B. Cordova, La Joya, New Mexico.

Notary Taking Acknowledgment of Person Not Present.

OPINION

{*47} In reply to your letter of the 27th instant asking if you will be authorized to take the acknowledgment of a person who is not personally {*48} present before you at the time of the making of the signature, but who 'phoned you that he had signed the instrument, and which signature is witnessed by two persons, I would say:

The usual acknowledgment provided for in conveyances and instruments affecting real property includes the statement that the person named "personally appeared before me."

In view of this clause in the acknowledgment, the Notary is not authorized to take the acknowledgment of the person signing the instrument unless such person appears in person before the Notary and attaches his signature to the instrument in the presence of such Notary.