

MICHIGAN LAW ON NOTARIAL ACTS (EXCERPT)
Act 238 of 2003

55.285a Notarial acts performed in another state; in federally recognized Indian tribe; under federal law; in foreign country; applicability; definition of "foreign country".

Sec. 25a.

(1) All of the following apply with regard to a notarial act that is performed in another state:

(a) A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed in that state is performed by any of the following individuals:

- (i) A notary public who is authorized to perform notarial acts in the state in which the act is performed.
- (ii) A judge, clerk, or deputy clerk of any court of record in the state in which the notarial act is performed.
- (iii) Any other individual who is authorized to perform notarial acts in the state in which the act is performed.

(b) The signature and title of an individual described in subdivision (a)(i) to (iii) who performs a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of an individual described in subdivision (a)(i) or (ii) who performs a notarial act in another state conclusively establish the authority of the individual to perform the notarial act.

(2) All of the following apply with regard to a notarial act that is performed under the authority and in the jurisdiction of a federally recognized Indian tribe:

(a) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this state, if the act performed in the jurisdiction of the tribe is performed by any of the following individuals:

- (i) A notary public of the tribe.
- (ii) A judge, clerk, or deputy clerk of a court of the tribe.
- (iii) Any other individual who is authorized under the law of the tribe to perform notarial acts.

(b) The signature and title of an individual described in subdivision (a)(i) to (iii) who performs a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of an individual described in subdivision (a)(i) or (ii) who performs a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe conclusively establish the authority of the individual to perform the notarial act.

(3) All of the following apply with regard to a notarial act that is performed under federal law:

(a) A notarial act performed under federal law has the same effect under the law of this state as if performed by a notary public of this state, if the act performed under federal law is performed by any of the following individuals:

- (i) A judge, clerk, or deputy clerk of a federal court.
- (ii) An individual who is in military service, or is performing duties under the authority of military service, who is authorized to perform notarial acts under federal law.

(iii) An individual who is designated as a notarizing officer by the United States Department of State to perform notarial acts outside of the United States.

(iv) Any other individual who is authorized by federal law to perform the notarial act.

(b) The signature and title of an individual described in subdivision (a)(i) to (iv) who performs a notarial act under federal authority are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of an individual described in subdivision (a)(i) to (iii) who performs a notarial act under federal authority conclusively establish the authority of the individual to perform the notarial act.

(4) All of the following apply with regard to a notarial act performed by an individual under the authority and in the jurisdiction of a foreign country or a constituent unit of a foreign country:

(a) If a notarial act is performed under authority and in the jurisdiction of a foreign country or constituent unit of the foreign country or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this state as if performed by a notarial officer of this state.

(b) If the title of office and indication of authority to perform notarial acts in a foreign country appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

(c) The signature and official stamp of an individual who holds an office described in this subsection are prima facie evidence that the signature is genuine and the individual holds the designated title.

(d) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign country party to the convention, conclusively establishes that the signature is genuine and that the individual holds the indicated office.

(e) A consular authentication that is issued by an individual who is designated as a notarizing officer by the

United States Department of State to perform notarial acts outside of the United States and attached to a record with respect to which the notarial act is performed conclusively establishes that the signature is genuine and that the individual holds the indicated office.

(5) As used in this section, "foreign country" means a government other than the United States, a state, or a federally recognized Indian tribe.

History: Add. 2018, Act 361, Eff. Mar. 12, 2019