

Article 8 - Certificates & Authentication

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Article 8 - Authentication

- ▶ § 33601. Evidence of Authenticity of Notarial Act.
- ▶ § 33602. Certificate of Authority.
- ▶ § 33603. Apostille.



§ 33601. Evidence of Authenticity of Notarial Act.

- ▶ (a) The authenticity of the official notarial seal and signature of a notary of Guam may be evidenced by:
 - ▶ (1) A Certificate of Authority from the Attorney General, authenticated as necessary;
 - ▶ (2) An Apostille in the form prescribed by the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents of October 5, 1961; or
 - ▶ (3) An Apostille as specified by the Hague Convention must be attached to any document requiring authentication that is sent to a nation that has signed and ratified the Convention and, within the government of Guam, may only be issued by the Director or Deputy Director of the Department of Administration, with the Great Seal of Guam affixed thereto by I Segundu na Maga'lahi (the Lieutenant Governor). When issuing an Apostille, the Department of Administration shall verify the authenticity of the notary's commission and signature with the Attorney General.



§ 33601. Evidence of Authenticity of Notarial Act.-Continued

- ▶ (b) The Attorney General may charge a Fifty Dollar (\$50) nonrefundable fee for a Certificate of Authority. The Department of Administration may charge a Fifty Dollar (\$50) non-refundable fee for an Apostille. Such fees shall be deposited into the Notary Public Revolving Fund. SOURCE: Amended by P.L. 23-81:15. R/R P.L. 30-059:4 (Nov. 25, 2009).
- ▶ Certificate of Authority
 - ▶ A certificate of authority evidencing the authenticity of the official notarial seal and signature of a notary of Guam must be in substantially the following form:
 - ▶ "Certificate of Authority for a Notarial Act I, _____ (name, Attorney General In and for Guam, U.S.A.) certify that (name of notary), the person named in the seal and signature on the attached document(,) is a notary public for Guam, U.S.A., and was authorized to act as such at the time of the document's notarization. To verify this Certificate of Authority for a Notarial Act, I have affixed below my signature and seal of office this _____ day of _____, _____."



§ 33603. Apostille.

- ▶ An Apostille prescribed by the Hague Convention, as cited in 28 U.S.C.A. in the annotations to Rule 44 of the Federal Rules of Civil Procedure, must be in the form of a square with sides at least nine (9) centimeters long and contain exactly the following wording:
 - ▶ "APOSTILLE (Convention de La Haye du 5 octobre 1961) 1. Country: United States of America This public document 2. has been signed by _____ 3. acting in the capacity of _____ 4. bears the seal/stamp of _____ CERTIFIED 5. at _____ 6. the _____ 7. by _____ 8. No. _____ 9. Seal/Stamp 10. Signature _____" SOURCE: Amended by P.L. 23-81:16.



Certificate of Authority

- ▶ Certificate of Authorities are issued by the Attorney General
 - ▶ Authenticates the Commission dates of the Notary
 - ▶ Authenticates the Notary's Commission for notarial acts committed during commission
 - ▶ \$50 non-refundable fee payable to Treasurer of Guam and placed in the Notary Revolving Fund



Apostille Certification

- ▶ Issued by the Department of Administration (Director's Office)
 - ▶ \$50 fee
 - ▶ Authenticates and certifies Government issued documents
 - ▶ Examples
 - ▶ Birth certificates
 - ▶ Marriage Certificates
 - ▶ Other government issued forms





Questions?

