

NOTARY PUBLIC:
NOTARIAL SEAL:
SECRETARY OF STATE:

It is therefore the opinion of this office that the seal of a notary public may be imprinted directly upon the document or the impression may be affixed to the document. Either application is valid if the said seal bears the inscribed information required by Section 486.040, RSMo 1959. Any administrative rule or practice to the contrary appears to be in conflict with the above stated authorities.

OPINION NO. 23
(267-1966)

May 31, 1967

Honorable James C. Kirkpatrick
Secretary of State
State Capitol
Jefferson City, Missouri



Dear Mr. Kirkpatrick:

Recently you informed this office that your office had a rule against accepting documents which bore a notary public seal by any means other than impression on the document itself.

You further stated that many notaries public affix a properly imprinted seal, by some adhesive means, to the document instead of impressing the seal directly on the document.

As a result of your rule, above stated, and the practice of some notaries public of affixing the seal by adhesive means an opinion was requested concerning the word "seal" as used in Section 486.040, RSMo 1959, and the validity of your rule.

Section 486.040, supra, states in part:

"Every notary public shall provide a notarial seal, on which shall be inscribed his name, the words 'notary public,' the name of the county or city, if appointed for such city, in which he resides and has his office, and the name of the state; * * *"

A reading of this section and the related sections of Chapter 486, RSMo, reveals that there is no language directing the application of the seal of the office. The general law relating to this matter

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is stated in 66 C.J.S., Notaries, Section 8:

"* * * When its form is not otherwise prescribed by statute, the seal may consist in an impression on paper or on some tenacious substance affixed thereto, with intent to make a seal, * * *"

Section 486.040, supra, does require that the seal be inscribed with:

- 1) Name of the notary public;
- 2) The words "notary public";
- 3) Name of the county of residence and office, or city if appointed for a city; and
- 4) Name of the state.

It would therefore appear that since there are no laws directing the application of the seal, either an impression directly on the document or an affixed impression is permissible. The only applicable Missouri law on this point is found in Meyers vs. Russell, 52 Mo. 26. In the Russell case, supra, the appellant had alleged that a deposition taken before a notary public was invalid because the attesting seal was imprinted upon the paper itself. The Court ruled against appellant on this point and stated (l.c. 26):

"* * * The seal was affixed by an impression on paper, and that was sufficient, it was not necessary that it should be impressed on wax, according to the old common law rule."

In Missouri then under the doctrine of Meyers vs. Russell, either a direct impression or an affixed impression is a valid application of the notaried seal. There is nothing in Section 486.040, supra, or related sections, requiring that a mechanical device be used which will cause an impression on the document rather than having another piece of paper with the seal imprinted become a part of the document. In either event, it seems that the document is imprinted with the seal.

CONCLUSION

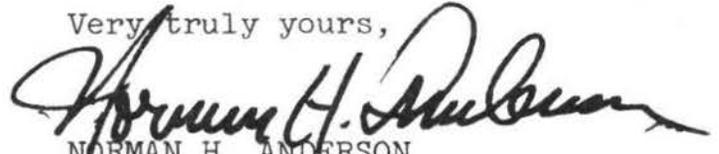
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valid if the said seal bears the inscribed information required by Section 486.040, RSMo 1959. Any administrative rule or practice to the contrary appears to be in conflict with the above stated authorities.

The foregoing opinion, which I hereby approve, was prepared by my assistant, William A. Peterson.

Very truly yours,



NORMAN H. ANDERSON
Attorney General