

1975 WL 29161 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 29, 1975

\*1 Mr. L. P. Langston  
604 E. North Street  
Greenville, SC 29601

Dear Mr. Langston:

Please excuse this belated response to your letter dated October 2, 1975. Assistant Attorney General Brent Fortson has requested that I forward this reply.

Your precise question is 'if it were legal for a notary public to notarize his wife's signature'? While diligent research has failed to reveal any express prohibition in this regard, the general rule that a notary cannot certify to, or act in, a matter in which he has a personal interest must be borne in mind. 66 C.J.S., *Notaries*, § 6 'Disabling Interest', p. 617. The nature of an interest which will disable a notary must be determined in each case from the peculiar facts and circumstances of that case. Moreover, where a notary has no personal interest in the transaction at the time of his notarial act, his subsequent acquisition of an interest in the transaction does not destroy the validity of his notarial act. *Ibid*. It would appear then that absent any express prohibition against a notary public notarizing his wife's signature, your question posed may be answered in the affirmative.

The foregoing is offered for informational purposes only.

Sincerely,

Herman L. Moore  
Law Clerk

1975 WL 29161 (S.C.A.G.)

---

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.