

(S.B. 427)

**(No. 136)**

(Approved November 4, 2005)

## **AN ACT**

To amend Section 73 of Act No. 75 of July 2, 1987, as amended, known as the “Puerto Rico Notarial Act,” to provide that the notice that the Notary must remit by certified mail to the Director of the Office of Notarial Inspection, or deliver personally, be sent or delivered the next day after its execution.

### **STATEMENT OF MOTIVES**

The purpose of the Registry of Powers of Attorney and Wills is to make public the powers and wills executed in Puerto Rico, in other words to attest to their having been executed. For this it is required that the notaries remit to the Registry notices of the powers of attorney and the wills they authorize.

Section 73 of Act No. 75 of July 2, 1987, as amended, known as the “Puerto Rico Notarial Act,” specifically provides that notaries shall remit by certified mail with acknowledgement of receipt to the Director of the Office of Notarial Inspection, or personally file with the latter, within twenty-four (24) hours after its execution, not counting Saturdays and Sundays or legal holidays, a certification authorized by them bearing their signature and notarial seal, of each original deed granting, modifying, revoking or extending a will or recording of a holographic or sealed will, stating in said certification the number of the deed or record, the date, place and hour it was executed and the name and surname of the testator and of the witnesses, as

the case may be, with their personal circumstances as they appear in the document and any other information required.

Even though it has been interpreted that the term of twenty-four (24) hours for remitting the notice refers to a natural day computed from its execution, in practice the Registry of Powers of Attorney and Wills of the Office of Notarial Inspection examines the date of execution of the will and after said date it verifies that the notice of execution has been issued the next working day, taking in consideration the date of the postmark. In fairness to the notaries of Puerto Rico we believe this amendment to be necessary in order to specify that the notary may remit the certification during the next day following the date of its execution so as to adjust our body of laws to the actual practice of the Office of Notarial Inspection.

This Legislature, in order to adjust the provisions of the “Puerto Rico Notarial Act” to the realities of the service, believes it is necessary to amend Section 73 of the aforementioned Act.

***BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:***

Section 1.-Section 73 of Act No. 75 of July 2, 1987, as amended, known as the “Puerto Rico Notarial Act,” is hereby amended to read as follows:

“... ”

Section 73.-Registry of Wills – Certified reports.

The notaries shall remit to the Director of the Office of Notarial Inspection, by certified mail with acknowledgement of receipt, or personally file with the latter, the next day after its execution, not counting Saturdays and Sundays or legal holidays, a certification authorized by them bearing their signature and notarial seal, of each original deed granting,

modifying, revoking or extending a will or recording of a holographic or sealed will, stating in said certification the number of the deed or record, the date, place and hour it was executed and the name and surname of the testator and of the witnesses, as the case may be, with their personal circumstances as they appear in the document and any other information required.

....”

Section 2.-This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 136 (S.B. 427) of the 2<sup>nd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 73 of Act No. 75 of July 2, 1987, as amended, known as the “Puerto Rico Notarial Act,” to provide that the notice that the Notary must remit by certified mail to the Director of the Office of Notarial Inspection, or deliver personally, be sent or delivered the next day after its execution,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 6<sup>th</sup> of February of 2006.

Francisco J. Domenech  
Director