

OFFICE OF THE CITY CLERK

City Hall, 1 Kennedy Plaza
Utica, New York 13502

Tel.: (315) 792-0113

Fax: (315) 792-0220



Melissa Sciortino

City Clerk

COMMISSIONER OF DEEDS INSTRUCTIONS AND REQUIREMENTS

COMMISSIONERS OF DEEDS are appointed for a **two (2) year** term.

The current term is from **JANUARY 1, 2021** through **DECEMBER 31, 2022**.

To be appointed a Commissioner of Deeds in the City of Utica, New York you **MUST**:

1. Reside in Oneida County, New York **AND**
2. Reside in Utica, New York **OR**
Maintain an office or other place of business in Utica, New York

Applicants **MUST** be approved by Resolution adopted by the Common Council of the City of Utica, New York.

To be considered for appointment by the Common Council please send the following to the Clerk's Office via E-mail (cityclerk@cityofutica.com) with the subject "Commissioner of Deeds (Your Full Name)" and/or via mail (**City Hall Attn: Clerk's Office, 1 Kennedy Plaza, Utica, NY 13502**):

1. **\$5.00** processing and handling fee (Cash **OR** Money Order made payable to "Clerk's Office" **ONLY!**)
2. Completed Commissioner of Deeds Application (see below)
3. Proof of residency in Oneida County, New York:
 - A copy of your current Driver's License **OR**
 - A copy of a current utility bill (showing your name and residential address) **OR**
 - A copy of a current credit card bill (showing your name and residential address)
4. Proof of residency in Utica, New York:
 - A copy of your current Driver's License **OR**
 - A copy of a current utility bill (showing your name and residential address) **OR**
 - A copy of a current credit card bill (showing your name and residential address)

OR

Proof of maintaining an office or place of business in Utica, New York:

- A copy of a current utility bill (showing your name and business/office address) **OR**
- A copy of your current pay stub (showing your name and business/office address)

**** Following your appointment by the Common Council,
you **MUST** register with the Oneida County Clerk by filing an Oath of Office (see below)**

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**COMMISSIONER OF DEEDS
APPLICATION**

1. Are you at least eighteen (18) years of age? (Please check one):

Yes

No

2. Full Name _____
FIRST MIDDLE LAST

3. Residential Address _____
STREET FLOOR/APT #
CITY, TOWN, OR VILLAGE STATE ZIP

4. Mailing Address (if different) _____
STREET FLOOR/APT/PO BOX #
CITY, TOWN, OR VILLAGE STATE ZIP

5. E-mail Address _____

6. Phone Number:

Home _____

Cell (if different) _____

Work _____

7. Business Address (place of employment) _____
STREET FLOOR/APT #
UTICA, NEW YORK ZIP

8. Applicant's Signature _____

9. Date of Application _____ / _____ / _____

10. How would you like to be notified of appointment by the Common Council? (Please check one):

via E-mail

via Mailing Address

PLEASE NOTE THE FOLLOWING:

- Commissioner of Deeds **MUST** be approved for appointment by the Common Council of Utica, New York. Once the resolution has been adopted, you and the [Oneida County Clerk's Office](#) will be notified of the approval.
- You have **thirty (30) days** from the approval of the Common Council to register with the [Oneida County Clerk's Office](#).
- If you are not registered with the [Oneida County Clerk's Office](#) within the thirty (30) days, the Commissioner of Deeds appointment will be **NULL AND VOID!**

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**COMMISSIONER OF DEEDS
POWERS, DUTIES & FUNCTIONS**

*****KEEP FOR YOUR RECORDS*****

A **Commissioner of Deeds** has the following **POWERS**:

- To administer oaths within the territorial limits of the City of Utica, New York.
- To take acknowledgement or proof of the execution of a written instrument (but not a bill of exchange, promissory note, or will) to be read in evidence or recorded in the State. ([Executive Law, Sec. 142, subd. 1](#))
- To take the acknowledgment or proof, within the territorial limits of the City of Utica, of a conveyance of real property located within the State of New York. ([Real Property Law, Sec. 299, subd. 4](#))

A **Commissioner of Deeds** has the following **DUTIES & FUNCTIONS**:

- In taking and certifying an acknowledgement, a Commissioner of Deeds must act with the degree of care and diligence that a reasonable prudent and cautious person would exercise under like circumstances. If you comply with those requirements, then you have performed the duties imposed upon you by your oath of office. ([17 American Law Review, Sec. 948](#))
- The liability of a Commissioner of Deeds is not that of an insurer. If they are to be held accountable at all, it must be on the ground of negligence, malice, or corruption. ([American Jurisprudence 2nd, Ackn., Sec. 117](#))
- One who is guilty of malfeasance or fraudulent practice in the execution of the duties of Commissioner of Deeds is liable for damage to the person injured. ([Real Property Law, Sec. 330](#))
- A Commissioner of Deeds who, in the performance of their duties, shall practice any fraud or deceit, is guilty of a misdemeanor. ([Executive Law, Sec. 135-A, subd. 2](#))

A **Commissioner of Deeds** may charge a fee of **up to \$1.00** for the taking of a proof or acknowledgment, or the administering of an oath. ([Executive Law, Sec. 143](#))