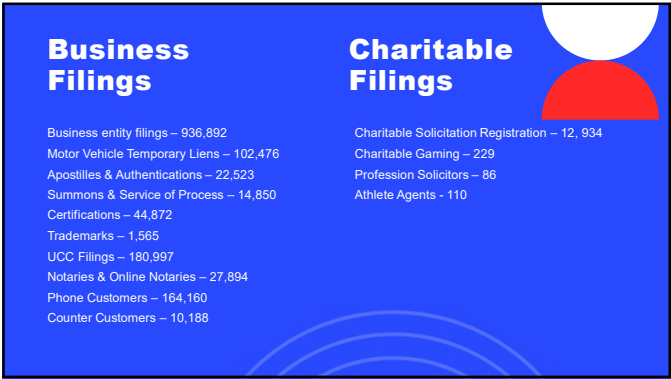


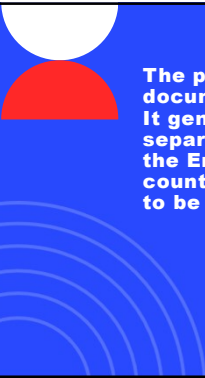
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Legalization

The process of certifying a public document for use in another country. It generally consists of multiple separate authentications, including by the Embassy or Consulate of the country/place where the document is to be presented.

Example of the Legalization Process



4

Hague Conference on Private International Law (HCCH)



An intergovernmental organization formed to work for the progressive unification of the rules of private international law. The organization develops and adopts HCCH Conventions and Instruments and supports the promotion, implementation and operation thereof. It is composed of 91 members – 90 states and the European Union – representing all regions of the globe.



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The Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents

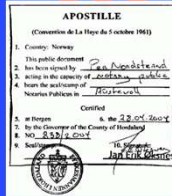


- Commonly known as the Apostille Convention
- Most widely ratified and acceded to of all HCCH Conventions
- At last count, had 127 contracting parties
- Millions of apostilles are issued by competent authorities each year

6

Apostille (“Ah-pos-TEE”)

A Certificate issued under the Apostille Convention. It certifies the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identify of the seal or stamp which it bears.



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Effect of Apostille:

- It only certifies the authenticity of the *origin* of the underlying public document.
- It does NOT relate in any way to the *content* of the underlying public document.
- It does NOT enhance or add any legal significance to the public document.

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Limitations on Apostille:

- Can only be issued for documents issued in one country party to the Apostille Convention and that are to be used in another country which is also party to the Convention
- Can NEVER be used for the recognition of a document in the country where the document was issued – strictly for the use of public documents abroad
- Can only be used for Public Documents



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Who can issue an Apostille?

Each Contracting Party is required to designate one or more "Competent Authority" who performs three fundamental functions:

- 1) verify the authenticity (origin) of public documents
- 2) issue Apostilles
- 3) record Apostilles issued in a register in order to verify the validity of an Apostille.



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Competent Authorities

FEDERAL DOCUMENTS

Documents issued by federal agencies – U.S. Department of State

Federal court records – federal court clerks, deputy clerks and the U.S. Department of Justice

STATE DOCUMENTS

In most states, the designated competent authority is the Secretary of State

Exceptions:


- Alaska – Lt. Gov. AG, Clerk of App. Cts.
- Georgia – Georgia Superior Courts Clerks' Cooperative Authority
- Hawaii – Lt. Gov.
- Utah – Lt. Gov., Deputy Lt. Gov., Admin. Ass.
- NJ – Department of Treasury

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PUBLIC DOCUMENTS

Four Categories:

- Documents emanating from an authority or an official connected with the courts or tribunals of the state, e.g., court documents
- Administrative documents, e.g. birth certificate
- Notarial Acts, e.g., affidavit
- Official certificates placed on documents signed by persons in their private capacity



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Court Documents

Must be certified by the appropriate court clerk or deputy clerk within the past TWO years.

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Division of Business and Charitable Organizations

THE FOLLOWING DOCUMENTS ARE ACCEPTED FOR APOSTILLE OR AUTHENTICATION:

1. TN State Records - must be certified by the appropriate state official within the past TWO years:

- Vital records signed by State Registrar (e.g. birth, death, marriage certificates)
- Tennessee state court documents
- Tennessee State Library & Archives
- Tennessee Secretary of State
- Tennessee Bureau of Investigation (TBI) background checks

2. County Records

- Must be signed by appropriate county official
- Must be certified by county clerk within the past TWO years

3. School Transcripts

- Must be from a Tennessee school, contain school seal and signed by Registrar for recorded registers
- Registrar's signature must be notarized by a Tennessee notary and notary's signature certified by county clerk

4. School Diplomas

- If original document, must be from a Tennessee school, contain school seal and signed by President or Principal; President's or Principal's signature must be notarized by a Tennessee notary, and notary's signature certified by county clerk
- If photocopy of the Diploma, it must be attached to affidavit of person to whom name the diploma was issued, certifying that the photocopy is a true and correct copy of the Diploma; affidavit must be notarized by a Tennessee notary and notary's signature certified by county clerk

5. TN driver license or other motor vehicle record

- Official copy of motor vehicle record from TN Department of Safety or
- Photocopy of these items, must be attached to Affidavit of person to whom name the license was issued, certifying that the copy is a true and correct copy of the license; affidavit must be notarized by a Tennessee notary and notary's signature certified by county clerk

6. U.S. Passport Authentication Only

- Photocopy of U.S. passport must be attached to affidavit of person to whom name the passport was issued, certifying that the copy is a true and correct copy of the passport; affidavit must be notarized by a Tennessee notary and notary's signature certified by county clerk

7. TN Notarized Documents

- Legitimate powers of attorney, affidavits, corporate by laws, commercial agreements, income certificates, etc.
- Must be properly notarized by a Tennessee notary in accordance with TN law
- Notary's signature must be in hand and in ink
- Must include the date of notarization
- Must include notary seal
- Notary's signature must be certified by county clerk

Note: A Notary CANNOT certify that a photocopy of a document is a true copy to an acknowledgment. Only the person to whom the document was issued or to whom the document belongs can certify that the photocopy is a true copy.

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Tennessee
Secretary of State

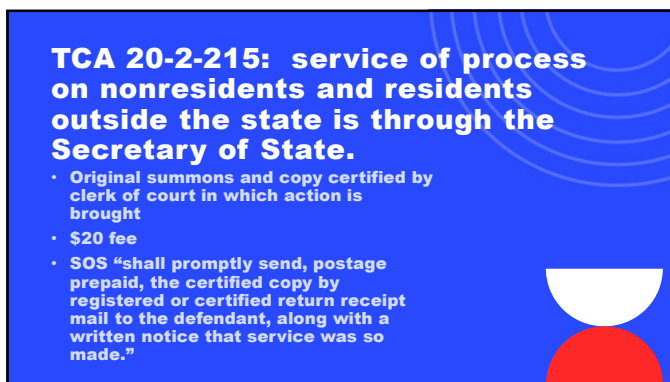
THE FOLLOWING DOCUMENTS ARE NOT ACCEPTED FOR APOSTILLE OR AUTHENTICATION:

1. Out of state documents, even if attached to an affidavit or notarized by a Tennessee notary and notary's signature certified by county clerk
2. Federal documents issued for U.S. purposes, even if attached to an affidavit or notarized by a Tennessee notary and notary's signature certified by county clerk
3. Documents issued by a foreign country
4. Documents that will not stand within the United States of America, its territories or possessions
5. Non-English documents, unless an English translation is provided
 - English translation must be accompanied by statement of translator that it is a true and correct translation of the document
6. Statement of translator must be notarized by a Tennessee notary and notary's signature certified by county clerk
7. The following documents, even if notarized by a Tennessee notary and notary's signature certified by county clerk:
 - Records regarding allegiance to a government
 - Records regarding allegiance to a jurisdiction
 - Records relating to relinquishment of citizenship
 - Records relating to the renunciation of citizenship
 - Records relating to sovereignty
 - Records relating to foreign status
 - Records relating to United States Authority
 - Records relating to the claim of immunity from Tennessee law
 - Records relating to the claim of immunity from Federal law
 - Records relating to "being alive" or "in existence"
 - Declaration of Notary
 - Records declaring that funds are held in trust by U.S. or state government
 - Certificate of Title
 - Declaration of Political Status

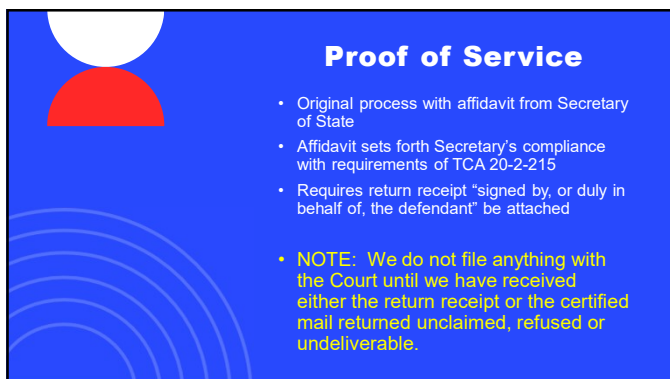
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When Secretary of State is registered agent for service of process

- Non-residents involved in a motor vehicle accident on Tennessee roads
- Owner or operator of non-Tennessee licensed motor vehicle involved in accident on Tennessee roads
- Non-resident's operation, navigation or maintenance of a watercraft involved in an accident or injury in Tennessee



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When is Secretary of State agent for service of process for a business entity:

- Fails to appoint a Registered Agent
- Fails to maintain a Registered Agent
- Registered Agent cannot be found with reasonable diligence
- Foreign entity transacting business in Tennessee without a certificate of authority or when certificate of authority has been withdrawn or revoked

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Process for Serving Secretary of State:

- Original and copy certified by clerk of court in which suit or action is pending
- Statement which identifies which of the previous grounds listed is applicable
- If business entity is not registered with Secretary of State's office, include address of incorporators, organizers, general partners, or principal address on file in state of formation



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HB445/SB407

Restoration of Citizenship Rights



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Questions?



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Thank you

Janet M. Kleinfelter
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Charitable Organizations and Special
Counsel
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