

**CITY OF ONEIDA
OFFICE OF THE CITY CLERK**

SANDRA LAPERA
City Clerk

Monique Ludwig
Deputy City Clerk



109 North Main Street
Oneida, New York 13421
Tel.:315-363-7378
Fax: 315-363-9558

COMMISSIONER OF DEEDS INSTRUCTIONS AND REQUIREMENTS

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

The current term is from **JANUARY 1, 2024**, through **DECEMBER 31, 2025**.

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

1. Reside in Madison County, New York **and**
2. Reside in the City of Oneida, New York **or**
Maintain an office or other place of business in the City of Oneida, New York

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

To be considered for appointment by the Common Council, please send the following to the City Clerk's Office via E-mail to:

Sandy LaPera, City Clerk slapera@oneidacityny.gov and a copy to:
Monique Ludwig, Deputy City Clerk mludwig@oneidacityny.gov

with the subject "Commissioner of Deeds (Your Full Name)" and/or via mail to:

City Clerk-City of Oneida
109 N. Main Street
Oneida, NY 13421

1. A \$5.00 processing and handling fee (Cash **or** Money Order made payable to "City Clerk") only please.
2. Completed Commissioner of Deeds Application (see below)
3. Proof of residency in Madison 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 the City of Oneida, 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**

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- 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 the City of Oneida, 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 Madison County Clerk by filing an Oath of Office (see below)

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COMMISSIONER OF DEEDS POWERS, DUTIES & FUNCTIONS

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

- To administer Oaths within the territorial limits of the City of Oneida, 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 Oneida, 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 grounds 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 Proof or Acknowledgment, or the administering of an Oath. ([Executive Law, Sec. 143](#))

