

Signature by Mark

When the signer of an instrument cannot write (sign) his or her name, that person may sign the document by mark. (Civil Code section 14) The requirements for notarizing a signature by mark are as follows:

- The person signing the document by mark must be identified by the notary public by satisfactory evidence. (Civil Code section 1185)
- The signer's mark must be witnessed by two persons who must subscribe their own names as witnesses on the document. One witness should write the person's name next to the person's mark and then the witness should sign his or her name as a witness. The witnesses are only verifying that they witnessed the individual make his or her mark on the document. A notary public is not required to identify the two persons who witnessed the signing by mark or to have the two witnesses sign the notary public's journal. **Exception:** If the witnesses were acting in the capacity of credible witnesses in establishing the identity of the person signing by mark, then the witnesses' signatures must be entered in the notary public's journal.
- The signer by mark must include his or her mark in the notary public journal. To qualify as a signature, the making of the mark in the notary public journal, must be witnessed by an individual who must write the person's name next to the mark and then sign his or her own name as a witness.

Following is an example of a document executed by signature by mark:

GENERAL INFORMATION

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I, Bob Smith, give my power of attorney to Jane Brown to act as my attorney-in-fact on all matters pertaining to the handling of my estate, finances, and investments. This power of attorney is to remain in effect until another document revoking this instrument has been filed of record thereby rendering this instrument null and void.	
Date: <u>Feb. 5, 2013</u> Name: <u>X Bob Smith</u>	By: <u>Vicki Jones</u> Witness #1
	<u>Steve Wilson</u> Witness #2
State of California County of <u>Orange</u> }	
On February 5, 2013, before me, John Doe, a notary public, personally appeared <u>Bob Smith</u> , who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) <u>is/are</u> subscribed to the within instrument and acknowledged to me that <u>he/she/they</u> executed the same in <u>his/her/their</u> authorized capacity(ies), and that by <u>his/her/their</u> signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.	
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.	
WITNESS my hand and official seal.	
<u>Notary Public Signature</u>	Notary Public Seal

Note: A notary public seal and signature cannot be affixed to a document without the correct notarial wording.