

Notarizing a Signature by Mark

A special webinar presentation by the
NATIONAL NOTARY ASSOCIATION

Objectives

- Define a Signature by Mark
- Understand the fundamentals
- Implement the additional requirements

Signature Defined

- To “sign” with present intent to authenticate or adopt a record.
- To execute or adopt a tangible symbol
- To attach to or logically associate with the record an electronic sound, symbol or process.
- A signature by mark has the same intent as any signature on a document.

Signature by Mark Defined

- A signature by mark is when someone signs a document by making a mark rather than signing his or her name.
- To be regarded as a signature, the mark should be witnessed by two persons other than the Notary.
- A ‘mark’ is any symbol made by the signer that represents execution of the document such as an ‘X’, a scribble, a stamp, or even a thumbprint.

Fundamentals of Notarization Remain the Same

- Signer must personally appear
- Notary must verify signer’s identity (based on your state laws)
- Notary should screen signer for willingness/awareness
- Notary should record journal entry capturing the signer’s mark, the witness’ signatures and any additional info regarding special circumstances
- Certificate wording does not change (in most states) for a signature by mark

Signature by Mark Witness Requirements

- Both must be present for marking
- Both should be impartial
- Both must sign document (in most states)
- One witness or the Notary will print signer's name next to mark (based on state laws)

Journal Entry

- **Other Considerations**
- The signature by mark witnesses are not always required to be identified. Nor must they know the signer or Notary. It depends on the state.
- While not prohibited in all states, a Notary should refrain from being a witness to the signature by mark on documents that he or she is also notarizing.
- The Notary must never advise the signer or witnesses as to where/how to sign the document. The signer should contact the receiving/issuing agency for additional direction.

Some State Considerations

- In some states, there is specific certificate wording provided for signature by mark. Two of the states include Florida and Connecticut.
- Check your state's laws regarding specific signature by mark procedures. Some states have additional specifications, such as AZ.
- In addition to the notarial certificate, a prescribed witness statement on the document is required in some states (i.e. for recordable documents in CA).
- When a signer can't even make a mark, a signature by proxy is allowed in some states. Some states in which signature by proxy is allowed: FL, WA, CO, NM, MI, NC and CA (CA only for POA's)

Conclusion

For further information, contact:

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