

WITNESS AFFIDAVIT

For Signature By Mark

We, the undersigned affiants, being duly sworn, declare under penalty of perjury that, on the date set forth below, we witnessed the aforementioned Signer, who is unable to write, make a mark in place of a signature on the document described below, and that we signed that document as witnesses at the request and in the presence of the Signer.

Signer's Name: _____

Document Description: _____

Date Signing by Mark Witnessed: _____

Affiant #1

Affiant #2

(signature)

(signature)

(full name)

(full name)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of _____

County of _____

Subscribed and sworn to (or affirmed) before me on this _____ day of _____,

by _____,

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(Notary Public's Signature)

(Notary Public's Seal)

California Civil Code § 14(a):

[...] signature or subscription includes mark, when the person cannot write, his name being written near it, by a person who writes his own name as a witness; provided, that when a signature is by mark it must in order that the same may be acknowledged or may serve as the signature to any sworn statement be witnessed by two persons who must subscribe their own names as witnesses thereto.

California Notary Public Handbook:

When the signer of an instrument cannot write (sign) his or her name, that person may sign the document by mark (Civil Code § 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 § 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 own 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.*