SIGNATURE BY MARK

Instructions · Massachusetts · G.L. c. 222, § 15(f) and (g)

When to use it

When a signer understands the document and wants to sign it but cannot write their name, for example after a stroke, with paralysis, arthritis or an injury, Massachusetts lets a notary certify a **signature by mark**, such as an X. If the signer cannot make any mark at all, see "If the signer cannot make a mark" below.

Who must be present

- The signer, who must be identified and signing willingly.
- The notary public.
- Two witnesses who are **unaffected by the document**: not named in it and not benefiting from it. Plan on two witnesses in addition to the notary. The agent named in a power of attorney or health care proxy should not serve as a witness.

At the signing

1. The notary identifies the signer with a current government-issued photo ID bearing a signature, a credible witness, or personal knowledge (G.L. c. 222, § 1). A wristband or medical record is not identification.
2. The signer makes the mark on the signature line, in the presence of the notary and both witnesses.
3. The signer's name is printed next to the mark, for example: *"X — Jane Doe, her mark."*
4. Each witness signs their own name beside the mark (§ 15(f)).
5. The notary completes the attached certificate, signs it, applies the official seal, and records the signing and both witnesses in the journal.

Completing the attached certificate

- Enter the county, the date, the signer's name, the identification used, and the names of both witnesses.
- Complete the Description of Attached Document so the certificate cannot be moved to another document.
- Attach the certificate to the document. This sample uses an acknowledgment; a jurat or signature witnessing may be used instead when the document calls for it.

If the signer cannot make a mark

Under § 15(g), the signer directs the notary to sign the signer's name, in the presence of the signer and two unaffected witnesses. Both witnesses sign beside the signature, and the notary writes beneath it: *"Signature affixed by notary public in the presence of (names and addresses of the principal and 2 witnesses)."* The document is then notarized.

When the notary must stop

The notary must refuse if the signer cannot be identified, or if there is compelling doubt that the signer understands the document or is signing willingly. A notary may not refuse solely because of a disability or age (§ 16). Wills and health care proxies have their own witness rules; ask the attorney who prepared the document.

Sources: G.L. c. 222, § 15 — malegislature.gov/Laws/GeneralLaws/PartIII/TitleI/Chapter222/Section15 · § 1 (identification) — …/Chapter222/Section1 · § 16 (refusals) — …/Chapter222/Section16

Sample form for illustration only. Not legal advice. The notary is responsible for completing the certificate in compliance with G.L. c. 222.

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ACKNOWLEDGMENT

Signature by Mark · Massachusetts Notarial Certificate · G.L. c. 222, § 15(b) and (f)

Commonwealth of Massachusetts
County of _____, ss.

On this _____ day of _____, _____, before me, the undersigned Notary Public, _____ personally appeared, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed by mark on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose. The signer's mark was affixed in my presence and in the presence of _____ and _____, two witnesses unaffected by the document, each of whom signed his/her/their own name beside the mark.

Witnesses (printed name and address)

_____
Witness 1

_____
Witness 2

_____
_____, Notary Public
Commonwealth of Massachusetts
My commission expires: _____

Notary Stamp and/or Seal Above

Description of Attached Document

Optional

Completing this information can deter alteration of the document or fraudulent reattachment of this certificate to an unintended document.

Title / Type: _____

Document Date: _____

Number of Pages: _____

Other Signer(s): _____

Notarial Act: Acknowledgment — Signature by Mark

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