

How To Handle A Notarization Involving An Attorney In Fact

By David Thun on September 23, 2015 in [Best Practices](#)

Updated 1-16-18. Notaries sometimes deal with clients who claim to have the authority under a power of attorney to sign a document on behalf of someone else. But these situations can cause confusion because the client is not named in the document, but signs as an attorney in fact. Here are 5 things to keep in mind about attorneys in fact:

What is a power of attorney and an attorney in fact?

A power of attorney is a document authorizing someone to perform duties on behalf of another individual. A person granted [power of attorney to sign documents](#) for someone else is typically referred to as an attorney in fact or agent, and the individual represented is referred to as a principal. An attorney in fact has the authority to sign the principal's name and have that signature notarized without the principal being present.

Are there special rules when notarizing a document granting power of attorney to someone?

Some states may have special requirements when notarizing a document granting power of attorney. Always be sure to follow your state rules if asked to notarize a signature on a power of attorney document.

If a **California** Notary is asked to notarize a signature for a document granting power of attorney, the Notary must obtain the signer's thumbprint for their journal entry. California Notaries are also authorized to certify copies of a power of attorney document. Page 16 of the state's [Notary Public Handbook](#) includes recommended certificate wording that California Notaries may use if asked to certify a copy of a power of attorney. ...

How do I notarize the signature of someone acting as an attorney in fact?

An attorney in fact typically signs a document with two names: the attorney in fact's own name and the name of the principal. For example, if John Doe is acting as attorney in fact for Mary Sue, he could sign like this:

"John Doe, attorney in fact for Mary Sue, principal"

Or,

"Mary Sue, by John Doe, attorney in fact"

In this case, John Doe is the person appearing before you and signing the document, but doing so on behalf of Mary Sue. Because John Doe is the only person who is physically present and signing, you would write John Doe's name as the signer in the appropriate parts of the certificate wording (for example, "... personally appeared before me **John Doe**, who acknowledged ...").

You would only have to [verify the identity](#) of the attorney in fact, not the principal. In our example, John Doe would only need to show you his ID, but would not need to show you Mary Sue's driver's license as well. ...

When [recording your Notary journal entry](#), the attorney in fact signs his or her own name. You should also note in the entry that the signer was acting as an attorney in fact and the name of the principal the signer represented.