

SUPREME COURT OF CALIFORNIA

Vohs v. Williams

28 Cal. 4th 665 (Cal. 2002) · Decided July 25, 2002

SUMMARY

The California Supreme Court held that a grant deed was valid where the grantor orally instructed his daughter to sign his name and she acted as an amanuensis, despite signing outside his presence. The court held that an interested amanuensis's signature is presumed invalid, but that the presumption was rebutted by evidence that the signing was a purely mechanical act reflecting the grantor's intent. The court reversed the Court of Appeal and upheld the transfer of the property to the daughter.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Moreno, J.; George, C. J.; Baxter, J.; Werdegar, J.; Chin, J.; Brown, J.
JURISDICTION	California
DECIDED	July 25, 2002
DISPOSITION	reversed
PROCEDURAL POSTURE	Petition under the Probate Code to determine title to real property and require its transfer to the decedent's estate; after a court trial ruled for Shirley Williams under the amanuensis rule, the Court of Appeal reversed, and the California Supreme Court granted review.
STANDARD OF REVIEW	The Supreme Court reviewed the legal validity of the conveyance following a court trial; the trial court's factual findings, including the finding that Shirley acted as a mere amanuensis and that Austin ratified the execution, were accepted and applied in resolving the legal issue.
PRECEDENTIAL VALUE	Published California Supreme Court opinion; precedential.
PARTIES	Katherine Stephens Vohs, successor in interest to Lawrence Stephens v. Shirley Williams, and her successors in interest

TOPICS

- deeds
- real estate
- probate procedure
- probate
- undue influence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a grant deed signed outside the grantor's presence by a person acting at the grantor's direction can be valid under the amanuensis rule without written authorization.
2. Whether an interested amanuensis who benefits from the conveyance may invoke the amanuensis rule.
3. Whether the grantor's subsequent oral ratification independently validated the deed under the equal dignities statutes.
4. Whether the deed conveying Austin's residence to Shirley as a joint tenant was valid.

HOLDINGS

1. The amanuensis rule is not limited to signatures made in the principal's immediate presence. When the signer performs only a mechanical act and exercises no discretion regarding the instrument, the principal's oral authorization is sufficient and the signature is treated as the principal's signature.
2. When the person signing the grantor's name directly benefits from the conveyance, the signing is presumed invalid, but the interested amanuensis may rebut the presumption by proving that the signing was a mechanical act and that the grantor intended to sign through the amanuensis.
3. Under Civil Code section 2310, ratification of an agent's execution of a deed must be in writing because ratification must be made in the manner required for original authority. Austin's oral ratification therefore was insufficient by itself.
4. The deed was valid because Shirley rebutted the presumption applicable to an interested amanuensis and the trial court found that she signed Austin's name at his direct request as a purely mechanical act.

KEY QUOTATIONS

"where the signing by an agent is an act of this character the authorization by the principal is not required to be in writing and the signature is to be treated as that of the principal whether or not he was present at the execution of the agreement." (675)

"Because unscrupulous parties could attempt to use the amanuensis rule to sidestep the protections contained in these code sections, we hold that the signing of a grantor's name by an interested amanuensis must be presumed invalid." (678)

"The conveyance of Austin's real property to Shirley, therefore, must be deemed valid, as a deed executed by him." (678)

FACTUAL BACKGROUND

Austin Stephens orally instructed his daughter Shirley Williams to sign his name to a grant deed conveying his residence to Austin and Shirley as joint tenants. Shirley signed Austin's name outside his presence, and Austin subsequently acknowledged and ratified the transaction orally. Shirley had cared extensively for Austin, while Austin's son Lawrence had moved away. The trial court found that Shirley's signing was a purely mechanical act

performed at Austin's direction and that she rebutted any presumption of invalidity arising from her beneficial interest in the transfer.

PROCEDURAL HISTORY

Lawrence Stephens filed a petition for probate and a petition to determine title and require transfer of Austin Stephens's residence to the estate. After Lawrence died, his daughter Katherine Stephens Vohs continued the litigation. The trial court declared Shirley Williams the sole owner, but the Court of Appeal reversed on the grounds that written authority and written ratification were required and that the *amanuensis* rule did not apply because Austin was absent when Shirley signed. The Supreme Court reversed the Court of Appeal.

DISPOSITION

reversed

CASES CITED

- Ledford v. Hubbard, 219 Ky. 9, 292 S.W. 345 (1926)
- Lukey v. Smith, 77 Nev. 402, 365 P.2d 487 (1961)
- Johnston v. City of Los Angeles, 176 Cal. 479, 485-486, 168 P. 1047 (1917)
- Shields v. Shields, 200 Cal. App. 2d 99, 101, 19 Cal. Rptr. 129 (1962)
- Rakestraw v. Rodrigues, 8 Cal. 3d 67, 73, 76, 104 Cal. Rptr. 57, 500 P.2d 1401 (1972)
- Sunset-Sternau Food Co. v. Bonzi, 60 Cal. 2d 834, 836-842, 36 Cal. Rptr. 741, 389 P.2d 133 (1964)
- Videau v. Griffin, 21 Cal. 389, 391 (1863)
- Pitney v. Pitney, 55 Cal. App. 22, 29-30, 202 P. 940 (1921)
- Ellis v. Mihelis, 60 Cal. 2d 206, 213-214, 32 Cal. Rptr. 415, 384 P.2d 7 (1963)
- Murphy v. Munson, 95 Cal. App. 2d 306, 311-313, 212 P.2d 603 (1949)
- Kadota Fig Assn. v. Case-Swayne Co., 73 Cal. App. 2d 815, 819-821, 167 P.2d 523 (1946)
- Sparks v. Mendoza, 83 Cal. App. 2d 511, 514-515, 189 P.2d 43 (1948)
- Goldman v. Goldman, 116 Cal. App. 2d 227, 234, 253 P.2d 474 (1953)
- Estate of Gelonese, 36 Cal. App. 3d 854, 862-863, 111 Cal. Rptr. 833 (1974)
- Estate of Huston, 51 Cal. App. 4th 1721, 60 Cal. Rptr. 2d 217 (1997)
- Camperi v. Chiechi, 134 Cal. App. 2d 485, 505, 286 P.2d 399 (1955)
- O'Neill v. Dennis, 109 Cal. App. 2d 210, 214, 240 P.2d 376 (1952)
- Rice v. Clark, Rice v. Clark, 28 Cal. 4th 89, 120 Cal. Rptr. 2d 522, 47 P.3d 300 (2002)