

Power of Attorney Additional Information

You have finished creating your Power of Attorney. What's next?



Review the Document

Your Power of Attorney is an important document. Before you sign your Power of Attorney, you should look over the document to ensure that you understand and agree with the powers you have given to your Agent/Attorney-in-Fact.



Speak to your Agent/Attorney-in-Fact

It is important to speak with the person(s) that you have given authority to in order to make sure that they understand the breadth and limits of their ability to act on your behalf.



Sign your Power of Attorney

You will need to check your document to determine if you need to sign in front of a witness or witnesses, or a notary public. In the presence of any required witnesses and, if applicable, a notary public, you must sign on the signature page, initial each page of the document, and initial each power you have decided to grant. If your document requires a witness or witnesses, they must also sign on the signature page, initial each page of the document, and fill out any included "Witness Certificates", in front of you and, if required, the notary public. The notary will then acknowledge and sign the document.

If your state requires the Agent/Attorney-in-Fact to acknowledge their acceptance of the document, you will see a section for their signature in the document.

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Storing or Recording your Power of Attorney

If you have granted the power to act on your behalf in Real Estate transactions, your Agent/Attorney-in-Fact will likely need to have the document recorded in order for the Power of Attorney to be recognized. This typically takes place at the land registry office in the jurisdiction where the property is located. Otherwise, you should store your original document in a safe place and provide a copy for your Agent/Attorney-in-Fact so that they will be able to use the powers you have granted them.

Additional Tips

- Remember that your witnesses cannot be your spouse, partner, child, Agent/Attorney-in-Fact (including alternate choices) or their spouse. Some jurisdictions also disallow witnesses that are mentioned in your Last Will, either as a beneficiary or executor.
- Your witnesses must be of legal age in your jurisdiction, have capacity, and be mentally capable of managing their property and making their own decisions.
- Residents of North Carolina and South Carolina must register their Power of Attorney if it is intended to be Durable (will continue in the case of the grantor's incapacity) in order for it to remain valid past the point of the grantor's incapacity. The Durable Power of Attorney will need to be recorded in the office of the Register of Deeds of the county in which the principal has his or her legal residence at the time of registration.

Power of Attorney Additional Information



Complete your Estate Plan

You need more than a Power of Attorney to fully manage and protect your estate. A good estate plan also includes a Last Will and Testament, Living Will, and in some cases, a Living Trust. All these documents, along with explanatory help, are available for free at [LawDepot](https://www.lawdepot.com).



Related Documents

The following are documents that you may find useful as you finish building your estate plan:

- **Gift Deed**
Transfer ownership of real estate, personal property, or intellectual property without receiving anything of value in return.
<http://www.lawdepot.com/contracts/gift-deed/>
- **Bill of Sale**
Transfer ownership of personal property.
<http://www.lawdepot.com/contracts/bill-of-sale/>
- **Last Will and Testament**
Manage your estate and provide instructions for the distribution of your property at death.
<http://www.lawdepot.com/contracts/last-will-and-testament-usa/>
- **Revocable Living Trust**
An estate planning document that allows you to place your assets in a trust so that they can be distributed according to your wishes upon your passing.
<http://www.lawdepot.com/contracts/living-trust/>
- **Living Will (Health Care Directive)**
Indicate your medical wishes in case you become incapacitated or otherwise unable to consent to your health care treatment.
<http://www.lawdepot.com/contracts/living-will-medical-power-of-attorney/>

Know someone who could use free legal resources?

Tell your friends using the links below:



DURABLE POWER OF ATTORNEY FOR FINANCIAL MANAGEMENT

WARNING TO PERSON EXECUTING THIS DOCUMENT - THE POWERS YOU GRANT BELOW CONTINUE TO BE EFFECTIVE SHOULD YOU BECOME DISABLED OR INCOMPETENT

CAUTION: This is an important legal document and upon proper execution will create a Durable Power of Attorney. This gives the person whom you designate as your Attorney-in-fact broad powers to handle your property during your lifetime, which may include powers to mortgage, sell, or otherwise dispose of any real or personal property without advance notice to you or approval by you.

These powers will continue to exist even if you become disabled or incompetent. You do have the right to terminate or revoke the Power of Attorney and any or all powers granted within at any time up to the point of your incapacity.

This document does not authorize anyone to make medical or other health care decisions. You may execute a health care proxy (also known as a health care or medical power of attorney) to do this.

If there is anything about this document that you do not understand, you should ask a lawyer to explain it to you.

THIS DURABLE POWER OF ATTORNEY for financial management is given by me,
_____ (the "Principal"), presently of _____, _____, in the
State of Arizona, on this _____ day of _____, _____.

Nature of Power

1. THIS IS A DURABLE POWER OF ATTORNEY and the authority of my Attorney-in-fact shall not terminate if I become disabled or incapacitated.

Previous Power of Attorney

2. **I REVOKE** any previous durable power of attorney granted by me.

Attorney-in-fact

3. **I APPOINT** _____, of _____, _____, Arizona, to act as my Attorney-in-fact.

Governing Law

4. This document will be governed by the laws of the State of Arizona. Further, my Attorney-in-fact is directed to act in accordance with the laws of the State of Arizona at any time he or she may be acting on my behalf.

Liability of Attorney-in-fact

5. My Attorney-in-fact will not be liable to me, my estate, my heirs, successors or assigns for any action taken or not taken under this document, except for willful misconduct or gross negligence.

Effective Date

6. This Power of Attorney will start immediately and will continue notwithstanding a finding of my mental incapacity or mental infirmity which may occur after my execution of this Power of Attorney.

Powers of Attorney-in-fact

7. My Attorney-in-fact has authority to do anything on my behalf that I may lawfully do by an attorney-in-fact (the "General Power").

Specific Powers

8. Without restricting its generality in any way, the following power(s) are specifically included within the foregoing General Power:

Initials

X_____ Real Estate Transactions

- a. To deal with any interest I may have in real property and sign all documents on my behalf concerning my interest, including, but not limited to, real property I may subsequently acquire or receive. These powers include, but are not limited to, the ability to:
- i. Purchase, sell, exchange, accept as gift, place as security on loans, convey with or without covenants, rent, collect rent, sue for and receive rents, eject and remove tenants or other

persons, to pay or contest taxes or assessments, control any legal claim in favor of or against me, partition or consent to partitioning, mortgage, charge, lease, surrender, manage or otherwise deal with real estate and any interest therein; and

- ii. Execute and deliver deeds, transfers, mortgages, charges, leases, assignments, surrenders, releases and other instruments required for any such purpose.

X_____ Maintain Property and Make Investments

- b. To retain any assets owned by me at the date this Durable Power of Attorney becomes effective, and the power to reinvest those assets in similar investments. In addition, my Attorney-in-fact may invest my assets in any new investments, of his or her choosing, regardless of whether or not they are authorized by any applicable legislation.

X_____ Banking Transactions

- c. To do any act that I can do through an Attorney-in-fact with a bank or other financial institution. This power includes, but is not limited to, the power to:
 - i. Open, maintain or close bank accounts (including, but not limited to, checking accounts, savings accounts, and certificates of deposit), brokerage accounts, retirement plan accounts, and other similar accounts with financial institutions;
 - ii. Conduct any business with any banking or financial institution with respect to any of my accounts, including, but not limited to, making deposits and withdrawals, negotiating or endorsing any checks or other instruments with respect to any such accounts, obtaining bank statements, passbooks, drafts, money orders, warrants, and certificates or vouchers payable to me by any person, firm, corporation or political entity;
 - iii. Borrow money from any banking or financial institution if deemed necessary by my Attorney-in-fact, and to manage all aspects of the loan process, including the placement of security and the negotiation of terms;
 - iv. Perform any act necessary to deposit, negotiate, sell or transfer any note, security, or draft of the United States of America, including U.S. Treasury Securities;

- v. Have access to any safe deposit box that I might own, including its contents; and
- vi. Create and deliver any financial statements necessary to or from any bank or financial institution.

X_____ Business Operating Transactions

- d. To take any action my Attorney-in-fact deems necessary with any business that I may own or have an interest in by doing any act which can be done through an Attorney-in-fact. This power includes, but is not limited to, the power to execute, seal and deliver any instrument; participate in any legal business of any kind; execute partnership agreements and amendments; to incorporate, reorganize, consolidate, merge, sell, or dissolve any business; to elect or employ officers, directors and agents; and to exercise voting rights with respect to any stock I may own, either in person or by proxy.

X_____ Insurance Transactions

- e. To do any act that I can do through an Attorney-in-fact with any insurance policy. This power includes, but is not limited to, the power to pay premiums, start, modify or terminate policies, manage all cash payouts, borrow from insurers and third parties using insurance policies as collateral, and to change the beneficiaries on any insurance policies on my life. Unless my Attorney-in-fact was already a beneficiary of any policy before the signing of this document, my Attorney-in-fact cannot name himself or herself as a beneficiary of such policy.

X_____ Claims and Litigation Matters

- f. To institute, maintain, defend, compromise, arbitrate or otherwise dispose of, any and all actions, suits, attachments or other legal proceedings for or against me. This power includes, but is not limited to, the power to: appear on my behalf, and the power to settle any claim against me in whichever forum or manner my Attorney-in-fact deems prudent, and to receive or pay any resulting settlement.

X_____ Tax Matters

- g. To act for me in all matters that affect my local, state and federal taxes and to prepare, sign, and file documents with any governmental body or agency, including, but not limited to, authority to:
 - i. Prepare, sign and file income and other tax returns with federal, state, local and other

governmental bodies, and to receive any refund checks; and

- ii. Obtain information or documents from any government or its agencies, and represent me in all tax matters, including the authority to negotiate, compromise, or settle any matter with such government or agency.

X ☒ **Government Benefits**

- h. To act on my behalf in all matters that affect my right to allowances, compensation and reimbursements properly payable to me by the Government of the United States or any agency or department thereof. This power includes, but is not limited to, the power to prepare, file, claim, defend or settle any claim on my behalf and to receive and manage, as my Attorney-in-fact sees fit, any proceeds of any claim.

X ☒ **Retirement Benefit Transactions**

- i. To act for me and represent my interests in all matters affecting any retirement savings or pension plans I may have. This power includes, but is not limited to, the power to continue contributions, change contribution amounts, change investment strategies and options, move assets to other plans, receive and manage payouts, and add or change existing beneficiaries. My Attorney-in-fact cannot add himself or herself as a beneficiary unless he or she is already a designated beneficiary as of the signing of this document.

X ☒ **Family Care**

- j. To make whatever expenditures are required for the maintenance, education, benefit, medical care and general advancement of me, my spouse and dependent children, and other persons that I have chosen or which I am legally required to support, any of which may include my Attorney-in-fact. This power includes, but is not limited to, the power to pay for housing, clothing, food, travel and other living costs.

X ☒ **Chattel and Goods Transactions**

- k. To purchase, sell or otherwise deal with any type of personal property I may currently or in the future have an interest in. This includes, but is not limited to, the power to purchase, sell, exchange, accept as gift, place as security on loans, rent, lease, to pay or contest taxes or assessments, mortgage or pledge.

X___ Estate Transactions

- l. To do any act that I can do through an Attorney-in-fact with regard to all matters that affect any trust, probate estate, conservatorship, or other fund from which I may receive payment as a beneficiary. This power includes the power to disclaim any interest which might otherwise be transferred or distributed to me from any other person, estate, trust, or other entity, as may be appropriate. However, my Attorney-in-fact cannot disclaim assets to which I would be entitled, if the result is that the disclaimed assets pass directly or indirectly to my Attorney-in-fact or my Attorney-in-fact's estate.

X___ Living Trust Transactions

- m. To transfer any of my assets to the trustee of any revocable trust created by me, if such trust is in existence at the time of such transfer. This property can include real property, stocks, bonds, accounts, insurance policies or other property.

X___ Gift Transactions

- n. To make gifts to my spouse, children, grandchildren, great grandchildren, and other family members on special occasions, including birthdays and seasonal holidays, including cash gifts, and to such other persons with whom I have an established pattern of giving (or if it is appropriate to make such gifts for estate planning and/or tax purposes), in such amounts as my Attorney-in-fact may decide in his or her absolute discretion, having regard to all of the circumstances, including the gifts I made while I was capable of managing my own estate, the size of my estate and my income requirements.

X___ Charity Transactions

- o. To continue to make gifts to charitable organizations with whom I have an established pattern of giving (or if it is appropriate to make such gifts for estate planning and/or tax purposes), in such amounts as my Attorney-in-fact may decide in his or her absolute discretion, having regard to all of the circumstances, including the gifts I made while I was capable of managing my own estate, the size of my estate and my income requirements.

X___ Employ Required Professionals

- p. To appoint and employ any agents, servants, companions, or other persons, including nurses and other health care professionals for my care and the care of my spouse and dependent children, and accountants, attorneys, clerks, workers and others for the management, preservation and

protection of my property and estate, at such compensation and for such length of time as my Attorney-in-fact considers advisable.

Attorney-in-fact Compensation

9. My Attorney-in-fact will receive no compensation except for the reimbursement of all out of pocket expenses associated with the carrying out of my wishes.

Co-owning of Assets and Mixing of Funds

10. My Attorney-in-fact may not mix any funds owned by him or her in with my funds and all assets should remain separately owned if at all possible.

Personal Gain from Managing My Affairs

11. My Attorney-in-fact is not allowed to personally gain from any transaction he or she may complete on my behalf.

Delegation of Authority

12. My Attorney-in-fact may not delegate any authority granted under this document.

Attorney-in-fact Restrictions

13. This Power of Attorney is not subject to any conditions or restrictions other than those noted above.

Notice to Third Parties

14. Any third party who receives a valid copy of this Power of Attorney can rely on and act under it. A third party who relies on the reasonable representations of my Attorney-in-fact as to a matter relating to a power granted by this Power of Attorney will not incur any liability to the Principal or to the Principal's heirs, assigns, or estate as a result of permitting the Attorney-in-fact to exercise the authority granted by this Power of Attorney up to the point of revocation of this Power of Attorney. Revocation of this Power of Attorney will not be effective as to a third party until the third party receives notice and has actual knowledge of the revocation.

Severability

15. If any part of any provision of this document is ruled invalid or unenforceable under applicable law, such part will be ineffective to the extent of such invalidity only, without in any way affecting the remaining parts of such provisions or the remaining provisions of this document.

I, _____, the Principal, sign my name to this Power of Attorney this _____ day of _____, _____ and, being first duly sworn, do declare to the undersigned authority that I sign and execute this document as my Power of Attorney and that I sign it willingly, or willingly direct another to sign for me, that I execute it as my free and voluntary act for the purposes expressed in the Power of Attorney and that I am eighteen years of age or older, of sound mind and under no constraint or undue influence.

Principal

I, _____, the witness, sign my name to the foregoing Power of Attorney being first duly sworn and do declare to the undersigned authority that the Principal signs and executes this document as their Power of Attorney and that they sign it willingly, or willingly directs another to sign for them, and that I, in the presence and hearing of the Principal, sign this Power of Attorney as witness to the Principal's signing and that to the best of my knowledge the Principal is eighteen years of age or older, of sound mind and under no constraint or undue influence.

Witness

NOTARY ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

Subscribed, sworn to and acknowledged before me by _____, the Principal, and subscribed and sworn to before me by _____, witness, this _____ day of _____, _____.

Notary Public

My commission expires: _____