

POWER OF ATTORNEY FACT SHEET

1. **Definition:** A Power of Attorney is a very powerful legal document by which one person appoints another with the authority to act specifically in his/her behalf, just as if the appointer were physically present. In other words, the Power of Attorney allows a designated person to act on your behalf just as if you were physically present. The primary purpose of the document is to evidence the authority of the person to whom the power is given to third parties.
2. **Types:** A Power of Attorney may be either **GENERAL** or **SPECIFIC** ie (for limited purposes such as medical treatment, etc...).
3. **WARNING:** In most instances, selecting a **SPECIFIC** Power of Attorney in lieu of a **GENERAL** Power of Attorney may be your best decision. You should speak with an attorney or JAG when making this decision and preparing the Power. There is an inherent danger in the **GENERAL** Power of attorney because it gives another person power and authority to do all the things that you could do if you were physically present. Accordingly, you will be responsible for all acts performed in your name under the **GENERAL** Power of Attorney's authority whether or not you have given permission for the act. If you give a **GENERAL** Power of Attorney to another, that person can sell any or all of your furniture, your clothes and even your home. The person to whom you give a Power of Attorney acts in your name, and once that person has completed the date of the item, you cannot reclaim it as owner. In contrast, the **SPECIFIC** Power of Attorney limits authority to specific acts and no others. You may give a **SPECIFIC** Power of Attorney to enable your appointee to sell a car or other personal property, ship household goods or to perform other specific individual acts.
4. **NOT A WILL SUBSTITUTE:** Powers Of Attorney do not replace a Will nor prevent probate. Powers of Attorney can be used to facilitate your business and personal affairs while you are away from home or while you are disabled, but in the latter case the Power must state, "This Power of Attorney shall not be affected by my subsequent disability or death.
5. **TIME REQUIREMENTS:** To protect yourself, you may wish to limit the time of the Power of Attorney to the absolute minimum necessary to accomplish your task. Remember, as long as the Power remains in effect, your appointee may do any legal act you could do if present.
6. **SPECIAL NOTES FOR TITLED PROPERTY:** Powers of Attorney given for real estate and automobiles require you to specifically state a description of the property which you want your appointee to deal with on your behalf. Your title provides the proper legal description of property which you must use. Your **SPECIAL** Power of Attorney must state that you specifically authorize your appointee to enter into a sales contract on your behalf and should state that he/she is empowered to sell only specific property. A Power of Attorney for real estate must be filed with the Recorder of Deeds in the County where the property is situated. The Recorder will issue additional certified copies to your appointee if necessary. A Power for purposes other than the sale of real property may be filed with the Clerk of Courts in your county of residence. The Clerk may issue certified copies of the Power to your appointee if necessary. You should also state that if your appointee is acting as a buyer of real estate for you that he/she is authorized and directed to comply with the state recordation statutes by promptly recording the title after the purchase.
7. **REVOCATION:** To revoke a Power of Attorney, the person given the Power must be given a written dated notice of the revocation. You should have the notice acknowledged and have the Power of Attorney and all certified copies returned to you, then destroy all copies.
8. **COPIES:** Photo copies of Powers of Attorney are not valid unless they are certified copies issued by a Recorder of Deeds or a Clerk of Court. Never surrender you Power of Attorney to anyone other than you designated Appointee. Similarly, your Appointee should never surrender his/her original Power of Attorney. If a creditor or third party requires a copy of the Power of Attorney, a certified copy may be obtained by following the procedures set forth at paragraph 6 above.

POWER OF ATTORNEY WORKSHEET

 GENERAL POA (See reverse side for explanation)

In addition would you like your agent to do any of the following transactions:

 Yes No Pay or file for Taxes

 Yes No Adjustments to IRA/Retirement Plan

 Yes No Real Property (**Are you selling or buying a house at this moment? If not the answer is no. If you are enter information below.**)

Purchase property at: _____

Sell property at: _____

-OR-

 SPECIFIC POA

 Yes No Real Property (**If yes, specifically identify property to be bought or sold.**)

Purchase property at: _____

Sell property at: _____

 Yes No Other (**Provide detailed description below:**)

GRANTED BY: (Person giving the power, i.e. usually the service-member)

_____, _____, _____, _____ (Y/N)
First Name, MI, Last Name State of Legal Residence County Married

Home Address: _____

GRANTED TO: (Person receiving the power, i.e. usually the family member)

_____, Relationship: _____, Expiration Date: _____
First Name, MI, Last Name (Mandatory)

Home Address: _____ County of Residence: _____