

Utah Statutory Form Power of Attorney Training

Training For Attorneys

Utah Code Sections 75-9-101 et seq.

Instructors Guide, Objectives and Course Content

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Pre-instructional Considerations

The goal of this training is to provide attorneys with the knowledge and skills needed to reduce misuse of the Utah Statutory Form Power of Attorney (POA).

At the end of this training, it is expected that attorneys will be adequately prepared to properly advise clients whether they are completing the Utah Statutory Form Power of Attorney or advising clients named as agents. The training will help reduce the improper use of the form.

Audience

The audience for this learning event includes:

Primary audience: Attorneys

Secondary audience: Allied professionals who work with older adults

Recommended Selection Criteria for Trainers

This curriculum is designed to be taught by one or two attorneys. Attorneys should be knowledgeable about elder law and powers of attorney. Attorneys should be familiar with Utah Code Sections 75-9-101 et seq.

Module Name: Utah Statutory Form Power of Attorney Training

Module Time: One hour

Handouts: Utah Statutory Form Power of Attorney Utah Code Section 75-9-101 et seq

Objectives for Module:

- Explain the rationale and results of the power of attorney questionnaire and how results can assist attorneys to better advise clients in preparing the POA;
- Define Power of Attorney and roles;
- Discuss how to assist clients in choosing an agent and putting safeguards in place to limit misuse;
- Discuss how to assist clients when they are named as an agent or deciding whether to act as an agent and ways to meet their duties;
- Describe when the Power of Attorney terminates;
- Describe Agent's potential liabilities if duties not performed correctly;
- Discuss types of authority that can be granted in Power of Attorney and how they can be limited;
- Discuss naming a guardian and conservator; and
- Discuss how to complete the form; and

Objectives and Course Content Outline and Notes:

Objectives	Course Content Outline and Notes
Explain the rationale and results of the power of attorney questionnaires and how the results can assist attorneys to better advise client in preparing the POA	<ul style="list-style-type: none">- Describe rationale for questionnaires- Describe questionnaire process- Describe general result of questionnaires- Discuss high priority training items identified in the questionnaires
Define Power of Attorney and roles	<ul style="list-style-type: none">- Define POA and roles

	<ul style="list-style-type: none"> - Distinguish the provisions of Utah Code Section 75-9-101 et seq From Utah Advance Health Care Directive
Discuss how to assist clients in choosing an agent and putting safeguards in place to limit misuse	<ul style="list-style-type: none"> -Discuss things to consider when choosing an agent -Discuss how to ensure client's needs are met -Naming the agent on the POA form -Discuss other agent involvement <ul style="list-style-type: none"> -- Multiple agents and safeguards that can be put in place -- Successor agents -- Items that are automatic in POA form unless addressed in the Special Instructions Section -- Compensation for agent and safeguards if agent compensated -Describe when agent's authority starts and ends <ul style="list-style-type: none"> --How to limit when POA becomes effective in order to reduce risk of abuse by agent
Discuss how to assist client when they are named as an agent or deciding whether to act as an agent and ways to meet their duties	<ul style="list-style-type: none"> -Describe agent duties and discuss ways to best comply with duties -Discuss agents working with other parties <ul style="list-style-type: none"> --Co-agents -- Successor agent -- Special fiduciaries -Discuss when POA terminates -Describe when agent may be liable
Describe Types of Authority that can be given and ways to limit that authority	<ul style="list-style-type: none"> -Explain that Form is durable unless otherwise stated -Discuss the ramifications of the 13 types of General Authority listed in POA and how they can be limited -Discuss the 8 types of Specific Authority listed and ramifications if granted and how they can be limited
Discuss naming a guardian and conservator	<ul style="list-style-type: none"> -Discuss rationale for naming a guardian -Discuss coordination with Utah Advance Health Care Directive if guardian named

Executing the form	-Discuss proper execution of form, including need for notarization
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Utah Statutory Form Power of Attorney
Utah Code Sections 75-9-101 et seq.

Attorney Training

And

Instructions

Purpose of the Attorney Training

In order to prevent financial exploitation of elderly individuals and reduce the misuse of power of attorney, Utah Legal Services (ULS) was charged, pursuant to a cooperative agreement with the Office for Victims of Crime, U.S. Department of Justice, with developing training materials on the Utah Statutory Form Power of Attorney (POA) form. The misuse of powers of attorney is pervasive. In one study, 75% of financial exploitation cases involved the misuse of powers of attorney.

To better understand the problem, Utah Legal Services commissioned the Utah Criminal Justice Center (UCJC) to develop questionnaires that would clarify users' level of understanding of the POA form. One questionnaire focused on the experiences of attorneys (Attorney Questionnaire (AQ)) and the other on the experiences of the General Public (Older Adult Questionnaire (OAQ)).

The questionnaires were used in surveys conducted from September 2018 to January 2019 with individuals who had used the POA within the past two years. The results are summarized in this training document to help you assist your clients in preparing the POA. You can use these results in conjunction with the attached "Training and Instructions" document, which Utah Legal Services has prepared for use by the general public.

General Results of the Questionnaires

While most participants generally understood the language and purpose of the form, comprehension was not universal. Confusion and misunderstanding were particularly evident in connection with items about specific powers and uses of the form.

Most respondents to the Older Adult Questionnaire did not consult a lawyer when preparing the POA. Clients need your expertise in successfully completing the POA form.

Results of the Attorney Questionnaire

Attorneys who practiced estate planning comprised 86.1% of the sample.

Understanding the POA by attorneys

- 94.4% of participants felt they understood the POA.
- 83.4% of participants agreed that they found the POA easy for attorneys to use.

Understanding the POA by clients

Only 52.9% of participants agreed that clients would be able to understand the language used in the POA.

Abuse of Power of Attorney

- 61.1% of participants had encountered abuse of power of attorney by an agent.
- 54.3% of participants said that they had deterred potential abuse of power of attorney by an agent.

Comments shared by participants

- Participants indicated that they would like training that would help agents understand their role, as abuse can occur not only from intentionally misappropriating funds, but also from misunderstanding fiduciary responsibility.
- Significant percentages of attorney questionnaire participants expressed concerns that their clients did not understand the form or find it easy to use.

Results of the Older Adult Questionnaire

Attorney assistance with the Form did make a difference

Most participants (85.7%) agreed that their lawyer made the form easy to understand.

There is confusion about what the POA is for

22.9% of participants thought that the agent is someone who can make healthcare decisions for you.

There is confusion about the designation of roles in the POA

13% of participants were unsure how they were named on the POA.

There is confusion about when the POA becomes effective

31.9% of participants agreed with the statement *that the POA only becomes effective after the principal has become incapacitated or unable to make decisions for themselves*. This is inaccurate, as the POA becomes effective immediately on execution unless stated otherwise in the Special Instructions.

There is confusion about the agent's duties

23.9% of participants incorrectly thought that an agent is required to report a full accounting to a third party every year.

There is confusion about terms used but not defined in the POA

Participants were unclear about the meaning of terms such as "intervivos trust," "guardian," and "conservator."

What Older Adult participants wanted training to address

- 80%: Duties of the agent
- 70%: Risks to the principal
- 90%: Types of authority
- 30%: Language on the form

Special Instructions Section

Great care must be given to this section so clients understand what will or will not happen if something is not addressed in the Special Instructions Section. This includes discussion of

- When the client wants the POA to become effective
- Whether the client wants the agent to be compensated
- Whether and how to name co-agents
- Whether co-agents are required to act together
- Whether the agent's authority will be revoked if divorced from the principal

Grant of Specific Authority Section

The questionnaire indicated the individuals do not understand the potential ramifications of granting authority in the eight specific choices given.

It is recommended that each item be discussed and explained so that clients have a clear understanding.

**TRAINING
AND
INSTRUCTIONS**

Utah Statutory Form Power of Attorney
Utah Code Sections 75-9-101 et seq.

Training

And

Instructions

What You Should Know When You Finish This Training

This document is intended to help you understand how to complete the Utah Statutory Form Power of Attorney (called the POA form), and to help you understand your responsibilities if you are named as an agent on someone else's POA form. The POA form is attached.

This training is part of a cooperative agreement funded by the Office for Victims of Crime, U.S. Department of Justice.

What is a Power of Attorney?

A power of attorney is a legal document in which one person gives another person the right to make certain decisions on their behalf. The person granting the authority is called the *principal*. The person who is given the authority is called the *agent*.

What is the Utah Statutory Form Power of Attorney?

The power of attorney form (POA) authorizes another person (your agent) to make decisions about your *property*, including things like bank accounts, stocks, and insurance.

This form is NOT for medical decisions. It does not authorize your agent to make health care decisions for you. In Utah, the document that allows you to name someone to make medical decisions for you is called the Utah Advance Health Care Directive. If you want to make an Advance Health Care Directive, you can get that form and its instructions on the Utah Commission on Aging website (<https://ucoa.utah.edu/directives/>).

Before you complete the POA form, be sure you understand what powers you are giving to your agent. If you are named as an agent for someone, you need to understand what your duties and obligations are.

Choosing an Agent

It is extremely important that you choose the right person to be your agent.

A power of attorney is a powerful tool. Like any tool, it can be used in a positive way. For example, you may want to name an agent so you can prepare for the time when you may not be able to act on your own behalf due to incapacity or absence.

There is also the potential for this tool to be misused. Unfortunately, it is very common for agents to misuse their power of attorney.

Things to consider when choosing your agent

Choose your agent wisely and make sure you understand exactly what powers you are giving them. You want to pick someone who:

- You *trust*
- Understands their duties and will take those duties seriously
- Understands your wishes and values
- Is loyal to you
- Will not overstep their bounds
- Does *not* have financial troubles
- Does *not* have drug or other substance abuse problems

Remember:

No one can force you to appoint an agent.

Always get permission from the person you want to name as agent before you fill out the form. Make sure that they are willing to accept this obligation and responsibility.

Choosing a successor agent

You can name a successor agent who will take over if your agent resigns, dies, becomes incapacitated, is not qualified to serve, or declines to

serve. A successor agent has the same authority as the original agent, *unless the POA specifically says otherwise*. The successor agent may not act until all previous agents have resigned, died, become incapacitated, are no longer qualified to serve, or have declined to serve.

Identifying your agents

Naming an agent is called the Designation of Agent. It is on page 1 and page 2 of the form and looks like this:

DESIGNATION OF AGENT

I _____ name the following
(Name of Principal)
person as my agent:
Name of Agent: _____
Agent's Address: _____
Agent's Telephone Number: _____

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: _____
Successor Agent's Address: _____
Successor Agent's Telephone Number: _____

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor Agent: _____
Second Successor Agent's Address: _____
Second Successor Agent's Telephone Number: _____

Choosing multiple agents

Notice that the form provides space for naming only one agent (not including the successor agent). If you want to name more than one, you must do so in the Special Instructions Section of the form.

If you name more than one agent, they are called co-agents. The co-agents are *not* required to act together. So one co-agent could do something the other agent is not aware of.

This can be problematic. The agents may disagree and may not want to take the same course of action. So if you want them to be required to act together, you must say so in the Special Instructions Section.

Compensation for your agent

Your agent is entitled to reasonable compensation unless you specifically state otherwise. This means that your agent can be paid with your money for the services they provide. If you do not want your agent to be paid, you have to say so in the Special Instructions Section.

Authority of an Agent

A power of attorney created by this form is *durable*. This means that the power of attorney is not terminated by the principal's incapacity. (In this case, incapacity means inability to manage property or business affairs.) As the principal, if you want the power of attorney to terminate if you become incapacitated, you must say so in the Special Instructions Section.

General Authority

General authority under a power of attorney is comprehensive and gives your agent all the powers and rights that you have yourself. On page 2 of the POA form you can give your agent general authority over 13 kinds of property. The form looks like this:

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in Title 75, Chapter 9, Uniform Power of Attorney Act:

So INITIAL each subject you want to include in your agent's general authority. If you want to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

- ☐ Real Property
- ☐ Tangible Personal Property
- ☐ Stocks and Bonds
- ☐ Commodities and Options
- ☐ Banks and Other Financial Institutions
- ☐ Operation of Entity or Business
- ☐ Insurance and Annuities
- ☐ Estates, Trusts, and Other Beneficial Interests
- ☐ Claims and Litigation
- ☐ Personal and Family Maintenance
- ☐ Benefits from Governmental Programs or Civil or Military Service
- ☐ Retirement Plans
- ☐ Taxes
- ☐ All Preceding Subjects

Think carefully about exactly what authority you want to give your agent. You can greatly limit the general authority by initialing ONLY those areas where you feel comfortable allowing your agent to act for you.

Specific Authority

On pages 2 and 3 of the POA form, you can give your agent authority to act on your behalf in eight specific situations. The form looks like this:

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

- ☐ Create, amend, revoke, or terminate an inter vivos trust
- ☐ Make a gift, subject to the limitations of Section 75-9-217, and any special instructions in this power of attorney
- ☐ Create or change rights of survivorship
- ☐ Create or change a beneficiary designation
- ☐ Authorize another person to exercise the authority granted under this power of attorney
- ☐ Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- ☐ Exercise fiduciary powers that the principal has authority to delegate
- ☐ Disclaim or refuse an interest in property, including a power of appointment

Think very carefully about whether you want to give your agent these powers. You do not have to give any of these powers. If you do not want to give any of these powers, do NOT initial any of the items.

Naming a Conservator or Guardian

A conservatorship or guardianship allows someone to act for someone else. These cannot be created without an order by a judge, which happens only when someone can no longer take care of themselves.

The difference between a conservator and a guardian is that a conservator only has the power to manage property and finances. A conservator may not make personal decisions for someone, like where that person will live. A guardian has control of personal decisions.

On page 4 of the POA form, you can name a guardian or conservator. It looks like this:

NOMINATION OF CONSERVATOR OR GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a conservator of my estate or guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for conservator of my estate: _____

Nominee's Address: _____

Nominee's Telephone Number: _____

Name of Nominee for guardian of my person: _____

Nominee's Address: _____

Nominee's Telephone Number: _____

This section is optional and you do not need to name a guardian or conservator. The Utah Advance Health Care Directive also allows you to name a guardian. If you have completed that form, you want to make sure that you name the *same person as guardian in both forms*. If you become incapacitated, a judge will look at these documents to see who you wanted as your guardian.

Executing the POA Form

After you have completed all sections of the POA form, you then sign your name in front of a notary public. This is on page 4 of the form and it looks like this:

SIGNATURE AND ACKNOWLEDGMENT

Your Signature

Date

Your Name Printed

Your Address

Your Telephone Number

On this date, I certify that _____ (name)

who is known to me or who presented satisfactory identification, in the form of _____ (form of identification), has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

_____ Date Sign here _____
Typed or printed name (Notary Public) _____
Notary Seal

When the Agent's Authority Starts and Ends

The power of attorney becomes effective as soon as it is executed, unless you specifically state otherwise. That means it will become effective when you sign it and your signature is notarized. If you want it to be effective at another time, you must state when you want it to be effective in the Special Instructions Section on page 3 of the POA form.

If you are currently handling all your own financial transactions, you may want the power of attorney to become effective only in the event of your disability.

On page 5 of the POA form, there is an explanation of when the Power of Attorney terminates. The power of attorney ends when

1. The principal dies
2. The principal revokes the power of attorney or the agent's authority
3. A termination event occurs as stated in the power of attorney
4. The purpose of the power of attorney is fully accomplished
5. In a case where the agent is married to the principal, the power of attorney is terminated when a legal action is filed with a court to end the marriage, or for legal separation. Or you can state in the Special Instructions that this action will not terminate the agent's authority.

If You are Named as an Agent for Someone Else

There are many legal responsibilities and consequences attached to being an agent under a power of attorney. You have been named to manage property for someone else. You are a fiduciary. This carries with it legal responsibilities. These legal responsibilities continue until you resign or the power of attorney is terminated or revoked.

Page 5 of the POA form lists the agent's responsibilities in detail, so you should read that section carefully.

Under this power of attorney there are four express duties that are named.

Duty One

Do what you know the principal reasonably expects you to do with the principal's property. If you do not know the principal's expectations, act in the principal's best interest.

Things do to that may be able to help you meet this duty:

If possible, involve the principal in the decision. Ask the principal what they want. If they cannot communicate, try to find out what they would have wanted. Look at any past decisions, actions, and statements.

Duty Two

Act in good faith.

This means being completely honest. Have you been honest in acting as an agent?

Duty Three

Do nothing beyond the authority granted in the power of attorney.

Read the power of attorney and understand the authority you have been given. Your authority is strictly limited to what the document states. If you are unclear or do not understand, seek help from an attorney who specializes in elder law to educate you on your duties.

Understand when the power of attorney becomes effective. The POA form becomes effective upon the principal signing it, unless otherwise stated in the Special Conditions.

Duty Four

Whenever you act for the principal, disclose your identity as an agent by writing or printing the name of the principal and signing your own name as "agent" in the following manner: (Principal's Name) by (Your Signature) as Agent

For example, if you are signing a check as agent for Mary Doe and your name is John Doe, you would sign it: Mary Doe by John Doe (your signature) as Agent.

This is to show that you are acting in your capacity only as the agent for the principal. You are not acting on your own. It notifies organizations or individuals you are working with that you are the agent for that person.

Other Duties

Unless the Special Instructions in this power of attorney state otherwise, you must also:

- (1) Act loyally for the principal's benefit.
- (2) Avoid conflicts that would impair your ability to act in the principal's best interest. A conflict of interest may happen if you make a decision about the principal's property that may benefit some else at the principal's expense.
- (3) Act with care, competence, and diligence.

Suggestions on how to accomplish this:

- Use good judgment and common sense. As a fiduciary, you must be even more careful with the principals' money than you might be with your own.
- List the principals' money, property, and debts. To make careful decisions, you need to know what they own and owe.
- Invest carefully. You may want to talk to a professional.
- Protect assets by keeping money and property safe. You may need to put valuable items in safe deposit boxes, change locks on property, make sure home or other property is insured.
- Make sure bank accounts earn interest and have low fees.
- Review bank and other financial statements promptly.
- Keep any real estate in good condition.
- Pay bills and taxes on time.
- Cancel any insurance policies that they do not need.
- Collect debts.

(4) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal. You may be asked by the principal or ordered by the court to produce records. So keep good records now.

Suggestions on how to accomplish this:

- Keep a detailed list of everything that you receive or spend.
- Records should include amount of checks written or deposited, dates, reasons.
- Keep receipts.
- Avoid paying in cash.
- Unless stated otherwise in the Special Conditions Section, you are allowed to be paid for acting as agent. If you will be paid, be sure you charge a reasonable fee. Keep detailed records as you go of what work you did, how much time it took, when you did it, and why you did it.

(5) Cooperate with any person who has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest.

This could include an agent named under a medical power of attorney (the form called the Utah Advance Health Care Directive). There could also be a legal guardian that has been appointed by the courts.

6) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

You will need to review and understand all documents relating to the estate plan. This would include things like any will or trust that the principal may have prepared.

Working With Other Parties

Be aware of other parties that may have legal rights to act on behalf of the principal. You may need to cooperate and work with them.

Working With Co-agents

A principal may designate two or more people to act as co-agents. Unless the power of attorney otherwise provides, each co-agent may exercise his authority independently. So it is important to coordinate with any co-agent and share information about your decisions.

Liability as Agent

As an agent you should not participate in or conceal a breach of fiduciary duty committed by another agent.

As an agent, if you have actual knowledge of a breach or imminent breach of fiduciary duty by the other agent, you must notify the principal and if principal is incapacitated, take any reasonable appropriate action to safeguard the principal's best interest.

Relationship to a successor Agent

Your principal may have named a successor agent to act if you are not able to act. A successor agent has no authority if you are still willing and able to act.

Special fiduciaries under Government Benefits

Be aware if someone has already been appointed to receive the principal's money from government agencies. For social security benefits, this person is called the representative payee. For Veterans Benefits this person is called the VA fiduciary.

POWER OF ATTORNEY

FORM

UTAH STATUTORY FORM POWER OF ATTORNEY
Utah Code Sections 75-9-101 et seq.

IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in Title 75, Chapter 9, Uniform Power of Attorney Act.

This power of attorney does not authorize the agent to make health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney, or the agent resigns or is unable to act for you.

Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This form provides for designation of one agent. If you wish to name more than one agent you may name a co-agent in the Special Instructions.

Co-agents are not required to act together unless you include that requirement in the Special Instructions. If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent.

You may also name a second successor agent. This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

DESIGNATION OF AGENT

I _____ (Name of Principal)
name the following person as my agent:

Name of Agent: _____

Agent's Address: _____

Agent's Telephone Number: _____

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: _____

Successor Agent's Address: _____

Successor Agent's Telephone Number: _____

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor Agent: _____

Second Successor Agent's Address: _____

Second Successor Agent's Telephone Number: _____

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in Title 75, Chapter 9, Uniform Power of Attorney Act:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

- ☐ Real Property
- ☐ Tangible Personal Property
- ☐ Stocks and Bonds
- ☐ Commodities and Options
- ☐ Banks and Other Financial Institutions
- ☐ Operation of Entity or Business
- ☐ Insurance and Annuities
- ☐ Estates, Trusts, and Other Beneficial Interests
- ☐ Claims and Litigation
- ☐ Personal and Family Maintenance
- ☐ Benefits from Governmental Programs or Civil or Military Service
- ☐ Retirement Plans
- ☐ Taxes
- ☐ All Preceding Subjects

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

CAUTION:

Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death.

INITIAL ONLY the specific authority you WANT to give your agent.

- ☐ Create, amend, revoke, or terminate an inter vivos trust

- | | |
|-----|---|
| [] | Make a gift, subject to the limitations of Section 75-9-217, and any special instructions in this power of attorney |
| [] | Create or change rights of survivorship |
| [] | Create or change a beneficiary designation |
| [] | Authorize another person to exercise the authority granted under this power of attorney |
| [] | Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan |
| [] | Exercise fiduciary powers that the principal has authority to delegate |
| [] | Disclaim or refuse an interest in property, including a power of appointment |

LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

NOMINATION OF CONSERVATOR OR GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a conservator of my estate or guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for conservator of my estate: _____

Nominee's Address: _____

Nominee's Telephone Number: _____

Name of Nominee for guardian of my person: _____

Nominee's Address: _____

Nominee's Telephone Number: _____

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

SIGNATURE AND ACKNOWLEDGMENT

Your Signature: _____

Date: _____

Your Name Printed: _____

Your Address: _____

Your Telephone Number: _____

On this date, I certify that _____ (name)
who is known to me or who presented satisfactory identification, in the form of _____
(form of identification), has, while in my
presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date
Sign here ►
Typed or printed name (Notary Public) _____
Notary Seal

IMPORTANT INFORMATION FOR AGENT

AGENT'S DUTIES

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You shall:

- (1) do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;
- (2) act in good faith;
- (3) do nothing beyond the authority granted in this power of attorney; and
- (4) disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner: (Principal's Name) by (Your Signature) as Agent

Unless the Special Instructions in this power of attorney state otherwise, you must also:

- (1) act loyally for the principal's benefit;
- (2) avoid conflicts that would impair your ability to act in the principal's best interest;
- (3) act with care, competence, and diligence;
- (4) keep a record of all receipts, disbursements, and transactions made on behalf of the principal;
- (5) cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and
- (6) attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

TERMINATION OF AGENT'S AUTHORITY

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

- (1) death of the principal;
- (2) the principal's revocation of the power of attorney or your authority;
- (3) the occurrence of a termination event stated in the power of attorney;
- (4) the purpose of the power of attorney is fully accomplished; or

- (5) if you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

LIABILITY OF AGENT

The meaning of the authority granted to you is defined in Title 75, Chapter 9, Uniform Power of Attorney Act. If you violate Title 75, Chapter 9, Uniform Power of Attorney Act, or act outside the authority granted, you may be liable for any damages caused by your violation.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.