

GENERAL INFORMATION ON POWERS OF ATTORNEY

Military members are often called away from home on short notice. With a power of attorney, you can appoint someone to act on your behalf and to administer your personal affairs while you are away.

A power of attorney is a document that allows someone else to act as your legal agent in your absence. It can be used to allow a friend to sell your car, to let your spouse file your taxes, or to authorize a relative to take your child to the hospital.

WHILE A POWER OF ATTORNEY CAN BE USEFUL, IT CAN ALSO BE HARMFUL IF ABUSED. A power of attorney is one of the strongest legal documents that an individual can give to another person. A power of attorney can be used to create new debts, buy or sell property, and deplete your bank account. It is important to remember that **YOU** will be held responsible for the acts of your agent. Thus, you must exercise great care in choosing your agent.

A power of attorney will be accepted as valid for most purposes. However, there are some actions that cannot be accomplished by using a power of attorney because these actions are so personal in nature they cannot be delegated to another. For example, a marriage ceremony or the execution of a will cannot be done by a power of attorney. In addition, some businesses require a power of attorney to be in a certain form or be recorded. For example, your bank may accept only a special power of attorney with the account number specifically listed. Whenever possible, you should check with the business before obtaining or using a power of attorney to be sure it will be accepted.

ALWAYS give the smallest amount of power necessary to your agent. **NEVER** make a power of attorney INDEFINITE OR PERMANENT, unless it is a health care power of attorney. It is best to set a date for the power of attorney to expire, which is specified in the power of attorney. This ensures that your power of attorney will not be effective after the date specified on the document. The Malmstrom Legal Office will draft your POA to be effective for no more than one year unless the attorney determines that there is a special need or exception.

Your power of attorney will automatically terminate upon the date specified in the document or upon the death of either you or your agent. If, however, you want to **CANCEL** or terminate a power of attorney before it expires, you can give a **REVOCATION OF POWER OF ATTORNEY** to any person who might deal with your original agent. Just remember, it is usually impossible to effectively cancel a power of attorney, unless you get back the original you gave to your agent, as well as all of the copies that may have been made by banks, realtors, merchants, landlords, and other people who are relying on the power of attorney which you signed.