**Designate a trusted person to handle your affairs if the need ever arises.**

**Statutory Durable POA**

A Statutory Power of Attorney is a useful estate planning tool to designate a person you trust to handle financial and personal matters for you if the need ever arises. The need may arise if you become incapacitated (can't make decisions for yourself due to sickness, injury or medical condition) or if you are unavailable to transact your own business due to travel, college student, busy, etc. This document can be used at banks, to handle real estate, deal with contracts, etc. This is a great addition to your estate planning package and can be purchased separately or in conjunction with your Will and Medical Power of Attorney. You will sign this document in the presence of a notary and keep your original in a safe place where at least one person knows where it is. If you need further consultation, please contact our office.

**Statutory Durable POA**

1. Principal Information
	1. Full name
	2. Gender
	3. Address
	4. SSN
2. DPA Agent Powers
	1. DPA Powers Regarding Insurance
		1. Powers to Maintain and Collect Insurance

 [Grants the Agent the power to manage the Principal’s life insurance policies, including borrowing and making claims. It also permits the agent to manage property property and liability insurance as well.]

* + - 1. Include the power to cancel coverage (yes/no)

[This sensitive power should be discussed with the principal.

* + - 1. No authority over life insurance over the Agent’s life. (yes/no)

[This provision excludes from the agent's authority any powers over life insurance on the life of the agent owned by the principal. The purpose is to exclude from the agent's estate any of the incidents of ownership of any life insurance policies so that these policies will not be considered a part of the agent's estate for federal estate tax purposes if the agent dies before the principal.]

* 1. DPA Powers Regarding Gifting
		1. Powers to Gift

NOTE: The power to make gifts is one of the most sensitive and most powerful powers to be found in a power of attorney and should not be included without a thorough discussion with the principal. In most cases you will want to edit the provision included in the template to meet the attorney's and the principal's preferences.

Information for [Principal]:

1. Grant the Guardian of my Person and Conservator of my Estate the power to make gifts (yes/no)

[This provision permits the agent to make gifts of the principal's property.

The power to make gifts on behalf of the principal should be expressly described. In general, the courts will not infer such a power from general authorizations to transfer property or to "do whatever the principal might do."]

**Note: If you want to permit the Guardian of my Person and Conservator of your Estate to make a gift of firearms, federal and state laws may apply as to how and to whom a firearm is transferred. Research BOTH federal and state law carefully, and proceed with caution.**

1. DPA Exceptions to Revocation of Prior Powers
	1. This Durable Power of Attorney revokes all prior powers except:
		1. Powers granted on financial institution forms;
		2. Powers granting access to safe deposit boxes
		3. Healthcare Power of Attorney; and
		4. State statutory power of attorney form

[Note: Most states provide a statutory form for a durable power of attorney and a number of lawyers have clients sign both the long form durable power of attorney and the statutory form power of attorney.]

1. DPA Nomination of Conservator/Guardian
2. DPA Guardians for Minor Children
	1. Include provisons nominating Guardians for minor children? (yes/no)
	2. If yes, list the Guardians in the order they are to serve. See instructions below for listing joint guardians.
		1. Instructions for listing guardians

[If Guardian(s) are to serve jointly, enter the guardians' names and any details as to how they are to serve, e.g. "John Smith and Sally Smith, to serve jointly, or the survivor of them" or "John Smith and Sally Smith, jointly." Note that in this situation, you will not select contact records to populate the information, but will instead type out names and text exactly as you wish it to appear in the document.]

* + 1. List Guardians
			1. \_\_\_\_\_\_\_\_\_\_\_\_\_
			2. \_\_\_\_\_\_\_\_\_\_\_\_\_
1. DPA Recording Information
	1. Recording Requested By: (optional) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	2. When Recorded Mail To: (optional)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. DPA Agents
	1. Name DPA Agents
		1. Options for naming of initial agent(s):

[If you select the Single Agent option you have the option to name successor agents.

If you select one of the Multiple Agent selection alternatives, upon a vacancy, no successor is appointed, therefore the option to name successors is dimmed.]

* + 1. Options: Select One
			1. Single Agent
			2. Multiple Agents, any one of whom may act
			3. Multiple Agents, majority may act
			4. Multiple Agents, unanimous consent required

[Enter the initial agents name. If successor agents are to serve jointly, enter the successor trustees' names and any details as to how they are to serve, e.g. "John Smith and Sally Smith, to serve jointly, or the survivor of them" or "John Smith and Sally Smith, jointly. If either fails or ceases to serve, he or she shall be replaced by the following Agent." Note that in this situation, you will need to type out their names and the text exactly as you wish it to appear in the document.]

* + 1. INITIAL FINANCIAL AGENTS
			1. Name Initial Agent:
			2. Gender: [male/female]
		2. Options for appointment of alternate agent(s): (optional)

[If you select the Single Agent option you have the option to name successor agents and decide how they are to serve.]

* + 1. Options: Select One
			1. No alternate named
			2. Single alternate
			3. Multiple alternates serving consecutively
			4. Multiple alternates serving by unanimous consent
			5. Multiple alternates serving by majority vote
			6. Multiple alternates any one of whom may act alone

[Enter the initial agents name. If successor agents are to serve jointly, enter the successor trustees' names and any details as to how they are to serve, e.g. "John Smith and Sally Smith, to serve jointly, or the survivor of them" or "John Smith and Sally Smith, jointly. If either fails or ceases to serve, he or she shall be replaced by the following Agent." Note that in this situation, you will need to type out their names and the text exactly as you wish it to appear in the document.]

* + 1. SUCCESSOR AGENT(S)
			1. [Enter Successor Agent Name]
			2. [Enter Successor Agent Name]
			3. [Enter Successor Agent Name]