



STATESIDELEGAL

Legal help for military members, veterans and their families

Stateside Legal™ Self-Help Sample Forms Packet General Power of Attorney

This self-help resource was created by the Stateside Legal Project. Stateside Legal provides these sample forms and information free of charge to individuals with military connections (IMC). These forms are not based upon any specific state law or jurisdiction. They are intended as samples.

READ ALL INSTRUCTIONS AT THE END OF THIS PACKET VERY CAREFULLY. SOME CONTENT HAS BEEN PROVIDED BY THE DEPARTMENT OF DEFENSE AND THE ARMED FORCES LEGAL ASSISTANCE.

WARNING: A POWER OF ATTORNEY IS A VERY POWERFUL DOCUMENT. CHOOSE YOUR AGENT VERY CAREFULLY.

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DISCLAIMER: *The Stateside Legal Information Series is produced by the Pine Tree Legal Assistance of Maine®, Arkansas Legal Services Partnership®, and the Legal Services Corporation®. These organizations promote or provide free legal services to eligible low-income people. Additional information can be found at www.lsc.gov. This sample form packet is given to you as a guide to help you generally understand the way legal matters are handled. Local courts interpret things differently. The information and statements of law contained in this fact sheet are not intended to be used as legal advice. Before you take any action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.*

GENERAL POWER OF ATTORNEY

I, _____, whose residence is _____, _____ hereby appoint _____, whose residence is _____, _____ my true and lawful agent and attorney in fact to act in my name and behalf to do any and all lawful things which I could do myself with respect to any and all property (real and personal, including interests therein) of every kind and character owned by me at this time and which may be owned by me while this power of attorney remains in effect, including (without limiting the generality hereof) the following rights:

- a. To sell, convey, mortgage and lease realty; to execute, acknowledge and deliver deeds, mortgages, leases, releases, satisfactions and any other instruments relating to realty which my attorney considers necessary or appropriate; to operate, manage, control and lease any and all realty owned by me and to collect, demand and receive the rents, issues, incomes and profits derived there from; and to exercise in all respects general control and supervision over any realty belonging to me;
- b. To demand, sue for, collect, receive and hold any and all monies, securities and personal property of any nature whatsoever belonging to me or in which I may have an interest, and to give good and valid receipts and discharges for such payments;
- c. To buy, sell, assign, exchange, transfer and deliver stocks, bonds and securities of every kind and character in my name and for my account, at such prices as shall seem good to my attorney;
- d. To sign, execute, acknowledge and deliver in my name all transfers and assignments to securities;
- e. To borrow money for me and to secure any loan to me with a mortgage on or security interest in any real or personal property owned by me if, in my attorney's judgment, such action should be necessary or appropriate;
- f. To loan money for me upon such terms and conditions as my attorney sees fit, and to otherwise make such investments and reinvestments of any of my properties as my attorney deems to be for my best interests;
- g. To endorse checks and other instruments made payable to me;
- h. To carry bank accounts for me in my name in such bank or banks as my attorney may deem appropriate; to make deposits of money belonging to me in such account or accounts and to disburse such funds on my attorney's signature in any amounts, for such purposes and at such times as my attorney may deem appropriate (including payments and expenditures for my personal needs, education, support, maintenance and medical attention; for the maintenance, upkeep, repair or any other purpose in connection with any real or personal property owned by me; and for any other purpose which my attorney may deem necessary or appropriate for the proper administration of my affairs);
- i. To exercise general supervision and control over any securities and other personal property of any nature whatsoever belonging to me; to collect dividends, profits or accruals there from and thereon; to sell or exercise stock options; to vote my stock; and to take any and all action which I could take myself with respect to all securities now owned

LAW YOU SHOULD KNOW

A Power of Attorney (POA) is a legal way to have one person act on behalf of another. The *Power of Attorney* document gives someone authority to act on your behalf on matters that you list in the document. The power can be specific to a certain task or can cover many duties, including financial and medical. The power can start immediately or only after some event occurs such as the principal becoming mentally incompetent. A power of attorney does not take away your right to act on your behalf.

ALL STATES ARE REQUIRED TO RECOGNIZE MILITARY POWERS OF ATTORNEY

Federal law demands that a Military Power of Attorney instrument be given legal effect without regard to specific state law. Also, they are “from any requirement of form, substance, formality, or recording” that may be normally required by different states. See (10 U.S.C. §1044(a)(1)).

DIFFERENT TYPES OF POWER OF ATTORNEYS

There are different types of powers of attorney. Each type has a different purpose and grants different levels of power to the agent.

- **Durable Power of Attorney:** A Durable POA remains or becomes effective if you become incompetent. Incompetent means that you are unable to manage your affairs. A durable POA must contain exact language that your intent is for the agent to act on your behalf if you become incapacitated. Without that language, it will not be valid if you do become incapacitated.
- **General Power of Attorney:** This type of POA allows the agent to carry on business or other matters for the principal. This type of POA usually has very broad powers.
- **Special Power of Attorney:** A Special POA limits the power of attorney. The agent is to carry out only certain matters for the principal.
- **Durable Power of Attorney for Healthcare:** A Durable POA for Health Care is an advance health care directive. It allows you to appoint an agent to make health care decisions for you. This includes the power to consent to or withdraw from any type of medical treatment, even if death results. The agent can use the powers given all through the principal’s life. These powers are effective even after the principal becomes disabled, unless it is revoked or the court revokes it. The principal may combine a Durable Power of Attorney with a Living Will.

When does a Power of Attorney End?

A power of attorney can end either by setting a specific date for it to end, if the agent or principal dies or if the principal revokes it in writing.

You can revoke a power of attorney by giving written notice to the agent. If a Power of Attorney is durable, and you become incompetent, only the court can revoke it during the time you are incompetent. This could happen if an interested party petitions the court on your behalf, alleging that the attorney-in-fact has violated his or her responsibilities.

More Information

For information about Stateside Legal or many more topics about individuals with military connections, visit www.statesidelegal.org or contact your local Judge Advocate General's Corps office, sometimes referred to as a military legal assistance office. Use the following website to locate the nearest one:

<http://legalassistance.law.af.mil/content/locator.php>.

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