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## A BRIEF DESCRIPTION OF THE POWER OF ATTORNEY

When you give someone your “power of attorney,” you give him or her the power to handle your affairs. For example, they can get money from your bank account, they can pay your rent, they can make a dentist appointment for you, and they can pay your taxes. The way this works in practice is that you sign a piece of paper, which is itself called a “power of attorney”, in front of a notary. The paper says that the person you have chosen has your power of attorney. If that person needs to withdraw money from your bank account, they show the teller the paper.

The person to whom you give your power of attorney is called the “attorney-in-fact”. Obviously, the person to whom you give this power should be a person that you trust completely. You can give your power of attorney to more than one person.

Just because you give someone your power of attorney does not mean you cannot get money from your bank account, pay your rent, and so on. You do not lose any power over your own affairs by giving someone your power of attorney, you just *share* it with that other person.

If you become “incapacitated” (incapable of handling your own affairs), the person you gave your power of attorney to can still handle your affairs for you, as long as you give them a “durable” power of attorney.

If you give someone your power of attorney, and later decide that you do not want them to have it, you can always revoke it. This can be done in the following ways:

1. **By burning, tearing, canceling, or destroying the power of attorney** with the intent to revoke the document. This can be done by you or by another person acting under your direction in your presence. You must be mentally competent and not incapacitated at the time of the destruction of your power of attorney; or
2. **By delivering a written notice of revocation to the attorney-in-fact by certified or registered mail, return receipt requested.**

In either case, you must notify your attorney-in-fact of your choice to revoke the power of attorney.

If you have any questions or concerns regarding your power of attorney documents, or require legal assistance in any other matter, please do not hesitate to contact us at (402) 505-4055.