



# 1<sup>st</sup> Armored Division Legal Assistance Office



09-00

## ABOUT YOUR POWER OF ATTORNEY

It is very important that you understand the meaning and effect of your Power of Attorney. A Power of Attorney is one of the strongest legal documents that an individual can give to another person. The person you give the Power of Attorney to is called you “agent.” The Power of Attorney authorizes your agent to act on your behalf and carry on your business in your absence. Acts performed by the agent that are authorized by the Power of Attorney are legally binding on you. PLEASE NOTE that third parties (banks, businesses, etc.) do not have to accept or acknowledge your Power of Attorney; it is totally within their discretion to do so.

There are two types of Power of Attorney: a GENERAL and a SPECIAL.

A GENERAL Power of Attorney authorizes your agent to act on your behalf with respect to almost any matter, such as sell or mortgage your home, withdraw your savings, borrow money, and sign contracts. In other words, an agent who has been given a General Power of Attorney can do just about anything that you could do personally – **PLUS**, his or her actions will be legally binding on you.

A SPECIAL Power of Attorney authorizes your agent to do only those specific acts outlined in the text of the Special Power of Attorney, such as sell your car, ship household goods, or cash a paycheck.

When giving a Power of Attorney, you should grant no greater power than is absolutely necessary. In addition, your agent should be someone in whom you have absolute trust and confidence.

You will be formally executing one copy of your Power of Attorney. Give the original to your agent. Tell your agent not to give the original away. If someone wants to have a copy, give them a photocopy after showing them the original. You should also make a photocopy of the document and keep it with your records so that you know what powers you have given and the expiration date of the Power of Attorney. Please note, however, that photocopies of your Power of Attorney are generally unacceptable because they do not contain original signatures or the notary seal. If it appears that additional executed copies of your Power of

Attorney are required, please discuss this with your legal assistance officer.

You should instruct your agent that when signing or endorsing any instrument on your behalf, he/she should just sign your name followed by the words “attorney-in-fact.”

Your Power of Attorney will automatically terminate with the death of either yourself or your agent. Otherwise, it will terminate on the expiration date that you specified in the document. You should not make a Power of Attorney last longer than is necessary. Also some state laws limit the length of time a Power of Attorney may be effective or provide that if the grantor of the power becomes mentally or physically incapacitated the Power of Attorney will terminate. You should check with your legal assistance officer if you have questions concerning the law in your state.

You may revoke your Power of Attorney at any time. There are generally two ways to revoke a Power of Attorney before its expiration date:

- By destroying the original Power of Attorney; and/or
- By executing a “Revocation of Power of Attorney” at your local Legal Assistance office and sending a certified copy of the revocation to any financial institution or other company where the person you named as the grantee in your Power of Attorney either has conducted business or may conduct business on your behalf.

If you any further questions please contact your local Legal Assistance office.

<b>Wiesbaden</b>	<b>337-4725</b>
<b>Baumholder</b>	<b>485-6506</b>
<b>Friedberg</b>	<b>324-3873</b>