POWER OF ATTORNEY

(GENERAL)

FORMS AND INSTRUCTIONS

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GNPOA1- **5330** - 050919

Law Library Resource Center

POWER OF ATTORNEY FORMS

CHECKLIST

A Power of Attorney is a legal document which you can use to give another adult the authority to act on your behalf.

✓ ***You may use the Law Library Resource Center Power of Attorney forms if:***

- you are 18 years of age or older, and
- you live in Arizona, and
- you are of sound mind.

✓ These forms may not meet the legal requirements for states other than Arizona. If you need a Power of Attorney to be valid in another state, you should check with an attorney that practices in that state to ensure the Power of Attorney will be valid.

✓ Which Power of Attorney form you should use depends on what you want the other person to be able to do on your behalf. Please see below for more information on the different types of Powers of Attorney:

➢ If you want the other person to be able to act on your behalf in a wide variety of situations, you may want a **GENERAL POWER OF ATTORNEY:**

- **USE** the General Power of Attorney form to give another adult **complete** authority to act on your behalf in most situations, including personal finances, real and personal property, and a large range of business transactions.
- **DO NOT USE** the General Power of Attorney form to give another adult authority to make decisions regarding your health. Refer to the Health Care Directives available through that Arizona Attorney General's Office through their Webpage Life Care.

➢ If you want the other person to be able to act on your behalf in specific situations only, you may want a **SPECIAL POWER OF ATTORNEY:**

- **USE** the Special Power of Attorney form to give another adult authority to act on your behalf in **specific** situations only; such as a one-time business transaction or a specific sale of real or personal property.

➢ If you want to give the other person temporary authority over your child(ren), you may want a **PARENTAL POWER OF ATTORNEY**. The Parental Power of Attorney begins on a specific date and ends not more than **six months** later. The only exception to the six month period is for active military personnel, who are given one year delegation of parental authority.

- **USE** the Parental Power of Attorney form to give another adult **temporary** authority over your child or children in a specific situation ***and*** the person to whom you want to give the authority is willing to accept temporary authority over your child.
- **DO NOT USE** the Parental Power of Attorney form to give another adult guardianship or custody of your child. Please review the guardianship and/or custody paperwork in the Law Library Resource Center.

➢ If you want to give the other person authority over your health care decisions, you may want a **HEALTH CARE POWER OF ATTORNEY**. Please see the Arizona Secretary of State's website or the Maricopa County Superior Court Law Library for more information on Health Care Powers of Attorney. The Law Library Resource Center does not offer these forms.

➢ If you want to revoke or cancel a power or authority previously granted, you may want a **REVOCATION OF POWER OF ATTORNEY**

- **USE** the Revocation form to **cancel or revoke** any existing Power of Attorney.

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General Power of Attorney

This packet contains court forms and instructions to file a general power of attorney. Items in BOLD are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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INSTRUCTIONS FOR
GENERAL POWER OF ATTORNEY

A person (Principal) signs a Power of Attorney in front of a notary to give a trusted and willing person (Attorney-in-Fact or Agent) authority to act in place of the Principal. A *Regular* Power of Attorney has a beginning (effective) date, and ends either on the end date, when the Principal revokes it, or the Principal becomes mentally unable to handle their own affairs due to sickness or injury. A *Durable* Power of Attorney has no specified end date and ends on the death of the Principal, or upon revocation by the Principal. Also, with a Durable Power of Attorney, *if the Principal becomes disabled or incapacitated, the Attorney-in-Fact may continue acting as such despite the disability, incapacity or the expiration date*.

A Power of Attorney must be notarized.

This packet provides a General Power of Attorney form that asks you to choose either a regular or durable Power of Attorney.

STEP 1: **OBTAIN** the General Power of Attorney packet at the Maricopa County Superior Court "forms" website or at one of the Law Library Resource Centers located in the valley.

Downtown Phoenix
101 W. Jefferson St.
Phoenix, Arizona 85003

Northeast Court Facility
18380 North 40th Street
Phoenix, Arizona 85032

Northwest Court Facility
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Southeast Court Facility
222 East Javelina Avenue
Mesa, Arizona 85210-6201

- Read General Power of Attorney FAQs and Instructions
- Choose one General Power of Attorney that best fits your situation (Regular or Durable)
- Complete the General Power of Attorney Form that best fits your situation

STEP 2: **TAKE** the following to a Notary Public. You may find a Notary at most banks or listed in the telephone book yellow pages. Notaries usually charge a fee. [The Clerk of Court will not notarize your documents and there is no need to file these documents with the Court.]

- The Witness
- The original, completed General Power of Attorney Form
- Photo ID for the witness, and you

STEP 3: **SIGN** the original General Power of Attorney in front of the Notary and

- Tell the Witness to sign the form in front of the Notary
- Wait for the Notary to notarize the Power of Attorney

STEP 4: **MAKE COPIES** of the notarized General Power of Attorney for each person or organization you deal with

- Keep the original notarized General Power of Attorney for your records
- Give one copy of the General Power of Attorney to the Attorney-in-Fact
- *Show* the people and organizations the *original* Power of Attorney and give them a copy

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GENERAL POWER OF ATTORNEY

1. CHECK MARK ONE (1) TYPE OF POWER OF ATTORNEY:

☐ **General Regular Power of Attorney (has a beginning and end date), OR**

☐ **General Durable Power of Attorney (ends upon Principal's death or revocation)**

2. IDENTIFY the Principal and Attorney-in-Fact:

Name	Address of Residence	City	State	Zip Code	Date of Birth

Principal:

Agent / Attorney-In-Fact:

3. MARK the Sections that apply to you.

Principal, an individual, hereby appoints the above-named Agent/Attorney-in-Fact to act in name and place of Principal to perform the following general matters.

Scope and extent of powers granted by the General Power of Attorney: to exercise any or all of the following powers concerning:

☐ **a.** Personal Finances: to withdraw and deposit funds from bank accounts belonging to Principal and to enter and remove the contents of all safe deposit boxes rented by the principal; to ask, demand, sue for, recover, collect, and receive each and every sum of money, debt, account, legacy, bequest, interest, dividend, annuity and demand which now is or hereafter shall become due, owing or payable, belonging to or claimed by Principal and to use and take any lawful means for the recovery thereof by legal process or otherwise, and to execute and deliver a satisfaction or release therefor, together with the right and power to compromise or compound any claim or demand; to borrow money and to execute and deliver notes with or without security; and to loan money and receive notes with such security as Attorney-in-Fact shall deem proper;

☐ **b.** Real property, or any interest therein or any improvements thereon: to contract for, purchase, receive and take possession thereof and of evidence and title thereto; to lease the same for any term or purpose, including leases for business residence; to sell, exchange, subdivide, grant or convey the same with or without warranty, covenant or restrictions; to mortgage, transfer in trust, or otherwise encumber the same to secure payment of a note or performance of any obligation or agreement;

☐ **c.** Personal property: to contract for, buy, sell, exchange, transfer, endorse and in any legal manner deal in and with the same; and to mortgage, transfer in trust, or otherwise encumber the same to secure payment of a note of performance of any obligation or agreement;

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☐ **d.** Business Transactions of any kind, and as the act and deed of Principal to sign, execute, acknowledge and deliver any deed, lease, assignment of lease, covenant, indemnity, agreement, mortgage, deed of trust, assignment of mortgage, or beneficial interest under deed of trust, subdivision or plat, extension or renewal of any obligation, subordination or waiver of priority, bill of lading, bill of sale, bond, note, receipt, check, evidence of debt, full or partial release of mortgage judgment or other debt, and such other instruments in writing of any kind or class as may be necessary or proper in the premises;

☐ **e.** To do and perform every and all acts required, necessary or appropriate to be done in and about the premises as fully to all intents and purposes as Principal might or could do if personally present, hereby ratifying all that Attorney-in-Fact shall lawfully do or cause to be done by virtue of this General Power of Attorney.

4. CHECK the ONE type of Power of Attorney that applies to you. Complete the information asked for in the Section.

☐ **General Regular Power of Attorney** - Has beginning and ending dates.

- Effective Date: the time from which this document is operational: _____, 20_____.

  This General Power of Attorney begins on the above effective date and continues until the expiration date of _____ 20 _____, unless the Principal revokes this Power of Attorney before expiration using a written document of Revocation.

- Manner of Revocation: The Principal may revoke this document in writing at any time before the expiration date for no reason or for cause. Also, if the Attorney-in-Fact exceeds or violates the scope and authority granted by this document, the Principal may revoke in writing the Power of Attorney at any time before the expiration date.

☐ **General Durable Power of Attorney** – Has a beginning effective date and lasts until the death of the Principal or until revocation.

- Effective Date: the time from which this document is operational: _____, 20_____.

- Manner of Revocation: The Principal may revoke this document in writing at any time before the expiration date for no reason or for cause, or if the Attorney-in-Fact exceeds or violates the scope and authority granted by this document. *If the Principal becomes disabled or incapacitated, the Attorney-in-Fact may continue acting as such despite the disability, incapacity or the expiration date*.

5. COMPENSATION of Attorney-in-Fact: None.

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6. SIGNATURES.

For Principal:

I, _____, the principal, sign my name to this power of attorney this ____ day of _____ and, being first duly sworn, do declare to the undersigned authority that I sign and execute this instrument as my power of attorney and that I sign it willingly, or willingly direct another to sign for me, that I execute it as my free and voluntary act for the purposes expressed in the power of attorney, and that as required by A.R.S. § 14-5501, I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

_____
Principal

For Witness:

I, _____, the witness, sign my name to the foregoing power of attorney being first duly sworn, and do declare to the undersigned authority the principal signs and executes this instrument as the principal's power of attorney and that the principal signs it willingly, or willingly directs another to sign for the principal, and that I, in the presence and hearing of the principal sign this power of attorney as witness to the principal's signing, and to the best of my knowledge the principal is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

_____
Witness

7. NOTARIZATION.

STATE OF _____

COUNTY OF _____

Subscribed, sworn to or affirmed, and acknowledged before me by _____, the principal, and subscribed and sworn to or affirmed before me by _____, witness, this _____ day of _____.

(notary seal)

_____
Notary Public

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Frequently Asked Questions
Power of Attorney and Related Forms

1. What is a Power of Attorney?

   A Power of Attorney is a legal document that gives an adult the authority to act in your place. The person you appoint to act in your place is known as the "Attorney in Fact" or agent. It is very important that your agent is someone you trust.

   With a valid Power of Attorney, the trusted person you name will be legally permitted to take care of important matters granted by the Principal – for example paying your bills or managing your investments.

2. Who can use a Power of Attorney?

   A person who is 18 years of age or older in Arizona and is of sound mind can use the Power of Attorney as either a Principal, witness or Attorney in Fact.

3. What types of Power of Attorney forms are available in the Law Library Resource Center?

   - *General Power of Attorney* – This power of attorney delegates unlimited authority to another person for them to act on your behalf.
   - *Special Power of Attorney* – This power of attorney delegates limited authority to another person for them to act on your behalf.
   - *Parental Power of Attorney* – This power of attorney temporarily delegates parental powers for six months unless you are active in the military.
   - *Durable Power of Attorney* -The general and special powers of attorney can all be made "durable" by adding certain text to the document. This means that the document will remain in effect or take effect if you become disabled or incapacitated.

   There are other types of Powers of Attorney. Further information is available at the Law Library Resource Center.

4. Who is "the Principal" on the Power of Attorney form?

   The Principal is the person who gives the permission and authority to carry out his or her business.

5. What is an "Attorney in Fact"?

   An Attorney in Fact is a person or agent chosen by the principal, who accepts the responsibility to act in place of the principal. He or she is an adult that the principal can trust, to do what the principal directs in writing. An Attorney in Fact has nothing to do with a lawyer or an "attorney at law."

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6. What is the difference between a Power of Attorney and a Durable Power of Attorney?

   A power of attorney is a means by which by one person, called a principal, authorizes another person, called an attorney-in-fact or agent, to legally undertake some action or business of the principal on the principal's behalf. A durable power of attorney is a special form of authorization that allows the attorney-in-fact to continue acting on the principal's behalf even if the principal is ill or unable to communicate.

7. When does the Durable Power of Attorney become effective?

   The Durable Power of Attorney available from the Law Library Resource Center website becomes effective when the Principal and Witness sign the Power of Attorney in front of a notary.

8. How is the Durable Special Power of Attorney different from a Power of Attorney that delegates parental powers?

   A Durable Special Power of Attorney differs from a Parental Power of Attorney because it can be used for specific tasks other than delegation of parental powers. The Power of Attorney to delegate parental powers is specific only to the parent-child relationship.

9. Do I need to know the witness?

   No. However, you cannot expect that an informed adult will be available to act as a witness at the notary office. In order to be prepared, it is best to take a person willing to be a witness with you to the notary office. Also, it may be helpful to have a person (the witness) know that you executed a Power of Attorney.

   Also, it is not a requirement that the notary public provide customers with a translator. It may be in the best interest of the Principal to have a trusted witness to translate. A witness/translator may need to be present to verbally translate oaths before having their signature notarized.

10. May a non-Arizonan use these forms?

    These Power of Attorney forms are based on Arizona law. Arizona law has requirements for the Principal, witness, Attorney in Fact, Notary, as well as the Power of Attorney form. These requirements may differ from those in other states. The people who sign and use the Arizona Power of Attorney form must follow these instructions and abide by Arizona Power of Attorney laws.

11. May I edit or remove language from the Power of Attorney form?

    Yes, but in specific places only. The places for editing the form are indicated by a box to check or a line to mark, where you are given choices of the tasks you want the Attorney in Fact to perform. You may cross out any task you do not want your Attorney in Fact to do, or you may check mark the section you want the Attorney in Fact to perform. Both the principal and agent should initial any changes in these specified places.

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12. May I use these Power of Attorney forms for health care or end-of-life planning?

    No. For a packet of forms for end-of-life and health planning go to the Arizona Attorney General's office or website.

13. Can a Power of Attorney be used to distribute assets upon death of the Principal?

    No. The Power of Attorney ends upon death the Principal (or on the end date, or date of revocation). Generally, the probate process is used to distribute assets if the Principal has died.

14. How can I cancel or revoke a Power of Attorney?

    Revocation means to recall or cancel a power or authority previously granted. You can revoke a Power of Attorney at any time and for whatever reason you wish. You must do it in writing and give a copy of the revocation form to any interested third party such as a bank or financial institution whom you or your Agent have business. If your power of attorney was recorded for real estate purposes, the revocation must be recorded as well.

    If you have a Durable Power of Attorney, you must be competent to make the decision to revoke or revise the Power of Attorney. If the Principal is not competent, a Durable Power of Attorney continues until the Principal dies.

15. When does a Power of Attorney end?

    Generally, a Power of Attorney ends upon revocation, at the designated end date, or upon the death of the Principal.

16. Do I need to record this Power of Attorney?

    It depends on what the Power of Attorney form directs the Attorney in Fact to do on your behalf. For example, you must record the Power of Attorney if the document directs the Attorney in Fact to transfer real property. (See A.R.S. §§ 33-411 through 33-423 – Conveyances and Deeds – Recording)

    Generally, other types of Power of Attorney forms do not need to be recorded. Recordation is the act of entering a document with the county's recorder's office. The act of recording a Power of Attorney makes it a public record and enables those who rely on its existence (banks, contractors, attorneys) to easily verify your document. Also, if your Power of Attorney is lost or destroyed, the recorded document enables the Attorney in Fact to prove that s/he was actually appointed and has the authority to act as your agent.

17. What do I do with the Power of Attorney after I complete it?

    The Power of Attorney does not need to be filed with the Court. Each person who is made your Agent should keep the original of his or her Power of Attorney form in a convenient place so that it can be located easily when needed. Many people will want to see the original Power of Attorney before permitting your Attorney-in-Fact to act on your behalf. At times, a copy of the Power of Attorney may be requested in connection with a particular transaction, but the Agent should never release the original. Please see #16 for information on recording the Power of Attorney.

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