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Legal Forms & Services

FirstName LastName

DELAWARE
POWER OF ATTORNEY

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The answers you provide in the questionnaire are incorporated in this document at your direction. The form was developed by attorneys based on the laws of your state. You are responsible for finalizing the document and having it reviewed by an attorney.

Finalizing a Power of Attorney in Delaware

After printing your document, you will need to finalize it. Below are the steps:

1. Print out your document
2. Review, initial, sign, and date in front of a notary
3. Have notary sign and date
4. Keep document in a safe place

Notice: Some state laws require the principal to initial or sign next to the powers they have granted in order for that power to be effective. To make sure you have initialed and/or signed in the correct places, you should review your form and your state's laws on powers of attorney requirements.

In addition, your agent may be required to verify their authority with a certification or affidavit, or provide specimen signatures before a party will honor your power of attorney.

DELAWARE DURABLE PERSONAL POWER OF ATTORNEY

OF FirstName LastName

Notice to Principal

As the person signing this durable power of attorney, you are the Principal.

The purpose of this power of attorney is to give the person you designate (your "Agent") broad powers to handle your property, which may include powers to sell, dispose of, or encumber any real or personal property without advance notice to you or approval by you.

This power of attorney does not authorize your Agent to make health care decisions for you.

Unless you specify otherwise, your Agent's authority will continue even if you become incapacitated, or until you die or revoke the power of attorney, or until your Agent resigns or is unable to act for you. You should select someone you trust to serve as your Agent.

This power of attorney does not impose a duty on your Agent to exercise granted powers, but when powers are exercised, your Agent must use due care to act for your benefit and in accordance with this power of attorney.

Your Agent must keep your funds and other property separate from your Agent's funds and other property.

A court can take away the powers of your Agent if it finds your Agent is not acting properly.

The powers and duties of an Agent under a durable power of attorney are explained more fully in Delaware Code, Title 12, Chapter 49A, Section 49A-114, and Sections 49A-201 through 49A-217.

If there is anything about this form that you do not understand, you should ask a lawyer of your own choosing to explain it to you.

I have read or had explained to me this notice and I understand its contents.

FirstName LastName

Date

DURABLE POWER OF ATTORNEY FORM

DESIGNATION OF AGENT

I, FirstName LastName, of 111 Street Address, City, Delaware 12345, name the following person as my Agent:

Name: FirstName LastName
Address: 222 Street Address, City, Delaware 12345
Phone: 1111111111

DESIGNATION OF SUCCESSOR AGENT(S)

If my Agent is unable or unwilling to act for me, I name as my Successor Agent:

Name: FirstName LastName
Address: 333 Street Address, City, Delaware 12345
Phone: 1111111111

If my Successor Agent is unwilling or unable to act for me, I name as my second Successor Agent:

I choose not to name a second Successor Agent at this time.

EFFECTIVE DATE

This power of attorney is effective immediately and shall not be affected by my subsequent incapacity.

GRANT OF GENERAL AUTHORITY

I grant my Agent and any Successor Agent general authority to act for me with respect to the following subjects I have INITIALED as described in Chapter 49A of Title 12 of the Delaware Code.

- _____ Real Property § 49A-204
- _____ Tangible Personal Property § 49A-205
- _____ Stocks and Bonds § 49A-206
- _____ Commodities and Options § 49A-207
- _____ Banks and Other Financial Institutions § 49A-208
- _____ Operation of Entity or Business § 49A-209
- _____ Insurance and Annuities § 49A-210
- _____ Estates, Trusts, and Other Beneficial Interests § 49A-211
- _____ Claims and Litigation § 49A-212
- _____ Personal and Family Maintenance § 49A-213

_____ Benefits from Governmental Programs or Civil or Military Service § 49A-214

_____ Retirement Plans § 49A-215

_____ Taxes § 49A-216

_____ Gifts § 49A-217

GRANT OF SPECIFIC AUTHORITY

My Agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(PROCEED WITH CAUTION: Giving your agent any of the following will give your Agent the authority to take actions that could significantly reduce your property or change how and to whom your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your Agent.)

_____ Create, amend, revoke, or terminate an inter vivos trust

_____ Make a gift in excess of the limitations provided in the Durable Personal Power of Attorney Act 12 Del. C. § 49A-217

_____ Create or change rights of survivorship

_____ Create or change a beneficiary designation

_____ Delegate authority granted under the power of attorney when all successor Agents have resigned, died, become incapacitated, are no longer qualified to serve, or have declined to serve

_____ Exercise fiduciary powers that the Principal has authority to delegate

_____ Reject, renounce, disclaim, release, or consent to a reduction in or modification of a share in or payment from estate, trust, or other beneficial interest

_____ Exercise all rights and powers granted to a fiduciary under the Fiduciary Access to Digital Assets and Digital Accounts Act, Chapter 50 of this title

REVOCATION OF PRIOR POWER OF ATTORNEY

All my previously executed powers of attorney are hereby revoked.

SPECIAL INSTRUCTIONS

Compensation. My agent MAY be entitled to reasonable compensation for actions taken pursuant to this power of attorney.

Special Instructions. I leave the following special instructions for my agent: I have no special instructions at this time.

NOMINATION OF GUARDIAN

If it becomes necessary for a court to appoint a guardian of my estate, I nominate the following person for appointment:

Name: FirstName LastName
Address: 222 Street Address, City, Delaware 12345
Phone: 1111111111

If it becomes necessary for a court to appoint a guardian of my person, I nominate the following person for appointment:

Name: FirstName LastName
Address: 333 Street Address, City, Delaware 12345
Phone: 1111111111

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my Agent, may rely upon this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

SIGNATURE AND ACKNOWLEDGMENT

IN WITNESS WHEREOF, I have hereunto set my Hand and Seal this ____ day of _____, 20__.

Principal's Signature

FirstName LastName

SIGNED, SEALED, AND DECLARED by the Principal, FirstName LastName, as their Durable Personal Power of Attorney in the presence of the following witness, who has signed in the presence of and at the request of the Principal on the day and year appearing above.

I, the witness, swear that I am not related to the Principal by blood, marriage, civil union, or adoption; and that I am not entitled to any portion of the estate of the Principal under the Principal's current will or codicil, or under any current trust instrument of the Principal.

Statement to Agent

Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the Principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

- (1) Do what you know the Principal reasonably expects you to do with the Principal's property or, if you do not know the Principal's expectations, act in the Principal's best interest;
- (2) Act in good faith;
- (3) Do nothing beyond the authority granted in this power of attorney;
- (4) Disclose your identity as an Agent whenever you act for the Principal by writing or printing the name of the Principal and signing your own name as "Agent" in the following manner:
FirstName LastName by (Your Signature) as Agent;
and
- (5) To the extent reasonably practicable under the circumstances, keep in regular contact and communication with the Principal.

Except as otherwise provided in the power of attorney, you must also:

- (1) Not act for your own benefit;
- (2) Avoid conflicts that would impair your ability to act in the Principal's best interest;
- (3) Act with care, competence, and diligence;
- (4) Keep a record of all receipts, disbursements, and transactions made on behalf of the Principal;
- (5) Cooperate with any person who has authority to make health care decisions for the Principal; and
- (6) Not act in a manner inconsistent with the Principal's testamentary plan.

Termination of Agent's Authority

You must stop acting on behalf of the Principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate this power of attorney or your authority to act under it include:

- (1) Death of the Principal;
- (2) The Principal's revocation of the power of attorney or your authority;
- (3) The occurrence of a termination event stated in the power of attorney;
- (4) The purpose of the power of attorney is fully accomplished; or

- (5) An action is filed with a court for your separation, annulment, or divorce from the Principal, unless the Principal otherwise provided in the power of attorney that such action will not terminate your authority.

Liability of Agent

The authority granted to you is specified in the Durable Personal Power of Attorney Act, Delaware Code, Title 12, Chapter 49A. If you violate the Act, or act outside the scope of the authority granted, you may be liable for any damages caused by your violation.

If there is anything about this document or your powers, authority, or duties as Agent that you do not understand, you should seek legal advice.

Agent's Certification

I, _____ (Name of Agent), have read the attached durable personal power of attorney, and I am the person identified as the Agent for the Principal. To the best of my knowledge this power has not been revoked. I hereby acknowledge that, when I act as Agent, I shall:

1. Act in accordance with the Principal's reasonable expectations to the extent actually known to me and, otherwise, in the Principal's best interest;
2. Act in good faith;
3. Act only within the scope of authority granted in the durable personal power of attorney; and
4. To the extent reasonably practicable under the circumstances, keep in regular contact with the Principal and communicate with the Principal.

In addition, in the absence of a specific provision to the contrary in the durable personal power of attorney, when I act as Agent, I shall:

- (6) Keep the assets of the Principal separate from my assets;
- (7) Exercise reasonable caution and prudence; and
- (8) Keep a full and accurate record of all actions, receipts, and disbursements on behalf of the Principal.

Agent Signature

Date