

MASSACHUSETTS DURABLE POWER OF ATTORNEY

DESIGNATION OF AGENT

I, _____ of _____, _____, MA _____, appoint _____ of _____, _____, _____, as my agent (attorney-in-fact) to act for me and in my name and for my use and benefit.

GRANT OF GENERAL AUTHORITY

I grant my agent general authority to act for me with respect to the following subjects:

(A) Real property.

GRANT OF SPECIFIC AUTHORITY

My agent may do any of the following specific acts for me:

LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse, or descendant may **not** use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in this power of attorney.

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise above. This power of attorney shall not be affected by my subsequent disability or incapacity, or lapse of time.

NOMINATION OF GUARDIAN

If it becomes necessary for a court to appoint a guardian of my estate or my person, I nominate my agent for appointment.

RELIANCE ON THIS POWER OF ATTORNEY

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

SIGNATURE AND ACKNOWLEDGMENT

Your Signature

Date

Your Name

WITNESSES

The declarant appeared to be at least eighteen years of age, of sound mind and under no constraint or undue influence, and voluntarily signed this document in my presence.

FIRST WITNESS:

First Witness' Signature

Date

First Witness' Name

First Witness' Address

City

State

Zip Code

SECOND WITNESS:

Second Witness' Signature

Date

Second Witness' Name

Second Witness' Address

City

State

Zip Code

NOTARY ACKNOWLEDGMENT

Commonwealth of Massachusetts

County of _____

On this _____ day of _____, 20__, before me personally appeared _____, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

Notary Public

Print Name: _____

My commission expires: _____

IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself.

This power of attorney does not authorize the agent to make medical and health care decisions for you.

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

Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This form provides for designation of one agent. If you wish to name more than one agent you may name a co-agent in the Special Instructions. Co-agents are not required to act together unless you include that requirement in the Special Instructions.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

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GENERAL INSTRUCTIONS

WHAT IS A POWER OF ATTORNEY?

A Power of Attorney is a written document that officially recognizes a legally binding relationship between two parties-- a Principal and an Agent. The Agent is given power to manage the personal, business, or legal affairs of the Principal. Further, the Agent has a fiduciary duty to act in the Principal's best financial interest and in accordance with their wishes.

A simple Power of Attorney will identify the following basic elements:

- Agent(s): someone responsible and trusted to act on another person's behalf
- Principal: the person wanting assistance with personal, business, or legal matters
- Grant of Authority: the Agent has general or specific authority to take certain actions
- Effective Date: when the Power of Attorney begins, usually immediately
- Signatures: the Principal and a Notary must sign the Power of Attorney

WHEN IS IT NEEDED?

Power of Attorneys or POAs are commonly used when someone wants the peace of mind that their financial or health decisions will be made by someone they trust.

You may need a Power of Attorney if you are:

- Over the age of 18 years old
- Military personnel being deployed overseas
- Traveling abroad for an extended period of time
- Diagnosed with a chronic condition or life threatening illness
- Growing wiser and older but concerned about your current health
- Married and want your spouse to have legal authority over property you own
- Engaged in a high risk profession (i.e. emergency firefighter or member of police force)

WHAT KIND OF GENERAL POWERS CAN YOU GIVE YOUR AGENT?

Some of the general powers you can grant to your Agent include managing the following: real property, tangible personal property, stocks and bonds, commodities and options, banks and other financial institutions, insurance, estates and trusts, and operation of businesses.

WHAT KIND OF MATTERS CAN A POWER OF ATTORNEY CONTROL?

A Power of Attorney can be used to handle non-medical matters (i.e. Financial Power of Attorney) or health care decisions (i.e. Health Care Power of Attorney). Most individuals have a separate Power of Attorney for general matters and health care issues.

Many states, however, combine the a Living Will and Power of Attorney into one "advance directive" form. A Power of Attorney for Health Care allows you to name your health agent, someone who will make health decisions for you if you cannot. Your health care agent will also ensure that your health care providers give you the care you wish to receive. You can also require that your health care agent communicate in any manner with you about any specific proposed health care. For example, you may still be able to communicate by blinking your eyes.

WHAT HAPPENS IF I DO NOT HAVE A POWER OF ATTORNEY?

Without a Power of Attorney, even if you have a spouse, the court may need to step in and appoint a guardian or conservator for you if you ever become incapacitated. The process of appointing a guardian is costly and requires the guardian to formally report your situation to the court each year. CNN Money estimates that the process of obtaining a court appointed guardian exceeds \$1,000. Instead, a Power of Attorney allows you to take back control and proactively choose who YOU want to represent your best interests.