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How to Complete an Affidavit of Attorney-in-Fact

For Agents Signing Under a Power of Attorney at a Closing, Bank, or Title Company

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR AFFIDAVIT OF ATTORNEY-IN-FACT.

About this form. When an agent signs for someone under a power of attorney — for example, at a real estate closing or a bank — title companies and lenders usually require the agent to swear that the power of attorney is still in effect, that it has not been revoked, and that the agent does not know of the principal's death. Under California Probate Code § 4305, this affidavit protects third parties who rely on it in good faith.

1. **Have the power of attorney in front of you**
   Copy the principal's name, the date and type of the power of attorney, and its recording details if it was recorded.
2. **Confirm it is still in effect**
   Sign only if you know of no revocation, termination, or death, and you have not resigned as agent.
3. **Note your last contact with the principal**
   Enter the most recent date you saw or spoke with the principal.
4. **Mark durable or springing**
   If the power took effect on a specified event (such as incapacity), describe the event and how it was confirmed.
5. **Describe the transaction and attach a copy**
   Identify the sale, refinance, or account, and attach a copy of the power of attorney — ideally a certified copy.
6. **Sign under oath in front of a notary**
   Do **not** sign ahead of time. Bring a current government-issued photo ID. We come to your closing, office, or home.

Good to Know

- Need a certified copy of the power of attorney? A California notary can certify it — we can do both at the same visit.
- Title companies may also have their own agent affidavit or require the principal's approval. Ask your escrow officer.
- An agent who signs a false affidavit can be personally liable. If the principal has died, the power of attorney has ended.

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SCAN TO BOOK

Questions about this document? Talk to an attorney. Gavrilov & Brooks Law Firm has attorneys licensed in California, Nevada, and other states. Phone and video consultations are available. **(916) 504-0529** · **www.gavrilovlaw.com**

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YOUR FORM BEGINS ON THE NEXT PAGE

AFFIDAVIT OF ATTORNEY-IN-FACT

Agent's Affidavit That a Power of Attorney Is in Effect (Probate Code Section 4305)

State of California)

County of _____) ss.

I, the undersigned agent, being first duly sworn according to law, depose and say:

1. Agent and principal. I am the attorney-in-fact (agent) for

_____ _____

(full name of principal) (my full name, as agent)

under a power of attorney dated

_____ _____

(date of power of attorney) (type, e.g., "Uniform Statutory Form" or "Limited")

If recorded, it was recorded on

_____ _____ _____

(recording date) (instrument number) (county)

2. In effect. At the time I sign this affidavit and exercise the power, I have **no actual knowledge** of (a) the termination of the power of attorney, (b) the termination of my authority by revocation, or (c) the death of the principal. The power of attorney has not been revoked, suspended, or terminated, and I have not resigned.

3. Principal. To the best of my knowledge, the principal is alive. I last communicated with or saw the principal on

_____

(date)

4. Durability / effectiveness (mark all that apply):

☐ The power of attorney is durable and remains effective even if the principal is incapacitated.

☐ The power of attorney became effective upon a specified event (a "springing" power), and that event has occurred:

_____

(describe the event and how it was established)

5. Transaction. I am exercising the power of attorney for the following transaction, which is within my authority:

_____

(e.g., "sale of 123 Main St., Sacramento, escrow no. 4567")

A copy of the power of attorney is attached, and it is a true and complete copy.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ , at _____

(date) (city and state)

_____ _____

(signature of attorney-in-fact) (printed name)

Sign only in front of the notary, who will place you under oath and complete the jurat on the next page.

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JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

Subscribed and sworn to (or affirmed) before me on this _____ day of _____ , 20 _____

by _____

(name(s) of signer(s))

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(Seal)

Signature _____