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How to Complete Your Georgia Power of Attorney

Statutory Form Power of Attorney (Georgia Power of Attorney Act, O.C.G.A. § 10-6B-70)

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR POWER OF ATTORNEY.

About this form. This is Georgia's official statutory form for naming someone (your "agent") to handle your **financial and legal affairs**. It is **durable**, meaning it stays in effect if you become incapacitated, unless you say otherwise in the Special Instructions. It does **not** cover medical decisions. For health care, use a Georgia Advance Directive for Health Care.

1. **Name your agent (Page 1)**
   Enter your full legal name, then your agent's name and contact information. You may also name up to two successor agents.
2. **Grant general authority (Page 2)**
   Initial each subject you want your agent to handle, or initial "All preceding subjects." Leave a line blank to withhold that power. Initials must be handwritten in ink.
3. **Specific authority — optional (Page 2–3)**
   Powers such as making gifts, changing beneficiaries or creating trusts are granted only if you initial them. Read the caution carefully.
4. **Special Instructions and conservator — optional**
   Use the Special Instructions to limit or add to the powers, name a coagent, delay the start date or set pay for your agent. If you are unsure what to write, speak with an attorney.
5. **Sign before a witness AND a notary**
   Georgia requires both. Do **not** sign ahead of time. Bring a current government-issued photo ID. Your witness must be a competent adult who is not your agent; the notary cannot also be the witness. **Need a witness? Our notary can bring one for an additional fee.**

Signing requirements: Signed by the principal in the presence of one witness and a notary public (O.C.G.A. § 10-6B-5). Neither may be your agent.

After It's Signed

- Give your agent the original and keep a copy for yourself. The last page explains your agent's duties.
- If your agent will sell or mortgage Georgia real estate, the power of attorney is typically recorded with the Clerk of Superior Court in the county where the property is located.
- To revoke it later, sign a written revocation and notify your agent and any bank or institution that has a copy.
- Need it for use in another country? We can obtain an apostille for you.

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Have questions about your Power of Attorney? To consult with an attorney, contact **Gavrilov & Brooks Law Firm** at **(916) 504-0529** or **www.gavrilovlaw.com**.

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State of Georgia

County of

STATUTORY FORM POWER OF ATTORNEY

Georgia Power of Attorney Act • O.C.G.A. § 10-6B-70

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. The meaning of authority over subjects listed on this form is explained in O.C.G.A. Chapter 6B of Title 10. This power of attorney does not authorize the agent to make health care decisions for you. You should select someone you trust to serve as your agent. Unless you specify otherwise in the Special Instructions, 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 not entitled to any compensation unless you state otherwise in the Special Instructions. Your agent shall be entitled to reimbursement of reasonable expenses incurred in performing the acts required by you in your power of attorney. This form provides for designation of one agent. If you wish to name more than one agent, you may name a successor agent or name a coagent in the Special Instructions. Coagents will not be 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 shall be durable unless you state otherwise in the Special Instructions. 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.

DESIGNATION OF AGENT

I (name of principal)

Name of principal

name the following person as my agent:

Name of agent

Agent's address

Agent's telephone number

Agent's email address

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of successor agent

Successor agent's address

Successor agent's telephone number

Successor agent's email address

Principal's initials: _____

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

Name of second successor agent

Second successor agent's address

Second successor agent's telephone number

Second successor agent's email address

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in O.C.G.A. Chapter 6B of Title 10:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects, you may initial "All preceding subjects" instead of initialing each subject.)

- ☐ Real property
- ☐ Tangible personal property
- ☐ Stocks and bonds
- ☐ Commodities and options
- ☐ Banks and other financial institutions
- ☐ Operation of entity or business
- ☐ Insurance and annuities
- ☐ Estates, trusts, and other beneficial interests
- ☐ Claims and litigation
- ☐ Personal and family maintenance
- ☐ Benefits from governmental programs or civil or military service
- ☐ Retirement plans
- ☐ Taxes
- ☐ **All preceding subjects**

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

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

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent. You should give your agent specific instructions in the Special Instructions when you authorize your agent to make gifts.)

- ☐ Create, fund, amend, revoke, or terminate an inter vivos trust
- ☐ Make a gift, subject to the limitations of O.C.G.A. § 10-6B-56 and any Special Instructions in this power of attorney
- ☐ Create or change rights of survivorship
- ☐ Create or change a beneficiary designation
- ☐ Authorize another person to exercise the authority granted under this power of attorney
- ☐ Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan

Principal's initials: _____

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☐ Exercise authority over the content of electronic communications sent or received by the principal

☐ Exercise fiduciary powers that the principal has authority to delegate and that are expressly and clearly identified (including the persons for which the principal acts as a fiduciary) in the Special Instructions

☐ Renounce an interest in property, including a power of appointment

LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse, or descendant SHALL 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 the Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines (you may add lines or place your special instructions in a separate document and attach it to the power of attorney):

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

NOMINATION OF CONSERVATOR (OPTIONAL)

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

Name of nominee for conservator of my estate

Nominee's address

Nominee's telephone number

Nominee's email address

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 has actual knowledge it has terminated or is invalid.

Principal's initials: _____

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SIGNATURE AND ACKNOWLEDGMENT

Do not sign until you are in front of your witness and the notary.

X _____ _____

Your signature | Date

Your name printed | Your telephone number

Your address | Your email address

WITNESS

This document was signed in my presence on _____ (date) by the principal named above.

X _____ _____

Signature of witness | Date

Witness's name printed | Witness's telephone number

Witness's address | Witness's email address

The witness must be a competent adult who is not named as an agent in this document and who is not the notary.

NOTARY PUBLIC (OFFICIAL WITNESS)

State of Georgia
County of _____

This document was signed in my presence on _____ (date) by _____ (name of principal).

_____ (Seal)

Signature of notary public

_____

Printed name of notary public

Notary seal

Notary Public, _____ County, Georgia

My commission expires: _____

This document prepared by

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IMPORTANT INFORMATION FOR 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; and

(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:

(Principal's name) by (Your signature) as Agent.

Unless the Special Instructions in this power of attorney state otherwise, you must also:

(1) Act loyally for the principal's 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 that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and

(6) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

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 a power of attorney or your authority to act under a power of attorney include:

(1) Death of the principal;

(2) The principal's revocation of your authority or the power of attorney;

(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) If you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

Liability of Agent

The meaning of the authority granted to you is defined in O.C.G.A. Chapter 6B of Title 10. If you violate O.C.G.A. Chapter 6B of Title 10 or act outside the authority granted, you may be liable for any damages caused by your violation.

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

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