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How to Complete Your New York Limited Power of Attorney

Limited (Special) Power of Attorney — New York Non-Statutory Form (General Obligations Law § 5-1501B)

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR FORM.

About this form. Use this form to give someone (your "agent") authority for a **specific matter only**, such as selling one property, closing on a purchase, handling one bank account, or transferring a vehicle. It does **not** cover medical decisions. New York law requires this form, like the statutory form, to be signed before a **notary public and two witnesses**, and your agent must sign before a notary before acting.

1. **Name yourself and your agent (Section 1)**
   Enter your full legal name and address and your agent's. A successor agent is optional.

2. **Describe exactly what your agent may do (Section 2)**
   Be specific: the property address, account, vehicle VIN, or transaction. Your agent has no authority beyond what you write here. If you are unsure what to write, speak with an attorney.

3. **Choose when it starts and ends (Sections 3 and 4)**
   Initial one start choice and one end choice. As written, it stays in effect if you become incapacitated unless you initial the statement in Section 4.

4. **Sign before a notary and two witnesses (Sections 8 and 9)**
   Do **not** sign ahead of time. Bring a current government-issued photo ID. Witnesses must be adults who are not named as your agent. The notary may serve as one witness. **First Choice can provide the second witness for an additional fee**.

5. **Your agent signs before a notary (Section 10)**
   Your agent can act only after signing before a notary. This can be at a different time and place.

After It's Signed and Notarized

- Give your agent the original and keep a copy.
- If it will be used to sell or mortgage New York real estate, it is usually recorded with the County Clerk (in New York City, the City Register) with the deed or mortgage. Ask the title company if they need their own form.
- Some banks and the DMV have their own power of attorney forms. Check with them first.
- Need it for use abroad? The County Clerk certifies the notary's signature, then the NYS Department of State issues the apostille. We can handle this for you.

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Have questions about this form? To consult with an attorney, contact **Gavrilov & Brooks Law Firm** at **(916) 504-0529** or **www.gavrilovlaw.com**, 2315 Capitol Avenue, Sacramento, CA 95816. **Attorneys licensed in New York.** Main headquarters in Sacramento, California.

This form is provided as a free convenience. First Choice Mobile Notary & Apostille is not a law firm, and a notary public cannot give legal advice or help you decide what to write on this form. These instructions are general information only and are not legal advice. If you have questions about your situation, consult a licensed New York attorney.

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LIMITED (SPECIAL) POWER OF ATTORNEY

New York Non-Statutory Power of Attorney (General Obligations Law § 5-1501B)

CAUTION TO THE PRINCIPAL:

Your Power of Attorney is an important document. As the "principal," you give the person whom you choose (your "agent") authority to spend your money and sell or dispose of your property during your lifetime without telling you. You do not lose your authority to act even though you have given your agent similar authority.

When your agent exercises this authority, he or she must act according to any instructions you have provided or, where there are no specific instructions, in your best interest. "Important Information for the Agent" at the end of this document describes your agent's responsibilities.

Your agent can act on your behalf only after signing the Power of Attorney before a notary public.

You can request information from your agent at any time. If you are revoking a prior Power of Attorney, you should provide written notice of the revocation to your prior agent(s) and to any third parties who may have acted upon it, including the financial institutions where your accounts are located.

You can revoke or terminate your Power of Attorney at any time for any reason as long as you are of sound mind. If you are no longer of sound mind, a court can remove an agent for acting improperly.

Your agent cannot make health care decisions for you. You may execute a "Health Care Proxy" to do this.

The law governing Powers of Attorney is contained in the New York General Obligations Law, Article 5, Title 15. This law is available at a law library, or online through the New York State Senate or Assembly websites, www.nysenate.gov or www.nyassembly.gov.

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

1. DESIGNATION OF AGENT

I, _____,
full legal name of principal

residing at _____,

hereby appoint _____,
name of agent

residing at _____,

as my agent (attorney-in-fact) to act for me only in the limited matters described in Section 2.

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Successor agent (optional). If my agent is unable or unwilling to serve, I appoint:

Name: _____

Address: _____

2. LIMITED AUTHORITY GRANTED

My agent may act for me **only** for the following specific purpose(s) and transaction(s), and has no other authority:

Property, account, vehicle or matter involved (address, legal description, account or VIN, if any):

Within these limits, my agent may sign, execute, acknowledge and deliver any documents, and take any actions, reasonably necessary to complete the matters described above.

3. WHEN THIS POWER OF ATTORNEY BEGINS AND ENDS

Initial ONE choice for when it begins:

(_____) It is effective immediately upon my agent's signing it before a notary public.

(_____) It is effective on this date:

_____

Initial ONE choice for when it ends:

(_____) It ends on this date (unless revoked sooner):

_____

(_____) It ends when the matters described in Section 2 are completed.

(_____) It continues until I revoke it or it is terminated by my death or other event described in section 5-1511 of the General Obligations Law.

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4. EFFECT OF INCAPACITY

This Power of Attorney shall not be affected by my subsequent incapacity, unless I initial the statement below:

(_____) This Power of Attorney shall terminate if I become incapacitated.

5. LIMITS ON MY AGENT

This Power of Attorney does **not** authorize my agent to make gifts of my property, to change any interest in my property, or to use my assets to benefit my agent or anyone else, except as expressly stated in Section 2. My agent cannot make health care decisions for me.

This Power of Attorney DOES NOT REVOKE any Powers of Attorney previously executed by me unless I state otherwise in Section 2.

6. COMPENSATION OF AGENT

My agent is entitled to be reimbursed from my assets for reasonable expenses incurred on my behalf. My agent will not be compensated for services unless I state otherwise in Section 2.

7. ACCEPTANCE BY THIRD PARTIES

I agree to indemnify the third party for any claims that may arise against the third party because of reliance on this Power of Attorney. I understand that any termination of this Power of Attorney, whether the result of my revocation of the Power of Attorney or otherwise, is not effective as to a third party until the third party has actual notice or knowledge of the termination.

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8. SIGNATURE AND ACKNOWLEDGMENT OF PRINCIPAL

In Witness Whereof I have hereunto signed my name on _____, 20____.

_____ _____

PRINCIPAL signs here Printed name of principal

ACKNOWLEDGMENT OF PRINCIPAL (Real Property Law § 309-a)

State of New York)
) ss.:
County of _____)

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____

Signature and office of individual taking acknowledgment
Notary Public, State of New York; Qualified in _____ County
Registration No. _____; Commission Expires _____

(Notary stamp)

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9. SIGNATURES OF WITNESSES

By signing as a witness, I acknowledge that the principal signed the Power of Attorney in my presence and in the presence of the other witness, or that the principal acknowledged to me that the principal's signature was affixed by him or her or at his or her direction. I also acknowledge that the principal has stated that this Power of Attorney reflects his or her wishes and that he or she has signed it voluntarily. I am not named herein as an agent or as a permissible recipient of gifts.

Signature of Witness 1	Signature of Witness 2
Date (Witness 1)	Date (Witness 2)
Print name (Witness 1)	Print name (Witness 2)
Address (Witness 1)	Address (Witness 2)
City, State, Zip Code (Witness 1)	City, State, Zip Code (Witness 2)

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IMPORTANT INFORMATION FOR THE AGENT:

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 on you legal responsibilities that continue until you resign or the Power of Attorney is terminated or revoked. You must:

(1) act according to any instructions from the principal, or, where there are no instructions, in the principal's best interest;

(2) avoid conflicts that would impair your ability to act in the principal's best interest;

(3) keep the principal's property separate and distinct from any assets you own or control, unless otherwise permitted by law;

(4) keep a record of all transactions conducted for the principal or keep all receipts of payments and transactions conducted for the principal; and

(5) disclose your identity as an agent whenever you act for the principal by writing or printing the principal's name and signing your own name as "agent" in either of the following manners: (Principal's Name) by (Your Signature) as Agent, or (your signature) as Agent for (Principal's Name).

You may not use the principal's assets to benefit yourself or anyone else or make gifts to yourself or anyone else unless the principal has specifically granted you that authority in the modifications section of this document or a Non-Statutory Power of Attorney. If you have that authority, you must act according to any instructions of the principal or, where there are no such instructions, in the principal's best interest. You may resign by giving written notice to the principal and to any co-agent, successor agent, monitor if one has been named in this document, or the principal's guardian if one has been appointed. If there is anything about this document or your responsibilities that you do not understand, you should seek legal advice.

Liability of agent:

The meaning of the authority given to you is defined in New York's General Obligations Law, Article 5, Title 15. If it is found that you have violated the law or acted outside the authority granted to you in the Power of Attorney, you may be liable under the law for your violation.

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10. AGENT'S SIGNATURE AND ACKNOWLEDGMENT OF APPOINTMENT

It is not required that the principal and the agent sign at the same time.

I, _____, have read the foregoing Power of Attorney. I am the person identified therein as agent for the principal named therein. I acknowledge my legal responsibilities.

In Witness Whereof I have hereunto signed my name on _____ 20____.

_____

Agent signs here

ACKNOWLEDGMENT OF AGENT (Real Property Law § 309-a)

State of New York)
) ss.:
County of _____)

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____

Signature and office of individual taking acknowledgment
Notary Public, State of New York; Qualified in _____ County
Registration No. _____; Commission Expires _____

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11. SUCCESSOR AGENT'S SIGNATURE (only if a successor agent is named)

A successor agent can not use this power of attorney unless the agent designated above is unable or unwilling to serve.

I, _____, have read the foregoing Power of Attorney. I am the person identified therein as successor agent. I acknowledge my legal responsibilities.

In Witness Whereof I have hereunto signed my name on _____ 20 _____.

_____

Successor Agent signs here

ACKNOWLEDGMENT OF SUCCESSOR AGENT (Real Property Law § 309-a)

State of New York)
) ss.:
County of _____)

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____

Signature and office of individual taking acknowledgment
Notary Public, State of New York; Qualified in _____ County
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