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How to Complete Your North Carolina Statutory Power of Attorney

Statutory Short Form Power of Attorney (G.S. 32C-3-301)

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

About this form. This is North Carolina's official statutory short form for naming someone (your "agent") to handle your **property and finances**. It does **not** cover health care decisions.

1. **Name your agents (Page 2)**
   Enter your name, your agent, and up to two successor agents.
2. **Initial the powers (Pages 2–4)**
   Initial each subject, or "All Preceding Subjects." Gifts, beneficiary changes, and the other specific powers must each be initialed separately. Initials must be handwritten.
3. **Optional choices (Pages 4–5)**
   Add any provisions or exclusions, and choose whether to nominate your agent as guardian.
4. **Sign before a notary (Page 5)**
   North Carolina law requires a power of attorney to be **acknowledged before a notary** to be valid (G.S. 32C-1-105). Bring a current, government-issued photo ID.

After It's Signed

- Give your agent the original or a copy, with the Important Information for Agent page.
- If your agent will sign real estate documents, the power of attorney must be recorded with the Register of Deeds before the transfer is recorded (G.S. 47-28).
- For use in another country, the notarized document may need an apostille from the North Carolina Secretary of State. We can handle this for you.

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SCAN TO BOOK

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

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YOUR FORM BEGINS ON THE NEXT PAGE

STATUTORY SHORT FORM POWER OF ATTORNEY

(North Carolina — G.S. 32C-3-301)

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE DEFINED IN CHAPTER 32C OF THE NORTH CAROLINA GENERAL STATUTES, WHICH EXPRESSLY PERMITS THE USE OF ANY OTHER OR DIFFERENT FORM OF POWER OF ATTORNEY DESIRED BY THE PARTIES CONCERNED.

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 the North Carolina Uniform Power of Attorney Act.

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, 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 Additional Provisions and Exclusions.

This form provides for designation of one agent, successor agent, and second successor agent. If you wish to name more than one agent, successor agent, and second successor agent, you may name a coagent, successor coagent, or second successor coagent in the Additional Provisions and Exclusions. Coagents, successor coagents, or second successor coagents are not required to act together unless you include that requirement in the Additional Provisions and Exclusions.

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.

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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DESIGNATION OF AGENT

I,

(Name of Principal)

name the following person as my agent:

Name of Agent

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

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

Name of Second Successor Agent

INITIAL below if you want to give an agent the power to name a successor agent.

☐ I give to my acting agent the full power to appoint another to act as my agent, and full power to revoke such appointment, if no agent named by me above is willing or able to act.

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 the North Carolina Uniform Power of Attorney Act, Chapter 32C of the General Statutes:

(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

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☐ 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

Principal's initials: _____

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GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY 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.)

☐	Make a gift, subject to the limitations provided in G.S. 32C-2-217
☐	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 my right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
☐	Exercise fiduciary powers that I have authority to delegate
☐	Disclaim or refuse an interest in property, including a power of appointment
☐	Access the content of electronic communications.

EXERCISE OF SPECIFIC AUTHORITY IN FAVOR OF AGENT (OPTIONAL)

☐ UNLESS INITIALED, an agent MAY NOT exercise any of the grants of specific authority initialed above in favor of the agent or an individual to whom the agent owes a legal obligation of support.

ADDITIONAL PROVISIONS AND EXCLUSIONS (OPTIONAL)

☐ Additional provisions and exclusions (write below):

EFFECTIVE DATE

This power of attorney is effective immediately.

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NOMINATION OF GUARDIAN (OPTIONAL)

INITIAL below ONLY if you WANT your acting agent to be your Guardian.

☐ If it becomes necessary for a court to appoint a guardian of my estate or a general guardian, I nominate my agent acting under this power of attorney to be the guardian to serve without bond or other security.

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.

MEANING AND EFFECT

The meaning and effect of this power of attorney shall for all purposes be determined by the law of the State of North Carolina.

SIGNATURE AND ACKNOWLEDGMENT

X _____ Date _____

Your Signature

Your Name Printed

NOTARY ACKNOWLEDGMENT

STATE OF NORTH CAROLINA)
)
COUNTY OF _____)

I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document:

name of principal _____ Date _____

X _____
Notary Public

(Notary seal)

Notary's printed name

Notary Public, County of commission _____ My commission expires _____

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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 your authority is terminated 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 Additional Provisions and Exclusions 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 terminated or revoked 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 a principal;
(2) The principal's revocation of the power of attorney or the termination of 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) If you are married to the principal, your divorce from the principal, unless the Additional Provisions and Exclusions in this power of attorney state that your divorce from the principal will not terminate your authority.

Liability of Agent

The meaning of the authority granted to you is defined in the North Carolina Uniform Power of Attorney Act. If you violate the North Carolina Uniform Power of Attorney Act 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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