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How to Complete Your Utah Statutory Power of Attorney

Statutory Form Power of Attorney (Utah Code 75A-2-301)

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

About this form. This is Utah's official statutory form for naming someone (your "agent") to handle your **property and financial matters**. It does **not** cover health care. For that, use a Utah Advance Health Care Directive.

1. **Name your agent (Page 1)**
   Enter your name and your agent's name, address, and phone. You may name two successor agents.
2. **Initial the powers (Pages 1–3)**
   Initial each subject you want to grant, or "All Preceding Subjects." Specific powers like gifts and trust changes must each be initialed separately. Initials must be handwritten in ink.
3. **Special instructions (Page 4)**
   Use these lines to name a coagent, delay the start date, or add limits. If unsure, speak with an attorney.
4. **Sign before a notary (Page 5)**
   Utah law **requires** a power of attorney to be signed before a notary. An acknowledged power of attorney is presumed genuine and generally must be accepted. 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 on the last page.
- If your agent will sign real estate documents, record the power of attorney with the county recorder.
- Banks may ask your agent to sign an Agent's Certification. We have a free Utah form.
- For use in another country, the notarized document may need an apostille from the Utah Lieutenant Governor's Office. We can handle this for you.

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Need legal advice about this Utah document? Gavrilov & Brooks Law Firm has a Utah-licensed attorney, with attorneys licensed in other states as well. Phone and video consultations are available. **(916) 504-0529** · **www.gavrilovlaw.com**

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STATUTORY FORM POWER OF ATTORNEY

(Utah Code 75A-2-301)

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 Title 75A, Chapter 2, 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 special instructions.

This form provides for designation of one agent. If you wish to name more than one agent you may name a coagent in the special instructions. Coagents 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.

DESIGNATION OF AGENT

I

(Name of Principal)

name the following person as my agent:

Name of Agent	Agent's Address	Agent's Telephone Number

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

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

Name	Address	Telephone

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

Name	Address	Telephone

GRANT OF GENERAL AUTHORITY

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I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in Title 75A, Chapter 2, Uniform Power of Attorney Act:

(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**

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.)

☐	Create, amend, revoke, or terminate an inter vivos trust
☐	Make a gift, subject to the limitations of Section 75A-2-217, 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
☐	Exercise fiduciary powers that the principal has authority to delegate
☐	Disclaim or refuse an interest in property, including a power of appointment

Principal's initials: _____

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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 the special instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the special instructions.

NOMINATION OF CONSERVATOR OR GUARDIAN (OPTIONAL)

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

Name of Nominee for conservator of my estate	Nominee's Address	Telephone
Name of Nominee for guardian of my person	Nominee's Address	Telephone

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.

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SIGNATURE AND ACKNOWLEDGMENT

X _____ Date

Your Signature

Your Name Printed

Your Telephone Number

Your Address

NOTARY ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF) ss.

On this day of (month and year)

before me, the undersigned notary public, personally appeared

name of the principal

proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged that he/she/they executed the same. Witness my hand and official seal.

X _____

Notary Public

(Notary seal)

Notary's printed name

Commission number

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 shall:

(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 the power of attorney or 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, 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 Title 75A, Chapter 2, Uniform Power of Attorney Act. If you violate Title 75A, Chapter 2, 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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