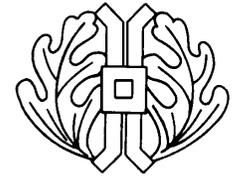


PREVENTIVE LAW SERIES

POWERS OF ATTORNEY



Prepared by:
Legal Assistance Department
Naval Legal Service Office Southwest
P.O. Box 357042
Naval Air Station, North Island
San Diego, CA 92135-7042
(619) 545-6278



WHAT IS A POWER OF ATTORNEY?

A power of attorney is a written instrument executed by one person, called the principal or grantor, which designates another person, called the agent or "attorney-in-fact," to perform acts on the principal's/grantor's behalf.

WHAT IS THE PURPOSE OF A POWER OF ATTORNEY?

The purpose of this document is to prove to third parties (such as banks, insurance companies, utility companies) that the agent has authority to do business for the principal.

DIFFERENT TYPES OF POWERS OF ATTORNEY

General Powers of Attorney – This document gives broad powers and authority to the agent. **THIS DOCUMENT CAN BE VERY DANGEROUS IN THE HANDS OF PERSONS YOU DO NOT TRUST OR WHO ARE INEXPERIENCED IN BUSINESS MATTERS.** A general power of attorney should **ALWAYS** have a specific expiration date.

Special Powers of Attorney – This document gives the agent power and authority to act for the principal for a special, limited purpose. They are narrowly drawn for a specific purpose. An example is a power of attorney for Household Shipment of Goods. The agent only has the power and authority to act for the principal for the limited purpose of Household Shipment of Goods. There are many other examples of Special Powers of Attorney which are too numerous to list in this handout. **IF A SPECIAL POWER OF ATTORNEY CAN ACCOMPLISH WHAT YOU NEED TO GET DONE, THEN DO NOT GET A GENERAL POWER OF ATTORNEY.**

Durable Powers of Attorney - This is a special principal-agent relationship that is activated upon the incapacitation of the principal. The durable power of attorney remains valid and operative during the principal's incapacity and disability. During the principal's incapacity and disability, the agent has authority to act for the principal. The two most common durable powers of attorney are durable power of attorney for health care decisions and durable power of attorney for financial decisions.

TERMINATING OR REVOKING A POWER OF ATTORNEY

If a power of attorney does not have an expiration date, expressly or impliedly stated, it is regarded as continuing until the power is revoked. The power of attorney can be revoked either by an act of the principal or agent that shows an intent to revoke the power of attorney **OR** the power of attorney can be revoked by operation of the law. The power of attorney can be revoked by operation of the law upon the death of the principal or agent or the incapacity (unless it is a durable power of attorney) of the principal or agent.

THERE IS NO LAW REQUIRING THIRD PARTIES TO ACCEPT A MILITARY POWER OF ATTORNEY. MOST BUSINESS ESTABLISHMENTS WILL ACCEPT THEM AS A MEASURE OF GOOD WILL. BUT TO BE SURE, CALL ALL THE INSTITUTIONS YOU DO FINANCIAL BUSINESS WITH TO FIND OUT WHETHER THEY WILL ACCEPT A MILITARY POWER OF ATTORNEY.

LEGAL ASSISTANCE APPOINTMENTS:

For an appointment to see a legal assistance attorney, please contact the Legal Assistance Office, located in

Building 610, Naval Air Station North Island, by telephone at (619) 545-6278.