

STATE OF OHIO DURABLE POWER OF ATTORNEY COVER LETTER

See the “Important Information” section in the attached document. After reviewing the contents of this packet, you may have additional questions or concerns specific to your personal situation. In such a case, it is important that you discuss your concerns with your family and your lawyer. If you are an Ohio resident age 60 or older, you may call the Pro Seniors’ Senior Legal Helpline at 1-800-488-6070 to schedule a free telephone appointment for legal advice.

WARNING

Under Ohio law, it is a crime to unlawfully or improperly use an adult’s resources for monetary or personal benefit, profit, or gain without the adult’s consent. The law may further require that any person having knowledge of such abuse, neglect or exploitation of a person age 60 or older report that information to the county office of Adult Protective Services.

SUBJECTS TO INCLUDE IN YOUR AGENT’S GENERAL AUTHORITY

To give your agent general authority to act for you with respect to the subjects listed below, you must also write your INITIALS on the form, on the line to the left of each subject to include in your agent's general authority. You must initial the subjects you chose to give to your agent on the form prior to signing the form.

- 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

Generally in order for your agent to exercise authority over these subjects, you must also write your INITIALS on the form, on the line to the left of each subject to include in your agent's general authority. However, if you chose to give your agent authority over all the subjects listed, instead of initialing each subject, you may simply write your INITIALS on the form, on the line to the left of "All Preceding Subjects" at the bottom of the subject list on the form prior to signing the form.

SIGNING AND RECORDING THE FORM

In order for this form to be used in connection with real property transactions, you must sign and acknowledge the form before a notary public and the form must also be recorded in the office of the county recorder of the county in which the real property is located prior to using the form in connection with a real property transaction. (R.C. 1337.04).

Another benefit to signing and acknowledging the form before a notary public is that your signature on the durable power of attorney form is presumed to be genuine if you acknowledge your signature before a notary public and this will greatly facilitate the form's acceptance by businesses, banks and other financial institutions. (R.C. 1337.25).

Note that recording the completed durable power of attorney form in the office of the county recorder is permitted but not required unless the form will be used in connection with a real estate transaction. The recording and indexing fees set by the Ohio Revised Code (R.C. 317.32) are twenty-eight dollars for the first two pages and eight dollars for each additional page.

STATE OF OHIO DURABLE POWER OF ATTORNEY

IMPORTANT INFORMATION

- 1) 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 Uniform Power of Attorney Act (sections 1337.21 to 1337.64 of the Revised Code).
- 2) This power of attorney does not authorize the agent to make health-care decisions for you.
- 3) 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.
- 4) Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.
- 5) 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.
- 6) 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.
- 7) This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

ACTIONS REQUIRING EXPRESS AUTHORITY

Unless expressly authorized and initialed by me in the Special Instructions, this power of attorney does not grant authority to my agent to do any of the following:

- (1) Create a trust;
- (2) Amend, revoke, or terminate an inter vivos trust, even if specific authority to do so is granted to the agent in the trust agreement;
- (3) Make a gift;
- (4) Create or change rights of survivorship;
- (5) Create or change a beneficiary designation;
- (6) Delegate authority granted under the power of attorney;
- (7) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;
- (8) Exercise fiduciary powers that the principal has authority to delegate.

CAUTION: Granting any of the above eight powers 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.

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.

**STATE OF OHIO
DURABLE POWER OF ATTORNEY**

DESIGNATION OF AGENT

I, _____ 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 of Successor Agent: _____

Successor Agent's Address: _____

Successor Agent's Telephone Number: (_____) _____

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: (_____) _____

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 Uniform Power of Attorney Act (sections 1337.21 to of the Revised Code):

(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

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 GUARDIAN (OPTIONAL)

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

Name of Nominee for guardian of my estate: _____

Nominee's Address: _____

Nominee's Telephone Number: (_____) _____

Name of Nominee for guardian of my person: _____

Nominee's Address: _____

Nominee's Telephone Number: (_____) _____

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.

SIGNATURE AND ACKNOWLEDGMENT

Your Signature

Date

Your Name Printed

Your Address

(_____)_____
Your Telephone Number

STATE OF OHIO
COUNTY OF _____

This document was acknowledged before me on _____(Date), by
_____(Name of Principal).

Signature of Notary

My commission expires: _____

This document prepared by:

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;
- (4) 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;
- (5) 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.

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) The 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;
- (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 the Uniform Power of Attorney Act (sections 1337.21 to 1337.64 of the Revised Code). If you violate the 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.