## SPRINGING DURABLE POWER OF ATTORNEY

## THIS IS AN IMPORTANT DOCUMENT. THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING.

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) when you are not able to act for yourself. You should select someone you trust to serve as your agent. 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 co-agent in the Special Instructions. Co-agents 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 or given your agent the power to designate a new agent. You may also name a second successor agent. As long as you still have legal capacity (clear mind), you may revoke this Power of Attorney at any time in a notarized writing. This Power of Attorney does not authorize the agent to make health care decisions for you. 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,		(Your Name), residing		
at		,		
(Street Address)	(City)	(County)		
New Mexico, name the following person as my agent:				
Name of Agent:				
Agent's Address:				
Agent's Telephone Number (s):				

# 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 (s):	
f my successor agent is unable/unwilling to act for me, I name as my second successor ag	gent:
Name of Second Successor Agent:	
Second Successor Agent's Address:	
Second Successor Agent's Telephone Number (s):	

#### **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: CHECK THE BOX AND 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.

	CHECK:	INITIAL:
1.		Real Property
2.		Tangible Personal Property
3.		Stocks and Bonds
4.		Commodities and Options
5.		Banks and Other Financial Institutions
6.		Operation of Entity or Business
7.		Insurance and Annuities
8.		Estates, Trusts and Other Beneficial Interests
9.		Claims and Litigation
10.		Personal and Family Maintenance
11.		Benefits from Governmental Programs, Civil or Military Service
12.		Retirement Plans
13.		Taxes
14.		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

This Power of Attorney shall become effective only if I become incapacitated. (Incapacitated means that a physician or licensed psychologist has determined that I am unable to manage my financial affairs.) This Power of Attorney shall remain in affect even if I become incapacitated. This Power of Attorney revokes all prior Powers of Attorney. I name my agent to be appointed my guardian or conservator if that becomes necessary.

CHECK: INITIAL: Check only if you want to give this power to your agent.

\_\_\_\_\_ My agent may authorize another person to exercise the authority granted under this Power of Attorney.

# ON THE FOLLOWING LINES YOU MAY GIVE OTHER SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS YOU HAVE GRANTED TO YOUR AGENT.

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:
 \_\_\_\_\_\_ Dated:

 ACKNOWLEDGEMENT

 STATE OF NEW MEXICO
 )

 ) ss.
 )

 COUNTY OF \_\_\_\_\_\_ )

by,\_\_\_\_\_

(SEAL)

My Commission Expires:

NOTARY PUBLIC

# **<u>NOTICE:</u>** IF THIS POWER OF ATTORNEY AFFECTS REAL ESTATE (LAND OR HOUSE), IT MUST BE RECORDED IN THE OFFICE OF THE COUNTY CLERK IN EACH COUNTY WHERE THE REAL ESTATE IS LOCATED.

#### 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; and

by

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:

as Agent

(Principal's Name)

(Your Signature)

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 the Uniform Power of Attorney Act. 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.