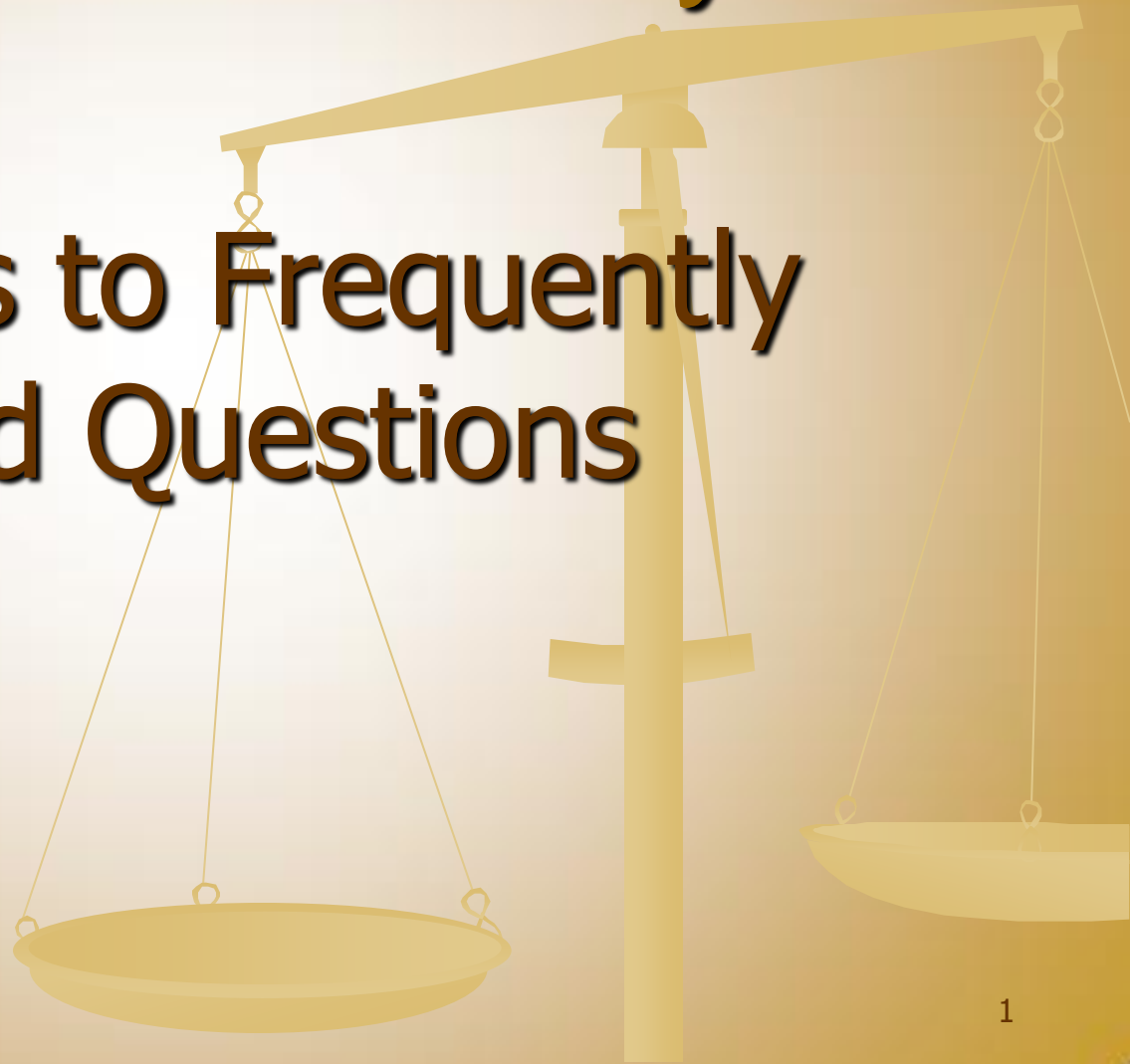


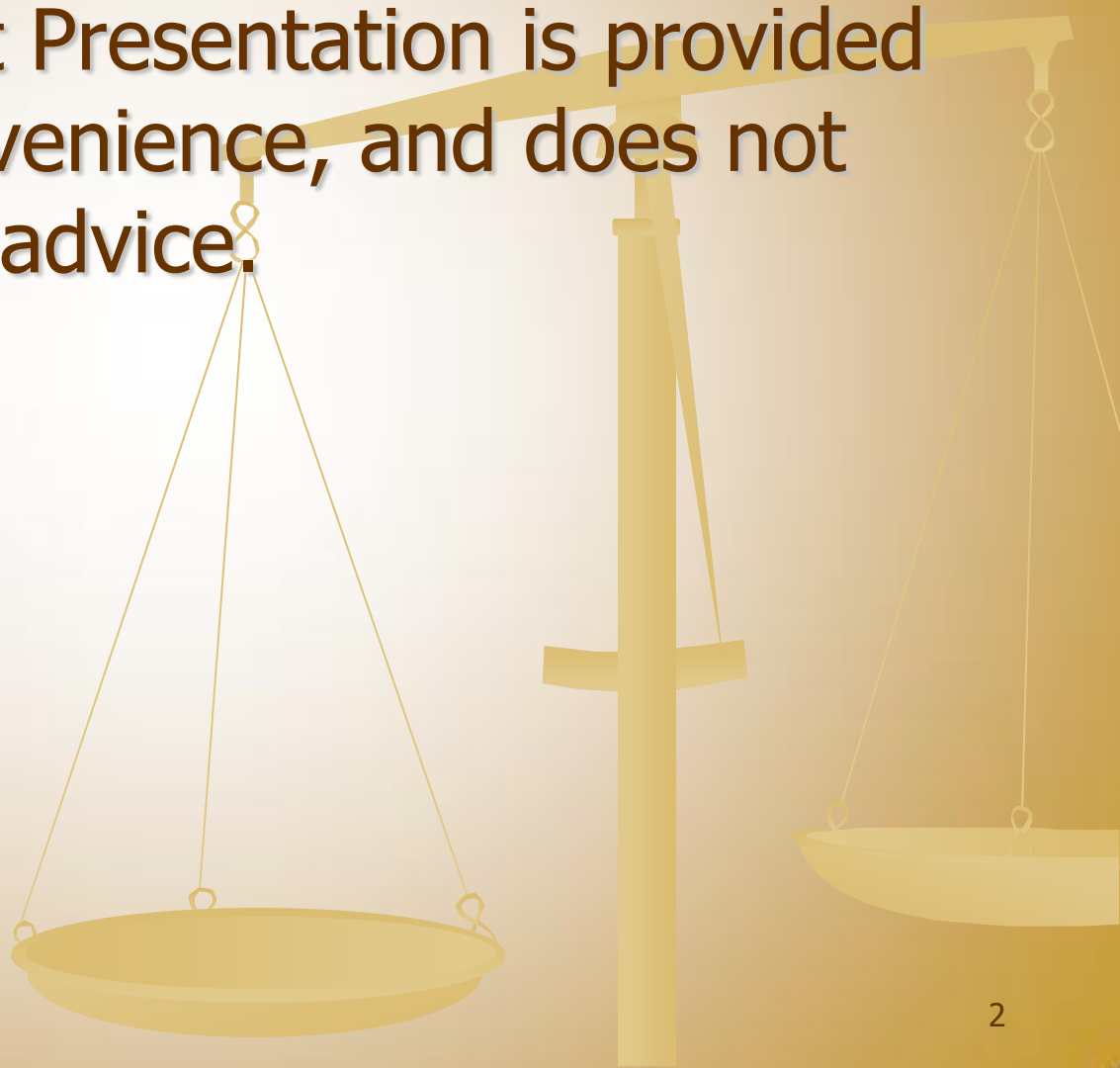
Power of Attorney

Answers to Frequently Asked Questions



Disclaimer

- This PowerPoint Presentation is provided to you as a convenience, and does not constitute legal advice.

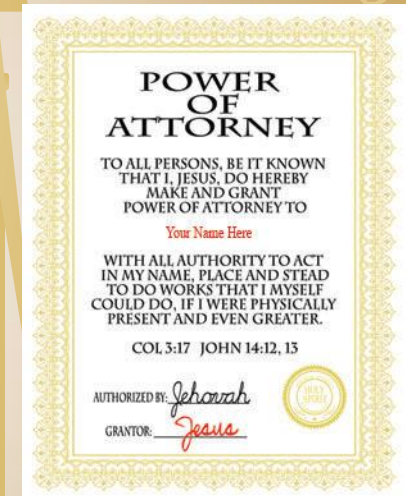


What is a Power of Attorney (POA)?

- A written document
- Executed by Person with Capacity to Contract
- Granting authority to an Attorney-in-Fact (Acts on persons' behalf in specified areas)

What is a “Durable” POA?

- POA remains effective if principal becomes incapacitated
- May mean POA ONLY effective if principal becomes incapacitated



What Makes a POA Legally Sufficient?

- Contains the date of its execution
- Signed by the principal
- Acknowledged by a notary public OR Witnessed by at least two persons



A POA May:

- Expire
- Be Terminated
- Be Revoked

Why would I need a POA?

- If you want to designate someone to act on your behalf.
- If you want someone to have the right to information about your ACERA benefits.
- If you want to prepare for a possible future time when you won't have the mental capacity to designate someone to act for you.

Can I Change My Mind and Modify or Terminate the Power I Granted to the Attorney-in-Fact?

- Include in original POA how you may modify/terminate
- Create a new POA and notify relevant parties of changes

Can I Revoke the POA?

Yes, in the same ways you would modify or terminate



Can I List More Than One Attorney-in-Fact in my POA?



- You can list multiple Attorneys-in-Fact
- You can also list one Attorney-in-Fact **AND** one or more successor Attorneys-in-Fact

When Does the POA Terminate?

1. In accordance with the terms of termination included in the original POA
2. Revocation
3. Death of the principal
4. Resignation, removal, or incapacity of the attorney-in-fact
5. Death of the attorney-in-fact
6. Dissolution of marriage of the attorney-in-fact and principal
7. Incapacity of the principal to contract in a non durable POA.

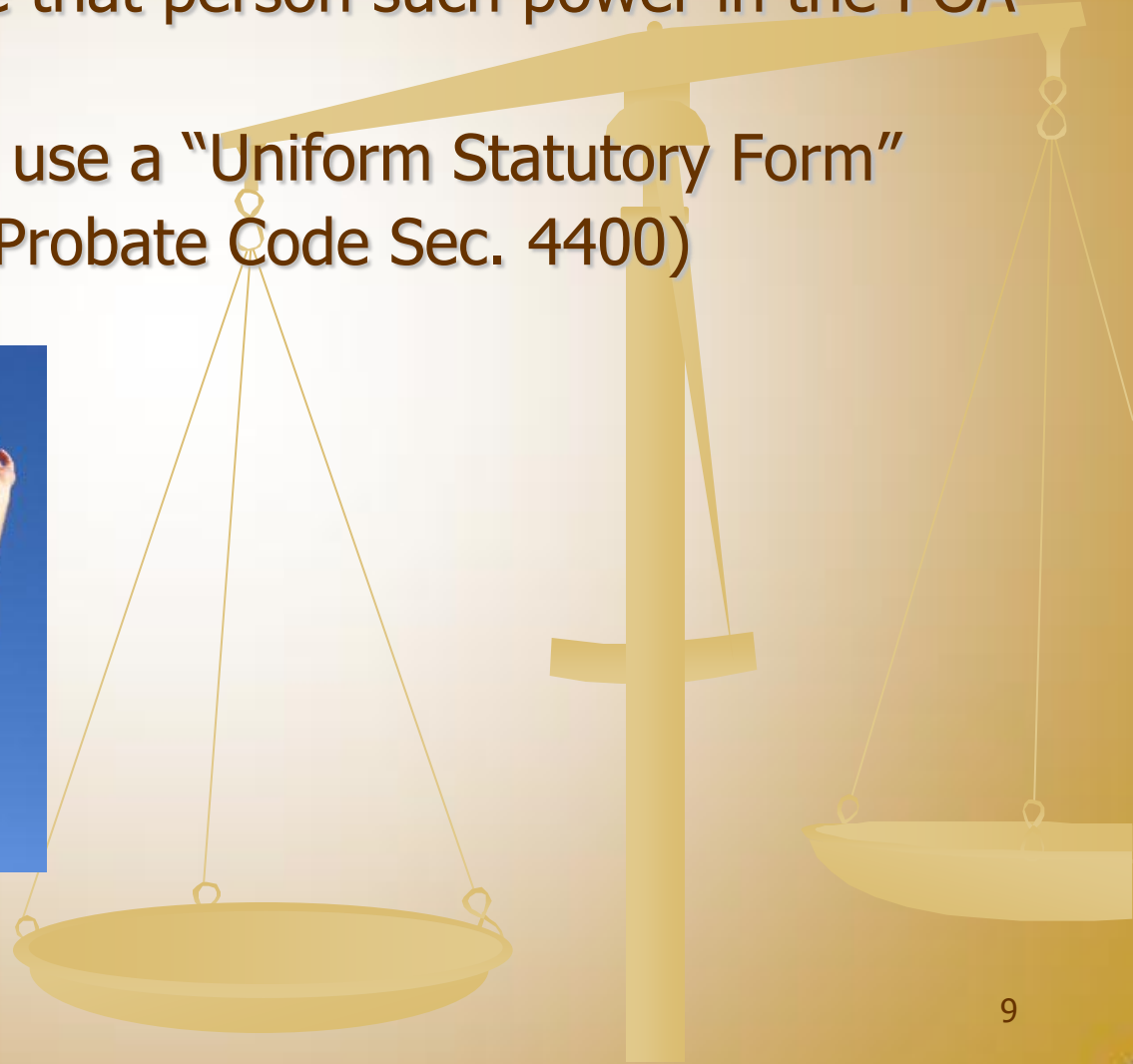
Can I Create a Special POA?



- You can create a special or limited POAs.
 - Yes. You can create a limited POA valid only for a specified time period, such as 3 months while you travel out of the country
 - You can create a POA for health care only.
 - You can create a POA for real estate transactions only.

Can My Attorney-in-Fact Designate Beneficiaries for my ACERA Benefits?

- Only if you explicitly give that person such power in the POA (See Exhibit)
- The only other way is to use a “Uniform Statutory Form” (See Exhibit - California Probate Code Sec. 4400)



Finding A Lawyer

- Alameda County Bar Association (and other county bar associations) has a lawyer referral service
- Call tel. 510-302-2222

