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Legal Matters - Power Of Attorney

By Lucy Bartlett

A person can issue a letter to another person authorizing him to act in business or legal matters on

his behalf and this is called a letter of attorney, or power of attorney in common law. The person who is issuing the power of attorney is known as principal and the person who acts on behalf of the principal is known as attorney-in-fact or agent. The attorney-in-fact is authorized to sign documents in the name of the principal.

When a person is incapacitated because of some ailment and could not sign a cheque, that person can request another person to do so through oral instructions. Institutions such as banks, hospitals, IRS in the US insist on a power of attorney in writing to honour the instructions and they normally take up the original letter with them for their records.

The signature of the principal in a power of attorney should be notarized to get a legal status similar to the case of signatures in any deed in normal circumstances which are notarized. This process is known as "equal dignity rule".

The scope of the power of attorney can be defined in the letter itself. It can be a limited power of attorney to carry out specific acts or it can be a broad or general power of attorney to carry out any and all acts on behalf of the principal. A court will interpret the scope of power of attorney, exactly as described in the letter. A time limit can be set to a power of attorney.

Upon the death of the principal, the power of attorney becomes invalid. It also becomes invalid when the principal becomes incapacitated due to mental illness or physical injury unless a provision is made in the original power of attorney specifically exempting such provisions.

This type of "durable power of attorney" or "living will" enables the agent to make decisions regarding the health care of the principal in case it is needed.

In a "springing power of attorney", the power granted becomes valid only when specific acts described in the letter takes place - such as illness, which incapacitates the principal - in the future. Due to the privacy legislation in US, doctors will not provide medical history or related information regarding the

capacity of the principal unless specific authorisation is given in the power of attorney.

The principal of a power of attorney can revoke the powers granted by informing the attorney—in–fact that it is revoked.

A template for various kinds of power of attorney with standardized forms are available for use and various organizations also provide the same to their customers, patients, clients, members or employees.

Lucy Bartlett is a proud contributing author. Find more articles at

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<http://need–an–attorney–now.info/power–of–attorney–financial.php>

Defending Your Relationship

By James Wood

A power of attorney is a legal document that allows you to dictate who you would like to make decisions on your behalf. While there are many useful purposes for a power of attorney, they are especially important to unmarried couples, which live together, when a partner becomes incapacitated and unable to make decisions. In such situations, the law usually designates the incapacitated person's next of kin as the decision maker. With a power of attorney, unmarried couples can give their partners the power to make such decisions.

Powers of attorney can be as general or specific as you decide. You can give your partner the power to make decisions on your behalf at any time or only when you become incapacitated. You can also dictate what types of decisions you are authorizing your agent to make. A health care power of attorney (also referred to as a durable power of attorney for health care, medical power of attorney, health care proxy and appointment of health care agent of surrogate) would authorize your partner (or other agent) to make decisions about your medical treatment and dictate who you would like to be able to visit you while receiving medical treatment.

By executing a power of attorney for finances (also referred to as a durable power of attorney for finances) you could dictate whom you want to make decisions about your legal and financial matters. You can be very specific about what actions you are authorizing your partner (or other agent) to make, including which accounts he or she has access to and the types of decisions he or she can make.

Note that LegalHelper (

<http://www.legalhelper.net>

) provides an easy-to-use, quick, and economical

online method for creating completed power of attorney for any occasions.

James Wood is a free-lance writer on family issues; his main goal is to help people during their complicated period of life in regards to divorce and separation.

Website:

<http://www.legalhelper.net/power-of-attorney.aspx>

wjames@legalhelper.net

Defending Your Relationship

What is the Difference Between a Power Of Attorney and a Guardianship? Which is Appropriate for Someone With Alzheimer's?

Don't Leave Your Loved Ones In the Lurch!! The importance of creating medical directives and other legal documents prior to a medical emergency.

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