

Power of Attorney

A Power of Attorney (POA) is a legal document. It gives someone (the Agent) the right to make choices for someone else (the Principal). The Agent may have broad or narrow legal power. This depends on what is outlined in the POA. A POA is often used when someone has a disability or illness. It allows you to give someone you trust the right to make choices for you.

General Power of Attorney

A general Power of Attorney grants wide legal power. The Agent has power in many different areas. This may include handling money for you. It could also include buying life insurance or hiring professional help. The Agent can act on many things. A general POA is useful if you cannot manage your affairs. A general Power of Attorney ends if:

- the Principal becomes incapacitated or dies;
- the Principal revokes it;
- a court says it is not valid; or
- something happens to the Agent.

A general Power of Attorney ends if the Principal becomes incapacitated. A durable Power of Attorney does not. A durable POA remains in effect even if the Principal is incapacitated.

Durable Power of Attorney

A durable Power of Attorney is a POA that has a durability clause. This means it is valid even if the Principal becomes disabled. This could happen because of an injury or illness. A durable POA remains in effect until the Principal cancels it or dies. It may also end if a court finds that it is not valid.

Durable POAs are used to plan for emergencies. They can also help plan for a loss of mental functioning. There are two main types of durable POA. They are **Financial Power of Attorney** and **Healthcare Power of Attorney**. A Financial POA gives your Agent power to manage your financial affairs. A Healthcare POA allows your Agent to make medical choices for you.

The type of POA you need is based on your wants. You may want a general POA or a durable POA. It is important to know what kind of power you want to give your Agent. You should also talk to your Agent about your wants and needs.

How to Create a Power of Attorney

There are a few rules for how to create a Power of Attorney. Your POA must be written and signed by you. Two witnesses must watch you sign it. It also must be notarized. A witness is an adult who sees you sign the POA. They could be your friend, your neighbor, or even a stranger. You can find a notary near you through the Secretary of State's website (see Resources, below).

If you have questions about the law, talk to a lawyer.
You may also want to work with a lawyer to create your POA.

You should give a copy of your POA to your Agent. You may also want to give a copy to the county register of deeds office in North Carolina. A durable POA must be given to the county register of deeds where it will be used.

Resources

Read about the difference between Durable and General (Regular) POA (<https://www.legalzoom.com/articles/whats-the-difference-between-a-durable-and-a-regular-power-of-attorney/>).

Durable Power of Attorney form (<https://eforms.com/power-of-attorney/nc/north-carolina-durable-power-of-attorney/>)

General (Regular) Power of Attorney form (<https://eforms.com/power-of-attorney/nc/north-carolina-general-power-of-attorney/>)

You may find a notary near you in North Carolina on the Secretary of State website (https://www.sosnc.gov/online_services/notary/find_a_notary/). There is usually a small fee for a notary (less than \$10).

Getting Started with Durable/General Power of Attorney

- Step 1. Choose who you would like to be your Agent(s) and talk to them.
- Step 2. Decide if you would like a Durable or a General (Regular) POA.
- Step 3. Fill out the Durable or General (Regular) POA form (see Resources, above).
- Step 4. Find a Notary. You can find a Notary at your bank, UPS Stores, public libraries, real estate agencies, law firms, or at the Secretary of State website (see Resources, above).
- Step 5. Sign the document in front of two witnesses plus the notary.
- Step 6. Give a copy of your signed, notarized document to your Agent(s).
- Step 7. File a copy of your signed, notarized document with your County Register of Deeds.