

## **DURABLE POWER OF ATTORNEY TO TAKE EFFECT UPON INCAPACITY**

**KNOW ALL MEN BY THESE PRESENTS**, that I, \_\_\_\_\_, have constituted, made and appointed, and by these presents do constitute, make and appoint \_\_\_\_\_, as my true and lawful attorney. If \_\_\_\_\_ fails to qualify, ceases to act or predeceases me, then I appoint \_\_\_\_\_ as my true and lawful attorney to act on my behalf in the event that I am mentally or physically incapacitated and unable to manage my own affairs. Such mental or physical incapacity and inability to manage my own affairs shall be certified by my attending physician, in writing, who shall give my Agent, \_\_\_\_\_, or to my then-acting Agent, written notification of same; and such written notification of my mental or physical incapacity and inability to manage my own affairs shall convey and grant unto my Agent the authority to manage and conduct all of my estate and all of my affairs, and for that purpose for me and in my name, place and stead and for my use and benefit and as my act and deed, to do and execute or to concur with persons jointly interested with myself therein, in the doing or executing of all or any of the following acts, deeds and things, that is to say:

1. To ask, demand, sue for, recover and receive all sums of money, debts, goods, merchandise, chattels, effects, and things of whatsoever nature or description which are now or hereafter shall be or become owing, due, payable, or belonging to me in or by any right whatsoever, and upon receipt thereof, to make, sign, execute and deliver such receipts, releases or other discharges for same, respectively, as he/she shall think fit.

2. To deposit monies which may come into his/her hands as such attorney with any bank or banker, either in my or his/her own name, and any of such money or other money to which I am entitled which now is or shall be so deposited, to withdraw as he/she shall think fit; to sign withdrawal orders and make withdrawals from any savings bank or savings and loan association with which I now have, or shall in the future have, an account; to sign and endorse checks payable to my order, and to draw, make, endorse, discount, or otherwise deal with, any bills of exchange, checks, promissory notes or other commercial or mercantile instruments; to open or close checking accounts with any bank or banker in my, or in his/her own name, including the power to make deposits to such accounts or to any checking account which I now have, and to make, execute, sign or draw upon said accounts or any checking account which I now have, for any reason whatsoever, orders to be made payable to any payee; to borrow any sum or sums of money on such terms and with such security as he/she may think fit and for that purpose to execute all notes or other instruments which may be necessary or proper; and to have access to any and all safe deposit boxes registered in my name.

3. To enter into and upon all and singular my real estate, and to let, manage, and improve the same or any part thereof, and to repair or otherwise improve or alter, and to insure any buildings thereon; to sell, either at public or private sale or exchange any part or parts of my real estate or personal property for such consideration and upon such terms as he/she shall think fit, and to execute and deliver good and sufficient deeds or other instruments for the conveyance or transfer of the same, with such covenants of warranty or otherwise as he/she shall see fit, and to give good and effectual receipts for all or any part of the purchase price or other consideration; and to mortgage, including purchase money mortgage, and to execute bonds and warrants and all other instruments and documents in connection therewith and relating thereto, and such power shall not be in limitation of any other powers herein set forth, including but not limited to the property listed below: (please list all real estate)

4. To sell, assign, transfer, and dispose of any and all bonds, stocks, including U.S. Savings Bonds, loans, mortgages, or other securities registered in my name; and to collect and receipt for all interest and dividends due and payable to me.

5. To invest in my name in any stock, shares, bonds, securities or other property, real or personal, and vary such investments as he/she in his/her sole discretion, may deem best; and to vote at meetings of shareholders or other meetings of any corporation or company and to execute any proxies or other instruments in connection therewith.

6. To contract with any person for leasing for such periods, at such rents and subject to such conditions as he/she shall see fit, all or any of my said real estate; to execute all such leases and contracts as shall be necessary or proper in that behalf; to give notice to quit to any tenant or occupier thereof; and to receive and recover from all tenants and occupiers thereof or of any part thereof all rents, arrears of rents, and sums of money which now are or shall hereafter become due and payable in respect thereof; and also on non- payment thereof or of any part thereof to take all necessary or proper means and proceedings for terminating the tenancy or occupancy of such tenants or occupiers, and for ejecting the tenants or occupiers and recovering the possession thereof.

7. To commence, prosecute, discontinue or defend all actions or other legal proceedings touching my estate or any part whatsoever, or touching any matter in which I or my estate may be in anywise concerned; to settle, compromise, or submit to arbitration any debt, demand, or other right or matter due me or concerning my estate as he/she, in his/her sole discretion, shall deem best and for such purposes to execute and deliver such releases, discharges or other instruments as he/she may deem necessary and advisable; and to satisfy mortgages, including the execution of a good and sufficient lease, or other discharge or such mortgage.

8. To execute, acknowledge and file Federal, State and local income tax and personal property tax returns.

9. To engage, employ and dismiss any agents, clerks, servants, or other person as he/she, in his/her sole discretion, shall deem necessary and advisable.

10. In general, to do all other acts, matters and things whatsoever in or about my estate, property and affairs and things herein, either particularly or generally described, as fully and effectually to all intents and purposes as I could do in my own proper person if personally present.

11. In addition to the powers and discretion herein specially given and conferred upon him/her, and notwithstanding any usage or custom to the contrary, to have the full power, right and authority to do, perform and to cause to be done and performed all such acts, deeds, matters and things in connection with my property and estate as he/she, in his/her sole discretion, shall deem reasonable, necessary and proper, as fully, effectually and absolutely as if he/she was the absolute owner and possessor thereof.

12. This Power of Attorney shall not be affected by my disability, and may be exercised notwithstanding my subsequent disability or incapacity.

13. The within Power of Attorney shall not be affected by any physical and/or mental disability and/or incapacity which may affect me, including, but not limited to, mental incompetency, and the

powers, rights, discretion, and authority herein specially given and conferred upon him/her shall be exercisable by him/her on my behalf notwithstanding later physical and/or mental disability and/or incapacity, including, but not limited to, mental incompetency, which may afflict me or later uncertainty as to whether I may be dead or alive.

14. My attorney shall have the power to make all decisions regarding the administering or withholding of medical treatment should I be in an incurable or irrevocable mental or physical condition with no reasonable expectation of recovery where such treatment merely prolongs my dying.

15. The singular shall include the plural, the masculine shall include the feminine, and vice versa.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

WITNESS:

\_\_\_\_\_

**STATE OF**

: **SS**

**COUNTY OF** \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me, the subscriber, a Notary Public for the State of \_\_\_\_\_, residing in the County of \_\_\_\_\_, personally appeared \_\_\_\_\_ and in due form of law acknowledged the above Power of Attorney to be his/her voluntary act and deed, and desired that the same might be recorded as such.

WITNESS my hand and notarial seal the day and year aforesaid.

\_\_\_\_\_  
Notary Public

5601 (c)

**NOTICE**

THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU.

THIS POWER OF ATTORNEY DOES NOT IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS, BUT WHEN POWERS ARE EXERCISED, YOUR AGENT MUST USE DUE CARE TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS POWER OF ATTORNEY.

YOUR AGENT MAY EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU BECOME INCAPACITATED, UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THESE POWERS OR YOU REVOKE THESE POWERS OR A COURT ACTING ON YOUR BEHALF TERMINATES YOUR AGENT'S AUTHORITY.

YOUR AGENT MUST KEEP YOUR FUNDS SEPARATE FROM YOUR AGENT'S FUNDS.

A COURT CAN TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS YOUR AGENT IS NOT ACTING PROPERLY.

THE POWERS AND DUTIES OF AN AGENT UNDER A POWER OF ATTORNEY ARE EXPLAINED MORE FULLY IN 20 Pa.C.S. Ch 56.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER OF YOUR OWN CHOOSING TO EXPLAIN IT TO YOU.

I HAVE READ OR HAD EXPLAINED TO ME THIS NOTICE AND I UNDERSTAND ITS CONTENTS.

\_\_\_\_\_

\_\_\_\_\_ **Date**

5601 (d)

**NOTICE**

WE, \_\_\_\_\_ HAVE READ THE ATTACHED POWER OF ATTORNEY AND WE ARE THE PERSONS IDENTIFIED AS THE AGENT FOR THE PRINCIPAL. WE HEREBY ACKNOWLEDGE THAT IN THE ABSENCE OF A SPECIFIC PROVISION TO THE CONTRARY IN THE POWER OF ATTORNEY OR IN 20 Pa.C.S. WHEN WE ACT AS AGENT:

WE SHALL EXERCISE THE POWERS FOR THE BENEFIT OF THE PRINCIPAL.  
WE SHALL KEEP THE ASSETS OF THE PRINCIPAL SEPARATE FROM MY ASSETS.  
WE SHALL EXERCISE REASONABLE CAUTION AND PRUDENCE.  
WE SHALL KEEP A FULL AND ACCURATE RECORD OF ALL ACTIONS, RECEIPTS AND DISBURSEMENTS ON BEHALF OF THE PRINCIPAL.

\_\_\_\_\_  
**, Agent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**, Agent**

\_\_\_\_\_  
**Date**