

POWER OF ATTORNEY

REVOCAATION

FORMS AND INSTRUCTIONS

Revocation of Power of Attorney

This packet contains court forms and instructions to revoke a power of attorney.

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REVOCATION OF POWER OF ATTORNEY

Instructions

“To revoke” means to recall or cancel a power or authority previously granted. You may revoke a Power of Attorney at any time and for whatever reason you wish. You must do it in writing and give a copy of the Revocation form to any interested third party such as a bank or financial institution with whom you or your Agent have business. If your Power of Attorney was recorded for real estate purposes, the revocation must be recorded as well.

A regular Power of Attorney can be revoked at any time for any reason, as long as the principal is mentally competent.

An incapacitated or incompetent principal cannot revoke a Durable Power of Attorney. In these cases, is likely that court proceedings may determine whether the principal is competent to revoke the document.

The following general steps describe the process of revoking a Power of Attorney:

STEP 1: **OBTAIN** the Revocation Form and Explanation at the Mohave County Superior Court Law Library Resource Center.

- Read and complete the Revocation form

STEP 2: **TAKE** the following to a Notary Public. You may find a Notary at most banks or listed in the telephone book yellow pages. Notaries usually charge a fee.

- The Witness
- The original completed Revocation Form
- Photo ID for the witness, and you

STEP 3: **SIGN** the original Revocation Form in front of the Notary and

- Tell the Witness to sign the original Form in front of the Notary
- Wait for the Notary to notarize the Revocation Form

STEP 4: **MAKE COPIES** of the Revocation Form for each person or organization you deal with

- Keep the ORIGINAL for your records
- Give a COPY to the Attorney in Fact
- When revoking an existing Power of Attorney without naming a new representative, you must attach a copy of the *previously executed* Power of Attorney. On the copy of the **previously** executed Power of Attorney, write “REVOKE” across the top of the document. Then, initial and date it again under your signature.
- Give these people and organizations the copy of the Revocation Form. Be sure to have proof these people and organizations received the Revocation Form. NOTE: *The principal must identify all third parties who may be relying on the Power of Attorney. Recording the Revocation form may be the safest and simplest way of notifying third parties of the revocation.*

REVOCATION OF POWER OF ATTORNEY

1. IDENTIFY Principal and Attorney-in-Fact:

Principal: Name _____ Address of Residence _____ City _____ State _____ Zip Code _____ D/O/B _____

Agent /Attorney-In-Fact: Name _____ Address of Residence _____ City _____ State _____ Zip Code _____ D/O/B _____

2. REVOCATION by Principal:

I, _____ of _____, city of _____, in
(Principal's printed name) (Principal's Street Address)

the County of _____, State of _____, _____ (Zip Code)

hereby revoke the Power of Attorney dated _____, 20____,

given to, and empowering _____ to act in my behalf as my true and lawful
(Name of Attorney-in-Fact)

Attorney in Fact to handle my affairs. I declare that all power and authority granted under said Power of Attorney is here by revoked and withdrawn, and Attorney in Fact no longer has the authority to act in my behalf in any matter.

Principal _____ Signature _____ Date _____, 20____

3. SIGNATURE of WITNESS:

_____ (Printed Name of Witness)

_____ (Signature of Witness)

_____ (Address of Witness)

_____ (City, state & zip code of Witness)

4. NOTARIZATION:

STATE OF _____

COUNTY OF _____

Subscribed, sworn to or affirmed, and acknowledged before me by _____, the principal, and

subscribed and sworn to or affirmed before me by _____, witness, this _____

day of _____.

(notary seal)

Notary Public

Frequently Asked Questions Power of Attorney and Related Forms

1. What is a Power of Attorney?

A Power of Attorney is a legal document that gives an adult the authority to act in your place. The person you appoint to act in your place is known as the "Attorney in Fact" or agent. It is very important that your agent is someone you trust.

With a valid Power of Attorney, the trusted person you name will be legally permitted to take care of important matters granted by the Principal – for example paying your bills or managing your investments.

2. Who can use a Power of Attorney?

A person who is 18 years of age or older in Arizona and is of sound mind can use the Power of Attorney as either a Principal, witness or Attorney in Fact.

3. What types of Power of Attorney forms are available in the Law Library Resource Center?

- *General Power of Attorney* – This power of attorney delegates unlimited authority to another person for them to act on your behalf.
- *Parental Power of Attorney* – This power of attorney temporarily delegates parental powers for six months unless you are active in the military.
- *Durable Power of Attorney* -The general and special powers of attorney can all be made "durable" by adding certain text to the document. This means that the document will remain in effect or take effect if you become disabled or incapacitated.

There are other types of Powers of Attorney. Further information is available at the Law Library Resource Center.

4. Who is "the Principal" on the Power of Attorney form?

The Principal is the person who gives the permission and authority to carry out his or her business.

5. What is an "Attorney in Fact"?

An Attorney in Fact is a person or agent chosen by the principal, who accepts the responsibility to act in place of the principal. He or she is an adult that the principal can trust, to do what the principal directs in writing. An Attorney in Fact has nothing to do with a lawyer or an "attorney at law."

6. What is the difference between a Power of Attorney and a Durable Power of Attorney?

A power of attorney is a means by which by one person, called a principal, authorizes another person, called an attorney-in-fact or agent, to legally undertake some action or business of the principal on the principal's behalf. A durable power of attorney is a special form of authorization that allows the attorney-in-fact to continue acting on the principal's behalf even if the principal is ill or unable to communicate.

7. When does the Durable Power of Attorney become effective?

The Durable Power of Attorney available from the Law Library Resource Center becomes effective when the Principal and Witness sign the Power of Attorney in front of a notary.

8. How is the Durable Special Power of Attorney different from a Power of Attorney that delegates parental powers?

A Durable Special Power of Attorney differs from a Parental Power of Attorney because it can be used for specific tasks other than delegation of parental powers. The Power of Attorney to delegate parental powers is specific only to the parent-child relationship.

9. Do I need to know the witness?

No. However, you cannot expect that an informed adult will be available to act as a witness at the notary office. In order to be prepared, it is best to take a person willing to be a witness with you to the notary office. Also, it may be helpful to have a person (the witness) know that you executed a Power of Attorney.

Also, it is not a requirement that the notary public provide customers with a translator. It may be in the best interest of the Principal to have a trusted witness to translate. A witness/translator may need to be present to verbally translate oaths before having their signature notarized.

10. May a non-Arizonan use these forms?

These Power of Attorney forms are based on Arizona law. Arizona law has requirements for the Principal, witness, Attorney in Fact, Notary, as well as the Power of Attorney form. These requirements may differ from those in other states. The people who sign and use the Arizona Power of Attorney form must follow these instructions and abide by Arizona Power of Attorney laws.

11. May I edit or remove language from the Power of Attorney form?

Yes, but in specific places only. The places for editing the form are indicated by a box to check or a line to mark, where you are given choices of the tasks you want the Attorney in Fact to perform. You may cross out any task you do not want your Attorney in Fact to do, or you may check mark the section you want the Attorney in Fact to perform. Both the principal and agent should initial any changes in these specified places.

12. May I use these Power of Attorney forms for health care or end-of-life planning?

No. For a packet of forms for end-of-life and health planning go to the Arizona Attorney General's office or website.

13. Can a Power of Attorney be used to distribute assets upon death of the Principal?

No. The Power of Attorney ends upon death the Principal (or on the end date, or date of revocation). Generally, the probate process is used to distribute assets if the Principal has died.

14. How can I cancel or revoke a Power of Attorney?

Revocation means to recall or cancel a power or authority previously granted. You can revoke a Power of Attorney at any time and for whatever reason you wish. You must do it in writing and give a copy of the revocation form to any interested third party such as a bank or financial institution whom you or your Agent have business. If your power of attorney was recorded for real estate purposes, the revocation must be recorded as well.

If you have a Durable Power of Attorney, you must be competent to make the decision to revoke or revise the Power of Attorney. If the Principal is not competent, a Durable Power of Attorney continues until the Principal dies.

15. When does a Power of Attorney end?

Generally, a Power of Attorney ends upon revocation, at the designated end date, or upon the death of the Principal.

16. Do I need to record this Power of Attorney?

It depends on what the Power of Attorney form directs the Attorney in Fact to do on your behalf. For example, you must record the Power of Attorney if the document directs the Attorney in Fact to transfer real property. (See A.R.S. §§ 33-411 through 33-423 – Conveyances and Deeds – Recording)

Generally, other types of Power of Attorney forms do not need to be recorded. Recordation is the act of entering a document with the county's recorder's office. The act of recording a Power of Attorney makes it a public record and enables those who rely on its existence (banks, contractors, attorneys) to easily verify your document. Also, if your Power of Attorney is lost or destroyed, the recorded document enables the Attorney in Fact to prove that s/he was actually appointed and has the authority to act as your agent.

17. What do I do with the Power of Attorney after I complete it?

The Power of Attorney does not need to be filed with the Court. Each person who is made your Agent should keep the original of his or her Power of Attorney form in a convenient place so that it can be located easily when needed. Many people will want to see the original Power of Attorney before permitting your Attorney-in-Fact to act on your behalf. At times, a copy of the Power of Attorney may be requested in connection with a particular transaction, but the Agent should never release the original. Please see #16 for information on recording the Power of Attorney.