Durable Power of Attorney

Pursuant to Minnesota Statute 523

Before completing and signing this form, the principal must read and understand the IMPORTANT NOTICE TO PRINCIPAL that appears on page two of this form.
Before acting on behalf of the principal, the attorney-in-fact must sign this form acknowledging having read and understood the IMPORTANT NOTICE TO ATTORNEY-IN-FACT that appears on page two of this form.

I, (the below-named PRINCIPAL) hereby appoint the below named Attorney-in-Fact to act as my attorney-in-fact to act for me in any way that I could act with respect to the following matters, as each of them is defined in Minnesota Statutes, section 523.24:

(A) real property transactions;
(B) tangible personal property transactions;
(C) bond, share, and commodity transactions;
(D) banking transactions;
(E) business operating transactions;
(F) insurance transactions;
(G) beneficiary transactions;
(H) gift transactions;
(I) fiduciary transactions;
(J) claims and litigation;
(K) family maintenance;
(L) benefits from military service;
(M) records, reports, and statements;
(N) all other matters, other than health care decisions under a health care directive that complies with Minnesota Statutes, chapter 145C.

To withdraw any of the preceding powers, cross out the line and have initialed by the principal.

This power of attorney shall not be affected by incapacity or incompetence of the principal.

This power of attorney has no expiration date unless noted here (month/day/year):_____

ATTORNEY-IN-FACT (person receiving powers)

Name _____ Address_____ Phone_____

Relation to Principal _____ Signature_____ Date_____
(notarization not necessary)

PRINCIPAL (person granting powers)

Name _____ Address_____ Phone_____

Signature _____ Date_____
(notarization necessary)

I am hereby witnessing the signature by the PRINCIPAL:

Notary Name_____ County_____

Signature_____ Date_____

Stamp

 This is an important document. Keep the original safe and accessible, and make copies to provide to people and providers with whom these powers are used.

IMPORTANT NOTICE TO THE PRINCIPAL

READ THIS NOTICE CAREFULLY. The power of attorney form that you will be signing is a legal document. It is governed by Minnesota Statutes, chapter 523. If there is anything about this form that you do not understand, you should seek legal advice.

PURPOSE: The purpose of the power of attorney is for you, the principal, to give broad and sweeping powers to your attorney-in-fact, who is the person you designate to handle your affairs. Any action taken by your attorney-in-fact pursuant to the powers you designate in this power of attorney form binds you, your heirs and assigns, and the representative of your estate in the same manner as though you took the action yourself.

POWERS GIVEN: You will be granting the attorney-in-fact power to enter into transactions relating to any of your real or personal property, even without your consent or any advance notice to you. The powers granted to the attorney-in-fact are broad and not supervised. THIS POWER OF ATTORNEY DOES NOT GRANT ANY POWERS TO MAKE HEALTH CARE DECISIONS FOR YOU. TO GIVE SOMEONE THOSE POWERS, YOU MUST USE A HEALTH CARE DIRECTIVE THAT COMPLIES WITH MINNESOTA STATUTES, CHAPTER 145C.

DUTIES OF YOUR ATTORNEY-IN-FACT: Your attorney-in-fact must keep complete records of all transactions entered into on your behalf. You may request that your attorney-in-fact provide you or someone else that you designate a periodic accounting, which is a written statement that gives reasonable notice of all transactions entered into on your behalf. Your attorney-in-fact must also render an accounting if the attorney-in-fact reimburses himself or herself for any expenditure they made on behalf of you.

An attorney-in-fact is personally liable to any person, including you, who is injured by an action taken by an attorney-in-fact in bad faith under the power of attorney or by an attorney-in-fact's failure to account when the attorney-in-fact has a duty to account under this section. The attorney-in-fact must act with your interests utmost in mind.

TERMINATION: If you choose, your attorney-in-fact may exercise these powers throughout your lifetime, both before and after you become incapacitated. However, a court can take away the powers of your attorney-in-fact because of improper acts. You may also revoke this power of attorney if you wish. This power of attorney is automatically terminated if the power is granted to your spouse and proceedings are commenced for dissolution, legal separation, or annulment of your marriage.

This power of attorney authorizes, but does not require, the attorney-in-fact to act for you. You are not required to sign this power of attorney, but it will not take effect without your signature. You should not sign this power of attorney if you do not understand everything in it, and what your attorney-in-fact will be able to do if you do sign it.

IMPORTANT NOTICE TO THE ATTORNEY-IN-FACT

You have been nominated by the principal to act as an attorney-in-fact. You are under no duty to exercise the authority granted by the power of attorney. However, when you do exercise any power conferred by the power of attorney, you must:

(1) act with the interests of the principal utmost in mind;

(2) exercise the power in the same manner as an ordinarily prudent person of discretion and intelligence would exercise in the management of the person's own affairs;

(3) render accountings as directed by the principal or whenever you reimburse yourself for expenditures made on behalf of the principal;

(4) act in good faith for the best interest of the principal, using due care, competence, and diligence;

(5) cease acting on behalf of the principal if you learn of any event that terminates this power of attorney or terminates your authority under this power of attorney, such as revocation by the principal of the power of attorney, the death of the principal, or the commencement of proceedings for dissolution, separation, or annulment of your marriage to the principal;

(6) disclose your identity as an attorney-in-fact whenever you act for the principal by signing in substantially the following manner: Signature by a person as "attorney-in-fact for (name of the principal)" or "(name of the principal) by (name of the attorney-in-fact) the principal's attorney-in-fact";

(7) acknowledge you have read and understood this IMPORTANT NOTICE TO THE ATTORNEY-IN-FACT by signing the power of attorney form.

You are personally liable to any person, including the principal, who is injured by an action taken by you in bad faith under the power of attorney or by your failure to account when the duty to account has arisen.

The meaning of the powers granted to you is contained in Minnesota Statutes, chapter 523. If there is anything about this document or your duties that you do not understand, you should seek legal advice.