



## Total Legal Guidelines for Executing your New York Financial Durable Power of Attorney

### Items Included in your Download

- 1) Your Financial Durable Power of Attorney. The length of this document can be up to fifteen pages depending on which powers you are granting your “Attorney-in-Fact” (also referred to as your “Agent”). The final two pages of your Power of Attorney are the last numbered pages of the download and contain spaces for your signature and the signatures of your witnesses.
- 2) Important Information for the Agent. A two page document to be signed by your Agent and notarized.
- 3) Major Gifts Rider. A two page document that must be completed ONLY if you are granting the power to make gifts of your property to your Agent.

### Requirements for signing (executing) a Valid Financial Durable Power of Attorney

New York has certain requirements and formalities that must be followed to properly sign a Financial Durable Power of Attorney:

- 1) The first most basic requirement of a valid Durable Power of Attorney is that it must be in writing.
- 2) The next requirement is that the Principal (the person creating the Financial Durable Power of Attorney) must sign it with the intent of creating a valid Power of Attorney. Ideally, you should sign your full legal name the same way it would appear on other legal documents. If you are unable to sign your document, we suggest you consult with a local attorney about properly executing your Power of Attorney.
- 3) New York also requires your Agent to sign the “Important Information for the Agent” document.
- 4) New York requires that a Notary Public witness the signing of both the Power of Attorney and the Important Information for the Agent.
- 5) The “Major Gifts Rider” must be completed, signed, witnessed, and notarized if you are granting your Agent the power to make gifts of your property.

### Witnesses

New York does not require another witness other than the Notary Public. The Notary Public does not need to read the entire Power of Attorney, but should read and complete the section preceding his or her signature. Note: If you are completing the Major Gifts Rider, you will need two witnesses to the signing of the rider.

### Financial Durable Power of Attorney Signing Ceremony

It is important that these steps be performed in the following order:

- 1) Prepare by printing the entire Financial Durable Power of Attorney.
- 2) Bring your unsigned Power of Attorney to a Notary Public.
- 3) State in a voice that is clearly audible that you declare this (the unsigned document) to be your Financial Durable Power of Attorney and that you are asking the person present to act as witness to the Financial Durable Power of Attorney and to your signature.
- 4) Initial and date each page of the Power of Attorney in the spaces provided at the lower right hand corner of each page. Enter your Social Security Number and the date on the signature page of the document.
- 5) Sign the Financial Durable Power of Attorney in the space provided on the last page of the document above the line “<Your Name>, Principal” in full view of the Notary Public.
- 6) The Notary Public then signs the document and affixes his or her seal.

Sign only one copy of the Financial Durable Power of Attorney.

### **Important Information for the Agent Signing Ceremony**

- 1) Have your Agent bring the unsigned “Important Information for the Agent” document to a Notary Public.
- 2) Sign the Important Information for the Agent in the space provided on the second page of the document in full view of the Notary Public.
- 3) The Notary Public then signs the document and affixes his or her seal.

### **Major Gifts Rider Signing Ceremony**

- 1) Bring the completed but unsigned “Major Gifts Rider” to a Notary Public.
- 2) You will need two witnesses to the signing that are not beneficiaries of the Power of Attorney (cannot receive gifts). You will either have to bring the witnesses with you or check to see if there are people available at the notary’s office that can serve as witnesses.
- 3) Sign the Major Gifts Rider in full view of the witnesses and the notary.
- 4) Your witnesses sign and complete the witnesses section in full view of the notary.
- 5) The Notary Public then signs the Major Gifts Rider and affixes his or her seal.

### **After the Ceremony**

After the documents are signed, they should be placed in a safe place known to others. You may make photocopies available to select people such as your Attorney-in-Fact (Agent). Your Agent should also have access to the original documents, as some financial institutions may require proof of the original documents before allowing your Agent to act on your behalf.