

**Chapter 1 : New Statutory Durable Power of Attorney Form - Legislation - Texas Probate**

*The Texas durable financial power of attorney document, also known as the 'Statutory' form, for the State of Texas can be used for powers handed to another person for monetary reasons that are broad and sweeping.*

To execute any written instrument including but not limited to checks, contracts, legal agreements and drafts. With regard to property and my property rights, my attorney-in-fact shall have the power: To receive any and all income that is owed on my property and shall execute and deliver any receipts, releases or discharges relating to this property income. To make demand and to institute, maintain and prosecute, compromise, settle or dismiss any actions that are for the recovery, collection and receipt of any goods, debts, claims, demands, rents, duties or choices in action that may be due to me, and also to defend any action that may be brought against me. Finally, with regards to property transactions the above mentioned attorney shall contract and pay for any services or goods that may be required by my dependents or me. To conduct and engage in any required banking transactions, including but not limited to the signing of my name and to withdraw money deposited in my name in any bank, this includes entering into my safe deposit box and opening new and closing existing bank accounts. To pay any debt, claims and demands for which I may be held liable, regardless of how they may be brought forth. To sign, endorse, execute and deliver any written instrument that I would execute or endorse, including but not limited to promissory notes, acceptances, renew checks or other evidences of indebtedness. To settle any and all claims and demands for which I am held liable, or which become due to me, and to execute any written documents pertaining to these transactions including but not limited to receipts, releases and or discharges. To grant extensions in various situations such as debts owed to me, claims that are made by me or any demands that are due to me. To invest my money in loans, bonds, notes, equity that is common or preferred, mortgages, annuities, real estate, partnerships or other property that is real or personal that my above appointed attorney deems appropriate. In addition to consent to or dissent from the sale, mortgage, pledge, lease or distribution of any of the property that is of any such corporation or other property that has any protective, reorganization or similar committee, delegate discretionary power and pay and agree to pay any and all related expenses. In general to perform any act with reference to the matters that are stated in this paragraph which my above mentioned attorney may deem necessary and advisable in connection with issuing proxies, making agreements or subscriptions and the payment of expenses, assessments and or subscriptions. Finally with regards to banking and investing the above appointed attorney may borrow money for me from the attorney personally or others, upon any terms and conditions and at any time or times for any purpose as my attorney considers appropriate and to execute and deliver any bond, note or other written evidence of debt, and as for security to give any mortgage, deed of trust or other security instrument as to any of my property and to endorse, assign, pledge any securities, insurance policies or other tangible or intangible personal property. With regard to legal affairs the above appointed attorney may employ and compensate attorneys, accountants and other agents with personal liability for neglect or wrongdoing that are selected with reasonable care and consideration. To represent me before any administrative or judicial body in any proceeding. The power to obtain insurance is also granted to my attorney for any property that is owed by me that is of a reasonable amount and on any reasonable terms my attorney considers appropriate. To sign an application or other document to obtain such described insurance or to surrender or rescind any insurance policy obtained by either my attorney or me and to assign any policy upon any property that is owned by me. Power to pay taxes is given to my attorney such as federal, state, county and or municipal or other income, gift or property tax returns or declarations of estimated tax and to exercise related options. I hereby give my attorney-in-fact full authority to perform every necessary and proper act as fully as I could if I was personally present, with full power of substitution and revocation and ratify and confirm that my attorney-in-fact or substitute shall so lawfully do. The rights, power and authority to my attorney-in-fact that I now grant shall become effective as soon as I sign below of this here document.

## Chapter 2 : How to Obtain Power of Attorney Forms in Texas | LegalZoom Legal Info

*General (Financial) Power of Attorney - This is also a type that allows you to confer broad financial powers, however, unlike the durable form, it terminates automatically if you become incapacitated.*

This is a special legal relationship that imposes on you legal duties that continue until you resign or the power of attorney is terminated, suspended, or revoked by the principal or by operation of law. A fiduciary duty generally includes the duty to: An event that terminates this power of attorney or your authority to act under this power of attorney includes: An event that suspends this power of attorney or your authority to act under this power of attorney is the appointment and qualification of a temporary guardian unless a court order provides otherwise. If you violate the Durable Power of Attorney Act or act beyond the authority granted, you may be liable for any damages caused by the violation or subject to prosecution for misapplication of property by a fiduciary under Chapter 32 of the Texas Penal Code. Added by Acts , 82nd Leg. Acts , 83rd Leg. Acts , 85th Leg. The statutory durable power of attorney may be modified to allow the principal to grant the agent the specific authority described by Section Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. Added by Acts , 85th Leg. By executing a statutory durable power of attorney that confers authority with respect to any class of transactions, the principal empowers the attorney in fact or agent for that class of transactions to: A insure against a casualty, liability, or loss; B obtain or regain possession or protect the interest or right by litigation, action, or otherwise; C pay, compromise, or contest taxes or assessments or apply for and receive refunds in connection with the taxes or assessments; D purchase supplies, hire assistance or labor, or make repairs or alterations to the real property; and E manage and supervise an interest in real property, including the mineral estate; 5 use, develop, alter, replace, remove, erect, or install structures or other improvements on real property in which the principal has or claims to have an estate, interest, or right; 6 participate in a reorganization with respect to real property or a legal entity that owns an interest in or right incident to real property, receive and hold shares of stock or obligations received in a plan or reorganization, and act with respect to the shares or obligations, including: A selling or otherwise disposing of the shares or obligations; B exercising or selling an option, conversion, or similar right with respect to the shares or obligations; and C voting the shares or obligations in person or by proxy; 7 change the form of title of an interest in or right incident to real property; 8 dedicate easements or other real property in which the principal has or claims to have an interest to public use, with or without consideration; 9 enter into mineral transactions, including: The language conferring general authority with respect to tangible personal property transactions in a statutory durable power of attorney empowers the attorney in fact or agent to: A insuring the property or interest against casualty, liability, or loss; B obtaining or regaining possession or protecting the property or interest by litigation, action, or otherwise; C paying, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with taxes or assessments; D moving the property; E storing the property for hire or on a gratuitous bailment; and F using, altering, and making repairs or alterations to the property. The language conferring authority with respect to stock and bond transactions in a statutory durable power of attorney empowers the attorney in fact or agent to: A stocks; B bonds; C mutual funds; and D all other types of securities and financial instruments other than commodity futures contracts and call and put options on stocks and stock indexes; 2 receive certificates and other evidences of ownership with respect to securities; 3 exercise voting rights with respect to securities in person or by proxy; 4 enter into voting trusts; and 5 consent to limitations on the right to vote. The language conferring authority with respect to commodity and option transactions in a statutory durable power of attorney empowers the attorney in fact or agent to: The language conferring authority with respect to banking and other financial institution transactions in a statutory durable power of attorney empowers the attorney in fact or agent to: The language conferring authority with respect to business operating transactions in a statutory durable power of attorney empowers the attorney in fact or agent to: A perform a duty, discharge a liability, or exercise a right, power, privilege, or option that the principal has, may have, or claims to have under the partnership agreement, whether or not the principal is a

general or limited partner; B enforce the terms of the partnership agreement by litigation, action, or otherwise; and C defend, submit to arbitration, settle, or compromise litigation or an action to which the principal is a party because of membership in the partnership; 3 exercise in person or by proxy, or enforce by litigation, action, or otherwise, a right, power, privilege, or option the principal has or claims to have as the holder of a bond, share, or other similar instrument and defend, submit to arbitration, settle, or compromise a legal proceeding to which the principal is a party because of a bond, share, or similar instrument; 4 with respect to a business owned solely by the principal: A continue, modify, renegotiate, extend, and terminate a contract made before execution of the power of attorney with an individual, legal entity, firm, association, or corporation by or on behalf of the principal with respect to the business; B determine: A prepare, sign, file, and deliver reports, compilations of information, returns, or other papers with respect to a business: The language conferring authority with respect to estate, trust, and other beneficiary transactions in a statutory durable power of attorney empowers the agent to act for the principal in all matters that affect a trust, probate estate, guardianship, conservatorship, life estate, escrow, custodianship, or other fund from which the principal is, may become, or claims to be entitled, as a beneficiary, to a share or payment, including to: The language conferring general authority with respect to claims and litigation in a statutory durable power of attorney empowers the attorney in fact or agent to: A recover property or other thing of value; B recover damages sustained by the principal; C eliminate or modify tax liability; or D seek an injunction, specific performance, or other relief; 2 bring an action to determine an adverse claim, intervene in an action or litigation, and act as an amicus curiae; 3 in connection with an action or litigation: A procure an attachment, garnishment, libel, order of arrest, or other preliminary, provisional, or intermediate relief and use an available procedure to effect or satisfy a judgment, order, or decree; and B perform any lawful act the principal could perform, including:

## Chapter 3 : Free Texas Power of Attorney Forms - Word | PDF | eForms – Free Fillable Forms

*Texas Financial Durable Power of Attorney Form is a legal instrument intended to grant powers to an agent/attorney-in-fact to act on your behalf as if you were present during the action. The Durable Power of Attorney Act, Chapter XII, Texas Probate Code has directives about the governance of the power of attorney along with sweeping and broad.*

While the form had a good, long run, as in George R. The statutory durable power of attorney form will change effective January 1, The new power of attorney form Tex. It drops the approach of the former form, in which the principal crosses out any specific powers he or she does not wish to give to the agent, for an initialing approach, in which the principal initials powers he or she wishes to give to the agent. This approach is consistent with the version of the Uniform Power of Attorney Act. Texas had tried the initialing approach from to , but dropped it in favor of the crossing-out approach in an attempt to prevent fraud and to reduce errors in self-help execution of powers of attorney. The form begins with a notice to the principal. To a large extent, these statements are consistent with the Durable Power of Attorney Act and fiduciary law. However, to the extent that the statements are not identical to current statutory law, does including these statements in the form create additional statutory or contractual duties and liabilities? If there are inconsistencies, which controls – existing law or the disclosure statements in the form? In addition to increasing the chances of fraud since it is easier for a bad guy to add initials to a form than to remove a cross-out mark , the new initialing approach creates these two traps for the unwary: No automatic general power of attorney. The former cross-out form contains this statement: If no power listed above is crossed out, this document shall be construed and interpreted as a general power of attorney and my agent attorney in fact shall have the power and authority to perform or undertake any action I could perform or undertake if I were personally present. The new form has no such provision. For this reason, it is important for any attorney wishing for his or her client to have a general power of attorney to specifically add language to the form to accomplish this purpose. What happens if no powers are initialed? Since these forms are used by non-lawyers, it is inevitable that powers of attorney will be signed with no powers initialed. What is the effect of this? As troublesome as the changes to the form are, they should present no insurmountable hurdle for attorneys familiar with this area of the law. Here are practice tips about the new form: Accept the initialing approach. Use of the statutory form is optional, so there is no reason why an attorney could not continue to use the crossing-out approach. However, in the controlled environment most attorneys create for document signings, it is not difficult to assure that clients initial the form at the appropriate place. Modify the form to include those powers which you believe your principal may need to have. Make it a general power of attorney. Add language to make it clear that it is a general power of attorney. Specifically provide that it is to be construed as a statutory durable power of attorney. Even though the use of the statutory form is optional, it probably is advantageous to have the power of attorney construed to be a statutory durable power of attorney. This assures that the powers described in Tex. Here are the new statutory durable power of attorney forms for use beginning January 1, in Word and pdf formats. Here is the new form with modifications and enhancements by Glenn Karisch in Word and pdf formats. Your source for information on estate planning, probate and trust law in Texas. Except as otherwise noted, all content on this site is licensed under a Creative Commons License.

## Chapter 4 : Free Durable Power of Attorney Texas Form – Adobe PDF

*The legal form is governed by the State of Texas Estates Code, Title 2, Chapter Laws - Title 2, Chapter (Durable Powers of Attorney) Medical (Health Care) Power of Attorney - Is used to designate another individual to represent you in matters of health when you become incapacitated.*

## Chapter 5 : Durable Financial Power of Attorney: How It Works | calendrierdelascience.com

## DOWNLOAD PDF FINANCIAL POWER OF ATTORNEY FORM TEXAS

*A power of attorney for finances can be a very useful tool. You can authorize someone to manage almost any financial or property matter of yours. The form is flexible—you can grant unlimited financial powers, or only a small number by placing your initials in front of each power you wish to grant.*

### Chapter 6 : How to Get Power of Attorney in Texas: 15 Steps (with Pictures)

*Texas Health and Human Services. SDPOA, Statutory Durable Power of Attorney. You are here. Home > Laws & Regulations > Forms > SDPOA, Statutory Durable Power of.*

### Chapter 7 : Free Texas Durable (Statutory) Power of Attorney Form - Word | PDF | eForms “ Free Fillab

*A power of attorney is a legal document in which one person, called the principal, gives another person, called the agent, the power to manage the principal's financial affairs or to make health decisions on his behalf. There are several different types of power of attorney, and the powers given to.*

### Chapter 8 : Medical Power of Attorney Form | Create a Free Healthcare POA

*A Texas power of attorney is a power of attorney form complies with Title 2, Chapter of the Texas Estate Codes. These laws specifically outline the parameters of a legally enforceable power of attorney and ensures that the form, as well as its duties are protected under the law.*

### Chapter 9 : Texas General Durable Power of Attorney for Property & Finances (Immediate) - Free Legal Fo

*Durable power of attorney - a durable power of attorney is a general power of attorney, but continues if the principal becomes mentally or physically disabled or incapacitated. Springing power of attorney - a springing power of attorney gives the agent authority only if and when the principal becomes disabled or incapacitated.*