

**Information Regarding  
NEVADA STATUTORY POWER OF ATTORNEY  
NRS 162A.620**

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR FINANCIAL MATTERS. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

- A. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE DECISIONS CONCERNING YOUR PROPERTY FOR YOU. YOUR AGENT WILL BE ABLE TO MAKE DECISIONS AND ACT WITH RESPECT TO YOUR PROPERTY (INCLUDING YOUR MONEY) WHETHER OR NOT YOU ARE ABLE TO ACT FOR YOURSELF.
- B. THIS POWER OF ATTORNEY BECOMES EFFECTIVE IMMEDIATELY UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.
- C. THIS POWER OF ATTORNEY **DOES NOT** AUTHORIZE THE AGENT TO MAKE HEALTH CARE DECISIONS FOR YOU.
- D. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.
- E. YOU SHOULD SELECT SOMEONE YOU TRUST TO SERVE AS YOUR AGENT. UNLESS YOU SPECIFY OTHERWISE, GENERALLY THE AGENT'S AUTHORITY WILL CONTINUE UNTIL YOU DIE OR REVOKE THE POWER OF ATTORNEY OR THE AGENT RESIGNS OR IS UNABLE TO ACT FOR YOU.
- F. YOUR AGENT IS ENTITLED TO REASONABLE COMPENSATION UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.
- G. THIS FORM PROVIDES FOR DESIGNATION OF ONE AGENT. IF YOU WISH TO NAME MORE THAN ONE AGENT YOU MAY NAME A CO-AGENT IN THE SPECIAL INSTRUCTIONS. CO-AGENTS ARE NOT REQUIRED TO ACT TOGETHER UNLESS YOU INCLUDE THAT REQUIREMENT IN THE SPECIAL INSTRUCTIONS.
- H. IF YOUR AGENT IS UNABLE OR UNWILLING TO ACT FOR YOU, YOUR POWER OF ATTORNEY WILL END UNLESS YOU HAVE NAMED A SUCCESSOR AGENT. YOU MAY ALSO NAME A SECOND SUCCESSOR AGENT.

- I. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT.
- J. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY EXCEPT AS SPECIFICALLY PROVIDED OTHERWISE BY LAW OR IN THE DOCUMENT GRANTING THE PRIOR POWER OF ATTORNEY.
- K. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD CALL THE LAW OFFICES OF DEMPSEY, ROBERTS & SMITH, LTD., YOUR LEGALSHIELD PROVIDER LAW FIRM IN NEVADA AT (702) 388-4401 OR (800) 5664775 AND ASK ONE OF OUR ATTORNEYS FOR AN EXPLANATION.**

**POWER OF ATTORNEY IN NEVADA**

In Nevada, "power of attorney" refers to a variety of different legal arrangements. However, the different systems which fall under the umbrella of that term have one thing in common: if somebody grants power of attorney to somebody else, the person with power of attorney is authorized to make certain decisions on behalf of the person who granted it. There are many reasons why a person might want to grant this power to another, but it often granted in contemplation of the possibility that the grantor might become unable to express his or her wishes due to some form of incapacity.

**ANY POWER OF ATTORNEY ARRANGEMENT CREATES THE POSSIBILITY THAT THE ATTORNEY-IN-FACT WILL ABUSE THE POWER HE OR SHE HAS BEEN GRANTED, AND IT IS SIMPLY NOT FEASIBLE TO COMPLETELY ELIMINATE THIS POSSIBILITY. IT CAN BE MINIMIZED HOWEVER BY GIVING THE ATTORNEY THE BARE MINIMUM AMOUNT OF AUTHORITY NEEDED TO CARRY OUT YOUR WISHES, AND MAKING YOUR WISHES KNOWN IN WRITING (WITH COPIES HELD BY AT LEAST ONE OTHER PERSON) WELL IN ADVANCE.** When granting power of attorney, you can generally grant as much authority as you want, so you need to be very careful, and only give this legal authority to somebody you know and trust. Also, you should consider your circumstances and objectives when determining what type of power to grant.

For instance, some people have specific wishes, whether based on religion or personal preference, about how they should be cared for at the end of their life. Oftentimes, people who are at the end of their lives become unable to express their wishes. Therefore, it becomes necessary to have somebody else who knows what they would want, and has the legal authority to give effect to those wishes.

There are 3 basic arrangements that power of attorney can involve in Nevada. They are:

1. Limited power of attorney - limited power of attorney gives the attorney-in-fact the power to act on your behalf on a single issue, in a single transaction. For example, if you are buying a house in another state, you may wish to grant limited power of attorney to a friend or relative who lives in that state, so they can sign all of the relevant documents on your behalf, so you don't have to incur travel expenses. For obvious reasons, you should only grant this power to someone you trust. Once the transaction is complete, the power of attorney automatically disappears.

2. Durable power of attorney - this lets an attorney-in-fact make decisions in a particular, specified area of the principal's affairs. Durable power of attorney doesn't automatically disappear, and can last indefinitely, or until the principal revokes it. This can be very useful, because it allows the attorney-in-fact to make important decisions for the principal, but allows the principal to revoke the power if they regain the capacity to make their own decisions.

3. Springing power of attorney - this is similar to durable power of attorney, but the power is conditional. That is, it does not take effect unless some specific event takes place. This event can be anything. Most often, however, the agreement allows the attorney-in-fact to make important medical and financial decisions for the principal, only in the event that the principal becomes incapacitated. However, there are sometimes disagreements over whether or not a person is actually "incapacitated" to the point that the power of attorney has been triggered. This can lead to a court of law having to decide the issue.

Attached is a pre-printed form for use in Nevada allowing you to easily draft a power of attorney document. In many cases, this may be all you need. This form is standard and already has the basics of such an agreement committed to writing. All you and the other party need do is fill in the blanks, initial the appropriate boxes, follow the instructions, have the power of attorney signed by the party granting the power of attorney and keep it with your important documents.

## **ADDITIONAL INFORMATION REGARDING A NEVADA FINANCIAL POWER OF ATTORNEY**

### **Why do I need a Nevada financial power of attorney?**

If you become ill or injured and you can't take care of your own finances, someone else must step in to help. With a financial power of attorney, you name a trusted person to pay bills, make bank deposits, watch over investments, collect insurance or government benefits, and handle other money matters on your behalf. Without this important document, your loved ones will have to go to court to get authority over your financial affairs.

### **Who makes financial decisions for me under a Nevada financial power of attorney?**

In Nevada, the person you name to make decisions for you is called your agent. Any competent adult can serve as your agent; the person most definitely doesn't have to be a lawyer. Honesty, common sense, and dependability should be the most important factors in your decision. It's also wise to choose someone who lives nearby—this will make it easier to take care of practical tasks.

### **When does my financial power of attorney take effect?**

In Nevada, you can draft your financial power of attorney so that it takes effect as soon as you sign it. You must specify that you want it to be "durable." If you don't, it will automatically end if you become incapacitated.

If you don't want to make an immediately effective document, you can state that your power of attorney will not go into effect unless a doctor certifies that you have become incapacitated. This is called a "springing" durable power of attorney.

### **When does my financial power of attorney end?**

A durable power of attorney automatically ends at your death. It also ends if:

**You revoke it.** As long as you are mentally competent, you can revoke your document at any time.

**You get a divorce.** In Nevada, your durable power of attorney is not automatically terminated if your spouse is your agent and you get a divorce. As a practical matter, it is always wise to make a new power of attorney as soon as you file for divorce.

**A court invalidates your document.** It's rare, but a court may declare your document invalid if it concludes that you were not mentally competent when you signed it, or that you were the victim of fraud or undue influence.

**No agent is available.** To avoid this problem you can name an alternate agent in your document.

**PLEASE NOTE: IF YOU NEED TO SEE A SAMPLE OF HOW TO COMPLETE A GENERAL, DURABLE POWER OF ATTORNEY, PLEASE GO TO THE WEB SITE OF DEMPSEY, ROBERTS & SMITH, LTD., ([www.drsltd.com](http://www.drsltd.com)) AND LOOK UNDER THE HEADING LEGALSHIELD/FORMS.**