

## **Affidavit for the Durable Power of Attorney**

The Affiant is the attorney-in-fact. The Principal is the person who signed the Durable Power of Attorney.

The attorney-in-fact should **not** sign the Affidavit for Durable Power of Attorney until it is time to use the Durable Power of Attorney.

The attorney-in-fact **must** sign the Affidavit for Durable Power of Attorney in the presence of a Notary Public.

If it becomes necessary for the attorney-in-fact to use the Durable Power of Attorney, the **original** Durable Power of Attorney should be recorded with the Clerk of the Circuit Court in the county in which the person who executed the Durable Power of Attorney resides.

# Affidavit of Durable Power of Attorney

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, personally appeared \_\_\_\_\_,  
the Affiant, who swore or affirmed that:

1. Affiant is the attorney-in-fact named in the Durable Power of Attorney executed by \_\_\_\_\_, the Principal, on \_\_\_\_\_.
2. This Durable Power of Attorney is currently exercisable by Affiant. The principal is domiciled in the state of \_\_\_\_\_.
3. To the best of Affiant's knowledge after diligent search and inquiry:
  - a. The Principal is not deceased; and
  - b. There has been no revocation, partial or complete termination by adjudication of incapacity or by the occurrence of an event referenced in the Durable Power of Attorney, or suspension by initiation of proceedings to determine incapacity or to appoint a guardian.
4. Affiant agrees not to exercise any powers granted by the Durable Power of Attorney if Affiant attains knowledge that it has been revoked, partially or completely terminated, suspended, or is no longer valid because of the death or adjudication of incapacity of the Principal.

\_\_\_\_\_  
Affiant

Sworn to and subscribed before me on \_\_\_\_\_ by \_\_\_\_\_, who personally appeared before me at the time of notarization, and who executed the foregoing document, and who is personally known to me or who produced \_\_\_\_\_ as identification.

NOTARY PUBLIC:

NOTARY SEAL:

Sign \_\_\_\_\_  
Print \_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
Commission Number \_\_\_\_\_