

## **DURABLE POWER OF ATTORNEY**

I, \_\_\_\_\_, the principal, of \_\_\_\_\_  
do hereby make, constitute and appoint \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ or \_\_\_\_\_ of \_\_\_\_\_

to serve as my true and lawful attorneys in fact, all of whom are collectively referred to herein as my "attorney in fact," to exercise the powers and discretion set forth below either (1) alone and without the approval or consent of any other attorney in fact named herein, or (2) jointly with any other attorney in fact named herein.

This Durable Power of Attorney shall be applicable to any interest in property owned by me including, without limitation, all real property and homestead real property; all personal property, tangible or intangible; all property held in any type of joint tenancy, including a tenancy in common, joint tenancy with rights of survivorship, or a tenancy by the entirety; all property over which I hold a general, limited, or special power of appointment; choses in action; and all other contractual or statutory rights or elections, including but not limited to, any rights or elections in any probate or similar proceeding to which I am or may become entitled.

My attorney in fact shall serve for me and in my name, place and stead, and on my behalf, and for my use and benefit, to do any lawful act for and in my name, including, but not limited to, the following:

A. To transfer, convert, endorse, sell, assign, set over and deliver any and all shares of stock, mutual funds, exchange traded funds, bonds (including but not limited to U.S. Treasury Bonds and U.S. Savings Bonds), debentures, notes, subscription warrants, stock purchase warrants, evidences of indebtedness, or other securities now or hereafter standing in my name or owned by me and to make, execute and deliver any and all written instruments of assignment and transfer necessary or proper to effectuate the authority hereby conferred. This includes the authority to execute stock powers or similar documents on my behalf and delegate to a transfer agent or similar person the authority to transfer and register any stocks, bonds or other securities either into or out of my name or a nominee's name.

B. To buy and sell and to invest and reinvest money or securities of all kinds in my name and for my account and at such prices as my attorney in fact, in the exercise of absolute discretion, shall deem appropriate.

C. To do business with banks, brokers and other financial institutions, including to open, maintain, manage, change or close accounts in my name; to endorse all checks and drafts made

payable to my order and collect the proceeds; to sign in my name checks on all accounts standing in my name; to withdraw funds from said accounts; to open accounts in my name or in the name of my attorney in fact for me.

D. To establish a custodian or other type of investment account with any bank, trust company, investment broker, or other securities dealer.

E. To vote any corporate securities for any purpose; to exercise or sell any subscription or conversion rights; to consent to and join in or oppose any voting trusts, reorganizations, consolidations, mergers, foreclosures and liquidations and in connection therewith to deposit securities and accept and hold other securities or property received therefor.

F. To conduct or participate in any lawful business of whatever nature for me and in my name; to execute partnership agreements and amendments thereto; to incorporate, reorganize, merge, consolidate, recapitalize, sell, liquidate, or dissolve any business; to elect or employ officers, directors and agents; to carry out the provision of any agreement for the sale of any business interest or the stock therein; and to exercise voting rights with respect to stock, either in person or by proxy, and to exercise stock options.

G. To manage any and all property, real or personal, tangible or intangible, wherever situated; to sell, convey, assign, mortgage, encumber or otherwise transfer the same; to lease same; to foreclose mortgages or enforce any other rights with respect to the same; to take title to the same in my name; and to execute, acknowledge and deliver deeds, bills of sale, mortgages, releases, satisfactions and any other instruments relating to the same which my attorney in fact, in the exercise of absolute discretion, shall deem appropriate.

H. To execute a deed or mortgage of homestead real property; to join in the conveyance or mortgage of homestead real property; including the power to convey, mortgage, join and deal in any way with any subsequently obtained homestead property. To borrow money from any lender, personal or corporate, and to extend or renew any existing indebtedness of mine.

I. To ask, demand, sue for, collect and receive all sums of money, dividends, interest, payments on account of debts and legacies and all property now due or which may hereafter become due and owing to me, and give good and valid receipts and discharges for such payment.

J. To compromise, commence, contest, prosecute or abandon claims or legal proceedings in favor of or against me.

K. To have access at any time or times to any safe deposit box to which I have access, or any safe deposit box rented by me, wherever located, and to remove all or any part of the contents thereof, and to surrender or relinquish said safe deposit box; and any institution in which any such safe deposit box may be located shall not incur any liability to me or my estate as a result of permitting my attorney in fact to exercise this power.

L. To open, read, respond to and redirect all of my mail.

M. To apply for a Certificate of Title upon, and endorse and transfer title thereto, for any automobile, truck, pickup, van, motorcycle or other motor vehicle, boat, trailer, or mobile home, and to represent in such transfer assignment that the title to said motor vehicle, boat, trailer or mobile home is free and clear of all liens and encumbrances except those specifically set forth in such transfer assignment.

N. To make gifts, grants or transfers (including the forgiveness of indebtedness and the completion of any charitable pledges I have made) without consideration, either outright or in trust to such persons or organizations as my attorney in fact shall deem appropriate, including,

without limitation, the following actions: (1) to take advantage of the annual exclusion under the federal gift tax law provided such gifts are reasonable to all concerned, (2) to transfer by gift in advancement of a bequest or devise to beneficiaries under my Will or living trust agreement and (3) to make gifts to my attorney in fact.

O. To disclaim, in whole or in part, any interest in or power over property, including a power of appointment, any life estate, any property passing to me by testate or intestate succession, by gift, by beneficiary designation, by joint ownership, by joint tenancy by the entirety, or by any power held in a fiduciary capacity as provided in Chapter 739, Florida Uniform Disclaimer of Property Interests Act, of the Florida Statutes.

P. To prepare, sign and file joint or separate income tax returns or declarations of estimated tax for any year or years; to prepare, sign and file gift tax returns with respect to gifts made by me for any year or years; to consent to any gift and to utilize any giftsplitting provisions or other tax election, and to prepare, sign, and file any claims for refund of any tax; and to represent me in all income tax matters before any office of the Internal Revenue Service, within the limitations of the applicable Revenue Rulings and Procedures; to file any state, county or municipal tax returns of any kind or nature and to negotiate with any and all taxing authorities, and to compromise any disputes which may arise with any such agency.

Q. To create, amend, modify or revoke any document or other disposition effective at my death or to transfer assets to an existing trust so long as this does not conflict with my existing testamentary plan.

R. To represent me in any receivership or bankruptcy or other similar proceeding.

S. To change ownership and beneficiary designations, to implement or to change distribution options, to make contributions on my behalf, and to direct deposit my payments into an account for my benefit, on all retirement plans of which I am a member including individual retirement accounts, 401(K)s, profit sharing accounts, pensions, Social Security Administration, Veterans Administration, Civil Service or any other party or governmental agency.

T. To purchase, carry, surrender, convert, borrow against, designate beneficiaries, change ownership, or otherwise deal with insurance of any kind, including, without limitation, life, accident, health, disability, property, casualty and liability insurance, and to settle, comprise and adjust claims on any insurance policies.

U. To invest in, exchange, rollover, or liquidate annuity policies, designate beneficiaries, change ownership, and annuitize and otherwise manage such policies or payments from such policies.

V. To apply for public benefits on my behalf with any federal, state or local agency, without restriction, and to receive and apply such benefits on my behalf; to maximize my entitlement to federal and state medical, welfare, housing and other programs, by all legitimate and proper means within the sound and trusted discretion of my attorney in fact. The authority herein granted shall include but not be limited to converting my assets into assets that do not disqualify me from receiving such benefits or divesting me of such assets.

W. To create, fund and maintain an Income Trust pursuant to 42 U.S.C. 1396p(d)(4)(B) in order to qualify me for Medicaid or any other public assistance benefits.

X. To establish a separate account for my benefit and to fund this separate account with a Pooled Trust for the Disabled pursuant to 42 U.S.C. 1396p(d)(4)(C) to qualify me for Medicaid or any other public assistance benefits.

Y. To enter into a lifetime personal care services contract on my behalf with my attorney in fact or family member or friend being the provider of the services under this contract. Any lifetime personal care services contract signed by my attorney in fact should be treated as if I voluntarily approved of this arrangement.

Z. To take care of, contract for, make arrangements for and make financial commitments for me, my medical care and attention, including, without limiting the foregoing, to engage doctors and nurses and health care aides, to provide hospitalization, to consent to operations, to call ambulances and to provide any required consents to medication and any other medical procedures; provided, however, if at any time a surrogate is acting on my behalf, my attorney in fact shall cooperate with, follow the directive of, and provide any necessary financial assistance, using my property, to such surrogate. In addition to the other powers granted by this document, my attorney in fact shall have the power and authority to serve as my personal representative for all purposes of the Health Insurance Portability and Accountability Act of 1996, (Public Law 104-191), 45 C.F.R. Parts 160 through 164.

AA. To retain accountants, attorneys, investment advisors, geriatric care managers, home health aides, household help, social workers, consultants, clerks, employees, workmen, or other persons or entities as my attorney in fact shall deem appropriate in connection with the management of my property and affairs and to make payments from my assets for the charges of such person or entity so employed.

BB. To make payments and expenditures as my attorney in fact shall, in the exercise of absolute discretion, determine to be necessary in connection with the administration of my affairs.

CC. To be entitled to receive reasonable compensation when providing services as attorney in fact for my benefit and to be entitled to reimbursement for all reasonable expenses incurred as a result of carrying out any provision of this Durable Power of Attorney.

Banking institutions, savings and loan institutions and stock brokerage firms and stock transfer agents, as well as all other third persons, are authorized to rely on the provisions of this Durable Power of Attorney and are exonerated from any loss, claim or liability in relying on said instrument and its provisions. Parties dealing with my attorney in fact named herein are not required to investigate or determine my attorney in fact's authority, or the validity, or the advisability of the transactions, to see to the proper exercise of powers, or to follow the disposition of monies and/or property delivered to my attorney in fact. A third party who acts in good faith upon any representation, direction, decision, or act of my attorney in fact is not liable to me or my estate, beneficiaries of my estate, or joint owners for those acts. Photocopies of this Durable Power of Attorney shall have the same effect as the original.

My attorney in fact shall execute any affidavit as may be required by a third party to verify my attorney in fact's authority to act under this document.

My attorney in fact shall be released from any and all liability for good efforts. My attorney in fact is not liable to third parties for any act pursuant to this Durable Power of Attorney if the act was authorized at the time. However if the exercise of the power is improper, my attorney in fact may be liable to any interested persons as defined by Florida law for damage and loss resulting from a breach of fiduciary duty by my attorney in fact.

This Durable Power of Attorney is not affected by my subsequent incapacity except as provided in section 709.08 of the Florida Statutes. The rights, powers and authority of my attorney in fact herein granted shall commence and be in full force and effect immediately upon execution. This

Durable Power of Attorney shall remain in full force and effect until I die, until I revoke this power of attorney by an instrument in writing, or until I am adjudicated totally or partially incapacitated by a court of competent jurisdiction, unless the court determines that certain authority granted by this Durable Power of Attorney is to remain exercisable by my attorney in fact, notwithstanding any adjudication of incapacity.

Dated this \_\_\_\_\_

IN THE PRESENCE OF:

**Witnesses:**

Sign \_\_\_\_\_

**Sign** \_\_\_\_\_

Print Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Sign \_\_\_\_\_

Print Name \_\_\_\_\_

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

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

The foregoing instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC:

NOTARY SEAL:

Sign \_\_\_\_\_

Print \_\_\_\_\_

My Commission Expires \_\_\_\_\_

Commission Number \_\_\_\_\_