

# Davis, Adams, Freudenberg, Day & Galli

## Attorneys at Law

John E. "Jack" Davis  
Richard D. Adams  
Ben E. Freudenberg

Six Hundred Northwest Fifth Street  
Grants Pass, Oregon 97526-2024  
P: 541-476-6627 F: 541-476-7048

Gregory T. Day  
Matthew G. Galli  
Charles H. Seagraves, Retired

### **Power of Attorney**

#### **What is a power of attorney?**

It is a written, notarized document under which you give another person the legal authority to manage your financial affairs during your lifetime. The person to whom you give the power of attorney is called your agent or attorney in fact and you are called the principal. With the power of attorney, you do not give up your right to make decisions or conduct business. A power of attorney is simply a way of sharing that authority with someone else.

#### **What does the power of attorney cover?**

The power of attorney may be as broad or as narrow as you wish it to be. Typically, a general power of attorney is given which includes a long list of any and all financial matters that may arise. The power of attorney could be limited in scope for example, in regard to a specific sale or purchase of real property.

#### **What does it mean to have a durable power of attorney?**

A durable power of attorney is one that remains effective after you become incapacitated. The law normally implies that a power of attorney would be revoked upon your incompetency so as to protect you in the situation where it is not possible to know whether you would or would not want the power of attorney to continue. However, a durable power of attorney continues valid and effective regardless of your disability.

#### **Why should I have a power of attorney?**

If you became incapacitated, a durable power of attorney would allow your agent to conduct business and financial affairs for you and may avoid the necessity of conservatorship.

#### **How long does a power of attorney last?**

The power of attorney continues until you revoke it or until the expiration date within the document occurs, or upon your death.

#### **Are there risks with a power of attorney?**

Yes, it is possible that your agent could misuse the power of attorney. Therefore, it is very important that you carefully select who you name as your agent. It is possible to build into the power of attorney an accounting requirement whereby the agent must account to you and any other person or persons you require for all of their activities.

#### **Does a power of attorney cover health decisions?**

No, under Oregon Law a special "Advance Directive" is necessary to deal with health care issues. In the advance directive, you name a health care representative and set forth your wishes in regard to health care decisions.