

Power of Attorney Sample South Dakota

[Online Power of Attorney Form \\$9.99 \(free trial\)--click here](#)

DURABLE POWER OF ATTORNEY GIVEN BY JAMES ROBERT HEDGES

NOTICE: The powers granted by this document are broad and sweeping regarding your financial affairs. If you have any questions about these powers, obtain competent legal advice from an attorney. This document does not authorize anyone to make medical and other health-care decisions for you. You may revoke this power of attorney after its execution if you so wish.

I, JAMES ROBERT HEDGES, residing in Springfield, South Dakota, do hereby appoint Sara Jane Hedges of Louisville, KY as my agent (hereinafter known as "Attorney-in-Fact") to act for me in any lawful way with respect to the following matters:

1. The power to buy, sell, manage, and borrow against any and every kind of property that I own whether it be real, personal (including any investments such as stocks and bonds), tangible or intangible upon whatever terms my Attorney-In-Fact deems advisable;
2. To use all credit cards issued in my name;
3. To receive money, cash checks, draw checks, open and close bank and security accounts, and make deposits and withdrawals from any banking, savings, or brokerage accounts in my name including certificates of deposit;
4. To operate any business venture I may own including hiring and firing of employees;
5. To make all investment decisions and execute all documents relative to any investment assets or instruments I possess such as stocks, bonds, and options and, also, including the right to execute proxies and exercise voting rights;
6. To enter into real estate transactions of any and all types including, but not limited to, rental agreements, maintenance agreements, broker agreements, borrow money and incur expenses, execute notes, mortgages, deeds of trust, other security and credit agreements, and transfer, convey, and assign and deliver bills of sale, deeds and other instruments of title to real estate;
7. To initiate, defend and settle legal claims and lawsuits and to give releases and indemnities from liability;
8. To hire persons for assistance in legal, tax, bookkeeping, financial, medical and housekeeping matters;
9. To apply for any government, insurance or Social Security benefit, to receive personal, confidential and medical information, to file tax returns and represent me in all tax matters with

- the Internal Revenue Service and any other tax agency;
10. To enter any safe deposit box of mine;
 11. To engage in insurance transactions of any type;
 12. To create and contribute to an IRA or employee benefit plan (including a plan for a self-employed individual) for my benefit; to select any payment option under any IRA or employee benefit plan in which I am a participant (including plans for self-employed individuals) or change options I have selected; to make and change beneficiary designations in any IRA; to make voluntary contributions to such plans; to make a "roll-over" of plan benefits into other retirement plans; to borrow money and purchase assets therefrom and sell assets thereto, if authorized by any such plan; to receive benefits from and engage in transactions (including the making of any plan election) with any retirement plan of which I am a beneficiary;
 13. To make any and all tax elections that I may otherwise be entitled to make and, also, the power to disclaim any property interest of mine.

Revocation of prior Durable Powers of Attorney:

I hereby revoke all prior General and Durable Powers of Attorney that I may have previously executed (except those for health care matters) and I retain the right to amend or revoke this Durable Power of Attorney and to substitute other attorneys in place of the Attorney-in-Fact appointed herein.

Expending assets for the reasonable health, education, support and maintenance of others:

The attorney-in-fact is specifically authorized to expend my assets for the reasonable health, maintenance, support and/or education of my spouse, if any, and any minor children I may have.

Duration of Authority

This is a DURABLE POWER OF ATTORNEY and the authority of my Attorney-In-Fact shall **not** terminate if I become disabled or incapacitated. This General Durable Power of Attorney shall be construed in accordance with the laws of the State of South Dakota. The powers granted to the Attorney-in-Fact shall stay in effect for either the principal's entire life or until revoked by the principal (whichever occurs first).

My Attorney-in-Fact is given the above-enumerated powers regarding my financial matters in a fiduciary capacity and is to conduct my personal and business financial affairs in a manner deemed best for the welfare of myself, my spouse, and any minor children of mine.

My Attorney-in-Fact shall use the following form when signing on my behalf pursuant to this Durable Power of Attorney: "JAMES ROBERT HEDGES, by: Sara Jane Hedges, Attorney-In-Fact."

THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY UPON EXECUTION.

I agree that any third party who receives a copy of this document may act under it. Revocation of the power of attorney is not effective as to a third party until the third party learns of the revocation.

Notice to Person Executing Durable Power of Attorney

A durable power of attorney is an important legal document. By signing the durable power of attorney,

you are authorizing another person to act for you, the principal. Before you sign this durable power of attorney, you should know these important facts:

1. Your agent (Attorney-in-Fact) has no duty to act unless you and your agent agree otherwise in writing.
2. This document gives your agent the powers to manage, dispose of, sell, and convey your real and personal property, and to use your property as security if your agent borrows money on your behalf. This document does not give your agent the power to accept or receive any of your property, in trust or otherwise, as a gift, unless you specifically authorize the Attorney-in-Fact to accept or receive a gift.
3. Your agent will have the right to receive reasonable payment for services provided under this durable power of attorney unless you provide otherwise in this power of attorney.
4. This is a durable power of attorney and the authority of your Attorney-in-Fact shall not terminate if you become disabled or incapacitated.
5. The powers you give your Attorney-in-Fact will continue to exist for your entire lifetime or unless you otherwise terminate the durable power of attorney. The powers you give your Attorney-in-Fact in this durable power of attorney will continue to exist even if you can no longer make your own decisions respecting the management of your property.
6. You can amend or change this durable power of attorney only by executing a new durable power of attorney or by executing an amendment through the same formalities as an original. You have the right to revoke or terminate this durable power of attorney at any time, so long as you are competent.
7. You should read this durable power of attorney carefully. When effective, this durable power of attorney will give your agent the right to deal with property that you now have or might acquire in the future. The durable power of attorney is important to you. If you do not understand the durable power of attorney, or any provision of it, then you should obtain the assistance of an attorney or other qualified person.

3. You may not transfer the principal's property to yourself without full and adequate consideration or accept a gift of the principal's property unless this power of attorney specifically authorizes you to transfer property to yourself or accept a gift of the principal's property. If you transfer the principal's property to yourself without specific authorization in the power of attorney, you may be prosecuted for fraud and/or embezzlement. In addition to criminal prosecution, you may also be sued in civil court.

I have read the foregoing notice and I understand the legal and fiduciary duties that I assume by acting or agreeing to act as the agent (attorney-in-fact) under the terms of this power of attorney.

ACCEPT BY:

Sara Jane Hedges, Attorney-in-Fact

Dated: _____, 2007

(Note: This page is **not** to be attached to your Financial Power of Attorney.)

INSTRUCTIONS REGARDING EXECUTION OF YOUR FINANCIAL POWER OF ATTORNEY

- A. We recommend that you execute two originals of your Financial Power of Attorney. Give the first original to the Attorney-in-fact you named and you retain the second original in your home in place known to family members.
- B. Please remember to fill in your social security number below your name on the signature page.
- C. **Witnesses / Notary.** If your Financial Power of Attorney is notarized, then you do not require witnesses. If your Financial Power of Attorney is **not** notarized, then you shall need 2 witnesses to your execution of this document (3 in the State of Vermont). The attorney-in-fact should not be one of the witnesses. Also, there is no requirement that the attorney-in-fact's acceptance be notarized or witnessed. It is highly recommended that you get the document notarized if the potential exists that your attorney-in-fact will need to transfer real estate. Even if state law does not require it, the title company is likely to require that the power of attorney be notarized.
- D. This form is not recommended for use outside of the United States nor in the State of Louisiana.
- E. **Where do I get a notary?** Your local bank, your insurance agent, or your stock broker are the best place to find a notary. If these locations do not work for you, please consult your local Yellow Pages which has them listed under "notaries public".
- F. **How The Agent Should Sign?** "Assume Elvis Presley appoints his wife, Priscilla Beaulieu Presley, as his agent in a written power of attorney. Priscilla, as agent, must sign as follows: Elvis Presley, by Priscilla Beaulieu under POA or Priscilla Beaulieu Presley, attorney-in-fact for Elvis Presley." [American Bar Association info on POAs](#). Using the this hypothetical, we suggest "Elvis Presley by Priscilla Beaulieu Presley, attorney-in-fact for Elvis Presley".
- G. **How do I terminate the powers of my attorney-in-fact under this financial power of attorney?** Termination is made by giving the attorney-in-fact notice of termination of his powers. It is highly recommended that notice of termination be given in written form not only to the attorney-in-fact but, also, all persons and business entities with whom the attorney-in-fact has transacted business or other affairs in your name. A third party may still rely upon the attorney-in-fact's authority under the financial power of attorney until they are given notice of its termination. It is wise to put financial institutions where you have accounts (such as banks and brokerage firms) high on your list of entities to notify upon termination of a financial power of attorney. If the financial power of attorney contains a termination or deadline (such as one year after execution), then third parties will be held to have knowledge of that deadline. If you filed your power of attorney with a county recorder of deeds or other state government office, then you must file a notice of revocation of the power of attorney with that same country recorder of deeds or other government office.
- H. **What if I decide to make changes to my document?** We will keep your responses to the online questionnaire in our database **for 60 days after the date of purchase**. During this time, you may go to the User Administration section of our site to call up your form questionnaire and make changes—the URL is <https://www.medlawplus.com/user/>. You shall need your "user name" and "password" to re-enter the system. Once in the User Administration area, click on the text link to your form questionnaire which is located on the upper-left of the page. Make the desired changes to your responses in the questionnaire and submit to create a revised document. If you have problems calling up your old data, email us at administrator@medlawplus.com. We do our best to give a prompt response to all inquiries, usually within a few hours. NOTE: Upon registration, our system emailed to you our record of your "user name" and "password".

DISCLAIMER

The above is provided for informational purposes only and is NOT to be relied upon as legal advice. This service is not a substitute for the advice of an attorney and we encourage users to have all documents created on our site reviewed by an attorney. No attorney–client relationship is established by use of our online legal forms system and the user is not to rely upon any information found anywhere on our site. **THESE FORMS ARE SOLD ON AN "AS IS" BASIS WITH NO WARRANTIES OR GUARANTIES.** If you wish personal assistance in deciding whether the document found on our site is right for you or desire representations and warranties upon the legality of the document you are purchasing in the jurisdiction you will be using it, contact an attorney licensed to practice law in your state.