

<b>A 6421-B</b> Weinstein        Same as <a href="#">S 4996-B</a> VOLKER	
General Obligations Law	
TITLE....Recodifies provisions of law relating to establishing powers of attorney, the powers thereof and revocation thereof; repealer	
03/07/07	referred to judiciary
01/09/08	referred to judiciary
02/12/08	reported referred to codes
02/12/08	reported with amendment (t)
02/12/08	print number 6421a
02/19/08	advanced to third reading cal.699
03/03/08	passed assembly
03/03/08	delivered to senate
03/03/08	REFERRED TO JUDICIARY
06/02/08	recalled from senate
06/02/08	RETURNED TO ASSEMBLY
06/02/08	vote reconsidered - restored to third reading
06/02/08	amended on third reading (t) 6421b
06/11/08	repassed assembly

06/11/08	returned to senate
06/11/08	COMMITTED TO RULES
12/15/08	SUBSTITUTED FOR S4996B
12/15/08	3RD READING CAL.2253
12/15/08	PASSED SENATE
12/15/08	RETURNED TO ASSEMBLY
12/30/08	delivered to governor
01/27/09	signed chap.644
<b>S4996-B</b> VOLKER Same as <a href="#">A 6421-B</a> Weinstein	
ON FILE: 06/05/08 General Obligations Law	
TITLE....Recodifies provisions of law relating to establishing powers of attorney, the powers thereof and revocation thereof; repealer	
04/24/07	REFERRED TO JUDICIARY
06/06/07	AMEND AND RECOMMIT TO JUDICIARY
06/06/07	PRINT NUMBER 4996A
01/09/08	REFERRED TO JUDICIARY
06/02/08	AMEND (T) AND RECOMMIT TO JUDICIARY
06/02/08	PRINT NUMBER 4996B

12/15/08	COMMITTEE DISCHARGED AND COMMITTED TO RULES
12/15/08	ORDERED TO THIRD READING CAL.2253
12/15/08	SUBSTITUTED BY A6421B
<b>A06421</b>	<b>Weinstein AMEND=B</b>
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## STATE OF NEW YORK

6421--B  
 Cal. No. 699  
 2007-2008 Regular Sessions

### IN ASSEMBLY

March 7, 2007

Introduced by M. of A. WEINSTEIN, JOHN, DINOWITZ, DelMONTE, SEMINERIO, COLTON, LANCMAN, PHEFFER, MARKEY, JACOBS -- read once and referred to the Committee on Judiciary -- reported and referred to the Committee on Codes -- reported from said committee with amendments, ordered reprinted as amended and placed on the order of second reading -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general obligations law, in relation to powers of attorney, providing definitions and general requirements for valid powers of attorney, providing for the duties of the agent, requiring the agent to sign the power of attorney form, providing procedures for the revocation of the power of attorney, and providing for civil proceedings with respect to powers of attorney, and to repeal sections 5-1501, 5-1502M, 5-1505 and 5-1506 of such law relating to powers of attorney

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

1 Section 1. The title heading of title 15 of article 5 of the general  
 2 obligations law is amended to read as follows:

3 STATUTORY SHORT FORM [~~POWER~~] **AND OTHER POWERS**  
 4 OF ATTORNEY **FOR FINANCIAL ESTATE PLANNING**

5 § 2. Section 5-1501 of the general obligations law is REPEALED and  
 6 three new sections 5-1501, 5-1501A and 5-1501B are added to read as  
 7 follows:

8 § 5-1501. Definitions. As used in this title the following terms

9 shall have the following meanings:

10 1. "Agent" means a person granted authority to act as attorney-in-fact 11  
for the principal under a power of attorney, and includes the original

12 agent and any co-agent or successor agent. Unless the context indicates  
13 otherwise, an "agent" designated in a power of attorney shall mean

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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A. 6421--B 2

1 "attorney-in-fact" for the purposes of this title. An agent acting under  
2 a power of attorney has a fiduciary relationship with the principal.

3 2. "Benefits from governmental programs or civil or military service"  
4 means any benefit, program or assistance provided under a statute or  
5 governmental regulation, including social security, medicare and medi-  
6 caid.

7 3. "Capacity" means ability to comprehend the nature and consequences  
8 of the act of executing and granting, revoking, amending or modifying a  
9 power of attorney, any provision in a power of attorney, or the authori-  
10 ty of any person to act as agent under a power of attorney.

11 4. "Compensation" means reasonable compensation authorized to be paid  
12 to the agent from assets of the principal for services actually rendered  
13 by the agent pursuant to the authority granted in a power of attorney.

14 5. "Financial institution" means a financial entity, including, but  
15 not limited to: a bank, trust company, national bank, savings bank,  
16 federal mutual savings bank, savings and loan association, federal  
17 savings and loan association, federal mutual savings and loan associ-  
18 ation, credit union, federal credit union, branch of a foreign banking  
19 corporation, public pension fund, retirement system, securities broker,  
20 securities dealer, securities firm, and insurance company.

21 6. "Incapacitated" means to be without capacity.

22 7. "Internal Revenue Code" means the United States Internal Revenue  
23 Code of 1986, as amended. Such references, however, shall be deemed to  
24 constitute references to any corresponding provisions of any subsequent  
25 federal tax code.

26 8. "Monitor" means a person appointed in the power of attorney who has  
27 the authority to request, receive, and seek to compel the agent to  
28 provide a record of all receipts, disbursements, and transactions  
29 entered into by the agent on behalf of the principal.

30 9. "Person" means an individual, whether acting for himself or  
31 herself, or as a fiduciary or as an official of any legal, governmental  
32 or commercial entity (including, but not limited to, any such entity  
33 identified in this subdivision), corporation, business trust, estate,  
34 trust, partnership, limited liability company, association, joint  
35 venture, government, governmental subdivision, government agency,  
36 government entity, government instrumentality, public corporation, or  
37 any other legal or commercial entity.

38 10. "Power of attorney" means a written document by which a principal  
39 with capacity designates an agent to act on his or her behalf.

40 11. "Principal" means an individual who is eighteen years of age or  
41 older who executes a power of attorney.

42 12. "Record" means information that is inscribed on a tangible medium  
43 or that is stored in an electronic or other medium and is retrievable in  
44 perceivable form.

45 13. "Sign" means to place any memorandum, mark or sign, written,  
46 printed, stamped, photographed, engraved or otherwise upon an instrument  
47 or writing, or to use an electronic signature as that term is defined in  
48 subdivision three of section three hundred two of the state technology  
49 law, with the intent to execute the instrument, writing or electronic  
50 record. In accordance with the requirements of section three hundred  
51 seven of the state technology law, a power of attorney or any other  
52 instrument executed by the principal or agent that is recordable under  
53 the real property law shall not be executed with an electronic signa-  
54 ture.  
55 14. "Statutory major gifts rider" or "SMGR" means a document by which  
56 the principal may supplement a statutory short form power of attorney to

A. 6421--B 3

1 authorize major gift transactions and other transfers, that meets the  
2 requirements of subdivision nine of section 5-1514 of this title, and  
3 that contains the exact wording of the form set forth in subdivision ten  
4 of section 5-1514 of this title. The use of the form set forth in subdivi-  
5 vision ten of section 5-1514 of this title is lawful and when used, it  
6 shall be construed as a statutory major gifts rider. A statutory major  
7 gifts rider may contain modifications or additions as provided in  
8 section 5-1503 of this title as such modifications or additions relate  
9 to major gift transactions and other transfers. The statutory major  
10 gifts rider must be executed in the manner provided in section 5-1514 of  
11 this title, simultaneously with the statutory short form power of attor-  
12 ney in which the authority (SMGR) is initialed by the principal. A stat-  
13 utory major gifts rider and the statutory short form power of attorney  
14 it supplements must be read together as a single instrument.  
15 15. "Statutory short form power of attorney" means a power of attorney  
16 that meets the requirements of paragraphs (a), (b) and (c) of subdivi-  
17 sion one of section 5-1501B of this title, and that contains the exact  
18 wording of the form set forth in section 5-1513 of this title. The use  
19 of the form set forth in section 5-1513 of this title is lawful and when  
20 used, it shall be construed as a statutory short form power of attorney.  
21 A statutory short form power of attorney may be used to grant authority  
22 provided in sections 5-1502A through 5-1502N of this title. A "statutory  
23 short form power of attorney" may contain modifications or additions as  
24 provided in section 5-1503 of this title, but in no event may it be  
25 modified to grant any authority provided in section 5-1514 of this  
26 title. If the authority (SMGR) on the statutory short form is initialed  
27 by the principal, the statutory short form power of attorney must be  
28 executed in the manner provided in section 5-1501B of this title, simul-  
29 taneously with the statutory major gifts rider. A statutory short form  
30 power of attorney and a statutory major gifts rider which supplements it  
31 must be read together as a single instrument.  
32 16. "Third party" means a financial institution or person.  
33 § 5-1501A. Power of attorney not affected by incapacity. 1. A power  
34 of attorney is durable unless it expressly provides that it is termi-  
35 nated by the incapacity of the principal.  
36 2. The subsequent incapacity of a principal shall not revoke or termi-  
37 nate the authority of an agent who acts under a durable power of attor-  
38 ney. All acts done during any period of the principal's incapacity by an  
39 agent pursuant to a durable power of attorney shall have the same effect  
40 and inure to the benefit of and bind a principal and his or her distri-

41 butees, devisees, legatees and personal representatives as if such prin-  
42 cipal had capacity. If a guardian is thereafter appointed for such prin-  
43 cipal, such agent, during the continuance of the appointment, shall  
44 account to the guardian rather than to such principal. 45 § 5-1501B.

Creation of a valid power of attorney; when effective. 1.

46 To be valid, a statutory short form power of attorney, or a non-statuto-  
47 ry power of attorney, executed in this state by an individual, must:

48 (a) Be typed or printed using letters which are legible or of clear  
49 type no less than twelve point in size, or, if in writing, a reasonable  
50 equivalent thereof.

51 (b) Be signed and dated by a principal with capacity, with the signa-  
52 ture of the principal duly acknowledged in the manner prescribed for the  
53 acknowledgement of a conveyance of real property.

54 (c) Be signed and dated by any agent acting on behalf of the principal  
55 with the signature of the agent duly acknowledged in the manner  
56 prescribed for the acknowledgement of a conveyance of real property. A

A. 6421--B 4

1 power of attorney executed pursuant to this section is not invalid  
2 solely because there has been a lapse of time between the date of  
3 acknowledgment of the signature of the principal and the date of  
4 acknowledgement of the signature of the agent acting on behalf of the  
5 principal or because the principal became incapacitated during any such  
6 lapse of time.

7 (d) Contain the exact wording of the:

8 (1) "Caution to the Principal" in paragraph (a) of subdivision one of  
9 section 5-1513 of this title; and

10 (2) "Important Information for the Agent" in paragraph (n) of subdivi-  
11 sion one of section 5-1513 of this title.

12 2. In addition to the requirements of subdivision one of this section,  
13 to be valid for the purpose of authorizing the agent to make any gift or  
14 other transfer described in section 5-1514 of this title:

15 (a) a statutory short form power of attorney must contain the authori-  
16 ty (SMGR) initialed by the principal and be accompanied by a valid stat-  
17 utory major gifts rider; and

18 (b) a non-statutory power of attorney must be executed pursuant to the  
19 requirements of paragraph (b) of subdivision nine of section 5-1514 of  
20 this title.

21 3. (a) The date on which an agent's signature is acknowledged is the  
22 effective date of the power of attorney as to that agent; provided,  
23 however, that if two or more agents are designated to act together, the  
24 power of attorney takes effect when all the agents so designated have  
25 signed the power of attorney with their signatures acknowledged.

26 (b) If the power of attorney states that it takes effect upon the  
27 occurrence of a date or a contingency specified in the document, then  
28 the power of attorney takes effect only when the date or contingency  
29 identified in the document has occurred, and the signature of the agent  
30 acting on behalf of the principal has been acknowledged. If the document  
31 requires that a person or persons named or otherwise identified therein  
32 declare, in writing, that the identified contingency has occurred, such  
33 a declaration satisfies the requirement of this paragraph without regard  
34 to whether the specified contingency has occurred.

35 4. Nothing in this title shall be construed to bar the use of any  
36 other or different form of power of attorney desired by a person other

37 than an individual as the term person is defined in section 5-1501 of  
38 this title.

39 § 3. Subdivisions 2 and 9 of section 5-1502A of the general obli-  
40 gations law are amended to read as follows:

41 2. To sell, to exchange, to convey either with or without covenants, 42  
to quit-claim, to release, to surrender, to mortgage, to incumber, to  
43 partition or to consent to the partitioning, [~~to revoke, create or modi-~~  
44 ~~fy a trust,~~] to grant options concerning, to lease or to sublet, or  
45 otherwise to dispose of, any estate or interest in land;

46 9. To execute, to acknowledge, to seal and to deliver any deed, [~~revo-~~  
47 ~~cation, declaration or modification of trust,~~] mortgage, lease, notice,  
48 check or other instrument which the agent may think useful for the  
49 accomplishment of any of the purposes enumerated in this section;

50 § 4. Subdivisions 2 and 7 of section 5-1502B of the general obli-  
51 gations law are amended to read as follows:

52 2. To sell, to exchange, to convey either with or without covenants,  
53 to release, to surrender, to mortgage, to incumber, to pledge, to  
54 hypothecate, to pawn, [~~to revoke, create or modify a trust,~~] to grant  
55 options concerning, to lease or to sublet to others, or otherwise to  
56 dispose of any chattel or goods or any interest in any chattel or goods;

A. 6421--B 5

1 7. To execute, to acknowledge, to seal and to deliver any conveyance,  
2 [~~revocation, declaration or modification of trust,~~] mortgage, lease,  
3 notice, check or other instrument which the agent may think useful for  
4 the accomplishment of any of the purposes enumerated in this section;

5 § 5. Subdivisions 2 and 9 of section 5-1502C of the general obli-  
6 gations law are amended to read as follows:

7 2. To sell (including short sales), to exchange, to transfer either  
8 with or without a guaranty, to release, to surrender, to hypothecate, to  
9 pledge, [~~to revoke, create or modify a trust,~~] to grant options concern-  
10 ing, to loan, to trade in, or otherwise to dispose of any bond, share,  
11 instrument of similar character, commodity interest or any instrument  
12 with respect thereto;

13 9. To execute, to acknowledge, to seal and to deliver any consent,  
14 agreement, authorization, assignment, [~~revocation, declaration or~~  
15 ~~modification of trust,~~] notice, waiver of notice, check, or other  
16 instrument which the agent may think useful for the accomplishment of  
17 any of the purposes enumerated in this section;

18 § 6. Subdivisions 1 and 2 of section 5-1502D of the general obli-  
19 gations law are amended to read as follows:

20 1. To continue, to modify [~~and~~], to terminate and to make deposits to  
21 and withdrawals from any deposit account, including any joint account  
22 with the agent or totten trust for the benefit of the agent, or other  
23 banking arrangement made by or on behalf of the principal prior to the  
24 creation of the agency, provided, however, that:

25 (a) with respect to joint accounts existing at the creation of the  
26 agency, the authority granted hereby shall not include the power to  
27 change the title of the account by the addition of a new joint tenant or  
28 the deletion of an existing joint tenant, unless the authority to make  
29 such changes is conveyed in a statutory major gifts rider to a statutory  
30 short form power of attorney or in a non-statutory power of attorney  
31 signed and dated by the principal with the signature of the principal  
32 duly acknowledged in the manner prescribed for the acknowledgement of a

33 conveyance of real property, and which is executed pursuant to the  
34 requirements of paragraph (b) of subdivision nine of section 5-1514 of  
35 this title, and  
36 (b) with respect to totten trust accounts existing at the creation of  
37 the agency, the authority granted hereby shall not include the power to  
38 add, delete, or otherwise change the designation of beneficiaries in  
39 effect for any such accounts, unless the authority to make such addi- 40  
tions, deletions or changes is conveyed in a statutory major gifts rider  
41 to a statutory short form power of attorney or in a non-statutory power  
42 of attorney signed and dated by the principal with the signature of the  
43 principal duly acknowledged in the manner prescribed for the acknowledg-  
44 ment of a conveyance of real property, and which is executed pursuant to  
45 the requirements of paragraph (b) of subdivision nine of section 5-1514  
46 of this title.  
47 2. To open [~~either in the name of the agent alone, or~~] in the name of  
48 the principal [~~alone, or in both their names jointly or otherwise,~~] or  
49 on behalf of the principal a deposit account of any type with any banker  
50 or in any banking institution selected by the agent, to make deposits to  
51 and withdrawals from any such deposit account, to hire such safe deposit  
52 box or vault space and to make such other contracts for the procuring of  
53 other services made available by any such banker or banking institution  
54 as the agent shall think to be desirable;  
55 § 7. Subdivisions 1, 2 and 3 of section 5-1502F of the general obli-  
56 gations law are amended to read as follows:

A. 6421--B 6

1 1. To continue, to pay the premium or assessment on, to modify, to  
2 rescind, to release or to terminate any contract of life, accident,  
3 health, disability or liability insurance or any combination of such  
4 insurance procured by or on behalf of the principal prior to the  
5 creation of the agency which insures either the principal or any other  
6 person, without regard to whether the principal is or is not a benefici-  
7 ary thereunder; provided, however, with respect to life insurance  
8 contracts existing at the creation of the agency, the authority granted  
9 hereby shall not include the power to add, delete or otherwise change  
10 the designation of beneficiaries in effect for any such contract, unless  
11 the authority to make such additions, deletions or changes is conveyed  
12 in a statutory major gifts rider to a statutory short form power of  
13 attorney or in a non-statutory power of attorney signed and dated by the  
14 principal with the signature of the principal duly acknowledged in the  
15 manner prescribed for the acknowledgment of a conveyance of real proper-  
16 ty, and which is executed pursuant to the requirements of paragraph (b)  
17 of subdivision nine of section 5-1514 of this title;  
18 2. To procure new, different or additional contracts of insurance [~~on~~  
19 ~~the life of the principal, or~~] protecting the principal with respect to  
20 ill-health, disability, accident or liability of any sort, to select the  
21 amount, the type of insurance contract and the mode of payment under  
22 each such policy, to pay the premium or assessment on, to modify, to  
23 rescind, to release or to terminate, any contract so procured by the  
24 agent [~~and to designate the beneficiary of any such contract of insur-~~  
25 ~~ance, provided, however, that the agent himself cannot be such benefici-~~  
26 ~~ary unless the agent is spouse, child, grandchild, parent, brother or~~  
27 ~~sister of the principal~~];  
28 3. To apply for and to receive any available loan on the security of

29 the contract of insurance, whether for the payment of a premium or for  
30 the procuring of cash, to surrender and thereupon to receive the cash  
31 surrender value, to exercise [~~any~~] an election as to beneficiary or mode  
32 of payment, to change the manner of paying premiums, and to change or to  
33 convert the type of insurance contract, with respect to any contract of  
34 life, accident, health, disability or liability insurance as to which  
35 the principal has, or claims to have, any one or more of the powers  
36 described in this section [~~and to change the beneficiary of any such~~  
37 ~~contract of insurance, provided, however, that the agent himself cannot~~  
38 ~~be such new beneficiary unless the agent is spouse, child, grandchild,~~  
39 ~~parent, brother or sister of the principal]; provided, however, that the  
40 authority granted hereby shall not include the power to add, delete or  
41 otherwise change the designation of beneficiaries in effect for any such  
42 contract, unless the authority to make such additions, deletions or  
43 changes is conveyed in a statutory major gifts rider to a statutory  
44 short form power of attorney or in a non-statutory power of attorney  
45 signed and dated by the principal with the signature of the principal  
46 duly acknowledged in the manner prescribed for the acknowledgment of a  
47 conveyance of real property, and which is executed pursuant to the  
48 requirements of paragraph (b) of subdivision nine of section 5-1514 of  
49 this title;~~

50 § 8. The closing paragraph of section 5-1502G of the general obli-  
51 gations law is amended to read as follows:

52 All powers described in this section [~~5-1502G of the general obli-~~  
53 ~~gations law~~] shall be exercisable equally with respect to any estate of  
54 a decedent, absentee, infant or incompetent, or the administration of  
55 any trust or other fund, in which the principal is interested at the  
56 giving of the power of attorney or may thereafter become interested,

A. 6421--B 7

1 regardless of whether the estate, trust or other fund is specifically  
2 identified at the giving of the power of attorney and whether located in  
3 the state of New York or elsewhere.

4 § 9. The section heading, opening paragraph and subdivision 13 of  
5 section 5-1502I of the general obligations law are amended to read as  
6 follows:

7 Construction--personal [~~relationships~~] and [~~affairs~~] family mainte-  
8 nance. In a statutory short form power of attorney, the language confer-  
9 ring general authority with respect to "personal [~~relationships,~~] and  
10 family maintenance" must be construed to mean that the principal author-  
11 izes the agent:

12 13. To hire, to discharge, and to compensate any attorney, accountant,  
13 expert witness or other assistant or assistants when the agent shall  
14 think such action to be desirable for the proper execution by him of any  
15 of the powers described in this section, and for the keeping of needed  
16 records thereof; [~~and~~]

17 § 10. Subdivision 14 of section 5-1502I of the general obligations law  
18 is renumbered subdivision 15 and a new subdivision 14 is added to read  
19 as follows:

20 14. To continue gifts that the principal customarily made to individ-  
21 uals and charitable organizations prior to the creation of the agency,  
22 provided that no person or charitable organization may be the recipient  
23 of gifts in any one calendar year which, in the aggregate, exceed five  
24 hundred dollars; and

25 § 11. Section 5-1502J of the general obligations law is amended to  
26 read as follows:

27 § 5-1502J. Construction--benefits from governmental programs or civil  
28 or military service. In a statutory short form power of attorney, the  
29 language conferring general authority with respect to "benefits from  
30 governmental programs or civil or military service," or in a statutory  
31 short form power of attorney properly executed in accordance with the  
32 laws in effect at the time of its execution, the language conferring  
33 authority with respect to "military service," must be construed to mean  
34 that the principal authorizes the agent:

35 1. To execute vouchers in the name of the principal for [~~any and all~~] 36  
allowances and reimbursements payable by the United States, or a foreign  
37 government or by [~~any~~] a state or subdivision [~~thereof~~] of a state, to  
38 the principal, including [~~by way of illustration and not of restriction,~~  
39 ~~all~~] but not limited to allowances and reimbursements for transportation  
40 of the principal and of [~~his~~] the principal's spouse, children and other  
41 dependents, and for shipment of household effects, to receive, to  
42 indorse and to collect the proceeds of any check payable to the order of  
43 the principal drawn on the treasurer or other fiscal officer or deposi-  
44 tary of the United States or a foreign government or of any state or  
45 subdivision thereof;

46 2. To take possession and to order the removal and shipment[~~7~~] of  
47 [~~any~~] property of the principal from [~~any~~] a post, warehouse, depot,  
48 dock or other place of storage or safekeeping, either governmental or  
49 private, [~~to~~] and execute and [~~to~~] deliver [~~any~~] a release, voucher,  
50 receipt, bill of lading, shipping ticket, certificate or other instru-  
51 ment [~~which the agent shall think to be desirable or necessary~~] for such  
52 purpose;

53 3. To enroll in, apply for, select, reject, change, amend, or discon-  
54 tinue a benefit or program on the principal's behalf;

55 4. To prepare, [~~to~~] file and [~~to~~] prosecute [~~the~~] a claim of the prin-  
56 cipal to any benefit or assistance, financial or otherwise, to which the

A. 6421--B 8

1 principal is, or claims to be, entitled, under [~~the provisions of any~~] a  
2 statute or governmental regulation [~~existing at the creation of the~~  
3 ~~agency or thereafter enacted by the United States or by any state or by~~  
4 ~~any subdivision thereof, or by any foreign government, which~~], including  
5 any benefit or assistance which arises from or is based upon military  
6 service performed prior to or after the creation of the agency by the  
7 principal or by any person related by blood or by marriage to the prin-  
8 cipal, to execute any receipt or other instrument which the agent shall  
9 think to be desirable or necessary for the enforcement or for the  
10 collection of such claim;

11 [~~4.~~] 5. To receive the financial proceeds of any claim of the type  
12 described in this section, [~~to~~] conserve, [~~to~~] invest, [~~to~~] disburse or  
13 [~~to utilize~~] use anything so received for [~~purposes enumerated in this~~  
14 ~~section, and to reimburse the agent for any expenditures properly made~~  
15 ~~by him in the execution of the powers conferred on him by the statutory~~  
16 ~~short form power of attorney~~] a lawful purpose;

17 [~~5.~~] 6. To prosecute, [~~to~~] defend, [~~to~~] submit to [~~arbitration~~] alter-  
18 native dispute resolution, [~~to~~] settle, and [~~to~~] propose or [~~to~~] accept  
19 a compromise with respect to[~~7~~] any [~~claim existing in favor of, or~~  
20 ~~against, the principal based on or involving any benefits from military~~

21 ~~service or to intervene in any action or proceeding relating thereto]~~  
22 benefit or assistance described in subdivision four of this section;  
23 7. To communicate with any representative or employee of a government,  
24 governmental subdivision, agency, or instrumentality on behalf of the  
25 principal;  
26 ~~[6.]~~ 8. To hire, [to] discharge, and [to] compensate any attorney,  
27 accountant, expert witness, or other assistant or assistants when the  
28 agent shall think such action to be desirable for the proper execution  
29 [by him] of any of the powers described in this section; and  
30 ~~[7.]~~ 9. In general, and in addition to all the specific acts in this  
31 section enumerated, to do any other act or acts, which the principal can  
32 do through an agent, and which the agent shall think to be desirable or  
33 necessary, to assure to the principal, and to the dependents of the 34  
principal, the maximum possible benefit from ~~[the]~~ governmental programs  
35 or from civil or military service performed prior to or after the  
36 creation of the agency by the principal or by any person related by  
37 blood or marriage to the principal.  
38 All powers described in this section ~~[5-1502J of the general obli-~~  
39 ~~gations law]~~ shall be exercisable equally with respect to any benefits  
40 from governmental programs or civil or military service existing at the  
41 giving of the power of attorney or thereafter accruing, and whether  
42 accruing in the state of New York or elsewhere.  
43 § 12. Section 5-1502K of the general obligations law is amended to  
44 read as follows:  
45 § 5-1502K. Construction--health care billing and payment matters;  
46 records, reports and statements. In a statutory short form power of  
47 attorney, the language conferring general authority with respect to  
48 ~~["records, reports and statements,"]~~ "health care billing and payment  
49 matters; records, reports and statements," or in a statutory short form  
50 power of attorney properly executed in accordance with the laws in  
51 effect at the time of its execution, the language conferring authority  
52 with respect to "records, reports and statements," must be construed to  
53 mean that the principal authorizes the agent:  
54 1. To access records relating to the provision of health care and to  
55 make decisions relating to the past, present or future payment for the  
56 provision of health care consented to by or on behalf of the principal

A. 6421--B 9

1 or the principal's health care agent authorized under state law. In so  
2 doing the agent is acting as the principal's personal representative  
3 pursuant to sections 1171 through 1179 of the Social Security Act, as  
4 added by sections 262 and 264 of Public Law 104-191, and applicable  
5 regulations. This authority shall not include authorization for the  
6 agent to make other medical or health care decisions for the principal;  
7 2. To keep records of all cash received and disbursed for or on  
8 account of the principal, of all credits and debits to the account of  
9 the principal, and of all transactions affecting in any way the assets  
10 and liabilities of the principal;  
11 ~~[2.]~~ 3. To prepare, to execute and to file all tax, social security,  
12 unemployment insurance and information returns, required by the laws of  
13 the United States, of any state or of any subdivision thereof or of any  
14 foreign government, to prepare, to execute and to file all other papers  
15 and instruments which the agent shall think to be desirable or necessary  
16 for the safeguarding of the principal against excess or illegal taxation

17 or against penalties imposed for claimed violation of any law or other  
18 governmental regulation;  
19 ~~[3.]~~ 4. To prepare, to execute and to file any record, report ~~[or],~~  
20 statement, ~~[which the agent shall think to be desirable or necessary for~~  
21 ~~the safeguarding or maintenance of]~~ or other document to safeguard or  
22 promote the principal's interest, ~~[with respect to price, rent, wage or~~  
23 ~~rationing control, or other governmental activity]~~ under a statute or  
24 governmental regulation;  
25 ~~[4.]~~ 5. To hire, to discharge, and to compensate any attorney,  
26 accountant, or other assistant or assistants when the agent shall think  
27 such action to be desirable for the proper execution by him of any of  
28 the powers described in this section; and  
29 ~~[5.]~~ 6. In general, and in addition to all the specific acts in this  
30 section enumerated, to do any other act or acts, which the principal can  
31 do through an agent, in connection with the preparation, execution, 32  
filing, storage or other utilization of any records, reports or state-  
33 ments of or concerning the principal's affairs.  
34 All powers described in this section ~~[5-1502K of the general obli-~~  
35 ~~gations law]~~ shall be exercisable equally with respect to any health  
36 care billing and payment matters, and records, reports or statements of  
37 or concerning the affairs of the principal existing at the giving of the  
38 power of attorney or thereafter arising, and whether arising in the  
39 state of New York or elsewhere.  
40 § 13. Subdivisions 2 and 4 of section 5-1502L of the general obli-  
41 gations law, subdivision 2 as amended by chapter 500 of the laws of 1996  
42 and subdivision 4 as added by chapter 499 of the laws of 1996, are  
43 amended to read as follows:  
44 2. To make investment directions, to select and change payment  
45 options, ~~[to designate a beneficiary or beneficiaries, provided, howev-~~  
46 ~~er, that the agent may not designate herself or himself as a beneficiary~~  
47 ~~unless the agent is a spouse, child, grandchild, parent, brother or~~  
48 ~~sister of the principal or unless the short form power of attorney~~  
49 ~~permits the agent to designate himself or herself,]~~ and to exercise any  
50 other election for the principal with regard to any retirement benefit  
51 or plan in which the principal has an interest, provided, however, that  
52 the authority granted hereby shall not include the authority to add,  
53 delete, or otherwise change the designation of beneficiaries in effect  
54 for any such retirement benefit or plan, unless the authority to make  
55 such additions, deletions or changes is conveyed in a statutory major  
56 gifts rider to a statutory short form power of attorney or in a non-sta-

A. 6421--B 10

1 tutory power of attorney signed and dated by the principal with the  
2 signature of the principal duly acknowledged in the manner prescribed  
3 for the acknowledgment of a conveyance of real property, and which is  
4 executed pursuant to the requirements of paragraph (b) of subdivision  
5 nine of section 5-1514 of this title;

6 4. To prepare, execute and deliver any application, agreement, ~~[trust~~  
7 ~~agreement,]~~ authorization, check or other instrument or document which  
8 may be required under the terms of any retirement benefit or plan in  
9 which the principal has an interest or by the administrator thereof, or  
10 which the agent deems useful for the accomplishment of any of the  
11 purposes enumerated in this section;

12 § 14. Section 5-1502M of the general obligations law is REPEALED.

13 § 15. Section 5-1502N of the general obligations law is redesignated  
14 section 5-1502M and the closing paragraph, as added by chapter 499 of  
15 the laws of 1996, is amended to read as follows:  
16 The powers explicitly authorized in the provisions of this section  
17 [~~5-1502N of the general obligations law~~] shall not be construed to  
18 diminish any like powers authorized in any other section of this title  
19 [~~15 of article 5 of the general obligations law~~], such as, but not  
20 limited to, those authorized in subdivision 9 of section 5-1502I of this  
21 title. Accordingly, such powers as are authorized in any other section  
22 of this title [~~15 of article 5 of the general obligations law~~] shall be  
23 construed as if the provisions of this section do not exist.  
24 § 16. Section 5-1502O of the general obligations law, as amended by  
25 chapter 499 of the laws of 1996, is amended to read as follows:  
26 § [~~5-1502O~~] 5-1502N. Construction--all other matters. In a statutory  
27 short form power of attorney, the language conferring general authority  
28 with respect to "all other matters" must be construed to mean that the  
29 principal authorizes the agent to act as an alter ego of the principal 30  
with respect to any and all possible matters and affairs which are not  
31 enumerated in sections 5-1502A to [~~5-1502N~~] 5-1502M, inclusive, of this  
32 [~~chapter~~] title, and which the principal can do through an agent[~~,~~  
33 ~~except~~]; provided, however, that such authority shall not include  
34 authorization for the agent to designate a third party to act as agent  
35 for the principal or to make medical or other health care decisions for  
36 the principal, except as otherwise provided in subdivision one of  
37 section 5-1502K of this title.  
38 § 17. Section 5-1503 of the general obligations law, as amended by  
39 chapter 499 of the laws of 1996, is amended to read as follows:  
40 § 5-1503. Modifications of the statutory short form power of attorney  
41 and of the statutory major gifts rider. A power of attorney which satis-  
42 fies the requirements of [~~subdivision two of section 5-1501 of this~~  
43 ~~chapter or of subdivision six of section 5-1506 of this chapter~~] para-  
44 graphs (a), (b) and (c) of subdivision one of section 5-1501B and  
45 section 5-1513 of this title is not prevented from being a "statutory  
46 short form power of attorney", [~~or a "statutory short form power of~~  
47 ~~attorney effective at a future time",~~] and a document which satisfies  
48 the requirements of section 5-1514 of this title is not prevented from  
49 being a "statutory major gifts rider" as either of these [~~phrases~~] terms  
50 is used in the sections of this title, by the fact that it also contains  
51 additional language at the section labeled "modifications" which:  
52 1. Eliminates from the statutory short form power of attorney or from  
53 the statutory major gifts rider one or more of the powers enumerated in  
54 one or more of the constructional sections of this title with respect to  
55 a subdivision of the statutory short form power of attorney[~~,~~ or of the  
56 statutory short form power of attorney effective at a future time,] or

A. 6421--B 11

1 of the statutory major gifts rider, affirmatively chosen by the princi-  
2 pal; or  
3 2. Supplements one or more of the powers enumerated in one or more of  
4 the constructional sections in this title with respect to a subdivision  
5 of the statutory short form power of attorney[~~,~~ or of the statutory  
6 short form power of attorney effective at a future time,] or of the  
7 statutory major gifts rider, affirmatively chosen by the principal, by  
8 specifically listing additional powers of the agent; or

9 3. Makes some additional provision which is not inconsistent with the  
10 other provisions of the statutory short form power of attorney [~~or of~~  
11 ~~the statutory short form power of attorney effective at a future time~~]  
12 or of the statutory major gifts rider.

13 § 18. Section 5-1504 of the general obligations law, as amended by  
14 chapter 499 of the laws of 1996, is amended to read as follows:

15 § 5-1504. Acceptance of statutory short form power of attorney. 1.

16 [~~As used in this section, the term "financial institution" means each of~~  
17 ~~the following: a bank, trust company, national bank, savings bank,~~  
18 ~~federal mutual savings bank, savings and loan association, federal~~  
19 ~~savings and loan association, federal mutual savings and loan associ-~~  
20 ~~ation, credit union, federal credit union, branch of a foreign banking~~  
21 ~~corporation, public pension fund, retirement system.~~

22 2.] No [~~financial institution~~] third party located in this state shall  
23 refuse, without reasonable cause, to honor a statutory short form power  
24 of attorney properly executed in accordance with section [~~5-1501 or~~  
25 ~~5-1506~~] 5-1501B of this title, including a statutory short form power of  
26 attorney which is supplemented by a statutory major gifts rider, or a 27  
statutory short form power of attorney properly executed in accordance  
28 with the laws in effect at the time of its execution.

29 [~~3. The failure of a financial institution~~] (a) Reasonable cause under  
30 this subdivision shall include, but not be limited to:

31 (1) the refusal by the agent to provide an original power of attorney  
32 or a copy certified by an attorney pursuant to rule twenty-one hundred  
33 five of the civil practice law and rules, or by a court or other govern-  
34 ment entity;

35 (2) the third party's good faith referral of the principal and the  
36 agent to the local adult protective services unit;

37 (3) actual knowledge of a report having been made by any person to the  
38 local adult protective services unit alleging physical or financial  
39 abuse, neglect, exploitation or abandonment of the principal by the  
40 agent;

41 (4) actual knowledge of the principal's death or a reasonable basis  
42 for believing the principal has died;

43 (5) actual knowledge of the incapacity of the principal or a reason-  
44 able basis for believing that the principal is incapacitated where the  
45 power of attorney tendered is a nondurable power of attorney;

46 (6) actual knowledge or a reasonable basis for believing that the  
47 principal was incapacitated at the time the power of attorney was  
48 executed;

49 (7) actual knowledge or a reasonable basis for believing that the  
50 power of attorney was procured through fraud, duress or undue influence;

51 (8) actual notice, pursuant to subdivision three of this section, of  
52 the termination or revocation of the power of attorney; or

53 (9) the refusal by a title insurance company to underwrite title  
54 insurance for a transfer of real property made pursuant to a major gifts  
55 rider or non-statutory power of attorney that does not contain express  
56 instructions or purposes of the principal.

A. 6421--B 12

1 (b) It shall be deemed unreasonable for a third party to refuse to  
2 honor a statutory short form power of attorney, including a statutory  
3 short form power of attorney which is supplemented by a statutory major  
4 gifts rider, or a statutory short form power of attorney properly

5 executed in accordance with the laws in effect at the time of its  
6 execution, if the only reason for the refusal is any of the following:  
7 (1) the power of attorney is not on a form prescribed by the third  
8 party to whom the power of attorney is presented.  
9 (2) there has been a lapse of time since the execution of the power of  
10 attorney.  
11 (3) on the face of the statutory form power of attorney, there is a  
12 lapse of time between the date of acknowledgment of the signature of the  
13 principal and the date of acknowledgment of the signature of any agent.  
14 2. Except as provided in subdivision three of this section, it shall  
15 be deemed unlawful for a third party to unreasonably refuse to honor a  
16 properly executed statutory short form power of attorney [~~shall be~~  
17 ~~deemed unlawful~~], including a statutory short form power of attorney  
18 which is supplemented by a statutory major gifts rider, or a statutory  
19 short form power of attorney properly executed in accordance with the  
20 laws in effect at the time of its execution. A special proceeding as  
21 authorized by section 5-1510 of this title shall be the exclusive remedy  
22 for a violation of this section.  
23 ~~[4. No financial institution]~~ 3. In the absence of actual knowledge 24  
that the principal lacked capacity to execute a statutory short form  
25 power of attorney or that the statutory short form power of attorney was  
26 procured through fraud, duress or undue influence, no third party  
27 receiving and retaining a properly executed statutory short form power  
28 of attorney [~~properly executed in accordance with section 5-1501 or~~  
29 ~~5-1506 of this title~~], including a statutory short form power of attor-  
30 ney which is supplemented by a statutory major gifts rider or a statuto-  
31 ry short form power of attorney properly executed in accordance with the  
32 laws in effect at the time of its execution, or a complete photostatic  
33 copy of the properly executed original thereof nor any officer, agent,  
34 attorney-in-fact or employee of such [~~financial institution~~] third party  
35 shall incur any liability by reason of acting upon the authority thereof  
36 unless the [~~financial institution~~] third party shall have [~~actually~~]  
37 received[, ~~at the office where the account is located, written~~] actual  
38 notice of the revocation or termination of such power of attorney.  
39 ~~[5.-]~~ If a principal maintains an account at a financial institution,  
40 the financial institution is deemed to have actual notice after it has  
41 had a reasonable opportunity to act on a written notice of the revoca-  
42 tion or termination following its receipt of the same at its office  
43 where such account is located.  
44 4. If the application of the provisions of subdivision one or two [~~or~~  
45 ~~three~~] of this section shall be held invalid to any [~~financial institu-~~  
46 ~~tion~~] third party the application of such provisions to any [~~other~~  
47 ~~financial institution~~] third party other than those to which it is held  
48 invalid, shall not be affected thereby.  
49 5. When the power of attorney is presented to a third party, it shall  
50 not be deemed unreasonable for a third party to require the agent to  
51 execute an acknowledged affidavit pursuant to this subdivision stating  
52 that the power of attorney is in full force and effect. Such an affida-  
53 vit is conclusive proof to the third party relying on the power of  
54 attorney that the power of attorney is valid and effective, and has not  
55 been terminated or revoked, except as to any third party who had actual

A. 6421--B 13

1 notice that the power of attorney had terminated or been revoked prior

2 to the execution of the affidavit. Such affidavit shall state that:  
3 (a) the agent does not have, at the time of the transaction, actual  
4 notice of the termination or revocation of the power of attorney, or  
5 notice of any facts indicating that the power of attorney has been  
6 terminated or revoked;  
7 (b) the agent does not have, at the time of the transaction, actual  
8 notice that the power of attorney has been modified in any way that  
9 would affect the ability of the agent to authorize or engage in the  
10 transaction, or notice of any facts indicating that the power of attor-  
11 ney has been so modified; and  
12 (c) if the agent was named as a successor agent, the prior agent is no  
13 longer able or willing to serve.

14 6. Nothing in this section shall require the acceptance of a form that  
15 is not a statutory short form power of attorney.

16 § 19. Sections 5-1505 and 5-1506 of the general obligations law are  
17 REPEALED and ten new sections 5-1505, 5-1506, 5-1507, 5-1508, 5-1509,  
18 5-1510, 5-1511, 5-1512, 5-1513 and 5-1514 are added to read as follows:

19 § 5-1505. Standard of care; fiduciary duty; compelling disclosure of  
20 record. 1. Standard of care. In dealing with property of the princi-  
21 pal, an agent shall observe the standard of care that would be observed  
22 by a prudent person dealing with property of another.

23 2. Fiduciary duty. (a) An agent acting under a power of attorney has  
24 a fiduciary duty to the principal. The fiduciary duty includes each of  
25 the following obligations:

26 (1) To act according to any instructions from the principal or, where  
27 there are no instructions, in the best interest of the principal, and to  
28 avoid conflicts of interest.

29 (2) To keep the principal's property separate and distinct from any  
30 other property owned or controlled by the agent, except for property  
31 that is jointly owned by the principal and agent at the time of the  
32 execution of the power of attorney, and property that becomes jointly  
33 owned after the execution of the power of attorney as the result of the  
34 agent's acquisition of an interest in the principal's property by reason  
35 of the agent's exercise of authority granted in a statutory major gifts  
36 rider or in a non-statutory power of attorney signed and dated by the  
37 principal with the signature of the principal duly acknowledged in the  
38 manner prescribed for the acknowledgment of a conveyance of real proper-  
39 ty, and which is executed pursuant to the requirements of paragraph (b)  
40 of subdivision nine of section 5-1514 of this title. The agent may not  
41 transfer the principal's property to himself or herself without specific  
42 authorization.

43 (3) To keep a record of all receipts, disbursements, and transactions  
44 entered into by the agent on behalf of the principal and to make such  
45 record and power of attorney available at the request of the principal.  
46 The agent shall make such record and a copy of the power of attorney  
47 available within fifteen days of a written request by any of the follow-  
48 ing:

49 (i) a monitor;

50 (ii) a co-agent or successor agent acting under the power of attorney;

51 (iii) a government entity, or official thereof, investigating a report  
52 that the principal may be in need of protective or other services, or  
53 investigating a report of abuse or neglect;

54 (iv) a court evaluator appointed pursuant to section 81.09 of the  
55 mental hygiene law;

A. 6421--B 14

1 (v) a guardian ad litem appointed pursuant to section seventeen  
2 hundred fifty-four of the surrogate's court procedure act;  
3 (vi) the guardian or conservator of the estate of the principal, if  
4 such record has not already been provided to the court evaluator or  
5 guardian ad litem; or

6 (vii) the personal representative of the estate of a deceased princi-  
7 pal if such record has not already been provided to the guardian or  
8 conservator of the estate of the principal.

9 The failure of the agent to make the record available pursuant to this  
10 paragraph may result in a special proceeding under subdivision one of  
11 section 5-1510 of this title. Such proceeding shall be the exclusive  
12 remedy to compel the agent to provide such record.

13 (b) The agent may be subject to liability for conduct or omissions  
14 which violate the fiduciary duty.

15 (c) The agent is not liable to third parties for any act pursuant to a  
16 power of attorney if the act was authorized at the time and the act did  
17 not violate subdivision one or two of this section.

18 3. Resignation. (a) An agent who has signed the power of attorney may  
19 resign by giving written notice to the principal and the agent's co-a- 20  
gent, successor agent or the monitor, if one has been named, or the

21 principal's guardian if one has been appointed. If no co-agent, succes-  
22 sor agent, monitor or guardian is known to the agent and the principal  
23 is incapacitated or the agent has notice of any facts indicating the  
24 principal's incapacity, the agent may give written notice to a govern-  
25 ment entity having authority to protect the welfare of the principal, or  
26 may petition the court to approve the resignation.

27 (b) The principal may provide for alternative means for an agent's  
28 resignation in the power of attorney.

29 § 5-1506. Compensation. 1. An agent is not entitled to receive  
30 compensation from the assets of the principal for responsibilities  
31 performed under a power of attorney unless the principal specifically  
32 provides for compensation in the power of attorney.

33 2. An agent shall be entitled to receive reimbursement from the assets  
34 of the principal for reasonable expenses actually incurred in connection  
35 with the performance of the agent's responsibilities.

36 § 5-1507. Signature of agent. 1. (a) In any transaction where the  
37 agent is acting pursuant to a power of attorney and where the hand-writ-  
38 ten signature of the agent or principal is required, the agent shall  
39 disclose the principal and agent relationship by:

40 (1) signing "(name of agent) as agent for (name of principal)"; or  
41 (2) signing "(name of principal) by (name of agent), as agent"; or  
42 (3) any similar written disclosure of the principal and agent  
43 relationship.

44 (b) A third party shall incur no liability for accepting a signature  
45 that does not meet the requirements of this subdivision.

46 2. When the agent engages in a transaction on behalf of the principal,  
47 the agent is attesting that:

48 (a) the agent has actual authority to engage in the transaction;

49 (b) the agent does not have, at the time of the transaction, actual  
50 notice of the termination or revocation of the power of attorney, or  
51 notice of any facts indicating that the power of attorney has been  
52 terminated or revoked;

53 (c) if the power of attorney is one which terminates upon the princi-  
54 pal's incapacity, the agent does not have, at the time of the trans-  
55 action actual notice of the principal's incapacity, or notice of any  
56 facts indicating the principal's incapacity.

A. 6421--B 15

1 (d) the agent does not have, at the time of the transaction, actual  
2 notice that the power of attorney has been modified in any way that  
3 would affect the ability of the agent to engage in the transaction, or  
4 notice of any facts indicating that the power of attorney has been so  
5 modified.

6 3. The attestation of the agent pursuant to subdivision two of this  
7 section is not effective as to any third party who had actual notice  
8 that the power of attorney had terminated or been revoked prior to the  
9 transaction.

10 § 5-1508. Co-agents and successor agents. 1. A principal may desig-  
11 nate two or more persons to act as co-agents. Unless the principal  
12 provides otherwise in the power of attorney, the co-agents must act  
13 jointly. However, if prompt action is required to accomplish a purpose  
14 of the power of attorney and to avoid irreparable injury to the princi-  
15 pal's interest and a co-agent is unavailable because of absence, illness  
16 or other temporary incapacity, the other co-agent or co-agents may act 17  
17 for the principal. Unless the principal provides otherwise in the power  
18 of attorney, if a vacancy occurs because of the death, resignation or  
19 incapacity of a co-agent, the remaining agent or agents may act for the  
20 principal.

21 2. A principal may designate one or more successor agents to serve if  
22 every initial or predecessor agent resigns, dies, becomes incapacitated,  
23 is not qualified to serve or declines to serve. Unless the principal  
24 provides otherwise in the power of attorney, a successor agent has the  
25 same authority as that granted to an initial agent.

26 3. A co-agent or a successor agent acting under a power of attorney  
27 shall have the authority to request, receive and seek to compel a co-a-  
28 gent or predecessor agent to provide a record of all receipts, disburse-  
29 ments and transactions entered into by the agent on behalf of the prin-  
30 cipal.

31 § 5-1509. Appointment of monitor. A principal may appoint a monitor  
32 or monitors in the power of attorney who shall have the authority to  
33 request, receive and compel the agent to provide a record of all  
34 receipts, disbursements and transactions entered into by the agent on  
35 behalf of the principal, to request and receive such records held by  
36 third parties, and to request and receive a copy of the power of attor-  
37 ney. Nothing in this title shall be construed to impose a fiduciary duty  
38 on the monitor.

39 § 5-1510. Special proceedings. 1. If the agent has failed to make  
40 available a copy of the power of attorney and/or a record of all  
41 receipts, disbursements, and transactions entered into by the agent on  
42 behalf of a principal to a person who may request such record pursuant  
43 to subparagraph three of paragraph (a) of subdivision two of section  
44 5-1505 of this title, that person may commence a special proceeding to  
45 compel the agent to produce a copy of the power of attorney and such  
46 record.

47 2. A special proceeding may be commenced pursuant to this section for  
48 any of the following additional purposes:

49 (a) to determine whether the power of attorney is valid;

50 (b) to determine whether the principal had capacity at the time the  
51 power of attorney was executed;

52 (c) to determine whether the power of attorney was procured through

53 duress, fraud or undue influence;  
54 (d) to determine whether the agent is entitled to receive compensation  
55 or whether the compensation received by the agent is reasonable for the  
56 responsibilities performed;

A. 6421--B 16

1 (e) to approve the record of all receipts, disbursements and trans-  
2 actions entered into by the agent on behalf of the principal;  
3 (f) to remove the agent upon the grounds that the agent has violated,  
4 or is unfit, unable, or unwilling to perform, the fiduciary duties under  
5 the power of attorney;  
6 (g) to determine how multiple agents must act;  
7 (h) to construe any provision of a power of attorney;  
8 (i) to compel acceptance of the power of attorney in which event the  
9 relief to be granted is limited to an order compelling acceptance.

10 A special proceeding may also be commenced by an agent who wishes to  
11 obtain court approval of his or her resignation.

12 3. A special proceeding may be commenced pursuant to subdivision two  
13 of this section by any person identified in subparagraph three of para-  
14 graph (a) of subdivision two of section 5-1505 of this title, the agent,  
15 the spouse, child or parent of the principal, the principal's successor  
16 in interest, or any third party who may be required to accept a power of  
17 attorney.

18 4. If a power of attorney is suspended or revoked under this section,  
19 or the agent is removed by the court, the court may require the agent to  
20 provide a record of all receipts, disbursements and transactions entered  
21 into by the agent on behalf of the principal and to deliver any property  
22 belonging to the principal and copies of records concerning the princi-  
23 pal's property and affairs to a successor agent, a government entity or  
24 the principal's legal representative.

25 § 5-1511. Termination or revocation of power of attorney; notice. 1.  
26 A power of attorney terminates when:

27 (a) the principal dies;  
28 (b) the principal becomes incapacitated, if the power of attorney is  
29 not durable;  
30 (c) the principal revokes the power of attorney;  
31 (d) the principal revokes the agent's authority and there is no co-a-  
32 gent or successor agent, or no co-agent or successor agent who is will-  
33 ing or able to serve;  
34 (e) the agent dies, becomes incapacitated or resigns and there is no  
35 co-agent or successor agent or no co-agent or successor agent who is  
36 willing or able to serve;  
37 (f) the authority of the agent terminates and there is no co-agent or  
38 successor agent or no co-agent or successor agent who is willing or able  
39 to serve;  
40 (g) the purpose of the power of attorney is accomplished; or  
41 (h) a court order revokes the power of attorney as provided in section  
42 5-1510 of this title or in section 81.29 of the mental hygiene law.

43 2. An agent's authority terminates when:

44 (a) the principal revokes the agent's authority;  
45 (b) the agent dies, becomes incapacitated or resigns;  
46 (c) the agent's marriage to the principal is terminated by divorce,  
47 annulment or declaration of nullity, unless the power of attorney  
48 expressly provides otherwise. If the authority of an agent is revoked

49 solely by this subdivision, it shall be revived by the principal's  
50 remarriage to the former spouse; or  
51 (d) the power of attorney terminates.  
52 3. A principal may revoke a power of attorney;  
53 (a) in accordance with the terms of the power of attorney;  
54 (b) by delivering a written, signed and dated revocation of the power  
55 of attorney as follows:

A. 6421--B 17

1 (1) to the agent, and the agent must comply with the principal's revo-  
2 cation notwithstanding the actual or perceived incapacity of the princi-  
3 pal unless the principal is subject to a guardianship under article  
4 eighty-one of the mental hygiene law; and

5 (2) to any third party that the principal has reason to believe has  
6 received, retained or acted upon, the power of attorney.

7 4. Where the power of attorney has been recorded pursuant to section  
8 two hundred ninety-four of the real property law, the principal shall  
9 also record a written revocation pursuant to section three hundred twen-  
10 ty-six of the real property law. Notwithstanding the recording of a  
11 revocation, a third party must have actual notice of the revocation for  
12 the revocation to be effective.

13 5. Termination of an agent's authority or of the power of attorney is  
14 not effective as to any third party who has not received actual notice  
15 of the termination and acts in good faith under the power of attorney.  
16 Any action so taken, unless otherwise invalid or unenforceable, shall  
17 bind the principal and the principal's successors in interest. A finan-  
18 cial institution is deemed to have actual notice after it has had a  
19 reasonable opportunity to act on a written notice of the revocation or  
20 termination following receipt of the same at its office where an account  
21 is located.

22 6. Unless the principal expressly provides otherwise, the execution of  
23 a power of attorney revokes any and all prior powers of attorney  
24 executed by the principal.

25 § 5-1512. Powers of attorney executed in other jurisdictions. A power  
26 of attorney executed in another state or jurisdiction in compliance with  
27 the law of that state or jurisdiction or the law of this state is valid  
28 in this state, regardless of whether the principal is a domiciliary of  
29 this state.

30 § 5-1513. Statutory short form power of attorney. 1. The use of the  
31 following form in the creation of a power of attorney is lawful, and,  
32 when used, and executed in accordance with subdivision one of section  
33 5-1501B of this title, it shall be construed as a statutory short form  
34 power of attorney in accordance with the provisions of this title:

35 "POWER OF ATTORNEY

36 NEW YORK STATUTORY SHORT FORM

37 (a) CAUTION TO THE PRINCIPAL: Your Power of Attorney is an important  
38 document. As the "principal," you give the person whom you choose (your  
39 "agent") authority to spend your money and sell or dispose of your prop-  
40 erty during your lifetime without telling you. You do not lose your  
41 authority to act even though you have given your agent similar authori-  
42 ty.

43 When your agent exercises this authority, he or she must act according  
44 to any instructions you have provided or, where there are no specific  
45 instructions, in your best interest. "Important Information for the

46 Agent" at the end of this document describes your agent's responsibil-  
47 ities.  
48 Your agent can act on your behalf only after signing the Power of  
49 Attorney before a notary public.  
50 You can request information from your agent at any time. If you are  
51 revoking a prior Power of Attorney by executing this Power of Attorney,  
52 you should provide written notice of the revocation to your prior

A. 6421--B 18

1 agent(s) and to the financial institutions where your accounts are  
2 located.  
3 You can revoke or terminate your Power of Attorney at any time for any  
4 reason as long as you are of sound mind. If you are no longer of sound  
5 mind, a court can remove an agent for acting improperly.  
6 Your agent cannot make health care decisions for you. You may execute  
7 a "Health Care Proxy" to do this.  
8 The law governing Powers of Attorney is contained in the New York  
9 General Obligations Law, Article 5, Title 15. This law is available at a  
10 law library, or online through the New York State Senate or Assembly  
11 websites, [www.senate.state.ny.us](http://www.senate.state.ny.us) or [www.assembly.state.ny.us](http://www.assembly.state.ny.us).  
12 If there is anything about this document that you do not understand, 13  
you should ask a lawyer of your own choosing to explain it to you.

14 (b) DESIGNATION OF AGENT(S):

15 I, \_\_\_\_\_, hereby appoint:  
16 name and address of principal  
17 \_\_\_\_\_ as my agent(s)  
18 name(s) and address(es) of agent(s)

19 If you designate more than one agent above, they must act together  
20 unless you initial the statement below.

21 ( ) My agents may act SEPARATELY.

22 (c) DESIGNATION OF SUCCESSOR AGENT(S): (OPTIONAL)

23 If every agent designated above is unable or unwilling to serve, I  
24 appoint as my successor agent(s):

25 \_\_\_\_\_  
26 name(s) and address(es) of successor agent(s)

27 Successor agents designated above must act together unless you initial  
28 the statement below.

29 ( ) My successor agents may act SEPARATELY.

30 (d) This POWER OF ATTORNEY shall not be affected by my subsequent inca-  
31 capacity unless I have stated otherwise below, under "Modifications".

32 (e) This POWER OF ATTORNEY REVOKES any and all prior Powers of Attorney  
33 executed by me unless I have stated otherwise below, under "Modifica-  
34 tions."

35 If your are NOT revoking your prior Powers of Attorney, and if you are  
36 granting the same authority in two or more Powers of Attorney, you must  
37 also indicate under "Modifications" whether the agents given these  
38 powers are to act together or separately.

39 (f) GRANT OF AUTHORITY:

40 To grant your agent some or all of the authority below, either

41 (1) Initial the bracket at each authority you grant, or

42 (2) Write or type the letters for each authority you grant on the  
43 blank line at (P), and initial the bracket at (P). If you initial  
44 (P), you do not need to initial the other lines.

45 I grant authority to my agent(s) with respect to the following

46 subjects as defined in sections 5-1502A through 5-1502N of the New  
47 York General Obligations Law:  
48 ( ) (A) real estate transactions;

A. 6421--B 19

1 ( ) (B) chattel and goods transactions;

2 ( ) (C) bond, share, and commodity transactions;

3 ( ) (D) banking transactions;

4 ( ) (E) business operating transactions;

5 ( ) (F) insurance transactions;

6 ( ) (G) estate transactions;

7 ( ) (H) claims and litigation;

8 ( ) (I) personal and family maintenance;

9 ( ) (J) benefits from governmental programs or civil or military

10 service;

11 ( ) (K) health care billing and payment matters; records,

12 reports, and statements;

13 ( ) (L) retirement benefit transactions;

14 ( ) (M) tax matters;

15 ( ) (N) all other matters;

16 ( ) (O) full and unqualified authority to my agent(s) to dele-

17 gate any or all of the foregoing powers to any person or 18 persons whom  
my agent(s) select;

19 ( ) (P) EACH of the matters identified by the following

20 letters\_\_\_\_\_.

21 You need not initial the other lines if you initial line (P).

22 (g) MODIFICATIONS: (OPTIONAL)

23 In this section, you may make additional provisions, including

24 language to limit or supplement authority granted to your agent.

25 However, you cannot use this Modifications section to grant your agent

26 authority to make major gifts or changes to interests in your property.

27 If you wish to grant your agent such authority, you MUST complete the

28 Statutory Major Gifts Rider.

29 (h) MAJOR GIFTS AND OTHER TRANSFERS: STATUTORY MAJOR GIFTS RIDER

30 (OPTIONAL)

31 In order to authorize your agent to make major gifts and other trans-

32 fers of your property, you must initial the statement below and execute

33 a Statutory Major Gifts Rider at the same time as this instrument.

34 Initialing the statement below by itself does not authorize your agent

35 to make major gifts and other transfers. The preparation of the Statuto-

36 ry Major Gifts Rider should be supervised by a lawyer.

37 ( ) (SMGR) I grant my agent authority to make major gifts and

38 other transfers of my property, in accordance with the terms and condi-

39 tions of the Statutory Major Gifts Rider that supplements this Power of

40 Attorney.

41 (i) DESIGNATION OF MONITOR(S): (OPTIONAL)

42 I wish to designate \_\_\_\_\_, whose address(es) is (are)

43 \_\_\_\_\_, as

44 monitor(s). Upon the request of the monitor(s), my agent(s) must provide

45 the monitor(s) with a copy of the power of attorney and a record of all

46 transactions done or made on my behalf. Third parties holding records of

47 such transactions shall provide the records to the monitor(s) upon

48 request.

49 (j) COMPENSATION OF AGENT(S): (OPTIONAL)

A. 6421--B 20

1 Your agent is entitled to be reimbursed from your assets for reason-  
2 able expenses incurred on your behalf. If you ALSO wish your agent(s) to  
3 be compensated from your assets for services rendered on your behalf,  
4 initial the statement below. If you wish to define "reasonable compen-  
5 sation", you may do so above, under "Modifications".

6 ( ) My agent(s) shall be entitled to reasonable compensation for  
7 services rendered.

8 (k) ACCEPTANCE BY THIRD PARTIES: I agree to indemnify the third party  
9 for any claims that may arise against the third party because of reli-  
10 ance on this Power of Attorney. I understand that any termination of  
11 this Power of Attorney, whether the result of my revocation of the Power  
12 of Attorney or otherwise, is not effective as to a third party until the  
13 third party has actual notice or knowledge of the termination.

14 (l) TERMINATION: This Power of Attorney continues until I revoke it or  
15 it is terminated by my death or other event described in section 5-1511  
16 of the General Obligations Law.

17 Section 5-1511 of the General Obligations Law describes the manner in  
18 which you may revoke your Power of Attorney, and the events which termi-  
19 nate the Power of Attorney.

20 (m) SIGNATURE AND ACKNOWLEDGMENT:

21 In Witness Whereof I have hereunto signed my name on \_\_\_\_\_, 20\_\_.

22 PRINCIPAL signs here: ==> \_\_\_\_\_

23 (acknowledgment)

24 (n) IMPORTANT INFORMATION FOR THE AGENT:

25 When you accept the authority granted under this Power of Attorney, a  
26 special legal relationship is created between you and the principal.  
27 This relationship imposes on you legal responsibilities that continue  
28 until you resign or the Power of Attorney is terminated or revoked. You  
29 must:

30 (1) act according to any instructions from the principal, or, where  
31 there are no instructions, in the principal's best interest;

32 (2) avoid conflicts that would impair your ability to act in the prin-  
33 cipal's best interest;

34 (3) keep the principal's property separate and distinct from any  
35 assets you own or control, unless otherwise permitted by law;

36 (4) keep a record of all receipts, payments, and transactions  
37 conducted for the principal; and

38 (5) disclose your identity as an agent whenever you act for the prin-  
39 cipal by writing or printing the principal's name and signing your own  
40 name as "agent" in either of the following manner: (Principal's Name) by  
41 (Your Signature) as Agent, or (your signature) as Agent for (Principal's  
42 Name).

43 You may not use the principal's assets to benefit yourself or give  
44 major gifts to yourself or anyone else unless the principal has specif-  
45 ically granted you that authority in this Power of Attorney or in a  
46 Statutory Major Gifts Rider attached to this Power of Attorney. If you  
47 have that authority, you must act according to any instructions of the  
48 principal or, where there are no such instructions, in the principal's  
49 best interest. You may resign by giving written notice to the principal  
50 and to any co-agent, successor agent, monitor if one has been named in

A. 6421--B 21

1 this document, or the principal's guardian if one has been appointed. If  
2 there is anything about this document or your responsibilities that you  
3 do not understand, you should seek legal advice.

4 Liability of agent:

5 The meaning of the authority given to you is defined in New York's  
6 General Obligations Law, Article 5, Title 15. If it is found that you  
7 have violated the law or acted outside the authority granted to you in  
8 the Power of Attorney, you may be liable under the law for your  
9 violation.

10 (o) AGENT'S SIGNATURE AND ACKNOWLEDGMENT OF APPOINTMENT:

11 It is not required that the principal and the agent(s) sign at the  
12 same time, nor that multiple agents sign at the same time.

13 I/we, \_\_\_\_\_, have read the forego-  
14 ing Power of Attorney. I am/we are the person(s) identified therein as  
15 agent(s) for the principal named therein.

16 I/we acknowledge my/our legal responsibilities.

17 Agent(s) sign(s) here==>\_\_\_\_\_

18 (acknowledgment(s))"

19 § 5-1514. Major gifts and other transfers; formal requirements; statu-  
20 tory form. 1. If the principal intends to authorize the agent to make  
21 gifts and transfers other than gifts authorized by subdivision fourteen  
22 of section 5-1502I of this title, the principal must expressly grant  
23 such authority either in a statutory major gifts rider to a statutory  
24 short form power of attorney or in a non-statutory power of attorney 25  
executed pursuant to the requirements of paragraph (b) of subdivision  
26 nine of this section.

27 2. The principal may authorize the agent to make gifts to the princi-  
28 pal's spouse, children and more remote descendants, and parents, not to  
29 exceed, for each donee, the annual federal gift tax exclusion amount  
30 pursuant to the Internal Revenue Code. For gifts to the principal's  
31 children and more remote descendants, and parents, the maximum amount of  
32 the gift to each donee shall not exceed twice the gift tax exclusion  
33 amount, if the principal's spouse agrees to split gift treatment pursu-  
34 ant to the Internal Revenue Code.

35 3. The principal may also authorize the agent to:

36 (a) make gifts up to a specified dollar amount, or unlimited in  
37 amount;

38 (b) make gifts to any person or persons;

39 (c) make the following specified transactions:

40 (1) open, modify or terminate a deposit account in the name of the  
41 principal and other joint tenants;

42 (2) open, modify or terminate any other joint account in the name of  
43 the principal and other joint tenants;

44 (3) open, modify or terminate a bank account in trust form as  
45 described in section 7-5.1 of the estates, powers and trusts law, and  
46 designate or change the beneficiary or beneficiaries of such account;

47 (4) open, modify or terminate a transfer on death account as described  
48 in part four of article thirteen of the estates, powers and trusts law,  
49 and designate or change the beneficiary or beneficiaries of such  
50 account;

A. 6421--B 22

1 (5) change the beneficiary or beneficiaries of any contract of insur-  
2 ance on the life of the principal or annuity contract for the benefit of  
3 the principal;

4 (6) procure new, different or additional contracts of insurance on the  
5 life of the principal or annuity contracts for the benefit of the prin-  
6 cipal and designate the beneficiary or beneficiaries of any such  
7 contract;

8 (7) designate or change the beneficiary or beneficiaries of any type  
9 of retirement benefit or plan;

10 (8) create, amend, revoke, or terminate an inter vivos trust; and

11 (9) create, change or terminate other property interests or rights of  
12 survivorship, and designate or change the beneficiary or beneficiaries  
13 therein.

14 A gift or other transfer to an individual authorized by this subdivi-  
15 sion may be made outright, to a trust established or created for such  
16 individual, to a Uniform Transfers to Minors Act account for such indi-  
17 vidual (regardless of who is the custodian), or to a tuition savings  
18 account or prepaid tuition plan as defined under section 529 of the  
19 Internal Revenue Code for the benefit of such individual (without regard  
20 to who is the account owner or responsible individual for such account).

21 4. An agent may not:

22 (a) exercise any authority described in subdivision two or three of  
23 this section unless such authority is expressly granted in a statutory  
24 major gifts rider to a statutory short form power of attorney or in a  
25 non-statutory power of attorney executed pursuant to the requirements of  
26 paragraph (b) of subdivision nine of this section;

27 (b) make a gift to himself or herself or create in himself or herself 28  
29 an interest in the principal's property pursuant to any grant of author-  
30 ity described in subdivision two or three of this section unless such  
31 authority is expressly granted in a statutory major gifts rider to a  
32 statutory short form power of attorney or in a non-statutory power of  
33 attorney executed pursuant to the requirements of paragraph (b) of  
34 subdivision nine of this section.

35 5. Any authority granted to an agent pursuant to subdivision two or  
36 three or paragraph (b) of subdivision four of this section must be exer-  
37 cised according to any instructions provided by the principal or other-  
38 wise for purposes which the agent reasonably deems to be in the best  
39 interest of the principal, specifically including financial, estate, or  
40 tax planning, including minimization of income, estate, inheritance,  
41 generation-skipping transfer or gift taxes.

42 6. Construction of the provisions of the statutory major gifts rider.

43 (a) In a statutory major gifts rider to a statutory short form power of  
44 attorney, the language "I grant authority to my agent to make gifts to  
45 my spouse, children and more remote descendants, and parents, not to  
46 exceed, for each donee, the annual federal gift tax exclusion amount  
47 pursuant to the Internal Revenue Code. For gifts to my children and more  
48 remote descendants, and parents, the maximum amount of the gift to each  
49 donee shall not exceed twice the gift tax exclusion amount, if my spouse  
50 agrees to split gift treatment pursuant to the Internal Revenue Code"  
51 must be construed to mean that the principal authorizes the agent:

52 (1) To make gifts on behalf of the principal to the principal's  
53 spouse, children and other descendants, and parents. Gifts to a donee  
54 shall not exceed in any calendar year the amount of the federal gift tax  
55 exclusion available to the principal under section 2503(b) of the Inter-  
56 nal Revenue Code. Gifts may be made outright or by exercise or release  
of a presently exercisable general power of appointment held by the

A. 6421--B 23

1 principal, to a trust established or created for such individual  
2 (provided that gifts to such trust qualify for the federal gift tax  
3 exclusion under section 2503(b) or (c) of the Internal Revenue Code), to  
4 a Uniform Transfers to Minors Act account for such individual (regard-  
5 less of who is the custodian), to a tuition savings account or prepaid  
6 tuition plan as defined under section 529 of the Internal Revenue Code  
7 for the benefit of such individual (without regard to who is the account  
8 owner of or responsible person for such account);

9 (2) To make gifts up to twice the annual federal gift tax exclusion  
10 amount on behalf of both the principal and the principal's spouse, to  
11 the principal's children and other descendants, and parents, if the  
12 principal's spouse consents to the splitting of such gifts pursuant to  
13 section 2513 of the Internal Revenue Code;

14 (3) To consent, pursuant to Section 2513(a) of the Internal Revenue  
15 Code, to the splitting of gifts made by the principal's spouse to the  
16 principal's children and other descendants in any amount, and to the  
17 splitting of gifts made by the principal's spouse to any other persons  
18 in amounts not exceeding the aggregate annual gift tax exclusions for  
19 both spouses under Section 2503(b) of said Code (or cognate provisions  
20 of any successor statute); and

21 (4) To satisfy pledges made to organizations, whether charitable or  
22 otherwise, by the principal; and

23 (b) Any authority granted to an agent under a statutory major gifts  
24  rider to a statutory short form power of attorney must be construed to 25  
mean that the principal authorizes the agent:

26 (1) To prepare, execute, consent to on behalf of the principal, and  
27 file any return, report, declaration or other document required by the  
28 laws of the United States, or by any state or political subdivision  
29 thereof, or by any foreign country or political subdivision thereof,  
30 which the agent deems to be desirable or necessary with respect to any  
31 gift made under the authority of this section;

32 (2) To execute, acknowledge, seal and deliver any deed, assignment,  
33 agreement, trust agreement, authorization, check, or other instrument  
34 which the agent deems useful for the accomplishment of any of the  
35 purposes enumerated in this section;

36 (3) To prosecute, defend, submit to alternative dispute resolution,  
37 settle and propose or accept a compromise with respect to any claim  
38 existing in favor of or against the principal based on or involving any  
39 gift transaction or to intervene in any related action or proceeding;

40 (4) To hire, discharge and compensate any attorney, accountant, expert  
41 witness, or other assistant or assistants when the agent deems that  
42 action to be desirable for the proper execution by the agent of any of  
43 the authorities described in this section, and for the keeping of needed  
44 records thereof; and

45 (5) In general, and in addition to but not in contravention of all the  
46 specific acts listed in this section, to do any other act or acts which  
47 the agent deems desirable or necessary to complete any such gift on  
48 behalf of the principal.

49 (c) The authority explicitly authorized in this section shall be  
50 construed to include any like authority authorized in any other section  
51 of this title. Accordingly, such like authorities as are authorized in  
52 any other section of this title may not be exercised by the agent unless

53 they are expressly granted to the agent in the statutory major gifts  
54 rider or in a non-statutory power of attorney executed pursuant to the  
55 requirements of paragraph (b) of subdivision nine of this section.

A. 6421--B 24

1 (d) The statutory major gifts rider may be modified pursuant to  
2 section 5-1503 of this title to contain additional provisions authoriz-  
3 ing the agent to make any or all of the transactions specified in subdivi-  
4 vision three of this section.

5 7. All authority described in this section shall be exercisable equal-  
6 ly with respect to a gift of any property in which the principal is  
7 interested at the time the power of attorney is given or in which the  
8 principal becomes interested after that time, and whether located in  
9 this state or elsewhere.

10 8. If, after naming the spouse as a permissible recipient of gifting  
11 or other transfers, the principal is divorced, his or her marriage is  
12 annulled or its nullity declared, the divorce, annulment, declaration of  
13 nullity or dissolution revokes the authority to gift to the former  
14 spouse, unless the statutory major gifts rider or the non-statutory  
15 power of attorney executed pursuant to the requirements of paragraph (b)  
16 of subdivision nine of this section expressly provides otherwise. If the  
17 authority to gift to the former spouse is revoked solely by this subdivi-  
18 vision, it shall be revived by the principal's remarriage to the former  
19 spouse.

20 9. To be valid, a statutory major gifts rider to a statutory short  
21 form power of attorney must:

22 (a) Be typed or printed using letters which are legible or of clear 23  
type no less than twelve point in size, or, if in writing, a reasonable  
24 equivalent thereof.

25 (b) Be signed and dated by a principal with capacity, with the signa-  
26 ture of the principal duly acknowledged in the manner prescribed for the  
27 acknowledgment of a conveyance of real property, and witnessed by two  
28 persons who are not named in the instrument as permissible recipients of  
29 gifts or other transfers, in the manner described at paragraph two of  
30 subdivision (a) of section 3-2.1 of the estates, powers and trusts law.

31 (c) Be accompanied by a statutory short form power of attorney in  
32 which the authority (SMGR) is initialed by the principal.

33 (d) Be executed simultaneously with the statutory short form power of  
34 attorney and in the manner provided in this section.

35 10. The use of the following shall be construed as the "Statutory  
36 Major Gifts Rider" for a statutory short form power of attorney:

37 "POWER OF ATTORNEY

38 NEW YORK STATUTORY MAJOR GIFTS RIDER

39 AUTHORIZATION TO MAKE MAJOR GIFTS OR OTHER TRANSFERS

40 CAUTION TO THE PRINCIPAL: This OPTIONAL rider allows you to authorize  
41 your agent to make major gifts or other transfers of your money or other  
42 property during your lifetime. Granting any of the following authority  
43 to your agent gives your agent the authority to take actions which could  
44 significantly reduce your property or change how your property is  
45 distributed at your death. "Major gifts or other transfers" are  
46 described in section 5-1514 of the General Obligations Law. This Major  
47 Gifts Rider does not require your agent to exercise granted authority,  
48 but when he or she exercises this authority, he or she must act accord-  
49 ing to any instructions you provide, or otherwise in your best interest.

50 This Major Gifts Rider and the Power of Attorney it supplements must  
51 be read together as a single instrument.  
52 Before signing this document authorizing your agent to make major  
53 gifts and other transfers, you should seek legal advice to ensure that  
54 your intentions are clearly and properly expressed.  
55 (a) GRANT OF LIMITED AUTHORITY TO MAKE GIFTS

A. 6421--B 25

1 Granting gifting authority to your agent gives your agent the authori-  
2 ty to take actions which could significantly reduce your property.  
3 If you wish to allow your agent to make gifts to himself or herself,  
4 you must separately grant that authority in subdivision (c) below.  
5 To grant your agent the gifting authority provided below, initial the  
6 bracket to the left of the authority.  
7 ( ) I grant authority to my agent to make gifts to my spouse, chil-  
8 dren and more remote descendants, and parents, not to exceed, for each  
9 donee, the annual federal gift tax exclusion amount pursuant to the  
10 Internal Revenue Code. For gifts to my children and more remote descend-  
11 ants, and parents, the maximum amount of the gift to each donee shall  
12 not exceed twice the gift tax exclusion amount, if my spouse agrees to  
13 split gift treatment pursuant to the Internal Revenue Code.  
14 This authority must be exercised pursuant to my instructions, or other-  
15 wise for purposes which the agent reasonably deems to be in my best  
16 interest.

17 (b) MODIFICATIONS:

18 Use this section if you wish to authorize gifts in excess of the above  
19 amount, gifts to other beneficiaries or other types of transfers.  
20 Granting such authority to your agent gives your agent the authority to  
21 take actions which could significantly reduce your property and/or  
22 change how your property is distributed at your death. If you wish to  
23 authorize your agent to make gifts or transfers to himself or herself,  
24 you must separately grant that authority in subdivision (c) below.

25 ( ) I grant the following authority to my agent to make gifts or trans-  
26 fers pursuant to my instructions, or otherwise for purposes which the  
27 agent reasonably deems to be in my best interest.

28 (c) GRANT OF SPECIFIC AUTHORITY FOR AN AGENT TO MAKE MAJOR GIFTS OR  
29 OTHER TRANSFERS TO HIMSELF OR HERSELF: (OPTIONAL)

30 If you wish to authorize your agent to make gifts or transfers to  
31 himself or herself, you must grant that authority in this section, indi-  
32 cating to which agent(s) the authorization is granted, and any limita-  
33 tions and guidelines.

34 ( ) I grant specific authority for the following agent(s) to make the  
35 following major gifts or other transfers to himself or herself:  
36 This authority must be exercised pursuant to my instructions, or other-  
37 wise for purposes which the agent reasonably deems to be in my best  
38 interest.

39 (d) ACCEPTANCE BY THIRD PARTIES: I agree to indemnify the third party  
40 for any claims that may arise against the third party because of reli-  
41 ance on this Major Gifts Rider.

42 (e) SIGNATURE OF PRINCIPAL AND ACKNOWLEDGMENT:

43 In Witness Whereof I have hereunto signed my name on \_\_\_\_\_,  
44 20\_\_\_\_\_.

45 PRINCIPAL signs here:

46 \_\_\_\_\_

47 (acknowledgement)

48 (f) SIGNATURES OF WITNESSES:

49 By signing as a witness, I acknowledge that the principal signed the  
50 Major Gifts Rider in my presence and the presence of the other witness,  
51 or that the principal acknowledged to me that the principal's signature  
52 was affixed by him or her or at his or her direction. I also acknowledge  
53 that the principal has stated that this Major Gifts Rider reflects his  
54 or her wishes and that he or she has signed it voluntarily. I am not  
55 named herein as a permissible recipient of major gifts.

A. 6421--B 26

1	_____	_____
2	<u>Signature of witness 1</u>	<u>Signature of witness 2</u>
3	_____	_____
4	<u>Date</u>	<u>Date</u>
5	_____	_____
6	<u>Print name</u>	<u>Print name</u>
7	_____	_____
8	<u>Address</u>	<u>Address</u>
9	_____	_____
10	<u>City, State, Zip code</u>	<u>City, State, Zip code</u>

11 (g) This document prepared by: \_\_\_\_\_"

12 § 20. Separability. If any provision of this act or the application of  
13 any provision thereof to any person or circumstance shall be held inval-  
14 id, the remainder of this act and the application of such provision to  
15 persons or circumstances other than those to which it is held invalid  
16 shall not be affected thereby.

17 § 21. This act shall take effect on the first of March next succeeding  
18 the date on which it shall have become a law; provided that the 19  
provisions of this act shall apply to all powers of attorney executed on  
20 or after the effective date of this act and the provisions of this act  
21 shall not affect the validity of any power of attorney or the convey-  
22 ance of authority to an attorney-in-fact or agent contained in a power  
23 of attorney executed prior to the effective date of this act if such  
24 power of attorney was valid at the time of its execution; except that  
25 sections eleven, twelve and eighteen of this act, and sections 5-1505  
26 and 5-1510 of the general obligations law, as added by section nineteen  
27 of this act, shall also apply to all powers of attorney executed prior  
28 to the effective date of this act.