

***Enduring Power of Attorney  
Of  
WillExpert Sample***

This is the Enduring Power of Attorney of me, WillExpert Sample, of Anyplace, Alberta.

### **Applicable Law**

1.1 I make this Enduring Power of Attorney according to the Powers of Attorney Act of Alberta.

### **Revocation of Previous Powers of Attorney**

2.1 I revoke any powers of attorney that I have already given.

### **Powers to Endure**

3.1 The powers I give my Attorney in this Enduring Power of Attorney to take effect in the future, are to continue and are not to be revoked despite any incapacity I may suffer after signing this document.

3.2 I may revoke this Enduring Power of Attorney at any time, in writing, as long as I have the capacity to do so.

3.3 Unless revoked by me during my lifetime, this Enduring Power of Attorney terminates on my death.

### **Definitions**

4.1 In this Enduring Power of Attorney, the term:

- a) 'Attorney' means the person or persons appointed by me in this document to act on my behalf, whether original or substituted, and includes my appointed Attorney, joint Attorneys, or joint and several Attorneys. Attorney does not mean lawyer, although I may appoint a person who is a lawyer to act as my Attorney.
- b) 'full powers' means the general authority to do all acts on my behalf, as fully as I could do if I were present and capable to do so, that may be lawfully done by an attorney. This does not include the authority to write my will, as an attorney may not lawfully write a will for another person. This does include the ability to maintain, educate, benefit, and advance my spouse and dependent children.
- c) 'power' means the authority to act on my behalf, and in my place for the purpose of holding and managing my property and financial affairs.
- d) 'spouse' means My Spouse of Anyplace, Alberta.

Witness 1: \_\_\_\_\_

WillExpert Sample: \_\_\_\_\_

### **Appointment of Attorney(s)**

- 5.1 I appoint my spouse as my Attorney.
- 5.2 If my spouse dies, or refuses or is unable to act or to continue to act, then I appoint my friend A Trusted Friend to act as my Attorney.
- 5.3 Any persons acting as my Attorney may renounce their appointment at any time before this Enduring Power of Attorney comes into effect.

### **Coming into Effect**

- 6.1 This appointment enables my Attorney to act on my behalf and will come into effect only if I become mentally incapable of making reasonable judgments about my property.

### **Who May Make the Written Declaration**

- 7.1 A written declaration from two medical doctors authorized to carry on practice in Alberta is to be conclusive proof that I have become mentally incapable. If I am then outside of Alberta, then a declaration from two medical doctors licensed to practice in that jurisdiction is to be conclusive proof, instead.

### **Powers**

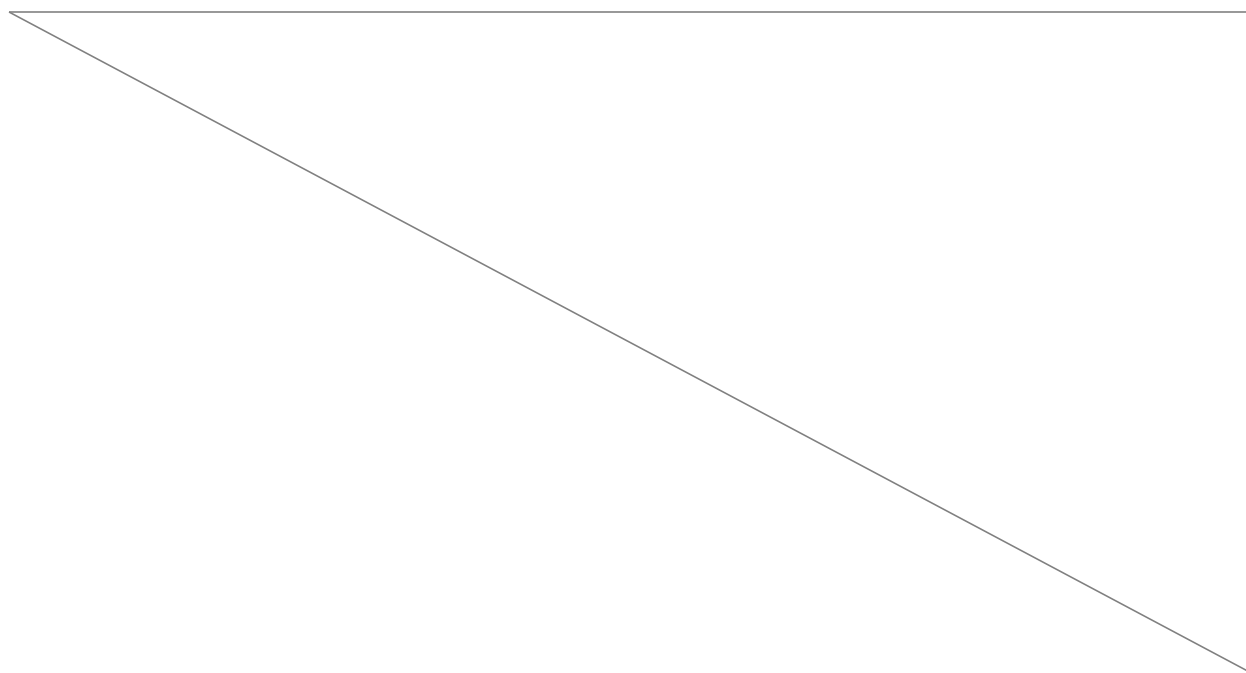
- 8.1 On this Enduring Power of Attorney coming into effect, I give my Attorney full powers to do anything on my behalf to hold my property, and to invest and manage my property, which full powers include:
  - a) Writing cheques on my bank accounts;
  - b) Having access to my safety deposit box;
  - c) Investing or selling my money and securities;
  - d) Filing my tax returns;
  - e) Selling or managing my land;
  - f) Collecting any debts due to me;
  - g) Voting any corporate shares I hold;
  - h) Signing any documents relating to my property;
  - i) Doing any other act relating to my property and financial affairs;
- 8.2 With respect to land, my Attorney has power to sign all documents on my behalf concerning lands which are capable of registration under land titles legislation, real property legislation, and registry legislation or such other similar legislation of all the

provinces and territories of Canada and any foreign jurisdiction.

- 8.3 My Attorney has power to delegate any of the powers given by this Enduring Power of Attorney.
- 8.4 While making a payment to or for a person as authorized by this Enduring Power of Attorney, my Attorney may pay the person, the legal or acting guardian of the person, or any other person my Attorney may consider advisable. A receipt from the person to whom the payment is made will fulfill my Attorney's responsibility. My Attorney does not have to make certain the payment is applied properly.
- 8.5 My Attorney has authority to retain my assets in the form they are held by me at the time my Attorney undertakes these powers, or to thereafter sell assets and reinvest the proceeds, entirely at my Attorney's sole and absolute discretion.
- 8.6 My Attorney has authority to make investments for my estate which my Attorney considers advisable, at my Attorney's sole and absolute discretion, without being limited to investments authorized by law for attorneys or trustees.

**Restrictions on Powers**

- 9.1 There are no restrictions on the powers of my Attorney.



**Compensation for My Attorney**

10.1 My Attorney is to be paid according to the criteria governing the compensation for trustees in the Province of Alberta.

IN WITNESS WHEREOF I have signed this, my Enduring Power of Attorney, by signing my name on this page and initialing the preceding pages at Anyplace, Alberta, on the \_\_\_\_ day in the month of \_\_\_\_\_, 20\_\_\_\_.

SIGNED by WillExpert Sample in my presence )  
and attested by me as witness in the presence )  
of WillExpert Sample . )  
 ) \_\_\_\_\_  
 ) WillExpert Sample  
 )  
Signature: \_\_\_\_\_ )  
Print Name: \_\_\_\_\_ )  
Address: \_\_\_\_\_ )  
 )  
Occupation: \_\_\_\_\_ )  
 )

## **Instructions for Signing and Witnessing (Executing) Your Enduring Power of Attorney**

It is critical that these instructions be strictly followed.

This is a simple process but it must be followed exactly as presented below.

Before proceeding with the signing and witnessing, read your Enduring Power of Attorney very carefully to ensure you understand the instructions you are leaving and that they match your expectations after having used WillExpert.

Your witness must sign, under oath or affirmation, a document (an affidavit\*) declaring that the signing and witnessing was performed **exactly** as follows:

### **1. Signing**

You (the donor - the person who prepared the Enduring Power of Attorney) must sign your name on the last page of the Enduring Power of Attorney. Sign your usual cheque signing signature. This may be different from how you have chosen to print your name in the Enduring Power of Attorney. It will help to identify your signature, through bank records, if your witness is not available to do so. Then initial each page before the signature page - **BEFORE** your witness signs the last page or initials any pages. **AND, you must do this in the presence of your witness.** You should NOT sign and initial without your witness present. Telling him or her you did this is not the same as him or her seeing you do it.

### **2. Witnessing**

Witnessing must follow the donor 's signing. It cannot happen concurrently. Your witness must sign his or her name on the last page of the Enduring Power of Attorney and initial each page before the signature page **in the presence of you.**

Sign only one copy of the Enduring Power of Attorney. If you ever need copies to provide to the holders of your assets (registries, land titles offices, banks, brokers) a notary public can prepare notarial copies of this original document.

### **Remember:**

Your witness **cannot** be:

- your spouse
- a person designated as your attorney or alternate attorney
- the spouse of the person or persons designated as your attorney or alternate attorney
- a person that signs this Enduring Power of Attorney on your behalf
- the spouse of a person that signs this Enduring Power of Attorney on your behalf

---

\* An 'Affidavit' is a written declaration made under oath or affirmation in the presence of a commissioner of oaths or notary public.