



# WILLS

## Matter

### POWERFUL “POWERS OF ATTORNEY”

Just as a Will is important for arranging your affairs after you die, it is also important to think about who will manage your affairs during your lifetime, if, by illness or injury, you become mentally incapable. A “power of attorney” (P.O.A.) is one simple and effective way of doing this.

There are different types of P.O.A.’s, each suitable for different situations.

A “general” P.O.A. gives the “attorney” (the person to whom you give the power) the authority to handle all of your legal, financial and property affairs. This type of P.O.A. can be used, for example, if you are leaving the country and want someone to handle all your affairs while you are gone.

Under a specific P.O.A., you can appoint someone as an “attorney” to look after only certain specific matters in your absence.

There is also an “enduring” P.O.A. which gives a person power over your affairs in the event that you become mentally incapable of managing your affairs. The enduring P.O.A. is the only P.O.A. that is legally effective if you become mentally incapable.

An enduring P.O.A. is a very powerful document, and because it is effective from the date it is signed, you may want to prevent the “attorney” from exercising power while you are still able to handle your own affairs. You can do this by instructing your Lawyer to retain your signed P.O.A. document for safe-keeping and not to release the P.O.A. to the “attorney” except in the event of your mental infirmity. This way, the P.O.A. is there as a back-up, but is only used if necessary.

You can revoke a P.O.A. at any time, so long as you still have legal capacity to do so, and you should do so in writing.

In future editions of Wills Matter we will discuss tools for designating who makes decisions about your health or medical treatment if you become mentally incapable. An experienced Wills and Estates lawyer can assist you in choosing the tool most appropriate for you.\*

### Contact *Fulton & Company’s Wills & Estates Team*

if you have any questions regarding wills or estate matters.

To view past articles, visit our web site.



BY DONALD KNAPP



BY LYLE BACKMAN, Q.C.



BY DANIEL CARROLL



**FULTON & COMPANY** LLP  
LAWYERS & TRADE-MARK AGENTS

### WILLS & ESTATES LAWYERS

- |             |                    |
|-------------|--------------------|
| DON KNAPP   | LYLE BACKMAN, Q.C. |
| DENNIS HORI | NICK WEISER        |
| RICK HENEY  | DAN CARROLL        |



300-350 Lansdowne Street, Kamloops, BC Phone: 250-372-5542 Fax: 250-851-2300

\*This article has been provided by Fulton & Company LLP for informational purposes only and is not to be relied upon as legal advice. For legal advice on specific cases, please contact Fulton & Company LLP.