

FORM C
[Clause 3(c)]

Enduring Power of Attorney Appointing a Personal and Property Attorney

This form is to be used as a guide to the appointment of a personal and property attorney. A personal and property attorney has authority with respect to your personal affairs and your property and financial affairs. He or she does not have authority with regard to health care decisions, which are governed by The Health Care Directives and Substitute Health Care Decision Makers Act. If you wish to appoint separate persons to act as your personal attorney and your property attorney you may modify this form, or you may fill out Forms A and B.

Include in your Enduring Power of Attorney only those parts of the form that are applicable to your situation.

This Enduring Power of Attorney is given on _____
(date)

by _____
(name of grantor)

of _____
(street address) (city) (province) (postal code)

(Check as appropriate)

1. Appointment

(choose one)

(a) I appoint _____
(name of personal and property attorney)

of _____
(street address) (city) (province) (postal code)

to act as my personal and property attorney in accordance with *The Powers of Attorney Act, 2002*.

or

(b) I appoint _____
(name of personal and property attorney)

of _____
(street address) (city) (province) (postal code)

and _____
(name of personal and property attorney)

of _____
(street address) (city) (province) (postal code)

(you may appoint two or more persons)

to act as my personal and property attorneys in accordance with *The Powers of Attorney Act, 2002*:

jointly (your personal and property attorneys will act together)

severally (your personal and property attorneys will act separately and independently, in accordance with the authority given to them)

successively (your personal and property attorneys will act in order of appointment)

Optional:

If it is or becomes necessary for the purposes of subsection 6(2) of the Act:

I acknowledge that _____ has
(name of personal and property attorney)

been convicted of a criminal offence relating to assault, sexual assault or other acts of violence, intimidation, criminal harassment, uttering threats, theft, fraud or breach of trust; and I consent to this person acting as my personal and property attorney.

2. Authority

(choose one)

(a) I give my personal and property attorney(s) general authority respecting all of my personal affairs and all of my property and financial affairs.

(The authority with regard to personal affairs includes matters such as where you will live, any training or education you will receive and any social activities in which you will take part. Note that health care decisions are not within the authority of a personal attorney. The authority with respect to financial affairs includes matters relating to all of your securities, contracts of insurance, pensions, non-testamentary trusts, retirement savings plans, registered retirement income funds, annuities and other like deposits and investments.)

or

(b) I give my personal and property attorney(s) specific authority as follows:

(You may limit the authority of your personal and property attorney(s) or you may divide authority among personal and property attorneys.)

3. Decision-making

If personal and property attorneys are appointed to act jointly (together):

(choose one)

(a) The decision of my joint personal and property attorneys must be unanimous.

or

(b) Decisions by my joint personal and property attorneys must be made as follows:

If personal and property attorneys are appointed to act jointly (together) or successively (one after the other):

(choose one)

(a) If one or more of my personal and property attorneys dies, is unwilling or unavailable to act or is found by a court to lack capacity, the other(s) may act either solely, jointly or successively, as the case may be.

or

(b) _____

4. Enduring Power of Attorney

My personal and property attorney's (or attorneys') authority under this Enduring Power of Attorney shall not be terminated by my lack of capacity that occurs after my Enduring Power of Attorney has been executed.

5. Contingent Enduring Power of Attorney (optional)

My Enduring Power of Attorney shall come into effect on the following date or on the occurrence of the following contingency: _____

Optional:

The following adult(s) may declare in writing that the contingency that I have specified has occurred:

(name of adult)

(street address)

(city)

(province)

(postal code)

(You may name one or more adults to make this declaration. If the contingency you have specified is your lack of capacity and you do not name anyone to make this declaration, two health care professionals may be asked to make the declaration.)

6. Accounting (optional)

If I lack capacity, an accounting of my personal and property attorney's (attorneys') management of my personal affairs and my property and financial affairs may be requested

by _____
(name of person)

of _____
(street address) (city) (province) (postal code)

(If this option is not checked, an accounting may be requested by one of your adult family members.)

If a fee is charged for services rendered by my personal and property attorney(s), my personal and property attorney(s) must provide an annual accounting of my personal and property attorney's (attorneys') management of my personal affairs and my property and financial affairs

to _____
(name of person)

_____ of
(street address) (city) (province) (postal code)

(If this option is not checked, the accounting will be provided to your most immediate and available family member and to the Public Guardian and Trustee of Saskatchewan.)

7. Revocation (optional)

I revoke the Enduring Power of Attorney previously given by me on _____,
(date)

appointing _____ as my personal and property attorney.
(name)

8. Signatures of grantor and witnesses

(Signature of grantor) (date)

(Signature of witness) (date)

(Signature of second witness if first witness is not a lawyer) (date)

(If witnessed by a lawyer, attach Form D - Legal Advice and Witness Certificate. If witnessed by two adults, attach Form E - Non-lawyer Witness Certificate.)

or

Signatures of alternate signer and witnesses

(To be used only when the grantor is unable to sign the Enduring Power of Attorney and there is an alternate signer of the document.)

(Signature of alternate signer) (date)

Statement of Witness:

I, _____,
(name)
of _____,
(street address) (city) (province) (postal code)

certify:

- (a) that _____ (name of alternate signer) signed this Enduring Power of Attorney in my presence;
(b) that _____ (name of grantor) acknowledged the signature of the alternate signer in my presence;
(c) that I am an adult with capacity and I am not the personal or property attorney or a member of the personal or property attorney's family or a member of the grantor's family;
(d) that I am signing this Enduring Power of Attorney as a witness in the presence of the grantor.

_____, (Signature of witness) _____ (date)

Other witness signatures (Note that one of the witnesses may be the same person that witnessed the alternate signing.)

_____, (Signature of witness) _____ (date)

_____, (Signature of witness) _____ (date)

_____, (Signature of second witness if first witness is not a lawyer) _____ (date)

(If witnessed by a lawyer, attach Form D - Legal Advice and Witness Certificate. If witnessed by two adults, attach Form E - Non-lawyer Witness Certificate.)

9. Acceptance of Appointment (optional)

[] I accept the appointment as personal and property attorney and I will exercise my authority honestly, in good faith and in the best interests of the grantor.

_____, (Signature of personal and property attorney) _____ (date)