

A sample power of attorney

I/We _____ (name/s and address) _____
do hereby nominate and appoint _____
(name/s and address) _____
with full power of substitution and revocation to be
my/our true and lawful agent and attorney for me/us and
in my/our name to apply for and obtain in
Kenya _____

and for the aforesaid purpose in my/our name to sign and
lodge documents which they in their aforesaid capacity
may deem necessary or desirable; to alter and amend such
documents; to attend wherever necessary and defend
my/our application from opposition; and I/we hereby
confirm and ratify whatsoever said agent substitute or
substitutes may lawfully do by virtue of these presents.

I/We hereby revoke all previous authorisations, if any, in
respect of the same matter or proceeding.

I/We also authorise the said agent to complete the entry
of an address for service as part of any registration
under the above authorisation.

Thus done and signed at _____
This day of _____
Signature _____
Before Me _____

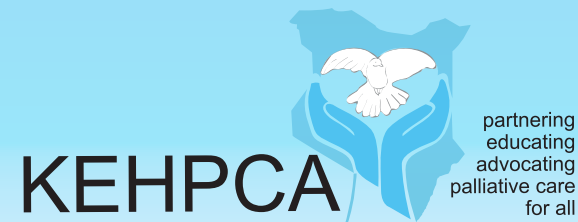
Notary/Commissioner for Oaths _____

Or

Witnessed by _____
Dated this _____



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Kenya Hospices and Palliative Care Association

What is Power of Attorney?

For more information please contact us at;
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Things you need to know:

What is a Power of Attorney?

A power of attorney is a document in which you state that you give someone else (usually a relative or friend) the authority to make certain decisions and act on your behalf.

- The person to whom you give these powers is called an "agent"
- You are called the "principal."
- Just because the word attorney is used does not mean that the person you give authority to has to be a lawyer

Executing a power of attorney does not mean that you can no longer make decisions; it just means that another person can act for you also.

For example, you may be hospitalized for a brief period of time and need someone to deposit your checks in the bank or pay your bills. As long as you are capable of making decisions, the other person must follow your directions. You are simply sharing your power with someone else. You can revoke the agent's authority under the power of attorney at any time if you become dissatisfied with what they are doing.

The type of power of attorney provided for the elderly sick is a power of attorney which means that, your agent can continue to make decisions for you if you become incapacitated. The agent will still be obligated to act in your best interest, making decisions and using your money and property only for your benefit.

By establishing a power of attorney, you are giving the agent some of the following powers:

- To spend your money, cash checks, and withdraw money from your bank accounts
- To sell your property
- To pursue insurance claims and legal actions

If you do not establish a power of attorney and you become mentally incapacitated, it may be necessary for a court to appoint a guardian or conservator for you.

How do you choose an agent?

An agent is the person you have designated to act on your behalf or assume certain duties and responsibilities. The most important obligation of the agent is to act in your best interest. This means they must always follow your instructions. The agent is a "fiduciary", which means that he or she must act with the highest degree of good faith in your behalf.

Although your agent is supposed to make decisions in your best interest and to use your money and property only for your benefit, he or she has great freedom to do as he or she pleases. Therefore, it is essential to choose someone whom you trust when you sign a power of attorney. Before selecting an agent or attorney-in-fact, ask yourself the following questions:

- Do I trust this person?
- Does this person understand my feelings and my point of view? Will he or she follow my wishes if I am ever incapacitated?
- Is this person willing to do the work and spend the time handling my affairs?
- Is this person available to visit me or to keep in contact by phone?
- Is this person knowledgeable about finances? If not, would this person seek the help of experts?

Is my Power of Attorney Effective when I die?

No. A power of attorney ends upon your death. Thereafter your will, or the law of intestacy, governs the handling of your estate. A power of attorney document is not a substitute for a will.

Does an agent get paid?

This depends on the relation of the agent and the principal and the duties involved. Normally, in family situations where the attorney-in-fact's duties are simple, no payment is provided.