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Updated Statutory Short Form Power of Attorney for New York State Effective September 1, 2009

Major changes to Title 15 of Article 5 of the New York General Obligations Law take effect on September 1, 2009.

Title 15, as amended, sets forth a new Statutory Short Form Power of Attorney for New York State (hereinafter also referred to as the "SSF"). The amendments also introduce the idea of a "Statutory Major Gifts Rider" ("SMGR"), through which an agent can use the power of attorney to make gifts.

Here are some of the important highlights of the new form and the rider as set forth in §5-1513 and §5-1514 of the General Obligations Law ("GOL"):

1. Both principal and agent(s) must sign the new SSF and the signature of each must be acknowledged. The power does not become effective until the agent's, or the last agent's signature is acknowledged.
2. The durable/non-durable versions of the previous powers of attorney have been eliminated in the new SSF. The new form is durable, unless limited in the new "Modifications" section contained therein.
3. The new SSF automatically revokes all prior powers of attorney, unless stated otherwise in the new "Modifications" section.
4. The Statutory Major Gifts Rider ("SMGR") can be used for major Gifts and other transfers. This option, if checked, must include the rider to be effective (see § 5-1514). The rider must be signed by the principal, acknowledged and witnessed by two persons "not named in the instrument as recipients..." as defined under EPTL § 3-2.1(a)(2). The rider is included herein as a separate form.
5. The principal may designate certain monitor(s). If selected, the agent must provide the monitors with details of all transactions and other information.
6. The principal may designate whether the agent shall receive reasonable compensation for his services.
7. Accompanying the new Statutory Short Form Power of Attorney form is the "Affidavit as to Power of Attorney," to be executed by the agent(s). For convenience both forms are included in one PDF document.



There are many other aspects of the revised GOL. For questions or other details about the revisions to Title 15 of Article 5 of the New York General Obligations Law, please contact Felix Tschanz, Chief Underwriting Counsel at (631) 424-6100 or felix@advantagetitle.com.