

FORM B
[Clause 3(b)]

Enduring Power of Attorney Appointing a Property Attorney

This form is to be used as a guide to the appointment of a property attorney. A property attorney has authority with respect to your property and financial affairs. He or she does not have authority with respect to your personal affairs.

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 property attorney)

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

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

or

☐ (b) I appoint _____
(name of property attorney)

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

and _____
(name of property attorney)

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

(you may appoint two or more persons)

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

☐ jointly (your property attorneys will act together)

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

☐ successively (your 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 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 property attorney.

2. Authority

(choose one)

- ☐ (a) I give my property attorney(s) general authority respecting all of my property and financial affairs.
(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 property attorney(s) specific authority as follows:
(You may limit the authority of your property attorney(s) or you may divide authority among property attorneys.)

3. Decisions Requiring the Expenditure of Money

(Optional - may be used if different people are appointed to act as your personal and property attorneys.)

If decisions requiring the expenditure of money arise with respect to:

- ☐ housing
- ☐ education and training
- ☐ social activities
- ☐ other, as follows:

I give decision making authority to my:

(choose one)

- ☐ personal attorney
- ☐ property attorney

4. Decision-making

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

(choose one)

- ☐ (a) The decision of my joint property attorneys must be unanimous.

or

- ☐ (b) Decisions by my joint property attorneys must be made as follows:

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

(choose one)

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

or

☐ (b) _____

5. Enduring Power of Attorney

My 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.

6. 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.)

7. Accounting (optional)

☐ If I lack capacity, an accounting of my property attorney's (attorneys') management of 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 property attorney(s), my property attorney(s) must provide an annual accounting of my property attorney's (attorneys') management of 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.)

8. Revocation (optional)

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

appointing _____ as my property attorney.
(name)

9. 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 property attorney or a member of the 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 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.)

10. Acceptance of Appointment (optional)

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

(Signature of property attorney)

(date)