

POWER OF ATTORNEY

DID YOU KNOW...

A Power of Attorney is a legal document by which a person (the "grantor") authorizes another person (the "attorney-in-fact") to make decisions or contract for the grantor.

Important items to know for a Power of Attorney (POA) used for a real estate closing:

- **Specific** – The POA must include language granting authority to buy, sell or mortgage real estate.
- **Original and in Advance** – The original POA must be provided at closing. To be fully certain that the particular POA can be utilized to transfer Real Property, a photocopy should also be provided to the closing agent prior to your closing appointment. If a deed or mortgage is being executed using a POA, then the POA must be recorded and must comply with Indiana Recording Statute.
- **Legal Description** – The POA must include the legal description of the real estate being transferred or mortgaged.
- **Notarized** – The POA must be notarized by a Notary Public.
- **Lender Approved** – If the POA is for a buyer who is obtaining a new mortgage, then the new lender must approve the use of the POA (and approved prior to the closing appointment).
- **A POA is for the Living** – A POA is null and void if the person who granted the POA is deceased. In the case of a Trust, the POA will not work for a deceased trustee. If the POA is for an Officer of a Corporation who is deceased, the POA is not applicable. Keep in mind, dead people cannot sign documents!



Questions? Contact your First American Title Account Executive for answers.



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