**DURABLE POWER OF ATTORNEY**

of

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Durable Power of Attorney

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**Durable Power of Attorney**

**of**

Attorney in Fact Nominations

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I, **{{ x.name }} {% if x.former\_name %}{{ x.former\_name }} {% endif %}**, appoint **{{ x.aifs[0].name }}**,of **{{ x.aifs[0].address }}**, to serve as my agent and attorney-in-fact (hereinafter referred to as my Attorney-in-Fact), for me and in my name and behalf to control and manage my property and affairs in all respects including full power and authority.

If the above ceases to act, then I appoint **{{ x.aifs[0].name }}** of **{{ x.aifs[0].address }}**.

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My Agent shall be replaced upon their death, resignation, or incapacity, and the next Successor Agent in the order named above shall replace and succeed him or her as Successor Agent and shall carry out the terms of this General Durable Power of Attorney as set forth herein.

This Power of Attorney shall take effect in the event I become incapacitated. For the purposes of this document, incapacity shall be synonymous with incompetency and disability. Determination of incapacity shall be based upon the provisions and directions of the following paragraph: "

For all purposes under this Power, I shall be deemed "incapacitated" if and so long as (i) a court of competent jurisdiction has made a finding to that effect or a guardian of my person or a conservator of my estate is duly appointed by a court of competent jurisdiction; or (ii) upon certification by two licensed physicians that I am unable to take appropriate action with regard to my property and affairs as enumerated in this document, which certification shall be made by each physician in a written declaration under penalty of perjury; or (iii) my unavailability for a period of not less than six months when my whereabouts are unknown and it is not known whether I am dead or alive. If this original document or a duplicate original is recorded, a certified copy of the decree declaring incapacity or appointing a guardian or conservator or the physicians' certificate(s) shall be recorded in the same county or counties as this original or duplicate original document.

# GENERAL GRANT OF POWER.

To exercise or perform any act, power, duty, right, or obligation whatsoever that I now have or may hereafter acquire, in relation to any person, matter, transaction, or property, real or personal, tangible or intangible, now owned or hereafter acquired by me, including, without limitation, the following specifically enumerated powers. I grant to my Attorney-in-Fact full power and authority to do everything necessary in exercising any of the powers granted as fully as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that my Attorney-in-Fact shall lawfully do or cause to be done by virtue of this power of Attorney-in-Fact and the powers granted.

1. **Powers of Collection and Payment.** To pay my current bills and just debts; to receive, request, demand, sue for, recover, and hold all such sums of money, debts, dues, commercial paper, checks, drafts, accounts, deposits, legacies, bequests, devises, notes, interests, stock certificates, bonds, dividends, certificates of deposit, annuities, pensions, profit sharing, retirement, social security, insurance and other contractual benefits and proceeds, all documents of title, all property and property rights and demands whatsoever, liquidated or unliquidated, now or hereafter owned by, or due, owing, payable or belonging to me, or in which I have or hereafter acquire an interest; to have, use, and take all lawful means for the collection and recovery thereof, and to adjust, sell, compromise, and agree for the same, and to execute and deliver for me, on my behalf, and in my name, all endorsements, releases, receipts, or other sufficient discharges for the same;

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1. **Power to Acquire and Sell.** To acquire, purchase, grant options to sell, gift (but only as authorized in paragraphs (j), (k) or (l)), mortgage (including a reverse mortgage), pledge, lease, transfer, assign, deliver, convey, or otherwise dispose of real and personal property, tangible or intangible, or interests therein, on such terms and conditions as my Attorney-in-Fact shall deem proper, and in connection therewith to sign, seal, execute and deliver deeds, bills of sale, stock powers, and any other documents necessary or convenient to accomplish such action, and no purchaser, transferee or assignee shall be bound to see to the application of the proceeds; {% x.aif\_power\_to\_sell\_real\_estate %}all powers in this provision, including the power to sell, transfer or gift, shall specifically apply to the property at **{{ x.address }}** and any interest in other real property I may own or hereafter acquire, without limitation, as it is my express and specific intention to empower my Attorney-in-Fact to sell, transfer, gift, or otherwise deal with all such properties;{% endif %}

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1. **Management Powers.** To invest and reinvest, maintain, repair, improve, manage, insure, rent, lease, encumber, and in any manner to deal with any real or personal property, tangible or intangible, or any interests therein, that I now own or may hereafter acquire; to enter any premises leased by me and to care for any such premises and its contents, all upon such terms and conditions as my Attorney-in-Fact shall deem proper;
2. **Banking Powers.** To make, receive, sign, and endorse checks and drafts, deposit and withdraw funds, acquire and redeem certificates of deposit, in banks, savings and loan associations, and other institutions, including cryptocurrency investments, crypto-coins, tokens, any other form of digital cash, or anything found in or on a cryptocurrency wallet including any that is stored on digital wallets, paper wallets, online exchanges, or a combination of wallets and exchanges, execute or release such deeds of trust or other security agreements as may be necessary or proper in the exercise of the rights and powers herein granted; to open and close checking and savings accounts; to certify my taxpayer identification number;
3. **Voting Powers.** To exercise either in person or by general or limited proxy, any voting rights I have in relation to any shares of stock, any interest in any condominium, condominium association, condominium trust, real estate cooperative, or other investment or interest of any type, or to refrain from exercising such rights;
4. **Business Interests.** To conduct or participate in any lawful business of whatever nature for me and in my name; to execute partnership agreements and amendments thereto; to incorporate, reorganize, merge, consolidate, recapitalize, sell, liquidate, or dissolve any business; to elect or employ officers, directors and agents; enter into or carry out the provisions of any agreement for the sale of any business interest or the stock therein; and to exercise voting rights with respect to stock, either in person or by proxy, and exercise stock options;
5. **Investment Powers.** To open any investment accounts and with respect to any investment accounts, whether presently opened or hereafter opened; to make purchases and sales (including short sales); to subscribe for and trade in stocks, bonds, options, or other securities, or limited partnership interests or investments and trust units, whether or not in negotiable form, issued or unissued, foreign exchange, commodities, and contracts relating to same (including commodity futures), on margin or otherwise, for my account and risk; to deliver or surrender securities on my account, or to instruct others to deliver or surrender securities to my Attorney-in-Fact on my account; to order payment of moneys from my accounts and to receive and direct payments from my accounts; to sell, assign, endorse, and transfer any stocks, bonds, options, or other securities of any nature, at any time standing in my name and to execute any documents necessary to effectuate the foregoing; to receive any and all notices, calls for margin, or other demands with reference to my accounts; and to make any and all agreements with reference to such accounts on my behalf;
6. **Tax Powers.** To prepare, sign, and file joint, separate, or single income tax returns or declarations of estimated tax for any year or years; to apply for and receive any refund due me; to receive any communications with respect to any tax, and to appear for me and represent me before any federal, state or municipal or other agency in connection with any tax matter; to prepare, sign, and file gift tax returns with respect to gifts made by me or by my Attorney-in-Fact hereunder for any year or years; to consent to any gift and to utilize any gift-splitting provisions or other tax election; and to execute any Power of Attorney designation on forms required by the Internal Revenue Service or any state department of revenue or taxation for three tax years prior to the date of this instrument and for all tax years thereafter;
7. **Safe Deposit Boxes.** To have access at any time or times to (and to enter by force if necessary) any safe deposit box rented by me, wheresoever located, to remove all or any part of the contents thereof, and to surrender or relinquish said safe deposit box; and any institution in which any such safe deposit box may be located shall not incur any liability to me or my estate as a result of permitting my Attorney-in-Fact to exercise this power;
8. **Gift Making Powers.** To make outright or in trusts gifts of my property (including gifts of real property) to or for the benefit of my descendants (referred to herein as my "Beneficiary" or "Beneficiaries"). Gifts hereunder need not be made in equal amounts to my Beneficiaries but should be generally consistent with my overall estate plan. Nothing hereunder shall be construed to limit the powers set forth in paragraph (1) below;
9. **Powers Under Inter Vivos Trust.** To transfer, convey, and deliver any and all of my property, real and personal, to the trustees of any revocable trust created by me as donor or for which I am one of the lifetime beneficiaries (unless such trust grants my Attorney-in-Fact a general power of appointment), and to do all things necessary or convenient to accomplish the same, including without limitation to sign, seal, execute, and deliver deeds, bills of sale, and stock powers; to create and fund any revocable trust, that I may have power to create, for my benefit or the benefit of any one or more of my Beneficiaries (unless such trust grants my Attorney-in-Fact a general power of appointment); to assign my property irrevocably to a pooled trust to be held for my lifetime benefit and to name any one or more of my Beneficiaries as the remainder beneficiary or beneficiaries of such trust; to amend or revoke (in a fashion that is consistent with the powers granted pursuant to this power of attorney) or appoint or remove the trustees of any trust to the same extent that I am empowered to do so according to the terms of such trust; provided all actions of my Attorney-in-Fact are generally consistent with my overall estate plan; further, the powers and authority granted in this sub-paragraph include the power to name, exclude and provide for contingent or other beneficiaries. My Attorney-in-Fact is not allowed to act in any way under this instrument with respect to an Irrevocable Trust of which I am the grantor or the trustee;
10. **Estate or Benefit Planning Powers.** To take such action or to apply funds in a manner and for a purpose that is in keeping with my estate planning wishes, without petition to or leave of court, to conserve my property, benefit my Beneficiary or any one or more of my Beneficiaries, minimize current or prospective federal and state taxes, and maximize my entitlement to or availability of federal and state medical, welfare, housing, and other public programs, including without limitation to make gifts to my Beneficiary or any one or more of my Beneficiaries, to make revocable or irrevocable transfers of my property into trusts (whether established by me or my Attorney-in-Fact) for the benefit of myself or my Beneficiary or any one or more of my Beneficiaries, to purchase a non-assignable, non-transferable, non-cancellable, irrevocable annuity and to name me, my Beneficiary, or any one or more of my Beneficiaries and, if necessary to accomplish the desired planning purposes, any governmental entity as beneficiaries. Nothing hereunder shall be construed to limit the powers set forth in paragraph (j) above;
11. **Power to Make Statutory Elections and Disclaimers.** To make on my behalf any and all statutory elections and to disclaim any interest in property passing to me by gift, bequest, devise or other transfer if my Attorney-in-Fact in the exercise of their sole discretion determines that such disclaimer is likely to increase the after-tax amount ultimately passing to my family after my decease without materially affecting my well-being;
12. **Power to Act in Probate Proceedings.** To assent or to oppose the allowance of any probate or other accounts in which I may be or become interested, and generally to act in any and all probate matters or proceedings in which I may become interested;
13. **Power to Act in Legal Proceedings.** To appear, answer, and defend, or compromise any suits that have been or may hereafter be commenced against me; to begin, and to prosecute or compromise, any suit that my Attorney-in-Fact may deem proper; to waive the client-attorney privilege on my behalf; and generally to act on my behalf in any and all legal proceedings in which I may become interested;
14. **Retirement Plan Powers.** To deal with all retirement plans in which I may have an interest, including, but not limited to, individual retirement accounts, Keogh, stock option, thrift, savings, 401(a), 403(b), 401(k), variable annuity pension, profit-sharing, or other employee benefit plans, as well as settlement options and distributions, roll overs, and voluntary contributions; in regard to these, to exercise in any manner any election or option thereunder and to make withdrawals therefrom; to become a participant in such a plan or to establish an Individual Retirement Account in my name; to change the designation of beneficiary in effect for any such account or plan as long as the new or additional beneficiary is my Beneficiary or any one or more of my Beneficiaries and such acts are generally consistent with my overall estate plan; to contribute to any existing account or plan in my name; and to roll over the proceeds of a lump-sum distribution from any qualified pension or plan into an Individual Retirement Account or another qualified pension or profit sharing plan;
15. **Insurance Powers.** To exercise all rights I may have with respect to any life insurance policy (whether on my life or that of another) or any annuity contract, or any interest in any such policy or contract, as fully as any owner or beneficiary of the same; to engage in any transaction and to exercise and enjoy all options, benefits, rights, and privileges under such policy or contract, including powers to borrow upon the same; to pledge the same for loans; to name a new or additional beneficiary or owner as long as such new owner or beneficiary is my Beneficiary or any one or more of my Beneficiaries and such acts are generally consistent with my overall estate plan; to surrender, assign, exchange, or otherwise modify any such policy or contract; elect settlement options, accumulate dividends, or have dividends paid out, apply for waivers of premiums or disability income, and surrender the policy for cash value;
16. **Motor Vehicles and Boats.** To apply for a Certificate of Title upon, and endorse and transfer title thereto, any automobile, boat, or other motor vehicle and to represent in such transfer assignment that the title to said motor vehicle is free and clear of all liens and encumbrances except those specifically set forth in such transfer assignment;
17. **Governmental Entitlement Powers.** To deal with any and all state or federal agencies from whom I receive or may be entitled to receive governmental benefits of any description or amount in order to: (i) prepare and file all documents required by such agencies; (ii) apply for any benefits to which I may be entitled; (iii) modify the amounts or terms of such entitlements; (iv) assert my rights against any curtailment or termination of benefits; (v) appeal or compromise any contested claim; (vi) effect a termination thereof.
18. **Power to Designate a Substitute**. To appoint and substitute for my Attorney-in-Fact any agents or attorney for any or all of the purposes herein enumerated, and to revoke their authority at their pleasure;
19. **Powers to Provide for My Care.** To make such use of my personal and real property as is necessary to provide for my maintenance, transportation, and necessary medical, dental and surgical care, hospitalization, and custodial care;
20. **Contracts.** To enter into contracts of whatever nature or kind in my name;
21. **Power to Hire and Pay for Services.** To retain such accountants, attorneys, social workers, consultants, clerks, employees, workers, or other persons as my Attorney-in-Fact shall deem appropriate in connection with the management of my property, person, or affairs and to make payments from my assets for the fees of such persons so employed;
22. **Digital Assets.** My Attorney-in-Fact shall have (i) the power to access, use, and control my digital devices, including but not limited to, desktops, laptops, tablets, peripherals, storages devices, mobile telephones, smartphones, and any similar digital device which currently exists or may exist as technology develops or such comparable items as technology develops for the purpose of accessing, modifying, deleting, controlling, or transferring my digital assets, and (ii) the power to access, modify, delete, control, and transfer my digital assets, including but not limited to, my emails received, email accounts, digital music, digital photographs, digital videos, software, licenses, social network accounts, file sharing accounts, financial accounts, domain registrations, Domain Name System (DNS) service accounts, web hosting accounts, tax preparation service accounts, online stores, affiliate programs, other online accounts, and similar digital items which currently exist or may exist as technology develops, or such comparable items as technology develops, including but not limited to, having access to any and all passwords associated with such digital assets; and
23. **Unenumerated Powers.** In addition to the foregoing, my Attorney-in-Fact hereunder may act as my alter ego with respect to any and all possible matters and affairs not otherwise enumerated herein and which I as principal can do through an agent.

# CARE DECISIONS and FUNERAL PLANS

My Attorney-in-Fact shall have the power to authorize my admission to any health care facility including any medical, nursing, mental health, residential, or similar facility and to enter into agreements for my care and to authorize the release of my medical records in my Attorney-in-Fact's discretion including any and all confidential medical information and any and all information or records of any health or disability insurer. In addition to the other powers granted hereunder, my Attorney-in-Fact shall have the power and authority to serve as my personal representative for all purposes under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), and in particular its 2003 Privacy Regulations; to enter into contracts for my funeral, burial, or cremation and to pay in advance for such services; to establish a bank account designated as a funeral account on my behalf. To the extent that this provision conflicts with authority granted under any health care proxy that I have executed and that is then in effect, decisions made and actions taken by my agent under such Health Care Proxy shall prevail over decisions made and actions taken by my Attorney-in-Fact under this Durable Power of Attorney.

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# COURT APPOINTED FIDUCIARIES

If protective proceedings for my person or property are hereafter commenced, I hereby nominate my said Attorney-in-Fact, **{{ x.aifs[0].name }}**,and then **{{ x.aifs[1].name }}**,to serve as my conservator, as guardian of my estate, and/or as guardian of my person, as the case may be, and I hereby direct and request that my Attorney-in-Fact should be exempt from giving any bond or, if required to give bond, shall be exempt from furnishing any surety thereon**.** Nothing in this section shall be construed as a direction that such a petition be filed or such appointment be made, and it is my express wish that such action be taken only when and if absolutely necessary. I also direct that if either of the previously nominated individuals is appointed as my guardian or conservator pursuant to this designation, that either or both be excused from obtaining a surety on any required bond.

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# COMPENSATION FOR MY ATTORNEY-IN-FACT

My Attorney-in-Fact named herein shall be entitled to reasonable compensation for any expenses that are incurred and for the time, effort and services rendered as my Attorney-in-Fact.