**Power of Attorney**

***Some general comments on Powers of Attorney:***

Powers of attorney are legal documents by which a person or company (often called a “Grantor” or “Donor”) appoints another person (the “Attorney”) to act as agent for them and make decisions on their behalf.

A power of attorney is an important legal document and if you appoint a person to act as your attorney, you will be bound by their decisions and actions.

A power of attorney can be either general in nature (i.e. the attorney is granted the right to do anything that a person can lawfully authorise an attorney to do) or it can be specific (i.e. the attorney may only be allowed to sign certain documents).

The person you choose as your attorney will only be permitted to act within the scope of the authority you give them.

You should ensure that the person you appoint as your attorney understands their obligations as well as your instructions.

If you are uncertain about how a power of attorney operates or whether the person you have nominated is an appropriate choice for attorney, you should obtain independent legal advice.

***Some notes on this Power of Attorney:***

In Victoria “Powers of Attorney” are regulated by the *Powers of Attorney Act 2014* (Vic). This power of attorney has been prepared for use in Victoria only.

This power of attorney is specific to the attorney and does not grant the attorney a right to delegate his or her powers to another person.

This power of attorney grants the attorney rights to enter into specific agreements and sign specific documents on your behalf. It is not a “general” power to do “anything” for you.

***Can I appoint more than one attorney?***

If you want to appoint more than one attorney you can do so by listing those persons and appointing them either:

1. separately – they can make decisions independently; or
2. jointly – they must make decisions together.

***How long does this power of attorney last?***

You can appoint the attorney for:

1. an indefinite period of time – the power of attorney will commence from the date you and the attorney sign it until you revoke it in writing; or
2. for a specific period of time – for example if you will be overseas, from the date of your departure to the date you return.

***I no longer want the Attorney to make decisions on my behalf. What can I do?***

You have the right to revoke this power of attorney at any time. If you feel you need to revoke this power of attorney you should obtain immediate legal advice so that an appropriate revocation can be prepared.

*This Non-Enduring Power of Attorney (****Power of Attorney****) is made under Part 2 of the Powers of Attorney Act 2014 (Vic) and has effect as a Deed*.

|  |  |
| --- | --- |
| Date | The day of 20 |
| Grantor | [Insert your name or company name and ACN] of [insert your address or the registered address of the Company] |
| Recitals | [Insert the Attorney(s) name and address] |
| Period of Operation: | This Power of Attorney begins:  [Choose one option only]   1. immediately and will continue to operate until such time as it is revoked in writing by the Grantor; or 2. on [insert commencement date] and expires on [insert expiry date]. |

1. The Grantor authorises the Attorney to do the following in its name:
2. execute a contract of sale of land in respect of Lot \_\_\_\_\_\_\_\_ on proposed Plan ofSubdivisionNo. 747685W, 801752K, 801753H, 801754F [##Insert/Delete as appropriate](**Lot**), Latrobe Avenue and Parkview Road, Alphington, Victoria 3078 (the **Property**)
3. execute a building contract with Glenvill Projects Pty Ltd;
4. execute a deed of charge with Glenvill Projects Pty Ltd;
5. execute any document related to, collateral to or part of the transactions described in paragraphs (a) and (b) above;
6. execute any other document required to effect, complete or settle the conveyance of any Lot or part of the Property, including but not limited to a Section 32 Vendor’s Statements and Transfer of Land instruments registrable by Land Registry Victoria;
7. sign any stamp duty declarations, statements and off the plan sales Statutory Declarations as required under the Duties Act 2000 (Vic) by the State Revenue Office;
8. sign and complete any other documents which are ancillary to the documents referred to in paragraphs 1(a) to (e) above (inclusive); and
9. sign and complete any other documents which are necessary or desirable in order to give effect to the transactions contemplated in paragraphs 1(a) to (e) above (inclusive).
10. The Grantor agrees to ratify and confirm whatever the Attorney shall do or purport to do or cause to be done in the Grantor’s name pursuant to this Power of Attorney.
11. The Grantor acknowledges that the Attorney shall not be liable for any loss suffered by the Grantor unless such loss is attributable to fraud, dishonesty or unlawful commission of an act known by the Attorney to be a breach of the terms of this Power of Attorney.
12. The Grantor declares that if the Attorney gives to any person (including, but not limited to, a firm, body corporate, incorporated or unincorporated association or authority) a written statement that this Power of Attorney is valid and has not been revoked, that statement may be accepted in good faith as conclusive evidence that this Power of Attorney is valid.

**EXECUTED** as a **DEED**.

***Option 1 - Where Grantor is an individual:***

|  |  |  |
| --- | --- | --- |
| **Signed sealed and delivered** by **[insert Grantor name]** in the presence of: | )  ) |  |
|  |  | Name: **[insert Grantor name]** |
| Signature of Witness |  |  |
| (Print) Full Name of Witness |  |  |

***Option 2 - Where Grantor is a company:***

|  |  |  |
| --- | --- | --- |
| **Executed** by **[Insert company name] Pty Ltd ACN [Insert name]**  in accordance with section 127 of the *Corporations Act* 2001(Cth): | )  )  )  ) |  |
| Director |  | Director/Secretary |
| (Print) Full Name |  | (Print) Full Name |

............................................................ **[Insert Grantor Name]**

(Specimen Signature of Attorney)