

# title talk

We Know Title. We Know Real Estate. We Know California.

with **Dave Erb**,  
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and **Bill Thomas**,  
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## What is a Power of Attorney?

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A Power of Attorney is an instrument that allows another person, whom you appoint, to act as an Attorney-In-Fact on your behalf. The Attorney-In-Fact that you appoint is known as your agent. The Power of Attorney gives your agent broad powers to administer your real or personal property. In dealing with real estate property, your agent has the powers to manage, dispose of, sell, and convey your real property. It also, gives your agent the power to borrow money against your real property. These powers will continue to exist as long as you live. If the Power of Attorney form is a durable Power of Attorney, the powers will continue for your lifetime, even if you are no longer able to make your own decisions when it comes to the management of your real property. A Power of Attorney can be terminated with a recordable termination of Power of Attorney.

There may be instances where title insurance companies will require additional care and consideration when it comes to the use of a Power of Attorney. There have been cases where the appointed agent has attempted to utilize the Power of Attorney outside the scope of the assigned powers that had been given to the agent by the principal. Because of these instances and the broad powers mentioned and granted above, title insurance companies will ask for Affidavits to confirm the existing authority under the Power of Attorney. Other requirements could arise and be made by the title company, as well.



**If you have a transaction involving the use of a Power of Attorney, please reach out to your sales representative to review the matter, as to not hold up the title transaction.**



**California**  
title company