

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Power of Attorney Act is amended by  
5 changing Sections 2-3, 2-4, 2-5, and 3-3 as follows:

6 (755 ILCS 45/2-3) (from Ch. 110 1/2, par. 802-3)

7 (Text of Section before amendment by P.A. 96-1195)

8 Sec. 2-3. Definitions. As used in this Act:

9 (a) "Agency" means the written power of attorney or other  
10 instrument of agency governing the relationship between the  
11 principal and agent or the relationship, itself, as appropriate  
12 to the context, and includes agencies dealing with personal or  
13 health care as well as property. An agency is subject to this  
14 Act to the extent it may be controlled by the principal,  
15 excluding agencies and powers for the benefit of the agent.

16 (b) "Agent" means the attorney-in-fact or other person  
17 designated to act for the principal in the agency.

18 (c) "Disabled person" has the same meaning as in the  
19 "Probate Act of 1975", as now or hereafter amended. To be under  
20 a "disability" or "disabled" means to be a disabled person.

21 (d) "Person" means an individual, corporation, trust,  
22 partnership or other entity, as appropriate to the agency.

23 (e) "Principal" means an individual (including, without

1 limitation, an individual acting as trustee, representative or  
2 other fiduciary) who signs a power of attorney or other  
3 instrument of agency granting powers to an agent.

4 (Source: P.A. 85-701.)

5 (Text of Section after amendment by P.A. 96-1195)

6 Sec. 2-3. Definitions. As used in this Act:

7 (a) "Agency" means the written power of attorney or other  
8 instrument of agency governing the relationship between the  
9 principal and agent or the relationship, itself, as appropriate  
10 to the context, and includes agencies dealing with personal or  
11 health care as well as property. An agency is subject to this  
12 Act to the extent it may be controlled by the principal,  
13 excluding agencies and powers for the benefit of the agent.

14 (b) "Agent" means the attorney-in-fact or other person  
15 designated to act for the principal in the agency.

16 (c) "Disabled person" has the same meaning as in the  
17 "Probate Act of 1975", as now or hereafter amended. To be under  
18 a "disability" or "disabled" means to be a disabled person.

19 (c-2) "Excluded Power of Attorney" means any one of the  
20 following:

21 (1) A power of attorney given primarily for a business  
22 or commercial purpose.

23 (2) A power of attorney to the extent it is coupled  
24 with an interest in the subject of the power.

25 (3) A power of attorney given to or for the benefit of

1 a creditor in connection with a loan or other credit  
2 transaction or a secured party in connection with a secured  
3 transaction.

4 (4) A proxy or other delegation to exercise voting  
5 rights or management rights with respect to a corporation,  
6 partnership (general or limited), limited liability  
7 company, condominium, commercial entity, or association.

8 (5) A power of attorney created on a form prescribed by  
9 a government or governmental subdivision, agency, or  
10 instrumentality for a governmental purpose.

11 (6) A power of attorney given to facilitate a specific  
12 transfer or disposition of one or more identified stocks,  
13 bonds, or other assets, whether real or personal, tangible  
14 or intangible.

15 (7) A power of attorney authorizing a third party to  
16 prepare, execute, deliver, submit or file a document or  
17 instrument with a government or governmental subdivision,  
18 agency, or instrumentality, or other third party.

19 (8) A power of attorney authorizing a financial  
20 institution or employee of a financial institution to take  
21 action in relation to an account in which the financial  
22 institution (i) holds cash, securities, commodities, or  
23 other financial assets on behalf of the principal, or (ii)  
24 acts as an investment manager with a third-party serving as  
25 the custodian of such cash, securities, commodities, or  
26 other financial assets on behalf of the principal.

1           (9) A power of attorney given by an individual who is,  
2           or is seeking to become, a director, officer, stockholder,  
3           employee, partner (general or limited), member, unit  
4           owner, equity owner, trustee, manager, or agent of a  
5           corporation, a partnership (general or limited), a limited  
6           liability company, a condominium, a legal or commercial  
7           entity, or an association, in that individual's capacity as  
8           such, including a power of attorney contained in a  
9           subscription agreement.

10           (10) A power of attorney contained in a certificate of  
11           incorporation, bylaws, general or limited partnership  
12           agreement, limited liability company agreement,  
13           declaration of trust, declaration of condominium,  
14           condominium offering plan, or other agreement or  
15           instrument governing the internal affairs of an entity or  
16           association, authorizing a director, officer, shareholder,  
17           employee, partner (general or limited), member, unit  
18           owner, equity owner, trustee, manager or other person to  
19           take lawful actions relating to such entity or association.

20           (11) A power of attorney given to a licensed real  
21           estate broker to take action in connection with a listing  
22           of real property, mortgage loan, lease, or management  
23           agreement.

24           (12) A power of attorney given to a condominium  
25           managing agent to take action in connection with the use,  
26           management, and operation of a condominium unit.

1           (13) A power of attorney authorizing the acceptance of  
2           the service of process on behalf of the principal.

3           (14) A power of attorney created pursuant to  
4           authorization provided by a federal or State statute, other  
5           than this Act, that specifically contemplates creation of  
6           the power.

7           (c-5) "Incapacitated", when used to describe a principal,  
8           means that the principal is under a legal disability as defined  
9           in Section 11a-2 of the Probate Act of 1975. A principal shall  
10          also be considered incapacitated if: (i) a physician licensed  
11          to practice medicine in all of its branches has examined the  
12          principal and has determined that the principal lacks decision  
13          making capacity; (ii) that physician has made a written record  
14          of this determination and has signed the written record within  
15          90 days after the examination; and (iii) the written record has  
16          been delivered to the agent. The agent may rely conclusively on  
17          the written record.

18          (d) "Person" means an individual, corporation, trust,  
19          partnership or other entity, as appropriate to the agency.

20          (e) "Principal" means an individual (including, without  
21          limitation, an individual acting as trustee, representative or  
22          other fiduciary) who signs a power of attorney or other  
23          instrument of agency granting powers to an agent.

24          (Source: P.A. 96-1195, eff. 7-1-11.)

25                   (755 ILCS 45/2-4) (from Ch. 110 1/2, par. 802-4)

1           Sec. 2-4. Applicability. (a) The principal may specify in  
2 the agency the event or time when the agency will begin and  
3 terminate, the mode of revocation or amendment and the rights,  
4 powers, duties, limitations, immunities and other terms  
5 applicable to the agent and to all persons dealing with the  
6 agent, and the provisions of the agency will control  
7 notwithstanding this Act, except that every health care agency  
8 must comply with Section 4-5 of this Act.

9           (b) From and after the effective date of this Act: (1) this  
10 Act governs every agency, whenever and wherever executed, and  
11 all acts of the agent to the extent the provisions of this Act  
12 are not inconsistent with the agency; and (2) this Act applies  
13 to all agencies exercised in Illinois and to all other agencies  
14 if the principal is a resident of Illinois at the time the  
15 agency is signed or at the time of exercise or if the agency  
16 indicates that Illinois law is to apply. Providing forms of  
17 statutory property and health care powers in Articles III and  
18 IV does not limit the applicability of this Act, it being  
19 intended that every agency, including, without limitation, the  
20 statutory property and health care power agencies, shall have  
21 the benefit of and be governed by Article II, by Sections 4-1  
22 through 4-9 and Section 4-11 of Article IV, and by all other  
23 general provisions of this Act, except to the extent the terms  
24 of the agency are inconsistent with this Act.

25           (c) The following portions of this Act shall not apply to  
26 an excluded power of attorney: Section 2-7(b), Section

1 2-7(c)(2), Section 2-7(c)(3), Section 2-7(c)(4), Section  
2 2-7(d), Section 2-7(f), Section 2-8(b), Section 2-10(d),  
3 Section 2-10(e), Section 2-10(f), Section 2-10.3(b), Section  
4 2-10.3(c), and Section 2-10.5.

5 (Source: P.A. 86-736.)

6 (755 ILCS 45/2-5) (from Ch. 110 1/2, par. 802-5)

7 (Text of Section before amendment by P.A. 96-1195)

8 Sec. 2-5. Duration of agency - amendment and revocation.

9 Unless the agency states an earlier termination date, the  
10 agency continues until the death of the principal,  
11 notwithstanding any lapse of time, the principal's disability  
12 or incapacity or appointment of a guardian for the principal  
13 after the agency is signed. Every agency may be amended or  
14 revoked by the principal at any time and in any manner  
15 communicated to the agent or to any other person related to the  
16 subject matter of the agency, except that revocation and  
17 amendment of health care agencies are governed by Section 4-6  
18 of this Act except to the extent the terms of the agencies are  
19 inconsistent with that Section.

20 (Source: P.A. 86-736.)

21 (Text of Section after amendment by P.A. 96-1195)

22 Sec. 2-5. Duration of agency - amendment and revocation.

23 (a) Unless the agency states an earlier termination date,  
24 the agency continues until the death of the principal,

1 notwithstanding any lapse of time, the principal's disability  
2 or incapacity or appointment of a guardian for the principal  
3 after the agency is signed. Every agency may be amended or  
4 revoked by the principal, if the principal has the capacity to  
5 do so, at any time and in any manner communicated to the agent  
6 or to any other person related to the subject matter of the  
7 agency, except that revocation and amendment of health care  
8 agencies are governed by Section 4-6 of this Act except to the  
9 extent the terms of the agencies are inconsistent with that  
10 Section. The execution of a power of attorney does not revoke a  
11 power of attorney previously executed by the principal unless  
12 the subsequent power of attorney provides that the previous  
13 power of attorney is revoked or that all other powers of  
14 attorney are revoked.

15 (b) Notwithstanding the provisions of subsection (a), an  
16 excluded power of attorney may be revoked only by the mechanism  
17 provided in that power of attorney or, if none, by written  
18 instrument signed by the principal and the agent making  
19 specific reference to the excluded power of attorney in  
20 question. An excluded power of attorney is not revoked by a  
21 subsequent power of attorney, including but not limited to a  
22 subsequent power of attorney that states that all other powers  
23 of attorney are revoked.

24 (Source: P.A. 96-1195, eff. 7-1-11.)

25 (755 ILCS 45/3-3) (from Ch. 110 1/2, par. 803-3)



1 (Text of Section before amendment by P.A. 96-1195)

2 Sec. 3-3. Statutory short form power of attorney for  
3 property. The following form may be known as "statutory  
4 property power" and may be used to grant an agent powers with  
5 respect to property and financial matters. When a power of  
6 attorney in substantially the following form is used, including  
7 the "notice" paragraph at the beginning in capital letters and  
8 the notarized form of acknowledgment at the end, it shall have  
9 the meaning and effect prescribed in this Act. The validity of  
10 a power of attorney as meeting the requirements of a statutory  
11 property power shall not be affected by the fact that one or  
12 more of the categories of optional powers listed in the form  
13 are struck out or the form includes specific limitations on or  
14 additions to the agent's powers, as permitted by the form.  
15 Nothing in this Article shall invalidate or bar use by the  
16 principal of any other or different form of power of attorney  
17 for property. Nonstatutory property powers must be executed by  
18 the principal and designate the agent and the agent's powers,  
19 but they need not be acknowledged or conform in any other  
20 respect to the statutory property power.

21 "ILLINOIS STATUTORY SHORT FORM POWER OF ATTORNEY FOR PROPERTY

22 (NOTICE: THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE  
23 THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE  
24 YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO PLEDGE, SELL OR  
25 OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT  
26 ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. THIS FORM DOES NOT

1 IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS; BUT  
 2 WHEN POWERS ARE EXERCISED, YOUR AGENT WILL HAVE TO USE DUE CARE  
 3 TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS FORM AND  
 4 KEEP A RECORD OF RECEIPTS, DISBURSEMENTS AND SIGNIFICANT  
 5 ACTIONS TAKEN AS AGENT. A COURT CAN TAKE AWAY THE POWERS OF  
 6 YOUR AGENT IF IT FINDS THE AGENT IS NOT ACTING PROPERLY. YOU  
 7 MAY NAME SUCCESSOR AGENTS UNDER THIS FORM BUT NOT CO-AGENTS.  
 8 UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THIS POWER IN THE  
 9 MANNER PROVIDED BELOW, UNTIL YOU REVOKE THIS POWER OR A COURT  
 10 ACTING ON YOUR BEHALF TERMINATES IT, YOUR AGENT MAY EXERCISE  
 11 THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU  
 12 BECOME DISABLED. THE POWERS YOU GIVE YOUR AGENT ARE EXPLAINED  
 13 MORE FULLY IN SECTION 3-4 OF THE ILLINOIS "STATUTORY SHORT FORM  
 14 POWER OF ATTORNEY FOR PROPERTY LAW" OF WHICH THIS FORM IS A  
 15 PART (SEE THE BACK OF THIS FORM). THAT LAW EXPRESSLY PERMITS  
 16 THE USE OF ANY DIFFERENT FORM OF POWER OF ATTORNEY YOU MAY  
 17 DESIRE. IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT  
 18 UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.)

19 POWER OF ATTORNEY made this .... day of ..... (month)  
 20 ..... (year)

21 1. I, ....., (insert name and address of  
 22 principal) hereby appoint:

23 .....  
 24 (insert name and address of agent)

25 as my attorney-in-fact (my "agent") to act for me and in my  
 26 name (in any way I could act in person) with respect to the

1 following powers, as defined in Section 3-4 of the "Statutory  
2 Short Form Power of Attorney for Property Law" (including all  
3 amendments), but subject to any limitations on or additions to  
4 the specified powers inserted in paragraph 2 or 3 below:

5 (YOU MUST STRIKE OUT ANY ONE OR MORE OF THE FOLLOWING  
6 CATEGORIES OF POWERS YOU DO NOT WANT YOUR AGENT TO HAVE.  
7 FAILURE TO STRIKE THE TITLE OF ANY CATEGORY WILL CAUSE THE  
8 POWERS DESCRIBED IN THAT CATEGORY TO BE GRANTED TO THE AGENT.  
9 TO STRIKE OUT A CATEGORY YOU MUST DRAW A LINE THROUGH THE TITLE  
10 OF THAT CATEGORY.)

11 (a) Real estate transactions.

12 (b) Financial institution transactions.

13 (c) Stock and bond transactions.

14 (d) Tangible personal property transactions.

15 (e) Safe deposit box transactions.

16 (f) Insurance and annuity transactions.

17 (g) Retirement plan transactions.

18 (h) Social Security, employment and military service  
19 benefits.

20 (i) Tax matters.

21 (j) Claims and litigation.

22 (k) Commodity and option transactions.

23 (l) Business operations.

24 (m) Borrowing transactions.

25 (n) Estate transactions.

1           (o) All other property powers and transactions.  
 2           (LIMITATIONS ON AND ADDITIONS TO THE AGENT'S POWERS MAY BE  
 3           INCLUDED IN THIS POWER OF ATTORNEY IF THEY ARE SPECIFICALLY  
 4           DESCRIBED BELOW.)

5           2. The powers granted above shall not include the following  
 6           powers or shall be modified or limited in the following  
 7           particulars (here you may include any specific limitations you  
 8           deem appropriate, such as a prohibition or conditions on the  
 9           sale of particular stock or real estate or special rules on  
 10          borrowing by the agent):

- 11          .....
- 12          .....
- 13          .....
- 14          .....
- 15          .....

16          3. In addition to the powers granted above, I grant my  
 17          agent the following powers (here you may add any other  
 18          delegable powers including, without limitation, power to make  
 19          gifts, exercise powers of appointment, name or change  
 20          beneficiaries or joint tenants or revoke or amend any trust  
 21          specifically referred to below):

- 22          .....
- 23          .....
- 24          .....
- 25          .....
- 26          .....

1 (YOUR AGENT WILL HAVE AUTHORITY TO EMPLOY OTHER PERSONS AS  
2 NECESSARY TO ENABLE THE AGENT TO PROPERLY EXERCISE THE POWERS  
3 GRANTED IN THIS FORM, BUT YOUR AGENT WILL HAVE TO MAKE ALL  
4 DISCRETIONARY DECISIONS. IF YOU WANT TO GIVE YOUR AGENT THE  
5 RIGHT TO DELEGATE DISCRETIONARY DECISION-MAKING POWERS TO  
6 OTHERS, YOU SHOULD KEEP THE NEXT SENTENCE, OTHERWISE IT SHOULD  
7 BE STRUCK OUT.)

8 4. My agent shall have the right by written instrument to  
9 delegate any or all of the foregoing powers involving  
10 discretionary decision-making to any person or persons whom my  
11 agent may select, but such delegation may be amended or revoked  
12 by any agent (including any successor) named by me who is  
13 acting under this power of attorney at the time of reference.

14 (YOUR AGENT WILL BE ENTITLED TO REIMBURSEMENT FOR ALL  
15 REASONABLE EXPENSES INCURRED IN ACTING UNDER THIS POWER OF  
16 ATTORNEY. STRIKE OUT THE NEXT SENTENCE IF YOU DO NOT WANT YOUR  
17 AGENT TO ALSO BE ENTITLED TO REASONABLE COMPENSATION FOR  
18 SERVICES AS AGENT.)

19 5. My agent shall be entitled to reasonable compensation  
20 for services rendered as agent under this power of attorney.

21 (THIS POWER OF ATTORNEY MAY BE AMENDED OR REVOKED BY YOU AT ANY  
22 TIME AND IN ANY MANNER. ABSENT AMENDMENT OR REVOCATION, THE  
23 AUTHORITY GRANTED IN THIS POWER OF ATTORNEY WILL BECOME  
24 EFFECTIVE AT THE TIME THIS POWER IS SIGNED AND WILL CONTINUE  
25 UNTIL YOUR DEATH UNLESS A LIMITATION ON THE BEGINNING DATE OR  
26 DURATION IS MADE BY INITIALING AND COMPLETING EITHER (OR BOTH)

1 OF THE FOLLOWING:)

2 6. ( ) This power of attorney shall become effective on  
3 .....  
4 (insert a future date or event during your lifetime, such as  
5 court determination of your disability, when you want this  
6 power to first take effect)

7 7. ( ) This power of attorney shall terminate on  
8 .....  
9 (insert a future date or event, such as court determination of  
10 your disability, when you want this power to terminate prior to  
11 your death)

12 (IF YOU WISH TO NAME SUCCESSOR AGENTS, INSERT THE NAME(S) AND  
13 ADDRESS(ES) OF SUCH SUCCESSOR(S) IN THE FOLLOWING PARAGRAPH.)

14 8. If any agent named by me shall die, become incompetent,  
15 resign or refuse to accept the office of agent, I name the  
16 following (each to act alone and successively, in the order  
17 named) as successor(s) to such agent:

18 .....  
19 .....

20 For purposes of this paragraph 8, a person shall be considered  
21 to be incompetent if and while the person is a minor or an  
22 adjudicated incompetent or disabled person or the person is  
23 unable to give prompt and intelligent consideration to business  
24 matters, as certified by a licensed physician. (IF YOU WISH TO  
25 NAME YOUR AGENT AS GUARDIAN OF YOUR ESTATE, IN THE EVENT A  
26 COURT DECIDES THAT ONE SHOULD BE APPOINTED, YOU MAY, BUT ARE

1 NOT REQUIRED TO, DO SO BY RETAINING THE FOLLOWING PARAGRAPH.  
 2 THE COURT WILL APPOINT YOUR AGENT IF THE COURT FINDS THAT SUCH  
 3 APPOINTMENT WILL SERVE YOUR BEST INTERESTS AND WELFARE. STRIKE  
 4 OUT PARAGRAPH 9 IF YOU DO NOT WANT YOUR AGENT TO ACT AS  
 5 GUARDIAN.)

6 9. If a guardian of my estate (my property) is to be  
 7 appointed, I nominate the agent acting under this power of  
 8 attorney as such guardian, to serve without bond or security.

9 10. I am fully informed as to all the contents of this form  
 10 and understand the full import of this grant of powers to my  
 11 agent.

12 Signed .....  
 13 (principal)

14 (YOU MAY, BUT ARE NOT REQUIRED TO, REQUEST YOUR AGENT AND  
 15 SUCCESSOR AGENTS TO PROVIDE SPECIMEN SIGNATURES BELOW. IF YOU  
 16 INCLUDE SPECIMEN SIGNATURES IN THIS POWER OF ATTORNEY, YOU MUST  
 17 COMPLETE THE CERTIFICATION OPPOSITE THE SIGNATURES OF THE  
 18 AGENTS.)

19 Specimen signatures of	I certify that the signatures
20 agent (and successors)	of my agent (and successors)
	are correct.

21 .....	.....
22 (agent)	(principal)

23 .....	.....
24 (successor agent)	(principal)

25 .....	.....
26 .....	.....

1 (successor agent) (principal)

2 (THIS POWER OF ATTORNEY WILL NOT BE EFFECTIVE UNLESS IT IS  
3 NOTARIZED AND SIGNED BY AT LEAST ONE ADDITIONAL WITNESS, USING  
4 THE FORM BELOW.)

5 State of .....

6 ) SS.

7 County of .....

8 The undersigned, a notary public in and for the above  
9 county and state, certifies that .....,  
10 known to me to be the same person whose name is subscribed as  
11 principal to the foregoing power of attorney, appeared before  
12 me and the additional witness in person and acknowledged  
13 signing and delivering the instrument as the free and voluntary  
14 act of the principal, for the uses and purposes therein set  
15 forth (, and certified to the correctness of the signature(s)  
16 of the agent(s)).

17 Dated: ..... (SEAL)

18 .....

19 Notary Public

20 My commission expires .....

21 The undersigned witness certifies that ....., known  
22 to me to be the same person whose name is subscribed as  
23 principal to the foregoing power of attorney, appeared before  
24 me and the notary public and acknowledged signing and  
25 delivering the instrument as the free and voluntary act of the  
26 principal, for the uses and purposes therein set forth. I



1 believe him or her to be of sound mind and memory.

2 Dated: ..... (SEAL)

3 .....

4 Witness

5 (THE NAME AND ADDRESS OF THE PERSON PREPARING THIS FORM SHOULD  
6 BE INSERTED IF THE AGENT WILL HAVE POWER TO CONVEY ANY INTEREST  
7 IN REAL ESTATE.)

8 This document was prepared by:

9 .....

10 ..... "

11 The requirement of the signature of an additional witness  
12 imposed by this amendatory Act of the 91st General Assembly  
13 applies only to instruments executed on or after the effective  
14 date of this amendatory Act of the 91st General Assembly.

15 (Source: P.A. 91-790, eff. 6-9-00.)

16 (Text of Section after amendment by P.A. 96-1195)

17 Sec. 3-3. Statutory short form power of attorney for  
18 property.

19 (a) The form prescribed in this Section may be known as  
20 "statutory property power" and may be used to grant an agent  
21 powers with respect to property and financial matters. The  
22 "statutory property power" consists of the following: (1)  
23 Notice to the Individual Signing the Illinois Statutory Short  
24 Form Power of Attorney for Property; (2) Illinois Statutory  
25 Short Form Power of Attorney for Property; and (3) Notice to

1 Agent. When a power of attorney in substantially the form  
2 prescribed in this Section is used, including all 3 items  
3 above, with item (1), the Notice to Individual Signing the  
4 Illinois Statutory Short Form Power of Attorney for Property,  
5 on a separate sheet (coversheet) in 14-point type and the  
6 notarized form of acknowledgment at the end, it shall have the  
7 meaning and effect prescribed in this Act.

8 (b) A power of attorney shall also be deemed to be in  
9 substantially the same format as the statutory form if the  
10 explanatory language throughout the form (the language  
11 following the designation "NOTE:") is distinguished in some way  
12 from the legal paragraphs in the form, such as the use of  
13 boldface or other difference in typeface and font or point  
14 size, even if the "Notice" paragraphs at the beginning are not  
15 on a separate sheet of paper or are not in 14-point type, or if  
16 the principal's initials do not appear in the acknowledgement  
17 at the end of the "Notice" paragraphs.

18 The validity of a power of attorney as meeting the  
19 requirements of a statutory property power shall not be  
20 affected by the fact that one or more of the categories of  
21 optional powers listed in the form are struck out or the form  
22 includes specific limitations on or additions to the agent's  
23 powers, as permitted by the form. Nothing in this Article shall  
24 invalidate or bar use by the principal of any other or  
25 different form of power of attorney for property. Nonstatutory  
26 property powers (i) must be executed by the principal, (ii)

1 must designate the agent and the agent's powers, (iii) must be  
2 signed by at least one witness to the principal's signature,  
3 and (iv) must indicate that the principal has acknowledged his  
4 or her signature before a notary public. However, nonstatutory  
5 property powers need not conform in any other respect to the  
6 statutory property power.

7 (c) The Notice to the Individual Signing the Illinois  
8 Statutory Short Form Power of Attorney for Property shall be  
9 substantially as follows:

10 "NOTICE TO THE INDIVIDUAL SIGNING THE ILLINOIS  
11 STATUTORY SHORT FORM POWER OF ATTORNEY FOR PROPERTY.

12 PLEASE READ THIS NOTICE CAREFULLY. The form that you will  
13 be signing is a legal document. It is governed by the Illinois  
14 Power of Attorney Act. If there is anything about this form  
15 that you do not understand, you should ask a lawyer to explain  
16 it to you.

17 The purpose of this Power of Attorney is to give your  
18 designated "agent" broad powers to handle your financial  
19 affairs, which may include the power to pledge, sell, or  
20 dispose of any of your real or personal property, even without  
21 your consent or any advance notice to you. When using the  
22 Statutory Short Form, you may name successor agents, but you  
23 may not name co-agents.

24 This form does not impose a duty upon your agent to handle

1 your financial affairs, so it is important that you select an  
2 agent who will agree to do this for you. It is also important  
3 to select an agent whom you trust, since you are giving that  
4 agent control over your financial assets and property. Any  
5 agent who does act for you has a duty to act in good faith for  
6 your benefit and to use due care, competence, and diligence. He  
7 or she must also act in accordance with the law and with the  
8 directions in this form. Your agent must keep a record of all  
9 receipts, disbursements, and significant actions taken as your  
10 agent.

11 Unless you specifically limit the period of time that this  
12 Power of Attorney will be in effect, your agent may exercise  
13 the powers given to him or her throughout your lifetime, both  
14 before and after you become incapacitated. A court, however,  
15 can take away the powers of your agent if it finds that the  
16 agent is not acting properly. You may also revoke this Power of  
17 Attorney if you wish.

18 This Power of Attorney does not authorize your agent to  
19 appear in court for you as an attorney-at-law or otherwise to  
20 engage in the practice of law unless he or she is a licensed  
21 attorney who is authorized to practice law in Illinois.

22 The powers you give your agent are explained more fully in  
23 Section 3-4 of the Illinois Power of Attorney Act. This form is  
24 a part of that law. The "NOTE" paragraphs throughout this form  
25 are instructions.

26 You are not required to sign this Power of Attorney, but it

1 will not take effect without your signature. You should not  
2 sign this Power of Attorney if you do not understand everything  
3 in it, and what your agent will be able to do if you do sign it.

4 Please place your initials on the following line indicating  
5 that you have read this Notice:

6 .....  
7 Principal's initials"

8 (d) The Illinois Statutory Short Form Power of Attorney for  
9 Property shall be substantially as follows:

10 "ILLINOIS STATUTORY SHORT FORM  
11 POWER OF ATTORNEY FOR PROPERTY

12 1. I, ....., (insert name and address of  
13 principal) hereby revoke all prior powers of attorney for  
14 property executed by me, other than excluded powers of attorney  
15 as defined in the Illinois Power of Attorney Act, and appoint:

16 .....  
17 (insert name and address of agent)

18 (NOTE: You may not name co-agents using this form.)  
19 as my attorney-in-fact (my "agent") to act for me and in my  
20 name (in any way I could act in person) with respect to the  
21 following powers, as defined in Section 3-4 of the "Statutory  
22 Short Form Power of Attorney for Property Law" (including all

1 amendments), but subject to any limitations on or additions to  
2 the specified powers inserted in paragraph 2 or 3 below:

3 (NOTE: You must strike out any one or more of the following  
4 categories of powers you do not want your agent to have.  
5 Failure to strike the title of any category will cause the  
6 powers described in that category to be granted to the agent.  
7 To strike out a category you must draw a line through the title  
8 of that category.)

9 (a) Real estate transactions.

10 (b) Financial institution transactions.

11 (c) Stock and bond transactions.

12 (d) Tangible personal property transactions.

13 (e) Safe deposit box transactions.

14 (f) Insurance and annuity transactions.

15 (g) Retirement plan transactions.

16 (h) Social Security, employment and military service  
17 benefits.

18 (i) Tax matters.

19 (j) Claims and litigation.

20 (k) Commodity and option transactions.

21 (l) Business operations.

22 (m) Borrowing transactions.

23 (n) Estate transactions.

24 (o) All other property transactions.

25 (NOTE: Limitations on and additions to the agent's powers may

1 be included in this power of attorney if they are specifically  
2 described below.)

3 2. The powers granted above shall not include the following  
4 powers or shall be modified or limited in the following  
5 particulars:

6 (NOTE: Here you may include any specific limitations you deem  
7 appropriate, such as a prohibition or conditions on the sale of  
8 particular stock or real estate or special rules on borrowing  
9 by the agent.)

10 .....  
11 .....  
12 .....  
13 .....  
14 .....

15 3. In addition to the powers granted above, I grant my  
16 agent the following powers:

17 (NOTE: Here you may add any other delegable powers including,  
18 without limitation, power to make gifts, exercise powers of  
19 appointment, name or change beneficiaries or joint tenants or  
20 revoke or amend any trust specifically referred to below.)

21 .....  
22 .....  
23 .....  
24 .....  
25 .....

26 (NOTE: Your agent will have authority to employ other persons

1 as necessary to enable the agent to properly exercise the  
2 powers granted in this form, but your agent will have to make  
3 all discretionary decisions. If you want to give your agent the  
4 right to delegate discretionary decision-making powers to  
5 others, you should keep paragraph 4, otherwise it should be  
6 struck out.)

7 4. My agent shall have the right by written instrument to  
8 delegate any or all of the foregoing powers involving  
9 discretionary decision-making to any person or persons whom my  
10 agent may select, but such delegation may be amended or revoked  
11 by any agent (including any successor) named by me who is  
12 acting under this power of attorney at the time of reference.

13 (NOTE: Your agent will be entitled to reimbursement for all  
14 reasonable expenses incurred in acting under this power of  
15 attorney. Strike out paragraph 5 if you do not want your agent  
16 to also be entitled to reasonable compensation for services as  
17 agent.)

18 5. My agent shall be entitled to reasonable compensation  
19 for services rendered as agent under this power of attorney.

20 (NOTE: This power of attorney may be amended or revoked by you  
21 at any time and in any manner. Absent amendment or revocation,  
22 the authority granted in this power of attorney will become  
23 effective at the time this power is signed and will continue  
24 until your death, unless a limitation on the beginning date or  
25 duration is made by initialing and completing one or both of  
26 paragraphs 6 and 7:)



1           6. ( ) This power of attorney shall become effective on

2           .....

3           (NOTE: Insert a future date or event during your lifetime, such  
4           as a court determination of your disability or a written  
5           determination by your physician that you are incapacitated,  
6           when you want this power to first take effect.)

7           7. ( ) This power of attorney shall terminate on

8           .....

9           (NOTE: Insert a future date or event, such as a court  
10          determination that you are not under a legal disability or a  
11          written determination by your physician that you are not  
12          incapacitated, if you want this power to terminate prior to  
13          your death.)

14          (NOTE: If you wish to name one or more successor agents, insert  
15          the name and address of each successor agent in paragraph 8.)

16          8. If any agent named by me shall die, become incompetent,  
17          resign or refuse to accept the office of agent, I name the  
18          following (each to act alone and successively, in the order  
19          named) as successor(s) to such agent:

20          .....

21          .....

22          For purposes of this paragraph 8, a person shall be considered  
23          to be incompetent if and while the person is a minor or an  
24          adjudicated incompetent or disabled person or the person is  
25          unable to give prompt and intelligent consideration to business  
26          matters, as certified by a licensed physician.

1 (NOTE: If you wish to, you may name your agent as guardian of  
 2 your estate if a court decides that one should be appointed. To  
 3 do this, retain paragraph 9, and the court will appoint your  
 4 agent if the court finds that this appointment will serve your  
 5 best interests and welfare. Strike out paragraph 9 if you do  
 6 not want your agent to act as guardian.)

7 9. If a guardian of my estate (my property) is to be  
 8 appointed, I nominate the agent acting under this power of  
 9 attorney as such guardian, to serve without bond or security.

10 10. I am fully informed as to all the contents of this form  
 11 and understand the full import of this grant of powers to my  
 12 agent.

13 (NOTE: This form does not authorize your agent to appear in  
 14 court for you as an attorney-at-law or otherwise to engage in  
 15 the practice of law unless he or she is a licensed attorney who  
 16 is authorized to practice law in Illinois.)

17 11. The Notice to Agent is incorporated by reference and  
 18 included as part of this form.

19 Dated: .....

20 Signed .....

21 (principal)

22 (NOTE: This power of attorney will not be effective unless it  
 23 is signed by at least one witness and your signature is  
 24 notarized, using the form below. The notary may not also sign  
 25 as a witness.)

1 The undersigned witness certifies that ....., known  
 2 to me to be the same person whose name is subscribed as  
 3 principal to the foregoing power of attorney, appeared before  
 4 me and the notary public and acknowledged signing and  
 5 delivering the instrument as the free and voluntary act of the  
 6 principal, for the uses and purposes therein set forth. I  
 7 believe him or her to be of sound mind and memory. The  
 8 undersigned witness also certifies that the witness is not: (a)  
 9 the attending physician or mental health service provider or a  
 10 relative of the physician or provider; (b) an owner, operator,  
 11 or relative of an owner or operator of a health care facility  
 12 in which the principal is a patient or resident; (c) a parent,  
 13 sibling, descendant, or any spouse of such parent, sibling, or  
 14 descendant of either the principal or any agent or successor  
 15 agent under the foregoing power of attorney, whether such  
 16 relationship is by blood, marriage, or adoption; or (d) an  
 17 agent or successor agent under the foregoing power of attorney.

18 Dated: .....

19 .....

20 Witness

21 (NOTE: Illinois requires only one witness, but other  
 22 jurisdictions may require more than one witness. If you wish to  
 23 have a second witness, have him or her certify and sign here:)

1 (Second witness) The undersigned witness certifies that  
 2 ..... , known to me to be the same person whose name  
 3 is subscribed as principal to the foregoing power of attorney,  
 4 appeared before me and the notary public and acknowledged  
 5 signing and delivering the instrument as the free and voluntary  
 6 act of the principal, for the uses and purposes therein set  
 7 forth. I believe him or her to be of sound mind and memory. The  
 8 undersigned witness also certifies that the witness is not: (a)  
 9 the attending physician or mental health service provider or a  
 10 relative of the physician or provider; (b) an owner, operator,  
 11 or relative of an owner or operator of a health care facility  
 12 in which the principal is a patient or resident; (c) a parent,  
 13 sibling, descendant, or any spouse of such parent, sibling, or  
 14 descendant of either the principal or any agent or successor  
 15 agent under the foregoing power of attorney, whether such  
 16 relationship is by blood, marriage, or adoption; or (d) an  
 17 agent or successor agent under the foregoing power of attorney.

18 Dated: .....

19 .....

20 Witness

21 State of .....)

22 ) SS.

23 County of .....)

24 The undersigned, a notary public in and for the above  
 25 county and state, certifies that .....

1 known to me to be the same person whose name is subscribed as  
 2 principal to the foregoing power of attorney, appeared before  
 3 me and the witness(es) ..... (and .....) in  
 4 person and acknowledged signing and delivering the instrument  
 5 as the free and voluntary act of the principal, for the uses  
 6 and purposes therein set forth (, and certified to the  
 7 correctness of the signature(s) of the agent(s)).

8 Dated: .....

9 .....  
 10

Notary Public

11 My commission expires .....

12 (NOTE: You may, but are not required to, request your agent and  
 13 successor agents to provide specimen signatures below. If you  
 14 include specimen signatures in this power of attorney, you must  
 15 complete the certification opposite the signatures of the  
 16 agents.)

17 Specimen signatures of	I certify that the signatures
18 agent (and successors)	of my agent (and successors)
19	are genuine.

20 .....	.....
21 (agent)	(principal)

22 .....	.....
23 (successor agent)	(principal)

24 .....	.....
----------	-------

1 (successor agent) (principal)

2 (NOTE: The name, address, and phone number of the person  
3 preparing this form or who assisted the principal in completing  
4 this form should be inserted below.)

5 Name: .....

6 Address: .....

7 .....

8 .....

9 Phone: ..... "

10 (e) Notice to Agent. The following form may be known as  
11 "Notice to Agent" and shall be supplied to an agent appointed  
12 under a power of attorney for property.

13 "NOTICE TO AGENT

14 When you accept the authority granted under this power of  
15 attorney a special legal relationship, known as agency, is  
16 created between you and the principal. Agency imposes upon you  
17 duties that continue until you resign or the power of attorney  
18 is terminated or revoked.

19 As agent you must:

20 (1) do what you know the principal reasonably expects  
21 you to do with the principal's property;

22 (2) act in good faith for the best interest of the  
23 principal, using due care, competence, and diligence;

1           (3) keep a complete and detailed record of all  
2 receipts, disbursements, and significant actions conducted  
3 for the principal;

4           (4) attempt to preserve the principal's estate plan, to  
5 the extent actually known by the agent, if preserving the  
6 plan is consistent with the principal's best interest; and

7           (5) cooperate with a person who has authority to make  
8 health care decisions for the principal to carry out the  
9 principal's reasonable expectations to the extent actually  
10 in the principal's best interest.

11 As agent you must not do any of the following:

12           (1) act so as to create a conflict of interest that is  
13 inconsistent with the other principles in this Notice to  
14 Agent;

15           (2) do any act beyond the authority granted in this  
16 power of attorney;

17           (3) commingle the principal's funds with your funds;

18           (4) borrow funds or other property from the principal,  
19 unless otherwise authorized;

20           (5) continue acting on behalf of the principal if you  
21 learn of any event that terminates this power of attorney  
22 or your authority under this power of attorney, such as the  
23 death of the principal, your legal separation from the  
24 principal, or the dissolution of your marriage to the  
25 principal.

26 If you have special skills or expertise, you must use those

1 special skills and expertise when acting for the principal. You  
2 must disclose your identity as an agent whenever you act for  
3 the principal by writing or printing the name of the principal  
4 and signing your own name "as Agent" in the following manner:

5 "(Principal's Name) by (Your Name) as Agent"

6 The meaning of the powers granted to you is contained in  
7 Section 3-4 of the Illinois Power of Attorney Act, which is  
8 incorporated by reference into the body of the power of  
9 attorney for property document.

10 If you violate your duties as agent or act outside the  
11 authority granted to you, you may be liable for any damages,  
12 including attorney's fees and costs, caused by your violation.

13 If there is anything about this document or your duties  
14 that you do not understand, you should seek legal advice from  
15 an attorney."

16 (f) The requirement of the signature of a witness in  
17 addition to the principal and the notary, imposed by Public Act  
18 91-790, applies only to instruments executed on or after June  
19 9, 2000 (the effective date of that Public Act).

20 (NOTE: This amendatory Act of the 96th General Assembly deletes  
21 provisions that referred to the one required witness as an  
22 "additional witness", and it also provides for the signature of  
23 an optional "second witness".)

24 (Source: P.A. 96-1195, eff. 7-1-11.)



1           Section 95. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.