

Sample Pennsylvania Durable Power of Attorney

An annotated teaching form — Act 95 of 2014 execution requirements (20 Pa.C.S. Ch. 56)

This sample shows the pages a valid Pennsylvania financial power of attorney must contain, in the order an institution expects to see them. Shaded boxes explain each requirement. It is an educational illustration, not a form to sign as-is — a power of attorney should be drafted around your assets, your family, and whether Medicaid planning is on the horizon.

Page 1 — Statutory Notice to the Principal

NOTICE

THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. ... YOU SHOULD SELECT SOMEONE YOU TRUST TO SERVE AS YOUR AGENT. [The full statutory text of 20 Pa.C.S. § 5601(c) appears here, verbatim.]

Principal signature: _____

Date: _____

Why this matters: The Notice must be the first page, in capital letters, and must match § 5601(c) word for word. A generic multi-state notice does not satisfy Pennsylvania law.

Page 2 — Designation of Agent and Grant of Authority

I, _____, of _____ County, Pennsylvania, appoint _____ as my agent, and _____ as successor agent if my first agent is unable or unwilling to serve.

This power of attorney is durable: it is not affected by my subsequent incapacity. It takes effect [immediately] / [upon written certification of my incapacity by two physicians].

General powers granted (initial each): banking and investments; real property; tax matters; government benefits including Medicare, Social Security and Medical Assistance; insurance and annuities; retirement plans; claims and litigation; business interests; personal and family maintenance.

Why this matters: Powers are enumerated, not assumed. A grant of "everything I could do myself" leaves gaps that banks and title companies will read narrowly.

Page 3 — Hot Powers (20 Pa.C.S. § 5601.4)

The following powers are granted ONLY if expressly initialed:

Initial	Power	Typical reason to grant it
_____	Make limited gifts	Annual-exclusion gifting; PA inheritance tax reduction
_____	Create, amend, revoke or terminate a trust	Funding or fixing a revocable trust after incapacity
_____	Change beneficiary designations	Correcting an ex-spouse still named on an IRA
_____	Create or change rights of survivorship	Retitling accounts during Medicaid planning
_____	Disclaim property or an interest	Post-death tax planning by the agent
_____	Delegate authority granted under the POA	Allowing a professional to act for the agent

Why this matters: If a hot power is not expressly granted, the agent does not have it — no matter how broad the rest of the document reads. This is where most Medicaid and beneficiary work fails.

Page 4 — Execution: Principal, Witnesses, Notary

IN WITNESS WHEREOF, I have signed this power of attorney on this ____ day of _____, 20____.

Principal: _____

Signed in our presence by the principal, who appeared to be of sound mind and under no duress:

Witness 1: _____

Witness 2: _____

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF _____

On this ____ day of _____, 20____, before me personally appeared the above-named principal, known to me or satisfactorily identified, who acknowledged signing this instrument.

Notary Public: _____

My commission expires: _____ (Seal)

Why this matters: Two adult witnesses plus a notary — three different people. The notary may not count as a witness, and the agent may not witness. Remote online notarization is permitted under Title 57 if the witnesses join the same audio-video session.

Page 5 — Acknowledgment of Agent (20 Pa.C.S. § 5601(d))

I, _____, have read the attached power of attorney and am the person identified as the agent for the principal. I hereby acknowledge that in the absence of a specific provision to the contrary in the power of attorney or in 20 Pa.C.S., when I act as agent I shall act in accordance with the principal's reasonable expectations to the extent actually known by me and, otherwise, in the principal's best interest, act in good faith and act only within the scope of authority granted to me by the principal in the power of attorney.

Agent: _____

Date: _____

Why this matters: The agent has no authority until this page is signed. It can be signed years later, and each successor agent must sign their own before acting. Keep it stapled to the original.

Recording and filing — quick reference

Situation	Where it goes
POA used for banking, taxes, or benefits	Nowhere. Keep the original; give agents certified copies.
Agent signs a deed, mortgage, or sale	Record the POA with the Recorder of Deeds in the county where the property sits.
Revoking a POA that was recorded	Record the revocation in the same county, and notify every institution holding a copy.
Principal dies	The POA ends immediately. File the original will with the Register of Wills in the county of domicile.
PA inheritance tax return (REV-1500)	Register of Wills, as agent for the Department of Revenue — due 9 months after death; 5% discount within 3 months.

Quinlan Law Group — Pennsylvania estate planning. paestateplanning.attorney

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