



Total Legal Guidelines for Executing your Maryland Financial Durable Power of Attorney

Items Included in your Download

- 1) Your Financial Durable Power of Attorney. The length of this document can be up to fifteen pages depending on which powers you are granting your “Attorney-in-Fact” (also referred to as your “Agent”). The final two pages of your Power of Attorney are the last numbered pages of the download and contain spaces for your signature and the signatures of your witnesses.

Requirements for signing (executing) a Valid Financial Durable Power of Attorney

Maryland has certain requirements and formalities that must be followed to properly sign a Financial Durable Power of Attorney:

- 1 The first most basic requirement of a valid Durable Power of Attorney is that it must be in writing.
- 2 The next requirement is that the Principal (the person creating the Financial Durable Power of Attorney) must sign it with the intent of creating a valid Power of Attorney. Ideally, you should sign your full legal name the same way it would appear on other legal documents. If you are unable to sign your document, we suggest you consult with a local attorney about properly executing your Power of Attorney.
- 3 Maryland requires that a Notary Public witness the signing of the document.
- 4 Maryland also requires that two adult witness the signing of the document. While neither of the two witnesses is required to be a Notary Public, it is acceptable for the Notary Public to act as one of the witnesses in addition to notarizing the document.

Witnesses

Maryland requires that two witnesses in addition to the Notary Public be present at the signing of the Power of Attorney. Only the signature of the Principal must be notarized. While the witnesses must be present to witness the Principal signing the Power of Attorney, the signatures of the witnesses do not require notarization. Maryland law allows for the Notary Public to be one of the two witnesses to the signing. Thus, it is sufficient for the Principal, one adult witness, and the Notary Public to witness the signing as long as the Notary Public signs one of the witness lines as well. The Notary Public does not need to read the entire Power of Attorney, but should read and complete the section preceding his or her signature.

Financial Durable Power of Attorney Signing Ceremony

It is important that these steps be performed in the following order:

- 1 Prepare by printing the entire Financial Durable Power of Attorney.
- 2 Bring your unsigned Power of Attorney to a Notary Public.

- 3 State in a voice that is clearly audible that you declare this (the unsigned document) to be your Financial Durable Power of Attorney and that you are asking the person present to act as witness to the Financial Durable Power of Attorney and to your signature.
- 4 Initial and date each page of the Power of Attorney in the spaces provided at the lower right hand corner of each page. Enter your Social Security Number and the date on the signature page of the document.
- 5 Sign the Financial Durable Power of Attorney in the space provided on the last page of the document above the line “<Your Name>, Principal” in full view of the Notary Public.
- 6 The Notary Public then signs the document and affixes his or her seal.
- 7 Two adult witnesses then sign the document. If the Notary Public will be acting as one of the adult witnesses, the Notary Public must sign one of the witness lines.

Sign only one copy of the Financial Durable Power of Attorney.

After the Ceremony

After the Financial Durable Power of Attorney is signed, it should be placed in a safe place known to others. You may make photocopies available to select people such as your Attorney-in-Fact (Agent). Your Agent should also have access to the original document, as some financial institutions may require proof of the original document before allowing your Agent to act on your behalf.