



Total Legal Guidelines for Executing your South Carolina 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 page of your Power of Attorney is the last numbered page of the download and contains spaces for your signature and the signatures of your witnesses.

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

South Carolina 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 Another requirement is that there be witnesses to the signing of the Durable Power of Attorney. South Carolina requires that a Notary Public and two other persons witness the signing of the document.

Witnesses

South Carolina requires a Notary Public and two witnesses are present at the signing. The witnesses may be called upon to testify to “prove” your Financial Power of Attorney. To be competent as a witness, a witness must be at least 18 years of age and must have the mental capacity to know that he or she is acting as witness to the Power of Attorney, and would be competent to testify regarding the signing of the Durable Power of Attorney. Witnesses should be carefully selected for their independence and credibility. A witness should not be related by blood to the Principal or the named Attorney-in-Fact. A witness does not need to read the Power of Attorney, but should read the paragraph preceding his or her signature describing the requirements of a witness.

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 Gather your witnesses along with the unsigned Power of Attorney for your signing ceremony.
- 3 State in a voice that is clearly audible to all of the witnesses that you declare this (the unsigned document) to be your Financial Durable Power of Attorney and that you are asking the persons present to act as witnesses 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 witnesses.
- 6 Your two witnesses should then sign the Financial Durable Power of Attorney in the witness section below your signature.
- 7 The Notary Public then signs the document and affixes his or her seal.

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.

South Carolina Code Section 62-5-501(C) requires that the Power of Attorney be recorded at the office of the Register of Deeds in the county where the principal resides at the time of recording. A Power of Attorney recorded after the Principal becomes incapacitated or mentally incompetent is still valid.