

## Our services

Foott Law & Co. Solicitors provides an extensive range of Estate Planning and Legal services including:

- + Wills
- + Estate Planning & Administration
- + Trusts
- + Enduring Power of Attorney and Power of Attorney
- + Probate
- + Guardianship and Enduring Guardianship
- + Family Law
- + Criminal Law
- + Traffic Offences
- + Property
- + Conveyancing
- + Business & Commercial
- + Personal Injury Law

**MAKE AN APPOINTMENT TODAY:**

### **FOOTT LAW & CO. SOLICITORS**

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*Foott, Law &  
Co.*

*Est. 1868*  
SOLICITORS

Enduring Power of  
Attorney.  
Who will manage  
your affairs when you  
lose capacity?



A Power of Attorney, like a will, is a way of preparing and planning for the future. Any prudent person concerned about their future finances should have one in place.

## Comprehensive Estate Law Services

### Power of Attorney

A Power of Attorney is a very necessary part of any persons personal estate planning.

While you may be able to look after your financial affairs at present, this may change in the future, when an authorised personal representative is required.

Foott Law & Co. Solicitors will assist you to identify the type of Power of Attorney to suit your needs, and will prepare the required legal documentation.

### What is a Power of Attorney?

A Power of Attorney is a legal document that appoints and authorises someone to act on your behalf in the areas of property and financial management while you are alive. The document must be signed by you while you have legal capacity and the attorney must sign an acceptance.

The appointment may be for a fixed period and can be revoked by you at any time providing you have legal capacity.

A Power of Attorney ceases when you die, upon revocation or the attorney no longer wants to act. Upon your death, the executor named in your Will then takes over the responsibilities for your estate.

### What is an Enduring Guardian?

An enduring guardian is a person you can appoint to make personal and lifestyle decisions for you should you become unable to do so.

An enduring guardian is appointed by preparing a legal document called an Enduring Power of Guardianship. Appointing an enduring guardian is different to making an Enduring Power of Attorney.

### Why have a Power of Attorney?

The law allows you to appoint someone to manage your affairs. This should be done while you are of sound mind, so that safeguards are put in place if you suffer loss of mental capacity.

The person you appoint is called your attorney and this person will have control over your assets and financial affairs while you are unable to manage them yourself.

### What happens if you don't appoint an attorney?

If you have not appointed an attorney and you become incapable of managing your own financial



What types of Powers of Attorney can we prepare?

### Enduring Power of Attorney

All Powers of Attorney prepared by Foott Law & Co. Solicitors are Enduring Powers of Attorney. This means that the Power of Attorney continues to operate even if you lose your legal capacity due to disability or illness.

### 'Dormancy' or 'Sleeping' Enduring Power of Attorney

You may wish to appoint an attorney now but delay the time when the attorney commences to act.

We can prepare the documentation and hold it pending further advice. This is known as a 'sleeping' Enduring Power of Attorney. The attorney may act on your written request either immediately or at a later date. Your attorney is able to activate the sleeping power if your medical adviser is of the opinion that you are unable to manage your financial affairs.

### Alternate Power of Attorney

To safeguard your assets and financial wellbeing in the event of your attorney dying, becoming bankrupt or otherwise being unable to act, it is wise to consider the appointment of an alternate attorney.

affairs for any reason, the Guardianship Board can appoint a financial administrator for you.

This person will act in the same way as your attorney but is also required to report at regular intervals to the Guardianship Board and the Public Trustee.

The Guardianship Board may appoint Public Trustee as your financial administrator, or may appoint some other individual or organisation. However, your wishes may not be known at this time and the appointed individual or organisation may not be your preferred choice.