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Power of Attorney

At Hook Law Center, we know that one of the most important estate decisions you will ever make is who you choose to act on your behalf, should you need them. Our experienced attorneys will work with you to ensure you fully understand the nature and consequences of the power of attorney.

A power of attorney is written documentation which appoints someone you trust to step in as your "agent" if you cannot make decisions. You may only want a narrow, "regular" power of attorney, limiting someone to selling an asset for you, for example, or something broader – a durable power of attorney, someone to represent your business interests for if you become incapacitated.

While signing a power of attorney can feel like a big step, doing so does not automatically remove your right to make your own decisions. As long as you remain competent, the agent you put into place should act only if and when asked by you, and is there only to act in your best interests.

Why choose a durable power of attorney?

A standard power of attorney becomes ineffective if something happens to you. If you die or become incapacitated, it is assumed that you can no longer grant such a power, and your agent's ability to manage all or part of your estate on your behalf is revoked. However, if you specify that the power of attorney is

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to continue if and when you become incapacitated, that is known as a "power of attorney with durable provisions," or a durable power of attorney.

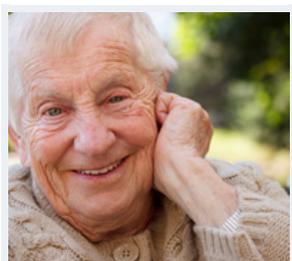


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If you are considering a durable power of attorney

here in Virginia, you are required to you use specific language which indicates that you intend for the power of attorney to remain in effect when you become incapacitated. Without specific language instructing otherwise, the law dictates that power of attorney will automatically terminate when you become disabled.

If you become temporarily or permanently incapacitated and are not able (<https://www.hooklawcenter.com/our-services/special-needs-planning/able-act/>) to handle some or all of your business and personal affairs, the person you choose as your agent can immediately step in and manage your affairs for you. When you have appointed someone as your agent, if you later become incapacitated, you may be able to avoid the expense and court time needed for a guardianship (<https://www.hooklawcenter.com/our-services/guardianship/>). A power of attorney also allows you to choose who will be in charge of your affairs, rather than leaving it up to the Court to decide.



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What if I later want to change or revoke the power of attorney?

You are able to change or revoke the power of attorney any time you wish, if you are capable of understanding what you are doing. If you have become cognitively incapacitated and do not understand what you are doing, the Court can appoint a guardian or conservator, if necessary, and revoke the power of attorney on your behalf.

If you are concerned that your agent is not acting in your best interests, you can revoke the power of attorney, and notify the banks and other institutions with which that agent may have done business for you that they are no longer authorized to make decisions on your behalf.

Also, under Virginia law, someone who is interested in your welfare, like a family member, for example, can request that your agent disclose any and all actions taken on your behalf within the past five years, and inspect those records.

While few people enjoy the prospect of putting a power of attorney into place, unexpected things can happen, from accidents to illness. By the time you have become incapacitated, it may be difficult or even impossible to make sound, timely decisions about your estate.

Work with the attorneys of Hook Law Center to sign a power of attorney now. It's a smart estate tool; one that will ensure your interests are covered.



I am beholden to Mr. Hook and the entire staff who advised me during the difficult time following my sisters' death. The firm was highly recommended and I understand why. Any bewilderment I felt going through the estate process was eased by the compassion and professionalism exercised by this law firm. I am eternally grateful.

– Survey comments from M.W. 15434

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VIRGINIA BEACH
295 Bendix Road, Suite 170
Virginia Beach, VA 23452

Phone: 757-399-7506
(tel:+17573997506)
Phone: 252-722-2890
(tel:+12527222890)
Fax: 757-397-1267

SUFFOLK
5806 Harbour View Blvd.
Suite 203
Suffolk, VA 23435

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The Hook Law Center (formerly Oast & Hook) offices are located in Virginia Beach, and Suffolk, convenient to the Peninsula, and Southside including the cities of Chesapeake, the Eastern Shore, Franklin, Hampton, Isle of Wight, Newport News, Norfolk, Poquoson, Portsmouth, Richmond, Smithfield, Suffolk, Virginia Beach, Williamsburg, Yorktown and Zuni. Content by elder law attorney, Andrew Hook and the Hook Law Center staff.