

INSTRUCTIONS

Power of Attorney

The short form Power of Attorney is authorized by Sections 1-42 through 1-56 of the Connecticut General Statutes, and the powers granted are defined in the statute. If the Power of Attorney is to be used for real estate transactions, it must be executed in the same manner as a deed of conveyance. (Section 47-5 C.G.S.) The Power of Attorney must be recorded simultaneously with the deed or mortgage, unless it has been recorded previously in the land records and reference to the Power of Attorney is made in the deed or mortgage (Section 47-10 C.G.S.).

Section 47-5(b) C.G.S. provides that the execution of a deed or mortgage pursuant to a Power of Attorney shall be deemed sufficient if done in substantially the following form:

Name of Owner of Record
By: (Signature of Attorney-in-fact) L.S.
Name of Signatory
His/Her Attorney-in-fact

Section 45a-562(a) C.G.S. provides that a Power of Attorney which contains the words "this Power of Attorney shall not be affected by the subsequent disability or incompetence of the principal" shall be a durable Power of Attorney and the subsequent disability or incompetence of the principal shall not revoke or terminate the authority of the person who acts under the Power of Attorney. However, Section 45a-562(b) C.G.S. provides that if a conservator is appointed for the principal after occurrence of disability or incompetence, the Power of Attorney shall cease at the time of the appointment of the conservator, and the attorney-in-fact shall account to the conservator rather than to the principal. A Power of Attorney is also terminated by the death of the principal.

A conveyance in which an attorney-in-fact conveys to himself is voidable. The attorney-in-fact must have specific authority from the principal to make a conveyance to himself. (Refer to Standard 6.5 of the Connecticut Standards of Title.) Further, an attorney-in-fact does not have authority to make gifts under the standard provisions of the Connecticut Statutory Short Form Power of Attorney Act. If the principal desires that his attorney-in-fact shall have the authority to make gifts or to convey to himself, specific language authorizing making of gifts or self-dealing must be added to the Power of Attorney.

The use of a Power of Attorney results in a greater risk of a claim under a title insurance policy. Fraudulent Powers of Attorney are a convenient vehicle for crooks. Even legitimate Powers of Attorney may result in litigation as to whether the agent exceeded his authority or whether the power had been revoked. An affidavit from the attorney-in-fact should be obtained to confirm that the Power of Attorney has not been revoked and is in full force and effect. Before issuing any title insurance policy insuring a transaction consummated through a Power of Attorney, the Power of Attorney should be reviewed by your local First American underwriter.

**POWER OF ATTORNEY
STATUTORY SHORT FORM – DURABLE POWER CLAUSE**

NOTICE: The powers granted by this document are broad and sweeping. They are defined in Connecticut Statutory Short Form Power of Attorney Act, Sections 1-42 to 1-56, inclusive, of the general statutes, which expressly permits the use of any other or different form of power of attorney desired by the parties concerned. The grantor of any Power of Attorney or the Attorney-in-fact may make application to a court of probate for an accounting as provided in Subsection (b) of Section 45a-175.

KNOW ALL MEN BY THESE PRESENTS, which are intended to constitute a GENERAL POWER OF ATTORNEY pursuant to Connecticut Statutory Short Form Power of Attorney Act, that I, Jennifer Cavanaugh (Principal) of 55 7th Avenue, Apt. 1, Brooklyn, NY 11217 do hereby appoint:

Kevin Cavanaugh of 55 7th Avenue, Apt. 1, Brooklyn, NY 11217

my attorney(s)-in-fact **TO ACT.** *(If more than one agent is designated and the principal wishes each agent alone to be able to exercise the power conferred, insert in this blank the word "severally." Failure to make any insertion or the insertion of the word "jointly" shall require the agents to act jointly.)*

FIRST: In my name, place and stead in any way which I myself could do, if I were personally present, with respect to the following matters as each of them is defined in the Connecticut Statutory Short Form Power of Attorney Act to the extent that I am permitted by law to act through an agent:

(Strike out and initial in the opposite box any one or more of the subdivisions as to which the principal does NOT desire to give the agent authority. Such elimination of any one or more of Subdivisions A to L, inclusive, shall also automatically constitute an elimination of Subdivision M.)

To strike out any subdivision, the principal must draw a line through the text of that subdivision **AND** write his initials in the box opposite.

- | | | | |
|---|--------------------------|---------------------------------------|--------------------------|
| A. Real estate transactions | <input type="checkbox"/> | G. Estate transactions | <input type="checkbox"/> |
| B. Chattel and goods transactions | <input type="checkbox"/> | H. Claims and litigation | <input type="checkbox"/> |
| C. Bond, share and commodity transactions | <input type="checkbox"/> | I. Personal relationships and affairs | <input type="checkbox"/> |
| D. Banking transactions | <input type="checkbox"/> | J. Benefits from military services | <input type="checkbox"/> |
| E. Business operating transactions | <input type="checkbox"/> | K. Records, reports and statements | <input type="checkbox"/> |
| F. Insurance transactions | <input type="checkbox"/> | L. Health care decisions | <input type="checkbox"/> |
| | | M. All other matters | <input type="checkbox"/> |

(Special provisions and limitations may be included in the statutory short form power of attorney only if they conform to the requirements of the Connecticut Statutory Short Form Power of Attorney Act.)

SECOND: With full and unqualified authority to delegate any or all of the foregoing powers to any person or persons whom my attorney(s)-in-fact shall select;

THIRD: Hereby ratifying and confirming all that said attorney(s) or substitute(s) do or cause to be done.

SURVIVAL OF AUTHORITY UPON DISABILITY AND INCOMPETENCE OF PRINCIPALS

This Power of Attorney **SHALL NOT** be affected by the subsequent disability or incompetence of the principal.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my seal on this

day of May, 2006.

Signature of Principal

Signed, sealed and delivered in the presence of:

(Witness)

(Witness)

**STATE OF CONNECTICUT
COUNTY OF FAIRFIELD**

Personally appeared Jennifer Cavanaugh, signer and sealer of the foregoing instrument, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained in the capacity therein stated, before me, on this day of May, 2006.

Notary Public/Commissioner of the Superior Court

AFFIDAVIT AS TO POWER OF ATTORNEY BEING IN FULL FORCE

Subject Property:

The undersigned of being first duly sworn, hereby deposes and says:

1. This Affidavit is made on the basis of facts that are personally known to the undersigned.
2. That of , as principal, did, in writing, under date of appoint me his/her true and lawful attorney-in-fact, and that annexed hereto, and hereby made a part hereof, is a true copy of said power of attorney.
3. I had no actual knowledge or actual notice of revocation or termination of the aforesaid power of attorney by death or otherwise, or notice of any facts indicating the same.
4. That I hereby represent that the said principal is now alive; has not, at any time, revoked or repudiated the said power of attorney; and that said power of attorney still is in full force and effect.
5. I make this affidavit for the purpose of inducing a purchaser to purchase said premises and/or a lender to make a mortgage loan secured by said premises and/or to induce First American Title Insurance Company to issue its policies of title insurance insuring the validity of the conveyance and/or mortgage, with the full knowledge that said purchaser and/or mortgagee and/or First American Title Insurance Company will rely upon the truth of the statements and the representations contained herein.

Subscribed and sworn to before me this day of , .

Notary Public/Commissioner of the Superior Court