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Your Reference: Enduring Power of Attorney  
Enquiries: Adj Professor, Dr Brett Davies  
Direct Telephone: 1800 141 612  
Email: [brett@legalconsolidated.com](mailto:brett@legalconsolidated.com)

Monday, 12 April 2022

Nathan Hughes  
4 Andrew Street  
Marion SA 5043  
Australia

Dear Nathan,

*Build this legal document at*

*<https://www.legalconsolidated.com.au/>*

*[enduring-poa-introduction/](#) –*

*telephone us, we can help you*

*complete the questions.*

*Adj Professor, Dr Brett Davies – Partner*

## Enduring Power of Attorney

Thank you for instructing us to prepare your attached South Australia (SA) Enduring Power of Attorney - restricted to 'financial matters' (SA Financial POA).

### How to print your document

When you are satisfied that the document is according to your instructions please:

1. Download the PDF (Don't print directly from the browser.)
2. Print the PDF Printer settings: A4 paper  
100% scale (turn off 'fit to page')
3. Print single sided (NOT duplex).
4. Once signed keep this covering letter with the document  
(However, do not staple the covering letter to the document.)

### You are protected by our law firm

1. you and your POA are protected by our law firm's professional indemnity insurance
2. read the hints, watch the training videos and speak with us as you build the document
3. you get an unlimited number of updates for the rest of your life for the Power of Attorney
4. for the rest of your life you are able to telephone the law firm anytime for help on how to use the POA
5. your attorneys can telephone us for help on how to use the POA
6. your POA is on a monitoring service if the POA or legislation change we notify you immediately
7. there is a full money back guarantee for every document you build on our website
8. the POA comes with a letter setting out how to sign and use the POA

## **Free and ongoing advice for your attorneys on how to use the Power of Attorney**

Included in the cost of your Power of Attorney (POA) is free advice for your attorneys. Your attorneys are not alone. Firstly, there is information about how to use the POA in our covering letter. The letter comes with the POA. Secondly, our law firm, at any time, helps them and shows them how to use the POA. We are only ever a telephone call away.

Many homemade POAs are incorrect and incorrectly signed. Sadly, it is only after you need to use them does this become apparent. Our POAs carry the law firm professional indemnity insurance and we explain how they need to be signed and used on our law firm's letterhead.

We give you and your family ongoing support on the POA. Often when a parent loses mental capacity the children telephone us for help and assurance. We, at no further cost, explain how to use the POA and what they need to do.

This is one such example. Recently, a bank manager in Sydney kept the original POA for our client's son (our client has dementia). The banker refused to hand back the original POA. Our client's son presented our covering letter to the banker, which states that the original POA is to be handed back to our client's son. The bank manager still refused to do so. A Legal Consolidated lawyer rang the bank's legal team in Melbourne and was able to get the POA back for our client's son. That was done at no charge because the POA was prepared by our law firms.

Further, there are unlimited updates on the POAs so they can be updated as often as you wish.

### **Does my Power of Attorney have to be lodged or registered anywhere?**

A POA does not need to be lodged at the titles office. Sometimes a bank may wrongly ask for the titles office registration number. Registration at the titles office is not required. One day you may decide to buy or sell land. You may want your POA to do that. Only at that time do you need to lodge your POA at the titles office. Lawyers and the titles office charge for lodging each POA. Different government departments and institutions may require you to hand over your original POA and not return it to you. Therefore, make sure you print off and sign two copies of your POA.

*This POA only works in your State. If there are assets in another State, then you need to also build and sign POAs for that State as well.*

### **Does the Power of Attorney need to be stamped?**

Your POA is not dutiable. It does not need to be lodged at the local stamp duty office.

### **Making copies**

Don't let the original POA out of your hands. Ask the bank (or who ever needs it) to take a copy. The bank can then "certify" (confirm it is a true copy) the POA and keep the copy on the bank's file.

### **Can the Power of Attorney override your wishes?**

By law the POA can only be used by the persons you nominate for your best interests. It cannot be used to benefit anyone else. It is not designed to help your spouse or children - it is in place to protect you. The POA can only be used to help you. If you lose confidence

in the persons you appoint, then you need to revoke the POA. If the person you appoint does not act in your best interests then both civil and criminal actions may be taken against the person you appoint by you, your family and the government.

### **Can I revoke a Power of Attorney?**

While you are of sound mind you can revoke your POA at any time. If you are of unsound mind then, obviously, you can't make any such decisions. While you are of unsound mind you can't revoke a legal document such as a POA. Your POA is revoked at death. (Conversely, your Will only takes effect at death.) The courts can also revoke your POA.

### **How do I revoke the Power of Attorney?**

Firstly, tear up as many copies (originals and photocopies) as you can get your hands on. Build a Revocation of a POA and letter at our website. Complete and sign the revocation and send it registered mail to the persons you have nominated, telling them that the POA is revoked and ask for all copies to be posted back to you (if any). Provided the persons you have nominated received the letter (and you can prove this) then it would be illegal for them to keep using the POA. Criminal sanctions can apply. Also write to all banks and other people that have been presented the POA enclosing a copy of the Revocation. Keep copies of all such letters and the Revocation.

### **What happens if I separate, divorce or get married?**

Changing your status does not affect the POA. You must revoke it, if you no longer want it to operate.

### **Can the persons I nominate resign?**

The persons you appointed can renounce the POA. However, if you are of unsound mind, it is too late for those persons to renounce.

### **How do the persons I nominate actually use the Power of Attorney?**

Here are some examples:

**Example 1 - Using your bank account:** The persons you appoint walk into the bank and present to the bank clerk with your Savings Account book and an original POA. The bank clerk stares blankly at them. The bank clerk goes to see the bank manager. The bank manager explains to the bank clerk that those persons "now stand in your shoes". They can do whatever you could do with the bank account. The bank manager asks to take a copy of the POA for future reference. The bank manager tries to keep the original POA but the persons you nominate decline and get back the original POA. The transaction on the bank account takes place.

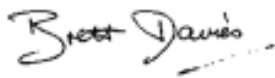
**Example 2 – Signing your legal documents:** You have asked the persons that you nominated, to sign a lease agreement as you are on holidays overseas and email is unavailable. They contact the landlord and tell the landlord that there is a POA. They tell the landlord that they are signing the lease on your behalf. They sign in their usual signature area and write under the signature "signed as attorney for \*your name\* under a POA dated ## Month, year". You are now bound to the lease. The landlord may photocopy the POA to attach to the lease.

## What are the limits of a Power of Attorney?

The POA is an “economic” document. It won’t allow the persons you nominate to vote or make a Will for you. They can, however, open and close bank accounts, pay debts, and buy and sell land. For example, the Donor can’t give you a POA to:

1. Vote in any government elections
2. Make a Will or sign another POA
3. Carry out Director Duties
4. Act as a Trustee
5. Control your body (you need to build a Medical POA on our website for that)

Yours sincerely,



Adj Professor, Dr Brett Davies, CTA, AIAMA, BJuris, LLB, LLM, MBA, SJD  
National Taxation Partner  
LEGAL CONSOLIDATED BARRISTERS & SOLICITORS

*This is a sample of the document you are building on our law firm's website.*

*Depending how you answer the questions the document and our letter may be different.*

*We have a 100% money back guarantee. For any reason you can return the document to us for a full refund.*

*Dr Brett Davies  
Partner  
Legal Consolidated Barristers & Solicitors*

## Who can witness a South Australian Enduring Power of Attorney?

When signing your South Australian Enduring POA, you need one person to witness your signature. That witness must be an 'authorised witness'. The following people may witness the signing of a South Australian POA:

- Justice of the Peace; or
- A Commissioner for taking Affidavits:
  - Proclaimed members of the police force (those appointed under Part 5 of the *Oaths Act 1936* (SA));
  - Justices and Masters of the Supreme Court or District Court;
  - Magistrates;
  - Registrars and Deputy Registrars of the Supreme Court, the District Court, the Environment, Resources and Development Court, the Industrial Relations Court, the Youth Court and the Magistrates Court; and
  - All persons on the roll of practitioners of the Supreme Court (except any such person whose right to practice the profession of law is under suspension by virtue of disciplinary action taken against them).

Build the legal document at <https://www.legalconsolidated.com.au/ending-poa-introduction/> – telephone us. We can help you answer the questions.

On our law firm's website, you:

1. Retain legal professional privilege
2. Receive legal advice
3. Get a signed letter on our law firm's letterhead with the legal document
4. We take responsibility for the legal document

Only a law firm provides the above. We also offer a 100% money back guarantee on every document you build.

*Adj Professor, Dr Brett Davies - Partner*



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## **Enduring Power of Attorney – South Australia (Financial Power of Attorney)**

Nathan Hughes

## Enduring Power of Attorney from Nathan Hughes

This Enduring Power of Attorney is made pursuant to section 6 of the *Powers of Attorney and Agency Act 1984* (SA) this:

 day \_\_\_\_\_ of month \_\_\_\_\_ 20\_\_\_\_

by me Nathan Hughes of 4 Andrew Street, Marion SA 5043, Australia born on 17 April 1975.

1. I appoint:

Jacinta Walters  
of 14 Francis Road, Cowandilla SA 5033, Australia  
to be my attorney.

2. I authorise my attorney to do on my behalf anything that I can do myself as my attorney.

3. I declare that this power of attorney will be in force only in the event of my subsequent legal incapacity.




4. I authorise my attorney to apply for and obtain a grant of a probate of the will of the estate of Nathan Hughes deceased for my use and benefit and for the representation be granted.

An Enduring Power of Attorney (POA) is a legal document. It allows you to appoint a person to make decisions about your assets. The POA deals with your assets e.g. real estate and bank accounts.

**Signed as a deed:**

 \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

*Nathan Hughes - usual signature*

Authorised Witness	
Signature	
Full Name Print	
Qualification	

## Statement of Acceptance of Appointment

I, Jacinta Walters, the person appointed to be the attorney of the Power of Attorney created by the instrument on which this acceptance is annexed, accept the appointment and acknowledge —

- (a) that the Power of Attorney is an enduring Power of Attorney to be exercised by me. I declare that this Power of Attorney is not to be exercised in the event of my subsequent legal incapacity.
- (b) that I will, by accepting this Power of Attorney, exercise my powers under the *Powers of Attorney and Agency Act 1986*.

You can build this document here:

[https://www.legalconsolidated.com.au/  
enduring-poa-introduction/](https://www.legalconsolidated.com.au/enduring-poa-introduction/)



\_\_\_\_\_  
Jacinta Walters - usual signature

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_