

Affidavit of No Revocation or Death
Probate Code §§ 4305, 4306

1. I, [Name:] _____, am the sole agent currently authorized to act as such under the Uniform Statutory Form Power of Attorney (“the Durable Power”) signed by [Principal’s name:] _____ (“the Principal”) on [Date:] _____.

2. The Principal has neither revoked the Durable Power nor died, and my authority under the Durable Power has not been terminated for any other reason.

3. I understand that this Declaration shields persons who rely on it from liability for having honored my authority under the Durable Power. [Probate Code § 4305]

4. The following is a transcription of *California Probate Code* §§ 4305 and 4306:

California Probate Code §4305,

(a) *As to acts undertaken in good faith reliance thereon, an affidavit executed by the attorney-in-fact under a power of attorney . . . stating that, at the time of the exercise of the power, the attorney-in-fact did not have actual knowledge of the termination of the power of attorney or the attorney-in-fact’s authority by revocation or of the principal’s death or incapacity is **conclusive proof of the nonrevocation or nontermination of the power at that time.** If the exercise of the power of attorney requires execution and delivery of any instrument that is recordable, the affidavit when authenticated for record is likewise recordable.*

(b) This section does not affect any provision in a power of attorney for its termination by expiration of time or occurrence of an event other than express revocation or a change in the principal’s capacity.

California Probate Code § 4306,

(a) If an attorney-in-fact furnishes an affidavit pursuant to Section 4305, whether voluntarily or on demand, *a third person dealing with the attorney-in-fact **who refuses to accept the exercise of the attorney-in-fact’s authority** referred to in the affidavit **is liable for attorney’s fees** incurred in an action . . . necessary to confirm the attorney-in-fact’s qualifications or authority, unless the court determines that the third person believed in good faith that the attorney-in-fact was not qualified or was attempting to exceed or improperly exercise the attorney-in-fact’s authority.*

Check if applicable: My attorney, [Name:] _____, Esq., may be reached at the following address and phone number: _____

5. I thank you in advance for your kind cooperation.

I declare under the penalties of perjury of the laws of the State of California that

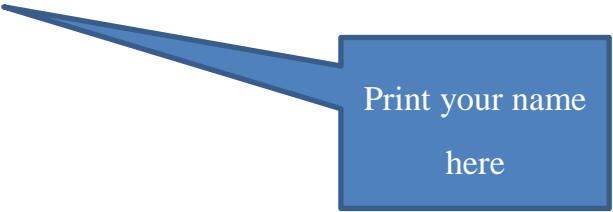
the foregoing is true and correct and that this affidavit was executed this day, (month and day) _____, 20____, at (City) _____,
(State) _____



Sign here

Signed: _____

[Print name:]



Print your name
here