

Your Reference: Sandra Lim - EPOA
Our Reference: bkd:68884
Enquiries: Adjunct Professor, Dr Brett Davies
Direct Telephone: 1800 141 612
Email: brett@legalconsolidated.com



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BARRISTERS & SOLICITORS

National Law Firm

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Nedlands WA 6009

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legalconsolidated.com.au

Tuesday, 2 April 2019

Sandra Lim
246 Pitt Street
Sydney NSW 2000
Australia

New South Wales Enduring Power of Attorney

Dear Sandra,

Thank you for instructing us to prepare the attached New South Wales Enduring Power of Attorney.

How do I sign my Power of Attorney?

1. Read the POA to make sure it accords with your instructions.
2. Print out two copies. (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.)
3. Telephone your Local Court (see the attached list) and make a time to see the Registrar. The local court witnesses the POA for free. (If you cannot get to a NSW Local Court then we can witness your POA via Skype. See here: <https://www.legalconsolidated.com.au/our-law-firm-witnessing-your-poa-from-anywhere-in-australia/>)

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

Do my attorneys need to sign with me – at the same time?

Your attorneys can sign on another day, in another country. They don't need to sign with you. And they also don't need to sign with each other.

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

A Power of Attorney does not need to be lodged at the title's office. You may wrongly ask for the title's office lodgement number. Lodgement is not required. One day you may decide to buy or sell land. You may need to lodge your POA at the title's office. Only at that time do you need to lodge your POA at the title's office. There is a charge for lodging each POA.

You can build this document here:

<https://www.legalconsolidated.com.au/enduring-poa-introduction/>

For a full list of documents you can build on our law firm's website see here:

<https://www.legalconsolidated.com.au/areas-of-law/>

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 can't 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 New South Wales Power of Attorney?

Telephone us if you need to revoke this Power of Attorney.

How do I revoke the Power of Attorney?

Telephone us and we can help you revoke the POA.

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 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 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 an Enduring Guardianship POA on our website for that)

**Please print this Power of Attorney single-sided on ordinary A4 paper.
The document prints better through Adobe Acrobat Reader.**

If I can further clarify the above, you are welcome to contact me on my direct telephone number 1800 141 612.

Yours sincerely,



Adjunct Professor, Dr Brett Davies, CTA, AIAMA, BJuris, LLB, LLM, MBA, SJD
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How to sign your NSW Enduring Power of Attorney

At the end of your Power of Attorney, there is the witness certificate. The certificate states that the witness:

1. explained the effect of the Power of Attorney directly to you before it was signed
2. was satisfied that you appeared to understand the effect of the Power of Attorney.



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Local Court Registrars witness your POA for free

(Alternatively, we can witness your POA via Skype: <https://www.legalconsolidated.com.au/our-law-firm-witnessing-your-poa-from-anywhere-in-australia/>)

Telephone your Local Court to make an appointment to witness your Enduring Power of Attorney:

1. Albion Park	46. Fairfield	91. Moss Vale
2. Albury	47. Finley	92. Mt Druitt
3. Armidale	48. Forbes	93. Moulamein
4. Assessors - Small Claims	49. Forster	94. Mudgee
5. Ballina	50. Gilgandra	95. Mullumbimby
6. Bankstown	51. Glen Innes	96. Mungindi
7. Batemans Bay	52. Gloucester	97. Murrurundi
8. Bathurst	53. Gosford	98. Murwillumbah
9. Bega	54. Goulburn	99. Muswellbrook
10. Bellingen	55. Grafton	100. Narooma
11. Belmont	56. Grenfell	101. Narrabri
12. Bidura Children's Court	57. Griffith	102. Narrandera
13. Blayney	58. Gulgong	103. Narromine
14. Blacktown	59. Gundagai	104. Newcastle
15. Boggabilla	60. Gunnedah	105. Newtown
16. Bombala	61. Hay	106. Northern River's Children's
17. Bourke	62. Hillston	107. Court Circuit
18. Brewarrina	63. Holbrook	108. Nowra
19. Broadmeadow Children's	64. Hornsby	109. Nyngan
20. Court Circuits	65. Hunter Children's Court	110. Oberon
21. Broken Hill	66. Circuit	111. Orange
22. Burwood	67. Illawarra Children's Court	112. Parkes
23. Byron Bay	68. Inverell	113. Parramatta
24. Camden	69. Junee	114. Parramatta Children's Court
25. Campbelltown	70. Katoomba	115. Peak Hill
26. Campbelltown Children's	71. Kempsey	116. Penrith
27. Casino	72. Kiama	117. Picton
28. Central	73. Kurri Kurri	118. Port Kembla
29. Cessnock	74. Kyogle	119. Port Macquarie
30. Cobar	75. Lake Cargelligo	120. Queanbeyan
31. Coffs Harbour	76. Leeton	121. Quirindi
32. Condobolin	77. Lightning Ridge	122. Raymond Terrace
33. Cooma	78. Lismore	123. Rylstone
34. Coonabarabran	79. Lithgow	124. Scone
35. Coonamble	80. Liverpool	125. Singleton
36. Cootamundra	81. Lockhart	126. Sutherland
37. Corowa	82. Macksville	127. Tamworth
38. Cowra	83. Maclean	128. Taree
39. Crookwell	84. Maitland	129. Temora
40. Deniliquin	85. Manly	130. Tenterfield
41. Downing Centre	86. Mid North Coast Children's Court	131. Toronto
42. Dubbo	87. Milton	132. Tumbarumba
43. Dunedoo	88. Moama	133. Tumut
44. Dungog	89. Moree	134. Tweed Heads
45. Eden	90. Moruya	135. Wagga Wagga

Obviously, your witness cannot be your attorney. The witness must be independent and not involved with you or your family.

Each person accepting your appointment must get their signature witnessed in the same way. However, the persons accepting can accept anytime, even years after you have given them the Enduring Power of Attorney. The POA will however not operate until they have accepted it.

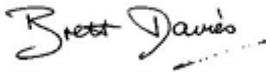
How does the Enduring POA work?

The *Powers of Attorney Act 2003* (NSW) makes it possible for you to appoint an Enduring Guardian. An Enduring Guardian is a substitute decision-maker of your choice. They have legal authority to make financial decisions. A power of attorney cannot be used for health or lifestyle decisions. You should appoint an enduring guardian under the Guardianship Act 1987 if you want a particular person to make these decisions. For further information, contact the Civil and Administrative Tribunal or NSW Trustee and Guardian.

Your Enduring Guardian considers your views both past and present. The Enduring Guardian should also consider the views of professionals and other people important in your life. They should speak to an accountant and financial planner.

Please telephone me or my lawyers if you need a hand.

Kind regards,



Adjunct Professor, Dr Brett Davies
Barrister & Solicitor
Legal Consolidated Barristers & Solicitors

If you wish, upload your logo at **Your Profile** page.

YOUR
LOGO
HERE

Your logo will then appear above.



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Enduring Power of Attorney (New South Wales) by Sandra Lim

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.

Adjunct Professor, Dr Brett Davies - Partner

Legal Consolidated's Reference: bkd:68884

Your Reference: Sandra Lim - EPOA

Enduring Power of Attorney from Sandra Lim

This Power of Attorney is made on the:

 day _____ of month _____ 20____

1. I, Sandra Lim of 246 Pitt Street Sydney New South Wales 2000 Australia born on 12 April, 1945, appoint Jordan Carter of 26 Market Street Sydney New South Wales 2000 Australia, and Hayley Rose of 51 York Street Sydney New South Wales 2000 Australia jointly to be my attorneys.
2. My attorneys may exercise the authority conferred by Part 2 of the *Powers of Attorney Act 2003* (NSW) to do anything on my behalf I may lawfully authorise an attorney to do.
3. I give this power of attorney with the intention that it will continue to be effective if I lack capacity through loss of mental capacity after its execution.
4. I declare that this power of attorney operates once the attorneys have accepted their appointment by signing this document.
5. If my attorneys vacate office, I appoint Lucas Lim of 54 Castlereagh Street Sydney New South Wales 2000 Australia, and Stacy Lim of 54 Castlereagh Street Sydney New South Wales 2000 Australia to be my substitute attorneys. My substitute attorneys are to be appointed jointly and severally.
6. I authorise my attorneys to give reasonable gifts as provided by section 11(2) of the *Powers of Attorney Act 2003* (NSW).
7. I authorise my attorneys to confer benefits reasonable living and medical expenses as provided by section 11(2) of the *Powers of Attorney Act 2003* (NSW).

If the people you have appointed to receive your Enduring Power of Guardianship are unable to fulfil their obligations to you under this document, the people you nominate as 'substitutes' can take over. Only when all the people you have nominated to receive the POA have died or are unable to fulfil their obligations.

Signed as a deed.

 _____

Sandra Lim - usual signature

Witness			
Signature			
Full Name Print		Address	

How you witness the document is set out in our Letter of Advice which comes with the document you are building.

Certificate under section 19 of the *Powers of Attorney Act 2003* (NSW) for Sandra Lim

I,
certify the following:

- a) I explained the effect of this power of attorney to the principal before it was signed.
- b) The principal appeared to understand the effect of this power of attorney.
- c) I am a prescribed witness.
- d) I am not an attorney under this power of attorney.
- e) I have witnessed the signature of this power of attorney by the principal.

Signature: Date: ____/____/____

Tick the appropriate category(s):

- Australian Legal Practitioner,
- Registrar of the Local Court,
- Licensed Conveyancer who has successfully completed a course of study approved by the Minister,
- NSW Trustee and Guardian employee who has successfully completed a course of study approved by the Minister,
- A trustee company employee who has successfully completed a course of study approved by the Minister,
- Legal Practitioner qualified in a country other than Australia who is instructed and employed independently of any legal practitioner appointed as an attorney under this power of attorney.

Note: a Justice of the Peace (i.e. a J.P.) is not a prescribed witness, and is not authorised to sign this certificate.

Acceptance of the Sandra Lim Enduring Power of Attorney

I accept that:

1. I must always act in the principal's best interests
2. as attorney, I must keep my own money and property separate from the principal's money and property;
3. I should keep reasonable accounts and records of my dealings with the principal's property;
4. unless expressly authorised, I cannot gain a benefit from being attorney; and
5. I must act honestly in all matters concerning the principal's legal and financial affairs.

In New South Wales, you can appoint 1, 2 or 3 people to receive your Enduring Power of Attorney. The person receiving the POA can renounce the POA. However, if you are of 'unsound mind' then it is too late for that person to renounce.

Failure to do any of the above may incur civil and/or criminal penalties.

Signed

 _____

Date: ____/____/____

Jordan Carter - usual signature

 _____

Date: ____/____/____

Hayley Rose - usual signature

 _____

Date: ____/____/____

Lucas Lim - usual signature

 _____

Date: ____/____/____

Stacy Lim - usual signature

The law does not define 'unsound mind' for POAs. Simply put, 'unsound mind' means suffering a mental illness. Some people, however, are capable of making calculated decisions with respect to their affairs. This depends on the severity and type of the mental illness.

Should there be any doubt as to whether an individual is of 'unsound mind' for the purposes of a POA, a declaration can be made by a Court or

Lodged for registration at the Department of Lands, Land and Property Information Division (LPI) by –	
LPI Document Collection Box No.	Name, Address or DX and Telephone Number

Build the legal document at legalconsolidated.com.au – telephone us. We can help you answer the questions.

On our law firm's website, you:

1. Retain legal professional privilege
2. Benefit from the law firm's professional indemnity insurance
3. Receive legal advice
4. Get a signed letter on our law firm's letterhead with the legal document

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