





**Instructions:**  
**Please note that the Principal, the person whom is granting the Power of Attorney, needs to fill the form out and initial next to each entry. The Principal also needs to initial the bottom of every page. The form needs to be signed in front of a notary public and two separate witnesses.**

**DURABLE POWER OF ATTORNEY – LIMITED – REAL PROPERTY**

I,  \_\_\_\_\_ **[NAME OF PRINCIPAL(S)]**, desiring to create a Durable Power of Attorney pursuant to Chapter §709 Fla. Stat. hereby revokes any and all prior grants of a Power of Attorney or a Durable Power of Attorney relating to the land subject to this Power of Attorney and provide as follows:

1.  **GRANT OF POWER TO ATTORNEY-IN-FACT.** I hereby appoint \_\_\_\_\_, **[DESIGNATED PERSON]** (hereafter "Attorney-In-Fact"), who is of sound mind and eighteen (18) years of age or older, as my lawful agent with full power to act for me and in my name in any and all of the matters hereinafter set forth, granting full authority to make, acknowledge, and deliver for me any in my name all contracts, deeds, leases, assignments, mortgages, releases, all forms of commercial paper, and other instruments that my Attorney-In-Fact may deem proper in connection with any matter hereinafter set forth and in which I may be interested, and generally to act for me and in my name with respect to the foregoing, with the same effect as though I were personally present and acting for myself.
2. **DURABLE NATURE OF POWER.** THIS DURABLE POWER OF ATTORNEY ("THE "POWER") IS NOT TERMINATED BY SUBSEQUENT INCAPACITY OF THE PRINCIPAL EXCEPT AS PROVIDED IN CHAPTER 709, FLORIDA STATUTES.
3. **EXERCISES OF POWER.** All powers and discretions conferred upon my Attorney-In-Fact hereunder shall be exercisable by my Attorney-In-Fact named herein. All actions taken by my Attorney-In-Fact pursuant to this power, including acts taken during any period of my disability or incompetency, shall inure to the benefit of and bind me, my heirs, devisees and personal representatives, as if I were competent and not disabled.
4.  **DURATION OF POWER.** This Power shall not be affected by lapse of time between its grant and its exercise. This Power shall be valid until the earlier of (i) \_\_\_\_\_ **[ENTER DATE POA EXPIRES, IF LEFT BLANK SHALL BE FOR 5 YEARS FROM THE DATE OF EXECUTION]**, (ii) my death, or (iii) my written revocation of this Power; subject, however, to the provisions of Section 12 below.
5. **EFFECT OF FILING OF PETITION TO DETERMINE INCAPACITY OR APPOINT GUARDIAN.** At any time a petition to determine my competency or a petition to appoint a guardian for me is filed, this Power shall be temporarily suspended. Notice of the pending petition shall be given to all known donees of this Power. This Power shall remain suspended until the petition is dismissed or withdrawn, or I am adjudged competent, at which time the Power shall be automatically reinstated and any exercise of this Power shall be valid. If I am adjudged incompetent, this Power shall be automatically revoked except to the extent the court having jurisdiction over my guardianship estate determines that any authority granted by this Power is to remain exercisable by my Attorney-In-Fact.
6.  **LAND SUBJECT TO POWER.** This Power applies solely to the real property located at \_\_\_\_\_ **[Property Address]** and more particularly described in **Exhibit "A"** attached hereto and all interests therein,

MICHAEL J. HEATH, ESQ.  
LAW OFFICES OF MICHAEL J. HEATH, P.A.  
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INITIAL HERE: \_\_\_\_\_ 


including my homestead rights (if any), and all furniture, fixtures and other personal property, tangible or intangible, related to the foregoing real property irrespective of whether such property is held in any type of joint tenancy, including, but not limited to, a tenancy in common, joint tenancy with right of survivorship or a tenancy by the entirety.


7. **POWER OF ATTORNEY-IN-FACT.** Without limiting the broad powers conferred by the preceding provisions, I authorize my Attorney-In-Fact to:
- (a) **PURCHASE, SELL, RENT, LEASE OR EXCHANGE REAL PROPERTY.** Purchase, sell, rent, lease for any term, convey, or exchange any real property herein described or interest therein for considerations and upon such terms and conditions as my Attorney-In-Fact may see fit, and execute, acknowledge and deliver all instruments conveying or encumbering title to property herein described on exhibit "A" attached hereto.
  - (b) **BORROW MONEY.** Borrow money on such terms, and with such security with respect to the real and personal property herein described as my Attorney-In-Fact may think fit and to execute all notes, mortgages, disclosures and other instruments that my Attorney-In-Fact finds necessary or desirable.
  - (c) **SELL PERSONAL PROPERTY.** Sell all furniture, fixtures and other items of tangible or intangible personal property related to the real property herein described as a fixture and belonging to me, and execute all assignments and other instruments necessary or proper for transferring them to the purchaser or purchasers, and give good receipts and discharges for all money payable in respect to them.
  - (d) **COLLECT MONEY AND OTHER PROPERTY.** Collect all sums of money and other property that may be payable or belong to me with respect to the real and personal property herein described, and to execute receipts, releases, cancellations, or discharges relating thereto.
  - (e) **DEAL WITH COMMERCIAL INSTRUMENTS.** Draw, accept, endorse or otherwise deal with any check or other instrument in connection with the real and personal property herein described specifically including the right to make deposits or withdrawals from any savings account, checking account, money market account, or similar accounts.
  - (f) **EMPLOY AGENTS.** Employ and pay reasonable compensation to agents, accountants, attorneys, and investment counsel to assist in the exercise of any of the powers set out herein.
  - (g) **ACT WITH HIGH DEGREE OF DISCRETION.** It is my intention that the powers extended to my Attorney-In-Fact be interpreted broadly so as to allow my Attorney-In-Fact a high degree of discretion in managing my affairs. Therefore, I authorized my Attorney-In-Fact to do anything regarding my estate, property and affairs that I could do myself.
8. **RESERVATION OF RIGHTS.** I hereby reserve: (1) all rights to do personally any acts that my Attorney-In-Fact is authorized to perform hereunder; (2) the right to grant similar powers of attorney to others; (3) the right to amend this Power in any manner; and (4) the right to revoke the Power in whole or in part.
9. **TERMINATION OF POWER.** This Power shall terminate as provided in Section 4 above or may be terminated at any time prior thereto by either me or by my Attorney-In-Fact by giving written notice of such termination to the other.
10. **GOVERNING LAW.** This instrument is executed by me in the State of Florida and shall be governed by the laws of the State of Florida.
11. **RECORDING.** I specifically grant to my Attorney-In-Fact the authority to record this instrument in the public records of the Florida county within which I reside and in any other jurisdiction where an Attorney-In-Fact in his discretion believes necessary or appropriate.


12. **RELIANCE BY THIRD PARTIES.** Unless and until a third party has received "notice", as provided in Section 13 below, of revocation of this Power, partial or complete termination of the Power by adjudication of my incapacity, suspension by initiation of proceedings to determine my incapacity or my death such third party may act on reliance upon the authority granted to my Attorney-In-Fact in this Power and I hereby confirm all such acts.
13. **NOTICE.** In any circumstances in which "notice" is required to be delivered to me, my Attorney-In-Fact or to any third-party relying on the authority of my Attorney-In-Fact to act hereunder, to be effective such notices shall be in writing and must be served on the person or entity to be bound by the notice by any form of mail that requires a signed receipt or by personal delivery as provided for service of process under Florida law.

**IN WITNESS WHEREOF,** I have signed this Durable Power of Attorney, consisting of four (4) typewritten pages, in the presence of two (2) witnesses and all of them have signed in the presence of each other.


**EXECUTED** on this  \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
**Signed, sealed and delivered in the presence of:**


 \_\_\_\_\_  
 Witness signature

 \_\_\_\_\_  
 Principal

 \_\_\_\_\_  
 Witness printed name

 \_\_\_\_\_  
 Principal


 \_\_\_\_\_  
 Witness signature

 \_\_\_\_\_  
 Witness printed name

State of \_\_\_\_\_)

County of \_\_\_\_\_)

**SWORN TO, SUBSCRIBED AND ACKNOWLEDGED** before me on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_ [NAME OF PRINCIPAL(S)], who is/are personally known to me or who has/have produced a \_\_\_\_\_ as identification.

 \_\_\_\_\_  
 NOTARY PUBLIC

\_\_\_\_\_  
 Printed Name of Notary  
 My Commission Expires: \_\_\_\_\_

INITIAL HERE: \_\_\_\_\_ 

 **Type of Hand Write the Full Legal Description from the Property Appraiser's Website**

**EXHIBIT A – Legal Description**

MICHAEL J. HEATH, ESQ.  
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