

UNIFORM POWER OF ATTORNEY ACT (EXCERPT)
Act 187 of 2023

***** 556.205.new THIS NEW SECTION IS EFFECTIVE JULY 1, 2024 *****

556.205.new Execution of power of attorney; requirements.

Sec. 105. (1) To be effective, a power of attorney created on or after the effective date of this act must be signed by 1 of the following individuals:

(a) The principal.

(b) If signed in the principal's conscious presence, another individual directed by the principal to sign the principal's name.

(2) To be durable, a power of attorney signed under subsection (1)(a) must meet 1 of the following requirements:

(a) Be acknowledged by the principal before a notary public or other individual authorized to take acknowledgments.

(b) Be signed in the presence of 2 witnesses, both of whom also sign the power, subject to both of the following:

(i) A witness may not be an agent nominated in the power.

(ii) One of the witnesses may be an individual who also acts, in the principal's execution of the power, as a notary public or other individual authorized to take acknowledgments.

(3) To be durable, a power of attorney signed under subsection (1)(b) must be signed in the presence of 2 witnesses as described in subsection (2)(b), regardless of whether the power is acknowledged.

(4) A signature on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized by law to take acknowledgments.

(5) A signature on a power of attorney that is witnessed as described in subsection (2)(b) but is not acknowledged by the principal before a notary public or other individual authorized by law to take acknowledgments is not entitled to the presumption of genuineness under subsection (4), and the power is not acknowledged within the meaning of sections 119 and 120.

History: 2023, Act 187, Eff. July 1, 2024.