DISTILLED
TITLE COMPANY

Power of Attorney Requirements

If someone will sign closing documents for a buyer or seller, the power of attorney (POA) must be approved before closing. Send it to us as early as possible. A POA we see on closing day can delay the closing.

The POA should

- [ ] Be signed by the person giving the authority (the principal) and notarized
- [ ] Clearly give authority to buy, sell, mortgage or refinance real estate. A POA naming the specific property is best
- [ ] Be current: not revoked, and not expired if it has an end date
- [ ] Match names exactly as they appear on the deed and loan documents
- [ ] Be available as the signed original for closing. When used to sign a deed it is usually recorded with the county clerk

Before closing, we will

- [ ] Review the POA and send it to the lender and our title underwriter for approval
- [ ] Confirm the principal is living and that the POA has not been revoked. We may need to speak with the principal
- [ ] Tell you how the attorney-in-fact should sign each document

Good to know

- [ ] Lenders have their own POA rules. Some will not accept a POA for certain loan documents, so ask early
- [ ] A POA generally ends when the principal dies. Estate sales follow a different process (see our estate checklist)
- [ ] Military members can usually get a POA prepared at their installation's legal assistance office

Distilled Title does not prepare powers of attorney or give legal advice on them. Talk with an attorney about which form is right for you. Questions? Call Lexington (859) 500-1206 or Elizabethtown (270) 215-4506.