

IC 30-5-10

Chapter 10. Termination of the Power of Attorney

IC 30-5-10-0.5

Termination of power to exercise authority

Sec. 0.5. Unless the power of attorney provides otherwise, an attorney in fact may exercise authority until the authority terminates under this chapter, even if time has passed since the execution of the power of attorney.

As added by P.L.143-2009, SEC.32.

IC 30-5-10-1

Revocation of power; record

Sec. 1. (a) Except as otherwise stated in the power of attorney, an executed power of attorney may be revoked only by a written instrument of revocation that:

- (1) identifies the power of attorney revoked; and
- (2) is signed by the principal.

(b) A revocation under subsection (a) is not effective unless the attorney in fact or other person has actual knowledge of the revocation.

(c) If an executed power of attorney was recorded under IC 30-5-3-3, the revocation of the power of attorney must:

- (1) be recorded; and
- (2) reference the book and page or instrument number where the instrument creating the power of attorney is recorded.

As added by P.L.149-1991, SEC.2.

IC 30-5-10-2

Specific termination date and time

Sec. 2. If a power of attorney specifies a termination date and time, the power of attorney terminates at that date and time.

As added by P.L.149-1991, SEC.2.

IC 30-5-10-3

Incapacity of principal

Sec. 3. (a) Except as otherwise stated in the power of attorney, a power of attorney is not terminated by the incapacity of the principal.

(b) The incapacity of a principal who has previously executed a power of attorney that terminates on the principal's incapacity does not revoke or terminate the power of attorney as to the attorney in fact or other person who, without actual knowledge of the incapacity of the principal, acts in good faith under the power. Unless otherwise invalid or unenforceable, an action taken under this subsection binds the principal and the principal's successors in interest.

As added by P.L.149-1991, SEC.2.

IC 30-5-10-4

Death of principal; missing or missing in action; attorney in fact retains authority over anatomical gifts, autopsy, and disposition of body

Sec. 4. (a) Except as provided in subsections (b) and (c), a power of attorney terminates on the death of the principal.

(b) The death of a principal who has executed a written power of attorney does not revoke or terminate the power of attorney as to the attorney in fact or other person who, without actual knowledge of the death of the principal, acts in good faith under the power. Unless otherwise invalid or unenforceable, an action taken under this subsection binds the principal and the principal's successors in interest.

(c) The death of a principal who executes a written power of attorney does not revoke or terminate the power of attorney as to authority granted under IC 30-5-5-16(b)(5) through IC 30-5-5-16(b)(7). An action taken under this subsection binds the principal and the principal's successors in interest, unless the action is inconsistent with a written directive executed by the principal before the principal's death.

(d) Notice from the United States Department of Defense of the death of a principal who has given a power of attorney is official notice of the death of the principal. A report or listing of the principal's being missing or missing in action does not do any of the following:

(1) Constitute and may not be interpreted as actual notice of the death of the principal.

(2) Terminate the power of attorney.

As added by P.L.149-1991, SEC.2. Amended by P.L.238-2005, SEC.53.