

HOW TO REVOKE A POWER OF ATTORNEY

All Powers of Attorney automatically end at your death. They can only be used while you are living. However, there may come a time before then when you decide that you would like to revoke or cancel your Durable Power of Attorney

Unregistered Durable Power of Attorney:

If your Power of Attorney has not been registered with the Register of Deeds, it may be revoked in the following ways:

1. By signing a written document revoking the power of attorney, called a “revocation.” The revocation must be notarized.
2. **By burning, tearing, canceling, or destroying the Power of Attorney** with the intent to revoke the document. This can be done by you or by another person acting under your direction and in your presence. You must be mentally competent and not incapacitated at the time of the destruction of your Power of Attorney; or
3. By any method you may have provided for in your Power of Attorney.

You must notify your “agent” that you have revoked the Power of Attorney. You can do this by hand deliver, mail or certified mail. It’s best to document the revocation by certified mail, return receipt requested.

Registered Power of Attorney:

If your Power of Attorney has been filed with the register of deeds, it may be revoked in the following way:

1. Sign a written revocation in front of a notary.
2. Register the revocation in the same office in which the Power of Attorney was originally registered. The revocation must be executed by you while you are mentally competent and not incapacitated.

The attorney-in-fact must be given notice that you have revoked the power of attorney. That may be done by mail.

Before attempting to file a revocation, please contact an attorney of your choosing. There are specific rules governing what must be contained in a revocation.

If you have any questions about revoking your Power of Attorney, please call the Duke Health Justice Clinic at (919) 613-7169.