

**STEWART TITLE GUARANTY COMPANY'S GUIDELINES FOR ACCEPTING  
A POWER OF ATTORNEY IN CONNECTION WITH  
AN INSURED TRANSACTION IN ILLINOIS**

**Legal Sufficiency**

Pursuant to Public Act 096-1195 Section 3.3 a "Statutory Property Power" shall contain the following:

1. Notice to the Individual Signing the Illinois Statutory Short Form Power of Attorney for Property;
2. Illinois Statutory Short Form Power of Attorney for Property or substantially in this format;
3. Notice to Agent;
4. Statute prescribes that the format of the signature should be "(Principal's Name) by (Agent's Name) as Agent. Also acceptable "(Principal's Name) by (Agent's Name) as Attorney-in-Fact.;
5. Must contain language that power being granted is to convey or mortgage real property;
6. The Principal's signature must be notarized and there must be one witness  
Witness may not be:
  1. the attending physician or mental health service provider of the principal, or a relative of the physician or provider;
  2. an owner, operator or relative of an owner or operator of a health care facility in which the principal is a patient or resident (the prohibition on the operator of a health facility shall extend to directors and executive officers of an operator that is a corporate entity but not to employees of operator);
  3. a parent, sibling, or descendant, of either the principal or any agent or successor agent regardless of whether the relationship is by blood, marriage or adoption;
  4. an agent or successor agent for the property.
7. Make sure form is completely filled out and executed, including but not limited to each spot where Principal's initials are required
8. Original must be recorded with transaction documents

## OTHER CONSIDERATIONS

Be aware of the reasons for using the POA and structure of the transaction. Things to watch out for:

- If you hear comments about competency issues or death of the Principal and the POA was recently executed
- Why is Principal unable to execute the documents?
- How old is the POA?
- Illegible signatures
- Unauthorized transactions
  - Agent/Attorney-in-fact conveying Principal's property to Agent/Attorney-in-fact
  - POA if principal is a trustee
- Any other fact or situation that might give you cause to think either the principal did not execute the POA or executed it when Principal was not competent.

An exception should be taken for the right to verify the authority of the principal and validity of the power of attorney and the right to raise any further exceptions as the Company may deem necessary upon its review.