

Preparation Preparation Preparation

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They will visit their lawyer to buy and sell property or to prepare a will. But many people are unaware of Enduring Powers of Attorney (EPA) that can make your life a lot easier in an emergency.

An EPA grants a person (or persons) that you trust (‘the attorney’) the power to make decisions on your behalf, even if you become permanently disabled.

There are two types of EPA:

- Property; and
- Personal Care & Welfare

Each EPA has a range of options that you can select to customise the arrangement for your circumstances.

Personal Care and Welfare

An EPA in relation to personal care and welfare grants your attorney the power to make decisions in relation to your medical and personal care. You can only appoint one person at a time and they can only make decisions in relation to your care if you are not mentally capable of doing so.

While many people consider that an EPA for personal care and welfare is something to be addressed as we get older, we all face dangers simply crossing the road. An EPA for personal care and welfare will make any unforeseen medical emergencies easier to deal with, as medical professionals will know who they are obliged to consult with and who can make decisions on your behalf.

It is a good idea to consider creating an EPA for personal care and welfare at the earliest possible opportunity and certainly should be part of your planning for a major life event like getting married, having children or buying a house.

Property

An EPA in relation to property allows your attorney to deal with things you own, including real property (land) and personal property (pretty much everything else). For this type of EPA you can appoint multiple people as attorney. Attorneys may be required to work together (acting jointly) or make decisions on their own (severally), to make decisions in relation to managing your property.

A key benefit of an EPA in relation to property is that you can have it operate either when you cannot make decisions for yourself, or at all times. The latter may be useful if you are routinely out of the country for work or holidays and have people that you trust implicitly to manage your property for you. Your attorney can use the EPA to pay your bills, manage your money or sell your property while you are out of

the country, in a campervan in the south island without cellular reception, or if you are in a bit of a state and can’t make decisions for yourself.

When you come in to buy or sell your next home or update your will you really should be making sure that you have these EPA’s in place.