# **SAMPLE CONTINUING POWER OF ATTORNEY FOR PROPERTY FOR LAW PRACTICE**

 *Current as at October 2014*

The following sample continuing power of attorney for property for law practice may be used by lawyers when developing a contingency plan for their law practice in the event of their own incapacity or other disability preventing a return, whether temporary or otherwise, to their law practice. This sample document should be modified to suit the personal circumstances of the lawyer. When using this sample document, lawyers should consult the [Issues to Consider When Preparing Power of Attorney for Property Documents](https://lso.ca/lawyers/practice-supports-and-resources/topics/opening%2C-operating-or-closing-a-practice/contingency-planning-for-lawyers/issues-to-consider-when-preparing-power-of-attorne) that forms part of this Guide.

Continuing Power of Attorney for Property made in accordance with the *Powers of Attorney Act* and the *Substitute Decisions Act, 1992*, as amended.

**This Continuing Power of Attorney** for property is given by **(NAME OF DONOR)**, of the (insert “City” or ‘Town”) of , in the Province of Ontario.

1. I revoke any continuing power of attorney for property previously given by me in connection with the management and disposition of my Law Practice as defined in paragraph 2 below.

*Include this clause if there is an existing continuing power of attorney for the Law Practice that the lawyer wants revoked.*

1. For purposes of this continuing power of attorney for property:
	1. “**Law Practice**” means all property, both real and personal, of every nature and kind whatsoever, used in connection with my law practice including without limiting the generality thereof all bank accounts, investments, trust funds, client lists, client property, leasehold interests in any business premises, accounts receivable, goodwill, equipment, software and software licences, intellectual property and passwords, and includes my Law Practice Corporate Properties.

*Delete definition and reference to Law Practice Corporate Properties if no corporations form part of the Law Practice.*

* 1. “**Law Practice Corporate Properties**” means all shares, debt and other interests which I may own in (*insert name of law professional corporation*), any successor corporation, and any other corporation that owns assets used in the carrying on of my Law Practice or that has employees who are involved in the carrying on of my Law Practice; and
	2. “**Personal Assets**” means all my assets personally owned by me both real and personal of every nature and kind whatsoever save and except for my Law Practice.
1. I appoint **(NAME OF FIRST REPLACEMENT LAWYER)** to be my attorney for property in respect of my Law Practice and I authorize my attorney to do on my behalf anything in respect of my Law Practice that I could do if capable, except make a Will, subject to the law and any conditions or restrictions contained in this document.

If **(FIRST REPLACEMENT LAWYER)** cannot or will not be my attorney for property in respect of my law practice because of refusal, resignation, death, mental incapacity, removal by the court, or any other reason, I substitute **(NAME OF ALTERNATE REPLACEMENT LAWYER)** to act as my attorney for property in respect to my Law Practice in place of **(FIRST REPLACEMENT LAWYER)** in the same manner and subject to the same authority as **(FIRST REPLACEMENT LAWYER)**.

*The parties being named in this continuing power of attorney do not have to be the same as the parties named in the continuing power of attorney prepared for the lawyer’s personal property.*

1. It is my intention that this document is a continuing power of attorney for property pursuant to the *Substitute Decisions Act, 1992* and may be used during my incapacity to manage property.
2. This power of attorney includes the following powers:
	1. I authorize my attorney to exercise all such powers in connection with my Law Practice as I would be able to exercise had I chosen to exercise such powers myself, or had I legal capacity to exercise such powers. This therefore authorizes my attorney to bind, secure information, and execute documents on behalf of my Law Practice in respect of my attorney’s dealings with any person. Without restricting the generality of the foregoing, I expressly authorize my attorney to bind, secure information, and execute documents on behalf of my Law Practice in respect of any matter involving my clients, the Law Society of Ontario, the Lawyers’ Professional Indemnity Company LAWPRO, any institution in which I maintain a professional membership for my Law Practice, the government of Canada or any institution, such as a bank or trust company, regulated by the government of Canada.
	2. I authorize my attorney to delegate any act my attorney may exercise to some other person, and to revoke or suspend such delegation.
	3. I authorize my attorney to take physical possession of my Law Practice, including property held in a safety deposit box, property held in safekeeping by others on my behalf, and property held by others subject to some professional privilege, which privilege I waive for this purpose. For greater certainty, my attorneys shall be entitled to review my Will, in order to be able to manage my Law Practice in a manner that is sensitive thereto.
	4. My attorney shall be entitled to be compensated at the rate of $(*insert amount*) per hour for all reasonable time spent administering my Law Practice under this continuing power of attorney.
	5. My attorney shall be permitted to purchase any of my assets governed by this continuing power of attorney at fair market value with the consent of my attorney appointed in my continuing power of attorney dated , 20\*\* (*insert date*) in respect of my Personal Assets.
3. Any other general or limited power of attorney, whether continuing or not, granted by me with respect to my Personal Assets is not revoked and all such powers of attorney shall co-exist with this continuing power of attorney for my Law Practice as multiple powers of attorney.
4. This continuing power of attorney will come into effect on the date it is signed and witnessed.

I have signed this power of attorney in the presence of both of the witnesses who names appear below.

I have signed this power of attorney on , 20\*\* (*insert date*)

**[Signature of Donor]**

**[Name of Donor]**

*We are the witnesses to this power of attorney. We have signed this power of attorney in the presence of the person whose name appears above, and in the presence of each other, on the date shown above. Neither one of us is the attorney, a spouse or partner of the attorney, a spouse or child of the grantor or person whom the grantor has demonstrated a settled intention to treat as a child of the grantor, a person whose property is under guardianship or who has a guardian of the person, or less than eighteen years old. Neither one of us has any reason to believe that the grantor is incapable of giving a continuing power of attorney.*

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| [Signature of the Witness] | [*Signature of the Witness*] |
| Insert name and address of Witness | **Insert name and address of Witness** |