

IC 30-5-8

Chapter 8. Reliance Upon a Power of Attorney

IC 30-5-8-1

Effect of acts performed under power of attorney

Sec. 1. All acts performed by an attorney in fact under a power of attorney have the same effect, provide the same benefit, and bind the principal and the principal's successors in interest in the same manner as if the principal were competent, not incapacitated, and had acted on the principal's own behalf.

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

IC 30-5-8-2

Presumption of validity; actual knowledge of invalidity

Sec. 2. A written power of attorney that purports to be signed by the principal named in the power of attorney is presumed valid. A party may rely on the presumption of validity unless the party has actual knowledge that the power was not validly executed.

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

IC 30-5-8-3

Signature of attorney in fact as attestation; conclusive proof

Sec. 3. A signature of the attorney in fact that identifies the principal and the attorney in fact, or a similar written disclosure, is an attestation and is conclusive proof to a party relying on the attestation, except a party with actual knowledge that the attestation is false, that:

- (1) the principal was competent at the time the power of attorney was executed;
- (2) the attorney in fact does not have actual knowledge of the termination of the power of attorney;
- (3) in the case of a successor attorney in fact, the original attorney in fact has failed or ceased to serve, and the successor attorney in fact is empowered to act on behalf of the principal; and
- (4) if the effective date of the power of attorney begins upon the occurrence of a certain event, the event has occurred and the attorney in fact is able to act under the power of attorney.

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

IC 30-5-8-4

Investigation not required

Sec. 4. A person relying on the power of attorney or the attestation of the attorney in fact is not required to investigate any of the following:

- (1) Whether the power of attorney is valid.
- (2) Whether the attorney in fact is authorized to act.
- (3) What the attorney in fact does with property delivered to the attorney in fact.

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

IC 30-5-8-5

Copy of power of attorney; certification

Sec. 5. A copy of the power of attorney has the same force and effect as the original power of attorney if the attorney in fact certifies that the copy is a true and correct copy.

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

IC 30-5-8-6

Concurrent appointments; independent execution

Sec. 6. Appointments made under this article, IC 16-36-4, and IC 16-36-1 can be made concurrently and will be given full effect under the law. However, the appointments may be executed independently and remain valid in their own right.

As added by P.L.149-1991, SEC.2. Amended by P.L.2-1993, SEC.159.

IC 30-5-8-7

Reliance on power of attorney; immunity

Sec. 7. (a) A person who acts in good faith reliance on a power of attorney is immune from liability to the same extent as if the person had dealt directly with the named principal and the named principal had been competent and not incapacitated.

(b) The named attorney in fact may furnish an affidavit to a person that states, to the best knowledge of the attorney in fact:

- (1) that the instrument relied on by the person is a true copy of the power of attorney;
- (2) that the named principal is alive;
- (3) that the power of attorney was validly granted and executed;
- (4) that the relevant powers granted to the attorney in fact have not been altered or terminated;
- (5) in the case of a successor attorney in fact, that the original attorney in fact has failed or ceased to serve and the successor attorney in fact is empowered to act on behalf of the principal; and
- (6) if the effective date of the power of attorney begins upon the occurrence of a certain event, that the event has occurred and the attorney in fact is authorized to act under the power of attorney.

(c) A person who:

- (1) relies on an affidavit described in subsection (b); and
- (2) acts in good faith;

is immune from liability that might otherwise arise from the person's action in reliance on the power of attorney that is the subject of the affidavit.

As added by P.L.238-2005, SEC.51.