



Arkansas Army National Guard
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Provide Feedback

Instructions for Revoking a Power of Attorney Under Arkansas Law

1. References: Arkansas Code Annotated §§18-12-502 and 28-68-110.
2. The purpose of this document is to provide information to Arkansas National Guard Servicemembers regarding the termination or revocation of a Power of Attorney. The following documents will help to address this issue when and if the need arises.
3. Enclosure number one is a draft letter that the Servicemember needs to send to the Circuit Clerk's Office of the county of the Servicemember's home of record, the county of the person who was given the Power of Attorney, and any other county where the Power of Attorney was intended to operate.
4. Enclosure number two is the actual revocation that will accompany Enclosure number one. Both of these documents need to be sent to every business or other institution (e.g., school, hospital, or bank) where the Power of Attorney has been used. Additionally, both of these documents need to be sent to the Attorney-in-Fact by certified mail to ensure notification of the revocation.
5. Enclosure number three is the statutory language for Arkansas Code Annotated §§18-12-502 and 28-68-110. These statutes govern Power of Attorney revocations.
6. Enclosure number four is a step by step guide for revoking a Power of Attorney. This document can be used as a checklist to ensure Servicemembers have taken all the necessary steps in revoking their Power of Attorney.

Enclosure 1:

[INSERT NAME AND ADDRESS]

[INSERT DATE]

[INSERT Circuit Clerk's Office Address; Business Address; or other applicable address]

RE: Revocation of Power of Attorney given to [INSERT NAME of POA]

Dear Clerk:

Please find enclosed my written revocation of a Power of Attorney given to the above referenced individual. This termination of the power of attorney is made in accordance with Arkansas Code Annotated §§18-12-502 and 28-68-110. Please file this revocation in the appropriate office and return a copy to me in the enclosed self-addressed stamped envelope. Thank you for your assistance in this matter. If you have any questions please feel free to contact me at **[HOWEVER SOLDIER WANTS TO BE CONTACTED, e.g., address, email address, phone number, etc.]**

Sincerely,

[INSERT NAME]
[ADDRESS]

Enclosure 3:

Arkansas Code Annotated § 18-12-502. Written revocation--Filing requirement

(a)(1) A power of attorney, acknowledged or proved and certified as prescribed by this act, may be revoked by the maker of the power of attorney or his or her legal representatives.

(2) The revocation shall be in writing acknowledged or proved before the proper court or officer and filed for record in the county or counties where the power of attorney was intended to operate.

(b) A power of attorney is revoked and void from the time of filing the revocation for record.

Arkansas Code Annotated § 28-68-110. Termination of power of attorney or agent's authority.

(a) A power of attorney terminates when:

(1) the principal dies;

(2) the principal becomes incapacitated, if the power of attorney is not durable;

(3) the principal revokes the power of attorney;

(4) the power of attorney provides that it terminates;

(5) the purpose of the power of attorney is accomplished; or

(6) the principal revokes the agent's authority or the agent dies, becomes incapacitated, or resigns, and the power of attorney does not provide for another agent to act under the power of attorney.

(b) An agent's authority terminates when:

(1) the principal revokes the authority;

(2) the agent dies, becomes incapacitated, or resigns;

(3) an action is filed for the dissolution or annulment of the agent's marriage to the

principal or their legal separation, unless the power of attorney otherwise provides;
or

(4) the power of attorney terminates.

(c) Unless the power of attorney otherwise provides, an agent's authority is exercisable until the authority terminates under subsection (b), notwithstanding a lapse of time since the execution of the power of attorney.

(d) Termination of an agent's authority or of a power of attorney is not effective as to the agent or another person that, without actual knowledge of the termination, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

(e) Incapacity of the principal of a power of attorney that is not durable does not revoke or terminate the power of attorney as to an agent or other person that, without actual knowledge of the incapacity, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

(f) The execution of a power of attorney does not revoke a power of attorney previously executed by the principal unless the subsequent power of attorney provides that the previous power of attorney is revoked or that all other powers of attorney are revoked.

Enclosure 4:

STEPS TO TERMINATING YOUR POWER OF ATTORNEY

1. Ensure that a revocation of the Power of Attorney is what you need to do. Discuss your course of action with the Division of Legal Assistance prior to taking any action.
2. Send the foregoing letter and revocation to the Circuit Clerk's Office of the county of the Soldier's home of record, the county of the person who was given the Power of Attorney, and any other county where the Power of Attorney was intended to operate. Also send it to any business or other institution (e.g., bank, hospital, car dealership, school, or other business) where the Power of Attorney has been used by the Attorney-in-Fact. Send this notification via certified mail.
3. Courtesy copy your Attorney-in-Fact with the foregoing letter and revocation to put them on notice of the termination of their power. Send this notification via certified mail. Sending a certified letter to the originally appointed Power of Attorney serves as legal notice of his revocation of duties. Be sure to save the receipt of certified mail as proof of service that notice was given. Oral notification is not enough to revoke the Power of Attorney.
4. Try to retrieve the original Power of Attorney documents. If you are unable to retrieve them, or your previous Attorney-in-Fact refuses to return them, your receipt of certified mail will provide proof of notice of revocation.
5. If you execute another Power of Attorney, naming another or the same Attorney-in-Fact, send the new Power of Attorney documents to the appropriate parties. (E.g., the County Clerk, banks, hospitals, the new Attorney-in-Fact, etc.)
6. If you fear your credit has been damaged as a result of your Attorney-in-Fact's actions, you can obtain a free credit report from www.annualcreditreport.com.

This handout is distributed by the Arkansas Office of the Staff Judge Advocate, Office of Legal Assistance as a preventive law service. This document and other helpful information on similar personal legal affairs topics can be found on the office's website located at <https://arkansas.nationalguard.mil/Home/JAG-Legal/>

For more information on this topic or to consult with a legal assistance attorney contact the Arkansas National Guard Office of Legal Assistance at 501-212-5040 to establish eligibility and appointment times.