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## **Revoking a Power of Attorney**

The law allows a person who has executed a power of attorney to revoke it for any reason. If, for instance, you become unhappy with the person you have appointed to make decisions for you under a durable power of attorney, you may revoke the power of attorney at any time. There are a few steps you should take to ensure the document is properly revoked.

**New Power of Attorney Revokes Older Ones.** Any new power of attorney should state specifically that old powers of attorney are automatically revoked by the execution of the new document.

**Put Revocation in Writing.** You should put the revocation in writing. The revocation should include your name, a statement that you are of sound mind, and your wish to revoke the power of attorney. You should also specify the date the original power of attorney was executed and the person selected as your agent.

**Inform Others of Your Decision.** Sign the revocation and send it to your current agent as well as any institutions or agencies that have a copy of the power of attorney. Attach your new power of attorney if you have one. You will also need to get the old power of attorney back from your agent. If you can't get it back, send the agent a certified letter, stating that the power of attorney has been revoked.

**Record Your Revocation or New Power of Attorney.** A durable power of attorney should be recorded in the Chancery Clerk's office of the county where the maker resides and every county where the maker owns real estate. This recording provides public notice of the power of attorney authority or its revocation. Also, if the original power of attorney is lost, a certified copy may be obtained from the Chancery Clerk for use.

**Have a Power of Attorney.** Because a durable power of attorney is possibly the most important estate planning instrument available, if you revoke a power of attorney, it is important to have a new one in place. We can assist you in revoking an old power of attorney or drafting a new one.