

**NEW MEXICO  
DURABLE POWER OF ATTORNEY  
OF**

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This power of attorney authorizes another person (my agent) to make decisions concerning my property for me (the principal). My agent will be able to make decisions and act with respect to my property (including my money) whether or not I am able to act for myself. The meaning of authority over subjects listed on this form is governed by the Uniform Power of Attorney Act, 45-5b-101 to 45-5b-403 NMSA 1978, as it may be amended. This power of attorney does not authorize the agent to make health care decisions for me.

**PART 1  
DESIGNATION OF AGENT**

(1) DESIGNATION OF AGENT: I, \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_ County, New Mexico, hereby revoke all prior durable powers of attorney, and hereby appoint the following person as my agent:

Name of Agent:	
Relationship:	
Agent's Address:	
Agent's Telephone No.:	

(2) If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent:	
Relationship:	
Successor Agent's Address:	
Successor Agent's Telephone No.:	

(3) EFFECTIVE DATE: This power of attorney is effective immediately.

(4) DURABILITY: My agent's authority will continue until I die or revoke the power of attorney or the agent resigns or is unable to act for me. This power of attorney shall not be affected by my subsequent incapacity or lapse of time.

(5) COMPENSATION: My agent is entitled to reasonable compensation.

**PART 2**  
**AGENT'S AUTHORITY**

(1) GRANT OF GENERAL AUTHORITY: I grant my agent and any successor agent general authority to act for me with respect to the following subjects as further described in New Mexico Statutes Annotated 45-5b-201, *et seq*:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects, you may initial "All Preceding Subjects" instead of initialing each subject.)

Real Property

Tangible Personal Property

Stocks and Bonds

Commodities and Options

Banks and Other Financial Institutions

Operation of Entity or Business

Insurance and Annuities

Estates, Trusts and Other Beneficial Interests

Claims and Litigation

Personal and Family Maintenance

Benefits from Governmental Programs or Civil or Military Service

Retirement Plans

Taxes

All Preceding Subjects

(2) GRANT OF SPECIFIC AUTHORITY: My agent may do any of the specific acts by which I have placed an "X."

The authority granted in this section shall only be used if in my agent's sole discretion it is determined that the disposition of my property which will be effected by such action is not fundamentally inconsistent with my Will, any trust agreement, or other instruments governing the disposition of my property at the time of my death that are in effect at that time, and that such action (i) will facilitate the administration of my estate, and/or (ii) will reduce the aggregate federal or state gift, death, inheritance, estate, excise, generation-skipping transfer and other transfer taxes with respect to the property distributed during my lifetime and which may become payable as a result of my death; or (iii) will enable me to qualify for government benefits of any sort.

- Create, amend, revoke or terminate an inter vivos trust
- Make a gift, subject to the limitations of Section 217 of the Uniform Power of Attorney Act and any special instructions in this power of attorney
- Create or change rights of survivorship
- Create or change a beneficiary designation
- Authorize another person to exercise the authority granted under this power of attorney
- Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- Exercise fiduciary powers that the principal has authority to delegate
- Disclaim or refuse an interest in property, including a power of Appointment

(3) I grant my agent all right, power and authority to full access of my digital assets, including, without limitation, the content thereof, of any and every kind, regardless of form and medium, and wherever situated and in any manner held, and my agent's full access authority and control of my digital assets shall be the same as my full access authority and control thereover, including, without limitation, the right to disclosure, copying, dissemination and termination, to the full extent provided for in the Revised Uniform Fiduciary Access to Digital Assets Act, §46-13-1, NMSA 1978 (2018).

(4) **LIMITATION ON AGENT'S AUTHORITY:** An agent that is not my ancestor, spouse or descendant may not use my property to benefit the agent or a person to whom the agent owes an obligation of support.

**PART 3  
SPECIAL INSTRUCTIONS**

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

**PART 4  
NOMINATION OF CONSERVATOR OR GUARDIAN (OPTIONAL)**

If it becomes necessary for a court to appoint a conservator or guardian of my estate or guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for conservator of my estate: \_\_\_\_\_

Nominee's Address: \_\_\_\_\_

Nominee's Telephone Number: \_\_\_\_\_

Name of Nominee for guardian of my person: \_\_\_\_\_

Nominee's Address: \_\_\_\_\_

Nominee's Telephone Number: \_\_\_\_\_

**PART 5  
RELIANCE ON THIS POWER OF ATTORNEY**

(1) Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

(2) A person dealing with my agent in good faith may assume that my agent is exercising the agent's authority properly and shall have no liability if that is not the case.

(3) An acknowledged certificate by a successor agent, whether or not in statutory form, declaring that a prior agent named by me is unable or unwilling to serve shall be conclusive evidence of that fact to any recipient of the certificate.

IN WITNESS WHEREOF, I hereby ratify and confirm all that my agent shall do and cause to be done on my behalf, and hereunto set my hand and seal to these instructions at \_\_\_\_\_, New Mexico, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Principal  
Printed name of Principal:  
Address:

Phone number:

WITNESSES:

\_\_\_\_\_

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_