

Instructions

The attached New York Statutory Short Form Power of Attorney and New York Statutory Gifts Rider Authorization went into effect on September 12, 2010.

These documents have been drafted to satisfy the language requirements set out in GOL § 5-1513 and GOL § 5-1514 for the New York Statutory Short Form Power of Attorney and the New York Statutory Gifts Rider Authorization for Certain Gift Transactions, respectively. Since these are statutory forms, the language cannot be added to or modified*.

Although the specific language of the statutory forms cannot be changed, modifications can be made in subsection (g) of the Power of Attorney form and under paragraphs (b) and (c) of the Statutory Gifts Rider Authorization. Sample modifications to the Power of Attorney form and the Statutory Gifts Rider Authorization are also included**. Please note that some of these clauses are mutually exclusive and should be inserted in accordance with the direction/best interests of the Principal. You should also enter your own modifications, as appropriate, to best meet the needs of the Principal.

These forms have been formatted using Microsoft Word. When you access the Power of Attorney form or Statutory Gifts Rider, **click on the form to open it and then press Function Key #11 (F11)**. By pressing F11, the cursor will move to the next field in the form. In order to insert any of the modification(s) provided, you will need to highlight and 'copy' the desired modification(s) and then 'paste' it/them under (g) in the Power of Attorney form and (b) and/or (c) in the Statutory Gifts Rider. To add your own modification(s), simply enter it/them in under (g) in the Power of Attorney form and (b) and/or (c) in the Statutory Gifts Rider, as appropriate.

*Editor's Note: Additional language can be added to or substituted for the language in the statutory form (GOL 5-1503(2)). Gift-giving power can be changed to reflect the current gift tax annual exclusion or, more often, to make even larger gifting options with broader choice of who such gifts can be made to. It can also limit the agent from gifting to himself or herself.

**The modifications are provided by Kathryn Grant Madigan of Levene Gouldin & Thompson, LLP, and other State Bar volunteers, including Michael O'Connor of Costello, Cooney & Fearon PLLC.