

Powers Of Attorney

GUYANA
COUNTY OF DEMERARA

LIMITED POWER OF ATTORNEY

Be it known that on this 2nd day of March 1991, Before me, Indera Singh, Notary Public practicing in the City of Oldtown, County of Demerara, Republic of Guyana, personally came and appeared Simon Small of 67, Seventh Street, Oldtown, Demerara (hereinafter called the appearer), which appearer stated and declared that he had made, nominated and appointed and by these presents doth make nominate and constitute and appoint Denise Fung of 45 Ninth Street, Oldtown, Demerara, (hereinafter called the attorney) to be the true and lawful attorney of the appearer and on his behalf to do and execute the following acts deeds and things:

1. To let the appearer's property at 12 Third Street, Oldtown, Demerara on such terms as the attorney shall think fit.
2. To collect all rents from the tenants of the said premises and to do all such acts and things as are necessary to recover arrears of rent in respect of the said premises.
3. To give notice to quit to any tenant of the said premises and to do all such acts and things as are necessary to recover possession of the said premises from any tenant.
4. Generally to do all such acts and things in connection with the letting of the said premises that the attorney shall think fit.

And the Appearer declared and agreed to ratify allow and confirm all and whatever the attorney shall or may lawfully do or cause to be done in and about the premises under and by virtue of these presents.

Thus done and passed in the City of Oldtown, County of Demerara, Republic of Guyana on the day and year first above written in the presence of the subscribing witnesses.

.....
Simon Small

Witnesses

1.

AND IN MY PRESENCE
QUOS ATTESTER

2.

NOTARY PUBLIC

What Is A Power Of Attorney

A power of attorney is legal authority to act for another person. The document by which such authority is given is called a power of attorney or the empowered or duly constituted attorney.

The giver of a power of attorney is called the principal and the person to whom it is given is called the attorney, or the empowered or duly constituted attorney.

Types Of Power Of Attorney

There are four types of power of attorney:-

1. **General Powers Of Attorney** by which the attorney can do everything possible for the principal.
2. **Limited Powers Of Attorney** by which the attorney can only do those things for the principal, which are clearly set out in the power.
3. **Special Powers Of Attorney** by which the attorney is authorized to perform one special act for the principal.
4. **Irrevocable Powers Of Attorney**, which are of two kinds:
 - (a) for value; and
 - (b) whether for value or not, for a fixed period of time.
The seller may give an irrevocable power of attorney for value to the buyer of a property.

Requirements For A Valid Power Of Attorney

1. All powers of attorney must be in writing and executed by the giver of the power before a notary public and at least one but normally two witnesses. It is not necessary for the attorney to sign the power.
Note however that if a power of attorney is made in the United States of America or any other non-Commonwealth country the execution requirements are different. There are several ways in which the power can be executed in order to be valid in Guyana but the simplest is for the execution to take place before an officer of a Guyana consulate or embassy.
2. Except for special powers of attorney under the Deeds Registry Act authorising the passing of a transport mortgage or lease, or empowering someone to apply for a grant of Letters of Administration of a deceased person's estate, all powers of attorney must be registered in the Deeds Registry.

Revoking A Power Of Attorney

General and limited powers of attorney may be revoked (i.e. cancelled) at any time the principle likes.

The revocation must be in writing and filed in the Deeds Registry. A certified copy of the revocation must served on the attorney warning her/him of the date on which she/he will no longer have the power to act for the principal.

Irrevocable powers of attorney can only be revoked by:

- (a) agreement between the principal and attorney; or
- (b) death, disability (e.g. insanity) or bankruptcy of the principal.

Renunciation Of A Power Of Attorney

An attorney who changes her/his mind about acting for the principal may **renounce** the appointment.

The renunciation must be in writing and filed in the Deeds Registry. A certified copy must be served upon the principal.

Duties Of Attorney

1. An attorney must not make a secret profit for her/himself out of acting for the principal although she/he may take expenses.
2. An attorney must account to the principal for all money received and paid out on the principal's behalf.