



# Durable Power of Attorney

By completing this form, I revoke any Durable Power of Attorney forms on file at the Texas County & District Retirement System (TCDRS), and I intend to create a durable power of attorney by appointing the agent(s) designated below to make TCDRS-related decisions on my behalf and as allowed by the Durable Powers of Attorney Act, Subtitle P, Title 2, Estates Code. This power is expressly limited to decisions relating to my TCDRS account.

## Member/Principal Information

Principal First Name	Principal Middle Name	Principal Last Name	Suffix	Last 4 SSN
Phone Number	Email	Address	City	State ZIP Code

## Designation of Agent for Matters of TCDRS

I designate the following person to be my agent.

Agent First Name	Agent Middle Name	Agent Last Name	Suffix
Relationship to Principal	Address	City	State ZIP Code
Phone Number	Email Address		

## Co-Agent (Not Required)

You may designate a co-agent that may act independently from the agent above.

Co-Agent First Name	Co-Agent Middle Name	Co-Agent Last Name	Suffix
Relationship to Principal	Address	City	State ZIP Code
Phone Number	Email Address		

## Designation of Successor Agent (Not Required)

You may designate a successor agent to act if your agent(s) listed above are unable or unwilling to act.

Successor First Name	Successor Middle Name	Successor Last Name	Suffix
Relationship to Principal	Address	City	State ZIP Code
Phone Number	Email Address		



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## Grant of Authority

You may choose to give your agent full power over your TCDRS account or select one or more limited powers. If neither full nor specific limited power(s) are selected, it will be assumed that you choose to grant your agent full power over your TCDRS account.

**Full Power**

I grant my agent full power to manage all aspects of my TCDRS account and retirement transactions including, but not limited to, applying for benefits, managing payments and designating beneficiaries.

**Specific Limited Power(s)**

I grant my agent only the following limited power(s) with respect to my TCDRS account (check those that apply):

- Manage payments, including bank account updates, payment replacements and withholding changes
- Apply for benefits
- Update beneficiary designations

## Duration of Power of Attorney

This power of attorney is not affected by my subsequent disability or incapacity and will be effective immediately upon my signature before a Notary Public and being filed with TCDRS and will continue until revoked unless I have otherwise noted by checking the box below.

- This power of attorney becomes effective on my disability or incapacity. A TCDRS Physician's Affidavit or a written declaration from my physician certifying that I am mentally incapable of managing my own financial affairs will be required to activate this power of attorney.

I hereby bind myself to indemnify and hold harmless any third party for any and all loss or damage, including liability, which said third party may at any time sustain or incur in connection with having accepted and acted under this power of attorney.

\_\_\_\_\_ Member Signature (Principal) \_\_\_\_\_ Date

STATE OF TEXAS COUNTY OF \_\_\_\_\_

This power of attorney was subscribed, sworn to, and acknowledged before me on \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_  
Month Year Principal's Name

\_\_\_\_\_  
Notary Public in and for the State of Texas

(SEAL)

\_\_\_\_\_  
Printed Name of Notary

\_\_\_\_\_  
Notary Commission Expires



# Information About the TCDRS Power of Attorney

A durable power of attorney is an important legal document. By signing a durable power of attorney, you are authorizing another person to take action on your TCDRS account. Please consult an attorney with any questions about the designation of an agent or agents under a power of attorney.

## **Definitions**

### **Principal**

The TCDRS member designating a power of attorney.

### **Agent**

An individual designated by the principal to act on behalf of the principal.

### **Durable**

A durable power of attorney allows the powers granted to continue after the principal's mental incapacity or inability to manage their own financial affairs.

### **Incapacity or Disability**

For purposes of this power of attorney, the principal is considered disabled or incapacitated if a physician certifies in writing at a date later than the date this power of attorney is executed that, based on the physician's medical examination of the principal, the principal is mentally incapable of managing their own financial affairs.

## **How to Revoke the Power of Attorney**

The principal may revoke a power of attorney designated at TCDRS by logging in to TCDRS.org or by calling Member Services at 800-823-7782.

## **Duties of the Agent**

### **Fiduciary Duties**

A person who accepts appointment as an agent under a durable power of attorney is a fiduciary to the principal only when acting as an agent under the power of attorney and has a duty to inform and to account for actions taken under the power of attorney.

### **Duty to Timely Inform Principal**

The agent shall timely inform the principal of each action taken under a durable power of attorney, but failure of an agent to timely inform the principal does not invalidate any action of the agent.

### **Maintenance of Records**

The agent shall maintain records of each action taken or decision made by the agent. The agent shall maintain all records until delivered to the principal, released by the principal, or discharged by a court.

The principal may demand an accounting by the agent.

## **Information About This Form**

This durable power of attorney form is acceptable for TCDRS-related business. The principal should talk with an attorney if they want to create a power of attorney for other purposes.

A photocopy of this power of attorney document is acceptable provided it is legible and shows all required seals and signatures.



# Questions and Answers about the TCDRS Durable Power of Attorney

TCDRS-67  
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Page 4 of 4

## **Do I need a power of attorney?**

For purposes of TCDRS, you may wish to create a power of attorney if you would like to prepare for a time you may not be mentally competent, or wish to allow an individual(s) to handle your TCDRS account.

## **Can I wait until I am mentally incapacitated to create a power of attorney?**

No, you must be mentally competent (and not acting under the undue influence of another person) at the time you create a power of attorney.

## **If I sign the TCDRS Durable Power of Attorney form, can I continue to handle my TCDRS account until such time that I am unable to handle my own financial affairs?**

Yes, you may always handle your account until such time as you become unable to handle your own financial affairs. However, TCDRS will also accept actions by your agent. If you do not want the agent to act on your behalf until you are mentally incapacitated or disabled, you may want to make the power of attorney become effective upon your mental disability or incapacitation by checking the box under the Durable Power of Attorney section of this form.

## **Can I use a power of attorney other than the TCDRS-67?**

Yes, however, you must ensure that the power of attorney you submit to TCDRS gives your agent authority to handle your TCDRS account.

## **How is my power of attorney terminated?**

Some common examples of how a power of attorney is terminated include when you pass away, you revoke a power of attorney, a power of attorney provides a termination date, you divorce the agent, or a court appoints a guardian.