

February 9, 2012 www.mcvpr.com**McV ALERT*****Puerto Rico adopts the Durable Power of Attorney***

On January 18, 2012 the Governor of Puerto Rico signed into law Act 25-2012 (effective the same day) which amends the Civil Code of Puerto Rico to allow the granting of a Durable Power of Attorney. Among the main provisions of the Act:

- It allows a person to grant a Durable Power of Attorney that will be legally effective and valid through the progress of any disabling disease, even if a court determines the person is no longer legally capable.
- It requires that a Durable Power of Attorney be in the form of a deed and provides that it will be effective after the grantor becomes or is judicially declared disabled.
- In the event that the Durable Power of Attorney provides for the transfer or encumbrance of any real property, the parcels of land have to be specifically described in the Durable Power of Attorney. However, in the case of the residence of the grantor, it may only be transferred or encumbered by a court order.
- The grantor of a Durable Power of Attorney may also authorize the sale or encumbrance of any after-acquired property, as well as exclude from the powers granted any particular property or action.

If you have any questions or comments, or wish additional information regarding this matter, please contact any of the following attorneys:

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