

## Overview:

A power of attorney is a written document that gives a person the power to act for another. There are two kinds of powers of attorney: general and specific.

1. A general power of attorney gives the designated agent (*the "attorney-in-fact"*) the power to act for the principal (*the person giving the powers*) with regard to variety of activities permitted by law.
2. A specific power of attorney gives the agent the power to act for the principal with regard to specific matters, such as the power to perform all actions necessary to buy or sell a particular piece of property.

**Note:** Language in a power of attorney is construed strictly. For example, the specific authority to "sell" property may authorize negotiation of the terms of sale but may not include authorization to execute a deed.

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## Specific Considerations:

The title company will not rely on a power of attorney unless it is properly executed, acknowledged, and recorded in the property records in the county where the property is located.

The title company must approve any power of attorney to be used to sign closing documents. Specific powers of attorney are preferred for use in real property transactions.

In most cases, the title company will contact the principal at the time of closing to ensure that the principal has not died or otherwise revoked the power of attorney.

*Disclaimer: This document is intended to be a general overview of powers of attorney in Texas and may not cover the particulars of your circumstances. If you intend to use a power of attorney with respect to a real estate transaction, please seek legal counsel and discuss your plans with the title company closing your transaction as early as possible.*