

***Repealed 5/10/2016***

**75-5-502 Other powers of attorney not revoked until notice of death or disability.**

- (1) The death, disability, or incompetence of any principal who has executed a power of attorney in writing other than a power as described by Section 75-5-501, does not revoke or terminate the agency as to the attorney-in-fact, agent, or other person who, without actual knowledge of the death, disability, or incompetence of the principal, acts in good faith under the power of attorney or agency. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and his heirs, devisees, and personal representatives. This power is exercisable notwithstanding the lapse of time since the execution of the instrument, unless the instrument states a time of termination.
- (2) An affidavit, executed by the attorney-in-fact or agent stating that he did not have, at the time of doing an act pursuant to the power of attorney, actual knowledge of the revocation or termination of the power of attorney by death, disability, or incompetence is, in the absence of fraud, conclusive proof of the nonrevocation or nontermination of the power at that time. If the exercise of the power requires execution and delivery of any instrument which is recordable, the affidavit when authenticated for the record is likewise recordable.
- (3) This section may not be construed to alter or affect any provision for revocation or termination contained in the power of attorney. Notwithstanding any provision of the power of attorney to the contrary, the power of attorney ends at death subject to the provisions of this section.