

Effective 9/1/2024

75A-2-106 Validity of power of attorney.

- (1) A power of attorney executed in this state on or after May 10, 2016, is valid if its execution complies with Section 75A-2-105.
- (2) A power of attorney executed in this state before May 10, 2016, is valid if its execution complied with the law of this state as it existed at the time of execution.
- (3) A power of attorney executed other than in this state is valid in this state if, when the power of attorney was executed, the execution complied with:
 - (a) the law of the jurisdiction that determines the meaning and effect of the power of attorney pursuant to Section 75A-2-107; or
 - (b) the requirements for a military power of attorney pursuant to 10 U.S.C. Sec. 1044b.
- (4) Except as otherwise provided by statute other than this chapter, a photocopy or electronically transmitted copy of an original power of attorney has the same effect as the original. For transactions involving real property, the copy of the power of attorney may be recorded in the county where the transaction lies when attached to an affidavit of the person accepting the power of attorney.

Renumbered and Amended by Chapter 364, 2024 General Session