

**§ 32C-1-110. Termination of power of attorney.**

- (a) A power of attorney terminates when any of the following occur:
- (1) The principal dies.
  - (2) If the power of attorney is not durable, the principal becomes incapacitated.
  - (3) The principal revokes the power of attorney.
  - (4) The power of attorney provides that it terminates.
  - (5) The purpose of the power of attorney is accomplished.
  - (6) The principal revokes the agent's authority or the agent dies, becomes incapacitated, or resigns, and the power of attorney does not provide for another agent to act under the power of attorney.
  - (7) A guardian of the principal's estate or general guardian terminates it.
- (b) An agent's authority terminates when any of the following occur:
- (1) The principal revokes the authority in writing.
  - (2) The agent dies, becomes incapacitated, resigns, or is removed.
  - (3) The court enters a decree of divorce between the principal and the agent, unless the power of attorney otherwise provides.
  - (4) The power of attorney terminates.
  - (5) A guardian of the principal's estate or general guardian terminates the authority.
- (c) Unless the power of attorney otherwise provides, an agent's authority is exercisable until the authority terminates under subsection (b) of this section, notwithstanding a lapse of time since the execution of the power of attorney.
- (d) Termination of an agent's authority or of a power of attorney is not effective as to the agent or another person that, without actual knowledge of the termination, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.
- (e) Incapacity of the principal of a power of attorney that is not durable does not revoke or terminate the power of attorney as to an agent or other person that, without actual knowledge of the incapacity, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.
- (f) The execution of a power of attorney does not revoke a power of attorney previously executed by the principal unless the subsequent power of attorney provides that the previous power of attorney is revoked or that all other powers of attorney are revoked.
- (g) A principal may revoke a power of attorney in one of the following manners:
- (1) If the power of attorney has been registered in an office of the register of deeds in this State, it shall be revoked by registration in that office by an instrument of revocation executed and acknowledged by the principal while the principal is not incapacitated with proof of service on the agent in the manner prescribed for service under Rule 5 of the North Carolina Rules of Civil Procedure.
  - (2) If the power of attorney has not been registered in an office of the register of deeds in this State, it may be revoked by one of the following methods:
    - a. A subsequent written revocatory document executed and acknowledged while not incapacitated.
    - b. Being burnt, torn, canceled, obliterated, or destroyed, with the intent and for the purpose of revoking it, by the principal or by another person in the principal's presence and at the principal's direction, while the principal is not incapacitated.
- (h) A guardian of the principal's estate or general guardian terminates a power of attorney that has been registered in an office of the register of deeds in this State by registering

in that office an instrument of revocation executed and acknowledged by such guardian and with proof of service on the agent in the manner prescribed for service under Rule 5 of the North Carolina Rules of Civil Procedure. (2017-153, s. 1.)