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ERFC Durable Power of Attorney (Designation of Agent for ERFC Matters)

By completing this form, I revoke any or all Power of Attorney forms on file at The Educational Employees' Supplementary Retirement System of Fairfax County (ERFC) and I intend to create a durable power of attorney by appointing the agent(s) designated below to make retirement system-related decisions on my behalf and as allowed by the Code of Virginia. This power is expressly limited to decisions relating to my benefits under The Educational Employees' Supplementary Retirement System of Fairfax County.

PART A – Designation of Agent for Matters Regarding ERFC

SSN: _____ Home Phone: _____

I, _____ of, _____ ,
Member Name (Street Address)

City of _____ , County of _____

State/Commonwealth of _____ name the following person as my agent:

Agent's Name: _____

Agent's Address: _____

Agent's Phone Number: _____

PART B – Designation of Successor Agent(s) (Optional)

If my agent is unable or unwilling to act on my behalf, I name as my successor agent:

Successor Agent's Name: _____

Successor Agent's Address: _____

Successor Agent's Phone Number: _____

If my successor agent is unable or unwilling to act on my behalf, I name as my second successor agent:

Second Successor Agent's Name: _____

Second Successor Agent's Address: _____

Second Successor Agent's Phone Number: _____

Part C. Grant of General Authority for Matters Regarding ERFC

I grant my agent and any successor agent general authority to act for me with respect to the plans administered by The Educational Employees' Supplementary Retirement System of *Fairfax County* as provided in the Uniform Power of Attorney Act, Va. Code § 64.2-1636. This includes the following actions:

1. Selecting the form and timing of payments under an ERFC plan and withdrawing benefits from the plan;
2. Making a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another;
3. Enrolling in an ERFC plan in my name;
4. Making contributions to an ERFC plan; and
5. Transferring assets to an ERFC plan.

This grant of general authority shall not be interpreted in any way to provide any type of benefit or any option not otherwise provided under the plans administered by The Educational Employees' Supplementary Retirement System of *Fairfax County*.

Part D. Grant of Specific Authority for Matters Regarding ERFC (Optional)

In addition to the general grant of authority given in Part C, my agent has express authority for only those specific acts that I have initialed below. If I have not initialed one or more of those acts, it should be construed as a declaration of my intent that the agent does **not** have the authority to act for me with respect to each item that I have not initialed:

- (_____) Create or change a beneficiary designation
- (_____) Select optional methods of payment for my retirement benefits
- (_____) Authorize another person to exercise the authority granted under this power of attorney

Important Note: Granting authority for any act(s) above will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death.

Part E. Reliance on this Power of Attorney

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

Part F. Member Signature and Notarization

Member's Signature	Typed or Printed Name of Member
Member's Daytime Phone Number	Date Executed

This certificate must be executed by a notary public or a court official authorized to take acknowledgements. This form is invalid unless notarized.

The individual whose name is signed to the foregoing instrument personally appeared before me, acknowledged the foregoing signature to be his/hers, and having been duly sworn by me, made an oath that the statements in the said instrument are true.

State of _____ City/County of _____ on _____ 20 _____

Notary Registration # _____ My commission expires _____ Signature _____

SIGNED ORIGINAL FORM REQUIRED FOR RECORDS

Information about the ERFC Durable Power of Attorney

This information sheet provides clarification about The Educational Employees' Supplementary Retirement System of *Fairfax County* (ERFC) Durable Power of Attorney

Definitions

Agent An individual who is designated by the member to do specified acts on behalf of the member. For purposes of the ERFC Durable Power of Attorney, it is the individual designated by the power of attorney to act on behalf of the member who is entitled to or receiving benefits under an ERFC plan.

Durable A durable power of attorney allows the powers conferred by the document to continue if the member becomes disabled or incapacitated from acting on his or her own behalf.

Incapacity Inability to manage property or business affairs because the individual:
(1) Has an impairment in the ability to receive and evaluate information or make or communicate decisions even with the use of technological assistance; or
(2) is missing or outside the United States and unable to return.

Member Any employee who satisfies the ERFC membership requirements.

The ERFC Durable Power of Attorney allows an ERFC member or beneficiary to designate an agent to handle ERFC affairs such as filing applications, making benefit selections, and designating beneficiaries.

It is important to have a current power of attorney on file with ERFC since the law regarding powers of attorney may change from time to time. It is preferred that the ERFC Durable Power of Attorney be used, because it provides specific authority for the agent regarding ERFC-related benefits and ERFC will always honor a current ERFC Durable Power of Attorney for any transaction. For other, more general powers of attorney, ERFC will determine (at the time the agent tries to complete a transaction) whether the document actually provides sufficient authority for the agent to act on behalf of the member in ERFC-related matters.

Please note that the authority granted by the ERFC Durable Power of Attorney is limited to matters relating to ERFC. The person you designate as your agent will not have any authority over your other real or personal property by virtue of the ERFC Durable Power of Attorney.

Please consult an attorney if you have any questions about the designation of an agent or agents under a power of attorney.

Questions and Answers about the ERFC Durable Power of Attorney

- 1. Why is it advisable to have a durable power of attorney on file with ERFC?**
Having a durable power of attorney on file at ERFC assures that ERFC will be able to handle your retirement benefits without interruption, and in accordance with your wishes, should you become unable to handle your own affairs.
- 2. Does ERFC charge a fee for this service?**
No
- 3. If I sign the ERFC Durable Power of Attorney form, can I continue to handle my own affairs until such time that I become incapacitated?**
Yes, you may always handle your own affairs until such time as you become incapacitated. However, ERFC will also accept actions by your agent. If you do not want the agent to act on your behalf until you are incapacitated or disabled, you may want to complete the ERFC Durable Power of Attorney and keep it in a personal file until it is needed.
- 4. Can I use a Power of Attorney other than the ERFC-38?**
Yes. However, you must ensure that the power of attorney you submit to ERFC gives your agent authority to complete ERFC transactions such as beneficiary designations or retirement option elections (i.e., retirement options other than the Basic Benefit).
- 5. Can I use the ERFC Durable Power of Attorney to appoint an administrator of my estate prior to my death?**
No, you may not. The ERFC Durable Power of Attorney form only deals with matters and transactions related to ERFC benefits.
- 6. Does the ERFC Durable Power of Attorney authorize my agent to conduct business after my death?**
No, a power of attorney is terminated automatically upon the death of the member.
- 7. Should I retain a copy of the ERFC Durable Power of Attorney?**
Yes, it is a good idea to keep a photocopy of the original for your personal files.
- 8. Can I terminate my ERFC Durable Power of Attorney should I desire to do so?**
Yes, as long as you are still competent and you submit a written request to ERFC asking that the document be revoked or terminated. This request must be signed by you and notarized.
- 9. Can I have more than one Power of Attorney on file at ERFC?**
No, submitting a new ERFC-38 revokes all prior power of attorney forms on file at ERFC.

Changing Your ERFC Durable Power of Attorney

If you wish to change your agent for matters relating to ERFC benefits, take all of the following steps:

1. Complete a new power of attorney form with the changes you desire.
2. Notify, in writing, everyone that has a copy of the old ERFC Durable Power of Attorney that it is no longer valid and ask that copies of the old form be returned to you so that you may destroy them.
3. Give copies of the new power of attorney to the people who may need them to carry out your wishes.

Revoking Your ERFC Durable Power of Attorney

If you wish to revoke your power of attorney and do not wish to replace it with an updated form, take the following steps:

1. Write a letter to ERFC stating that you are hereby revoking the power of attorney that is on file.
2. Have the letter notarized.
3. Send the notarized letter to ERFC.

Checklist for Completing the ERFC Durable Power of Attorney

This checklist is provided to help you make certain that you have completed all information required on the ERFC Durable Power of Attorney prior to submitting it to ERFC. (It is not necessary to return this checklist to ERFC.)

- I am of sound mind and acting of my own free will.
- The individual I have selected as my agent to make ERFC-related decisions for me is at least 18 years old.
- I realize that my agent has the power and authority to transact all matters relating to ERFC.
- I realize that my agent's authority to transact matters relating to ERFC will continue in effect if I become incapable of handling my own affairs.
- I have spoken with the individual I have selected as my agent, and this individual has agreed to participate.
- I have signed and dated the ERFC Durable Power of Attorney.
- I have had the ERFC Durable Power of Attorney notarized.
- I have given a notarized copy of the completed ERFC Durable Power of Attorney to those people, including my agent and family members, who may need it in case an emergency arises which requires a decision or action that is ERFC-related.