

5. N.C.G.S. § 32A-40 states that an affidavit meeting the requirements of N.C.G.S. § 32A-40 shall be sufficient proof of the non-revocation of a power of attorney and proof of the authenticity and validity of the power of attorney. The statute does not provide for the option of requesting additional documentation.

6. Respondent has no reasonable cause to refuse to recognize [Principal's] DPOA.

7. N.C.G.S. § 32A-41(a)(1) provides that a person who unreasonably refuses to accept a power of attorney shall be subject to liability for reasonable attorney's fees and costs in any action necessary to confirm the validity of a power of attorney and to a Court order requiring acceptance of the valid power of attorney.

WHEREFORE, petitioner prays that:

1. The Court enter an order declaring the validity and authenticity of Principal's Durable Power of Attorney;

2. The Court enter an order requiring Respondent to recognize the validity and authenticity of Principal's Durable Power of Attorney and allow the attorney(s)-in-fact named in the Durable Power of Attorney to conduct business in accordance with the powers granted in said Durable Power of Attorney;

3. The costs of this action, including attorneys' fees, be taxed to the Respondent;
and;

4. The Court award such further relief as the Court may determine.

This the _____ day of _____, 20____.

Attorney for Petitioner
NC State Bar No. _____
Address
Phone #

Attach Exhibits A and B.