

WILL – an instrument by which a person disposes of his property. The reason it is called an “instrument” is that there are several formalities that are required to make a will valid under Alabama law. Handwritten wills are rarely valid.

POWER OF ATTORNEY (non-durable) – an instrument authorizing another to act as one’s agent. The authorization may be general (covering all actions) or specific (covering a specific act). This power is revoked upon the death of the principal or the loss of the principal’s mental capacity (dementia, coma, head injury).

DURABLE POWER OF ATTORNEY – Although the power of attorney can be revoked by the principal’s loss of mental capacity, this can be avoided and the authority can be maintained by a durable power of attorney. This instrument specifies that loss of mental capacity will not affect the authorization to act as one’s agent.