



SAMPLE WORK PRODUCT — ALL NAMES AND FACTS ARE FICTITIOUS

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## HARTWELL v. HARTWELL

### Client Meeting Checklist & Agenda

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#### PRE-MEETING PREPARATION

- Recording consent** — Two-party consent state.
- Notary confirmed** — Not a witness.
- Independent witnesses arranged**
- All printed materials ready**
- Draft affidavit reviewed by attorney**
- Draft revocation reviewed by attorney**

#### CAPACITY ASSESSMENT

*Attorney must form independent judgment before presenting documents.*

- Does principal know where she is?
- Does she know today's date?
- Can she identify the attorney and explain why she's here?
- Can she express wishes about the property without prompting?
- Does she understand signing has legal consequences?
- Does she appear under duress or influence?

**⚠ If ANY doubt about capacity, STOP. Pursue formal evaluation.**

#### PRINCIPAL'S STATEMENT

*Open-ended questions. Do not lead. Document answers.*

- "Tell me about your daughter. How has she been helping you?"
- "Do you remember signing papers with a lawyer?"
- "Did anyone explain what those papers said?"
- "Do you remember anyone taking out a loan on your house?"
- "Has anyone taken money without asking you first?"
- "Has anyone prevented you from seeing family?"
- "Do you want your house sold to pay for your care?"

#### REVIEW OPPOSING AFFIDAVIT

*Read each paragraph. Ask: "Is this true?" Document exact words.*

- POA date discrepancy — does principal confirm actual date?
- Sale authorization — did principal authorize?



- "Without knowledge or consent" — true?
- "Fraudulent" characterization — does principal agree?

△ **Disagreements with the affidavit are powerful evidence of misrepresentation.**

## **EXECUTE DOCUMENTS**

- Affidavit** — Read aloud, confirm, sign, witness, notarize.
- Revocation of opposing POA** — Read aloud, confirm, sign, notarize.
- Confirm or execute new POA**

△ **Record all executed documents at county clerk same day.**

## **MINIMUM WALK-AWAY CHECKLIST**

- Documented capacity assessment
- Signed, witnessed, notarized affidavit
- Signed, notarized revocation
- Confirmed or new POA
- Verbal authorization to sell
- Verbal authorization to pursue legal action
- Engagement letter signed
- Witness contact information collected