



SAMPLE WORK PRODUCT — ALL NAMES AND FACTS ARE FICTITIOUS

## POA COMPARISON MEMORANDUM

Diane's POA vs. Robert's POA — Strategic Implications

### ISSUE

Whether Robert's POA contains the same anti-enrichment clause and §825.103 warning that Diane's contains.

### SHORT ANSWER

**No.** The two POAs are different forms. Robert's does not contain the anti-enrichment clause or elder abuse warning. Even if it did, Robert directed \$189,400 to Margaret and \$0 to himself.

### COMPARISON

Feature	Diane's POA	Robert's POA
Form Type	Consumer template	Attorney-drafted professional instrument
Anti-Enrichment	YES — Express prohibition	NO — Not present
§825.103 Warning	YES — Explicit	NO — Not present
Notarial Language	Standard acknowledgment	Enhanced: "sound mind, no undue influence"

### ANALYSIS

**A.** The clause isn't there. Different forms, different language.

**B.** Even if present, Robert didn't violate it. \$189,400 to Margaret, \$0 to Robert.

**C.** The clause creates exposure for Diane. She signed the warning, then facilitated a \$78K HELOC with \$32K unaccounted.

### BOTTOM LINE

**The anti-enrichment clause is a weapon FOR us, not against us. Robert's enhanced notarial language is stronger. This is not a vulnerability.**