

# New York's 529 Advisor-Guided College Savings Program

## Durable Power of Attorney and Indemnification Agreement

New York's 529  
**Advisor<sup>1</sup>Guided**  
 College Savings Program

**Use this form to give one or two persons the ability to take action with respect to your New York's 529 Advisor-Guided College Savings Program account(s).** You can also use any other legally valid form of Power of Attorney, but it may take the Plan longer to review another form to determine its legal validity and effect.

- In this form you, the Account Owner, are also called the "Principal."
- This form contains numerous signature and notarization requirements, reflecting New York law. You and your agent(s) must sign, and all signatures must be notarized. In addition, your signature must be witnessed by two disinterested witnesses, and the witnesses must sign within 30 days of each other.
- Print clearly, preferably in capital letters and black ink.

Forms can be downloaded from our website at [www.ny529advisor.com](http://www.ny529advisor.com). Or you can call us toll-free to order any form—or get assistance in filling out this one—at **1.800.774.2108** on business days from 8 a.m. to 7 p.m., Eastern time.

Return this form and any other required documents to:

**New York's 529 Advisor-Guided College Savings Program**  
**P.O. Box 55498**  
**Boston, MA 02205-5498**

For overnight delivery or registered mail, send to:

**New York's 529 Advisor-Guided College Savings Program**  
**95 Wells Avenue, Suite 155**  
**Newton, MA 02459**

**PURPOSE:** This is a Power of Attorney, pursuant to General Obligations Law Article 5, Title 15, applicable to Accounts in New York's 529 Advisor-Guided College Savings Program ("Advisor-Guided Plan" or the "Plan"). This form is limited to Account Owner transactions in New York's 529 Advisor-Guided College Savings Program and has been prepared and circulated as a convenience to Account Owners in the Plan and does not apply to any other matters.

**CAUTION TO THE PRINCIPAL:** YOUR POWER OF ATTORNEY IS AN IMPORTANT DOCUMENT. AS THE "PRINCIPAL," YOU GIVE THE PERSON WHOM YOU CHOOSE (YOUR "AGENT") AUTHORITY TO SPEND YOUR MONEY, AND SELL OR DISPOSE OF YOUR PROPERTY DURING YOUR LIFETIME WITHOUT TELLING YOU. YOU DO NOT LOSE YOUR AUTHORITY TO ACT EVEN THOUGH YOU HAVE GIVEN YOUR AGENT SIMILAR AUTHORITY.

WHEN YOUR AGENT EXERCISES THIS AUTHORITY, HE OR SHE MUST ACT ACCORDING TO ANY INSTRUCTIONS YOU HAVE PROVIDED OR, WHERE THERE ARE NO SPECIFIC INSTRUCTIONS, IN YOUR BEST INTEREST. "IMPORTANT INFORMATION FOR THE AGENT" AT THE END OF THIS DOCUMENT DESCRIBES YOUR AGENT'S RESPONSIBILITIES.

YOUR AGENT CAN ACT ON YOUR BEHALF ONLY AFTER SIGNING THE POWER OF ATTORNEY BEFORE A NOTARY PUBLIC.

YOU CAN REQUEST INFORMATION FROM YOUR AGENT AT ANY TIME. IF YOU ARE REVOKING A PRIOR POWER OF ATTORNEY, YOU SHOULD PROVIDE WRITTEN NOTICE OF THE REVOCATION TO YOUR PRIOR AGENT(S) AND TO ANY THIRD PARTIES WHO MAY HAVE ACTED UPON IT, INCLUDING THE FINANCIAL INSTITUTIONS WHERE YOUR ACCOUNTS ARE LOCATED.

YOU CAN REVOKE OR TERMINATE YOUR POWER OF ATTORNEY AT ANY TIME FOR ANY REASON AS LONG AS YOU ARE OF SOUND MIND. IF YOU ARE NO LONGER OF SOUND MIND, A COURT CAN REMOVE AN AGENT FOR ACTING IMPROPERLY.

YOUR AGENT CANNOT MAKE HEALTH CARE DECISIONS FOR YOU. YOU MAY EXECUTE A "HEALTH CARE PROXY" TO DO THIS.

THE LAW GOVERNING POWERS OF ATTORNEY IS CONTAINED IN THE NEW YORK GENERAL OBLIGATIONS LAW, ARTICLE 5, TITLE 15. THIS LAW IS AVAILABLE AT A LAW LIBRARY, OR ONLINE THROUGH THE NEW YORK STATE SENATE OR ASSEMBLY WEBSITES, [WWW.SENATE.STATE.NY.US](http://WWW.SENATE.STATE.NY.US) OR [WWW.ASSEMBLY.STATE.NY.US](http://WWW.ASSEMBLY.STATE.NY.US).

IF THERE IS ANYTHING ABOUT THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER OF YOUR OWN CHOOSING TO EXPLAIN IT TO YOU.





### 3. Durable Power of Attorney and Appointment of Agent(s)

THIS IS A DURABLE POWER OF ATTORNEY AND, AS SUCH, IT SHALL NOT BE AFFECTED BY MY SUBSEQUENT DISABILITY OR INCOMPETENCE.

DEPENDING ON YOUR DIRECTIONS, YOU MAY ALSO AUTHORIZE YOUR AGENT TO MAKE CERTAIN GIFTS OF YOUR MONEY OR OTHER PROPERTY DURING YOUR LIFETIME. "CERTAIN GIFT TRANSACTIONS" ARE DESCRIBED IN SECTION 5-1514 OF NEW YORK GENERAL OBLIGATIONS LAW. GRANTING SUCH AUTHORITY TO YOUR AGENT GIVES YOUR AGENT THE AUTHORITY TO TAKE ACTIONS WHICH COULD SIGNIFICANTLY REDUCE YOUR PROPERTY AND/OR CHANGE HOW YOUR PROPERTY IS DISTRIBUTED AT YOUR DEATH. YOU DO NOT LOSE YOUR AUTHORITY TO ACT EVEN THOUGH YOU HAVE GIVEN YOUR AGENT SIMILAR AUTHORITY.

I DO HEREBY APPOINT THE PERSON(S) listed in **Section 2** as my agent(s) TO ACT IN MY NAME, PLACE, AND STEAD in any way which I myself could do, if I were personally present, with respect to the following matters as each of them is defined in New York General Obligations Law, Article 5, Title 15, to the extent that I am permitted by law to act through an agent:

**DIRECTIONS:** Initial the blank spaces below to the left of any one or more of the following lettered subdivisions to which you WANT to give your agent authority. If the blank space to the left of any particular lettered subdivision is NOT initialed, NO AUTHORITY WILL BE GRANTED for matters that are included in that subdivision.

- A. \_\_\_\_\_ **Account Inquiry Access.** To obtain information about my Account(s) listed in **Section 1** or in any identically registered Account(s) opened after this Durable Power of Attorney has been signed in accordance with procedures established by New York's 529 Advisor-Guided College Savings Program and receive duplicate Account statements from New York's 529 Advisor-Guided College Savings Program.
- B. \_\_\_\_\_ **Account Inquiry Access, Contributions, and Exchanges.** To obtain information about the above-referenced Account(s) and receive duplicate Account statements from New York's 529 Advisor-Guided College Savings Program. To contribute money to the above-referenced Account(s) and to move money among Investment Options within each of the above-referenced Account(s).
- C. \_\_\_\_\_ **Account Inquiry Access, Contributions, Exchanges, and Disbursements.** To obtain information about the above-referenced Account(s) and receive duplicate Account statements from New York's 529 Advisor-Guided College Savings Program. To contribute money to the above-referenced Account(s) and to move money among Investment Options within each of the above-referenced Account(s). To withdraw, now or in the future, money from the above-referenced Account(s) in accordance with procedures established by New York's 529 Advisor-Guided College Savings Program.
- D. \_\_\_\_\_ **Account Inquiry Access, Contributions, Exchanges, Disbursements, Designated Beneficiary Changes, Banking Information Changes, and Address Changes.** To obtain information about the above-referenced Account(s) and receive duplicate Account statements from New York's 529 Advisor-Guided College Savings Program. To contribute money to the above-referenced Account(s) and to move money among Investment Options within each of the above-referenced Account(s). To withdraw, now or in the future, money from the above-referenced Account(s) in accordance with procedures established by the New York's 529 Advisor-Guided College Savings Program. To change the designated beneficiary of any Account(s) listed in **Section 1** or in any identically registered Account(s) opened after this Durable Power of Attorney has been signed. To add, delete, or change banking information with respect to the above-referenced Account(s). To change the address of record on the above-referenced Account(s).

No person who is an agent under this Durable Power of Attorney, and no person signing it as a witness, is eligible to receive any gift or other transfer under this Durable Power of Attorney.

This Durable Power of Attorney does not revoke in whole or in part any prior Powers of Attorney executed by me. This Durable Power of Attorney shall not be revoked by any subsequent power of attorney I may execute, unless such subsequent Power of Attorney specifically refers to this Durable Power of Attorney or specifically states that it is intended to revoke all prior Powers of Attorney.

TO INDUCE NEW YORK'S 529 ADVISOR-GUIDED COLLEGE SAVINGS PROGRAM; THE PROGRAM ADMINISTRATORS OF NEW YORK'S 529 COLLEGE SAVINGS PROGRAM; THE PROGRAM MANAGER OR ANY OF THEIR RESPECTIVE AFFILIATES, AGENTS, OR EMPLOYEES, AND ANY THIRD PARTY (COLLECTIVELY, THE "THIRD PARTIES," AND, INDIVIDUALLY, A "THIRD PARTY"), TO ACT HEREUNDER, I HEREBY AGREE THAT ANY THIRD PARTY RECEIVING A DULY EXECUTED COPY OR FACSIMILE OF THIS INSTRUMENT MAY ACT HEREUNDER, AND THAT REVOCATION OR TERMINATION HEREOF SHALL BE INEFFECTIVE AS TO SUCH THIRD PARTY UNLESS AND UNTIL ACTUAL WRITTEN NOTICE OR ACTUAL KNOWLEDGE OF SUCH REVOCATION OR TERMINATION SHALL HAVE BEEN RECEIVED BY SUCH THIRD PARTY AND SUCH THIRD PARTY SHALL HAVE HAD A REASONABLE AMOUNT OF TIME TO ACT ON SUCH NOTICE, AND I FOR MYSELF AND FOR MY HEIRS, EXECUTORS, LEGAL REPRESENTATIVES, AND ASSIGNS, HEREBY AGREE TO INDEMNIFY AND HOLD HARMLESS ANY SUCH THIRD PARTY FROM AND AGAINST ANY AND ALL CLAIMS THAT MAY ARISE AGAINST SUCH THIRD PARTY BY REASON OF SUCH THIRD PARTY HAVING RELIED ON THE PROVISIONS OF THIS DURABLE POWER OF ATTORNEY.

I may revoke this Durable Power of Attorney at any time. It will terminate upon my death or other event described in section 5-1511 of the New York General Obligations Law.





