



talbots tales

power of attorney

Mr and Mrs Cobweb both made Wills, to ensure that if anything happened to either one of them, the other would not have any problems.

But things never happen as you expect and poor Mr Cobweb was suddenly taken ill one day and rushed into hospital, having suffered a major stroke. He did not appear to know where he was, or properly recognise Mrs Cobweb or his sons. The doctors were doing their best, but they could not confirm when, or if, he would fully recover.

Mrs Cobweb was not immediately concerned about finances, as she knew that her husband's Private Pension was being paid into his bank account and, although he transferred sufficient to cover the general household bills and gave her something for housekeeping, she thought it could be sorted later. In any event, she had her own account with a little money in it.

After a few weeks, however, when the bills started accumulating and her own account was rapidly reducing, she decided to speak to her husband's bank. The bank official was very sympathetic but refused to help, even though she explained that Mr Cobweb was not in a position to sign anything. Mrs Cobweb was using her own small savings account to pay the bills, but she knew that this situation could not continue.

In time, Mr Cobweb's condition stabilised – he now knew family and friends and could do some things for himself - but the doctors said he would never fully recover all his mental or physical capacity. There were now decisions that would have to be made as to his further care and, while everyone was very sympathetic to Mrs Cobweb, they kept telling her that she had no authority to make decisions for her husband. She felt very lost and confused.

To make matters worse, Mr Cobweb had never been completely open with her about what money he had, (he was probably afraid that she might go and spend it!) and so now she did not really know where to look or what to look for.

Mrs Cobweb eventually decided that the house itself could be sold as a solution to some of the problems. She knew that the house was in joint names, so you can imagine her further distress when she was again advised that she could not sell without Mr Cobweb's agreement and signature. How was she supposed to obtain that?

She did not know which way to turn when, by chance, she bumped into an old friend, Betty, and over a cup of tea, poured out all her problems. When Betty asked whether she had in place a Power of Attorney, Mrs Cobweb was not sure what this was. Betty explained that, provided Mr Cobweb was able to do so, he could give her authority to deal with his bank account, his pension and even with his interest in the property. It all sounded complicated to Mrs Cobweb but Betty was also able to recommend someone who had helped her to deal with her mother's affairs, which had enabled Betty to give instructions to the bank, speak to the local authority, Social Services and other people on behalf of her mother. They knew she was acting on her mother's behalf and had the authority to do so.

With guidance from a solicitor, Mrs Cobweb was able to set up a Lasting Power of Attorney and sort out all her financial worries. Thank goodness Mr Cobweb was well enough to authorise this! She also decided that she never wanted her children to have any difficulties, if something was to happen to her, so she decided to do her own Lasting Power of Attorney even though she hoped it would not be needed for a long time to come!

Although we all hope these things are never going to happen to us, we should nevertheless plan to protect our loved ones as much as we can.

www.talbotssolicitors.co.uk

service with a smile