



Ask Your Underwriter

■ By Laura Licastro, Florida State Counsel

Question: I was given a power of attorney without any witnesses, but it was executed in another state where witnesses are not required for powers of attorney and the document states that it shall be governed by the laws of that state. The seller still lives in the state where the power of attorney was executed, as does the attorney-in-fact, and the deed will be executed in that state. Can I rely on this document to insure a deed for Florida real property?

Answer: No. While the fact that the document was executed in another state by a resident of that state and even provides that its interpretation shall be governed by the laws of that state, the fact is that all conveyances of Florida real property are governed by Florida law. Since Florida law (709.015(2), F.S.) requires that any power of attorney used to execute a deed have two witnesses, this document cannot be relied upon for title insurance purposes.



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