

Power of Attorney

Ref: *Sefer Kinyan, Hilchos Shluchin Veshutafin, Chapter 3*

For a *shaliach* to represent a principal for legal procedures, he must be given power of attorney. A written document is composed for this purpose (*harshaah*) so that the respondent cannot push him off and a *kinyan* is made.

LANDED AND MOVABLE PROPERTY

A *kinyan* also has to be made (*kinyan sudar*).

Reminder:

Pack on Finances



If a principal gives the *shaliach* power of attorney to deal with a portion of his property, he has the power to deal with the whole property. Similar principle when brothers share an estate or partners share a property.

A husband needs power of attorney if he wants to deal with his wife's property. (This refers to *nichsei melog*. *Nichsei tzon barzel* is a different category of wife's belongings. Since the husband is responsible for them, he doesn't need power of attorney.)

However, he does have power over the produce of the property and therefore if there is produce (part of the property), then he would not need to get power of attorney from her.

Reminder:

Pack on Wife Property



OATHS

Oaths are not substantial and power of attorney cannot be given on an oath.

MONEY

Here a different *kinyan* is needed to get power of attorney i.e. *kinyan agav*.

This is because money cannot be acquired through a *kinyan sudar* but it can be acquired together with ("*agav*") land.

LOANS

With a loan money gets spent and therefore it no longer exists.



The only way it can be transferred is when 3 people are there together i.e. *maamad shloshtan*. But *Rabanim* have granted that power of attorney should apply to loans.

Power of attorney can be cancelled by the principal and a new person elected.

Power of attorney

	Landed and movable property	Oaths	Money	Loans

Can it be given	✓	×	Indirect by transferring money together with land	✎ × But <i>Geonim</i> have allowed
Acquisition	<i>Kinyan chalifin</i>	×	<i>Kinyan agav</i>	<i>Maamad shloshtan</i>