



To: All Illinois WFG Policy Issuing Agents; All Illinois WFG Title Examiners and Officers

From: Underwriting Department

Date: January 2, 2025

Bulletin No.: IL 2025-01

Subject: IL Power of Attorney Act: Amendments and Refusal to Honor Forms

On January 1, 2025, the amendment to Section 2-8 of the Illinois Power of Attorney Act became effective, (see full act at [755 ILCS 45/2-8](#)): Reliance on document purporting to establish an agency. The amendment makes it unlawful for third parties to unreasonably refuse to honor a power of attorney properly executed in accordance with the laws in effect at the time of its execution. It also provides multiple reasonable causes for refusal, under 755 ILCS 45/2-8 **(f)**.

Under the Act, it is unreasonable for a third party to refuse to honor the power of attorney, if the only reasons for refusal are any of the following:

- (1) the power of attorney is not on a form required by the terms of any account agreement between the account holder and third party;
- (2) there has been a lapse of time since the execution of the power of attorney;
- (3) on the face of the statutory short form power of attorney, there is a lapse of time between the date of acknowledgment of the signature of the principal and the date of the acceptance by the agent;
- (4) the document provided does not bear an original signature, original witness, or original notarization but is accompanied by a properly executed Agent's Certification and Acceptance of Authority, Successor Agent's Certification and Acceptance of Authority, or Co-Agent's Certification and Acceptance of Authority bearing the original signature of the named agent; or
- (5) the document appoints an entity as the agent.

The Act does not prohibit or limit a third party from requiring the named agent to furnish a properly executed Agent's Certification and Acceptance of Authority, Successor Agent's Certification and Acceptance of Authority, or Co-Agent's Certification and Acceptance of Authority.

If you are presented with a power of attorney and need additional guidance as to acceptance or refusal of the document, please contact a WFG National Title Insurance Company underwriter.

Please reach out to underwriting with any questions.

NOTE: The information contained in this Bulletin is intended solely for the use of employees of WFG National Title Insurance Company, its title insurance agents and approved attorneys. Disclosure to any other person is expressly prohibited unless approved in writing by the WFG National Title Insurance Company's Underwriting Department.

The Agent may be held responsible for any loss sustained as a result of the failure to follow the standards set forth above.