

words "This power of attorney shall not be affected by disability of the principal," or "This power of attorney shall become effective upon the disability of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding his disability, then the authority of the attorney in fact or agent shall be exercisable by him as provided in the power on behalf of the principal notwithstanding the later disability or incapacity of the principal or later uncertainty as to whether the principal is dead or alive. All acts done by the attorney in fact or agent pursuant to the power during any period of disability or incompetence or uncertainty as to whether the principal is dead or alive shall have the same effect and shall inure to the benefit of and bind the principal as if the principal were alive, competent and not disabled. If a guardian shall thereafter be appointed for the principal, the attorney in fact or agent shall, during the continuance of the appointment, account to the guardian rather than the principal. The guardian shall have the same power, which the principal would have but for his disability or incompetence, to revoke, suspend, or terminate all or any part of the power of attorney or agency.

602. *Powers of Attorney not Revoked Until Notice of Death or Disability.*

(a) *Powers of Attorney not revoked.* The death, disability, or incompetence of any principal who has executed a power of attorney in writing shall not revoke or terminate the agency as to the attorney in fact, agent or other person who, without actual knowledge of the death, disability, or incompetence of the principal, acts in good faith under the power of attorney or agency. Any action so taken, unless otherwise invalid or unenforceable, shall bind the principal and his heirs, devisees, and personal representatives.

(b) *Proof of nonrevocation.* An affidavit, executed by the attorney in fact or agent stating that he did not have, at the time of doing an act pursuant to the power of attorney, actual knowledge of the revocation or termination of the power of attorney by death, disability or incompetence, shall, in the absence of fraud, be conclusive proof of the nonrevocation or nontermination of the power at such time. If the exercise of the power requires execution and delivery of any instrument which is recordable, the affidavit when authenticated for record shall likewise be recordable.

(c) *Provisions for revocation unaffected.* This section shall not be construed to alter or affect any provision for revocation or termination contained in the power of attorney.

603. *Powers of attorney executed by members of armed services listed as missing in action—*

Whenever any member of the Armed Services of the United States shall have executed a Power of Attorney, the fact that such person shall have been reported or listed, officially or otherwise, as "missing in action," as that phrase is used in military parlance, such status designation as "missing in action" shall not operate to revoke such power of attorney, unless such revocation be contained within the instrument creating the power.