

Chapmans

Case Study Power of Attorney

Situation

Our client was diagnosed with a terminal illness, which forced him and his partner to move out of his third floor flat as it was unsuitable for his changed needs. He engaged Chapmans to rent out this flat to provide valuable income to subsidise the rental of a larger ground floor flat for himself and his partner. A short while later, he was hospitalised and was no longer able to communicate with Chapmans.

What Chapmans did

After some refurbishment and compliance work, Chapmans let out the third floor apartment. The net rental income was then used by the client to subsidise new living arrangements.

Outcome

While the client was hospitalised, we were unable to take instructions from anyone else with regards to repairs on the property, as there was no Power of Attorney in place. Under our Engagement Terms we were able to re-let the property when it became vacant. However, if the client had not wished for us to do this, then there was no mechanism in place for anyone else to instruct us on his behalf.

Brodies LLP's

Expert Commentary:

By putting in place a Power of Attorney, the client would have avoided these unnecessary hassles and delays. The Attorney would have been able to instruct Chapmans not to re let the property, if this was required, and could have instructed any essential repairs.