

CHAPTER 139.

[H. B. 203.]

ARMED FORCES—POWER OF ATTORNEY.

AN ACT concerning powers of attorney granted by persons serving in or present with the armed forces of the United States, and others, and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. No agency created by a power of attorney in writing given by a principal who is at the time of execution, or who, after executing such power of attorney, becomes either (a) a member of the armed forces of the United States, or (b) a person serving as a merchant seaman outside the limits of the United States, included within the 48 States and the District of Columbia; or (c) a person outside said limits by permission, assignment or direction of any department or official of the United States Government, in connection with any activity pertaining to or connected with the prosecution of any war in which the United States is then engaged, shall be revoked or terminated by the death of the principal, as to the agent or other person who, without actual knowledge or actual notice of the death of the principal, shall have acted or shall act, in good faith, under or in reliance upon such power of attorney or agency, and any action so taken, unless otherwise invalid or unenforceable, shall be binding on the heirs, devisees, legatees, or personal representatives of the principal.

Powers of attorney granted by members of the armed forces.

SEC. 2. An affidavit, executed by the attorney-in-fact or agent, setting forth that the maker of the power of attorney is a member of the armed forces of the United States or within the class of persons described in section 1 hereof, and that he has not or had not, at the time of doing any act pursuant to the power of attorney, received actual knowledge or actual notice of the revocation or termination

of the power of attorney, by death or otherwise, or notice of any facts indicating the same, shall, in the absence of fraud, be conclusive proof of the non-revocation or non-termination of the power at such time. If the exercise of the power requires execution and delivery of any instrument which is recordable under the laws of this state, such affidavit shall likewise be recordable.

SEC. 3. No report or listing, either official or otherwise, of "missing" or "missing in action," as such words are used in military parlance, shall constitute or be interpreted as constituting actual knowledge or actual notice of the death of such principal or notice of any facts indicating the same, or shall operate to revoke the agency.

SEC. 4. This act shall not be construed so as to alter or affect any provision for revocation or termination contained in such power of attorney.

Partial
invalidity.

SEC. 5. If any provision of this act or the application thereof to any person or circumstance be held invalid, such invalidity shall not affect any other provision or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Effective
immediate'y.

SEC. 6. This act is necessary for the preservation of the public peace, health and safety, and for the immediate support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 17, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.