

24750

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Vol. 996 Page 28501

DURABLE GENERAL POWER OF ATTORNEY

ARTICLE 1. DECLARATIONS.

- 1.1 **Durable Power of Attorney.** THIS DURABLE POWER OF ATTORNEY SHALL NOT BE AFFECTED BY SUBSEQUENT INCAPACITY OF THE PRINCIPAL. This is a DURABLE POWER OF ATTORNEY under Division 4.5, beginning with section 4000 of the Probate Code of the State of California. I hereby revoke all prior Durable General Powers of Attorney.
- 1.2 **Effective date of this Power.** This Power of Attorney shall become effective the date of its execution.
- 1.3 **Name and address of Principal.** The Principal is ELIZABETH HARLOWE HAWKINS, 2093 Las Viboras Road, Hollister, California 95023.
- 1.4 **Name and address of Attorney-in-Fact.** I appoint GERALD H. HAWKINS, 2200 Las Viboras Road Hollister, California 95023 as sole Attorney-in-Fact. If he dies, resigns, or is unable to act as such because of physical or mental incapacity, I appoint LEE G. HAWKINS, 2200 Las Viboras Road, Hollister, California 95023 as sole successor Attorney-in-Fact. If he dies, resigns, or is unable to act as such because of physical or mental incapacity, I appoint JERRY G. BAPTISTA, 431 Monterey Street, Hollister, California 95023, as sole successor Attorney-in-Fact. Physical or mental incapacity shall be conclusively established if two licensed physicians issue written declarations under penalty of perjury to that effect.
- 1.5 **Meaning of Terms.** The first person pronoun, "I," and its variations, "ME," "MY," "MINE," and "MYSELF," refer to the PRINCIPAL. The second person pronoun, "YOU," and its variations, "YOUR," and "YOURSELF," refer to the ATTORNEY-IN-FACT.
- 1.6 **Signature of Attorney-in-Fact.** When you, as my Attorney-in-Fact, sign on my behalf under the powers I give you in this document, you shall use the following form as authorized in California Civil Code section 1095:

'96 SEP 10 P 3:49

30-CA

"ELIZABETH HARLOWE HAWKINS, by (Your Signature), her Attorney-in-Fact."

ARTICLE 2. POWERS GIVEN TO THE ATTORNEY-IN-FACT.

2.1 Powers of Attorney-in-Fact. I give you the powers in this document to use for my benefit and on my behalf. You shall use these powers in a fiduciary capacity.

2.2 Specific Powers. As to any asset standing in my name, or held for my benefit, or acquired for my benefit, I give you these powers:

(a) **Collect Money.** To collect, demand, receive and receipt for any and all sums of money or payments due, or to become due to me; and to cash, endorse, deposit or otherwise negotiate, all checks, drafts, warrants or money orders payable to me or to my order, and to deposit in my name in any bank, savings and loan, money market, liquid asset fund, or certificate of deposit, any and all monies collected or received for me and to make withdrawals therefrom; and to pay any and all bills, accounts, claims and demands now or hereafter payable by me.

(b) **Make Contracts for Real Property.** To contract for, purchase, receive, take possession of, insure, repair, lease, rent, sell, release, convey, option, assign, mortgage, convey by way of deed of trust and hypothecate lands, tenements, hereditaments and other real property, or any interest therein, of every kind and description.

(c) **Make contracts for Personal Property.** To contract for, purchase, receive, take possession of, insure, lease, rent, sell, release, assign, transfer, move, store, use, repair, mortgage, pledge and hypothecate goods, wares, merchandise, stocks, bonds, notes, bills, contracts, choses in action and other personal property, or any interest therein, of every kind and description.

(d) **Engage in Business.** To act for me in any and all ways in any business in which I now am, or have been, or may be, engaged or interested in any way, whether said business is a corporation, a partnership or a sole proprietorship.

(e) **Make Written Instruments.** To make, sign, seal, execute, acknowledge and deliver deeds, leases, assignments, covenants, contracts, mortgages, deeds of trust, reconveyances under deeds of trust, escrow instructions, hypothecations, guarantees, notices, bills of lading, bills of sale, bonds, notes, receipts, evidences of debts, releases, satisfactions of mortgages, satisfactions of judgments and other instruments in writing of every kind and

description; and to perform, rescind, reform, release or modify any such instrument.

(f) **Exercise Rights of a Stockholder.** To attend meetings of stockholders of all corporations in which I own stock, with full power to vote and act for me at any such meetings; and to exercise any and all rights which I may have in connection with any such stock.

(g) **Commence Litigation.** To commence, prosecute or enforce, or to defend, answer or oppose, all actions, claims, suits or other legal proceedings of every kind and description in which I am now - or may become - engaged or interested in any way; and to compromise, refer to arbitration, or to submit to judgment in any such action or proceedings, whether before or after suit as may be actually commenced; to consent to estate and trust accountings and to accept service of process.

(h) **Enter Safe Deposit Box.** To enter, establish, close, maintain and have access to any safe deposit box held in my name alone or jointly with another person, and to remove all or any of the contents of the box.

(i) **Borrow Money.** To borrow money by overdraft or by promissory note for such period and at such interest rate as you shall select; give such security out of my assets as you believe necessary or desirable; pay, renew or extend the time of payment of any Note; and to procure for me loans from any financial institution by any other procedure made available by the financial institution.

(j) **Hire Advisors.** To hire and to pay from my funds for counsel and services of professional advisors, including without limitation--physicians, dentists, accountants, attorneys, real property brokers, stock brokers, and investment counselors (whether or not a firm of which you are a member).

(k) **Powers Relating to Insurance.** To procure, continue, pay the premium or assessment on, modify, rescind, release, borrow against, surrender, change the owner or beneficiary on, or terminate any contract of life, accident, health, disability, or liability insurance, or any combination thereof or any annuity policy.

(l) **Powers Relating to Retirement Plans.** To select payment options, make or change beneficiary designations, make voluntary contributions, make "rollovers," borrow from, sell assets to or purchase assets from any retirement plan in which I have an interest.

(m) **Powers Relating to Tax Returns.** To prepare, sign and file federal, state, local and foreign income, gift and other tax returns of all kinds, FICA returns, payroll tax returns, claims for refund, requests for extensions of time, petitions to courts regarding tax matters, and any other tax related documents, including without limitation receipts, offers, waivers, consents (including, but not limited to, consents and agreements under Internal Revenue Code Section 2032A or any successor section), closing agreements, and any power of attorney form required by the Internal Revenue Service, the California Franchise Tax Board, or any other taxing authority with respect to any tax year from 1988 through 2030; and to pay, compromise, or contest taxes or assessments, and apply for refunds in connection therewith.

(n) **Transfer to a Trust.** To transfer to the Trustee of a revocable trust of which I am a Settlor and a beneficiary, my assets or my interests in assets, or to create a Trust for my benefit, and to fund it with my assets or interests in assets.

(o) **U.S. Government Bonds.** To buy in my name those U.S. Government bonds referred to as "Flower Bonds" that may be used to pay federal estate taxes on my death.

(p) **Maintain Standard of Living.** To do all acts necessary to maintain my customary standard of living and that of my dependents, including but not limited to provision of living quarters, domestic help, usual vacations, travel expenses, education, clothing, food, medical, dental and psychiatric care.

(q) **Reroute Mail.** To reroute my mail.

(r) **Apply for Benefits.** To apply for government and insurance benefits.

(s) **Make Disclaimers.** To sign and deliver a valid disclaimer under the Internal Revenue Code and the California Probate Code, when, in your judgment, my family's best interests would be served; to that end, to hire and to pay for legal and financial counsel to make the decision as to whether to file said disclaimer.

(t) **Make Gifts.** To make gifts, sales, loans, or other transfers, and on such terms and conditions, either outright or in trust (including the creation of powers of appointment), as you in your discretion deem appropriate, to or for the benefit of any one or more of the group consisting of my issue, the spouses of my issue, and those charitable and other organizations that are then described in Sections 170(C), 2055(a) and 2522(a) of the Internal Revenue Code. Notwithstanding the preceding sentence, (i) any such transfers constituting gifts that would not qualify for the gift tax annual exclusion under

Section 2503(b) of the Internal Revenue Code (taking into account all prior gifts during the year) and that would not constitute qualified transfers for educational or medical expenses (as defined in Section 2503(e) of that Code), (ii) any charitable contribution in excess of the amount allowable as an income tax deduction for the current year under Section 170 of the Internal Revenue Code, or (iii) any transfer that would cause you to be deemed to have a general power of appointment over my assets (as defined in Section 2041(b) of the Internal Revenue Code), may be made only with Court approval. You may make withdrawals of assets from any revocable trust of which I am a Settlor and a beneficiary for the purpose of making such transfers.

(u) **Do All Other Acts.** To do all and every other act and thing which may be necessary or convenient and in connection with any of the foregoing as fully as I might do or could do if personally present, and I hereby ratify and confirm all that you shall lawfully do or cause to be done by authority hereof.

ARTICLE 3. POWERS NOT GIVEN TO THE ATTORNEY-IN-FACT.

- 3.1 Power of Appointment.** You shall not have the power to exercise any powers hereunder that will cause you to be deemed to have a power of appointment over my assets.
- 3.2 Life Insurance.** You shall not have the power to exercise the incidents of ownership over any life insurance policies I own on your life.

ARTICLE 4. MISCELLANEOUS

- 4.1 Third Parties Directed to Accept Agent's Signature and Acts.** The Attorney-in-Fact's signature under the authority granted in this power of attorney may be accepted by any third party or organization with the same force and effect as if the principal were personally present and acting on the principal's behalf. No person or organization that relies on the Attorney-in-Fact's authority shall incur any liability to the principal, the principal's estate, heirs, successors, or assigns, because of reliance on this instrument. The principal's estate, heirs, successors, and assigns shall be bound by the acts of the Attorney-in-Fact under this power of attorney. The Attorney-in-Fact is authorized to commence and prosecute any civil action or proceeding against any person who fails or refuses to honor the instructions and directions of the Attorney-in-Fact; and to charge all costs and expenses thereof, including the Attorney-in-Fact's attorneys' fees to the assets and estate of the principal.
- 4.2 Nomination of Conservator.** If protective proceedings of my estate are begun after I sign this document, I nominate the following persons as Conservator, to serve without bond: **GERALD H. HAWKINS** as sole Conservator, but if he fails to qualify or

ceases to act, then I nominate LEE G. HAWKINS and JERRY G. BAPTISTA, individually and in that order, as sole successor conservator.

- 4.3 Revocability.** This Power of Attorney can be revoked at any time by a written instrument signed by me.
- 4.4 Severability.** If any provision of this document is not valid, all other provisions shall remain valid.
- 4.5 Your Freedom From Liability When You Show Good Faith.** You are not liable to me or any of my successors when, in good faith, you act or do not act under this document; but this freedom from liability is not effective in the event of your wilful misconduct or gross negligence.
- 4.6 Singular and Plural.** Where required, the singular includes the plural and plural includes the singular.
- 4.7 California Governing Law.** California law governs this Durable Power of Attorney in all respects.
- 4.8 Signing.** I, the Principal, sign this Durable Power of Attorney on the date set opposite my signature.

Signature: Elizabeth Harlowe Hawkins Date: September 10, 1996
ELIZABETH HARLOWE HAWKINS

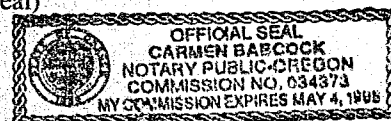
STATE OF Oregon)
) ss.
County of Klamath)

On Sept 10, 1996, before me, Carmen Babcock, a Notary Public in and for said State, personally appeared ELIZABETH HARLOWE HAWKINS, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument she, or the entity upon behalf of which she acted, executed the instrument.

Witness my hand and Official Seal.

(Seal)

Carmen Babcock
Notary Signature



4078001\254096.1

6

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Elizabeth Hawkins the 10th day
of September A.D. 19 96 at 3:49 o'clock PM., and duly recorded in Vol. M96,
of Power Of Attorney on Page 28501.

Bernetha G Letsch, County Clerk

By [Signature]

FEE \$30.00