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mTC-65899

## POWER OF ATTORNEY

Charles E. Whiting

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To

W. C. Heidinger

After recording, return to (Name, Address, Zip):

W. C. Heidinger  
16110 Timberline Lane  
Klamath Falls, Oregon 97601

State of Oregon, County of Klamath  
Recorded 05/18/05 11:10 a m  
Vol M05 Pg 36027-29  
Linda Smith, County Clerk  
Fee \$ 3<sup>00</sup> # of Pgs 3

ty.

KNOW ALL BY THESE PRESENTS, that I, Charles E. Whiting

have made, constituted and appointed, and by these presents do make, constitute and appoint W. C. Heidinger my true and lawful attorney in fact ("my attorney"), for me and in my name, place and stead, and for my use and benefit:

- (1) To lease, let, grant, bargain, sell, contract to sell, convey, exchange, remise, release and dispose of any real or personal property of which I am now or hereafter may be possessed, or in which I may have any right, title or interest, including rights of homestead, for any price or sum, and upon such terms and conditions as to my attorney may seem proper;
- (2) To take possession of, manage, maintain, operate, repair and improve any and all real or personal property now or hereafter belonging to me, to pay the expense thereof, to insure and keep the same insured, and to pay any and all taxes, charges and assessments that may be levied or imposed upon any thereof;
- (3) To buy, sell and generally deal in and with goods, wares and merchandise of every name, nature and description, and to hypothecate, pledge and encumber the same;
- (4) To buy, sell, assign, transfer and deliver all or any shares of stock in my name in any corporation for any price, and upon such terms as to my attorney may seem proper, and to receive and make payment therefor;
- (5) To borrow any sum of money on such terms and at such rates of interest as to my attorney may seem proper, and to give security for the repayment of the same;
- (6) To ask for, demand, recover, collect and receive all moneys, debts, rents, dues, accounts, legacies, bequests, interests, dividends and claims whatsoever which are now or which hereafter may become due, owing and payable or belonging to me, and to have, use and take all lawful ways and means in my name for the recovery of any thereof by attachments, levies or otherwise;
- (7) To prepare, execute and file any proof of debt and other instruments in any court and to take any lawful proceedings in connection with any sum of money or demand due or payable to me, and in any proceedings, to vote in my name for the election of any trustee(s), and to demand, receive and accept any dividend or distribution whatsoever;
- (8) To adjust, settle, compromise or submit to arbitration any account, debt, claim, demand or dispute, as well as matters which now exist or hereafter may arise between me or my attorney and any other person or persons;
- (9) To sell, discount, endorse, negotiate and deliver any check, draft, order, bill of exchange, promissory note or other negotiable paper payable to me, and to collect, receive and apply the proceeds therefrom for my use for any lawful purpose; to pay to or deposit the same or any other sum of money coming into the hands of my attorney into checking and into savings accounts in my name with any bank or banker of my attorney's selection, and to draw out moneys deposited to my credit with any bank, by check or otherwise, including deposits in savings accounts, and to apply the same for any of the purposes of my business as my attorney may deem proper; to purchase and sell certificates of deposit; to appoint any bank or trust company as escrow agent; to transfer any asset of mine into any form or sort of trust; and, generally, to conduct any and all banking transactions on my behalf;
- (10) To make, execute and deliver any and all manner of contracts with reference to minerals, oil, gas, oil and gas rights, rents and royalties, including agreements facilitating exploration for and discovery of oil, gas, minerals and deposits;
- (11) To commence and prosecute, and to defend against, answer and oppose all actions, suits and proceedings concerning any matters in which I am or hereafter may be interested or concerned;
- (12) To vote any stock in my name as proxy;
- (13) To have access to any safe deposit box which has been or may be rented in my name or in the name of myself and any other person or persons;

(OVER)

05 MAY 18 AM 11:10

3/10 am

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(14) In connection with any of the powers herein granted, to sign, make, execute, acknowledge and deliver in my name any and all deeds, contracts, bills of sale, leases, promissory notes, drafts, acceptances, evidences of debt, obligations, mortgages, pledges, satisfactions, releases, acquittances, receipts, bonds, writs and any and all other instruments whatsoever, with such general or special agreements and covenants, including those of warranty, as to my attorney may seem proper;

(15) ~~To employ, pay and discharge any person, including legal counsel, in connection with the exercise of any power granted by this instrument;~~

(16) To complete, amend, execute and deliver any tax return or form of any nature whatsoever; to pay any tax due or collect any tax refund due; to make and respond to lawful inquiries from any taxing authority in connection with any power granted herein;

(17) To execute and deliver the necessary deeds to complete Property Line Adjustment 21-04 in Klamath County, Oregon, and to do whatever is necessary to subdivide that property, the legal description of which is attached hereto and made a part hereof, until said subdivision has been recorded. *Done 5/3/05 LRL*

(18) This Power of Attorney ~~applies only to~~ *Applies only to* transactions related to the *Patterson Street Property with* legal description attached

(19) This Power of Attorney is not valid after 1/1/06

(18) Generally, to conduct, manage and control <sup>this</sup> ~~all of my~~ business and any property, ~~wherever situated~~, as my attorney may deem for my best interests, hereby releasing all third persons from responsibility for the acts and omissions of my attorney.

I hereby give and grant unto my attorney full power and authority freely to do and perform every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes, as I might or could do if personally present, hereby ratifying and confirming all that my attorney shall lawfully do or cause to be done by virtue hereof.

In construing this power of attorney, it is to be understood that the undersigned may be more than one person or a corporation, and where the context so requires, the singular includes the plural, and all grammatical changes shall be implied to make the provisions hereof apply equally to the corporations and to individuals.

This power shall take effect (delete inapplicable phrase):

a) on the date next written below;

~~b) if given by an individual, on the day that individual shall be adjudged incompetent by a court of proper jurisdiction.~~

If neither phrase is deleted, this power shall take effect on the date next written below.

My attorney and all persons unto whom these presents shall come may assume that this power of attorney has not been revoked until given actual notice either of such revocation or of my death.

IN WITNESS WHEREOF, I have signed this instrument, or if a corporation, caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors, on *5/3/05*

Oklahoma  
STATE OF OREGON, County of *Pontotoc*

This instrument was acknowledged before me on *May 3, 2005*

by \_\_\_\_\_  
This instrument was acknowledged before me on \_\_\_\_\_

by \_\_\_\_\_  
as \_\_\_\_\_  
of \_\_\_\_\_



TERRY ALLENBAUGH  
Pontotoc County  
Notary Public in and for  
State of Oklahoma  
Commission # 99013563 Expires 9/26/07

*Terry Allenbaugh*  
Notary Public for Oregon  
My commission expires *9-26-07*

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A tract of land situated in the NW1/4 NW1/4 of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the Westerly right of way line of Patterson Street, from which the NW1/16 corner of said Section 1 bears South 89° 50' 00" East 30.00 feet and South 00° 10' 00" West 62.05 feet; thence North 89° 51' 43" West 267.20 feet; thence North 00° 18' 37" East 640.90 feet; thence South 89° 41' 23" East 265.60 feet to a point on the said Westerly right of way line; thence South 00° 10' 00" West 640.10 feet to the point of beginning, with bearings based on record of Survey 5679 on file at the office of the Klamath County Surveyors.

Tax Account No: 3909-001BB-00101-000

Key No: 886314