

05 JUN 30 PM 2:43

Vol M05 Page 49848

RECORDING COVER SHEET

FOR CONVEYANCES PER ORS 205.234

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON
PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING.
ANY ERRORS IN THIS COVER SHEET DO NOT AFFECT THE
TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.

State of Oregon, County of Klamath

Recorded 06/30/05 2:43 p.m.

Vol M05 Pg 49848-62

Linda Smith, County Clerk

Fee \$ 91.00 # of Pgs 15

AFTER RECORDING RETURN TO:

Described in the attached instrument. Required by ORS 205.234(a)

1st 616517

First American Title

404 Main Street #1

Klamath Falls, OR 97601

NAME(S) OF THE TRANSACTIONS, described in the attached instrument and required by ORS
205.234(a)

Power of Attorney

GRANTOR, as described in ORS 205.160

Edward G. Blair

GRANTEE, as described in ORS 205.160

Tami Chloe Blair

91P1

DURABLE POWER OF ATTORNEYFOR MANAGEMENT OF PROPERTY AND PERSONAL AFFAIRS

I, Edward G. Blair, a resident of Alameda County, California, appoint Tami Chloe Blair of 4205 Omega St., Castro Valley, California 94546, whose telephone number is (510) 527-0728, as my attorney in fact, referred to in this power of attorney as "my attorney in fact."

I intend to create a Durable Power of Attorney (herein referred to as "this Power") pursuant to California Civil Code Section 2400 and following, but specifically not including Section 2430 and following relating to health care. This Power is effective immediately upon its execution and shall not be affected by my subsequent disability or incapacity.

I give my attorney in fact the powers specified in this Power with the understanding that they will be used for my benefit and on my behalf and will be exercised only in a fiduciary capacity.

ARTICLE ONE

POWERS

1.1. Real and Personal Property. I give my attorney in fact the power to take any actions she believes necessary or desirable for the management or maintenance of any real or personal property in which I own an interest when this Power is executed, or in which I later acquire an interest, including the power to acquire, sell, and convey ownership of property; control

the manner in which property is managed, maintained, and used; change the form of title in which property is held; satisfy and grant security interests and other encumbrances on property; obtain and make claims on insurance policies covering risks of loss or damage to property; accept or remove tenants; collect proceeds generated by property; ensure that any needed repairs are made to property; exercise rights of participation in real estate syndicates or other real estate ventures; make improvements to property; and perform any other acts described in California Civil Code Sections 2486 and 2487, except those acts that conflict with or are limited by a more specific provision in this Power.

1.2. Financial Institutions. I give my attorney in fact the power to take any actions she believes necessary or desirable in connection with any financial institution in which I have an account or an interest in an account when this Power is executed, or in which I later acquire an account or an interest in an account, including the power to continue, modify, or terminate existing accounts; open new accounts; draw, endorse, and deposit checks, drafts, and other negotiable instruments; prepare, receive, and deliver financial statements; establish, maintain, or close safe deposit boxes; borrow money; apply for and receive travelers checks and letters of credit; extend payment periods with respect to commercial paper; and perform any other acts described in California Civil Code Section 2490, except those acts that conflict with or are limited by a more specific

provision in this Power. For the purposes of this paragraph, the term "financial institution" includes, but is not limited to, banks, trust companies, savings banks, commercial banks, building and loan associations, savings and loan companies or associations, credit unions, industrial loan companies, thrift companies, and brokerage firms.

1.3. Insurance and Annuities. I give my attorney in fact the power to take any actions she believes necessary or desirable with respect to any insurance or annuity contracts in which I have an interest when this Power is executed, or in which I later acquire an interest, including the power to acquire additional insurance coverage of any type or additional annuities; continue existing insurance or annuity contracts; agree to modifications in the terms of insurance or annuity contracts in which I have an interest; borrow against insurance or annuity contracts in which I have an interest, to the extent allowed under the contract terms; change beneficiaries under existing contracts and name beneficiaries under new contracts, including the power to designate herself as the beneficiary; receive dividends, proceeds, and other benefits generated by the contracts; transfer interests in insurance or annuity contracts to the extent permitted under the terms of those contracts; and perform any other acts described in California Civil Code Section 2492, except those acts that conflict with or are limited by a more specific provision in this Power.

1.4. Retirement Plans. I give my attorney in fact the

power to take any actions she believes necessary or desirable in order to maintain or participate in any retirement plan in which I have an interest when this Power is executed, or in which I later acquire an interest, including the power to select the manner in which benefits under the plan are to be paid; designate beneficiaries under the plan, including the power to designate herself as the beneficiary; make voluntary contributions to the plan; make rollovers from one plan into another; to the extent authorized by the plan, borrow from the plan and sell the assets of the plan; and perform any other acts described in California Civil Code Section 2497, except those acts that conflict with or are limited by a more specific provision in this Power.

1.5. Claims and Litigation. I give my attorney in fact the power to take any actions she believes necessary or desirable with respect to any claim that I may have or that has been asserted against me and with respect to any legal proceeding in which I have an interest when this Power is executed, or in which I later acquire an interest, including the power to institute, prosecute, and defend legal proceedings and claims on my behalf; file actions to determine adverse claims, intervene in litigation, and act as amicus curiae in any proceedings affecting my interests; seek preliminary, provisional, or intermediate relief on my behalf; apply for the enforcement or satisfaction of judgments that have been rendered in my favor; participate fully in the development of claims and proceedings; submit any dispute in which I have an interest to arbitration; submit and accept

settlement offers and participate in settlement negotiations; handle all procedural aspects, such as service of process, filing of appeals, stipulations, verifications, waivers, and all other matters in any way affecting the process of any claim or litigation; fully participate in any voluntary or involuntary bankruptcy proceeding involving me or in which I am a claimant; satisfy judgments that have been rendered against me; and perform any other acts described in California Civil Code Section 2494, except those acts that conflict with or are limited by a more specific provision in this Power.

1.6. Tax Matters. For any tax year beginning with and including the year 1993, and ending with and including the year 2043, I give my attorney in fact the power to prepare and file any and all documents and take all actions that are necessary or that she believes to be desirable with respect to my local, state, or federal tax liability, including the power to participate in audits; exercise my rights to protest and appeal assessments; pay amounts due to the appropriate taxing authority; execute waivers, consents, closing agreements, and similar documents related to my tax liability; participate in all procedural matters connected with my tax liability; exercise any elections that may be available to me under applicable state or federal tax laws or regulations; and perform any other acts described in California Civil Code Section 2498, except those acts that conflict with or are limited by a more specific provision in this Power. My Social Security number is 559-74-

1.7. Personal and Family Maintenance. I give my attorney in fact the power to take any actions she believes necessary or desirable in order to effectively conduct my personal affairs and to discharge any and all obligations I may owe to myself and to family members and other third persons who are customarily or legally entitled to my support when this Power is executed, or that are undertaken thereafter, including the power to take steps to ensure that our customary standard of living is maintained; arrange for medical and dental care; continue existing charge accounts, open new charge accounts, and make payments thereon; provide for transportation; maintain correspondence; prepare, maintain, and preserve personal records and documents; maintain membership in any social, religious, or professional organization and make contributions thereto; and perform any other acts described in California Civil Code Section 2495, except those acts that conflict with or are limited by a more specific provision in this Power.

1.8. Pets. With respect to any animal that I own when this Power is executed or that is acquired thereafter, I give my attorney in fact the power to take any actions she believes necessary or desirable in order to effectively maintain the animal, including the power to house, or to arrange for the housing, support, and maintenance of the animal, and to pay reasonable boarding, kenneling, and veterinary fees, or if the support and maintenance of the animal becomes unreasonably

expensive, to dispose of the animal in a humane fashion, preferably by finding another home for the animal.

1.9. Funeral and Burial. I give my attorney in fact the power to arrange for my funeral or other memorial service and for burial or cremation of my remains, including the purchase of a burial plot or other place for interment of my remains or ashes.

1.10. Anatomical Gifts. I give my attorney in fact the power to make a disposition of a part or parts of my body under the Uniform Anatomical Gift Act.

1.11. Gifts. I give my attorney in fact the power to make gifts, grants, or other transfers without consideration, of cash or other property, either outright or in trust, including the power to forgive indebtedness and consent to gift splitting under Internal Revenue Code Section 2513 or successor sections. The powers granted under this paragraph shall be exercised, if at all, in favor of my wife, my issue, and any other of my dependents. Any gifts made pursuant to this paragraph shall not be future interests within the meaning of Internal Revenue Code Section 2503, and the aggregate amount of any gifts made in any one calendar year to any one individual shall not exceed the amount that may be made free of federal gift tax to a person. The limitations in the preceding sentence shall not apply to any gifts that incur no federal gift tax, such as, for example, gifts that qualify for the unlimited federal gift tax marital deduction or charitable deduction.

1.12. Gifts to Attorney in Fact Limited to Ascertainable

Standard. Notwithstanding any other provision in this Power, my attorney in fact may make gifts in amounts not to exceed the annual federal gift tax exclusion to herself, but only if she is in need of funds to meet the reasonable expenses of the following: (1) support in accordance with her accustomed manner of living; (2) medical, dental, hospital, and nursing services, and other costs relating to the health care of my attorney in fact; and (3) education of my attorney in fact.

1.13. Nomination of Conservator. If proceedings are initiated for the appointment of a conservator of my person or my estate or both, I hereby nominate Tami Chloe Blair, of 4205 Omega St., Castro Valley, California 94546 as conservator of my person, estate, or person and estate. I hereby waive the requirement of a bond if Tami Chloe Blair is appointed as conservator. I request that, if the person named above is appointed conservator of my estate, the court make an order granting to that person all or as many of those independent powers listed in California Probate Code Section 2591 as the court deems appropriate.

1.14. All Other Matters. Except for those actions that conflict with or are limited by another provision in this Power, I give my attorney in fact the power to act as my alter ego with respect to all matters and affairs that are not included in the other provisions in this Power, to the extent that a principal can act through an agent. This paragraph does not authorize my attorney in fact to make health care decisions, as defined in California Civil Code Section 2430.

1.15. Incidental Powers. In connection with the exercise of any of the powers described in the preceding paragraphs, I give my attorney in fact full authority, to the extent that a principal can act through an agent, to take all actions that she believes necessary, proper, or convenient, to the extent that I could take such actions myself, including the power to prepare, execute, and file all documents and maintain records; enter into contracts; hire, discharge, and pay reasonable compensation to attorneys, accountants, expert witnesses, or other assistants; engage in litigation regarding a claim in favor of or against me; execute, acknowledge, seal, and deliver any instrument; and perform any other acts described in California Civil Code Section 2485, except those acts that conflict with or are limited by a more specific provision in this Power.

ARTICLE TWO

AMPLIFYING PROVISIONS

2.1. Reimbursement for Costs and Expenses. My attorney in fact shall be entitled to reimbursement from my property for expenditures properly made in the execution of the powers conferred by me in this Power. My attorney in fact shall keep records of any such expenditures and reimbursement.

2.2. Reasonable Compensation. My attorney in fact shall be entitled to reasonable compensation for the services rendered in the execution of any of the powers conferred in this Power. In determining the reasonableness of compensation, all relevant

factors shall be taken into consideration, including, but not limited to, the time expended by my attorney in fact, the value of the property over which my attorney in fact exercises control and management, and the complexity of the transactions entered into by my attorney in fact. My attorney in fact may make the payment of such amount from my assets every year. My attorney in fact shall keep records that include the amount of time spent in performing the services, a description of the services performed, and the amount of compensation paid to herself for each such time period.

2.3. Reliance by Third Parties. To induce third parties to rely upon the provisions of this Power, I, for myself and on behalf of my heirs, successors, and assigns, hereby waive any privilege that may attach to information requested by my attorney in fact in the exercise of any of the powers described herein. Moreover, on behalf of my heirs, successors, and assigns, I hereby agree to hold harmless any third party who acts in reliance upon this Power for damages or liability incurred as a result of that reliance.

2.4. Release of Medical Information. I authorize in advance all providers of health care, including hospitals, to release to my attorney in fact all information or photocopies of any records that my attorney in fact requests. If I am able to confirm this authorization at the time of the request, third parties may seek such confirmation from me, but this authorization shall not be conditional on my confirmation. All

providers of health care shall treat the request of my attorney in fact as that of a legal representative of an incompetent patient, as contemplated by California Civil Code Section 56.11(c)(2), or any successor section, and shall honor that request on such a basis. I hereby waive any privilege applicable to such information and records, and to any communication pertaining to me and made in the course of a physician-patient or psychiatrist-patient relationship, and I hold the provider of health care harmless for any liability for the release of such information.

2.5. Ratification. I ratify and confirm all that my attorney in fact does or causes to be done under the authority granted in this Power. All instruments of any sort entered into in any manner by my attorney in fact shall bind me, my estate, my heirs, successors, and assigns.

2.6. Exculpation of My Attorney in Fact. My attorney in fact shall not be liable to me or any of my successors in interest for any action taken or not taken in good faith, but shall be liable for any willful misconduct or gross negligence.

2.7. Revocation and Amendment. I revoke all prior General Powers of Attorney that I may have executed and I retain the right to revoke or amend this document and to substitute other attorneys in fact in place of my attorney in fact. Amendments to this document shall be made in writing by me personally (not by my attorney in fact) and they shall be attached to the original of this document and recorded in the same county or counties as

the original if the original is recorded.

ARTICLE THREE

GENERAL PROVISIONS

3.1. Signature of Attorney in Fact. My attorney in fact shall use the following form when signing on my behalf pursuant to this Power: "Edward G. Blair by Tami Chloe Blair, his attorney in fact."

3.2. Photostatic Copies. Persons dealing with my attorney in fact may rely fully on a photostatic copy of this Power.

3.3. Severability. If any of the provisions of this Power are found to be invalid for any reason, such invalidity shall not affect any of the other provisions of this Power, and all invalid provisions shall be wholly disregarded.

3.4. Governing Law. All questions pertaining to validity, interpretation, and administration of this Power shall be determined in accordance with the laws of California.

3.5. Explanation of Durable Power for Property Management. I understand that this Power is an important legal document. Before executing this document, my lawyer explained to me the following: (1) this document provides my attorney in fact with broad powers to dispose of, sell, convey, and encumber my real and personal property; (2) the powers granted in this Power will exist for an indefinite period of time unless I limit their duration by the terms of this Power or revoke this Power, and they will continue to exist notwithstanding my subsequent disability or incapacity; and (3) I have the right to revoke or

49861

terminate this Power at any time.

This Durable Power of Attorney is executed by me on
Jan. 13, 1994, at Castro Valley,
California.

Edward G. Blair
Edward G. Blair

Acceptance by Attorney in Fact

Tami Chloe Blair
Tami Chloe Blair

Dated: 1/13/94

ACKNOWLEDGMENT

49862

STATE OF CALIFORNIA

COUNTY OF

Contra Costa))
))
))
SS

On this 14 day of January, 1994, before me, Richard James Breitwieser a notary public in and for the State of California, personally appeared Edward G. Blair, 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 he executed the same in his individual capacity, and that by his signature on the instrument, the person executed the instrument.

WITNESS my hand and official seal.

Signature

Richard James Breitwieser

(SEAL)

