

MTC-68186W

**M05-67898**

Recording Requested By: )

Klamath County, Oregon

10/31/2005 03:10:31 PM

Pages 5 Fee: \$41.00

Kenneth S. McFarlan )

Attorney At Law )

30 Mitchell Boulevard )

San Rafael, California 94903 )

When Recorded Mail To: )

Rebecca A. Ripley. )

316 Keller St. )

Petaluma, CA 94952 )

## **SPECIAL DURABLE POWER OF ATTORNEY**

### **Introduction**

I, REBECCA A. RIPLEY, hereby create this Special Durable Power of Attorney and appoint You, THOMAS C. PITRE, as My attorney-in-fact to act for Me and in My name in the limited capacity as authorized in this document.

### **I. Intent and Definitions**

- 1.1 **Intent.** By this document I intend to create a Special Durable Power of Attorney under provisions of California Probate Code Sections 4000 and following, and as expressly defined in California Probate Code Sections 4018 and following.
- 1.2 **Governing Law.** I incorporate by this reference California Probate Code Section 4052 and intend that this Power of Attorney shall be governed by the laws of the State of California and shall be given full faith and credit in any other jurisdiction to the fullest extent permissible under applicable law and practice as may prevail from time to time.
- 1.3 **Durable Powers.** I intend that this shall be a Durable Power of Attorney as defined in California Probate Code Sections 4124 and that it shall not be affected by My subsequent incapacity.
- 1.4 **Definitions.** As used in this document, the pronouns "I, Me, Mine, and Myself," refer to the Principal, the person who is signing this instrument and granting this Special Power of Attorney. The pronouns "You, Your, and Yourself," refer to the person named as My attorney-in-fact, who shall have the authority to act on My behalf as specified in this instrument and shall include the originally named attorney-in-fact as well as any named successor attorneys-in fact.

41.00

## **II. Effective Dates, Parties and Right to Revoke**

- 2.1 **Effective Date and Termination.** This special Power of Attorney shall become effective immediately at the time I sign below and shall terminate two (2) months from that date unless earlier terminated by Me in writing.
- 2.2 **Right to Revoke.** I retain the right to revoke or amend this instrument at any time. However, as to any third party who, in good faith and without notice of any revocation or amendment, relies on this Special Durable Power of Attorney, this instrument shall hereby be fully effective and valid as to said third party, as if it was never revoked or amended.
- 2.3 **Resignation or Death of Attorneys-In-Fact.** If You (or anyone then acting as alternate) resign (for any reason other than death, adjudication of legal incapacity, or appointment of a conservator), then Your resignation shall be made in writing, to be effective and attached to the original of this document. If You cease to act because of death or incapacity, then a copy of Your death certificate, court order of incapacity, or Psychiatric letters certifying Your incapacity, as the case may be, shall be attached to the original of this document, You shall then cease to be My attorney-in-fact. If the original of this document has been recorded, then any resignation or cessation of action (as evidenced by the aforementioned documents) shall also be recorded.
- 2.4 **No Liability For Prior Attorney-In-Fact.** You may accept as correct any accounting or other records of My estate made by any predecessor attorney-in-fact, and You shall be under no obligation to institute any legal action or proceedings for the settlement of the accounts of any predecessor attorney-in-fact or for any action or omissions of any predecessor attorney-in-fact.
- 2.5 **Sign As My Attorney-in-Fact.** In acting as My attorney-in-fact You shall sign My name under this Power of Attorney as follows:

REBECCA A. RIPLEY, by THOMAS C. PITRE as Attorney-in-Fact
--

## **III. Specific Powers Granted**

- 3.1 **Authority to Act.** You are granted the specific and limited authority to sign for Me on My behalf any and all documents reasonably necessary in order to facilitate the completion of the purchase of that certain real property located in Eagles Landing at Running "Y" in Kalamath Falls, State of Oregon and more particularly described in the Exhibit attached hereto and incorporated herein by this reference.
- A. **Scope of Authority.** This authority to sign for Me shall include but not be limited to promissory notes, deeds of trust or other security instruments, disclosures,

escrow instructions, insurance applications, loan applications, releases, and any and all other documents related to and reasonably necessary to complete the aforesaid purchase.

#### **IV. Ratification and Third-Party Reliance**

- 4.1 **Ratification.** I hereby ratify and confirm all that You shall do or cause to be done under the authority granted in this document, and all promissory notes, bills of exchange, drafts, other obligations, agreements, stock powers, instruments, and other documents, signed, endorsed, drawn, accepted, made, executed or delivered by You shall bind Me, My estate, My heirs, successors, and assigns.
- 4.2 **Third Party Reliance.** For the purpose of inducing any physician, hospital, bank, broker, custodian, insurer, lender, transfer agent, taxing authority, governmental agency, or other party to act in accordance with the powers granted in this document, I hereby represent, warrant, and agree that:
- A. **Hold Harmless If Rely Without Notice.** If this document is revoked or amended for any reason, I, My estate, My heirs, successors, and assigns will hold such party or parties harmless from any loss suffered, or liability incurred, by such party or parties in acting in accordance with this document prior to that party's receipt of actual notice of any such termination or amendment.
  - B. **Good Faith Actions of Third Persons.** I expressly incorporate by this reference the provisions of California Probate Code Section 4303 which deals with actions taken by third parties acting in good faith in reference to this Durable Power of Attorney.
  - C. **Authority and Reliance.** The powers conferred on You by this document may be exercised by You alone and Your signature or action under the authority granted in this document may be accepted by third parties as fully authorized by Me and with the same force and effect as if I were personally present, competent, and acting on My own behalf.

#### **V. Miscellaneous Provisions**

- 5.1 **Limited Liability As My Agent.** Neither You nor any of Your successors named in this document shall incur any liability to Me, My estate, My heirs, successors or assigns when in good faith You or Your successors act or refrain from acting hereunder, except for willful misconduct or gross negligence. Neither You nor Your substitutes shall have responsibility to make My assets productive of income, to increase the value of My estate, to diversify My investments, or for entering transactions authorized by this document with Yourself so long as You believe in good faith such actions are in My best interests or in the best interests of My estate and those interested in My estate.

- 5.2 **Revocation And Amendment.** I retain the right to revoke or amend this document and to substitute other attorneys in fact in place of You, My attorney-in-fact. Amendments to this document shall be made in writing by Me personally (not by You) and 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.
- 5.3 **Paragraph Headings.** All paragraph headings are for convenience only, and not to be interpreted in determining the meaning of this document or any of its paragraphs.
- 5.4 **Severability.** If for any reason any provision of this Durable Power of Attorney is found to be invalid, it shall be severed from the balance of the document, and all other provisions will continue in full force and effect.
- 5.5 **Photostatic Copies.** Persons dealing with You may rely fully on a photostatic copy of this Durable Power of Attorney.
- 5.6 **Certified Copies.** I hereby incorporate by this reference the provisions of California Probate Code Section 4307 which provides that copies of this Durable Power of Attorney may be certified by an attorney in this State, a notary public in this State and by other persons or entities and that such certified copy shall have the same force and effect as the original.
- 5.7 **Explanation By Attorney.** I understand that this Power of Attorney is an important legal document. Before executing this document, My attorney has gone over it carefully with Me and explained to Me the relevant law and related matters including but not limited to the following:
- A. This document provides You as My attorney-in-fact with limited powers as described above and to make no other decisions concerning My affairs.
  - B. The powers granted in this document will continue to exist notwithstanding My subsequent disability or incapacity.
  - C. That I have the right to limit any of the powers granted and the duration of this Power of Attorney, and to revoke, amend or otherwise terminate this Power of Attorney at any time and that in the event of such revocation, amendment or termination, I have a duty to provide notice to You and all other parties who may otherwise rely upon Your authority and conduct in the good faith belief that the power and authority granted herein continue in full force and effect.
  - D. That You have a right to reimbursement of all costs and expenses and reasonable compensation for Your activities in carrying out Your duties under this Power of Attorney.
- 6.8 **California Law.** California law governs this Durable Power of Attorney in all respects.

I certify under penalty of perjury that I HAVE CAREFULLY AND THOROUGHLY READ AND UNDERSTOOD EACH AND EVERY PROVISION OF THIS DOCUMENT, AND THAT I HAVE CONSENTED TO EACH AND EVERY PROVISION CONTAINED IN THIS INSTRUMENT.

It is only after this intensive review, that I executed this Special Durable Power of Attorney on this 25 day of October \_\_\_\_\_, 2005, in the City of Petaluma, County of Sonoma, State of California.

  
REBECCA A. RIPLEY

Notary

State of California                     )  
  ) ss.  
County of ~~Marin~~ Sonoma            )

On October 25, 2005 before me Maureen E. McGuigan notary public, personally appeared REBECCA A. RIPLEY, [ ] personally known to me [ ] 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 his/her signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



