M05-71153

Klamath County, Oregon 12/15/2005 11:28:41 AM Pages 3 Fee: \$31.00

Following Recording, Please Return to:

Elizabeth & Bushaden

GENERAL DURABLE POWER OF ATTORNEY

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- I, <u>Loyal G. Garboden</u>, designates <u>Elizabeth E. Garboden</u>, as my attorney-in-fact and agent (subsequently called "Agent") to serve without bond in my name and for my benefit:
- 1. GENERAL GRANT OF POWER: To exercise or perform any act, power, duty, right, or obligation whatsoever that I now have or may hereafter acquire relating to any person, matter, transaction, or party, real or personal, tangible or intangible, now owned or hereafter acquired by me, including, without limitation, the following specifically enumerated powers. I grant to my Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present with full power of substitution or revocation, hereby ratifying and confirming all that my Agent shall lawfully do or cause to be done by virtue of this power of attorney and the powers herein granted.
- 2. <u>BUSINESS INTERESTS</u>: To continue any business interest owned by me, either individually or as co-partner, as a going concern, my said Agent shall be vested with every power in connection therewith.
- 3. **POWERS OF COLLECTION AND PAYMENT**: To forgive, request, demand, sue for, recover, collect, receive, hold all such sums of money, debts, dues, commercial paper, checks, drafts, accounts, deposits, legacies, bequests, devisees, notes, interests, stock certificates, bonds, dividends, certificates of deposit, annuities, pension, profit sharing, retirement, social security, insurance and other contractual benefits and proceeds, all documents of title, all property, real or personal, intangible and tangible property, and property rights and demands whatsoever liquidated or unliquidated now or hereafter owned by or due, owing, payable, or belonging to me or in which I have or may hereafter acquire an interest; to have, use, and take all lawful means and equitable and legal remedies and proceedings in my name for the collection and recovery thereof, and to adjust, sell, compromise, and agree for the same, and to execute and deliver for me on my behalf and in my name all endorsements, releases, receipts, or other sufficient discharges for the same.
- 4. **POWER TO ACQUIRE AND SELL**: To acquire, purchase, exchange, grant options to sell, execute and deliver deeds, and sell and convey real or personal property, tangible or intangible, or interests therein on such terms and conditions as my Agent shall deem proper. To invest in my name in any stock, shares, bonds (including U.S. Treasury Bonds referred to as "flower bonds"), such investments as my Agent, in his or her sole discretion, may deem best.

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- 5. MANAGEMENT POWERS: To enter upon and take possession of, maintain, repair, improve, invest, manage, insure and reinsure, rent, lease, pay taxes, encumber, and in any manner deal with any real or personal property, tangible or intangible, or any interest therein that I now own or may hereafter acquire in my name and for my benefit upon such agents, clerks, servants, or other persons as my Agent, in his/her sole discretion, shall deem necessary and advisable. To vote at meetings of shareholders or other meetings of any corporation or company and to execute any proxies or other instruments in connection therewith.
- 6. <u>BANKING POWERS</u>: To make, receive, and endorse checks and drafts, deposit and withdraw funds, acquire and redeem certificates of deposit in banks, savings and loan associations, and other institutions, execute or release such deeds of trust or other security agreements as may be necessary or proper in the exercise of the rights and powers herein granted.
- 7. MOTOR VEHICLES: To apply for a Certificate of Title upon and endorse and transfer title thereto for any automobile, truck, pickup, van, motorcycle, or other motor vehicle and to represent in such transfer assignment that the title to said motor vehicle is free and clear of all liens and encumbrances, except those specifically set forth in such transfer assignment.
- 8. TAX POWERS: To execute, acknowledge, and file all federal, state, and local tax returns of every kind and nature, including, without limitation, income, gift, and property tax returns such as returns for any year or years, declarations of estimated tax, claims for election. To pay any and all taxes, charges, and assessments in connection with the foregoing tax returns or that may be levied, assessed, or imposed upon any of such lands, buildings, tenements, or other hereditaments that may belong to me.
- 9. <u>SUPPORT</u>: To make expenditures for my care, support, maintenance, and reasonable comforts.
- 10. **LEGAL PROCEEDINGS**: To compensate, prosecute, discontinue, or defend all actions or other legal proceedings pertaining to me or my estate or any part thereof; to settle, compromise, or submit to arbitration any debt, demand, or other right or matter due me or concerning my estate as my Agent, in his or her sole discretion, shall deem best and for such purpose to execute and deliver such releases, discharges, or other instruments as he or she may deem necessary or advisable; and to satisfy mortgages, including the execution of good and sufficient release or other discharge of such mortgage.
- 11. **INTERPRETATION AND GOVERNING LAW:** This instrument is to be construed and interpreted as a general durable power of attorney. The enumeration of specific powers herein is not intended to, nor does it, limit or restrict the general powers herein granted to my Agent. This instrument is executed and delivered in the State of Oregon, and the laws of the State of Oregon shall govern all questions as to validity of this power and the construction of its provisions.

I expressly declare that I am familiar with the provisions of ORS 127.005 and that the powers of my Agent herein described shall be exercisable by my said Agent on my behalf notwithstanding that I may become disabled, incapacitated, or otherwise incompetent by reason of illness or accident or any other reason.

- 12. **CONSTRUCTION**: The paragraph headings used are for convenience only and shall not be resorted to for interpretation of this power. Wherever the context so requires, the masculine shall include the feminine and neuter, and the singular shall include the plural. If any portion of this General Durable Power of Attorney is held to be void or unenforceable, the balance of this General Durable Power of Attorney shall nevertheless be carried into effect.
- **LIABILITY**: My Agent is authorized to act on my behalf wherever it is incumbent upon him or her to do so in accordance with his or her best judgment, and provided he or she is acting within his or her powers, he or she shall be responsible for good faith only.
- THIRD-PARTY RELIANCE: Third parties may rely upon the representations of 14. my Agent as to all matters relating to any power granted to my Agent, and no person who may act in reliance upon the representations of my Agent or the authority granted to my Agent shall incur any liability to me or my estate as a result of permitting my Agent to exercise any power.
- **COMPENSATION**: My said Agent shall be reimbursed for all reasonable expenses incurred in the management and protection of my assets.

DATED at Manath Progen on the 5 day of December, 200 5. STATE OF OREGON) ss. County of Klamath On this 5 day of 120 mble, 2005, before me, the undersigned Notary Public, personally appeared 2 cyal (7 Gayboden, who is personally known to me or has proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged the foregoing to be voluntary act and deed.

OFFICIAL SEAL MARIA SALCEDO NOTARY PUBLIC-OREGON COMMISSION NO. 376109 MY COMMISSION EXPIRES JAN. 8, 2008 WITNESS my hand and official seal.

Notary Public for Oregon My Commission Expires: Jan 8,2008