

MTC 75828

2006-016933  
Klamath County, Oregon



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Fee: \$71.00

# **RECORDING COVER SHEET**

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

**After Recording, Return To: The Craig and Maxine Owens Trust**  
**Dated June 22, 2006**  
**C/O Elton R. Garner, Jr., Attorney**  
**110 South Plumas Street/PO Box 908**  
**Willows, CA 95988**

**1. Name(s) of the Transaction(s): Durable Power of Attorney**

**2. Direct Party (Grantor): Maxine W. Owens**

**3. Indirect Party (Grantee): Craig R. Owens**

**4. True and Actual Consideration Paid: N/A**

**5. Legal Description: N/A**

AMERITITLE has recorded this  
instrument by request as an accomodation only,  
and has not examined it for regularity and sufficiency  
or as to its effect upon the title to any real property  
that may be described therein.

71.00

WARNING TO PERSON EXECUTING THIS DOCUMENT

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS.

1. THIS DOCUMENT MAY PROVIDE THE PERSON YOU DESIGNATE AS YOUR ATTORNEY-IN-FACT WITH BROAD POWERS TO DISPOSE, SELL, CONVEY, AND ENCUMBER YOUR REAL AND PERSONAL PROPERTY.
2. THESE POWERS WILL EXIST FOR AN INDEFINITE PERIOD OF TIME UNLESS YOU LIMIT THEIR DURATION IN THIS DOCUMENT. THESE POWERS WILL CONTINUE TO EXIST NOTWITHSTANDING YOUR SUBSEQUENT DISABILITY OR INCAPACITY.
3. YOU HAVE THE RIGHT TO REVOKE OR TERMINATE THIS DURABLE POWER OF ATTORNEY AT ANY TIME.

**DURABLE POWER OF ATTORNEY**

I, MAXINE W. OWENS, on MARCH 23,, 2003, do hereby appoint CRAIG R. OWENS, my true and lawful Attorney-in-fact.

I. THIS IS A DURABLE POWER OF ATTORNEY UNDER CALIFORNIA CIVIL CODE SECTIONS 2400-2407. THIS DURABLE POWER OF ATTORNEY SHALL NOT BE AFFECTED BY THE SUBSEQUENT INCAPACITY OF THE PRINCIPAL.

II. When signing on my behalf under this Power of Attorney, the Attorney-in-fact shall use the form as follows: "MAXINE W. OWENS by CRAIG R. OWENS, her Attorney-in-fact."

III. This Durable Power of Attorney starts as of the date first above written, and the Attorney-in-fact has the power to act as my Attorney-in-fact from that date until termination of this power.

IV. I grant to my Attorney-in-fact full power and authority, for me and in my name, place and stead and for my use and benefit, to do and perform all and every act and thing described as follows:

(a) To manage, control, lease, sublease, and otherwise act concerning any real property which I may own, collect and receive rents or income therefrom; pay taxes, charges, and assessments on the same; repair, maintain, protect, preserve, alter, and improve the same; and do all things necessary or expedient to be done in my Attorney-in-fact's judgment in connection with the property.

(b) To purchase real property on my behalf; to mortgage, pledge, or otherwise encumber such newly acquired property; to commit my resources with respect to purchase of such property; to do all acts and execute all documents necessary for the purchase of such property; and to otherwise generally deal in all respects and have all powers described in this Durable Power of Attorney with respect to such property.

(c) To manage and control all partnership interests owned by me and to make all decisions I could make as a general partner, limited partner, or both, and to execute all documents required of me as such partner, all to the extent that my Attorney-in-fact's designation for such purposes is allowed by law and is not in contravention of any partnership or other agreement.

(d) To purchase, sell, invest, reinvest and generally deal with all stocks, bonds, debentures, warrants, partnership interests, rights, and securities owned by me.

(e) To collect and deposit for my benefit all debts, interest, dividends or other assets that may be due or belong to me, and to execute and deliver receipts and other discharges therefor; to demand, arbitrate, and pursue litigation on my behalf concerning all rights and benefits to which I may be entitled; and to compromise, settle, and discharge all such matters as my Attorney-in-fact considers appropriate under the circumstances.

(f) To pay any sums of money that may at any time be or become owing from me, to sell, and to adjust and compromise any claims which may be made against me as my Attorney-in-fact considers appropriate under the circumstances.

(g) To grant, sell, transfer, convey, mortgage, deed in trust, pledge, and otherwise encumber and deal in all property, real and personal, that I may own; including but not limited to any real property, including property acquired after execution of this instrument; and to execute such instruments as my Attorney-in-fact deems proper in conjunction with all matters covered in this paragraph (g).

(h) To prepare and file all income and other federal and state tax returns which I am required to file; to sign my name on tax returns, including Forms IRS 1040 and FTB 540; to hire preparers and advisors and pay for their services; and to do whatever is necessary to protect my assets from assessments for income taxes and other taxes for all years. My Attorney-in-fact is specifically authorized to receive confidential information; to receive checks in payment of any refund of taxes, penalties, or interest; to execute waivers (including offers of waivers) of restrictions on assessment or collection of tax deficiencies and waivers of notice of disallowance of claims for credit or refund; to execute consents extending the statutory period for assessment or collection of taxes; to execute closing agreements under Internal Revenue Code Section 7121, or any

successor statute; and to delegate authority or substitute another representative with respect to all above matters.

(i) To deposit in and draw on any checking, savings, agency, or other accounts which I may have in any banks, savings and loan associations, and any accounts with securities brokers or other commercial institutions, and to establish and terminate all such accounts.

(j) To invest and reinvest my funds in every kind of property, real, personal, or mixed, and every kind of investment, specifically including, but not limited to, corporate obligations of every kind; preferred or common stocks; shares of investment trusts, investment companies, and mutual funds; mortgage participation; that, under the circumstances then prevailing (specifically including but not limited to the general economic conditions and my anticipated needs) persons of skill, prudence, and diligence acting in a similar capacity and familiar with those matters would use in the conduct of an enterprise of a similar character and with similar aims, to attain my goals; and to consider individual investments as part of an overall plan.

(k) To have access to all safe deposit boxes in my name or to which I am an authorized signatory; to contract with financial institutions for the maintenance and continuation of safe deposit boxes in my name; to add to and remove the contents of all such safe deposit boxes; and to terminate contracts for all such safe deposit boxes.

(l) To commence enforcement proceedings, at my expense, against any bank, savings and loan association, or other person or entity that fails or refuses to honor this Durable Power of Attorney.

(m) To transfer assets to any and all revocable living trusts of which I am or become a settlor.

(n) To make gifts on my behalf to a class composed of my children, any of their issue, or both to the full extent of the federal annual gift tax exclusion in effect from time to time, including the \$10,000.00 per donee annual exclusion under Internal Revenue Code Section 2503(b) or any successor statute, and for such purposes to remove my assets from any grantor revocable trust of which I am a grantor.

(o) To use any credit cards in my name to make purchases and to sign charge slips on my behalf as may be required to use such credit cards; and to close my charge accounts and terminate my credit cards under circumstances where my Attorney-in-fact considers such acts to be in my best interest.

(p) To do all things and enter into all transactions necessary to provide for my personal care and to maintain my customary standard of living; to provide me with suitable living quarters; and to hire and compensate household, nursing and other employees as my Attorney-in-fact considers advisable for my well being. The above shall specifically include but not be limited to the authority to pay the ongoing costs of maintenance of my present and future residence, such as interest, taxes, and repairs; to procure and pay for clothing, transportation, medicine, medical care, food, and other needs; and to make arrangements, enter into contracts and commit my resources on my behalf with respect to provision of residential care for me in a convalescent hospital, skilled nursing home, or other alternative residential facility.

(q) Generally to do, execute, and perform any other act, deed, matter, or thing, that in the opinion of my Attorney-in-fact ought to be done, executed, or performed in conjunction with this Durable Power of Attorney, of every kind and nature, as fully and effectively as I could do if personally present. The enumeration of specific items, acts, rights, or powers in this

instrument does not limit or restrict, and is not to be construed or interpreted as limiting or restricting, the general powers granted to my Attorney-in-fact except where powers are expressly restricted.

(r) To sign and deliver a valid disclaimer under the Internal Revenue Code and the California Probate Code, when, in my Attorney-in-fact's judgment, my family's best interests would be served; to that end, to hire and to pay for legal and financial counsel to help my Attorney-in-fact decide whether to file that disclaimer;

(s) To make gifts in my Attorney-in-fact's judgment to charitable, scientific, religious or educational institutions according to my pattern of charitable giving over the past five (5) years. To make these gifts at any time or from time to time;

(t) To sign and deliver a deed that changes my property interest from or to any of these designations: Joint Tenancy, Community Property, Tenants-in-Common, and Separate Property;

(u) To exercise any Special Power of Appointment I hold;

(v) To establish any trust with my assets for the benefit of my spouse or my issue, on such terms as my Attorney-in-fact determines are necessary or proper, so long as the trust does not materially change the general disposition of my existing estate plan.

V. My Attorney-in-fact shall not have any power described as follows:

(a) To use my assets to pay for my Attorney-in-fact's legal obligations that include but are not limited to the support of my Attorney-in-fact's dependents;

(b) To exercise any of the powers of the Trustee under an irrevocable trust of which my Attorney-in-fact is Settlor (Trustor or Grantor) and of which I am Trustee;

(c) To exercise any incident of ownership over any life insurance policy that I own and that insures my Attorney-in-fact's life;

(d) To vote any proxy as defined in California Corporations Code §178;

(e) To make a will for me;

(f) To revoke my Will or Codicil;

VI. If protective proceedings of my person or estate or both are begun after I sign this document, I nominate for the Court's consideration the following persons:

For the conservatorship of my person: **CRAIG R. OWENS**

For the conservatorship of my estate: **CRAIG R. OWENS**

VII. This Durable Power of Attorney and its validity, construction, and all rights under it shall be governed by the laws of the State of California.

VIII. Should any provision of this Durable Power of Attorney be or become invalid or unenforceable, the remaining provisions of this Durable Power of Attorney shall be and continue to be fully effective.

IX. My 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 I were personally present and acting on my own behalf. No person or organization who relies on my Attorney-in-fact's authority under this instrument shall incur any liability to me, my estate, heirs, successors, or assigns, because of reliance on this instrument.

X. This Durable Power of Attorney shall apply to all presently owned and future acquired assets of mine, and shall include the power to acquire any assets as described herein on my behalf.



XI. My estate, heirs, successors, and assigns shall be bound by my Attorney-in-fact's acts under this power of attorney.

XII. I hereby ratify and confirm all that my Attorney-in-fact shall do, or cause to be done by virtue of this Durable Power of Attorney.

XIII. As used in this Durable Power of Attorney, the masculine, feminine, or neuter gender and the singular or plural number, shall each be deemed to include the others whenever the context so indicates.

XIV. In the event of the death or refusal or inability to serve of the above-named Attorney-in-fact, then I appoint my son, **DANIEL C. OWENS**, as my true and lawful Attorney-in-fact. In the event of the death or refusal or inability of my son, **DANIEL C. OWENS**, to serve as Attorney-in-fact, then I appoint my daughter, **BETTY JANE OWENS**, as my true and lawful Attorney-in-fact. Any Successor Attorney-in-fact appointed as provided in this paragraph because of the death or refusal or inability to serve of the Attorney-in-fact shall succeed to all powers, rights, discretions and obligations of the Attorney-in-fact under this agreement with the same effect as though such Successor Attorney-in-fact were originally named as my Attorney-in-fact herein.

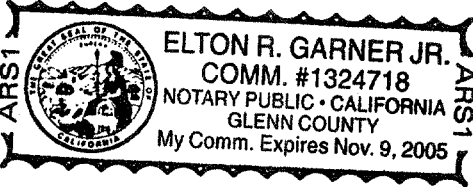

XV. As to any acts taken in good faith reliance on this Durable Power of Attorney, an affidavit executed by the Attorney-in-fact under this Durable Power of Attorney stating that he or she did not have at the time of the exercise of the power actual knowledge of the termination of the Durable Power of Attorney by revocation or my death is conclusive proof of the nonrevocation or nontermination of this Durable Power of Attorney at that time.

I understand (1) this document gives my Attorney-in-fact serious powers over me and my assets; (2) the powers continue after I am incapacitated; and (3) I can revoke and cancel this document at any time.

Signed on the date first above written, at Willows, California.

  
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MAXINE W. OWENS

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

<div>State of California County of Glenn</div> <div>On <u>MARCH 23, 2003</u>, before me, the undersigned Notary Public, personally appeared <small>DATE</small></div> <div>MAXINE W. OWENS</div> <div><div><input checked="" type="checkbox"/> personally known to me - OR - <input type="checkbox"/></div><div></div></div> <div>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 the person, or the entity upon behalf of which the person acted, executed the instrument.</div> <div>Witness my hand and official seal.</div> <div> SIGNATURE OF NOTARY</div>		<div>Capacity Claimed by Signer</div> <div><input checked="" type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE OFFICER(S) <small>TITLE(S)</small> <input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED <input type="checkbox"/> GENERAL <input type="checkbox"/> ATTORNEY-IN-FACT <input type="checkbox"/> TRUSTEE(S) <input type="checkbox"/> GUARDIAN/CONSERVATOR <input type="checkbox"/> OTHER: _____</div> <div>Signer is Representing: NAME OF PERSON(S) OR ENTITY(IES) _____ _____</div>
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