

2010-003575

Klamath County, Oregon



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DURABLE POWER OF ATTORNEY

ARTICLE I. DECLARATIONS & PURPOSE

1.1 This durable power of attorney shall take effect upon its execution unless some other date is specified.

1.2 I, Malinda B. Nevin, appoint my spouse, Peter A. Nevin, as my Attorney-in-Fact with full power to carry out those acts specified in Article II in accordance with any limitations imposed herein. This durable power of attorney shall not be affected by my subsequent disability or incapacity.

1.3 My Attorney-in-Fact shall use this durable power of attorney and exercise said power as granted herein for my exclusive benefit.

ARTICLE II. POWERS GRANTED

2.1 The following powers are granted to my attorney-in-fact to be used for my benefit and on my behalf in accordance with the direction specified herein. The powers shall apply to all property I currently have any right, title or interest in, and to any such property I may acquire any right, title or interest in, in the future.

2.2 As to any assets, real or personal, standing in my name, held for my benefit or acquired for my benefit, I confer the following powers upon my Attorney-in-Fact.

1. Support.

To make expenditures for my care, maintenance, support and general welfare, and to distribute such sums as are necessary for the care, maintenance, education and support of members of my immediate family who are or become dependent upon me for support.

2. Management.

To take possession of, manage, administer, operate, maintain, improve and control all my property, real and personal; to insure and keep the same insured; and, to pay any and all taxes, charges and assessments that may be levied or imposed upon such property.

3. Mail.

To redirect, open and review my mail, e-mail and other communications of whatsoever kind or howsoever directed to me.

4. Custody of Papers.

To take custody of my Will, deeds, life insurance policies, contracts, securities or other important papers.

5. Debts.

To pay my just debts and other obligations.

6. Legal Rights.

To apply for Government and insurance benefits, including social security and veteran's benefits, to arrange for transportation and travel, and to partition community property to create separate property for me.

7. Employment.

To hire and pay from my funds for counsel and services of professional advisors, physicians, brokers, dentists, accountants, workmen, clerks, attorneys, investment counselors and other health care professionals. This power shall include the right to discharge said persons

8. Bank Accounts.

As to any commercial, checking, savings, credit union, savings & loan, money market, Treasury bills, mutual fund accounts, safe deposit boxes, in my name or opened for my benefit - to open, withdraw, deposit into, close, and to negotiate, endorse, or transfer any instrument affecting those accounts.

9. Pensions, Retirement Benefits & Accounts.

As to any retirement benefits or accounts including, but not limited to, military pensions, government pensions/benefits, 401k accounts, individual retirement accounts, 403b accounts, railroad retirement pensions/benefits and any and all similar or related accounts (including deferred compensation accounts) to open, withdraw, rollover, deposit into, close, borrow from, transfer, modify or take any action affecting those accounts (including making elections) that I may take myself.

10. Accounts, Notes & Checks.

As to any promissory note receivable, checks, drafts, secured or unsecured, or any accounts receivable - to collect on, compromise, endorse, borrow against, hypothecate, release, discount and reconvey that note and any related deed of trust or other security. (This shall include any payments to me drawn on the Treasury of the United States or any state or territory thereof.)

11. Stocks & Bonds.

As to any shares of stock, bonds, mutual funds, money market funds, futures of any kind, options of any kind, or any documents or instruments defined as securities under law - to open accounts with stock brokers (on cash or on margin), buy, sell, endorse, assign, deliver, transfer, hypothecate and borrow against for any price and upon any terms as my Attorney-in-Fact shall deem reasonable, and to collect payment thereon.

12. Treasury Bonds.

To purchase US Treasury bonds or other instruments redeemable at par in payment of federal estate taxes.

13. Personal Property.

To manage tangible personal property, including but not limited to, moving, storing, selling, donating, leasing, exchanging, or otherwise disposing of said property.

14. Real Property.

As to any real property, to collect rents, disburse funds, keep in repair, hire professional property managers, lease to tenants, negotiate and renegotiate leases, borrow against, renew any loan, and/or to sign any documents involving any transaction with real property, including but not limited to the right to purchase, acquire, take title to, convey, sell, contract to sell, exchange and/or dispose of any of the real property. This power shall include the right to claim any homestead exemption available to me.

15. Taxes.

To sign and file on my behalf all city, county, state, federal, and other governmental or quasi-governmental tax returns or reports, including income, gift, sales, business, and property tax returns or reports of every kind; to execute waivers, extension agreements, settlement agreements, and closing agreements with respect to those returns and to appear for me, in person or by attorney, and represent me before the United States Treasury Department or the Oregon Department of Revenue or the taxing authority of any other state or governmental entity.

16. Estate Interests.

To sign and deliver a valid disclaimer under the Internal Revenue code and the Probate Code, when, in the judgment of the attorney-in-fact, my own and my heirs' best interests would be served; to that end, to hire and to pay for legal and financial counsel to make that decision as to whether to file that disclaimer.

17. Gifts.

To make gifts to my children, grandchildren or other persons related to me conforming to gift patterns made in earlier years, provided that significant planning and care is given to my future needs.

18. Trusts.
To transfer and/or contribute assets to trusts and receive income and/or principal from such trusts in accordance with their terms, provided the person exercising this power shall not have the power to revoke or amend any trust.
19. Elective Share Claim.
To claim an elective share of the estate of my deceased spouse.
20. Renunciations.
To renounce fiduciary positions.
21. Possession.
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.
22. Merchandise.
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.
23. Collect.
To ask for, demand, recover, collect, and receive all monies, debts, rents, dues, accounts, legacies, bequests, interests, dividends and claims whatsoever which are now or which hereafter may become due, owing and payable to 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.
24. Bankruptcy.
To prepare, execute and file any proof of debt/claim and other instruments in any court and to take any proceedings under the Bankruptcy Act in connection with any sum of money or demand due or payable to me and in any such proceedings to vote in my name for the election of any trustee or trustees and to demand, receive and accept any dividend or distribution whatsoever. Also to file for relief, on my behalf, under any bankruptcy statute.
25. Settle.
To adjust, settle, compromise or submit to arbitration any account, debt, claim, demand or dispute as well as matters which are now subsisting or hereafter may arise between me or my said attorney and any other person or persons.
26. Mineral Rights.
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, mineral and deposits.
27. Suits or Actions.
To commence and prosecute and to defend against, answer and oppose all actions, suits or proceedings touching any of the matters aforesaid or any other matters in which I am or hereafter may be interested or concerned, including matters in State, Federal and Bankruptcy Court.
28. Proxy.
To vote any stock in my name as proxy.
29. Safety Deposit Box.
To have access to any safety deposit box which has been or may be rented in my name or in the name of myself and any other person or persons.

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30. Execution of Documents.

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, acquittance, 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 said attorney may seem right, proper and expedient.

31. ORS 127.005.

I expressly declare that I am familiar with the provisions of ORS 127.005 and that the powers of my attorney herein described shall be exercisable by my said attorney on my behalf, notwithstanding that I may become disabled or incompetent.

32. Substitution and Delegation.

To appoint and substitute for my agent any other agents, nominees, or attorneys as my agent to select or exercise any or all of the powers herein and to revoke any such other agent's authority.

33. General Authority.

I authorize my agent for me and in my name, generally, to do and perform all and every act and thing necessary or desirable to conduct, manage, and control all my business and my property, whether now owned or later acquired, as my agent may deem for my best interest and to execute and acknowledge any and all instruments necessary or property to carry out the foregoing powers, hereby releasing all third persons from responsibility for my agent's acts and omissions; and, I empower my agent to indemnify all such persons against loss, expense and liability.

34. Emergencies.

The Attorney-in-Fact shall have all powers as are necessary or desirable to provide for the support, maintenance, health, emergencies and urgent necessities of my disabled or incompetent spouse, if any.

35. Disclaimer.

To renounce and disclaim any property or interest in property or powers to which I may become entitled, and to file any such disclaimer with appropriate courts or persons and to consider my estate planning and the reduction of estate taxes in exercising such powers; including, but not limited to, to exercise in whole or in part any right to claim, appoint, disclaim, waive or release, any interest or share in any power or property 1) passing by Will or Trust or intestate succession, including elective share, spousal support, and other marital property rights, 2) any property passing by beneficiary designation pursuant to the terms of any financial or brokerage account, IRA, Roth IRA, any qualified or non-qualified retirement plan, or any annuity or life insurance contract, 3) any property passing by law by right of survivorship, and 4) any general or special power of appointment. To sever any joint tenancy with right of survivorship, creating a tenancy in common without survivorship instead. To take all steps required to qualify a disclaimer under state and federal laws, including Section 2518 of the Internal Revenue Code, or any successor statute. The exercise of these powers shall be 1) consistent with my then-existing, documented, probate and non-probate estate plan, 2) shall not jeopardize the quality of the personal care and health care I may receive, and 3) if otherwise qualifying under my estate plan, may be exercised by my Attorney-in-Fact to benefit by Attorney-in-Fact and members of my Attorney-in-Fact's family.

2.3 DEATH UNCERTAINTY. This durable power of attorney shall remain in effect to the extent permitted by law or until revoked or terminated, notwithstanding any uncertainty as to whether the principal is dead or alive.

2.4 REVOCATION. This durable power of attorney may be revoked, suspended or terminated by written revocation. This durable power of attorney when given to a spouse is deemed to be revoked by filing of a petition for dissolution of marriage in any State or nation.

2.5 ACTUAL DEATH. The death of a principal shall be deemed to revoke this durable power of attorney upon actual knowledge or actual notice of this being received by the Attorney-in-Fact.

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