

2010-011037

Klamath County, Oregon



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**RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:**

Pabst Holland & Reynolds, PLLC
900 Washington Street, Suite 820
Vancouver, WA 98660

DURABLE POWER OF ATTORNEY

Grantor: STEVEN M. GRAVES

Grantee: BARBARA L. GRAVES; CAROL A. YARBROUGH;
JANET L. BARNES

Abbreviated Legal: N/A

Assessor's Tax Parcel # N/A

Other Reference Nos: N/A

The undersigned, as the principal, domiciled and residing in Klickitat County, Washington, hereby revokes any and all previously executed powers of attorney which are inconsistent with this power of attorney and designates the following named person or persons in the alternative as attorney in fact.

1. Designation. BARBARA L. GRAVES is designated as attorney in fact. If for any reason BARBARA L. GRAVES is unable or unwilling to act as attorney in fact, CAROL A. YARBROUGH and JANET L. BARNES are designated as alternate co-attorneys in fact, with either authorized to act on behalf of the principal. All references herein to "attorney in fact" shall also refer to the co-attorneys in fact.

2. Powers.

- a) General. The attorney in fact, as fiduciary, shall have all powers of an absolute owner over the assets and liabilities of the principal, whether located within or without the State of Washington. This shall include, but not be limited to, the power to:

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(GRAVES Steven & Barbara/Steve's Durable Power of Attorney)

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- i) represent the principal in all federal or state tax matters, including the signing and filing of all tax returns, including, but not limited to, Forms 1040, 709, and 2848 on the principal's behalf for tax years 2000 to 2037;
 - ii) transfer assets to and/or withdraw assets from the GRAVES LIVING TRUST dated January 28, 1994;
 - iii) lease, let, grant, bargain, sell, contract to sell, convey, exchange, encumber, release, subdivide, develop and dispose of any real or personal property of which the principal is now or hereafter may be possessed or in which the principal may have any right, title or interest, including rights of homestead, for any price or sum and upon such terms and conditions as the attorney in fact may deem proper; and
 - iv) manage any individual retirement account (IRA) or any qualified or non-qualified retirement account, pension plan or other retirement benefit. This shall include authority to manage the investments; change investment managers; transfer accounts to different brokerage firms, mutual funds, or other retirement account providers; elect lump sum or other distributions; direct rollovers to IRAs or plan-to-plan transfers; make necessary elections and required mandatory distributions under Internal Revenue Code Section 401(a)(9); make other withdrawals as needed; and update beneficiary designations to be consistent with the principal's estate plan.
- b) Securities. As assurance to transfer agents, and not by way of limitation, this power includes the power to purchase or sell any stocks, bonds (including government bonds), shares of mutual funds, or other securities or any interest therein and in that regard to endorse any stock certificates, stock powers, affidavits of domicile or other documents necessary to effect the transfer of such property or interest, to take possession of any stock certificate, bond or other security or register same in the name of any stock broker, stock brokerage account, or mutual fund account.
- c) Health Care Decisions. If the principal is incapacitated and is unable to make health care decisions on his own behalf, the attorney in fact shall have all powers to make medical and health care decisions on behalf of the principal, including the power to withhold or withdraw treatment, grant informed consent or refuse treatment pursuant to RCW 7.70.065, and exercise any and all other powers necessary or appropriate to provide for health care and treatment of the principal. The attorney in fact is to be considered a "personal representative" of the principal for purposes of the Health Insurance Portability and Accountability Act of 1996 as it may be amended. As such, the attorney in fact is authorized to exercise the same rights that the principal could exercise with respect to receiving, reviewing, and disclosing information regarding the health care of the principal. The attorney in fact is authorized to execute an authorization required by a health care provider for the disclosure or use of health information of the principal. This Power of

Attorney shall include the power to approve or to direct the withholding or withdrawing of life sustaining procedures including, but not limited to, utilizing mechanical or other artificial means such as cardiopulmonary resuscitation, defibrillation, the use of a respirator, intubation, the insertion of a naso-gastric tube, and intravenous nutrition and hydration. Pursuant to RCW 11.94.010 and RCW 11.92.043, the attorney in fact may not, without court approval, on behalf of the principal, consent to: therapy or other procedures which induce convulsion; surgery solely for the purpose of psychosurgery; other psychiatric or mental health procedures which are intrusive on the person's body integrity or physical freedom of movement. The principal has also executed a Directive under the Natural Death Act of the State of Washington. In the event the principal is in a permanent coma or a persistent vegetative state, it is the principal's desire that artificial feeding be refused and further medical treatment be limited to the measures necessary or appropriate to achieve comfort and permit a natural death. It is the intent of the principal that this Power of Attorney and the Directive be interpreted to grant the broadest scope of power to make health care decisions and refuse treatment permitted under the laws of the State of Washington.

- d) Disclaimer. The attorney in fact shall have the power to execute, in the manner provided in RCW 11.86.021 as now enacted or hereafter amended, a disclaimer on behalf of the principal of any interest, in whole or in part, or with reference to specific parts, shares or assets, to which the principal may become entitled.
- e) Gifting. The attorney in fact shall have power to establish or continue an annual exclusion gifting program to descendants, outright or in trust, which is in the best interests of the family to minimize estate taxes and is consistent with the overall estate plan. Such gifting shall be subject to the agreement of the principal's children who are then living and competent. Such gifting shall be done only as reasonably necessary to reduce or eliminate the estate tax which is anticipated to be due upon the principal's death and only if the principal's remaining assets are projected to be well in excess of the principal's own future needs.
- f) Transfers to Qualify for Medicaid or Other Assistance. It is the intent of the principal that reasonable efforts be made to qualify him for Medicaid nursing home care benefits or other government assistance programs if the need for such care arises. The attorney in fact shall have the power to
 - i) revoke or amend a Living Trust or other testamentary disposition;
 - ii) change the beneficiary of life insurance, retirement benefits, annuities or other assets which pass by beneficiary designation;

iii) make gifts to family members or trusts for the benefit of the principal and/or his family members; and

iv) establish and fund a trust, agency account or other arrangement for the management of assets and the care of the principal and/or his family members;

if the attorney in fact determines that such actions are in the best interests of the principal and consistent with the existing estate plan to qualify the principal for Medicaid or other assistance.

3. Purposes. The attorney in fact shall have full powers as described herein for any and all purposes on behalf of the principal, including, but not limited to, the support, maintenance, health, emergencies, welfare, comfort, investments or necessities of the principal.

4. Effectiveness. THIS POWER OF ATTORNEY SHALL BECOME EFFECTIVE IMMEDIATELY AND SHALL NOT BE AFFECTED BY THE DISABILITY OR INCAPACITY OF THE PRINCIPAL.

5. Duration. This durable power of attorney becomes effective as provided in paragraph 4 and shall remain in effect until revoked or terminated under paragraph 6 or 7, notwithstanding any uncertainty as to whether the principal is dead or alive.

6. Revocation. This power of attorney may be revoked, suspended or terminated in writing by the principal with written notice to the designated attorney in fact. In addition, if this power of attorney has been recorded, the written instrument of revocation shall be recorded in the same county or counties where the original power of attorney was recorded.

7. Termination.

a) By Appointment of Guardian. The appointment of a guardian of the estate of the principal vests in the guardian, with court approval, the power to revoke, suspend or terminate this power of attorney. The appointment of a guardian of the person only does not empower the guardian to revoke, suspend or terminate this power of attorney. In the event it becomes necessary to appoint a guardian of the principal's person or estate, it is the principal's desire that the above person or persons be appointed.

b) By Death of Principal. The death of the principal shall be deemed to revoke this power of attorney upon actual knowledge or actual notice being received by the attorney in fact.

8. Accounting. The attorney in fact shall be required to account to any successor attorney in fact or subsequently appointed personal representative.

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