After Recording Return to:

Don H. Markham c/o Elza Marshall

222 N. 1200 W. #90

Orem, UT 84057

115842AM

(Space for Recorder's Use)

2016-007436

Klamath County, Oregon 07/14/2016 10:19:55 AM

Fee: \$57.00

GENERAL DURABLE POWER OF ATTORNEY

STATE OF UTAH)
)ss:
COUNTY OF UTAH)

KNOW ALL MEN BY THESE PRESENTS:

That I, Don H Markham, also known as Don Markham, of Provo, Utah County, State of Utah, hereby make, constitute and appoint my sister, Elza Marshall, my true, and lawful attorney-in-fact for me and in my name, place and stead, to do, perform and accomplish all of the following:

- 1. <u>General Grant of Power</u>. 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 property, 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 attorney 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.
- a. <u>Powers of Collection and Payment</u>. To request, demand, sue for, recover, collect, receive, hold and forgive all such sums of money, debts, checks, drafts, accounts, deposits, notes, commercial paper, stock certificates, bonds, dividends, certificates of deposit, annuities, pension, profit sharing, retirement, social security, insurance and other contractual benefits and proceeds, legacies, bequests, devises, all documents of title, and all property and property rights, real or personal, intangible and tangible property, and all other amounts 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;
- b. <u>Power to Acquire, Sell, Lease and Borrow</u>. To acquire, purchase, contract for, take, receive, lease, let, rent, demise, grant easements in, exchange, grant options to sell, assign, sell and convey real or personal property, tangible or intangible, or interests therein, on such terms and conditions as my attorney shall deem proper; to mortgage, grant deeds of trust, grant security interests in, encumber, pledge and hypothecate, real and personal property, tangible and intangible, upon such terms and conditions and under such covenants as my said attorney shall think fit; to purchase, buy, contract for, receive, hold, sell, pledge, hypothecate, assign, transfer, endorse and deliver for me any and all types of securities, including but not limited to stocks, bonds, bills, notes,



- commercial paper or obligations of all types; to borrow monies in connection with the foregoing and to execute notes, evidences of indebtedness and security instruments, including pledges, mortgages, deeds of trust, hypothecations, etc.; and to sign, seal, execute, deliver and acknowledge deeds (including conveyances without consideration), covenants, indentures, agreements, mortgages, hypothecations, bills, bonds, notes, receipts, evidences of debt, releases and satisfaction of mortgage, security interests, judgments and other debts, requests for full or partial reconveyances of trust deeds, and such other instruments in writing of whatever kind and nature as may be necessary or proper in the exercise of the rights and powers herein granted;
- c. <u>Management Powers</u>. To enter into and take possession of any real or personal property or parts thereof belonging to me, that may become vacant or to the possession of which I may become entitled, and to maintain, repair, improve, invest, manage, insure, rent, lease, 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 terms and conditions as my attorney shall deem proper;
- d. <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, credit unions, brokerages and other institutions as may be necessary or proper in the exercise of the rights and powers herein granted;
- e. <u>Motor Vehicles</u>. To apply for a Certificate of Title upon, and endorse and transfer title thereto, for any automobile, truck, pickup, van, motorcycle, boat, snowmobile, motor home, mobile home or other motor vehicle, and to represent in such transfer or 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 or assignment;
- f. <u>Business Interests</u>. To conduct or participate in any lawful business of whatever nature for me and in my name; execute partnership agreements and amendments thereto; incorporate, reorganize, merge, consolidate, recapitalize, sell, liquidate or dissolve any business; elect or employ officers, directors and agents; carry out the provisions of any agreement for the sale of any business interest or the stock therein; and exercise voting rights with respect to stock, either in person or by proxy, and exercise stock options;
- g. <u>Tax Powers</u>. To prepare, sign and file joint or separate income tax returns or declarations of estimated tax for any year or years; to prepare, sign and file gift tax returns with respect to gifts made by me for any year or years; to consent to any gift and utilize any gift-splitting provision or other tax election; and to prepare, sign and file any claims for refund of any tax;
- h. <u>Safe Deposit Boxes</u>. To have access at any time or times to any safe deposit box rented by me, wheresoever located, and to remove all or any part of the contents thereof, and to surrender or relinquish said safe deposit box, and any institution in which any such safe deposit box

may be located shall not incur any liability to me or my estate as a result of permitting my attorney to exercise this power;

- i. <u>Power to Make Gifts</u>. Following my disability or incapacity, to make gifts, grants or other transfers without consideration either outright or in trust, to consent to the splitting of gifts under Section 2513 of the Internal Revenue Code and any successor sections thereto, and to pay any gift tax that may arise by reason of such gift; provided, however, that my agent shall not make any gifts constituting a future interest within the meaning of Section 2503(b) of the Internal Revenue Code and shall not make gifts in excess of \$10,000 in any calendar year to any one person unless my spouse has agreed to consent to "gift splitting" under Section 2513 of the Internal Revenue Code and in that event such shall not exceed \$20,000 in any calendar year;
- j. Funding Trusts. To transfer from time to time to the Trustee or Trustees of any revocable trust agreement created by me before or after the execution of this instrument, as to which trust I am, during my lifetime, a primary income and principal beneficiary, any or all of my cash, property or interest in property, including any rights to receive income from any source; and for this purpose to enter and remove from any safe deposit box of mine (whether the box is registered in my name alone or jointly with one or more other persons) any of my cash or property and to execute such instruments, documents and papers to effect the transfers described herein as may be necessary, appropriate, incidental or convenient.
- 2. <u>Disability or Incapacity of Principal</u>. 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 attorney. This General Durable Power of Attorney shall not be affected by my disability or incapacity. In the event of my incapacity or disability, then within thirty (30) days of the determination by my attorney of my incapacity and disability, my attorney shall notify all interested parties, as defined in U.C.A. §75-5-501, of his status as my attorney-in-fact and of his name and address. In the event of my incapacity or disability, my attorney shall provide any interested parties who so request a copy of this power of attorney, a statement of the assets to which it applies, and an annual accounting of the assets to which this power of attorney applies.
- 3. <u>Governing Law</u>. This instrument is executed and delivered in the State of Utah, and the laws of the State of Utah shall govern all questions as to the validity of this power and construction of its provisions.
- 4. <u>Third-Party Reliance</u>. Third parties may rely upon the representations of my attorney as to all matters relating to any power granted to my attorney, and no person who may act in reliance upon the representations of my attorney or the authority granted to my attorney shall incur any liability to me or my estate as a result of permitting my attorney to exercise any power.
- 5. <u>Substitute Attorney: Effect Only Upon Disability or Incapacity</u>. If my sister, Elza Marshall, ceases to act as my attorney due to her death, incapacity or resignation, then I appoint my

brother, Keith Markham, as my attorney-in-fact and agent. In the event such appointment of a substitute attorney shall occur after my incapacity or disability, such substitute attorney shall notify the interested parties as defined above within thirty (30) days of his appointment. Such substitute attorney shall be obligated to such interested parties as described in paragraph 2 above.

6. <u>Revocation by Writing</u>. This General Durable Power of Attorney shall remain in full force and effect and continue as a valid and effective delegation of authority until the same is expressly revoked by me in writing.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the 26 day of April, 2011.

Don H Markham

SUBSCRIBED AND SWORN to before me this 26 day of April, 2011.

RESERVE STATE OF THE	Newscasseseses
A SEEDING TO THE PARTY OF THE P	SHERRI TURNER
	Commission #582769
	May 25, 2014
	State of Utah

Notary Public	
Residing at:	