

2018-010363

Klamath County, Oregon



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Fee: \$92.00

### DURABLE POWER OF ATTORNEY

I, Marilyn Kay Calhoun, hereby appoint Billy Wayne Casey,  
my true and lawful Attorney-in-Fact, to act in my name and for my benefit. If  
\_\_\_\_\_ dies or for any reason becomes unable or unwilling to act as my  
Attorney-in-Fact, NA is designated as my alternate Attorney-in-Fact.

### FOR THE FOLLOWING PURPOSES

1. **ACCOUNTS RECEIVABLE.** To demand, sue for, recover, collect and receive all sums of money, debts, accounts, legacies, rents, interest, dividends, annuities, insurance proceeds and other intangible amounts which are not due or shall hereafter become due, and which belong to me and to use all lawful means for the recovery thereof, and to compromise and settle any claims for funds due me.
2. **ACCOUNTS PAYABLE.** To pay any just and lawful debt, account, rent interest, principal, judgments or other demands which are now due or may hereafter become due, owing or payable to me.
3. **REAL ESTATE.** To agree to purchase or sell any real estate or interest therein by written earnest money agreement or other written document, to purchase or sell real estate or any interest therein by deed or real estate contract, to take possession of any real estate owned by me by any lawful means and to institute suit for such possession if necessary. My Attorney-in-Fact shall have the right to institute suit for unlawful detainer, foreclosure of mortgage or to quiet title and to forfeit any real estate contract or foreclose any deed of trust by judicial or no judicial means, to rent real estate for my use or rent real estate belonging to me to others and execute any rental agreements or leases on my behalf, to plat, subdivide and develop any real estate owned by me and to dedicate any plat, street, alley, or public way, to authorize and contract for any improvements to, or repairs to, real estate owned by me. To carry out the terms of the paragraph and without limiting the authority of my Attorney-in-Fact shall have the authority to execute any an all documents on my behalf, including, but not limited to, escrow and collection instructions, closing statements and loan applications.
4. **PERSONAL PROPERTY.** To agree to purchase or sell any personal property or interest therein by written document, to purchase or sell any personal property or interest therein by bill of sale or other appropriate document, to rent personal property for my use to rent personal property belonging to me to others and execute any rental agreement or leases on my behalf, to take possession of any personal property owned by me by any lawful means and to institute suit for such possession, if necessary, to authorize and contract for any improvements to, or repairs to personal property owned by me.
5. **SECURITIES.** To purchase or sell any stocks, bonds or other securities or any interest therein and in that regard to endorse any stock certificates, stock powers, affidavits for 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 in the name of any stockbroker or stock brokerage account.
6. **LOANS AND INVESTMENTS.** To loan and invest any monies now in my possession or hereafter acquired by me and to accept any note, mortgage, deed of trust or security interest in any tangible or intangible personal property as my Attorney-in-Fact shall think fit, and to release, satisfy, or reconvey, in whole or in part, any such security interest.
7. **BORROWING.** To borrow any funds in my name, secured or unsecured, in such amount and upon such terms and conditions as my Attorney-in-Fact shall think fit, and to execute any note, mortgage, deed of trust, or security interest in my property in such manner as my Attorney-in-Fact shall think fit.
8. **BANK ACCOUNTS.** To make deposits to and withdrawals from and to, open and close any savings or checking accounts or certificate of deposit or my market fund in my name alone, or in my name and the names of others, and to carry out the terms of this paragraph, to endorse my name on any check, draft or money order for deposit into such account.
9. **SAFE DEPOSIT BOX.** To have access to the contents of any safe deposit box in my name or in my name and the names of others.

10. **BUSINESS OR FARM PROPERTY.** To operate any business or farm property in such manner as my Attorney-in-Fact shall think fit, including the authority to broaden, limit or change the scope or nature of the business or farm property.
11. **GIFTS.** \_\_\_\_\_, while serving as my Attorney-in-Fact, is authorized in his/her own discretion, to make gifts to my spouse and to any lawful descendant of mine. In making any such gift, my Attorney-in-Fact shall consider a pattern of giving established by impact of inflation upon the value of such gifts, qualifications or the principal for government programs and assistance, other estate planning considerations and reduction of death taxes at the time of my death. My Attorney-in-Fact shall not breach any fiduciary duty to me by reason of gifts made or withheld in good faith. No other person other than my Attorney-in-Fact may make gifts under the paragraph 11 while serving as my Attorney-in-Fact.
12. **DISCLAIMERS.** My Attorney-in-Fact is authorized to disclaim, pursuant to the laws of the State of Oregon and the Internal Revenue Code, all or any assets, property or interest to which I might be entitled to as a beneficiary. In disclaiming, my Attorney-in-Fact may rely with acquaintance on the advice of my attorney regarding my estate planning objectives.
13. **ESTATE PLANNING.** \_\_\_\_\_, while serving as my Attorney-in-Fact, is granted the authority to revoke on my behalf any community property agreement, joint tenancy agreement or revocable trust and to change the beneficiary designation of any retirement account (including, but not limited to, individual retirement account or 401k plans) owned in my name. I do not intend that my Attorney-in-Fact change my estate plan, I have in mind, however, the fact that tax distribution laws change and the needs of my spouse and descendants may change, and, to that end, I grant my Attorney-in-Fact the power set forth in this paragraph for the purpose of reducing death taxes and to facilitate the transfer of property at the time of my death and to qualify me for the benefits offered by government programs. No person other than my Attorney-in-Fact may revoke or change my estate plan under this paragraph 13 while serving as my Attorney-in-Fact.
14. **REPRESENTATION IN TAX MATTERS.** My Attorney-in-Fact is granted the authority to prepare, sign and file federal, state or local income, gift, other tax returns of all kinds, FICA returns, payroll tax returns, claims for refunds, for extensions of time, petition to the tax court or other courts regarding tax matters, and any and all other tax related documents, including without limitations, receipts, offers waiver, consents, closing agreements, and any Power of Attorney form required by the Internal Revenue Service, or other taxing authority with respect to any tax year between now and 2050; to pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service, or other taxing authorities, and to exercise any elections I may have under federal, state, or local tax; and generally to represent me in all tax matters and proceedings of all kinds and for all periods between now and 2050 before all officers of the Internal Revenue Service and any other taxing authority.
15. **APPOINTMENT OF GUARDIAN.** In the event it is necessary to appoint a guardian or limited guardian of the estate, I appoint \_\_\_\_\_ for that purpose, and if for any reason \_\_\_\_\_ is unable or unwilling to act on my behalf, I appoint \_\_\_\_\_ as my alternate guardian or alternate limited guardian.
16. **DURABLE POWER.** This Power of Attorney shall become effective as of the date I signed this document and shall not hereafter be affected by my disability, incapacity, or incompetency, or by any uncertainty as to whether I am dead or alive.
17. **ALL POWERS.** By execution of this General Durable Power of Attorney, it is my intention that my Attorney-in-Fact has all powers to do all things that I might do if personally present and legally competent.
18. **TERMINATION.** Notwithstanding any uncertainty as to whether I am alive or dead, this Power of Attorney shall continue in effect to the extent permitted by law until revoked or terminated in the following manner:
- While competent, I may revoke this Power of Attorney by written notice to my Attorney-in-Fact and by recording a document of revocation in the Office of the Auditor of Washington County, Oregon
  - The appointment of a guardian of my estate shall vest in that guardian, with court approval, the power to revoke, suspend or terminate this Power of Attorney. A guardian of my person only, shall not have this power.
  - My death shall revoke this Power of Attorney only at such a time as my Attorney-in-Fact receives actual written notice.
  - The filing of a Petition of Dissolution of Marriage or Legal Separation shall automatically revoke and terminate this Power of Attorney as to my spouse.

19. **ACCOUNTING.** The Attorney-in-Fact shall not be required to provide a formal account to any subsequently appointed guardian of the estate of the principal but shall provide such information as is needful to such subsequently appointed fiduciary.
20. **RELIANCE.** As long as neither my Attorney-in-Fact nor any person dealing with my Attorney-in-Fact has, at the time of any act taken pursuant to this Power of Attorney, received actual knowledge or written notice of revocation or termination of this Power of Attorney-In-Fact shall be entitled to rely upon the Power of Attorney.
21. **COMPENSATION.** The Attorney-in-Fact shall be reimbursed for all costs and expenses reasonably incurred and shall receive at least annually, without court approval, such reasonable compensation for services performed as Attorney-in-Fact as is reasonable in the community for like services performed as Attorney-in-Fact and/or as estate guardian.
22. **INDEMNITY.** My estate shall hold harmless and indemnify my Attorney-in-Fact from any and all liability for acts performed in good faith. This indemnification shall not extend to any negligence or willful wrong doing by my Attorney-in-Fact.
23. **GOVERNING LAW.** The terms of this Power of Attorney shall be governed by the laws of the State of Oregon.

Signed this 15<sup>th</sup> day of August, 2018.

Marilyn Calhoun  
Signature

SUBSCRIBED AND SWORN to before me by Marilyn Calhoun  
this 15<sup>th</sup> day of August, 2018.

Angela Faith Wheeler  
(Notary Public of Oregon)

My Commission Expires: Feb 23, 2021

