

**RECORDING COVER SHEET**

ORS 205.234

This cover sheet has been prepared by:

**2019-012141**

Klamath County, Oregon

10/16/2019 11:36:01 AM

Fee: \$192.00



Any error in this cover sheet DOES NOT affect the transaction(s) contained in the instrument itself.

Reference: 317763AM

Please print or type information.

**1. AFTER RECORDING RETURN TO –**

Required by ORS 205.180(4) &amp; 205.238:

Name: Michel KuhlinsAddress: PO Box 924City, ST Zip: Half Moon Bay, CA 94019**2. TITLE(S) OF THE TRANSACTION(S) – Required by ORS 205.234(1)(a)**

Note: "Transaction" means any action required or permitted by law to be recorded, including, but not limited to, any transfer, encumbrance or release affecting title to or an interest in real property. Enter descriptive title for the instrument:

**Document Title(s):** Power of Attorney**3. DIRECT PARTY / GRANTOR Names and Addresses – Required by ORS 205.234(1)(b)**

for Conveyances list Seller; for Mortgages/Liens list Borrower/Debtor

**Grantor Name:** Josefina Enriquez**Grantor Name:** \_\_\_\_\_**4. INDIRECT PARTY / GRANTEE Names and Addresses – Required by ORS 205.234(1)(b)**

for Conveyances list Buyer; for Mortgages/Liens list Beneficiary/Lender/Creditor

**Grantee Name:** Michel Kuhlins**Grantee Name:** \_\_\_\_\_**5. For an instrument conveying or contracting to convey fee title, the information required by ORS 93.260:**

**UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:**

Name: No Change

Address: \_\_\_\_\_

City, ST Zip: \_\_\_\_\_

**6. TRUE AND ACTUAL CONSIDERATION – Required by ORS 93.030 for an instrument conveying or contracting to convey fee title or any memorandum of such instrument:****\$** 0**7. TAX ACCOUNT NUMBER OF THE PROPERTY if the instrument creates a lien or other interest that could be subject to tax foreclosure. – Required by ORS 312.125(4)(b)(B)**Tax Acct. No.: N/A

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

Name:

Street Address:

City and State:

### GENERAL DURABLE POWER OF ATTORNEY

*Refusal to Honor Agent's Authority Under this Power of Attorney: Pursuant to California Probate Code §4406, third parties who refuse to honor the agent's authority under this power of attorney within a reasonable time may be compelled to honor the agent's authority in a court action.*

I, **JOSEFINA ENRIQUEZ**, of El Granada, County of San Mateo, California, as principal (the Principal), have this day appointed my husband, **MICHEL KUHLINS**, of El Granada, County of San Mateo, California, and my son, **ANDREW BAUTISTA**, of Half Moon Bay, County of San Mateo, California, to serve as my co-attorneys in fact (both of whom are collectively referred to herein as my "attorney in fact") to exercise alone or jointly the power for me and in my name, place and stead and for my use and benefit and to exercise the powers set forth in this document. The affidavit of either of the two attorneys in fact shall be conclusive evidence insofar as third parties are concerned that any act of such attorney in fact has been authorized by the consent of both of my attorneys in fact. If either of the above-named co-attorneys in fact is unavailable or unwilling to act for any reason, then I designate and appoint the other to serve as my sole attorney in fact for me and in my name, place and stead and for my use and benefit and to exercise the powers set forth in this document.

If both **MICHEL KUHLINS** or **ALEXANDER BAUTISTA** are unavailable or unwilling to act for any reason, then I designate and appoint my son, **ALEXANDER BAUTISTA**, as my alternate attorney in fact, to act alone as my attorney in fact for me and in my name, place and stead and for my use and benefit and to exercise the powers set forth in this document.

Subject to the limitations specified herein, my attorney in fact is to act in my capacity to do every act that I may legally do through an attorney in fact for my use and benefit.

My attorney in fact is empowered to determine in his or her discretion the time when, purpose for and manner in which any power conferred shall be exercised, and the conditions, provisions and covenants of any instrument or document which may be executed by my attorney in fact pursuant hereto, and in the acquisition or disposition of real or personal property, my attorney in fact shall have exclusive power to fix the terms thereof for cash, credit and/or property and if on credit with or without security.

The exercise of the powers delegated to my attorney in fact must be in a fiduciary capacity for my benefit and on my behalf. In managing and controlling my affairs, my attorney in fact shall use ordinary care and diligence. My attorney in fact is not liable to me or to my successors for good faith acts or for good faith decisions not to act, but this freedom from liability does not apply if the act, or failure to act, of my attorney in fact is caused by willful misconduct or gross negligence.

**THIS POWER OF ATTORNEY SHALL NOT BE AFFECTED BY MY SUBSEQUENT INCAPACITY.**

When signing on my behalf under this durable power of attorney, my attorney in fact should use the form set forth in Civil Code Section 1095, namely, **JOSEFINA ENRIQUEZ** by (signature of Attorney in Fact) her Attorney in Fact.

**Third parties who honor the exercise of these powers by my attorney in fact are protected from liability as provided by Article 6 herein.**

**ARTICLE 1**  
**DELEGATED POWERS FOR ASSET MANAGEMENT**

The following powers that I give my agent are authorized by California Probate Code §§4401-4465 inclusive and are limited and/or extended as follows.

1. Subject to the limitations specified herein, my attorney in fact has sole discretion, with respect to any and all of my property and interest in property (real, personal, intangible and mixed), to exercise the authority described in this document.

1.1 Powers With Respect to Bank Accounts

My attorney in fact has the power to establish accounts of all kinds (including checking and savings) for me with financial institutions of any kind, including but not limited to banks and savings and loan institutions.

My attorney in fact shall also have the right to write checks on or to withdraw from and grant security interest in all accounts in my name or in which I am an authorized signatory (except accounts which I hold in a fiduciary capacity); to deposit into, or modify,

close, or otherwise manage such accounts or funds and to negotiate, endorse, sign, transfer, or otherwise prepare any instrument affecting those accounts or items.

1.2 Powers With Respect to Promissory Notes

As to any promissory note receivable, secured or unsecured, my attorney in fact shall have the right to collect, compromise, endorse, borrow against, encumber, release, or reconvey that note and any deed of trust.

1.3 Power to Invest

My attorney in fact has the power to invest and reinvest all or any part of property or interests (including undivided interests) in property wherever located, including without being limited to securities of all kinds, bonds, debentures, notes (secured or unsecured), stocks of corporations regardless of class, interests in limited partnerships, real estate or any interest in real estate whether or not productive at the time of investment, interests in trusts, investment trusts, whether of the open and/or closed fund types, and participation in common, collective or pooled trust funds or annuity contracts; to sell and terminate any investments whether made by me or my attorney in fact; to establish, use and terminate savings and money market accounts with financial institutions of all kinds; to establish, utilize and terminate accounts with securities brokers; to employ, use the services of, compensate and terminate the services of such financial and investment advisors and consultants as my attorney in fact shall deem appropriate; and to establish, use, and terminate managing agency accounts with corporate fiduciaries.

1.4 Power to Manage Real Property

a. As to any interest in real property, including but not limited to my personal residence, wherever located, and any real property described on any exhibit attached to this instrument as well as any real property I may hereafter acquire or receive, whether acquired by me or for me by my attorney in fact, my attorney in fact shall have the power to contract for, purchase, and receive such property and all deeds and other assurances or evidence of title therefor; to lease, sell, change the form of title, release, convey, mortgage, hypothecate, or otherwise encumber, and convey by way of deed of trust, upon such terms and conditions and under such covenants as my attorney in fact shall deem proper; to grant options; to eject, remove, or relieve tenants or other persons from, and recover possession of, such property by all lawful means; to collect, receive any receipt for rents and profits from such properties; to subdivide, develop or dedicate such property to public use without consideration; and to maintain, protect, preserve, insure, repair, build upon, demolish, alter, or improve such property or any part of it; to obtain or vacate plats and adjust boundaries; to adjust differences in valuation on exchange or partition by giving or receiving consideration; to release or partially release real property from a lien.

b. My attorney in fact shall have the power to accept real property as security for a loan; to do any act of management and conservation; to pay, compromise or

to contest tax assessments and to apply for refunds in connection therewith; to hire assistance and labor.

c. My attorney in fact shall have the right to insert an exhibit to this instrument that sets forth descriptions of any real property in which I may now have or hereafter acquire an interest.

d. I now have an interest in the following real property: 222 Sonora Avenue, El Granada, County of San Mateo, California 94018, with A.P.N. 047-095-160, 1561 Mizzen Lane, Half Moon Bay, County of San Mateo, California 94019, with A.P.N. 048-371-190, and unimproved property in Pescadero, County of San Mateo, California. I specifically include such real property within the purview of the powers granted to my attorney in fact in this document.

#### 1.5 Power to Manage Personal Property

a. With respect to personal property, my attorney in fact has the power to lease, sublease, and release; to recover possession by all lawful means; to collect, sue for, receive and give receipt for rents and profits therefrom; to maintain, protect, repair, preserve, insure, alter or improve all or any part thereof.

b. My attorney in fact has the power to sell and to buy the same or other personal property.

c. My attorney in fact has the power to mortgage and/or grant security interests in any personal property or intangibles now or hereafter owned by me, whether acquired by me or for me by my attorney in fact.

#### 1.6 Power to Borrow Money and Pay Debts

a. My attorney in fact has the power to borrow money and to execute and deliver negotiable or non-negotiable notes therefor with or without security. My attorney in fact has the power to borrow money upon any life insurance policies owned by me upon my life and to grant a security interest in such policy to secure any such loans; and no insurance company shall be under any obligation to determine the need for such loan or the application of the proceeds by my attorney in fact.

b. My attorney in fact has the power to repay from any funds belonging to me any money borrowed and to pay for any purchases made or cash advanced using credit cards issued to me.

1.7 Power to Create, Fund, Amend and Terminate Trust(s) Solely for the Benefit of the Principal and/or Spouse

My attorney in fact has the power to execute a revocable trust agreement with such trustee(s) as my attorney in fact shall select. Such trust shall provide that all income and principal shall be paid to me or, to the extent that it is funded with community property, to me and my spouse, to some person for my benefit, or applied for my benefit in such amounts as I or my attorney in fact shall request, or as the trustee shall determine, and that on my death, any remaining income and principal shall be paid to my personal representative, and that the trust may be revoked or amended by me or my attorney in fact at any time and from time to time; provided, however, that any amendment by my attorney in fact must be such that, by law or under the provisions of this instrument, such amendment could have been included in the original trust agreement; and provided that such amendment or termination does not materially alter the ultimate disposition of my estate under an existing Will or the substantive provisions of the *inter vivos* trust. The trustee may be my attorney in fact as sole trustee or as one of two or more trustees.

1.8 Power to Fund Trust(s)

My attorney in fact shall have the power to transfer from time to time and at any time to the trustee(s) 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 interests in property, including any rights to receive income from any source. For this purpose, my attorney in fact has the power 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. My attorney in fact may make such transfers absolutely in fee simple or for my lifetime only with the remainder or reversion (of the property so transferred) remaining in me so that such property will be disposed of at my death by my will or by the intestacy laws of the state in which I shall die a resident.

1.9 Power to Withdraw Funds from Trust(s)

My attorney in fact has the power to withdraw and/or receive the income or corpus of any trust over which I may have a right of receipt or withdrawal; to request and receive the income or corpus of any trust with respect to which the trustee thereof has the discretionary power to make distributions to me or on my behalf, and to execute and deliver to such trustee a receipt and release or similar document for the income or corpus so received.

1.10 Power to Create and Fund Special Needs Trust

My attorney in fact shall have the power to transfer all (or a portion) of my assets, to include but not limited to, an inheritance or a litigation recovery, whether held in my name or in a revocable trust, to the trustee of a special needs trust under 42 USC §1396p(d)(4)(A) established by my parent, grandparent, guardian, conservator, or court. If

necessary, my attorney in fact shall have the power to petition the probate court to issue an order establishing or requiring the establishment of a special needs trust for my sole benefit.

In addition, my attorney in fact shall have the power to create a special needs trust under 42 USC §1396p(d)(4)(A) for my child or grandchild. My attorney in fact shall further have the power to modify my estate plan to create and provide for distribution of a portion of my estate to a special needs trust for the benefit of my spouse.

1.11 Powers With Respect to Safe Deposit Boxes

My attorney in fact shall have the right to enter, establish, maintain, or close any safe deposit box(es) held in my name, either alone or with another; and in so doing to sign my name and to act for my benefit. My attorney in fact may add to and remove all or any of the contents from my safe deposit box(es).

1.12 Power with Respect to Taxes

In compliance with Treas Reg §601.503, see Exhibit A attached hereto and incorporated herein by reference.

My attorney in fact shall have the power to represent me in all tax matters; to prepare, sign and file federal, state, and/or local income, gift and other tax returns of all kinds, including joint returns, FICA returns, payroll tax returns, claims for refunds, requests for extensions of time, petitions to the tax court or other courts regarding tax matters, and any and all other tax related documents, including but not limited to consents and agreements under Section 2032A of the Internal Revenue Code or any successor section thereto and consents to split gifts, closing agreements, and any power of attorney form required by the Internal Revenue Service and/or any state and/or local taxing authority with respect to any tax year between the years 1950 and 2080; to pay taxes due, collect and make such disposition of refunds as my attorney in fact shall deem appropriate; post bonds, receive confidential information and contest deficiencies determined by the Internal Revenue Service and/or any state and/or local taxing authority; to exercise any elections I may have under federal, state or local tax law (including but not limited to accomplishing the deferral of property tax as provided in Sections 20503, et seq., of the California Revenue and Taxation Code, and the deferral of tax resulting from the marital deduction under the Internal Revenue Code).

My attorney in fact has the power generally to represent me or obtain professional representation for me in all tax matters and proceedings of all kinds and for all periods between the years 1950 and 2080 before all officers of the Internal Revenue Service and state and local authorities; to engage, compensate and discharge attorneys, accountants and other tax and financial advisors and consultants to represent and/or assist me in connection with any and all tax matters involving or in any way related to me or any property in which I have or may have any interest or responsibility.

1.13 Power With Respect to Employment Benefits

My attorney in fact has the power to create and/or to contribute to an IRA or employee benefit plan (including a plan for a self-employed individual) for my benefit; to select any payment option under any IRA or employee benefit plan in which I am a participant, (including plans for self-employed individuals) or to change options I have selected, so long as such decisions do not result in a change of beneficiaries; to make voluntary contributions to such plans; to make "roll-overs" of plan benefits into other retirement plans.

1.14 Power to Withdraw from and Transfer to Retirement Accounts and Individual Retirement Accounts

My attorney in fact has the right to withdraw funds on my behalf from my retirement funds and my Individual Retirement Accounts (IRAs) and to transfer such funds from one account to another, either at the same institution or at another. Should I move an IRA or retirement account to another institution, I request and direct that it also honor this Durable Power of Attorney.

1.15 Power with Respect to Legal and Other Actions

My attorney in fact shall have the right to prosecute and to defend legal actions and to settle or compromise such actions for my benefit.

1.16 Power to Sell

My attorney in fact has the power to sell any and every kind of property that I may own now or in the future, real, personal, intangible and/or mixed, including without being limited to contingent and expectant interests, marital rights and any rights of survivorship incident to joint tenancy or tenancy by the entirety, upon such terms and conditions and security as my attorney in fact shall deem appropriate and to grant options with respect to sales thereof; to make such disposition of the proceeds of such sale or sales (including expending such funds for my benefit) as my attorney in fact deems appropriate.

1.17 Power to Buy

My attorney in fact has the power to buy every kind of property (real, personal, intangible or mixed), upon such terms and conditions as my attorney in fact shall deem appropriate; to obtain options with respect to such purchases; to arrange for appropriate disposition, use, safekeeping and/or insuring of any property purchased by my attorney in fact.

My attorney in fact has the power to buy United States Government bonds redeemable at par in payment of United States estate taxes imposed at my death.



1.18 Powers With Respect to Credit Cards

My attorney in fact has the power to use any credit card held in my name to make such purchases for my benefit and to sign such charge slips as may be necessary to use credit cards. My attorney in fact may also cancel my credit accounts.

1.19 Power to Apply for Government and Insurance Benefits

My attorney in fact shall have the right to apply for government and insurance benefits on my behalf.

1.20 Power to Make, Renew, Extend and Modify Loans

My attorney in fact shall have the power to lend money and property at such interest rate, if any, and upon such terms and conditions, and with such security, if any, as my attorney in fact may deem appropriate; to renew, extend, and modify any such loans or loans that I may have previously made.

Provided, however, that my money or property shall not be loaned to my attorney in fact, but this provision shall not apply to prior loans made by me to my attorney in fact.

1.21 Power to Disclaim, Release, or Abandon Property Interests

My attorney in fact has the power to sign and deliver a valid disclaimer under the Internal Revenue Code and the California Probate Code, when, in the judgment of my attorney in fact, my family's best interest would be served.

My attorney in fact has the power to disclaim any property, interest in property, or powers to which for any reason and by any means I may become entitled, whether by gift, testate or intestate succession; and to release or abandon any property, interest in property or powers which I may now or hereafter own, including any interests in or rights over trusts (including the right to alter, amend, revoke or terminate) and to exercise any right to claim an elective share in any estate or under any will, and in exercising such discretion, my attorney in fact may take into account, among other considerations, the potential reduction in estate or inheritance taxes on my estate, the effect of such renunciation or disclaimer upon persons interested in my estate, and its effect upon persons who would receive the renounced or disclaimed property.

If I ever become a permanent resident of a long-term care facility, my attorney in fact may also consider whether such a disclaimer would result in savings to my estate or to my family. However, my attorney in fact shall not effect such a disclaimer if the quality of my health care or standard of living would be jeopardized.

My attorney in fact shall have the right to hire and to pay legal and financial counsel to help my attorney in fact decide whether to file such disclaimer or release.

1.22 Power to Obtain and Maintain Eligibility for Public Benefits

My attorney in fact shall have the power to take any and all steps necessary, in my attorney in fact's judgment, to obtain and maintain my eligibility for any and all public benefits and entitlement programs. Such programs include, but are not limited to, Social Security, Supplemental Security Income, Veterans Benefits, Medicare, Medi-Cal and/or Medicaid, and In Home Support Services.

1.23 Powers With Respect to Insurance

My attorney in fact has the power to insure my life or the life of anyone in whom I have an insurable interest; to continue life insurance policies now or hereafter owned by me on either my life or the lives of others; to pay all insurance premiums; to select any options under such policies; to increase coverage under any such policy; to borrow for my benefit against any such policy; to pursue all insurance claims on my behalf; to purchase and/or maintain and pay all premiums for medical insurance covering me and/or any person whom I am obligated to support or may have assumed the obligation to support; to carry insurance of such kind and in such amounts as my attorney in fact shall deem appropriate to protect my assets against any hazard and/or to protect me from any liability; to pay the premiums therefor; to pursue claims thereunder.

1.24 Power to Renounce Fiduciary Position(s)

My attorney in fact shall have the power to renounce any fiduciary position to which I have been or may be appointed or elected, including but not limited to personal representative, trustee, guardian, attorney in fact, and officer or director of a corporation; to file an accounting with a court of competent jurisdiction or settle on a receipt and release or such other informal method as my attorney in fact shall deem appropriate.

1.25 Powers With Respect to Partnerships

My attorney in fact shall have the power to exercise any right, power, privilege or option I may have or may claim under any contract or partnership, whether as a general, special or limited partner; to modify or terminate my interest upon such terms and conditions as my attorney in fact may deem appropriate; to enforce the terms of any such partnership agreement for my protection, whether by action, proceeding or otherwise as my attorney in fact shall deem appropriate; to defend, submit to arbitration, settle or compromise any action or other legal proceeding to which I am a party because of my membership in such partnership.

1.26 Power to Exercise Rights in Securities

My attorney in fact shall have the power to exercise all rights with respect to corporate securities which I now own or may hereafter acquire, including the right to sell, grant security interests in, and to buy the same or different securities; to establish, utilize and terminate brokerage accounts; to vote at all meetings of security holders, regular or special; to make such payments as my attorney in fact deems necessary, appropriate, incidental or convenient to the owning and holding of such securities; to receive, retain, expend for my

benefit, invest and reinvest or make such disposition of as my attorney in fact shall deem appropriate all additional securities, cash or property (including the proceeds from the sales of my securities) to which I may be or become entitled by reason of my ownership of any securities.

1.27 Power to Enforce Rights of Principal with Regard to Health Maintenance Organization or Other Health Care Provider

My attorney in fact has the right to represent my interests and to serve as my advocate with regard to medical services provided by my health maintenance organization (HMO) or other health care provider. My attorney in fact shall have immediate access to my medical records and full authority to pursue administrative, court, and other remedies when, in the discretion of my attorney in fact, my health care provider is providing inadequate and/or inappropriate medical services pursuant to its contractual obligations to me. My attorney in fact is authorized to pursue arbitration and court remedies to enforce my right. My attorney in fact has full authority to employ attorneys, medical specialists, or other professionals whose assistance may be necessary in carrying out this power.

1.28 Power to Transfer Residence Upon Long-Term Care

Notwithstanding any limits set forth elsewhere in this document, in the event that I ever become a permanent resident of long-term care (assisted living, nursing home or other care facility), or if my entry into long-term care is imminent in the judgment of my attorney in fact, I specifically give my attorney in fact the right to gift, and to effect the transfer of, my interest in my residence, which is now that real property located at 222 Sonora Avenue, El Granada, California, to my spouse. Such transfer is to take place in a manner and for reasons that are consistent with the provisions of California Welfare and Institutions Code Section 14006.2 pertaining to such transfers of real property without jeopardizing my existing or potential eligibility for Medi-Cal or any other form of governmental aid or assistance. My authorization for this transfer is not and shall not be viewed as being inconsistent with my on-going desire and intention to return to my residence.

1.29 Power to Amend Trust to Reflect Real Property Ownership Transfer

In the event that I ever become a permanent resident of long-term care (assisted living, nursing home or other care facility), or if my entry into long-term care is imminent in the judgment of my attorney in fact, I specifically give my attorney in fact the right to make any changes and/or amendments in any revocable trust of which I am a Settlor to effect the transfer of my interest in my residence, which is now that real property located at 222 Sonora Avenue, El Granada, California, to my spouse, or if I then have no living spouse, or if my spouse is then residing in a nursing home or other care facility and is not likely to return home, to my then-living children. Such transfer is to take place in a manner and for reasons that are consistent with the provisions of California Welfare and Institutions Code Section 14006.2 pertaining to such transfers of real property without jeopardizing my

existing or potential eligibility for Medi-Cal or any other form of governmental aid or assistance.

1.30 Public Benefits Planning - Power to Transfer Assets and/or Income  
Notwithstanding any limits set forth elsewhere in this document,

a. Powers

In the event that I ever become a permanent resident of long-term care (assisted living, nursing home or other care facility), or if my entry into long-term care is imminent in the judgment of my attorney in fact, I specifically authorize my attorney in fact to take necessary and appropriate steps to provide for the financial support of my spouse and/or my children. I strongly desire that my spouse and/or my children endure no undue hardship because of the economic burdens caused by my institutionalization. Accordingly, my attorney in fact may, in his or her unlimited discretion, take the following steps:

1) Transfer/gift any portion of my property to my spouse to provide for his/her support and maintenance, even if my spouse would then hold assets that are in excess of the amount allowed by state and federal laws defining the allowable Community Spouse Resource Allowance (CSRA).

2) Apply any or all of my income to or transfer any or all of my income to my spouse to ensure his/her receipt of the maximum income allowed to my spouse on a monthly basis by state and federal law if I am ever eligible for the Medi-Cal program or any other form of public benefits. My primary desire in this respect is the support and comfort of my spouse, and I further authorize the transfer of my assets to my spouse so as to allow his/her additional income (from interest, dividends, etc.) to ensure his/her receipt of the maximum monthly income allowed by federal and state law to a "community spouse."

3) Direct the Trustee of any revocable living trust of which I and my spouse are the settlors and the lifetime beneficiaries to set aside specifically designated assets as the Community Spouse Resource Allowance (CSRA), and to use these assets and the income therefrom only for the benefit of my spouse during my spouse's lifetime. My attorney in fact may also direct the trustee to set aside additional specifically identified assets for the sole use of my spouse, it being my intention that my spouse shall not suffer undue hardship. The allocated assets shall retain their community property character or be transmuted to the separate property of my spouse as my attorney in fact shall direct. My attorney in fact shall have the power in my stead to join my spouse in amending the trust, if necessary, for the purpose of implementing these goals.

4) Seek a Court order or an administrative ruling from the California Department of Health Services determining that undue hardship exists and authorizing a

transfer of income and/or assets to my spouse to generate additional income for my spouse's support and maintenance.

5) Execute any and all documents required to carry out my intent expressed herein, including, but not limited to, documents pertaining to retirement benefits and elections, individual retirement accounts, annuities, insurance, securities, and any other assets of my estate.

6) Only my attorney in fact shall have the power conferred in this paragraph "Public Benefits Planning."

b. Limitation on Liability

In exercising powers under this section, my attorney in fact shall bear no personal liability to family members, the State of California, or any other person or entity provided that my attorney in fact has acted in good faith and has obtained legal advice from an attorney who is knowledgeable about this area of the law. I realize that decisions made by my attorney in fact cannot be made with the certainty that they will produce the best possible result, and that hindsight may make some decisions appear to have been wrong.

1.31 Power to Transfer Residence and/or Other Assets Upon Long-Term Care to and for the Benefit of Children.

Notwithstanding any limits set forth elsewhere in this document, in the event that I am ever in or likely to enter a nursing home, I give my attorney in fact the power to gift, or to effect the transfer of my interest in my residence to my then-living children if I then have no living spouse, or if my spouse is then residing in a nursing home or other care facility and is not likely to return home. Alternatively, my attorney in fact may, in such circumstances gift or transfer my interest in my residence to an irrevocable trust for the benefit of my then-living children.

In the event that I am ever in or likely to enter a nursing home, I give my attorney in fact the power to gift, or to effect the transfer of my assets, both real and personal, to my then-living children, directly or to trusts established for their benefit, if I then have no living spouse or if my spouse is then residing in a nursing home or other care facility and is not likely to return home.

In exercising such powers, my attorney in fact shall take into account tax implications of asset transfers, as well as Medi-Cal and asset preservation. My attorney in fact may exercise these powers if necessary, in the judgment of my attorney in fact, to protect my assets and notwithstanding limitations on asset transfers that may appear elsewhere in this document.

### 1.32 Power to Continue to Operate Business

My attorney in fact shall have the power to continue the operation of any business belonging to me or in which I have a substantial interest, for such time and in such manner as my attorney in fact shall deem appropriate, including but not limited to hiring and discharging my employees; paying my employees salaries and providing for employee benefits; employing legal, accounting, financial and other consultants; continuing, modifying, terminating, renegotiating and extending any contractual arrangements with any person, firm, association or corporation whatsoever made by me or on my behalf; executing business tax returns and other government forms required to be filed by my business; paying all business-related expenses; transacting all kinds of business for me in my name and on my behalf; contributing additional capital to the business; changing the name and/or the form of the business; incorporating the business; entering into such partnership agreement with other persons as my attorney in fact shall deem appropriate; joining in any plan of reorganization, consolidation or merger of such business; selling, liquidating or closing out such business at such time and upon such terms as my attorney in fact shall deem appropriate; representing me in establishing the value of any business under "Buy-out" or "Buy-Sell" agreements to which I may be a party; creating, continuing or terminating retirement plans with respect to such business and to making contributions which may be required by such plans; and borrowing and pledging business assets.

### 1.33 Power to Create and Fund Irrevocable Trusts

My attorney in fact shall have the power to create and fund irrevocable trusts, family limited partnerships, and other planning approaches for tax planning purposes.

### 1.34 Power to Provide for Care of Pet(s)

I grant my attorney in fact the power to provide for the care and well-being of any pets I own. Such care includes necessary veterinary, grooming, and other services necessary for the health and well-being of my pet or pets. My attorney in fact shall take such steps as are necessary to ensure, to the greatest extent practicable, that my pet is cared for in the manner that I cared for my pet when I was fully able to do so. (To achieve these purposes, my attorney in fact is authorized to seek funds from the trustee of my living trust for the care of my pet and to both reimburse my attorney in fact for expenses incurred and to reasonably compensate my attorney in fact for time devoted to the care of my pet.)

### 1.35 Power to Access and Manage Digital Assets

My attorney in fact is specifically authorized to

1. Access, use and control my digital devices, including, but not limited to, laptop computers, desktop computers, tablets, storage devices, peripherals, mobile phones, smart phones, and any similar digital device which currently exists or such comparable items which may exist as technology develops for the purpose of accessing, modifying, deleting, controlling or transferring my digital assets and

2. Access, modify, delete, control and transfer my digital assets, including, but not limited to, my emails received and sent, email accounts, digital music, digital music accounts, digital photographs, digital photograph sharing accounts, digital videos, digital video accounts, software licenses, social network accounts, blog accounts, file sharing accounts, financial accounts, banking accounts, domain registrations, DNS services accounts, web hosting accounts, tax preparation service accounts, bitcoin or other 'e-currency' holdings or accounts, online stores, affiliate programs, other online accounts and similar digital items which currently exist or such comparable items which may exist as technology develops.

## **ARTICLE 2**

### **INCIDENTAL POWERS**

2. In connection with the exercise of the powers herein described, my attorney in fact is fully authorized and empowered to perform any acts and to execute and deliver any documents, instruments, and papers necessary, appropriate, incidental or convenient to such exercise, including without limitation the following:

#### **2.1 Resort to Courts**

My attorney in fact shall have the power to seek appropriate court orders, including but not limited to declaratory judgments and mandatory injunctions requiring acts which my attorney in fact deems appropriate if a third party refuses to comply with actions taken by my attorney in fact which are authorized by this document or forbidding acts by third parties which my attorney in fact has not authorized. In addition, my attorney in fact may sue a third party who fails to comply with actions I have authorized my attorney in fact to take and demand damages, including punitive damages, on my behalf for such noncompliance. **California Probate Code §4300 specifically provides that "a third person shall accord an attorney-in-fact acting pursuant to the provisions of a power of attorney the same rights and privileges that would be accorded the principal if the principal were personally present and seeking to act. . . "** Further, Probate Code §4941 authorizes an attorney-in-fact to bring a petition "compelling a third person to honor the authority of an attorney-in-fact."

**Section 2480.5 specifically states that it is "unreasonable" to refuse to accept the agent's authority if the only reason for refusal is that the power of attorney is not on a form prescribed by the third person to whom the power of attorney is presented.**

#### **2.2 Power to Hire Professionals**

My attorney in fact shall have the right to hire and/or fire lawyers, accountants, investment counselors, companions, and realtors; and nurses, physicians, dentists, in consultation with and deferring to the choices of my agent under an advance health care

directive, and other persons to render services for my benefit and to me or my estate and to pay reasonable fees and compensation to such persons.

**2.3 Power to Sign Documents**

My attorney in fact has the power to execute, endorse, seal, acknowledge, deliver, and file or record agreements, instruments or conveyances of real and personal property, instruments granting and perfecting security instruments and obligations, orders for the payment of money, receipts, releases, waivers, elections, vouchers, consents, satisfactions and certificates.

**2.4 Power to Supplement this Instrument**

My attorney in fact may supplement this instrument by adding or modifying the descriptions of any property, real or personal, which I may now or hereafter own, in whole or in part.

**2.5 Power to Do Miscellaneous Acts**

My attorney in fact shall have the power to open, read, respond to and redirect my mail; to represent me before the U.S. Postal Service in all matters relating to mail service; to change my telephone number and to cancel my telephone service; to establish, cancel, continue or initiate my membership in organizations and associations of all kinds; to take and give or deny custody of all of my important documents, including but not limited to my Will, codicils, trust agreements, deeds, leases, life insurance policies, contracts and securities, and to disclose or refuse to disclose such documents; to obtain and release or deny information or records of all kinds relating to me, any interest of mine or to any person for whom I am responsible; to house or provide for housing, support and maintenance of any pets that I may own, or to give them away to some person(s) willing to care for them.

**ARTICLE 3  
CARE OF PERSON**

3. With regard to the care of my person, I authorize my attorney in fact in his or her discretion from time to time and at any time to exercise the following powers:

**3.1 Maintain My Standard of Living**

My attorney in fact has the power to do all acts necessary for maintaining my customary standard of living, to provide living quarters by purchase, lease or other arrangement, or by payment of the operating costs of my existing living quarters, including interest, amortizations, payments, repairs and taxes, to provide normal domestic help for the operation of my household, to provide clothing, transportation, medicine, food and incidentals.



If necessary, my attorney in fact under the provisions of this document is to make all necessary arrangements, contractual or otherwise, for me with home health care agencies, with any hospital, hospice, nursing home, convalescent home or similar establishment in accordance with the health care decisions of and in cooperation with my acting attorney in fact for health care.

3.2 Recreation

My attorney in fact has the power to provide opportunities for me to engage in recreational and sports activities, including travel, as my health permits.

3.3 Companionship

My attorney in fact has the power to provide for such companionship for me as will meet my needs and preferences at a time when I am incapacitated or otherwise unable to arrange for such companionship myself.

**ARTICLE 4**  
**POWERS NOT GRANTED TO MY ATTORNEY IN FACT**

4.1 Legal Obligations of Attorney in Fact

My attorney in fact shall not have the power to use my assets to pay for his or her legal obligations. S/he shall be prohibited (except as specifically authorized in this instrument) from (a) appointing, assigning or designating any of my assets, interests or rights directly or indirectly to him/herself, his/her estate, his/her creditors or creditors of his/her estate; (b) disclaiming assets to which I would otherwise be entitled if the effect of such disclaimer is to cause such assets to pass in any one calendar year directly or indirectly to my attorney in fact or to his/her estate; (c) using my assets to discharge any of his/her obligations, including any obligation of support which s/he may owe to others (excluding those whom I am equally with my attorney in fact legally obligated to support).

4.2 Irrevocable Trusts

My attorney in fact shall not have the power to exercise Trustee powers under an irrevocable trust of which he or she is the Trustor, Grantor, or Settlor and of which I am the Trustee.

4.3 Life Insurance

My attorney in fact shall not have the power to exercise any incident of ownership over any life insurance policy that I own and that insures his or her life.

4.4 Will

My attorney in fact shall not have the power to make a Will for me, or a Codicil for my Will, or to revoke my Will or Codicil. This prohibition shall not be construed to prohibit or supersede any powers respecting the creation of a revocable trust.

4.5 Personal

My attorney in fact shall not have the power to make decisions for me which are too personal to be delegated, including decisions to marry, divorce, or adopt.

**ARTICLE 5**  
**ADMINISTRATIVE PROVISIONS**

5.1 Revocation and Amendment

a. I revoke all prior General Powers of Attorney that I may have executed and I retain the right to revoke or amend this Power of Attorney and to substitute other attorneys in place of the Attorney in fact appointed herein. Amendments to this Power of Attorney shall be made in writing by me personally (not by my attorney in fact) and they shall be attached to the original of this Power of Attorney. **Revocation of this power of attorney is not effective as to a third party until the third party has actual knowledge of the revocation.**

b. Any grant of a Durable Power of Attorney made by me subsequent to the date of execution of this Durable Power of Attorney shall revoke this Durable Power unless the subsequent Durable Power contains a statement to the contrary and specifically refers to this Durable Power of Attorney by its date.

c. This instrument may be amended or revoked by me, and my attorney in fact and any alternate attorney in fact may be removed by me at any time by the execution by me of a written instrument of revocation, amendment, or removal delivered to my attorney in fact and to all alternate attorneys in fact. If this instrument has been recorded in the public records, then the instrument of revocation, amendment or removal shall be filed or recorded in the same public records.

5.2 Resignation of Attorney in Fact

My attorney in fact and any alternate attorney in fact may resign by the execution of a written resignation delivered to me or, if I am mentally incapacitated, by delivery to any person with whom I am residing or who has the care and custody of me or in the case of an alternate attorney in fact, by delivery to my attorney in fact.

5.3 Disregard Invalid Provisions

If any provision of this Power is invalid for any reason, such invalidity shall not affect any of the other provisions of this Power, and all invalid provisions shall be wholly disregarded. California law shall govern this document.

5.4 Gender - Depends on Context

The feminine gender shall include the masculine and/or the neuter, and the masculine gender shall include the feminine, when the context so indicates.

5.5 Reimbursement of Attorney in Fact

My attorney in fact shall be entitled to reimbursement for all reasonable costs and expenses actually incurred and paid by my attorney in fact on my behalf under any provision of this instrument. The agent shall be entitled to fair and reasonable compensation for services rendered as agent under this instrument. In determining what constitutes "fair and reasonable" compensation, the following factors may be considered: (1) the time spent by the agent in administering the principal's affairs, (2) the principal's net worth, (3) the nature of the assets subject to the agent's control, and (4) the fees charged by professional fiduciaries acting in the same or similar capacities under similar circumstances.

**ARTICLE 6**  
**THIRD PARTY RELIANCE**

6. For the purpose of inducing any bank, broker, custodian, insurer, lender, transfer agent, taxing authority, governmental agency, or other party to act in accordance with the powers granted in this document, I hereby represent, warrant, and agree that:

6.1 If this document is revoked or amended for any reason, I, my estate, my heirs, successors, and assigns will hold such party or parties harmless from any loss suffered, or liability incurred, by such party or parties in acting in accordance with this document prior to that party's receipt of written notice of any such revocation or amendment.

6.2 The powers conferred on my attorney in fact by this document may be exercised by him/her alone, and his/her authorized signature or act under the authority granted in this document may be accepted by third parties as fully authorized by me and with the same force and effect as if I were personally present, competent, and acting on my own behalf.

6.3 No person who relies upon any representation my attorney in fact may make regarding (a) the fact that his or her powers are then in effect, (b) the scope of his or her authority under this document, (c) my competency at the time this document was executed, (d) the fact that this document has not been revoked, or (e) the fact that he or she continues to serve as my attorney in fact, shall incur any liability to me, my estate, my heirs, successors, or assigns for permitting my attorney in fact to exercise any power granted to him or her, nor shall any person who deals with my attorney in fact be responsible to determine or insure the proper application of funds or property.

6.4 All third parties from whom my attorney in fact may request information regarding my personal affairs are hereby authorized to provide such information to my attorney in fact without limitation and are released from any legal liability whatsoever to me, my estate, my heirs, successors, or assigns for complying with my attorney in fact's requests.

6.5 I hereby represent, warrant, and agree that:

a. All the exculpatory clauses relating to those who provide information or records to my attorney in fact shall apply, also, to my lawyer or lawyers who provide information or records to my attorney in fact; and

b. I authorize in advance any lawyer or lawyers of whom I have been a client to release to my attorney in fact all information or photocopies of any records which my attorney in fact may request.

6.6 I agree that any third party who receives a copy of this document may act under it. Revocation of the power of attorney is not effective as to a third party until the third party has actual knowledge of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

## **ARTICLE 7**

### **NOMINATION OF CONSERVATOR**

If, despite the existence of this General Durable Power of Attorney, the need for a conservatorship of my estate is established, I nominate the persons named in this document as my co-attorneys in fact to serve as co-conservators of my estate or either of them alone as sole conservator if the other fails to qualify or ceases to act for any reason. If neither of them shall be able or willing to serve, then I appoint the person or persons named in this document as my alternate attorney in fact to serve, in the order of preference, as the alternate conservator(s) of my estate.

## **ARTICLE 8**

### **ACKNOWLEDGMENT AND SIGNING**

8.1 I understand that this General Durable Power of Attorney is an important legal document which gives my attorney in fact broad powers over my assets, and that these powers shall become effective as of the signing of this document, and shall continue indefinitely thereafter unless or until I revoke or terminate this durable power of attorney.

8.2 Before executing this document, my lawyer explained to me the following:

a. This document provides my attorney in fact with broad powers to dispose, sell, convey and encumber my real and personal property;

b. The powers granted in this Durable Power of Attorney will exist for an indefinite period of time unless I revoke this Power. These powers will continue to exist notwithstanding my subsequent incapacity; and

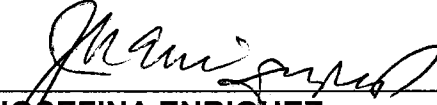
c. I have the right to revoke or terminate this Durable Power of Attorney at any time providing I am then competent. If this Durable Power of Attorney has been recorded in any county, the revocation shall be recorded in the same county.

d. **THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR ME.**

This power of attorney shall not be affected by my subsequent incapacity.

I sign this document with the intention of creating a Durable Power of Attorney under applicable California Probate Code sections.

Executed on 2-17-2017, 20 17, at H.M.B, California.

  
\_\_\_\_\_  
JOSEFINA ENRIQUEZ

## CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

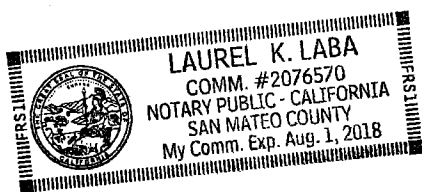
STATE OF CALIFORNIA )

San Mateo ) ss:  
COUNTY OF SANTA CLARA )

On 2/17/17, before me, Laurel K. Laba,  
Notary Public, personally appeared **JOSEFINA ENRIQUEZ**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Laurel K. Laba  
Notary Public

BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

**EXHIBIT A TO GENERAL DURABLE POWER OF ATTORNEY**

Name of Principal: JOSEFINA ENRIQUEZ

Taxpayer Identification No. \_\_\_\_\_

Address: \_\_\_\_\_

Phone:(s) Work: \_\_\_\_\_ Cell: \_\_\_\_\_ Home: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Name of Co-Attorney in fact: MICHEL KUHLINS

Address: \_\_\_\_\_

Phone:(s) Work: \_\_\_\_\_ Cell: \_\_\_\_\_ Home: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Name of Co-Attorney in fact: ALEXANDER BAUTISTA

Address: \_\_\_\_\_

Phone:(s) Work: \_\_\_\_\_ Cell: \_\_\_\_\_ Home: \_\_\_\_\_

E-mail address: \_\_\_\_\_