

DURABLE POWER OF ATTORNEY

ROSE H. SHEPEARD, a resident of the State of Washington, as authorized by RCW 11.94, hereby names her daughter, JUAN CLEO SMITH, as attorney-in-fact with the intention that this designation of durable power of attorney shall remain in force and not be limited by any future disability or incompetence of the principal.

1. POWERS.

(a) General Powers. The attorney-in-fact shall act as a fiduciary for the principal. The attorney-in-fact shall have all powers over the principal's estate that the principal has or acquires, both within and without the State of Washington, except for those powers specifically excluded in paragraph 1(c) of this document. In the event of the principal's disability or incompetence the attorney-in-fact shall have equal powers over the principal's person as well.

(b) Specific Powers. 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 the principal. The specific powers of the attorney-in-fact shall include, but not be limited to, the following:

(1) To have the sole and exclusive authority to determine medical treatment for the principal, if the principal shall be physically or mentally incapacitated or otherwise unable to make such authorization for herself, including authorization for emergency care, hospitalization, surgery, therapy and/or any other kind of treatment which the attorney-in-fact shall, in her sole discretion, think necessary.

(2) To be given first priority, along with the other members of the principal's family, in visitation should the principal be a patient in any institution and unable to express a preference on account of his illness or disability.

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(3) To have the authority pursuant to RCW 11.94.050(2) to effectuate the transfer of resources from the principal to herself for the purpose of qualifying the principal for medical assistance or limited casualty program for the medically needy.

(4) To have the authority to make any necessary gifts for the purpose of qualifying the principal for medical assistance or limited casualty program for the medically needy.

(c) Exclusions. The attorney-in-fact shall not have the power to revoke or change any estate planning or testamentary documents previously executed by the principal, except as provided herein.

2. EFFECTIVE DATE. This power of attorney shall become effective upon execution of this document and receipt by the attorney-in-fact of either the signed original, or a certified copy of the signed original. This Durable Power of Attorney shall not be affected by the disability or incompetence of the principal.

3. DURATION. This Durable Power of Attorney becomes effective as provided in paragraph 2, and shall remain in effect until revoked or terminated under the terms of paragraph 4.

4. REVOCATION AND TERMINATION.

(a) 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 and by recording the written instrument of revocation in the office of the recorder or auditor of the principal's residence.

(b) Termination by Death of the 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.

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1 (c) Nomination of Guardian. If guardianship or protective
2 proceedings are commenced in the appropriate court for the
3 appointment of a guardian or limited guardian of the principal's
4 estate or person, the principal hereby nominates the attorney-in-
5 fact as the appropriate person to be appointed as guardian or
6 limited guardian if the guardianship is deemed necessary by the
7 court. Pursuant to RCW 11.94.010, the court shall appoint the
8 attorney-in-fact as the principal's guardian or limited guardian
9 if this nomination is the principal's most recent nomination made
10 in a Durable Power of Attorney. The court shall not appoint the
11 attorney-in-fact as the principal's guardian or limited guardian
12 only if good cause is shown or if the attorney-in-fact is deemed
13 disqualified.

14 (d) Termination by Appointment of Guardian. This power of
15 attorney may be terminated, revoked, or suspended by any person
16 who is appointed by the Superior Court to be guardian of the
17 estate of the principal; however, court appointment of a guardian
18 of the person of the principal shall not affect this power of
19 attorney.

20 5. RIGHTS AND DUTIES OF THE ATTORNEY-IN-FACT.

21 (a) Reliance. The attorney-in-fact and all persons dealing
22 with the attorney-in-fact shall be entitled to rely upon this
23 power of attorney so long as it is effective, and has not been
24 revoked, suspended, or terminated. Any action taken in reliance
25 on this document unless otherwise invalid or unenforceable shall
26 be binding on the heirs, devisees, legatees, or personal
27 representatives of the principal.

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(b) Indemnity. The estate of the principal shall hold harmless and indemnify the attorney-in-fact from all liability for acts done in good faith and not done in fraud of the principal.

(c) Accounting. The attorney-in-fact shall be required to account to any subsequently appointed personal representative.

Dated this 26th day of April, 1988.

ROSE H. SHEPEARD, Principal

STATE OF WASHINGTON)
County of Klickitat) ss

This is to certify that on the 26th day of April, 1988, before me, the undersigned Notary Public, personally appeared ROSE H. SHEPEARD, to me known to be the individual described herein and who executed the foregoing Durable Power of Attorney, and acknowledged to me that she signed and sealed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

Notary Public for Washington
residing at White Salmon, therefor
Commission expires: April 23, 1992

FILED FOR RECORD
SKAMANA CO. WASH
BY Robert Williams

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AUDITOR
GARY H. OLSON

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