

FILED FOR RECORD  
SKAMANIA CO. WASH  
BY *Joseph Birkenfeld*

MAY 9 10 43 AM '02

*P. Laury*  
AUDITOR

J. MICHAEL GARVISON

## Return Address:

Joseph Birkenfeld  
P.O. Box 530  
Carson, WA 98610

Document Title(s) or transactions contained herein:

Durable Power of Attorney

GRANTOR(S) (Last name, first name, middle initial)

Brian Birkenfeld, principal

☐ Additional names on page \_\_\_\_\_ of document.

GRANTEE(S) (Last name, first name, middle initial)

Joseph Birkenfeld, agent

☐ Additional names on page \_\_\_\_\_ of document.

LEGAL DESCRIPTION (Abbreviated: Ls., Lot, Block, Plat or Section, Township, Range, Quarter/Quarter)

☐ Complete legal on page \_\_\_\_\_ of document.

REFERENCE NUMBER(S) of Documents assigned or released:

☐ Additional numbers on page \_\_\_\_\_ of document.

ASSESSOR'S PROPERTY TAX PARCELA COUNT NUMBER

☐ Property Tax Parcel ID is not yet assigned

☐ Additional parcel numbers on page \_\_\_\_\_ of document.

The Auditor/Recorder will rely on the information provided on the form. The Staff will not read the document to verify the accuracy or completeness of the indexing information.

Registered \_\_\_\_\_  
Signed the \_\_\_\_\_  
Indexed \_\_\_\_\_  
Filed \_\_\_\_\_  
Dated \_\_\_\_\_

## DURABLE POWER OF ATTORNEY

I, BRIAN BIRKENFELD of Skamania County, Washington, appoint Joseph A. Birkenfeld my Agent and attorney-in-fact ("my Agent"), with power and authority to:

1. **SUPPORT.** Make expenditures for my health, education, support, maintenance, and general welfare.
2. **MANAGING AND DISPOSING OF ASSETS.** Take possession of, retain, change the form of, manage, maintain, improve, lease, grant options on, encumber, sell, exchange, or otherwise dispose of any of my real or personal property or any interest in property, in any manner and on any terms my Agent considers to be in my best interests.
3. **CHECKS AND NOTES.** Receive, endorse, sign, sell, discount, deliver, and deposit checks, drafts, notes, and negotiable or nonnegotiable instruments, including any drawn on the Treasury of the United States or any state or other governmental entity.
4. **FINANCIAL INSTITUTIONS.** Enter into any transaction with and contract for any services rendered by a financial institution, including continuing, modifying, or terminating existing accounts; opening new accounts; drawing, endorsing, or depositing checks, drafts, and other negotiable instruments; acquiring and transferring certificates of deposit; withdrawing funds deposited in my name alone or in my name and the name of any other person or persons; and providing or receiving financial statements. "Financial institutions" means banks, trust companies, savings banks, commercial banks, savings and loan associations, credit unions, loan companies, thrift institutions, mutual fund companies, investment advisors, brokerage firms, and other similar institutions.
5. **INVESTMENTS AND SECURITIES TRANSACTIONS.** Invest and reinvest in common or preferred stocks, bonds, mutual funds, common trust funds, money market accounts, secured and unsecured obligations, mortgages, and other real or personal property; engage in investment transactions (including transactions involving margin accounts or commodities contracts) with any financial institution; and hold my securities in the name of my Agent's nominee or in unregistered form.
6. **INSURANCE AND ANNUITY CONTRACTS.** Purchase, maintain, modify, renew, convert, exchange, borrow against, surrender, cancel, and collect or select payment options under any insurance or annuity contract. This power shall extend to any insurance I own on the life of my Agent. Any receipt, release, or other instrument executed by my Agent in connection with any insurance or annuity contract shall be binding and conclusive upon all persons.

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7. **BUSINESS INTERESTS.** Continue, participate in, sell, reorganize, or liquidate any business or other enterprise owned by me, either alone or with any other person or persons.
8. **VOTING.** Appear and vote for me in person or by proxy at any corporate or other meeting.
9. **FLOWER BONDS.** Purchase U.S. Treasury bonds redeemable at par in payment of federal estate tax, and borrow funds and pledge the bonds as collateral to make the purchase.
10. **RETIREMENT PLANS.** Establish, modify, contribute to, select payment options under, make elections under, receive payments from, make rollovers to, and take any other steps I might take with respect to IRA accounts and other retirement plans.
11. **CREDIT CARDS.** Cancel or continue my credit cards and charge accounts, use my credit cards to make purchases, and sign charge slips on my behalf.
12. **COLLECTIONS.** Demand and collect any money or property owed to me and give a receipt or discharge for the money or property collected.
13. **DEBTS.** Pay my debts and other obligations.
14. **LITIGATION.** Sue upon, defend, compromise, or submit to arbitration any controversies in which I may be interested; and act in my name in connection with any complaint, proceeding, or suit.
15. **BORROWING.** Borrow in any manner and on any terms my Agent considers to be in my best interests (including borrowing from my Agent's own funds), and give security for repayment.
16. **LENDING.** Lend funds to any person (including my Agent), provided that the loan is adequately secured and bears a reasonable rate of interest.
17. **TAXES AND ASSESSMENTS.** Do the following with respect to the years 1999 through 2003: pay any tax or assessment; appear for and represent me, in person or by attorney, in all tax matters; execute any power of attorney forms required by the Internal Revenue Service or any other taxing authority; receive confidential information from any taxing authority; prepare, sign, and file federal, state, and local tax returns and reports for all tax matters, including income, gift, estate, inheritance, generation-skipping, sales, business, FICA, payroll, and property tax matters; execute waivers, including waivers of restrictions on assessment or collection of tax deficiencies and waivers of notice of disallowance of a claim for credit or refund; execute consents, closing agreements, and other documents related to my tax liability; make any elections

available under federal or state tax law; and delegate authority or substitute another representative with respect to all matters described in this paragraph.

18. **GOVERNMENT BENEFITS.** Perform any act necessary or desirable in order for me to qualify for and receive all types of government benefits, including Medicare, Medicaid, Social Security, veterans', and workers' compensation benefits.

19. **DISCLAIMER.** Disclaim any property, interest in property, or power to which I may be entitled; and take all steps required to make the disclaimer effective under state and federal laws, including Section 2518 of the Internal Revenue Code or any successor statute. In deciding whether to disclaim, my Agent shall consider the effect of disclaimer on taxes that may be payable, on qualification for government benefits, and on my existing estate plan.

20. **ELECTIVE SHARE RIGHTS.** Exercise any right to claim an elective share in any estate or under any Will.

21. **FIDUCIARY POSITIONS.** Resign from or renounce on my behalf fiduciary positions, including personal representative, trustee, conservator, guardian, attorney-in-fact, and officer or director of a corporation; and discharge me from further responsibility by filing accountings with a court or settling by formal or informal methods.

22. **SAFE DEPOSIT BOX.** Have access to and make deposits to or withdrawals from any safe deposit box rented in my name alone or in my name and the name of any other person or persons.

23. **MAIL.** Redirect my mail.

24. **CUSTODY OF DOCUMENTS.** Take custody of important documents, including any Will, trust agreements, deeds, life insurance policies, and contracts.

25. **EMPLOYEES AND ADVISORS.** Employ, compensate, and discharge attorneys, accountants, investment advisors, property managers, custodians, physicians, dentists, nurses, household help, and others to render services to me or for my benefit.

26. **GIFTS.** Make gifts and consent to split gifts on my behalf, whether outright, in trust, or in custodianship, to or for the benefit of my spouse, my lineal descendants, and the spouses of my lineal descendants, and any charitable organizations to which I have contributed.

(a). Gifts made under this paragraph may be in any amount.

NOTARY  
PUBLIC  
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L. BROWN  
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(b). The power granted under this paragraph shall include the unlimited power to make gifts to or for the benefit of my Agent, my Agent's estate, my Agent's creditors, the creditors of my Agent's estate, or any person whom my Agent has a legal duty to support.

(c). Gifts made under this paragraph shall be consistent with my existing estate plan to the extent reasonably possible and with the reduction or elimination of estate and inheritance taxes payable by reason of my death.

27. **BENEFICIARY DESIGNATIONS.** Designate or change beneficiaries under insurance policies, pay-on-death arrangements, retirement plans and accounts, and any other assets, provided that any beneficiary designation shall be consistent with my existing estate plan to the extent reasonably possible. This power includes the power to designate my Agent as a beneficiary.

28. **APPOINTMENT OF SPECIAL AGENT.** I appoint Joseph A. Birkenfeld as my Special Agent and attorney-in-fact, with power and authority to:

(a). Purchase, maintain, modify, renew, convert, exchange, borrow against, surrender, cancel, and collect or select payment options under any insurance contract I own on the life of my Agent. Any receipt, release, or other instrument executed by my Special Agent in connection with any such insurance contract shall be binding and conclusive upon all persons.

(b). Make gifts and consent to split gifts on my behalf, whether outright or in trust, to or for the benefit of my Agent. Gifts made under this paragraph may be in any amount. Gifts made under this paragraph shall be consistent with my existing estate plan to the extent reasonably possible and with the reduction or elimination of estate and inheritance taxes payable by reason of my death.

(c). Disclaim any property, interest in property, or power to which I may be entitled, where an interest passes to my Agent as a result of the disclaimer.

29. **NOMINATION OF GUARDIAN OF THE PERSON AND GUARDIAN OF THE ESTATE.** To the extent permitted by state law, I nominate my Agent to act as the guardian of my person and the guardian of my estate.

30. **PERFORM OTHER ACTS TO CARRY OUT THE POWERS GRANTED.** Execute and deliver any written instrument and perform any other act necessary or desirable to carry out any of the powers granted to my Agent or my Special Agent under this power of attorney, as fully as I might do personally. I ratify and confirm all acts performed by my Agent or my Special Agent pursuant to this power of attorney.

31. **THIRD PARTY RELIANCE.** Third parties who rely in good faith on the authority of my Agent or my Special Agent under this power of attorney shall not be liable to me,





to my estate, or to my heirs, successors, or assigns. Third parties without actual notice of revocation may conclusively rely on the continued validity of this power of attorney. If requested, my Agent or my Special Agent shall furnish, and a third party may conclusively rely on, an affidavit or certificate stating that (1) I was competent at the time this power of attorney was executed, (2) the power of attorney has not been revoked, (3) my Agent or my Special Agent continues to serve as attorney-in-fact under the power of attorney, and (4) my Agent or my Special Agent is acting within the scope of authority granted under the power of attorney. My Agent or my Special Agent may sue or pursue other action against any third party who refuses to honor this power of attorney after such an affidavit or certificate has been provided.

32. **DURABILITY.** The powers granted to my Agent under this power of attorney shall continue to be exercisable even though I have become disabled or incompetent.


33. **GOVERNING LAW.** The validity and construction of this power of attorney shall be determined under Washington law.

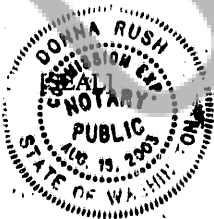
I have signed this power of attorney this 16 day of April, 2002.

  
 Brian Birkenfeld

STATE OF WASHINGTON                    )  
   )  
 County of Skamania                    ) ss.

On this 16 day of April, 2002, before me personally appeared Brian Birkenfeld and acknowledged to me that he executed this power of attorney freely and voluntarily.

  
 Notary Public for Washington  
 My commission expires: 8-15-03



SIGNATURE OF AGENT

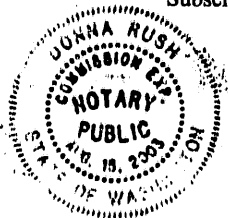
Agent acknowledges that the following is Agent's  
signature: Joseph A. Binkley

STATE OF WASHINGTON )

County of Skamania )

ss.

Subscribed and sworn to before me this 16<sup>th</sup> day of April, 2002.



Donna Rush  
Notary Public for Washington  
My commission expires 8-15-03