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BOOK 231 PAGE 922

FILED TO RECORD
SALE OF LAND
SKAMAWIA CO. TITLE

Nov 8 12 43 PM '02

O'Leary
J. MICHAEL O'LEARY

AFTER RECORDING MAIL TO:

Name Alberta Henle

Address 21 N. "E" Street

City/State Toppenish, WA 98948

SAC 1526

Document Title(s): (or transactions contained therein)

1. POWER OF ATTORNEY
- 2.
- 3.
- 4.



Reference Number(s) of Documents assigned or released:

☐ Additional numbers on page _____ of document

Grantor(s): (Last name first, then first name and initials)

1. Henle, Alberta
- 2.
- 3.
- 4.
5. ☐ Additional names on page _____ of document

Grantee(s): (Last name first, then first name and initials)

1. Worms, Arvada
- 2.
- 3.
- 4.
5. ☐ Additional names on page _____ of document

Abbreviated Legal Description as follows: (i.e. lot/block/plat or section/township/range/quarter/quarter)

NE $\frac{1}{4}$ of S1, T2N, R7E

☐ Complete legal description is on page 8 of document

Assessor's Property Tax Parcel / Account Number(s): 02-07-01-1-0-1602-00

WA-1

NOTE: The auditor/recorder will rely on the information on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

GENERAL DURABLE POWER OF ATTORNEY

EFFECTIVE IMMEDIATELY

I, Alberta Henle, (hereinafter called Principal), domiciled and residing in the State of Washington, designate Arvada Worms, as my Attorney-in-Fact.

1. REVOCATION OF PREVIOUS POWERS OF ATTORNEY

The Principal hereby revokes any and all Powers of Attorney which have been previously executed by her and declares that this General Durable Power of Attorney shall supersede any previous Powers of Attorney. This document known as "General Durable Power of Attorney of Alberta Henle," once in effect shall remain in full force and effect until revoked or terminated.

2. EFFECTIVENESS

This Power of Attorney shall become effective immediately upon signature of the Principal and shall continue throughout any later disability or incapacity of the Principal. Disability shall include the inability to manage property and affairs effectively for reasons such as: mental illness, dementia, mental deficiency, physical illness or disability, chronic use of drugs, or chronic intoxication. In the event of the Principal's confinement, detention by a foreign power, kidnapping or disappearance, this Power of Attorney shall remain in full force and effect.

3. DESIGNATION OF ALTERNATE ATTORNEY-IN-FACT

The Principal hereby grants the Attorney-in-Fact full power and authority as though she were the absolute owner of the Principal's assets and liabilities, and to perform any and all acts in the name of the Principal, as fully as the Principal could perform if the Principal were personally present.

If any Attorney-in-Fact designated by this document is unable or unwilling to act, then such declination may be made in writing. If the Attorney-in-Fact is unable or unwilling to act in the capacity of Attorney-in-Fact and the designated Attorney-in-Fact is unwilling to sign a written declination, then any person with personal knowledge that the designated Attorney-in-Fact is unwilling or unable to act may furnish a written, notarized statement to that effect. Such a written statement shall then make the next alternate Attorney-in-Fact the Attorney-in-Fact. The original of any written statement shall be attached to the original of this Power of Attorney.

4. NOMINATION OF GUARDIAN

RECORDER'S NOTE:
NOT AN ORIGINAL DOCUMENT

The Principal, Alberta Henle, nominates Arvada Worms as Guardian of her Estate and Person for consideration by the Court if guardianship proceedings for her Estate or Person are later commenced. This Power of Attorney is executed as an alternative to guardianship.

5. AUTHORITY AND POWER OF ATTORNEY-IN-FACT

The Attorney-in-Fact, as fiduciary, shall act in the best interests of the Principal and shall have authority over the assets of the Principal, whether they are located in the State of Washington, or any other State. These powers shall include:

(a) Selling or otherwise disposing of the Principal's separate or community property interest. The Attorney-in-Fact shall have the specific authority to make, alter or revoke life insurance Beneficiary designations, or to change or assign ownership or cash in any life insurance policies owned by the Principal. The Attorney-in-Fact is also authorized to make transfers of property to any Trust established for the benefit of the Principal or her spouse and to enter into or revoke Community Property Agreements;

(b) Signing the name of the Principal to any real property instruments, including deeds, conveyances, mortgages, leases or other documents which are necessary to carry out the business or personal affairs of the Principal;

(c) Opening and closing bank accounts and other financial instruments, making deposits to and withdrawals from bank accounts, and investing and reinvesting funds. This power shall include but is not limited to investments in stocks, bonds and government securities, and withdrawing, transferring or cashing in any and all financial or investment accounts. The Attorney-in-Fact shall have the power to borrow on behalf of the Principal and to endorse and/or cash any and all checks issued by the United States Treasury and/or United States Government, and sign forms and receive checks from the Department of Veterans Affairs;

(d) Having access to the Principal's safe deposit box;

(e) Signing tax returns on behalf of the Principal and representing or obtaining representation of the Principal at a tax audit;

(f) Borrowing funds for the benefit of the Principal which may be desirable if the other alternative would be to sell a highly appreciated asset during the life of the Principal, thus forfeiting the stepped-up basis at death;

(g) Forgiving or collecting debts owed to the Principal;

(h) Redirecting (forwarding) the Principal's mail;

(i) Continuing or canceling the credit cards of the Principal;

(j) Appealing Medicare denials: The Principal hereby specifically authorizes the Attorney-in-Fact to act on the Principal's behalf to take any action or actions necessary to pursue and appeal any denials of Medicare coverage which have been issued by any health care facility or institution regarding the Principal's eligibility for Medicare benefits;

(l) This Power of Attorney shall not provide the authority for the Attorney-in-Fact to override personal and health care decision making by the Principal, so long as she has the capacity to make such decisions in her own behalf. In case the Principal is incapacitated the Attorney-in-Fact shall have the power to do the following:

(i) Arrange for suitable hospital and/or residential care, including placement decisions; every effort is to be made to keep the Principal in her own home and to provide the necessary care in this setting, so long as practicable;

(ii) Make determinations regarding the appropriate health care for the Principal, including but not limited to dealing with attending physicians and determining, in the judgment of the Attorney-in-Fact, which course of treatment is necessary or desirable. The Attorney-in-Fact shall have the authority to hire and discharge physicians who are treating the Principal; enforce the decisions made by the Principal under the Patient Self-Determination Act; and enforce any Health Care Directives previously signed by the Principal;

(iii) Review and/or order the medical records of the Principal;

(iv) It is the desire of the Principal to receive the best possible care in the least restrictive setting. If the Principal is later incapacitated or disabled, it is the direction of the Principal that the Attorney-in-Fact explore the various care options available to the Principal. If at all possible and practicable, the Principal prefers to remain at home, with in-home assistance. If it is not possible or practicable for the Principal to

remain at home, then the next level of care to be explored is to be adult family home care and/or assisted living. Nursing home care is to be viewed as a last choice, to be implemented only after in-home care and adult family home care are explored and found not to be reasonably feasible.

Towards the end of providing the best possible care in the least restrictive setting, the Attorney-in-Fact is authorized and directed to hire those professionals who may be able to assist in locating and providing in-home care, adult family home care, assisted living and lastly, nursing home care. If the Attorney-in-Fact is not able to evaluate the various choices or to implement care plans, then the Attorney-in-Fact shall hire appropriate assistance to perform the required duties. If the Principal is unable to live alone, and the Attorney-in-Fact is not able to provide personal supervision or visitation with the Principal on an at least weekly basis, or if the Attorney-in-Fact is in need of help in evaluating the care being received by the Principal, the Attorney-in-Fact is directed to employ case managers, social workers or other professionals to assist in delivery and evaluation of services to the Principal. In the event the Principal requires nursing home care, then it is the desire of the Principal that she receive the type of care that will encourage the highest level of mental and physical involvement by the Principal.

(m) In the event the Principal is incapacitated as determined by a letter written by the attending physician, or a psychologist competent to determine capacity regarding decision making, then the Principal hereby authorizes her Attorney-in-Fact to make gifts of the assets of the Principal to a nursing home if the Principal requires nursing home care (no other options are reasonably feasible) and such gifting is undertaken to qualify the Principal for any public program for assistance in paying for this care. A copy of the letter shall be attached to this Power of Attorney and the entire document shall be recorded.

6. POWERS NOT SPECIFICALLY ENUMERATED

The Attorney-in-Fact shall also have all powers which may be necessary or desirable to provide for the support or maintenance of the Principal, even if these powers are not specifically set forth in this document.

7. DURATION

This Durable Power of Attorney becomes effective immediately and shall remain in effect to the extent permitted by Yakama Tribal Law or Washington State Law or until revoked or terminated, even if it is not certain whether the Principal is alive. If there is any doubt as to whether the Principal is alive, this

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Power of Attorney shall remain in full force and effect until conclusive proof is obtained, or legal proceedings declare the Principal deceased.

8. REVOCATION

This Durable Power of Attorney may be revoked, suspended or terminated in the following ways:

- (a) If the Principal gives written notice to any acting Attorney-in-Fact; and
- (b) By recording the written notice of revocation in the Yakama Nation Tribal Court in Toppenish, Washington (Yakima County).

9. TERMINATION OF THIS DOCUMENT

(a) This Power of Attorney shall not be revoked by any subsequent guardianship action, unless specifically set forth in the Court's Order. It is the intention of the Principal that the powers granted herein shall eliminate the need for the appointment of a Guardian of the Person and/or Estate of the Principal.

(b) The death of Principal shall revoke this Power of Attorney, unless there is any question regarding whether the Principal is alive, in which case the provisions of Section 7 above shall apply.

10. ACCOUNTING BY ATTORNEY-IN-FACT

The Attorney-in-Fact, appointed by this document shall keep records of expenditures and shall account to any later-appointed Personal Representative.

11. RELIANCE

All persons dealing with the Attorney-in-Fact because of this document shall be entitled to rely upon this Power of Attorney, so long as neither the Attorney-in-Fact, nor any person with whom the Attorney-in-Fact was dealing, had received actual knowledge or notice of any revocation, suspension or termination of this document. Any action taken in good faith by all parties shall be binding on the heirs and Personal Representative(s) of the Principal.

12. INDEMNITY

The Attorney-in-Fact shall not have any personal liability for any acts done by virtue of this Power of Attorney, so long as the acts are done in good faith. The Estate of the Principal shall defend, hold harmless and indemnify the Attorney-in-Fact from all liability for acts done in good faith and not in fraud of the Principal.

13. APPLICABLE LAW

The laws of the Yakama Nation and the State of Washington shall govern this Power of Attorney. Although this Power of Attorney is signed in the State of Washington, it is the intention of the Principal that this document be valid in all states and territories of the United States. If any provision in this document is held invalid or inconsistent with the laws of the state where the Principal is located, then the inconsistent or invalid part shall be deleted and disregarded, and the remaining parts shall not be affected.

14. EXECUTION AND DATE OF SIGNING

This Power of Attorney is signed in original the day and year indicated below and is to become effective as provided in Section 2 above.

DATED this 6th day of June, 2005

Alberta Henle

ALBERTA HENLE

I certify that I know or have satisfactory evidence that Alberta Henle is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated this 6th day of June, 2005

**NOTARY PUBLIC
STATE OF WASHINGTON
DAVID W. FRENCH
Appointment Expires Sept. 28, 2005**

David W. French

WITNESS

EXHIBIT 'A'

A tract of land in the Northeast Quarter of Section 1, Township 2 North, Range 7 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

Beginning at a point 542.2 feet South of rock marking the intersection of the West line of the Shepard D.L.C. with the North line of Section 1, Township 2 North, Range 7 East of the Willamette Meridian, said point being the intersection of the West line of the said Shepard D.L.C. with the North line of Second Street in the Town of Stevenson; thence Westerly along the North line of Second Street 610 feet; thence North 100 feet to the initial point of tract hereby described; thence North 10 feet; thence West 9 feet; thence North 100 feet; thence East 109 feet; thence South 110 feet; thence West 100 feet to the initial point.