

OFFICIAL RECORD

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COUNTY

Douglas County - NV
Werner Christen - Recorder

Page: 1 of 11 Fee: 24.00
BK-0906 PG-4063 RPTT: 0.00



RECORDING REQUESTED BY:

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060201397

**DURABLE GENERAL POWER OF ATTORNEY
FOR MANAGEMENT OF PROPERTY AND PERSONAL AFFAIRS
FOR DOUGLAS K. BOURNE**

I, DOUGLAS K. BOURNE, a resident of Douglas County, Nevada, appoint
KATHERINE LYNN BOURNE, as my attorney-in-fact.

I intend to create a Durable, Power of Attorney (herein referred to as "this
Power") pursuant to Nevada law for management of property and personal affairs
and not to make decisions concerning health care. Pursuant to NRS 111.460 this
Power shall not be affected by my future disability. This Power shall become
effective immediately.

I give my attorney-in-fact the powers specified in this Power with the
understanding that they will be used for my benefit and on my behalf and will be
exercised only in a fiduciary capacity.

1. POWERS

1.1 Real and Personal Property: I give my attorney in fact the power
to take any actions necessary or desirable for the management or maintenance of any
real or personal property in which I own an interest when this Power is executed, or
in which I later acquire an interest, including the power to acquire, sell, and convey
ownership of property; control the manner in which property is managed,
maintained, and used; change the form of title in which property is held; satisfy and
grant security interests and other encumbrances on property; obtain and make claims
on Insurance policies covering risks of loss or damage to property; accept or remove

tenants, collect proceeds generated by property; ensure that any needed repairs are made to property; exercise rights of participation in real estate syndicates or other real estate ventures; make improvements to property; and perform any other acts allowed by law, except those acts that conflict with or are limited by a more specific provision in this Power.

1.2 Securities: I give my attorney-in-fact the power to take any actions necessary or desirable with respect to any securities that I own when this Power becomes effective, or that are acquired thereafter, including the power to purchase, exchange, and sell securities; exercise voting rights with respect to securities; collect dividends, interest, and any other proceeds generated by securities; transfer title to securities; and perform any other acts, except those acts that conflict with or are limited by a more specific provision in this Power. For the purposes of this paragraph, the term “securities” includes stocks, bonds, mutual funds, and all other types of securities and financial instruments, except commodity futures contracts and call and put options on stocks and stock indexes.

1.3 Financial Institutions: I give my attorney-in-fact the power to take any actions necessary or desirable in connection with any financial institution in which I have an account or an interest in an account when this Power is executed, or in which I later acquire an account or an interest in an account, including the power to continue, modify, or terminate existing accounts; open new accounts; draw, endorse, and deposit checks, drafts, and other negotiable instruments; prepare, receive, and deliver financial statements; establish, maintain, or close safe deposit boxes; borrow money; apply for and receive travelers checks and letters of credit; extend payment periods with respect to commercial paper; and perform, except those acts that conflict with or are limited by a more specific provision in this Power. For the purposes of this paragraph, the term “financial institution” includes, but is not limited to, banks, trust companies, savings banks, commercial banks, building and

loan associations, savings and loan companies or associations, credit unions, industrial loan companies, thrift companies, and brokerage firms.

1.4 Business Operations: I give my attorney-in-fact the power to take any, actions necessary or desirable in connection with any business venture in which I have an interest when this Power is executed, or in which I later acquire an interest, including the power to execute and enforce my obligations and rights as a partner in any general or limited partnership to the extent permitted by law and any applicable partnership agreement; enforce my rights as the holder of a bond or similar instrument issued by any business in which I have an interest; discharge my duties and enforce my rights in any sole proprietorship; expand, recapitalize, or reorganize any business to the extent my interest in that business allows; collect proceeds generated by any business in which I have an interest and to which I am entitled; sell or liquidate my interest in a business; and perform any other acts, except those acts that conflict with or are limited by a more if specific provision in this Power.

1.5 Insurance and Annuities: I give my attorney-in-fact the power to take any actions necessary or desirable with respect to any insurance or annuity contracts in which I have an interest when this Power is executed, or in which I later acquire an interest, including the power to acquire additional insurance coverage of any type or additional annuities; continue existing insurance or annuity contracts; agree to modifications in the terms of insurance or annuity contracts in which I have an interest; borrow against insurance or annuity contracts in which I have an interest, to the extent allowed under the contract terms; change beneficiaries under existing contracts and name beneficiaries under new contracts, including the power to designate my attorney-in-fact as the beneficiary; receive dividends, proceeds, and other benefits generated by the contracts; transfer interests in insurance or annuity contracts to the extent permitted under the terms of those contracts; and



perform, except those acts that conflict with or are limited by a more specific provision in this Power.

1.6 Retirement Plans: I give my attorney-in-fact the power to take any actions necessary or desirable in order to maintain or participate in any retirement plan in which I have an interest when this Power is executed, or in which I later acquire an interest, including the power to select the manner in which benefits under the plan are to be paid; designate beneficiaries under the plan, including the power to designate my attorney-in-fact as the beneficiary; make voluntary contributions to the plan; make rollovers in one plan into another, to the extent authorized by the plan, borrow from the plan and sell the assets of the plan; and perform any other acts, except those acts that conflict with or are limited by a more specific provision in this Power.

1.7 Estate, Trust and Other Beneficiary Transactions: I give my attorney-in-fact the power to take any actions necessary or desirable in order to act, to the extent an agent is permitted to do so by law and by any controlling instrument, with respect to any estate or trust in which I have an interest when this Power is executed, or in which I later acquire an interest, including the power to receive payments to which I am entitled from any estate or trust; participate in all proceedings concerning any estate or trust in which I have an interest; execute disclaimers of any interests I may have in any estate or trust; convey or release any contingent interests I may have in any estate or trust; make any election available to a surviving spouse under the Internal Revenue Code, our applicable State Statute; and perform any other acts, except those acts that conflict with or are limited by a more specific provision in this Power. For the purposes of this paragraph, the term "estate or trust" means all matters that affect a trust, probate estate, guardianship, conservatorship, escrow, custodianship, or other fund from which I am, may become, or claim to be entitled, as a beneficiary, to a share or payment.

1.8 Power to Create, Modify and Revoke Trusts: I give my attorney-in-fact the power to take any action necessary or desirable with respect to trusts that exist when this Power is executed or that are established thereafter (other than powers that I hold in a fiduciary capacity or solely by virtue of being a beneficiary of any trust), including the power to establish trusts for my benefit or the benefit of my spouse, my descendants, and any other of my dependents; contribute or transfer assets to any trust in which I have an interest; and exercise any power I may have as an individual (not as a fiduciary), other than as a trust beneficiary, such as borrowing trust assets, amending or revoking a trust agreement, and voting shares of stock, but subject to the limitation that any trust I have created may be modified or revoked by my attorney-in-fact only if expressly permitted by the trust instrument. This paragraph shall not be construed as limiting the authority of my attorney-in-fact to exercise any power, with respect to trusts, that I may hold in a fiduciary capacity or as a trust beneficiary, to the extent that such authority is specifically given elsewhere in this Power.

1.9 Claims and Litigation: I give my attorney-in-fact the power to take any actions necessary or desirable with respect to any claim that I may have or that has been asserted against me and with respect to any legal proceeding in which I have an interest when this Power is executed, or in which I later acquire an interest, including the power to institute, prosecute, and defend legal proceedings and claims on my behalf, file actions to determine adverse claims, intervene in litigation, and act as amicus curiae in any proceedings affecting my interests; seek preliminary, provisional, or intermediate relief on my behalf, apply for the enforcement or satisfaction of judgments that have been rendered in my favor; participate fully in the development of claims and proceedings; submit any dispute in which I have an interest to arbitration; submit and accept settlement offers and participate in settlement negotiations; handle all procedural aspects, such as service of process,

filing of appeals, stipulations, verifications, waivers, and all other matters in any way affecting the process of any claim or litigation; fully participate in any voluntary or involuntary bankruptcy proceeding involving me or in which in which I am a claimant; satisfy judgments that have been rendered against me; and perform any other acts, except those acts that conflict with or are limited by a more specific provision in this Power.

1.10 Tax Matters: For any tax year for which the statute of limitations has not run and to the tax year in which this durable power of attorney was executed and any subsequent tax year, I give my attorney-in-fact the power to prepare and file any and all documents and take all actions necessary or desirable with respect to my local, state, or federal tax liability, including the power to participate in audits; exercise my rights to protest and appeal assessments; pay amounts due to the appropriate taxing authority; execute waivers, consents, closing agreements, and similar documents related to my tax liability; participate in all procedural matters connected with my tax liability; exercise any elections that may be available to me under applicable state or federal tax laws or regulations; and perform any other acts except those acts that conflict with or are *limited* by a more specific provision in this Power.

1.11 Personal and Family Maintenance: I give my attorney-in-fact the power to take any actions necessary or desirable in order to effectively conduct my personal affairs and to discharge any and all obligations I may owe to myself and to family members and other third persons who are customarily or legally entitled to my support when this Power is executed, or that are undertaken thereafter, including the power to take steps to ensure that our customary standard of living is maintained; arrange for medical and dental care; continue existing charge accounts, open new charge accounts and make payments thereon; provide for transportation; maintain correspondence; prepare, maintain, and preserve personal records and documents;



maintain membership in any social, religious, or professional organization and make contributions thereto; and perform any other acts, except those acts that conflict with or are limited by a more specific provision in this Power.

1.12 Gifts: I give my attorney-in-fact the power to make gifts, grants, or other transfers without consideration, of cash or other property, either outright or in trust, including the power to forgive indebtedness and consent to gift splitting under Internal Revenue Code Section 2513 or successor sections. The powers granted under this paragraph shall be exercised, if at all, in favor of my spouse and my descendants and their spouses.

1.13 Government Benefits: With respect to any government benefits either existing when this Power is executed or accruing thereafter, whether in this state or elsewhere, I give my attorney-in-fact the power to take all actions necessary or desirable, including the power to execute and deliver vouchers related to government benefits; take possession of and store property as allowed under any government benefit program in which I have an interest; prepare and submit claims for government benefits to which I may be entitled; collect proceeds due to me under any government benefit plan; and perform any other acts, except those acts that conflict with or are limited by a more specific provision in this Power. For the purposes of this paragraph, the term "government benefits" means benefits from social security, medicare, medicaid, or other governmental programs, or from civil or military service.

1.14 Nomination of a Guardian or Conservator: Proceeds are initiated for the appointment of a Guardian of my estate, or a Guardian of my person, I hereby nominate KATHERINE LYNN BOURNE.

1.15 All Other Matters: Except for those actions that conflict with or are limited by another provision in this Power, I give my attorney-in-fact the power to act as my alter ego with respect to all matters and affairs that are not included in the

other provisions in this Power, to the extent that a principal can act through an agent. This paragraph does not authorize my attorney-in-fact to make health care decisions, as provided for in *NRS 449.810* and following.

1.16 Incidental Powers: In connection with the exercise of any of the powers described in the preceding paragraphs, I give my attorney-in-fact full authority, to the extent that a principal can act through an agent, to take all actions necessary, proper, or convenient, to the extent that I could take such actions myself, including the power to prepare, execute, and file all documents and maintain records; enter into contracts; hire, discharge, and pay reasonable compensation to attorneys, accountants, expert witnesses, or other assistants; engage in litigation regarding a claim in favor of or against me; execute, acknowledge, seal, and deliver any instrument; and perform any other acts, except those acts that conflict with or are limited by a more specific provision in this Power.

1.17 Restrictions on Property Management Powers: Notwithstanding any other provision in this Power, my attorney-in-fact shall not do any of the following: (a) exercise powers of the trustee under an irrevocable trust of which my attorney-in-fact is settlor and of which I am a trustee; (b) use my property to discharge the legal obligations of my attorney-in-fact, including but not limited to the support of the dependents of my attorney-in-fact, except for those dependents to whom I, along with my attorney-in-fact, owe a duty of support; and (c) exercise any incident of ownership over any insurance policy that I own and that insures the life of my attorney-in-fact.

2. **AMPLIFYING PROVISIONS**

2.1 Reimbursement for Costs and Expenses: My attorney-in-fact shall be entitled to reimbursement from my property for expenditures properly made in the execution of the powers conferred by me in this Power. My attorney-in-fact shall keep records of any such expenditures and reimbursement.

a physician-patient or psychiatrist-patient relationship, and I hold the provider of health care harmless for any liability for the release of such information.

2.5 Ratification: I ratify and confirm all that my attorney-in-fact does or causes to be done under the authority granted in this Power. All instruments of any sort entered into in any manner by my attorney-in-fact shall bind me, my estate, my heirs, successors, and assigns.

2.6 Exculpation of My Attorney-In-Fact: My attorney-in-fact shall not be liable to me or any of my successors in interest for any action taken or not taken in good faith, but shall be liable for any willful misconduct or gross negligence.

2.7 Revocation and Amendment: I revoke all prior General Powers of Attorney that I may have executed and I retain the right to revoke or amend this document and to substitute other attorneys in fact in place of my attorney-in-fact. Amendments to this document shall be made in writing by me personally (not by my attorney-in-fact) and they shall be attached to the original of this document and recorded in the same county or counties as the original if the original is recorded.

3. GENERAL PROVISIONS

3.1 Signature of Attorney-In-Fact: My attorney-in-fact shall use the following form when signing on my behalf pursuant to this Power: "Douglas K. Bourne by Katherine Lynn Bourne, Attorney-in-Fact."

3.2 Photostatic Copies: Persons dealing with my attorney-in-fact may rely fully on a photostatic copy of this Power.

3.3 Severability: If any of the provisions of this Power are found to be 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.

3.4 Governing Law: All questions pertaining to validity, interpretation, and administration of this Power shall be determined in accordance with the laws of Nevada.

