DOUGLAS COUNTY, NV

<sup>v</sup> 2023-1002592

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SHAWNYNE GARREN, RECORDER

APN # 1320-29-212-018

Escrow # 02303417-RLT

The undersigned hereby affirms that this document submitted for recording does not contain the social security number of any person or persons. (Pursuant to NRS 239b.030)

Recording Requested by and Return to:

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Gardnerville, NV 89410

# GENERAL DURBLE POWER OF ATTORNEY OF BONNIE BENDER (Title on Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2 (Additional recording fee applies).

This cover page must be typed or printed clearly in black ink only.

#### RECORDING REQUESTED BY

Millward Law, Ltd. 1591 Mono Ave Minden, NV 89423

#### AND WHEN RECORDED MAIL TO

Lee and Bonnie Bender 1070 Wisteria Dr Minden, NV 89423

# General Durable Power of Attorney of Bonnie Bender

# MILLWARD LAW, LTD.

THE LAW FIRM OF
MICHAEL G. MILLWARD
1591 MONO AVENUE
MINDEN, NEVADA 89423
TELEPHONE: (775) 600-2776
FAX: (775) 600-2724
MILLWARDLAW.COM

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I, Bonnie Bender of Minden, Nevada, establish this General Durable Power of Attorney under the laws of the State of Nevada. I revoke all Powers of Attorney previously granted by me as Principal and terminate all agency relationships created by me except:

powers granted by me under any state statutory short form Durable Power of Attorney;

powers granted by me on forms provided by financial institutions granting the right to write checks on, deposit funds to, and withdraw funds from accounts to which I am a signatory; and

powers granting access to a safe-deposit box.

# Article One Appointment of Attorney in Fact

### Section 1.01 Initial Attorney in Fact

I appoint LeLand B. Bender to serve as my Attorney in Fact.

### Section 1.02 Successor Attorney in Fact

If LeLand B. Bender fails to serve, I appoint the following persons to serve as successor Attorney in Fact, in the order named:

Justin Lee Bender, First Alternate

Gail Omohundro, Second Alternate

If a successor Attorney in Fact fails to serve as my Attorney in Fact, I appoint the next successor Attorney in Fact named above to serve as my Attorney in Fact.

# Section 1.03 Effect of Filing Petition for Divorce or Separation

If my spouse or I file a petition for legal separation or dissolution of marriage, my spouse will be deemed to have died or predeceased me (as appropriate for the context) for all purposes of this General Durable Power of Attorney unless and until the petition is dismissed.

# Section 1.04 No Person under 21 Years of Age May Serve as Attorney in Fact

No person named as my Attorney in Fact or successor Attorney in Fact may serve until that person has reached 21 years of age.

## Section 1.05 Default of Designation

If no one is serving as my Attorney in Fact under this power of attorney, Court of Competent Jurisdiction may appoint a successor Attorney in Fact by written instrument acknowledged before a notary public and attached to this power of attorney.

## Section 1.06 Prior or Joint Attorney in Fact Unable to Act

A successor Attorney in Fact or an Attorney in Fact serving jointly with another Attorney in Fact may establish that the acting Attorney in Fact or joint Attorney in Fact is no longer able to serve as Attorney in Fact by signing an affidavit that states that the Attorney in Fact is not available or is incapable of acting. The affidavit may be supported by a death certificate of the Attorney in Fact, a certificate showing that a guardian or conservator has been appointed for the Attorney in Fact, a physician's letter stating that the Attorney in Fact is incapable of managing his or her own affairs, or a letter from the Attorney in Fact stating his or her unwillingness to act or delegating his or her power to the successor Attorney in Fact.

# Article Two Effectiveness of Appointment - Durability Provision

#### Section 2.01 Effectiveness

The authority granted to my Attorney in Fact under this power of attorney will be effective:

Upon a determination of my incapacity. My Attorney in Fact may, upon the issuance of a written medical opinion signed by a licensed medical doctor which clearly and unambiguously states that I am disabled or incapacitated, and incapable of managing my affairs, act with full authority and power in accordance with this Power of Attorney.

\_\_\_\_] Immediately upon signing.

## Section 2.02 Durability

The authority granted to my Attorney in Fact under this power of attorney will not be affected by my subsequent disability, incompetency, incapacity, or lapse of time.

# Section 2.03 Term of Durable Power of Attorney

This Durable Power of Attorney expires at the earliest of:

my death (except for post-death matters allowed under Nevada law); or my revocation of this power of attorney.

# Article Three Powers Granted to My Attorney in Fact

#### GENERAL GRANT OF AUTHORITY

I provide my Attorney in Fact with a grant of general authority as provided for in Chapter 162A of the Nevada Revised Statutes, and more particularly referenced as NRS 162A.460 to NRS 162A.610. The provisions of NRS 162A.460 through NRS 162A.660 are attached hereto as Exhibit A and are incorporated herein as if fully set forth. The powers provided in a general grant of authority under NRS 162A.460 through NRS 162A.610 include the power to act for me with respect to the following subjects: Real Property; Tangible Personal Property; Stocks and Bonds; Commodities and Options; Banks and Other Financial Institutions; Safe Deposit Boxes; Operation of Entity or Business; Insurance and Annuities; Estate, Trusts and Other Beneficial Interests; Legal Affairs, Claims and Litigation; Personal Maintenance; Benefits from Governmental Programs or Civil or Military Service; Retirement Plans; and Taxes.

That at any time that I have been found to be incapacitated as provided in Section 2.01 (option 1), and Leland B. Bender is serving as my agent and Attorney-in-Fact, Leland B. Bender shall have a specific grant of authority as provided in 162A.450, to do the following:

- (a) Create, amend, revoke or terminate an inter vivos trust;
- (b) Establish, amend, revoke or terminate my Last Will and Testament;
- (c) Make a gift;
- (d) Create or change rights of survivorship;
- (e) Create or change a beneficiary designation as to any account or property;
- (f) Delegate authority granted under the power of attorney;
- (g) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;
- (h) Exercise fiduciary powers that the principal has authority to delegate; or
- (i) Disclaim property, including a power of appointment.

However, if Leland B. Bender is not serving as my agent and Attorney-in-Fact, my Attorney-in-Fact shall not have authority to cause to be accomplished those things listed above under this Article as (a) through (j).

# Article Four Administrative Powers and Provisions

This Article contains certain administrative powers and provisions that facilitate the use of the power of attorney and that protect my Attorney in Fact and those who rely upon my Attorney in Fact.

#### Section 4.01 Release of Information

My Attorney in Fact may release and obtain any information regarding my financial investments and taxes, including any information regarding stocks, bonds, certificates of deposit, bank accounts, tax returns, retirement accounts, pension plans, and any other documents or information regarding my financial affairs and taxes. This information may be obtained from my attorneys at law, financial advisors, insurance professionals, accountants, stockbrokers, stock transfer agents, and any other persons having such information.

I release these persons or entities from any liability for releasing the above-referenced information to my Attorney in Fact in reliance on this Section.

If my Attorney in Fact is an attorney at law or other accounting or financial professional, the professional regulations of my Attorney in Fact's profession and federal law may prohibit my Attorney in Fact from releasing information about my financial affairs to others if I am a client of my Attorney in Fact. This instrument, therefore, is a limited waiver of any privilege (such as the attorney-client privilege) that I have established with any Attorney in Fact as a client for the sole purpose of permitting my Attorney in Fact to perform his or her duties under this power of attorney.

#### Section 4.02 Nomination of Guardian of My Estate

If appointment proceedings are ever initiated for Guardian of my estate, I concurrently nominate the person then serving or named to serve as my Attorney in Fact under this power of attorney.

If any person I have nominated is appointed Guardian of my estate, I request that the court grant to Guardian of my estate powers and duties set forth in NRS 159.077 through NRS 159.184 as the court finds appropriate.

#### Section 4.03 Appointment of a Special or Ancillary Attorney in Fact

If any Attorney in Fact is unwilling or unable to act with respect to any property or any provision of this power of attorney, Court of Competent Jurisdiction shall appoint, in writing, a corporate fiduciary or an individual to serve as Special Attorney in Fact as to the property or with respect to the provision. The Special Attorney in Fact appointed must be an individual that is not related or

subordinate to me or any beneficiary within the meaning of Internal Revenue Code Section 672(c). Court of Competent Jurisdiction may revoke this appointment at will.

If my Attorney in Fact determines that it is necessary or desirable to appoint an Ancillary Attorney in Fact to act under this power of attorney in a jurisdiction other than this one, my Attorney in Fact may do so. In making an appointment, my Attorney in Fact may sign, execute, deliver, acknowledge, and make declarations in any documents that may be necessary, desirable, convenient, or proper in order to carry out the appointment.

A Special or Ancillary Attorney in Fact may exercise all powers granted by this power of attorney unless expressly limited elsewhere in this power of attorney or by the instrument appointing the Special or Ancillary Attorney in Fact. A Special or Ancillary Attorney in Fact may resign at any time by delivering written notice of resignation to my Attorney in Fact. Notice of resignation will be effective under the terms of the notice.

## Section 4.04 Attorney in Fact Authorized to Employ My Attorney

My Attorney in Fact may employ the attorney who prepared this power of attorney or any other attorney employed by me in connection with my estate plan or business matters and I specifically:

waive any conflicts of interest that might arise through this employment; authorize the attorney to make full disclosure of my estate plan and business to the Attorney in Fact; and

authorize the attorney to accept the engagement.

# Section 4.05 Fiduciary Eligibility of Attorney in Fact

My Attorney in Fact is eligible to serve in any other fiduciary capacity for me or for my benefit, including trustee, guardian, conservator, committee, executor, administrator, or personal representative.

# Section 4.06 Reimbursement for Expenses

My Attorney in Fact may reimburse himself or herself for all reasonable expenses incurred for carrying out any provision of this power of attorney.

# Section 4.07 Liability of Attorney in Fact

I release and discharge any Attorney in Fact acting in good faith from any civil liability and from all claims or demands of all kinds whatsoever by me, my estate, and my heirs, successors, and assigns arising out of the acts, forbearances, or omissions of my Attorney in Fact, except for willful misconduct or gross negligence. This protection extends to my Attorney in Fact's estate, heirs, successors, and assigns.

#### Section 4.08 Amendment and Revocation

I may amend or revoke this power of attorney at any time. Amendments to this document must be made in writing by me personally (not by my Attorney in Fact) and must be attached to the original of this document and recorded in the same county or counties as the original if the original is recorded.

The written notice of revocation or amendment to my Attorney in Fact must be:

personally delivered and receipt of delivery received;

mailed postage prepaid by certified mail, return receipt requested, to the last known address of my Attorney in Fact; or

sent by express mail or commercial expedited delivery providing a receipt for such delivery.

#### Section 4.09 Resignation

My Attorney in Fact may resign by executing a written resignation delivered to me or, if I am mentally disabled, by delivery to any person with whom I am residing or who has my care and custody.

## Section 4.10 Signature of Attorney in Fact

My Attorney in Fact shall use the following form when signing documents on my behalf pursuant to this power:

Bonnie Bender by [enter Attorney in Fact's name], her Attorney in Fact.

# Section 4.11 Interpretation

This power of attorney is a general power of attorney and should be interpreted as granting my Attorney in Fact all general powers permitted under the laws of State of Nevada. The description of specific powers is not intended to limit or restrict any of the general powers granted to my Attorney in Fact.

#### Section 4.12 Use of Attorney in Fact Nomenclature

The word Attorney in Fact and any modifying or equivalent word or substituted pronoun includes the singular and the plural cases, as well as the masculine, feminine, and neuter genders.

#### Section 4.13 Third Party Reliance

No person who relies in good faith on the authority of my Attorney in Fact under this power of attorney will incur any liability to my estate; my heirs, successors, and assigns; or to me.

Any party dealing with my Attorney in Fact may conclusively rely upon an affidavit or certificate of my Attorney in Fact that:

the authority granted to my Attorney in Fact under this power of attorney is in effect;

my Attorney in Fact's actions are within the scope of my Attorney in Fact's authority under this power of attorney;

I was competent when I executed this power of attorney;

I have not revoked this power of attorney; and

my Attorney in Fact is currently serving as my Attorney in Fact.

# Section 4.14 Effect of Duplicate Originals or Copies

If this power of attorney has been executed in multiple counterparts, each counterpart original will have equal force and effect. My Attorney in Fact may make photocopies (photocopies includes facsimiles and digital or other reproductions, referred to collectively as *photocopy*) of this power of attorney and each photocopy will have the same force and effect as the original.

# Section 4.15 Governing Law

This power of attorney's validity and interpretation will be governed by the laws of the State of Nevada. To the extent permitted by law, this power of attorney is applicable to all my property, whether real, personal, intangible, or mixed; wherever located; and whether or not I now or in the future own the property.

## Section 4.16 Severability

If any provision of this power of attorney is declared invalid for any reason, the remaining provisions will remain in full force and effect.

#### Section 4.17 Shall and May

Unless otherwise specifically provided in this document or by the context in which used, I use the word shall in this document to impose a duty, command, direct, or require, and the word may to allow or permit, but not require. In the context of my Attorney in Fact, when I use the word shall, I intend to impose a fiduciary duty on my Attorney in Fact; when I use the word may, I intend that my Attorney in Fact is empowered to act with sole and absolute discretion unless otherwise stated in this document.

# Article Five Declarations of the Principal

I understand that this power of attorney is an important legal document. Before executing this power of attorney, my attorney explained the following information to me.

The power of attorney provides my Attorney in Fact with broad powers to dispose of, sell, convey, and encumber my real and personal property.

The powers will exist for an indefinite period unless I revoke the power of attorney or I have limited their duration by specific provisions in the power of attorney.

This Durable Power of Attorney will continue to exist during my subsequent disability or incapacity.

I have the power to revoke or terminate this Durable Power of Attorney at any time.

I understand the full import of this declaration and I am emotionally and mentally competent to establish this General Durable Power of Attorney.

I sign my name to this General Durable Power of Attorney on this October 26, 2017, in Minden, Nevada.

Bonne Bender	1
Bonnie Bender, Principal	
STATE OF NEVADA )	
) ss.	
COUNTY OF DOUGLAS )	

On this 26th day of October, 2017, before me, Marion Hoeller, personally appeared Bonnie Bender personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is stated subscribed to this General Durable Power of Attorney, and acknowledged that she executed it. I declare under penalty of perjury that the person whose name is ascribed to this instrument appeared me to at the time of acknowledgment to be of sound mind and under no duress, fraud or undue influence.

Notary Public

#### STATEMENT OF WITNESSES

We, Rebekah Higginbotham and Marsha Jo Millward, as witnesses declare under penalty of perjury that Bonnie Bender is personally known to me, that she signed the foregoing Health Care Power of Attorney and Living Will in our presence, that we believe Bonnie Bender to be of sound mind and under no duress, fraud or undue influence, that the Health Care Power of Attorney and Living Will does not appoint either of us as Client's agent and that we are not providers of health care, employees of a provider of health care, operators of a health care facility or employees of an operator of a health care facility. We further both declare that we are not related to Bonnie Bender by blood, marriage or adoption and that to the best of our knowledge, neither of us are entitled to any part of the estate of Bonnie Bender at her death by operation of law or pursuant to her Last Will and Testament, Living Trust Agreement, transfer on death instrument, or beneficiary designation.

Rebekah Higginbotham

1591 Mono Avenue

Minden, NV 89423

Marsha Jo Millward

1591 Mono Avenue

Minden, NV 89423

STATE OF NEVADA

) ) ss.

COUNTY OF DOUGLAS

This instrument was subscribed and sworn to before me on October 26, 2017, by Rebekah Higginbotham and Marsha Jo Millward, as witnesses.

Notary Public

