



200104060110

Skagit County Auditor

4/6/2001 Page 1 of 6 1:47:35PM

COVER SHEET (For Multiple Document)

RETURN TO:

ISLAND TITLE COMPANY

P O BOX 670

BURLINGTON, WA 98233

DOCUMENT TITLE(S) (list all titles contained in document);

Island Title B17692 ✓ BE4760

1. DURABLE POWER OF ATTORNEY

2.

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

1.

2.

[ ] ADDITIONAL REFERENCE NUMBERS ON PAGE \_\_\_\_\_ OF DOCUMENT.

GRANTOR(S) (Last name, first name and initials):

1. MCCALLUM, MARY M.

1.

2.

2.

3.

3.

4.

4.

[ ] ADDITIONAL NAMES ON PAGE \_\_\_\_\_ OF DOCUMENT.

GRANTEE(S) (Last name, first name and initials):

1. MCCALLUM, DAVID

1.

2.

2.

3.

3.

4.

4.

[ ] ADDITIONAL NAMES ON PAGE \_\_\_\_\_ OF DOCUMENT.

LEGAL DESCRIPTION (Abbreviated: i.e., lot, block, plat or quarter, quarter, section, township and range):

Unit 69, THIRD AMENDMENT TO THE CEDARS, A CONDOMINIUM

[ ] ADDITIONAL LEGAL(S) ON PAGE \_\_\_\_\_ OF DOCUMENT.

ASSESSOR'S PARCEL/TAX I.D. NUMBER:

4739-000-069-0000 P116269

[ ] TAX PARCEL NUMBER(S) FOR ADDITIONAL LEGAL(S) ON PAGE \_\_\_\_\_ OF DOCUMENT.

## **DURABLE POWER OF ATTORNEY**

**THE UNDERSIGNED, MARY M. McCALLUM**, Principal, domiciled and residing in the state of Washington, as authorized by R.C.W. 11.94, individually designates the following named person as Attorney-in-Fact, to act for her in the event she becomes disabled or incompetent:

I. **Designations:** DAVID McCALLUM is designated as Attorney-in-Fact for the Principal. DONALD McCALLUM is designated as alternate Attorney-in-Fact.

II. **Powers of Attorney:** The Attorney-in-Fact, as fiduciary, shall have all powers of an absolute owner over the assets and liabilities of the Principal, whether located within or without the state of Washington. This power shall specifically include, without limitation, those specified below:

A. **Securities.** The Attorney-in-Fact shall have the authority to purchase, sell or trade stocks, bonds, options of all kinds, warrants and other securities on any recognized stock exchange or over-the-counter or in private sale.

B. **Real and Personal Property.** The Attorney-in-Fact shall have the authority to transfer real and personal property and execute all documents related thereto, including but not limited to Deeds, Real Estate Contracts, Deeds of Trust, Mortgages, Leases, Easements and all manner of documents of conveyance and encumbrance. The Attorney-in-Fact shall have the powers contained herein whether the transaction is for monetary consideration or as a gift, and said powers shall be effective as to all property whether now owned or hereafter acquired. Any powers specifically set forth herein shall not be construed as limiting the broad general powers of the Attorney-in-Fact as above set forth.

C. **Financial Accounts.** The Attorney-in-Fact shall have the authority to deal with accounts maintained by or on behalf of the Principal with institutions (including, without limitation, banks, savings and loan associations, credit unions and securities dealers). This shall include the authority to maintain and close existing accounts, to open, maintain and close other accounts, and to make deposits, transfers and withdrawals with respect to all such accounts.

D. **United States Treasury Bonds.** The Attorney-in-Fact shall have the authority to purchase United States Treasury Bonds which may be redeemed at par in payment of Federal estate tax.

E. **Monies Due.** The Attorney-in-Fact shall have the authority to request, demand, recover, collect, endorse and receive all moneys, debts, accounts, gifts, bequests, dividends, annuities, rents and payments due the Principal.

F. **Claims Against Principal.** The Attorney-in-Fact shall have the authority to pay, settle, compromise or otherwise discharge any and all claims of liability or indebtedness against the Principal and in so doing, use any of the Principal's funds or other assets or use funds or other assets of the Attorney-in-Fact and obtain reimbursement out of the Principal's funds or other assets.



200104060110  
Skagit County Auditor

G. **Legal Proceedings.** The Attorney-in-Fact shall have the authority to participate in any legal action in the name of the Principal or otherwise. This shall include (a) actions for attachment, execution, eviction, foreclosure, indemnity, and any other proceeding for equitable or injunctive relief, and (b) legal proceedings in connection with the authority granted in this instrument.

H. **Written Instruments.** The Attorney-in-Fact shall have the power and authority to sign, seal, execute, deliver and acknowledge all written instruments and to do and perform each and every act and thing whatsoever which may be necessary or proper in the exercise of the powers and authority granted to the Attorney-in-Fact as fully as the Principal could do if personally present.

I. **Safe Deposit Box.** The Attorney-in-Fact shall have the authority to enter any safe deposit box in which the Principal has a right of access.

J. **Taxes.** The Attorney-in-Fact may submit all federal and state income tax and gift tax returns on behalf of the principal and pay all such taxes as may be due, and represent the principal during audits, appeals, and lawsuits related to any income or gift tax return filed on behalf of the principal, and pay any assessments for interest or penalties levied against the principal in connection with such tax return.

K. **Transfers to Trust.** The Attorney-in-Fact shall have the power to make transfers of the property to any trusts, whether or not created by the Principal, provided that the trust is for the sole benefit of the Principal and does not have dispositive provisions which are different from those which would have governed the property had it not been transferred to the trust.

L. **Transfers for Purposes of Qualifying for Assistance.** In accordance with R.C.W. 11.94.050(2), my Attorney-in-Fact is authorized to make any transfers of resources not prohibited by law when the transfer is for the purpose of qualifying the Principal for medical assistance or the limited casualty program for the medically needy; and to effect such transfer, shall have the authority to revoke the Principal's Community Property Agreement with the Principal's spouse.

M. **Consent to Medical and Surgical Care.** The Attorney-in-Fact is further authorized to consent to medical and surgical care and treatment or nontreatment for the Principal, as provided in Chapter 7.70 R.C.W., to consent to my admission to a medical, nursing, residential or similar facility, and to enter into agreements for my care; provided, however, that the Attorney-in-Fact may not consent without Court approval, to any procedure referred to in R.C.W. 11.92.043(5) (involving therapy or other procedure which induces convulsion, or surgery solely for the purpose of psychosurgery, or other psychiatric or mental health procedures which restrict physical freedom of movement) that requires Court approval before a Guardian may consent to it.

III. **Limitation on Powers:** The Attorney-in-Fact shall not have the power to make, amend, alter or revoke, or change any life insurance or to exercise any power of appointment, or to revoke or change any estate planning or testamentary documents previously executed by the Principal, except as specifically set forth herein; provided, however, that this limitation shall not affect the authority of the Attorney-in-Fact to disclaim an interest or revoke a Community Property Agreement as provided elsewhere in this document.



200104060110

, Skagit County Auditor

IV. **Purposes:** 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 disabled or incompetent Principal.

V. **Effectiveness:** This Power of Attorney shall become effective upon the disability or incompetence of a Principal. Disability shall include the inability to manage his/her property and affairs effectively for reasons such as mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic alcohol intoxication, confinement, detention by a foreign power or terrorists, or disappearance. Disability may be evidenced by a written statement of a qualified physician regularly attending the Principal and/or other qualified persons with knowledge of any confinement, detention or disappearance. Incompetence may be established by a finding of a court having jurisdiction over the Principal.

VI. **Duration:** The Durable Power of Attorney becomes effective as provided in Paragraph IV and shall remain in effect to the extent permitted by R.C.W. 11.94 as amended or until revoked or terminated under Paragraphs VIII or IX, notwithstanding any uncertainty as to whether the Principal is dead or alive.

VII. **Disclaimer:** The Attorney-in-Fact shall have the authority to disclaim any interest, as defined in R.C.W. 11.86.010, in any property to which the Principal would otherwise succeed so long as in the sole discretion of the Attorney-in-Fact such disclaimer would not be detrimental to the best interests of the Principal, and would be in the best interests of those interested in the estate of the Principal and of those who take as a result of any such disclaimer.

VIII. **Revocation:** This Power of Attorney may be revoked, suspended, or terminated, in writing, by the Principal to the Attorney-in-Fact, and by recording the written instrument of revocation in the office of the Recorder or Auditor of the county of residence.

IX. **Termination:** This Power of Attorney shall be terminated by either of the following events:

A. By written notice by the Principal to the Attorney-in-Fact, and if this Power of Attorney has been recorded, by recording the written instrument of revocation in the office of the Auditor of the county where the Power of Attorney was recorded.

B. The appointment of a guardian of the estate of the Principal vests in the guardian with court approval the power to revoke, suspend or terminate this Power of Attorney. The appointment of a guardian of the person only does not empower the guardian to revoke, suspend or terminate this Power of Attorney.

C. 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.



200104060110

Skagit County Auditor

4/6/2001 Page 4 of 6 1:47:35PM

X. **Accounting:** The Attorney-in-Fact shall be required to account to any subsequently appointed Personal Representative of the Principal or the Principal's Estate for all actions taken for or on behalf of the Principal.

XI. **Reliance:** The designated and acting Attorney-in-Fact and all persons dealing with the Attorney-in-Fact and acting in good faith shall be entitled to rely upon this Power of Attorney so long as at the time of any act taken pursuant to this Power of Attorney neither the Attorney-in-Fact nor any person dealing with the Attorney-in-Fact at the time of any act taken pursuant to this Power of Attorney had received actual knowledge or actual notice of any revocation, suspension or termination of the Power of Attorney by death or otherwise. Any action so taken, unless otherwise invalid or unenforceable, shall be binding on the heirs, devisees, legatees or personal representatives of the Principal.

XII. **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 in fraud of the Principal.

XIII. **Applicable Law:** The laws of the State of Washington shall govern this Power of Attorney.

XIV. **Nomination of Guardian:** If it should, at any time, be necessary to appoint a guardian or limited guardian of the person or estate of the Principal, the Principal hereby nominates the then acting Attorney-in-Fact designated above as the Principal's said guardian or limited guardian.

XV. **Property:** This Power of Attorney shall apply to all of the Principal's interest in community property and to the Principal's separate property, whether now owned or hereafter acquired.

XVI. **Execution:** This Power of Attorney is signed in Lynnwood, Washington on this 14th day of December, 1994, to become effective as provided in Paragraph V.

Mary M. McCallum  
MARY M. McCALLUM

Domiciled and residing at:

8723 - 238th S. W., #C-1  
Edmonds, WA 98026



200104060110

, Skagit County Auditor

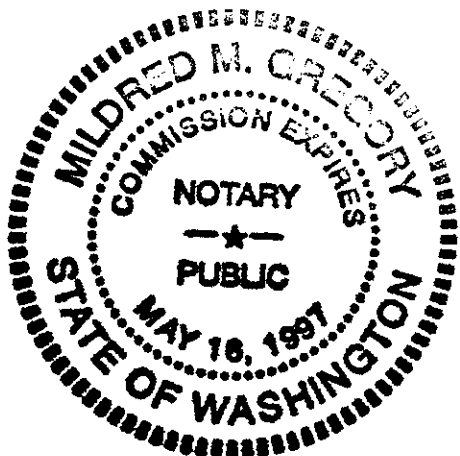
4/6/2001 Page 5 of 6 1:47:35PM

STATE OF WASHINGTON :  
:  
COUNTY OF SNOHOMISH :

SS:

THIS IS TO CERTIFY that on the 14<sup>th</sup> day of December, 1994, before me, the undersigned Notary Public, personally appeared MARY M. McCALLUM, to me known to be the Principal described in and who executed the foregoing 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 the day and year last above written.



Mildred M. Gregory  
Signature of Notary

MILDRED M GREGORY  
Name of Notary printed or typed

NOTARY PUBLIC for Washington State.

Residing at: Seattle

My Commission Expires: 5-16-97

I:\room\wills\mccallum.dpa  
10/10/94 (mg)



200104060110  
Skagit County Auditor  
4/6/2001 Page 6 of 6 1:47:35PM