



201408220046

Skagit County Auditor

8/22/2014 Page

1 of

\$77.00  
6 10:31AM

**WHEN RECORDED RETURN TO:**

Elaine Desmarais  
14143 Amber Lane  
Mount Vernon, WA 98273

GUARDIAN NORTHWEST TITLE CO.

**DOCUMENT TITLE(S):**  
Durable Power of Attorney

108038

**REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:**

**GRANTORS:**  
Alfred D. Desmarais

**GRANTEES:**  
Elaine Y. Desmarais

**ABBREVIATED LEGAL DESCRIPTION:**  
Lot 14, , Shore Acres To Guemes Island, according to the Plat thereof filed in Volume 7 of Plats at Page(s) 90, 91, records of Skagit County, Washington.

**TAX PARCEL NUMBER(S):**  
P69145, 3999-000-014-0001

## DESMARAIS RECIPROCAL DURABLE POWER OF ATTORNEY

THE UNDERSIGNED spouses, each as principal, residing in the state of Washington, reciprocally and individually name the following persons in the alternative as Attorney-in-Fact for either spouse who may hereafter become disabled or incompetent.

1. Designation of Attorney-in-Fact: The other spouse, if living, able, and willing to serve, is designated as Attorney-in-Fact for the disabled or incompetent spouse as principal. If either spouse is deceased or is unable or unwilling to act, then and in that event DENNIS A. DESMARAIS, of Beaverton, Oregon, is designated as Attorney-in-Fact to act for ALFRED D. DESMARAIS or ELAINE Y. DESMARAIS as principals. In the event that DENNIS A. DESMARAIS is unable or unwilling to act, then and in that event ROBERT C. DESMARAIS, of Mount Vernon, Washington, is designated as Attorney-in-Fact to act for ALFRED D. DESMARAIS or ELAINE Y. DESMARAIS as principals.

2. Powers of Attorney-in-Fact: The Attorney-in-Fact, as fiduciary, shall have and exercise all powers the principal would have if alive and competent, subject only to the exceptions mandated by Chapter 11.94 RCW, as amended. The Attorney-in-Fact shall not have the power to revoke or change any estate planning or testamentary documents, or trust agreements, unless the document authorizes changes with court approval. By way of illustration and not as a limitation Exhibit "A" and Exhibit "B" attached hereto enumerate specific authorization for actions which may be exercised by the Attorney-in-Fact.

3. Optional Powers. As an expression of each principal's intent to grant more than general powers to the named Attorney-in-Fact, the principal hereby authorizes continued making of gifts authorized in Exhibit "A" or Exhibit "B" attached hereto. In the exercise of discretion, the principal also authorizes the named Attorney-in-Fact to carry out a plan of giving to maintain the principals' combined estate within the limits of any state or federal estate and gift tax unified credit equivalent or to promote the welfare of a spouse or descendants. Each principal specifically authorizes disclaimer of any gift or inheritance if the disclaimer benefits a spouse or descendants.

4. Purposes: The Attorney-in-Fact shall exercise broad powers of management over the assets, liabilities, and business affairs of principal and do those things that are necessary or desirable



to provide for the support, maintenance, health, and other needs of the disabled or incompetent principal. If protective proceedings are hereafter commenced, the principal nominates the Attorney-in-Fact as the guardian or limited guardian of the estate or person for consideration by the court.

5. Effective Date: This Power of Attorney shall become effective upon the disability or incompetence of a principal. Disability shall include the inability to manage his or her property and affairs effectively for reasons such as mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, confinement, or disappearance. Disability or incompetence may be evidenced by a written statement of a qualified physician regularly attending the principal or by other qualified persons with knowledge of any confinement or disappearance, as may be appropriate under the circumstances. Incompetence may be established by a finding of a court having jurisdiction over the incompetent principal.

6. Duration: This Durable Power of Attorney becomes effective as provided in paragraph 5 and shall remain in effect to the extent permitted by Title 11 RCW, as amended, until revoked or terminated under paragraph 7 or 8, notwithstanding any uncertainty as to whether the principal is dead or alive. This power of attorney shall not be affected by disability of the principal and shall otherwise continue in full force and effect until revoked or terminated as hereinafter provided.

7. Revocation by Spouse/principals: This Power of Attorney may be revoked, suspended, or terminated in writing by both spouse/principals or by either spouse/principal in writing to the other principal, if living, otherwise to the successor Attorney-in-Fact, and by recording the written instrument of revocation in the office of the county recorder or auditor. This Power of Attorney to a spouse is deemed to be revoked by any subsequent filing of a petition for dissolution of marriage or separation.

8. Termination:

a. By Appointment of Guardian: 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; provided, that any Attorney-in-Fact appointed by this Durable Power of Attorney is hereby nominated to serve as guardian of the person or estate of the disabled or incompetent principal if protective proceedings are hereafter commenced. The appointment of the guardian of the person only does not empower the guardian to revoke, suspend, or terminate this Power of Attorney.

b. By Death of Principal: The death of a principal shall be deemed to revoke this Power of Attorney upon actual knowledge or actual notice being received by the Attorney-in-Fact.

9. Accounting: The Attorney-in-Fact shall be required to account to any subsequently appointed personal representative.





**Durable Power of Attorney**  
**EXHIBIT "A"**

- \_\_\_ 1. Open, close, or rollover accounts such as checking accounts, saving accounts, money market accounts, certificates of deposit, individual retirement accounts, pension accounts, and/or annuities.
- \_\_\_ 2. Give orders to buy, sell, or exchange assets held for investment including without limitation, stocks, bonds, mutual fund shares, and other investment securities.
- \_\_\_ 3. Engage an agent or broker to buy, sell, or exchange real or personal property on such terms as the attorney in fact believes to be just and sign deeds, easements, instructions, and/or settlement statements as needed.
- \_\_\_ 4. Give Bills of Sale, certificates of title, release of interest, or tax reports such as may be customary for the evidence of transactions involving motor vehicles, equipment, property held for business, hobby, or personal use.
- \_\_\_ 5. Make gifts to church or charitable organizations with which I have a pledge or history of continuing financial support.
- \_\_\_ 6. Make gifts or purchases for special occasions including holidays, birthdays, anniversaries, and the like when a family member is beneficiary and the gift will not cause me to be unable to meet my own obligations.
- \_\_\_ 7. To engage professional services for legal advice, financial advice, accounting, insurance, and management as appropriate to the administration of the affairs of the principal.
- \_\_\_ 8. To borrow money, including the use of credit accounts, open accounts and to give promissory notes and security as appropriate for lender / borrower transactions.
- \_\_\_ 9. To settle or litigate, in any forum, disputes involving my business and personal affairs including without limitation mediation, arbitration, settlement conference, trial to a judge, jury, administrative tribunal, or appellate body.
- \_\_\_ 10. To report and pay all local, state, and federal tax liability which may arise or contest the same on reasonable grounds.

\_\_\_ a. b. I approve all of the above.

Alfred D. Desmarais  
ALFRED D. DESMARAIS



**Durable Power of Attorney**  
**EXHIBIT "B"**

- \_\_\_ 1. Open, close, or rollover accounts such as checking accounts, saving accounts, money market accounts, certificates of deposit, individual retirement accounts, pension accounts, and/or annuities.
- \_\_\_ 2. Give orders to buy, sell, or exchange assets held for investment including without limitation, stocks, bonds, mutual fund shares, and other investment securities.
- \_\_\_ 3. Engage an agent or broker to buy, sell, or exchange real or personal property on such terms as the attorney in fact believes to be just and sign deeds, easements, instructions, and/or settlement statements as needed.
- \_\_\_ 4. Give Bills of Sale, certificates of title, release of interest, or tax reports such as may be customary for the evidence of transactions involving motor vehicles, equipment, property held for business, hobby, or personal use.
- \_\_\_ 5. Make gifts to church or charitable organizations with which I have a pledge or history of continuing financial support.
- \_\_\_ 6. Make gifts or purchases for special occasions including holidays, birthdays, anniversaries, and the like when a family member is beneficiary and the gift will not cause me to be unable to meet my own obligations.
- \_\_\_ 7. To engage professional services for legal advice, financial advice, accounting, insurance, and management as appropriate to the administration of the affairs of the principal.
- \_\_\_ 8. To borrow money, including the use of credit accounts, open accounts and to give promissory notes and security as appropriate for lender / borrower transactions.
- \_\_\_ 9. To settle or litigate, in any forum, disputes involving my business and personal affairs including without limitation mediation, arbitration, settlement conference, trial to a judge, jury, administrative tribunal, or appellate body.
- \_\_\_ 10. To report and pay all local, state, and federal tax liability which may arise or contest the same on reasonable grounds.

EAD

I approve all of the above.

Elaine Y. Desmarais  
ELAINE Y. DESMARAIS



201408220046

Skagit County Auditor

\$77.00

8/22/2014 Page

6 of

6 10:31AM