

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

1. **RETURN TO:**
CHANCEY C. CROWELL
POST OFFICE BOX 2866
WENATCHEE WA 98807-2866

201511300123

Skagit County Auditor
11/30/2015 Page

\$85.00

1 of 13 10:54AM

GENERAL DURABLE POWER OF ATTORNEY

Grantor: Richard I. McMonagle.

Grantee: Bearrach C. McMonagle aka Barry McMonagle.

Legal Desc. (abbrev.): portion of the S ½ half of the SE ¼ of S 24, T 36 N, R 3, E.W.M, Skagit County, A. Additional legal: Page 13, Exhibit "A".

Tax Parcel No.: 360324-4-006-0201 (P48220).

1. **DESIGNATION.** I, Richard I. McMonagle, whose address is 17919 Colony Road, Bow, Washington 98232, (the "Principal") designate Bearrach C. McMonagle as Attorney-in-Fact for the Principal. If said Attorney-in-Fact is unable or unwilling to act for Principal, then Cathleen McMonagle is designated as Attorney-in-Fact for the Principal.

REVOCATION OF PREVIOUS POWER OF ATTORNEY.

I hereby revoke all previous Powers of Attorney for property management, durable or otherwise, that I may have executed.

3. **EFFECTIVENESS: IMMEDIATELY.** The power of attorney herein granted shall become effective immediately upon its execution and shall continue in effect to the extent permitted by the laws of the State of Washington, unless revoked or terminated as hereinafter provided, and shall not be affected by my subsequent disability.

4. **DURATION.** This Durable Power of Attorney shall remain in effect to the extent permitted by RCW 11.94.010 or until revoked or terminated,

DURABLE POWER OF ATTORNEY - 1

CHANCEY C. CROWELL

Attorney at Law
224 S. Mission Street
Post Office Box 2866
Wenatchee, WA 98807-2866
(509) 667-9377

1 notwithstanding any uncertainty as to whether I am dead or alive.
2
3

4 a. Revocation. This Power of Attorney may be revoked, suspended or
5 terminated in writing by me with written notice to the designated Attorneys-in-Fact
6 and by recording the written instrument of revocation in the office of the recorded
7 or auditor of Skagit County, Washington.
8
9

10 b. Termination.
11

12 (1) By Appointment of Guardian. If appointed, a guardian of
13 my person may, with court approval, revoke, suspend or terminate this
14 power of attorney. If a guardianship is filed for me, I hereby request
15 that the Court appoint the attorney-in-fact named in this document as
16 guardian.
17

18 (2) By Death. My death shall be deemed to revoke this Power
19 of Attorney upon actual notice being received by the Attorney-in-Fact.
20

21 5. PROPER ENDORSEMENT. All business transacted for me or for my
22 account shall be transacted in my name, and all endorsements and instruments executed by
23 my Attorney-in-Fact for the purpose of carrying out any of these powers, shall contain my
24 name, followed by the signature of my Attorney-in-Fact and the designation "Attorney-in-
25 Fact".
26

27 6. POWERS. The Attorney-in-Fact shall have all of the powers of an absolute
28 owner over my assets and liabilities, whether located within or without the State of
29 Washington. The authority of my Attorney-in-Fact shall include, without limitation, the
30 power and authority specified below:
31

32 a. Financial Matters.
33

34 (1) Real Property. The Attorney-in-Fact shall have authority to:
35 (a) Purchase, receive, take possession of, lease, sell,
36 assign, convey, exchange, release, encumber, grant an option,
37

DURABLE POWER OF ATTORNEY - 2

CHANCEY C. CROWELL

Attorney at Law
224 S. Mission Street
Post Office Box 2866
Wenatchee, WA 98807-2866
(509) 667-9377

mortgage, pledge, and dedicate for public use, real property or any interest in real property.

(b) Manage, utilize, conserve, demolish, repair, rebuild, or to improve any real estate or structure on real estate, owned or claimed to be owned by me in whole or in part.

(c) Protect the same by action, proceeding or otherwise, including, but not limited to, the recovery of possession and removal of tenants or other persons.

(2) Personal Property. The Attorney-in-Fact shall have authority to:

(a) Purchase, receive, take possession of, lease, sell, assign, endorse, exchange, release, mortgage and pledge personal property or any interest in personal property.

(b) Execute and deliver all documents, instruments and papers necessary to effect the proper registration and licensing of any automobiles in which I now or may subsequently have an interest.

(c) Take possession and order the removal and shipment of any of my property from or to any other place of storage; and to execute and deliver any release, receipt, or other instrument necessary or convenient for such purposes.

(3) Financial Accounts. The Attorney-in-Fact shall have authority to:

(a) Deal with accounts, including certificates of deposit, maintained by or on my behalf with institutions (including, without limitations, banks, savings and loan associations, credit unions and

1 securities dealers). This shall include the authority to maintain and
2 close existing accounts, to open, maintain and close other accounts,
3 and to make deposits, transfers, and withdrawals with respect to all
4 such accounts.

5 (b) To endorse, cash and receive the proceeds of any
6 checks, vouchers, certificates of deposit, or other instruments for the
7 payment of money.

8 (c) Borrow money or to execute in my name any
9 instrument evidencing indebtedness incurred in my behalf and to
10 give security therefor, and to extend and renew any indebtedness so
11 incurred or which I shall have incurred or for the payment of which
12 I may in any way be liable.

13 (d) This shall include the authority to change the title
14 from or to tenancy in common, joint tenancy with right of
15 survivorship or in such other manner which in his/her discretion is
16 consistent with my dispositive scheme as evidenced by my Will.

17 (4) Securities/Stock. The Attorney-in-Fact shall have authority
18 to:

19 (a) Sell, buy, assign and transfer securities, stocks, and
20 bonds; and to act as my attorney or proxy with respect to any shares
21 of stock, bonds, insurance policies, annuities or other investments
22 which I now hold or subsequently acquire.

23 (b) Carry on transactions concerning any account,
24 including margin accounts, I may have with any securities broker.

25 (c) This shall include the authority to change the title
26 from or to tenancy in common, joint tenancy with right of

survivorship or in such other manner which in his/her discretion is consistent with my dispositive scheme as evidenced by my Will.

(5) United States Treasury Bonds. The Attorney-in-Fact shall have authority to purchase United States Treasury Bonds which may be redeemed at par in payment of Federal estate taxes. This shall include the authority to change the title from or to tenancy in common, joint tenancy with right of survivorship or in such other manner which in his/her discretion is consistent with my dispositive scheme as evidenced by my Will.

(6) Moneys Due. The Attorney-in-Fact shall have authority to request, demand, recover, collect, endorse and receive all moneys, debts, accounts, gifts, bequests, dividends, annuities, rents and payments due me.

(7) Claims. The Attorney-in-Fact shall have the authority to pay, settle, compromise or otherwise discharge any and all claims of liability or indebtedness against me and, in so doing, use any of my funds or other assets or use funds or other assets of the Attorney-in-Fact and obtain reimbursement out of my funds or other assets.

(8) Business Entities. The Attorney-in-Fact shall have authority to make, amend or alter any partnership, limited liability company, corporation or similar entity, or other document of similar import, or add or withdraw assets.

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

b. Legal Proceedings. The Attorney-in-Fact shall have authority to participate in any legal action in my name or otherwise. On my behalf and in my name or the name or the Attorney-in-Fact, to institute, prosecute, defend,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

compromise, arbitrate, settle, or dispose of any legal, equitable or administrative hearings, actions, suits, attachments, claims or other proceedings, to which I am or may become a party or in which I have an interest, and to engage and dismiss counsel in connection with such matters; to assert or to waive any or all rights, privileges and defenses available to me. This shall include actions for attachment, execution, eviction, foreclosure, indemnity, and any other proceedings in connections with the authority granted in this instrument.

c. Written Instruments. The Attorney-in-Fact shall have the power and authority to sign, seal, execute, deliver and acknowledge all written instruments.

d. Dealing with Governmental Agencies.

(1) General. The Attorney-in-Fact shall have the authority to act as my agent in dealing with the Internal Revenue Service or with any other federal, state or local authority in any matters pertaining to my affairs including any income or other tax for any tax period, including, but not limited to exercising all of my powers to:

- (a) make inquiries and receive responses to inquiries;
- (b) receive and negotiate refund checks;
- (c) execute income tax returns and other reports and returns;
- (d) to execute any required governmental powers of attorney on my behalf, including, but not limited to Form 2848; and
- (e) cash, transfer, assign, or deposit Social Security checks and/or civil service retirement checks or benefits.

(2) Social Security, Medicare. The Attorney-in-Fact may request designation as "Representative Payee" as may be necessary for

Social Security or Medicare purposes.

(3) Income Tax Returns. The Attorney-in-Fact may act as my agent in dealing with the Internal Revenue Service or with any State or local taxing authority in any matters pertaining to my affairs regarding any income or other tax for any tax period, including, but not limited to exercising all of my powers to make inquiries and receive responses to inquiries, receive and negotiate refund checks and execute income tax returns and other tax reports and returns. The Attorney-in-Fact may prepare, sign and file federal, state and local income, gift and other tax returns of all kinds, to consent to split gifts, to pay taxes due, collect and make such disposition of refunds, to exercise any elections I may have under federal, state or local tax law.

e. Personal Matters. The Attorney-in-Fact shall have the authority to continue the discharge of any services or duties assumed by me to my family, relatives, friends, and to continue payments incidental to my membership in or affiliation with any church, club, society or other organization.

f. Estate Planing.

(1) Gifts. The Attorney-in-Fact shall have the authority to make gifts from my property in such other manner which in his/her discretion is consistent with my dispositive scheme as evidenced by my Will.

(a) Permissible Property. The Attorney-in-Fact may gift from any of my property.

(b) Gifts to Attorney-in-Fact. I waive RCW 11.95.100 and 11.95.110, and the Attorney-in-Fact may make gifts to him/herself.

(c) Gifts to Minors. The Attorney-in-Fact shall have the

power to make such gifts as to any such issue who is a minor by making the gift custodian for such minor (to be selected by the Attorney-in-Fact) under the Uniform Transfers to Minors Act.

(d) Qualifying Gifts. The Attorney-in-Fact may make gifts for the purpose of qualifying me for medical assistance (Medicaid), Community Options Program Entry System Project (COPES), the limited casualty program, or any public or federal plan. This power shall apply only in the event I require or am reasonably expected to require the type of services and benefits available under such programs. This paragraph shall not be construed to prohibit transfers which would cause a waiting period or disqualification if, in the attorney-in-fact's judgment, incurring the waiting period or disqualification is in the long run for the best interest of me and my estate.

(2) Life Insurance, Annuities. The Attorney-in-Fact shall have authority to surrender for its cash value, change the designation of ownership and/or beneficiary of any policy of life insurance or annuity under which I have ownership interest.

(3) Retirement Plans. The Attorney-in-Fact shall have authority to take any and all action with regard to pension plans, retirements plans, IRA accounts, KEOGH's or other similar investments, including, but not limited to, the right to make withdrawals therefrom, or to initiate payments and the change the beneficiary.

(4) Trusts. The dispositive provisions of any trust in which I am a settler may not be changed.

(5) Will. The dispositive provisions of my Will may not be

changed; provided, however, the Attorney-in-Fact shall have the authority to revoke any Community Property Agreement executed by me.

(6) Transfer to Trust. The Attorney-in-Fact shall have the authority to make transfers of my property to any trust, whether or not created by me, provided that the trust benefits me 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.

(7) Disclaimer. The Attorney-in-Fact shall have the authority to disclaim, in whole or part, any interest in property, whether outright, in trust, or otherwise, so long as in the discretion of the Attorney-in-Fact such disclaimer would not be detrimental to my best interests, and would be in the best interests of those interested in my estate and of those who take as a result of any such disclaimer. I expressly waive the application of RCW 11.95.100 and 11.95.110 in respect of property which may pass to the Attorney-in-Fact by virtue of said disclaimer.

g. Power to Make Health Care Decisions. My Attorney-in-fact shall have the right to make decisions, and to give informed consent on my behalf, as to my health care. To the extent permitted by law, this shall include, but not be limited to, the right to consents to the withholding or withdrawal of life-sustaining procedures which would only prolong artificially the moment of my death and prevent me from dying naturally, in those circumstances where my physicians have determined (a) that I am in a comatose or persistent vegetative state from which there is not reasonable probability of my recovery, or (b) that I have a terminal condition and my death is imminent unless, or even if, such life-sustaining procedures are utilized. I include in the life-sustaining procedures decisions, the right for my attorney-in-fact to refuse the artificial administration of food and

1 fluids.

2
3 h. Contracts. My Attorney-in-Fact shall have the authority to sign,
4 seal, execute, acknowledge and deliver any and all instruments in writing of any
5 kind necessary and convenient, containing such terms and conditions and such
6 warranties and covenants, if any, as may be necessary to accomplish any of the
7 powers granted to my Attorney-in-Fact; and to modify, reform, renegotiate or
8 rescind any contract or obligation made before this time or subsequently by me or
on my behalf.

9 i. Employment of Agents. The authority of my Attorney-in-Law shall
10 include the power to:

11 (1) Agents. Employ or appoint agents, employees and counsel
12 (including attorneys, accountants, and other professionals) upon such terms
13 and conditions and at such compensation as the Attorney-in-Fact shall deem
14 proper in the exercise of the powers granted; to dismiss and remove at
15 pleasure any such persons or employees.

16 (2) Compensation. Pay reasonable compensation to persons
17 providing services to me hereunder, including reasonable compensation for
18 my Attorney-in-Fact.

19 7. AUTHORIZATION TO RELEASE INFORMATION TO ATTORNEY-
20 IN-FACT. All persons from whom my Attorney-in-Fact may request information
21 regarding me or my personal or financial affairs, or any information which I am entitled
22 to receive are authorized to provide such information to my Attorney-in-Fact without
23 limitation and are released from any legal liability whatsoever to me, my heirs, and assigns
24 for complying with my Attorney-in-Fact's requests.

25 8. ACCOUNTING. Upon my request or the request of the Guardian of my
26 estate or the personal representative of my estate, the Attorney-in-Fact shall account for all

1 actions taken by the Attorney-in-Fact for or on my behalf.

2 9. RELIANCE. The Attorney-in-Fact and all persons dealing with the
3 Attorney-in-Fact shall be entitled to rely upon this Power of Attorney so long as neither the
4 Attorney-in-Fact nor any person with whom the Attorney-in-Fact was dealing at the time
5 any act taken pursuant to this Power of Attorney, had received actual knowledge or actual
6 notice of any revocation, suspension, or termination of the Power of Attorney by death or
7 otherwise. Any action so taken, unless otherwise invalid or unenforceable, shall be binding
8 upon my heirs, devisees, legatees or personal representatives. No person who relies in
9 good faith upon the authority of my Attorney-in-Fact under this

10 10. IDEMNITY. My estate shall hold harmless and indemnify the Attorney-
11 in-Fact from all liability for acts done in good faith and not in fraud.

12 11. PHOTOCOPIES. Photocopies of this executed Power of Attorney shall
13 have the same effect as an original.

14 12. COMPENSATION. The Attorney-in-Fact shall be reimbursed for all costs
15 and expenses reasonable incurred and shall be entitled to receive, without court approval,
16 such compensation for services performed as Attorney-in-Fact as is reasonable in the
17 community for like services performed as Attorney-in-Fact and/or as guardian of my estate.

18 13. APPLICABLE LAW. The laws of the State of Washington shall govern
19 this Power of Attorney.

20 14. EXECUTION. This Power of Attorney is signed on this 28 of
21 October, 2014.

24 Richard I. McMonagle
25 Richard I. McMonagle
26 Domiciled and residing at
27 Bow, Washington.

1
2
3
4
5 STATE OF WASHINGTON)
6) ss.
7 County of Whatcom)
8
9
10
11
12
13

This is to certify that on the 28 day of October, 2014, before me, the undersigned Notary Public, personally appeared Richard I. McMonagle, to me known to be the individual described in and who executed the foregoing Durable Power of Attorney, in duplicate, and acknowledged to me that he signed and sealed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
15 official seal the 28 day of October, 2014.

16
17
18
19
20
21 Notary Public in and for the
22 State of Washington, residing
23 at Whatcom
24
25 My commission expires 08-01-2017
26



DURABLE POWER OF ATTORNEY - 12

CHANCEY C. CROWELL

Attorney at Law
224 S. Mission Street
Post Office Box 2866
Wenatchee, WA 98807-2866
(509) 667-9377

EXHIBIT "A"

Tract 2 of Survey recorded in Volume 2 of Surveys, Pages 55 and 56, under Auditor's File No. 867842 records of Skagit County, Washington (being a portion of the South half of the Southeast quarter of Section 24, Township 36 North, Range 3 E.W.M.).