

UNOFFICIAL DOCUMENT



200308040153
Skagit County Auditor

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RETURN TO:

Dewey W. Weddle
Attorney at Law
825 Cleveland Avenue
Mount Vernon, WA 98273

Document Title: **POWER OF ATTORNEY**

Reference number of documents assigned or released: **N/A**

Principal:

Donald Louis Bakken
18848 Sulfer Springs Road
Mount Vernon, Washington, 98274

Legal Description of Properties Subject to Power of Attorney:

SULPHUR SPRINGS LAKE TRS LOT 47 INCL SHORELANDS & 46 & 47

Assessor's Parcel/Tax I.D. Number: **P69863**

**SULPHUR SPRINGS LAKE TRS LOT 9 8 & 9 TGW PTN 100 FT WIDE ABND NP
RLY R/W LY W OF C/L SD R/W & BTW ELY EXT N LI SD LT 8 & S LI SD LOT 9**

Assessor's Parcel/Tax I.D. Number: **P69829**

RECORDED AT THE REQUEST OF:
Dewey W. Weddle

AFTER RECORDING, RETURN TO:
Dewey W. Weddle
825 Cleveland Avenue
Mount Vernon, WA 98273

Phone: 360-419-0425

**GENERAL DURABLE POWER OF ATTORNEY OF DONALD L. BAKKEN
EFFECTIVE ONLY UPON INCAPACITY OR DISABILITY**

I, DONALD L. BAKKEN (hereinafter called "Principal"), domiciled and residing in the State of Washington, designate KRISTINE DIANE VANDERSANDEN as my Attorney-in-Fact, if I later become incapacitated or disabled. If KRISTINE DIANE VANDERSANDEN is unwilling or unable to serve as Attorney-in-Fact, then I hereby appoint ERIK ROLFE BAKKEN to serve as the Alternate Attorney-in-Fact. The appointment of the Attorney-in-Fact is made pursuant to RCW 11.94.010.

1. REVOCATION OF PREVIOUS POWERS OF ATTORNEY

The Principal hereby revokes any and all Powers of Attorney which have been previously executed by him, and declares that this General Durable Power of Attorney shall supersede any previous Powers of Attorney. This document known as "General Durable Power of Attorney of Donald L. Bakken," once in effect, shall remain in full force and effect until revoked or terminated.

2. EFFECTIVENESS

This Power of Attorney shall become effective only upon the incapacity or disability of the Principal and shall continue in full force and effect throughout any disability or incapacity of the Principal. Disability shall include the inability to manage property and affairs effectively for reasons such as: mental illness, dementia, mental deficiency, physical illness or disability, chronic use of drugs or chronic intoxication. In the event of the Principal's confinement, detention by a foreign power, kidnapping or disappearance, this Power of Attorney shall remain in full force and effect.

In order for this document to become effective due to incapacity or disability, a written statement of the Principal's attending physician stating the condition of the Principal and the need for an Attorney-in-Fact must accompany this document.

In the event of any confinement, detention or disappearance of the Principal, other qualified persons with knowledge of such an event may furnish a written, notarized statement, attach it to this document, and activate this Power of Attorney.



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3. DESIGNATION OF ALTERNATE ATTORNEY-IN-FACT

The Principal hereby grants the Attorney-in-Fact full power and authority as though she were the absolute owner of the Principal's assets and liabilities, and to perform any and all acts in the name of the Principal, as fully as the Principal could perform if the Principal were personally present.

If any Attorney-in-Fact designated by this document is unable or unwilling to act, then such declination may be made in writing. If the Attorney-in-Fact is unable or unwilling to act in the capacity of Attorney-in-Fact and the designated Attorney-in-Fact is unwilling to sign a written declination, then any person with personal knowledge that the designated Attorney-in-Fact is unwilling or unable to act may furnish a written, notarized statement to that effect. Such a written statement shall then make the Alternate Attorney-in-Fact the Attorney-in-Fact. The original of any written statement shall be attached to the original of this Power of Attorney.

4. NOMINATION OF GUARDIAN

The Principal, Donald L. Bakken, nominates Kristine Diane Vandersanden as Guardian of his Estate and Person for consideration by the Court if guardianship proceedings for his Estate or Person are later commenced. If Kristine Diane Vandersanden is unwilling or unable to serve, or if the Court refuses to appoint Kristine Diane Vandersanden as the Guardian, the Principal nominates Erik Rolfe Bakken to serve as Guardian of his Person and Estate. The Principal has executed this document as an alternative to guardianship.

5. AUTHORITY AND POWER OF ATTORNEY-IN-FACT

The Attorney-in-Fact, as fiduciary, shall act in the best interests of the Principal and shall have authority over the assets of the Principal, whether they are located in the State of Washington, or any other State. These powers shall include:

(a) Selling or otherwise disposing of the Principal's separate or community property interest. The Attorney-in-Fact shall have the specific authority to make, alter or revoke life insurance Beneficiary designations, or to change or assign ownership or cash in any life insurance policies owned by the Principal. The Attorney-in-Fact is also authorized to make transfers of property to any Trust established for the benefit of the Principal;

(b) Signing the name of the Principal to any real property instruments, including deeds, conveyances, mortgages, leases or other documents which are necessary to carry out the business or personal affairs of the Principal;

(c) Opening and closing bank accounts and other financial instruments, making deposits to and withdrawals from bank accounts, and investing and reinvesting funds. This power shall include but is not limited to investments in stocks, bonds and government securities, and withdrawing, transferring or cashing in any and all financial or investment accounts. The Attorney-in-Fact shall have the power to borrow on behalf of the Principal and to endorse and/or cash any and all checks issued by the United States Treasury and/or United States Government,



and sign forms and receive checks from the Department of Veterans Affairs;

- (d) Having access to the Principal's safe deposit box;
- (e) Signing tax returns on behalf of the Principal and representing or obtaining representation of the Principal at a tax audit;
- (f) Borrowing funds for the benefit of the Principal which may be desirable if the other alternative would be to sell a highly appreciated asset during the life of the Principal, thus forfeiting the stepped-up basis at death;
- (g) Forgiving or collecting debts owed to the Principal;
- (h) Redirecting (forwarding) the Principal's mail;
- (i) Continuing or canceling the credit cards of the Principal;
- (j) Appealing Medicare denials: The Principal hereby specifically authorizes the Attorney-in-Fact to act on the Principal's behalf to take any action or actions necessary to pursue and appeal any denials of Medicare coverage which have been issued by any health care facility or institution regarding the Principal's eligibility for Medicare benefits;
- (k) Disclaiming any interest to which the Principal may be entitled, so long as such disclaimer would not adversely affect the quality of care received by the Principal;

(l) This Power of Attorney shall not provide the authority for the Attorney-in-Fact to override personal and health care decision making by the Principal, so long as he has the capacity to make such decisions in his own behalf. In case the Principal is incapacitated the Attorney-in-Fact shall have the power to do the following:

- (i) Arrange for suitable hospital and/or residential care, including placement decisions; every effort is to be made to keep the Principal in his own home and to provide the necessary care in this setting;
- (ii) Make determinations regarding the appropriate health care for the Principal, including but not limited to dealing with attending physicians and determining, in the judgment of the Attorney-in-Fact, which course of treatment is necessary or desirable. The Attorney-in-Fact shall have the authority to hire and discharge physicians who are treating the Principal, to enforce the decisions made by the Principal under the Patient Self-Determination Act; and to enforce any Health Care Directives previously signed by the Principal;
- (iii) Review and/or order the medical records of the Principal;
- (iv) It is the desire of the Principal to receive the best possible care in the least restrictive setting. If the Principal is later incapacitated or disabled, it is the



direction of the Principal that the Attorney-in-Fact explore the various care options available to the Principal. If at all possible and practicable, the Principal prefers to remain at home, with in-home assistance. If it is not possible or practicable for the Principal to remain at home, then the next level of care to be explored is to be adult family home care and/or assisted living. Nursing home care is to be viewed as a last choice, to be implemented only after in-home care and adult family home care are explored and found not to be reasonably feasible.

Towards the end of providing the best possible care in the least restrictive setting, the Attorney-in-Fact is authorized and directed to hire those professionals who may be able to assist in locating and providing in-home care, adult family home care, assisted living and lastly, nursing home care. If the Attorney-in-Fact is not able to evaluate the various choices or to implement care plans, then the Attorney-in-Fact shall hire appropriate assistance to perform the required duties. If the Principal is unable to live alone, and the Attorney-in-Fact is not able to provide personal supervision or visitation with the Principal on an at least weekly basis, or if the Attorney-in-Fact is in need of help in evaluating the care being received by the Principal, the Attorney-in-Fact is directed to employ case managers, social workers or other professionals to assist in delivery and evaluation of services to the Principal. In the event the Principal requires nursing home care, then it is the desire of the Principal that he receive the type of care that will encourage the highest level of mental and physical involvement by the Principal.

(m) The Principal hereby authorizes his Attorney-in-Fact to make transfers of his property if necessary or desirable to qualify the Principal for Medicaid or other governmental programs which provide assistance in paying for long-term care;

(n) The Principal hereby authorizes his Attorney-in-Fact to make gifts of the Principal's property or assets if the Principal requires nursing home care (no other options being reasonably feasible) and such gifting is undertaken to qualify the Principal for any public program for assistance in paying for this care.

6. POWERS NOT SPECIFICALLY ENUMERATED

The Attorney-in-Fact shall also have all powers which may be necessary or desirable to provide for the support or maintenance of the Principal, even if these powers are not specifically set forth in this document.

7. DURATION

This Durable Power of Attorney becomes effective only upon incapacity or disability and shall remain in effect to the extent permitted by Washington State Law or until revoked or terminated, even if it is not certain whether the Principal is alive. If there is any doubt as to whether the Principal is alive, this document shall remain in full force and effect until conclusive proof is obtained, or legal proceedings declare the Principal deceased.



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8. REVOCATION

This Durable Power of Attorney may be revoked, suspended or terminated in the following ways:

- (a) If the Principal gives written notice to any acting Attorney-in-Fact; and
- (b) By recording the written notice of revocation in the Office of Recorder or Auditor of Skagit County, Washington.

9. TERMINATION OF THIS DOCUMENT

- (a) This Power of Attorney shall not be revoked by any subsequent guardianship action, unless specifically set forth in the Court's Order. It is the intention of the Principal that the powers granted herein shall eliminate the need for the appointment of a Guardian of the Person and/or Estate of the Principal.
- (b) The death of Principal shall revoke this Power of Attorney, unless there is any question regarding whether the Principal is alive, in which case the provisions of Section 7 above shall apply.

10. RELIANCE

All persons dealing with the Attorney-in-Fact because of this document shall be entitled to rely upon this Power of Attorney, so long as neither the Attorney-in-Fact, nor any person with whom the Attorney-in-Fact was dealing, had received actual knowledge or notice of any revocation, suspension or termination of this document. Any action taken in good faith by all parties shall be binding on the heirs and Personal Representative of the Principal.

11. INDEMNITY

The Attorney-in-Fact shall not have any personal liability for any acts done by virtue of this Power of Attorney, so long as the acts are done in good faith. The Estate of the Principal shall defend, hold harmless and indemnify the Attorney-in-Fact from all liability for acts done in good faith and not in fraud of the Principal.

12. APPLICABLE LAW

The laws of the State of Washington shall govern this Power of Attorney. Although this Power of Attorney is signed in the State of Washington, it is the intention of the Principal that this document be valid in all states and territories of the United States. If any provision in this document is held invalid or inconsistent with the laws of the state where the Principal is located, then the inconsistent or invalid part shall be deleted and disregarded, and the remaining parts shall not be affected.



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13. EXECUTION AND DATE OF SIGNING

This Power of Attorney is signed in original the day and year indicated below and is to become effective as provided in Section 2 above.

DATED this 1st day of August, 2003.

Donald L. Bakken

DONALD L. BAKKEN

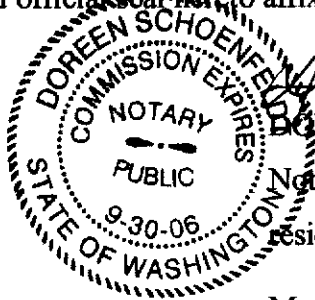
STATE OF WASHINGTON)

) ss.

COUNTY OF SKAGIT)

On this 1st day of August, 2003, before me, the undersigned, a Notary Public in and for the state of Washington, duly commissioned and sworn, personally appeared Donald L. Bakken, and executed the foregoing General Durable Power of Attorney, and acknowledged the said instrument to be his free and voluntary act, for the uses and purposes therein mentioned.

Witness my hand and official seal here to affixed the day and year first above written.



Doreen Schoenfeldt
DOREEN SCHOENFELDT

Notary Public in and for the state of Washington
residing at *Sedro Woolley*

My commission expires *09/30/06*



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