

## DURABLE POWER OF ATTORNEY

I, (Put Missionary's name here), of **City, County, State** do hereby make, constitute and appoint my father, **(Father's name)**, or if he is unable to serve for any reason, my mother, **(Mother's name)**, as my true and lawful agent and attorney-in-fact, for me and in my name, place and stead, to do and perform such of the following acts which my agent in my agent's sole discretion shall deem necessary, expedient or desirable, binding me and my property, real, personal and mixed, as fully to all intents and purposes as I might or could do if personally present:

1. Property Interests in General. To sell, convey, assign, transfer, disclaim, exchange, purchase, acquire, hold, manage, control, vote, lend, license, lease, encumber by mortgage, pledge or in any other manner, and otherwise deal with and exercise any right of ownership with respect to all or any part or interest in property of every nature whatsoever, real, personal or mixed, tangible or intangible, legal or equitable, and wheresoever situated, which I do now, or may at any time hereafter, own, possess or be entitled to (hereinafter referred to as a "Property Interest"), at such prices and on such terms and conditions as my agent shall deem proper or expedient, and to make, execute and deliver all documents and instruments necessary or appropriate in connection therewith;

2. Gift Transfers to Family. To gift a Property Interest to my spouse, or to my descendants, using my annual gift tax exclusion, my lifetime estate tax exemption and my generation-skipping transfer tax exemption to the extent applicable, either directly or to an existing trust, or by the exercise of the right to designate a beneficiary of an insurance or annuity contract, IRA, retirement plan or similar contractual arrangement or in any other way, either per stirpes (i.e., in equal shares to those of the same generation) or in accordance with the pattern of gifting previously established by me or as I may have otherwise made known my intentions, such as but not limited to, by the provisions of a current will or trust agreement or lifetime gifting plan (provided such gifts to my children or their descendants should ordinarily be in an equal amount, unless my agent, in its discretion, deems otherwise);

a. For purposes of my receiving Medicaid assistance, should I need care in a nursing home or other care facility, my agent shall specifically have the complete and unfettered power to engage in any planning techniques designed to secure or accelerate my eligibility for Medicaid assistance, including, but not limited to, the transfer of my home, asset transfers, annuities, the purchase of exempt assets and other Medicaid planning techniques;

3. Gift Transfers to Charity. To donate a Property Interest to charitable organizations, in accordance with the pattern of gifting previously established by me or as I may have otherwise made known my intentions, such as but not limited to, by the provisions of a current will or trust agreement or lifetime gifting plan;

4. Real Estate Instruments. To make, execute, acknowledge and deliver all deeds, conveyances, plats, trust deeds, trust deed notes, mortgages, promissory notes, leases, real estate contracts, bills of sale, assignments, stock and bond powers, proxies to vote or act, certificates and written instruments of every kind and nature pertaining to real property, regardless of the duration of the legal obligation created by any such instrument;

5. Tax Returns. To prepare, execute, deliver and file federal, state and local income, gift, sales/use, property and other tax returns, consents, waivers, extensions, amendments, claims of abatement, refund or credit, settlement and closing agreements, and other documents of every kind relating to such taxes, and to prosecute, defend and settle claims for abatement, refund, credit or deficiency, and to do all things in connection with such taxes as fully as I could do myself and to appear for me and to represent me before the

Internal Revenue Service and other Federal, state and local tax authorities in connection with any matter involving such taxes, with full power to do anything whatsoever in connection therewith, including full power of substitution and revocation;

6. Collection of Debts. To ask, demand, recover, collect and receive of and from any person or source whatsoever all debts, accounts payable, claims (tort or contractual), other rights to payment, and other Property Interests whatsoever; to give acquittances, discharges, receipts and releases for the same; to sue, prosecute, defend, and implead with respect to the same; to enter into adjustments, compromises and settlements with respect to the same; and to make, execute, acknowledge and deliver any and all instruments in connection with the same;

7. Equity Ownership Interests. To exercise any voting rights with respect to stock or other forms of ownership in any corporation, partnership, limited liability company or other entity which I may now or at any time hereafter own or be possessed of; to give proxies and voting powers-of-attorney with respect to such ownership interests; to approve resolutions and enter into agreements with respect to such ownership interests, including reorganization and merger agreements, sale agreements, deposit agreements, and stock and bond powers; and to exercise all other rights, privileges and powers arising out of or relating to any such ownership interests;

8. Exercise of Powers. To exercise, waive or release any powers of amendment, revocation, withdrawal or appointment or other discretionary powers contained in any will, trust agreement, contract or other instrument in which such powers are retained by or conferred upon me; provided, my agent may not amend or revoke a will or trust created by me;

9. Bank Accounts. To establish one or more checking and/or savings accounts, brokerage accounts, and other forms of account in which money may be held or deposited, in my name or in the name of my agent, subject to withdrawal only upon the signature of my agent; to deposit therein any monies now belongs to me or hereafter acquired; to receive and give receipts for and/or endorse any and all checks, drafts, notes or vouchers made payable to me; and to withdraw any money on deposit with any banks or other financial institutions, by signing checks or in any other manner, and apply such funds in payment of my lawful debts, in support of those who have lawful claim upon me, and otherwise for my benefit;

10. Employment of Professionals. To employ servants, nurses, doctors, attorneys, brokers, accountants, financial advisors, contractors, appraisers and other professional assistants as may be necessary or appropriate and to pay reasonable compensation and charges for such employment;

11. Communications. To receive and open any mail, package or similar delivery or communication addressed or intended for me and to give receipts for any registered, certified or insured mail or similar delivery in my name;

12. Safe Deposit Box. To open a safe deposit box, in my name alone or as a joint renter with others, to deposit and remove items therefrom, and to access the contents of any existing safe deposit box or vault box with respect to which I am a renter or have the right of access;

13. Insurance and Retirement Benefits. To collect and receive all benefits to which I am entitled under any insurance policies, annuity contracts or retirement plans (including IRA's), to apply for, execute and submit claims and distribution requests and any other necessary documents, to compromise, arbitrate or otherwise adjust any claims, and to execute and deliver a receipt for benefits received to the insurer, trustee, bank or other person making payment thereof, which shall be a full and complete release and discharge

of such person, and any such person is not required to see to the application of the proceeds of any such claim or benefits;

14. Confidential Information. To request, obtain and receive confidential information concerning me or my affairs from any professional person or entity, including physicians, lawyers, accountants, hospitals and governmental agencies;

15. Litigation. To institute, prosecute and defend, for me and in my name or on my behalf as plaintiff or defendant, any legal proceedings which my agent may deem appropriate or which may be brought against me, and to accept service of process in any such action, and to settle, compromise and adjust, upon such terms and conditions as may be appropriate or expedient, any such suits, proceedings, claims or causes of action; and

16. Miscellaneous. To do all other acts, whether hereinabove expressly described or not, which may be legally delegated by a power of attorney, it being my intention that the terms of this power of attorney shall be construed liberally in favor of my said agent, with all such acts that my agent shall lawfully do or cause to be done by virtue hereof being hereby ratified and confirmed by me.

17. Medical. To give full power to give or refuse consent to all medical, surgical, hospital, and health related health care. To review and receive any information regarding my physical or mental health, including hospital or medical records, in accordance with the *Health Insurance Portability and Accountability Act of 1996 ("HIPPA")*. To sign any releases in order to obtain this information. To sign any documents required to request, withdraw, or refuse treatment or to be transferred to another facility. To make decisions on whether to withhold, provide or withdraw nutrition or hydration

My agent shall exercise this power of attorney as I may direct from time to time or as my agent, in such agent's sole and complete judgment and discretion, shall deem necessary, expedient, wise, proper or appropriate for my benefit or as my agent shall consider would be my desire or intent, with a general view to preserving and protecting my properties and interest and not to undertaking new business ventures or entering into investments of substantially greater risk than has hitherto been my custom.

This power of attorney shall be effective immediately upon the execution hereof and shall remain in full force and effect only during the period of full-time missionary service as a representative of The Church of Jesus Christ of Latter-Day Saints, unless such circumstances occur during the expected 2-year period of service which would incapacitate me to the extent that I cannot re-assume personal control over my affairs, or until a receipt by my agent or persons dealing with my agent of a written revocation or superseding power of attorney signed by me. This power of attorney shall not be affected by my disability, incompetence or incapacity. Any previous durable power of attorney given by me to my said agent or any other person is hereby superseded and revoked. All persons dealing with my agent may rely on a photostatic copy hereof with requiring the production of this original power of attorney.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

WITNESS:

\_\_\_\_\_

\_\_\_\_\_  
(Put Missionary's Name here)

STATE OF UTAH )

: ss.

COUNTY OF UTAH )

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared before me (Missionary's Name), the signer of the foregoing instrument, who duly acknowledged to me that He/she executed the same.