

# GENERAL DURABLE POWER OF ATTORNEY

\_\_\_\_\_ as principal, domiciled and residing in the State of Utah, does hereby designate \_\_\_\_\_, as attorney in fact to act for the principal should the principal become disabled or incapacitated on the following terms and conditions:

1. Further, and not in derogation of the grant of authority contained in this durable power of attorney, I hereby appoint \_\_\_\_\_, as standby attorney in fact, or as successor attorney in fact in the event that \_\_\_\_\_ is unable to so serve or declines to serve as attorney in fact.

2. 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 Utah including, but not limited to, the authority to exercise or perform any act, power, duty, right or obligation whatsoever that the undersigned now may have, or may hereafter acquire the legal right, power, or capacity to exercise or perform, in connection with, anything from, or relating to any person, item, transaction thing, property, real or personal, tangible or intangible, or matter whatsoever. The attorney in fact shall have the authority to consent to medical treatment of the principal including, but not limited to, consenting to surgical operations of the principal. The attorney in fact shall not have the power to revoke or change any estate planning or testamentary documents previously executed by principal, unless the document authorizes changes with court approval.

3. 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 undersigned principal. Specifically, this power of attorney does not include a grant of authority to make health care decisions for the principal.

4. This power of attorney shall become effective upon the disability or incapacity of the principal. Disability shall include the inability to manage 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, detention by a foreign power or disappearance. Disability may be evidenced by a written statement of a qualified physician regularly attending the principal and/or by other qualified persons with knowledge of any confinement, detention or disappearance. Incapacity may be established by a finding of a court having jurisdiction over the principal.

5. This durable power of attorney becomes effective as provided in Paragraph 4 and shall remain in effect to the extent permitted by law or until revoked or terminated under Paragraphs 6, 7 or 8, notwithstanding any uncertainty as to whether the principal is dead or alive.

6. This power of attorney may be revoked, suspended or terminated in writing by principal with written notice to the designated attorneys in fact and by recording the written instrument of revocation in the Office of the County Recorder or Auditor of \_\_\_\_\_ County, Utah.

7. 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.

8. 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. The attorney in fact shall be required to account to any subsequently appointed personal representative.

10. The designated and acting attorney in fact and all persons dealing with the attorney in fact shall be entitled to rely upon this power of attorney so long as neither the attorney in fact nor any person with whom he was dealing 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.

11. 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 including reasonable attorney's fees and costs. The attorney in fact shall be entitled to reasonable compensation for all services rendered the principal.

12. The laws of the State of Utah shall govern this power of attorney.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_

\_\_\_\_\_ print name

STATE OF UTAH )  
 )ss.  
COUNTY OF SALT LAKE )

On this \_\_\_\_ day of \_\_\_\_\_, 2006, personally appeared before me, a notary public, the above named person, personally known (or proved) to me to be the person whose name is subscribed to the foregoing general durable power of attorney, who acknowledged to me that he/she executed the foregoing document.

\_\_\_\_\_  
NOTARY PUBLIC