

Connie O'Connell
will pick up

Rerecorded



Book 2019 Page 999

2019 999 Type 06 009 Pages 6

Date 5/07/2019 Time 2:35:57PM

Rec Amt \$32.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA



Book 2019 Page 979

2019 979 Type 06 009 Pages 5

Date 5/03/2019 Time 10:48:30AM

Rec Amt \$27.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA



General Power of Attorney

THE IOWA STATE BAR ASSOCIATION

Official Form No. 120

Recorder's Cover Sheet

Preparer Information: (Name, address and phone number)

Dan McClean, 401 First Avenue East, Dyersville, IA 52040, Phone: (563) 875-6002

Taxpayer Information: (Name and complete address)

Ervin Ham, P.O. Box 215, Earlville, IA 52041

Return Document To: (Name and complete address)

Ervin Ham, P.O. Box 215, Earlville, IA 52041

Grantors:

Ervin M. Ham

Grantees:

Vivian M. Ham

Legal description: See Page 2

Document or instrument number of previously recorded documents:



GENERAL POWER OF ATTORNEY

1. Designation of Attorney-in-Fact

I, Ervin M. Ham, of P.O. Box 215, Earlville, IA 52041
appoint Vivian M. Ham
of P.O. Box 215, Earlville, Iowa 52040,
my Attorney-in-Fact. In the event my Attorney-in-Fact is unable to serve for any reason or if my
Attorney-in-Fact is currently my spouse and we become legally separated or our marriage is dissolved, I
name Connie O'Connell and/or Elaine Diesburg
of _____, as successor to my Attorney-in-Fact.

I hereby revoke any and all general powers of attorney that may have been previously executed by
me, but specifically excepting any powers of attorney for health care decisions which I may have
previously executed.

2. Powers of Attorney-in-Fact.

My Attorney-in-Fact shall have full power and authority to manage and conduct all of my affairs,
with full power and authority to exercise or perform any act, power, duty, right or obligation I now have
or may hereafter acquire the legal right, power and capacity to exercise or perform. The power and
authority of my Attorney-in-Fact shall include, but not be limited to, the power and authority:

A. To buy, acquire, obtain, take or hold possession of any property or property rights and to retain
such property, whether income producing or non-income producing;

B. To sell, convey, lease, manage, care for, preserve, protect, insure, improve, control, store,
transport, maintain, repair, remodel, rebuild and in every way deal in and with any of my property or
property rights, now or hereafter owned by me, and to establish and maintain reserves for
improvements, upkeep and obsolescence; to eject or remove tenants or other persons and to recover
possession of such property. This includes the right to convey or encumber my homestead

C. To pay my debts; to borrow money, mortgage and grant security interests in property; to complete,
extend, modify or renew any obligations, either secured, unsecured, negotiable or non-negotiable, at a
rate of interest and upon terms satisfactory to my Attorney-in-Fact; to lend money, either with or without
collateral; to extend or secure credit; and to guarantee and insure the performance and payment of
obligations of another person or entity;

D. To open, maintain or close accounts, brokerage accounts, savings and checking accounts; to
purchase, renew or cash certificates of deposit; to conduct any business with any banking or lending
institution in regard to any of my accounts or certificates of deposit; to write checks, make deposits,
make withdrawals and obtain bank statements, passbooks, drafts, money orders, warrants, certificates
or vouchers payable to me by any person or entity, including the United States of America, and
expressly including the right to sell or cash U.S. Treasury Securities and Series E, EE, and H and HH
Bonds;

E. To have full access to any safety deposit boxes and their contents;

F. To pay all city, county, state or federal taxes and to receive appropriate receipts therefore; to
prepare, execute, file and obtain from the government income and other tax returns and other
governmental reports, applications, requests and documents; to take any appropriate action to
minimize, reduce or establish non-liability for taxes; to sue or take appropriate action for refunds of
same; to appear for me before the Internal Revenue Service or any other taxing authority in connection
with any matter involving federal, state or local taxes in which I may be a party, giving my
Attorney-in-Fact full power to do everything necessary to be done and to receive refund checks; to
execute waivers of the statute of limitations and to execute closing agreements on my behalf;

G. To act as proxy, with full power of substitution, at any corporate meeting and to initiate corporate meetings for my benefit as stockholder, in respect to any stocks, stock rights, shares, bonds, debentures or other investments, rights or interests;

H. To invest, re-invest, sell or exchange any assets owned by me and to pay the assessments and charges therefor; to obtain and maintain life insurance upon my life or upon the life of anyone else; to obtain and maintain any other types of insurance policies; to continue any existing plan of insurance or investment;

I. To defend, initiate, prosecute, settle, arbitrate, dismiss or dispose of any lawsuits, administrative hearings, claims, actions, attachments, injunctions, arrests or other proceedings, or otherwise participate in litigation which might affect me;

J. To carry on my business or businesses; to begin new businesses; to retain, utilize or increase the capital of any business; to incorporate or operate as a general partnership, limited partnership, sole proprietorship, Limited Liability Company or any other legal entities of my businesses;

K. To employ professional and business assistants of all kinds, including, but not limited to, attorneys, accountants, real estate agents, appraisers, salesmen and agents;

L. To apply for benefits and participate in programs offered by any governmental body, administrative agency, person or entity;

M. To transfer, assign, convey, and deliver any real or personal property in which I may have or own an interest to the Trustee of any revocable trust created by me, if such trust is in existence at the time, notwithstanding the fact that my Attorney-in-Fact, or his or her spouse, descendants, heirs or assigns, may be the (a) Trustee or successor Trustee of any such trust, (b) beneficiary of any such trust; or (c) holder of any special or general power of appointment created under such trust. Nothing in this paragraph shall be construed to allow my Attorney-in-Fact to create, amend, restate or revoke any such revocable trust created by me.

N. To disclaim any interest in property passing to me from person or entity;

O. To make gifts of any of my property or assets to members of my family; and to make gifts to such other persons or religious, educational, scientific, charitable or other nonprofit organizations to whom or to which I have an established pattern of giving; provided, however, that my Attorney-in-Fact may not make gifts of my property to himself or herself. I appoint _____ of _____ as my Attorney-in-Fact solely for the purpose of determining if a gift of my property to the Attorney-in-Fact appointed and acting hereunder is appropriate and to make any such gifts which are appropriate.

3. Construction.

This Power of Attorney is to be construed and interpreted as a general power of attorney. The enumeration of specific items, rights, acts or powers shall not limit or restrict the general and all-inclusive powers that I have granted to my Attorney-in-Fact. All references to property or property rights herein shall include all real, personal, tangible, intangible or mixed property. Words and phrases set forth in this Power of Attorney shall be construed as in the singular or plural number and as masculine, feminine or neuter gender according to the context.

Any authority granted to my Attorney-in-Fact, however, shall be limited so as to prevent this Power of Attorney (a) from causing my Attorney-in-Fact to be taxed on my income; (b) from causing my estate to be subject to a general power of appointment (as that term is defined by Section 2041, Internal Revenue Code of 1986, as amended) by my Attorney-in-Fact; and (c) from causing my Attorney-in-Fact to have any incidents of ownership (within the meaning of Section 2042 of the Internal Revenue Code of 1986, as amended) with regard to any life insurance policies on the life of my Attorney-in-Fact.

4. Liability of Attorney-in-Fact.

My Attorney-in-Fact shall not be liable for any loss sustained through an error of judgment made in good faith, but shall be liable for willful misconduct or breach of good faith in the performance of any of the provisions of this power of attorney.

AUTHORIZATION FOR RELEASE OF PROTECTED HEALTH INFORMATION TO NOMINATED HEALTH CARE ATTORNEY-IN-FACT

Pursuant to the terms of a Durable Power of Attorney, Health Care Decisions, (or Combined Living Will and Medical Power of Attorney) (HCPOA) dated _____, _____, in which the undersigned is the grantor, the power becomes effective in the event of my disability or incapacity.

AUTHORIZATION TO RELEASE INFORMATION:

I authorize any physician, health care professional, dentist, health plan, hospital, clinic, laboratory, pharmacy, or other covered health care provider, any insurance company and the Medical Information Bureau, Inc., or other health care clearinghouse that has provided treatment or services to me or that has paid for or is seeking payment from me for such services, to give, disclose, and release to the person or persons designated in this document to act as my agent such of my individually identifiable health information and medical records regarding any past, present or future medical or mental health condition

(including all specially protected health information relating to each of the following conditions specifically authorized by me to be disclosed by marking the box with an "X" or a check mark:

☒ sexually transmitted diseases, acquired immunodeficiency syndrome (AIDS), and human immunodeficiency virus (HIV);

☒ behavioral and mental health; and

☒ alcohol, drug and other substance abuse)

relating to my ability to make health care decisions. The purpose of this request is to assist in determining whether the person designated to act as my agent should act as my agent. This authorization expires when I die or when revoked by me by a written revocation signed by me and delivered to the entity from which information is being requested prior to the time information is being requested.

I understand I can revoke this authorization by delivering a written statement of revocation to any entity I have authorized to give, disclose and release information. The revocation is effective only as to those entities to whom the written statement revocation is given and only after the time of delivery. I also understand that I have the right to inspect the disclosed information at any time. My treatment, payment, enrollment or eligibility for benefits with an entity that I have authorized to release information is not conditioned on my signing this authorization. I know that once the information I have authorized to be released is released it is subject to re-disclosure by the recipient and is no longer protected by the Health Insurance Portability and Accountability Act of 1996 and regulations promulgated pursuant thereto, as amended from time to time.

THE AUTHORITY TO ACT AS PERSONAL REPRESENTATIVE

In addition to the other powers granted by the HCPOA, I grant to my agent the power and authority to serve as my personal representative for all purposes of the Health Insurance Portability and Accountability Act of 1996, as amended from time to time, and its regulations (HIPAA) during any time that my agent (hereinafter referred to in subsequent clauses of this paragraph as my "HIPAA personal representative") is exercising authority under this document.

Pursuant to HIPAA, I specifically authorize my HIPAA personal representative to request, receive and review any information regarding my physical or mental health, including without limitation all HIPAA-protected health information, medical and hospital records; to execute on my behalf any authorizations, releases, or other documents that may be required in order to obtain this information and to consent to the disclosure of this information. I further authorize my HIPAA personal representative to execute on my behalf any documents necessary or desirable to implement the health care decisions that my HIPAA personal representative is authorized to make under the HCPOA.

Dated this 19 day of 4, 07.


Ervin M. Ham, Grantor

5. Compensation of Attorney-in-Fact.

The Attorney-in-Fact understands that this power of attorney is given without any express or implied promise of compensation to said Attorney-in-Fact. Any services performed as my Attorney-in-Fact will be done without compensation, either during my lifetime or upon my death, but the Attorney-in-Fact shall be entitled to reimbursement for all reasonable expenses incurred as a result of carrying out any provisions of this power of attorney.

6. Accounting by Attorney-in-Fact.

My Attorney-in-Fact shall maintain complete and accurate records of all acts performed pursuant to this power of attorney, including, without limitation, all receipts and disbursements. Upon my request or the request of any conservator appointed on my behalf or the personal representative of my estate, my Attorney-in-Fact shall allow inspection of these records and shall provide a complete accounting.

7. Effective Date and Durability.

N.B. DELETE INAPPROPRIATE PORTIONS OF THE FOLLOWING PARAGRAPH. IF NO DELETIONS ARE MADE, THE PROVISIONS SET FORTH IN PARAGRAPHS B AND C SHALL BE DEEMED TO HAVE BEEN DELETED.

- A. ~~This Power of Attorney shall be effective immediately, shall not be affected by my disability;~~
B. This Power of Attorney shall become effective upon written certification by my physician that I am disabled,
C. ~~This Power of Attorney shall become effective _____, shall not be affected by my disability;~~

and shall continue effective until my death; provided, however, that this Power of Attorney may be revoked by me as to my Attorney-in-Fact at any time by written notice to such Attorney-in-Fact.

HIPAA and Protected Health Information. If any person's authority under the instrument is dependent upon any determination that I am unable properly to manage my affairs, then any physician attending me or otherwise requested by my Agent to determine my incapacity, and any other person or entity in possession of any of my "protected health information," as contemplated by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), is hereby authorized and directed to disclose my protected health information to my Agent to the extent necessary, and only to the extent necessary, for my Agent to determine whether an event of incapacity has occurred hereunder. Any limitation on protected health information to be disclosed hereunder shall have no effect upon any rights to such information any Agent may have under any Durable Power of Attorney for Health Care or other instrument granting access to such information.

Dated 4 - 19 - 07, at Dyersville, Iowa

Ervin M. Ham
Ervin M. Ham

STATE OF IOWA, COUNTY OF DUBUQUE

This instrument was acknowledged before me on 4/19/07,
by Ervin M. Ham

[Signature]
_____, Notary Public



Regional Family Health

563-927-7777

A service of Regional Medical Center
www.regmedctr.org

05/06/19

To whom it may concern:

I am writing on behalf of ERVIN HAM who is under my medical care. I have taken care of Ervin for the past couple of years. He has a diagnosis of dementia that has been in place for over a year. He has not been able to manage financial matters for himself since before May 2018. His POA should be activated retroactive to that time to manage his financial affairs.

Please contact me if there are any questions/concerns.

Sincerely,



Tim Gerst, MD

Edgewood
702 W. Union St.
P 563-928-7191
F 563-928-7090

Hopkinton
122 1st St. SW
P 563-928-2822
F 563-928-2184

Manchester
708 W. Main St.
PO Box 359
P 563-927-7777
F 563-927-7880

Strawberry Point
111 E. Mission St.
P 563-933-6277
F 563-933-6131

Winthrop
345 1st St. S.
P 319-935-3342
F 319-935-3331