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LISA SMITH, COUNTY RECORDER

MADISON COUNTY IOWA

CHEK

**Recorder's Cover Sheet**

**Preparer Information:** Mark L. Smith, 101 1/2 W. Jefferson, Winterset, IA 50273, Phone:  
515-462-3731

CASH 118787-MDK  
P218753

**Taxpayer Information:** Shirley M. Givant, 2494 250<sup>th</sup> Street, Winterset, IA 50273

✓ **Return Document To:** Mark L. Smith, 101 1/2 W. Jefferson, Winterset, IA 50273

**Grantors:**

Shirley M. Givant

**Grantees:**

See page 2

**Legal Description:**

**Document or instrument number if applicable:**

## **IOWA STATUTORY POWER OF ATTORNEY**

### **1. POWER OF ATTORNEY**

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including but not limited to your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Iowa Uniform Power of Attorney Act, Iowa Code chapter 633B.

This power of attorney does not authorize the agents to make health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agents are not entitled to compensation unless you state otherwise in the optional Special Instructions.

Coagents must act unanimously in concert, with all three signing all documents.

If your agents are unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately upon signature and acknowledgment unless you state otherwise in the optional Special Instructions.

If you have questions about this power of attorney or the authority you are granting to your agents, you should seek legal advice before signing this form.

### **DESIGNATION OF AGENTS**

I, Shirley M. Givant, names the following persons as my agents:

Robert Baker, Peggy Schipper and Kathryn Roberts as acting Jointly as my Attorneys in Fact.

Addresses are as follows:

Robert Baker, 316 S. 7<sup>th</sup> Avenue, Winterset, Iowa 50273 Phone: (515) 468-5655

Peggy Schipper, 8120 Alpine Drive, Urbandale, IA 50322 Phone: (515) 360-4268

Kathryn Roberts, 2494 250<sup>th</sup> Street, Winterset, IA 50273 Phone: (515) 423-5772

## GRANT OF GENERAL AUTHORITY

I grant my agents general authority to act for me with respect to the following subjects as defined in the Iowa Uniform Power of Attorney Act, Iowa Code chapter 633B:

(Initial each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

- ☐ Real Property
- ☐ Tangible Personal Property
- ☐ Stocks and Bonds
- ☐ Commodities and Options
- ☐ Banks and Other Financial Institutions
- ☐ Operation of Entity or Business
- ☐ Insurance and Annuities
- ☐ Estates, Trusts, and Other Beneficial Interests
- ☐ Claims and Litigation
- ☐ Personal and Family Maintenance
- ☐ Benefits from Governmental Programs or Civil or Military Service
- ☐ Retirement Plans
- ☐ Taxes
- ☒ All Preceding Subjects

## GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agents shall not do any of the following specific acts for me unless I have initialed the specific authority listed below:

(Caution: Granting any of the following will give your agents the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. Initial only the specific authority you WANT to give your agents.)

- ☐ Amend, revoke, or terminate a revocable inter vivos trust, if authorized by the trust.
- ☐ Agree to the amendment or termination of any other inter vivos trust.
- ☐ Make a gift to an individual who is not an agent, subject to the limitations of the Iowa Uniform Power of Attorney Act, Iowa Code section 633B.217, and any special instructions in this power of attorney.

Make gifts, either direct or indirect, to my agent acting under this power of attorney as follows:

- ☐ Any such gift must be approved in writing by \_\_\_\_\_;
- ☐ or

☐ No third party approval is needed.

☐ Authorize another person to exercise the authority granted under this power of attorney.

☐ Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan.

☐ Exercise fiduciary powers that the principal has authority to delegate.

☐ Disclaim or refuse an interest in property, including a power of appointment.

## LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse, or descendant shall not use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the optional Special Instructions.

## SPECIAL INSTRUCTIONS (OPTIONAL)

I hereby revoke all general or plenary powers of attorney previously executed, excluding powers of attorney described in Iowa Code section 633B.103, and excluding powers of attorney limited to a specific and identifiable action or transaction, which action or transaction is still capable of performance but has not yet been fully accomplished by the agent shall have the authority to request an accounting of any agents.

## EFFECTIVE DATE

This power of attorneys is effective immediately upon signature and acknowledgment unless I have stated otherwise in the optional Special Instructions.

## NOMINATION OF CONSERVATOR AND GUARDIAN (OPTIONAL)

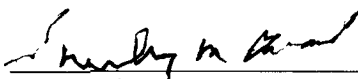
If it becomes necessary for a court to appoint a conservator of my estate or guardian of my person, I nominate the following person(s) for appointment:

\_\_\_\_\_  
Name Address and Telephone Nominee for Conservator of My Estate

## RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agents, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

## SIGNATURE AND ACKNOWLEDGMENT



\_\_\_\_\_  
Your Signature  
Shirley M. Givant

10/29/2019  
Date

\_\_\_\_\_  
2494 250th Street, Winterset, IA 50273  
Your Address

\_\_\_\_\_  
Your Telephone Number

STATE OF IOWA, COUNTY OF MADISON

This document was acknowledged before me on 10/29/2019, by  
Shirley M. Givant.



Mark L. Smith  
Signature of Notary Public

This document prepared by Mark L. Smith.

## 2. IMPORTANT INFORMATION FOR AGENT

### AGENTS DUTIES

When you accept the authority granted under this power of attorney, a special legal relationship is created between the principal and you. This relationship imposes upon your legal duties that continue until you resign or the power of attorney is terminated or revoked. You must do all of the following:

Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest.

Act in good faith.

Do nothing beyond the authority granted in this power of attorney.

Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as agents in the following manner:

Shirley M. Givant by Robert Baker, Peggy Schipper and Kathryn Roberts acting as Jointly Attorney's in Fact.

Unless the Special Instructions in this power of attorney state otherwise, you must also do all of the following:

Act loyally for the principal's benefit.

Avoid conflicts that would impair your ability to act in the principal's best interest. Act with care, competence, and diligence.

Keep a record of all receipts, disbursements, and transactions made on behalf of the principal.

Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest.

Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

### TERMINATION OF AGENT'S AUTHORITY

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include any of the following:

Death of the principal.

The principal's revocation of the power of attorney or your authority.

The occurrence of a termination event stated in the power of attorney.

The purpose of the power of attorney is fully accomplished.

If you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

### **LIABILITY OF AGENT**

The meaning of the authority granted to you is defined in the Iowa Uniform Power of Attorney Act, Iowa Code chapter 633B. If you violate the Iowa Uniform Power of Attorney Act, Iowa Code chapter 633B, or act outside the authority granted, you may be liable for any damages caused by your violation.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.

### Legal Description

The Southwest Quarter (SW  $\frac{1}{4}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ) of Section Eleven (11), excepting therefrom the following described tract of land, to-wit: Commencing at a point 43 rods East of the Northwest corner of said 40-acre tract, and running thence West 43 rods, thence South 9 rods, thence Northeast to the place of beginning, and also excepting the following described tract of land, to-wit: Commencing at a point 2 rods and 21 links South of the Northeast Corner of said Southwest Quarter (SW  $\frac{1}{4}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ) of Section Eleven (11), and running thence South 72 rods and 12 links to the center of the Creek, thence North,  $43^{\circ}$  and 8' West, 35 rods and 1 link, thence North,  $27^{\circ}$  and 30' East, 31 rods and 14 links, thence North,  $6^{\circ}$  and 15' East, 17 rods and 11 links, thence North,  $78^{\circ}$  and 35' East, 7 rods and 19 links to the place of beginning; and also a tract of land described as follows: Commencing at the Southeast Corner of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Ten (10), and running thence North  $48 \frac{5}{6}$  rods, thence West  $37 \frac{2}{5}$  rods, thence South,  $24 \frac{1}{2}^{\circ}$  West,  $52 \frac{4}{5}$  rods, thence East  $58 \frac{3}{5}$  rods to the place of beginning; all in Township Seventy-four (74) North, of Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa.