

JLB97RSD

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: POWER OF ATTORNEY

NAME OF AGENCY OR CONTRACTOR: JOHN LORAN BAYES, MARILYN CLAY
POWER OF ATTORNEY FOR JOHN LORAN BAYES

STREET ADDRESS/PARCEL NAME/SUBDIVISION: 371 ROSEVALE
ROAD #A, PARCEL NO. 2945-222-00-202, ROSEVALE EXTENSION

CITY DEPARTMENT: COMMUNITY DEVELOPMENT

YEAR: 1997

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

Street Address: 371 Rosevale Rd #A

1836444 03/12/98 0213PM
MONIKA TODD CLK&REC MESA COUNTY CO
REC FEE \$55.00 SURCHG \$1.00

Parcel # 2745-222 00-202

**UTILITY CONNECTION AND ANNEXATION AGREEMENT
AND DECLARATION OF COVENANTS**

This Utility Connection and Annexation Agreement and Declaration of Covenants is made between Marilyn Clay, POA for John Loran of the County of Mesa, State of Colorado, herein called 'declarant' or 'owner,' and the CITY OF GRAND JUNCTION, COLORADO, in Mesa County, State of Colorado, herein called 'City.'

WITNESSETH:

1. Owner hereby covenants that (s)he is the Owner in fee of the following described real property located in Mesa County, Colorado: [attach the legal as Exhibit "A"]

2. In consideration for and as a condition precedent to being allowed to connect to the Persigo Regional Sewer System and to receive sewer service for the above described property, said Owner hereby covenants, agrees and declares that the following terms, covenants, conditions, restrictions, and obligations shall be deemed to run with the land described in paragraph 1 above, and shall be binding and accrue to the Declarant, Declarant's heirs, successors and assigns and any person acquiring or holding an interest in said property, their grantees, successors, heirs, executors, administrators or assigns, for the benefit of the City and said property.
 - a. Sewer service from the City of Grand Junction or the Persigo Regional Sewer System shall be subject to all terms and conditions as provided by the ordinances and regulations of the City as such may exist from time to time.
 - b. The owner and applicant agree to annex (and to execute a petition for annexation of the property served) to the City upon request at any time that such property is eligible for annexation. Further, each such owner and/or applicant agrees to forthwith execute and deliver to the City subsequent petition(s) for annexation at any time upon request of the City. This agreement shall be binding upon and shall run with the land for which service is provided.
 - c. As a condition precedent to the supplying of such sewer services, the undersigned consumer who is the owner in fee of the real property so supplied as described above, hereby agrees and covenants to apply for and consent to the annexation of the area described above to the City of Grand Junction at such date as the area described above or any portion thereof becomes eligible for annexation, as determined solely by the City. The undersigned hereby irrevocably appoints the Grand Junction City Clerk as his lawful attorney-in-fact for the purpose of executing a petition for annexation or petition for

ROSEVALE EXTENSION

annexation election with respect to the property described above. The undersigned further agrees to fully cooperate in annexation efforts and to sign no annexation petition or petition for annexation election which has the effect or is intended to hinder any annexation and to take no actions to hinder, delay, or avoid annexation of the property described above. The City shall be entitled to recover all costs, including reasonable attorney's fees, which it incurs in enforcing this annexation agreement on account of any breach of this agreement by the undersigned, his or her heirs, successors, or assigns,

IN WITNESS THEREOF, Owner has executed this Agreement as of the date above first written.

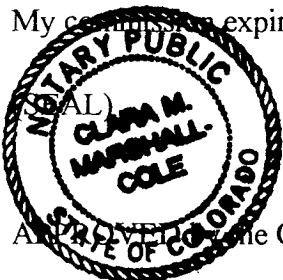
Marilyn J. Clay, General Atty.
Signature of Declarant(s)/Owner (s) for John Logan Bayes
Marilyn J. Clay, General Atty.
(Print Name (s)) for John Logan Bayes
June 19, 1997
Date of Signature (s)

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing was acknowledged before me this 19 day of June, 1997, by Marilyn J. Clay P.O.A. for JOHN LOGAN BAYES

Witness my hand and official seal.

My commission expires March 10, 2001



Clara M. Marshall-Cole
Notary
250 N 5th St
Address

Attest: _____
Notary Public, State of Colorado, City of Grand Junction

By Clara Marshall-Cole

Text:

2d=Owner Hist 3d=Ass Spec 4d=Abstract 5d=Mob Home 6d add'l owner #s=Add'l

Parcel Number	2945-222-00-202	Yr	1995	Ty	A	0	Serial	82577552
Change Type							Bill Num	987227
Owner Name: Last	BAYES						A/R Cust	42645
First	JOHN							
Mid	LOREN							

Com View: T)op E)xit

Joi N 3 AC OF W2NE4SE4NW4 SEC 22 1S 1W & E 16FT OF S 1 AC OF N 4 AC OF

Loc W2NE4SE4NW4 OF SD SEC 22 & ALSO S 25FT OF NE4NE4SE4NW4 SEC 22 1S 1W

Mai

Tax

GENERAL POWER OF ATTORNEY

I, John Loran Bayes, a/k/a J. Loran Bayes, of Mesa County, Colorado, do hereby execute this General Power of Attorney with the intention that the attorney-in-fact hereinafter named shall be able to act in my place in all matters.

1. *Designation of Attorney*

- a. I constitute and appoint Marilyn J. Clay to be my attorney-in-fact to act for me, in my name and in my place.

2. *Scope of Authority*

My attorney-in-fact shall have all of the powers, discretions, elections and authorities granted by statute, common law and under any rule of court. In addition thereto, and not in limitation thereof, my attorney-in-fact shall also have the powers set forth below:

- a. General Grant of Power. To exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, relating to any person, matter, transaction or property, real or personal, tangible or intangible, now owned or hereafter acquired by me, including, without limitation, the hereinafter specifically enumerated powers, and additionally to exercise all the powers conferred on fiduciaries by the Colorado Fiduciaries' Powers Act, as hereafter amended or replaced. I grant to my agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present, hereby ratifying and confirming all that my agent shall lawfully do or cause to be done by virtue of this power of attorney and the powers herein granted.
- b. Real and Personal Property Transactions. To sell, convey, lease, exchange, acquire, purchase, mortgage, pledge, release, or otherwise deal with, dispose of, exchange, encumber any property, either real or personal; to maintain, repair, improve, invest, manage, insure, rent, lease, encumber, and in any manner deal with any real or personal property, tangible or intangible, or any interest therein, that I own or may hereafter acquire, in my name and for my benefit, upon such terms and conditions as my agent shall deem proper.

- c. Stock and Brokerage Account Transactions. To do and perform every act or transaction that I might or could personally do in reference to any and all stock accounts, brokerage accounts, securities cash or property of any kind or nature, now or hereafter held by any custodian or safe keeping account in my name and especially, but without in any way limiting or restricting the foregoing, the absolute right to transfer, sell, assign, demand, accept and receive or give instructions for the transfer, sale or assignment of any such stocks, bonds, securities and property now or hereafter held in such account or the income therefrom; to purchase or give instructions for the purchase of additional or new property or securities of any kind or nature; to give instructions to any custodian to use cash held in such accounts for any purchases so made; to deposit other stocks, securities or property in such accounts; to draw and exchange all securities and properties therein; to substitute securities and other property for securities and other property which may, from time-to-time, be in such accounts; to receive any dividends which are now due or which shall hereafter become due and payable, according to law, on all the stock standing in my name and any such accounts and to do all lawful acts requisite for the collection of such dividends; and to sell, transfer and do any other act concerning any other stock or bonds or other securities or property which I may have or possess and to transfer the same in any manner required by any corporation. I further empower my agent to vote any such shares of stock at any and all meetings of stock holders, including the right to waive notice of such meetings and to execute any and all documents in connection with said stock, and to exercise any and all powers which may be exercised thereunder, including the execution of proxies.
- d. Banking and Other Financial Institution Transactions. To open, maintain, and terminate an account or other banking arrangement either in my or my attorney's own name; to have unrestricted access to, and the right to enter into and withdraw or add to the contents, any safe deposit box, vault, storage warehouse or other depository; to make, receive and endorse checks and drafts, deposit and withdraw funds, and acquire and receive negotiable or non-negotiable instruments; to receive bank statements, notices and similar documents from a financial institution and act with respect to them; to borrow any sum or sums of money on such terms and with such security, whether real or personal property, as my attorney may think fit, and for that purpose to execute all promissory notes, bonds, mortgages, deeds of trust, security agreements, or other instruments that may be necessary or proper.

- e. Business Interests Transactions. To conduct or participate in any lawful business of whatever nature for me and in my name; execute partnership agreements and amendments thereto; incorporate, reorganize, merge, consolidate, recapitalize, sell, liquidate, or dissolve any business; elect or employ officers, directors and agents, carry out the provisions of any agreement for the sale of any business interest or the stock therein; and exercise voting rights with respect to stock, either in person or by proxy, and exercise stock options.
- f. Estate, Trust and Other Beneficiary Transactions. To assign and convey any part of my assets into such trust(s) as my attorney shall deem proper irrespective of whether said trust is now in existence or hereinafter established, attorney shall be authorized to establish any such trust on such terms as my attorney shall deem to be in my best interest; to exercise any powers and any duties vested in me, whether solely or jointly, with any other(s) as executor, administrator, or trustee, or in any other fiduciary capacity, so far as such power or duty is capable of validly being delegated.
- g. Claims and Litigation. To commence, prosecute, discontinue, or defend all actions or other legal proceedings affecting any matter in which I may be in any way concerned; and to have, sue, and take all lawful ways and means and legal and equitable remedies, procedures, and writs in my name for the collection or recovery of any item or matter in which I have or may acquire an interest, and to compromise, settle, and agree for the same, and to make, execute, and deliver for me and in my name all endorsements, acquittances, releases, receipts, or other sufficient discharge for the same.
- h. Personal and Family Transactions. To distribute to or for my benefit or to or for the benefit of any person determined by my agent to be dependent on me such amount(s) of my property and/or the income therefrom as my agent shall determine; to do the acts necessary to maintain the customary standard of living of the principal, the principal's spouse, children, and other individuals customarily or legally entitled to be supported by the principal.
- i. Tax Matters. To prepare, sign and file joint or separate income tax returns or declarations of estimated tax for any year(s); to prepare, sign and file gift tax returns with respect to gifts made by me for any year(s); to consent to any gift and to utilize any gift-splitting provisions or other tax election; and to prepare, sign and file any claims for refund of any tax; to represent

me in any federal, state or local income or other tax proceeding, judicial or administrative, and to execute and file Internal Revenue Service Form 2848 or its equivalent or its state or local counterpart on my behalf.

- j. Retirement Plan Transactions. To transact any of my business and otherwise deal with retirement plans, including Individual Retirement Accounts, roll overs, voluntary contributions, and deferred compensation plans.
- k. Powers of Collection and Payment. To ask, demand, sue for, recover, collect, receive, and hold and possess all sums of money, debts, dues, goods, wares, merchandise, chattels, effects, bonds, notes, checks, drafts, accounts, deposits, safe deposit boxes, legacies, bequests, devises, interests, dividends, stock certificates, certificates of deposit, annuities, pension and retirement benefits, stock bonus plan and profit-sharing plan benefits, stock options, insurance benefits and proceeds, documents of title, choses in action, personal and real property, tangible and intangible property, and property rights and demands whatsoever, liquidated or unliquidated, and things of whatsoever nature or description which are now or hereafter shall be or become due, owing, payable or belonging to me in or by any right, title, ways, or means howsoever, and upon receipt thereof or of any part thereof to make, sign, execute, and deliver such receipts, releases or other discharges.
- l. Power Over General Documents. To sign, endorse, execute, acknowledge, deliver, receive, and possess such applications, contracts, agreements, options, covenants, deeds, conveyances, trust deeds, security agreements, bills of sale, leases, mortgages, assignments, insurance policies, bills of lading, warehouse receipts, documents of title, bills, bonds, debentures, checks, drafts, bills of exchange, notes, stock certificates, proxies, warrants, commercial paper, receipts, withdrawal receipts and deposit instruments relating to accounts or deposits therein, or certificates of deposit of banks, savings and loans, or other institutions or associations, proofs of loss, evidences of debts, releases, and satisfaction of mortgages, judgments, liens, security agreements, and other debts and obligations, and other instruments in writing of whatever kind and nature as may be necessary or proper in the exercise of the rights.
- m. Health Care Planning.
 - (1) To request, review and receive any information,

verbal or written, regarding my personal affairs or my physical or mental health, including medical and hospital records, and to execute any releases or other documents that may be required in order to obtain this information.

(2) To employ and discharge physicians, psychiatrists, dentists, nurses, therapists and other professionals as my attorney-in-fact may deem necessary for my physical, mental and emotional well-being; and to pay them reasonable compensation.

(3) To give or withhold consent to my medical care, surgery, or any other medical procedures or tests; to arrange for my hospitalization, convalescent care, or home care; and to revoke, withdraw, modify, or change consent to my medical care, surgery, or any other medical procedures or tests, hospitalization, convalescent care, or home care that I or my attorney-in-fact, as my agent, may previously have allowed or consented to which may have been implied due to emergency conditions. I ask my attorney-in-fact to be guided in making such decisions by what I have told my attorney-in-fact about my personal preferences regarding such care. Based on those same preferences, my attorney-in-fact also may summon paramedics or other emergency medical personnel and seek emergency treatment for me, or choose not to do so, as my attorney-in-fact deems appropriate given my wishes and my medical status at the time of the decision. My attorney-in-fact is authorized, when dealing with hospitals and physicians, to sign documents titled or purporting to be a "Refusal to Permit Treatment" and "Leaving Hospital Against Medical Advice" as well as any necessary waivers of, or releases from, liability required by the hospitals or physicians to implement my wishes regarding medical treatment or nontreatment.

- n. Governmental Benefits Transactions. To prepare, file and prosecute a claim, receive the financial proceeds, conserve, invest, disburse or use anything received with respect to benefits from Social Security, Medicare, Medicaid or other governmental programs or civil or military service.
- 3. *Operational Effect of Power of Attorney*
 - a. Effective Date. This General Durable Power of Attorney shall become effective upon signing.
 - b. Disability. This power of attorney shall not be affected by disability of the principal.
 - c. Revocation. I may revoke this document in whole or in

part at any time by destroying or defacing it, executing a written revocation or by any other documented or witnessed act evidencing my specific intent to revoke this document. However, I do not intend in any way in this instrument to affect, modify or terminate any special, restricted or limited power(s) of attorney I previously may have granted in connection with any banking, borrowing or commercial transaction.

- d. Construction and Governing Law. This instrument is to be construed and interpreted as a general durable power of attorney. The enumeration of specific powers herein is not intended to, nor does it, limit or restrict the general powers herein granted to my attorney-in-fact. This instrument is executed and delivered in the state of Colorado, and the laws of the state of Colorado shall govern all questions as to the validity of this power and the construction of its provisions.
- e. No Bond Required. No attorney-in-fact shall be obligated to furnish bond or other security.
- f. Third-Party Reliance. Third parties may rely upon the representations of my agent as to all matters to any power granted to my agent, and no person who may act in reliance upon the representation of my agent or the authority granted to my attorney-in-fact shall incur any liability to me or my estate as a result of permitting my attorney-in-fact to exercise any power. Third parties may rely on photostatic copies or other reproductions of this General Durable Power of Attorney
- g. Headings. The headings used throughout this instrument have been inserted for administrative convenience only, and do not constitute matter to be construed in interpreting this general power of attorney.
- h. Indemnification of Acts of Attorney While Carrying Out Authority. I hereby bind myself, my heirs, devisees, and personal representatives to indemnify my attorney-in-fact and any successor attorney-in-fact who shall so act against any and all claims, demands, losses, damages, actions, and causes of action, including expenses, costs and reasonable attorneys' fees that my attorney at any time may sustain or incur in connection with carrying out the authority granted in this general power of attorney.
- i. Indemnification of Acts of Attorney Without Knowledge of Death or Revocation of Power. My death shall not revoke or terminate this agency as to my attorney-in-fact or any successor attorney-in-fact who, without actual knowledge of my death, acts in good faith under this general power

of attorney. Any action so taken unless otherwise invalid or unenforceable, shall be binding upon me and my heirs, devisees, and personal representatives. An affidavit, executed by my attorney-in-fact or any successor attorney-in-fact stating that he does not have, at the time of doing an act pursuant to this general power of attorney, actual knowledge of the revocation or termination of this general power of attorney, is, in the absence of fraud, conclusive proof of the nonrevocation or nontermination of the power at that time.

IN WITNESS WHEREOF, I, John Loran Bayes, the Principal, sign my name to this instrument, consisting of this and ~~four~~ ^{seven} other pages, this 22nd day of February, 1996, and being first duly sworn, do hereby declare to the undersigned authority that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

JLB

John Loran Bayes
John Loran Bayes

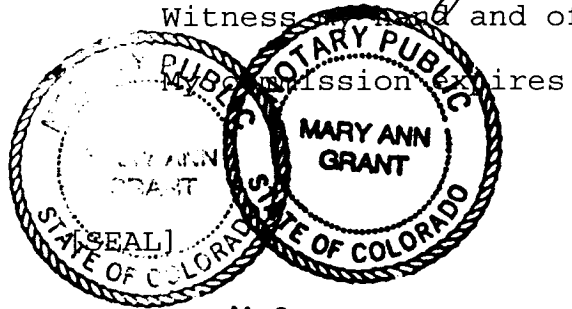
524-24-5928
Social Security Number

Recorded...
5

STATE OF COLORADO)
) ss.
COUNTY OF Mesa)

Subscribed, sworn to and acknowledged before me by John Loran Bayes, on February 22, 1996.

Witness and official seal.



Mary Ann Grant
Notary Public
Grand Junction, Co

My Commission expires
September 13, 1999
September 13, 1999

ACCEPTANCE BY AGENT:

The undersigned agent hereby accepts the delegation of authority set out in this instrument.

February 22, 1996
Date

Marilyn J. Clay
Agent's Specimen Signature

522-56-8335
Agent's Social Security Number