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BRANDY MACUMBER, COUNTY RECORDER  
MALISON COUNTY IOWA

CHEK

**RECORDER'S COVER SHEET  
IOWA STATUTORY POWER OF ATTORNEY**

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

**Taxpayer Information:** Charles C. Berry and Helen E. Berry, 809 W. Mills Street, Winterset,  
IA 50273

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

**Grantors:** Helen E. Berry

**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 agent 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 agent is not entitled to compensation unless you state otherwise in the optional Special Instructions.

This form provides for designation of one agent. If you wish to name more than one agent, you may name a coagent in the optional Special Instructions. Coagents must act by majority rule unless you provide otherwise in the optional Special Instructions.

If your agent is 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 agent, you should seek legal advice before signing this form.

### DESIGNATION OF AGENT

I, Helen E. Berry, name the following person as my agent:

Charles C. Berry, 809 W. Mills Street, Winterset, IA 50273  
(515) 462-4667;

Name Address and Telephone Number of Agent

### DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Stephen C. Berry, 1427 W. Washington, Winterset, IA 50273  
(515) 468-1777;

Name Address and Telephone Number of Successor Agent

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Randy A. Berry, 983 305th Street, Winterset, IA 50273  
(515) 975-3980;

\_\_\_\_\_  
Name Address and Telephone Number of Second Successor Agent

### GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent 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

HEB All Preceding Subjects

### GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent 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 agent 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 agent.)

- \_\_\_\_ 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)**

You may give special instructions on the following lines:  
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.

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shall have the authority to request an accounting of any agent.

**EFFECTIVE DATE**

This power of attorney 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:

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Name Address and Telephone Nominee for Conservator of My Estate

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Name Address and Telephone Nominee for Guardian of My Person

**RELIANCE ON THIS POWER OF ATTORNEY**

Any person, including my agent, 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**

Helen E. Berry

Your Signature

Helen E. Berry

Your Name Printed

809 W. Mills Street, Winterset, IA 50273

Your Address

(515) 462-4667

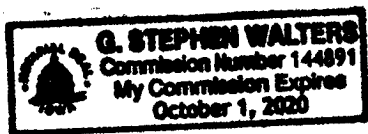
Your Telephone Number

March 31, 2020

Date

STATE OF IOWA, COUNTY OF MADISON

This document was acknowledged before me on March 31, 2020, by Helen E. Berry



G. Stephen Walters  
Signature of Notary Public

This document prepared by G. Stephen Walters, 101 1/2 W. Jefferson, PO Box 230, Winterset, Iowa 50273

**2. IMPORTANT INFORMATION FOR AGENT**

**AGENT'S 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 you 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 agent in the following manner:

Helen E. Berry by Charles C. Berry as Agent.

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.