

**LAST WILL AND TESTAMENT**  
**OF**  
**KATHLENE JULIA SOMERVILLE**

Dated: June 27, 2012

If not typed in  
must be  
inserted by  
client

Prepared by:

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Mandatory inserting  
of supervising  
attorney information  
and office address  
and phone

**Military Preamble  
(or MTI) Default**

**MILITARY TESTAMENTARY PREAMBLE:** This is a **MILITARY TESTAMENTARY INSTRUMENT** prepared pursuant to Title 10 United States Code, Section 1044d, and executed by a person authorized to receive legal assistance from the military services. Federal law exempts this document from any requirement of form, formality, or recording that is prescribed for testamentary instruments under the laws of a state, the District of Columbia, or a territory, commonwealth or possession of the United States. Federal law specifies that this document shall be given the same legal effect as a testamentary instrument prepared and executed in accordance with the laws of the jurisdiction in which it is presented for probate. It shall remain valid unless and until the Testatrix revokes it.

**LAST WILL AND TESTAMENT  
OF KATHLENE JULIA SOMERVILLE**

**Statement of family; domicile;  
residency and military service.**

**I, Kathlene Julia Somerville**, make, publish and declare this to be my Last Will and Testament, revoking all wills and codicils at any time heretofore made by me. I have never been married. I have one child, Michael Joseph Somerville. At the time of making this document I am domiciled in Illinois but I reside at 1322 Patterson Ave. S.E., Washington DC 20374 as a result of my military service. I am in the military service of the United States, currently stationed at Washington Navy Yard, Washington DC 20374.

**Tax apportionment**

**FIRST:** I direct that the expenses of my last illness and funeral and the expenses of the administration of my estate shall be paid from my residuary estate without apportionment.

I direct that all estate, inheritance and similar taxes payable with respect to property included in my estate, whether or not passing under this will, and any interest or penalties thereon, shall be apportioned among the people interested in my estate in the manner provided by law in the absence of a contrary direction in this will. Any generation-skipping transfer tax under Chapter 13 of the Internal Revenue Code shall be charged to the property constituting the generation-skipping transfer on which such tax is imposed, as provided in Section 2603(b) of the Code. I authorize my personal representative to elect to defer the payment of taxes under Section 6166 of the Internal Revenue Code or applicable state law and, if such election is made, to charge interest on the deferred tax to income or principal and to create a lien on property belonging to my estate for the deferred tax under Section 6324A of the Code or applicable state law.

**Note does not include "Just debts"**

**Disposition of remains directed, not just "desired"!**

**SECOND:** I direct that, upon my death, my body be cremated and my ashes scattered in my cat's litter box. I have not contracted for or paid for any funeral arrangements.

**THIRD:** I give the following real estate, and all rights that I have under any related insurance policies, to the following beneficiaries:

**Real estate gift to adults with proper contingent beneficiaries!**

I give my house located at 888 Kingswood St., San Diego, CA 92114 to my friend Sarah A. Romero if she survives me, but if she does not survive me then this gift shall pass instead to my sister Mary Loretta Somerville if she shall survive me, but if she too fails to

survive me then this gift shall pass instead to the San Diego California County Humane Society or its State authorized successor institution or agency.

**FOURTH:** I give the following real estate, and all rights that I have under any related insurance policies, to the following beneficiaries:

Real estate to children if adults, otherwise liquidate and add to Para 7

(a) I give the house located at 321 Gator Drive, Fort Walton, FL 32548 to my son Michael Joseph Somerville and any child born to me hereafter in equal shares. If all of these Beneficiaries are the age of thirty-five (35) years or older at the time of my death the house shall be sold by my Executor at the then existing fair market value or higher and the proceeds hereunder shall be paid and distributed to the then living Beneficiaries in equal shares free of trust.

(b) If however, any child of mine is under the age of thirty-five (years) at the time of my death the house shall be sold by my Executor at the then existing fair market value or higher and the proceeds shall be given to my trustee of the trusts created under Paragraph SEVENTH and held by my trustee, in TRUST, pursuant to the provisions of PARAGRAPH SEVENTH.

Note proper location for gift of ALL OTHER Personal Property

Specific gift of personal property with lapse proper lapse stmt

**FIFTH:** I give my entire coin collection to my friend Sarah Romero, if she survives me, but if she does not survive me then this gift shall lapse and pass instead under the residue of my estate.

All other tangible personal property is given as hereafter provided with respect to my residuary estate.

Unambiguous disinheritance clause improved by drafter.

**SIXTH:** I absolutely and unequivocally disinherit Martin Roy Somerville, my brother. All provisions of this will, including without limitation any provisions which may refer to persons taking by intestacy, shall be construed to effectuate such disinheritance of Martin Roy Somerville, my brother as though he died before me with no surviving issue.

**SEVENTH:** I give any SGLI life insurance proceeds, commercial life insurance proceeds, death gratuities, unpaid pay and allowances, survivors benefits and any other proceeds payable to this Paragraph SEVENTH as a result of my death to be held and disposed of for the benefit of Michael J. Somerville and any child born hereafter to me in equal shares (hereinafter referred to as the "Beneficiaries") in accordance with the following provisions:

If all of the Beneficiaries are the age of thirty-five (35) years or older at the time of my death the trust assets shall be paid and distributed to the then living Beneficiaries in equal shares free of trust.

If any Beneficiary is under the age of thirty-five (35) years at the time of my death the share of such Beneficiary shall not be paid or distributed to such Beneficiary but instead shall be given to my trustee and held by my trustee, **IN TRUST**, pursuant to the following provisions:

Pre-residuary trust for all sums due as a result of client's death

Inserted by drafter

(i) My trustee shall hold, manage, invest and reinvest each share set aside for each Beneficiary in a separate trust for the benefit of such Beneficiary and may pay all or any part of the net income from each such trust to or for the benefit of the Beneficiary thereof, for the health, education, maintenance and support of the Beneficiary, to such extent and at such time or times and in such manner as may be determined in the sole discretion of my trustee. Any net income not so paid shall be accumulated and added to principal at least annually and thereafter shall be held, administered and disposed of as a part thereof.

(ii) In addition, my trustee may pay to or for the benefit of each Beneficiary, for the health, education, maintenance and support of each Beneficiary, from the principal of each Beneficiary's trust, such amounts, including the whole thereof, as determined in the sole discretion of my trustee.

(iii) When any Beneficiary shall attain the age of twenty-five (25) years, one third of the principal of such Beneficiary's trust then remaining shall be paid and distributed to such Beneficiary. When any Beneficiary shall attain the age of thirty (30) years, one half of the principal of such Beneficiary's trust then remaining shall be paid and distributed to such Beneficiary. If any Beneficiary is twenty-five (25) years of age or older, but under thirty (30), upon the creation of such Beneficiary's trust, one third of the principal of such Beneficiary's trust then remaining shall be paid and distributed to such Beneficiary, discharged of trust. If any Beneficiary is thirty (30) years of age or older upon the creation of such trust, two thirds of the principal of such Beneficiary's trust then remaining shall be paid and distributed to such Beneficiary, discharged of trust.

(iv) When any Beneficiary shall attain the age of thirty-five (35) years, the trust for such Beneficiary shall terminate and any remaining principal and income shall be paid and distributed to such Beneficiary, discharged of trust. If such Beneficiary dies before said age, such principal and income shall be paid and distributed to, or held in further trust for the benefit of, such one or more persons, corporations or other entities (other than such Beneficiary, creditors of such Beneficiary, the estate of such Beneficiary, or creditors of the estate of such Beneficiary), to such extent, in such amounts and proportions and in such lawful interests or estates, whether absolute or in trust, as such Beneficiary may appoint by specific reference to this power of appointment in the last will and testament of such Beneficiary, executed after attaining majority and admitted to probate, or absent such appointment (or absent my

When and how the children will receive their separate shares. Note the DL Program automatically created the separate trusts because we selected the correct DL button to do so.

All children and grand-children (issue) have failed to survive client. We planned for this problem and have consulted with client to identify specific contingent beneficiaries. If they too fail to survive client then the Pre-residuary fund passes as if she died intestate

trustee receiving notice of the existence of such a will within 3 months after the death of such Beneficiary) such principal and income shall be paid and distributed to any then living issue of such Beneficiary, per stirpes, or if such Beneficiary has no issue to my then living issue, per stirpes. If any such issue is a beneficiary of a trust under this will, the same may be held in accordance with such trust. If there are no then living issue, the same shall be paid and distributed to my sister Mary Loretta Somerville and my sister in law Mary Anita Somerville in equal shares or all to the survivor of them, but if neither Mary L. Somerville nor Mary Anita Somerville shall survive me then the same shall be paid to the beneficiaries of my residuary estate then in being as provided in this will, or if there are none, to those who would take from me as if I were then to die without a will, unmarried and the absolute owner of the same, and a resident of the State of Illinois.

**EIGHTH:** I authorize my personal representative, in addition to any rights conferred by law and in the sole discretion of my personal representative, and without the consent of any court having jurisdiction over my estate, to disclaim or renounce, in whole or in part or with respect to specific amounts, parts, fractional shares or assets, any legacy, devise, or interest in or privilege or power over any trust or other disposition provided for my benefit under the will or other instrument of any person at any time within nine months after the date of the transfer (whether by reason of such person's death or otherwise) which created an interest in me.

Power of any person to disclaim or REFUSE a gift.

I authorize any person, in addition to any rights conferred by law, at any time within nine months after my death, to disclaim or renounce, in whole or in part or with respect to specific amounts, parts, fractional shares or assets, any devise, legacy, interest, right, privilege, or power granted to that person by this will. Any such disclaimer or renunciation shall be made by a duly acknowledged, irrevocable, written instrument executed by that person or by his or her conservator, guardian, committee, attorney-in-fact, personal representative, executor, or administrator, delivered to my personal representative and filed in accordance with any requirements of applicable law. Any person considering making a disclaimer or renunciation should consult an attorney.

**NINTH:** I give all the rest, residue and remainder of my property and estate, both real and personal, of whatever kind and wherever located, that I own or to which I shall be in any manner entitled at the time of my death (collectively referred to as my "residuary estate"), as follows:

Residuary estate (all other things not previously mentioned) in TRUST. (Aka Residuary Trust)

If Michael Joseph Somerville and any child born hereafter to me in equal shares survives me, to Michael Joseph Somerville and any child born hereafter to me in equal shares. If Michael Joseph Somerville and any child born hereafter to me in equal shares does not survive me, my residuary estate shall be paid and distributed to any then living issue of Michael Joseph Somerville and any child born hereafter to me in equal shares, per stirpes. If, however, Michael Joseph Somerville and any child born hereafter to me in equal shares or any such child of

Michael Joseph Somerville and any child born hereafter to me in equal shares shall be under the age of thirty-five (35) years (Michael Joseph Somerville and any child born hereafter to me in equal shares and each such child being hereinafter referred to as a "Beneficiary"), the share of such Beneficiary shall not be paid or distributed to such Beneficiary but instead shall be given to my trustee and held by my trustee, **IN TRUST**, pursuant to the following provisions:

(i) My trustee shall hold, manage, invest and reinvest each share set aside for each Beneficiary in a separate trust for the benefit of such Beneficiary and may pay all or any part of the net income from each such trust to or for the benefit of the Beneficiary thereof, for the health, education, maintenance and support of the Beneficiary, to such extent and at such time or times and in such manner as may be determined in the sole discretion of my trustee. Any net income not so paid shall be accumulated and added to principal at least annually and thereafter shall be held, administered and disposed of as a part thereof.

(ii) In addition, my trustee may pay to or for the benefit of each Beneficiary, for the health, education, maintenance and support of each Beneficiary, from the principal of each Beneficiary's trust, such amounts, including the whole thereof, as determined in the sole discretion of my trustee.

(iii) When any Beneficiary shall attain the age of twenty-five (25) years, one third of the principal of such Beneficiary's trust then remaining shall be paid and distributed to such Beneficiary. When any Beneficiary shall attain the age of thirty (30) years, one half of the principal of such Beneficiary's trust then remaining shall be paid and distributed to such Beneficiary. If any Beneficiary is twenty-five (25) years of age or older, but under thirty (30), upon the creation of such Beneficiary's trust, one third of the principal of such Beneficiary's trust then remaining shall be paid and distributed to such Beneficiary, discharged of trust. If any Beneficiary is thirty (30) years of age or older upon the creation of such trust, two thirds of the principal of such Beneficiary's trust then remaining shall be paid and distributed to such Beneficiary, discharged of trust.

(iv) When any Beneficiary shall attain the age of thirty-five (35) years, the trust for such Beneficiary shall terminate and any remaining principal and income shall be paid and distributed to such Beneficiary, discharged of trust. If such Beneficiary dies before said age, such principal and income shall be paid and distributed to, or held in further trust for the benefit of, such one or more persons, corporations or other entities (other than such Beneficiary,

creditors of such Beneficiary, the estate of such Beneficiary, or creditors of the estate of such Beneficiary), to such extent, in such amounts and proportions and in such lawful interests or estates, whether absolute or in trust, as such Beneficiary may appoint by specific reference to this power of appointment in the last will and testament of such Beneficiary, executed after attaining majority and admitted to probate, or absent such appointment (or absent my

Proper contingent beneficiaries in event all issue of client predecease her; drafter inserts.

notice of the existence of such a will within 3 months after the death of such Beneficiary) such principal and residue shall be paid and distributed to any then living issue of such Beneficiary per stirpes, or if such Beneficiary has no issue to which such Beneficiary is entitled per stirpes. If any such issue is a beneficiary of a trust under this will, the same may be held in accordance with

such trust. If there are no then living issue, the same shall be paid and distributed to my sister Mary Loretta Somerville and my sister in law Mary Anita Somerville in equal shares or all to the survivor of them, but if neither Mary L. Somerville nor Mary Anita Somerville shall survive me then the same shall be paid to the beneficiaries of my residuary estate then in being as provided in this will, or if there are none, to those who would take from me as if I were then to die without a will, unmarried and the absolute owner of the same, and a resident of the State of Illinois.

Powers of PR/Executor and Trustee Para 10

**TENTH:** I authorize my personal representative to allocate any amount of the exemption from generation-skipping transfer (GST) taxes under Section 2631(a) of the Internal Revenue Code to such property of which I am the transferor as my personal representative shall select, in the sole discretion of my personal representative, whether or not such property passes under this will, including property transferred by me during life, whether or not I allocated any GST exemption to such property during my life, and without any duty to favor beneficiaries under this will over beneficiaries of property passing outside this will.

Whenever my personal representative allocates any amount of my GST exemption (within the meaning of Section 2631 of the Code) to property passing to a trust under this will (including without limitation a separate trust described herein), I authorize my personal representative to divide such property into two fractional shares equal respectively to the applicable fraction and the inclusion ratio (within the meaning of Section 2642(a) of the Code) that would result for such trust if said amount were allocated to such property without such division, and to allocate said exemption entirely to the share equal to said applicable fraction. Said shares shall be held and administered by my trustee as separate (but otherwise identical) trusts. The purpose of this paragraph is to provide an inclusion ratio (within the meaning of Section 2642(a)(1) of the Code) of zero for the separate trust receiving the fractional share to which the allocation is made, and if that trust is a trust described in Section 2652(a)(3) of the Code, to enable my personal representative to make the election described in that Section with respect to it as a separate trust.

Separate trusts with identical terms created pursuant to this Article may be invested in different ways and the pattern of discretionary distributions in one trust need not be followed in the other. My trustee shall be authorized to hold said separate trusts in solido or to combine them into a single trust at any time during the administration of the trusts.

Whenever two trusts hereunder are directed to be combined into a single trust (for example, because property of one trust is to be added to the other trust), if said trusts have different inclusion ratios with respect to any common transferor or have different transferors for GST tax purposes, I authorize my trustee, in the sole discretion of my trustee, instead of combining said trusts, to administer them as two separate trusts with identical terms in accordance with the provisions that would have governed the combined trusts. If anyone adds property to a trust hereunder after my death, I authorize my trustee to hold the added property as a separate trust with terms identical to the trust to which it would have been added.

I authorize my trustee, at any time during the administration of any trust hereunder, to divide such trust into two fractional shares, which shall thereafter be administered as separate trusts with identical terms, whenever my trustee shall determine that the division may help reduce GST tax or ease administrative problems resulting from the tax. For example, a trust with different transferors may be divided into separate trusts corresponding to the separate trusts described in Section 2654(b)(1) of the Code, and a trust with an inclusion ratio between zero and one may be divided into separate trusts corresponding to the undivided trust's inclusion ratio and applicable fraction as defined in Section 2642(a) of the Code.

Any expenses of the administration of my estate or death taxes to be paid from my estate, pursuant to Article FIRST hereof, shall be paid first from property to which my GST exemption has not been allocated.

I authorize my trustee of any trust under this will (other than any beneficiary of such trust) of which a child of mine is authorized to receive net income to confer upon such child a general power of appointment (as defined in Section 2041 of the Code) over all or part of the principal of the trust (including a pecuniary sum). Any power thus conferred may be made exercisable by deed or will, but in any event the exercise of such power may take effect only upon such child's death and may dispose only of the principal as then constituted. My trustee (other than any beneficiary) may revoke any such power previously conferred; may confer a new power after a revocation; and in conferring any power may make the exercise of such power require the consent of my trustee (other than any beneficiary). Without limiting the discretion of my trustee, I anticipate the authority of my trustee under this Article will be used if doing so will reduce GST taxes more than it increases estate taxes, consistent with my overall dispositive plan as expressed herein. If such a power is conferred over a portion of the principal of the trust, the trust may be divided into corresponding fractional shares constituting separate trusts of which one shall be subject to the power and the other not (and such separate trusts may later be recombined) in the sole discretion of my trustee (other than any beneficiary). I authorize my trustee (other than any beneficiary) to release irrevocably the right to confer or revoke a general power hereunder. My trustee shall confer or revoke a general power hereunder and consent to the exercise of a general power by an acknowledged instrument in writing.

What PR/Exec or Trustee may do with regard to retirement accounts paid to them as representative of estate.

**ELEVENTH:** The following provisions concern retirement benefits that become distributable to my personal representative or trustee (whether directly or through my estate) by reason of my death. As used herein, "retirement benefits" means amounts held in or payable pursuant to a plan (of whatever type) qualified under Section 401 of the Internal Revenue Code, or an individual retirement arrangement under Section 408 or 408A of the Code, or a tax sheltered annuity under Section 403 of the Code, or any other benefit plan subject to the minimum distribution rules of Section 401(a)(9) of the Code or the corresponding provisions of any subsequent federal tax law.

- (a) My personal representative or trustee may exercise any right to determine the manner and timing of payment of retirement benefits that is available to the recipient of the benefits.
- (b) Any required minimum distributions from my pension plan or retirement account shall be treated as income for trust accounting purposes.
- (c) My personal representative or trustee shall be authorized to identify and designate the person who, pursuant to the regulations under Section 401(a)(9), is the "designated beneficiary" whose life expectancy may be used to determine required minimum distributions to any trust. The personal representative or trustee may endeavor to minimize income taxes on retirement benefits for the maximum duration permitted by law. A trust with a designated beneficiary shall be a "conduit trust" pursuant to which all retirement benefits (whether minimum required distributions or otherwise) promptly shall be paid to or for the benefit of the trust beneficiaries as permitted by PLR 200227059 or applicable law. However, the personal representative or trustee shall have a one-time option to switch the trust to an "accumulation trust" after my death but before September 30 of the year following the year of my death as permitted by PLR 200537044 or applicable law. And after the death of the conduit beneficiary the trustee may accumulate the retirement benefits.
- (d) No retirement benefits shall be used to pay taxes, debts and expenses of my estate if doing so would be deemed to materially reduce the payout period of any pension plan or retirement account.
- (e) My personal representative and trustee shall comply with all requirements set forth in the Internal Revenue Code and regulations thereunder now or hereafter in effect applicable to the designation of a trust as the beneficiary of retirement benefits.

SPENDTHRIFT  
CLAUSE Para 12

**TWELFTH:** No disposition, charge or encumbrance on any income or principal or any trust hereunder or my estate by any beneficiary thereof shall be valid or binding upon my personal representative or trustee. No beneficiary shall have the right to assign, sell, pledge, encumber, anticipate, dispose of, or otherwise transfer in any manner (voluntary or involuntary) any such income or principal until the same shall be paid to such beneficiary by my personal representative or trustee. No such income or principal shall be subject in any manner to any claim of any voluntary or involuntary creditor of any beneficiary or liable to attachment,

garnishment, execution or other legal or equitable process prior to its actual receipt by the beneficiary. The right of any beneficiary to any income or principal hereunder shall be subject to all charges or deductions which my personal representative or trustee may make under law or any provision of this will. Upon making any payment of income or principal from any trust hereunder or my estate, my personal representative and trustee shall be released fully from all further liability therefore.

To not conflict with trust language (by drafter)

**THIRTEENTH:** If any principal or income of my estate or any trust hereunder vests in absolute ownership (free of trust hereunder) in a minor or incompetent **not discussed in Paragraphs FOURTH, SEVENTH or NINTH,** my personal representative or trustee, at any time and without court authorization, may: distribute the whole or any part of such property to the beneficiary; or use the whole or any part for the health, education, maintenance and support of the beneficiary; or distribute the whole or any part to a guardian, committee or other legal representative of the beneficiary, or to a custodian for the beneficiary (including a custodian appointed by my personal representative or trustee without court order) under any gifts to minors or transfers to minors act, or to the person or persons with whom the beneficiary resides. Evidence of any such distribution or the receipt therefore executed by the person to whom the distribution is made shall be a full discharge of my personal representative and trustee from any liability with respect thereto, even though my personal representative or trustee may be such person.

If such beneficiary is a minor, my personal representative or trustee may defer the distribution of the whole or any part of such property until the beneficiary attains the age of twenty-one (21) years, and may hold the same as a separate fund for the beneficiary with all of the powers described in Article FOURTEENTH hereof. If the beneficiary dies before attaining said age, any balance shall be paid and distributed to the estate of the beneficiary.

Limited right of PR or Exec to control the distribution to any substance abusing beneficiary

If my personal representative or trustee shall reasonably believe that any beneficiary, **whether named in this document or unnamed,** routinely or frequently uses or consumes any illegal substance so as to be physically or psychologically dependent upon that substance, or is clinically dependent upon the use or consumption of alcohol or any other legal drug or chemical substance that is not prescribed by a board certified medical doctor or psychiatrist in a current program of treatment supervised by such doctor or psychiatrist, and if my personal representative or trustee shall reasonably believe that as a result the beneficiary is unable to care for himself or herself or is unable to manage his or her financial affairs, the following provisions shall apply:

(a) The beneficiary shall be deemed to be incompetent for purposes of this Article THIRTEENTH and all mandatory distributions (including distributions upon termination of a trust) to the beneficiary and any rights of the beneficiary to participate in decisions concerning the removal and appointment of my personal representative or trustee shall be suspended.

(b) My personal representative or trustee may request the beneficiary to submit to one or more examinations (including laboratory tests of bodily fluids) determined to be appropriate by a board certified medical doctor and to consent to

full disclosure to my personal representative or trustee of the results of all such examinations and all opinions and suggested treatments by the beneficiary's treating physician, on an ongoing basis. My personal representative and trustee shall maintain strict confidentiality of those results and shall not disclose those results to any person other than the beneficiary without the prior written permission of the beneficiary.

(c) If, in the opinion of the examining doctor, the examination indicates current or recent use of a drug or substance as described above, the examining doctor shall be asked to determine an appropriate method of treatment for the beneficiary (for example, counseling or treatment on an in-patient basis in a rehabilitation facility) that is acceptable to my personal representative or trustee. If the beneficiary consents to the treatment, my personal representative or trustee shall pay the costs of treatment directly to the provider of those services from the distributions suspended under this Article.

(d) My personal representative or trustee may resume other distribution to the beneficiary (and the beneficiary's other suspended rights will be restored) when, in the case of use or consumption of an illegal substance, examinations indicate no such use for 12 months and, in all cases, when my personal representative or trustee shall determine that the beneficiary is able to care for himself or herself and is able to manage his or her financial affairs. When other distributions to the beneficiary are resumed, the remaining balance, if any, of distributions that were suspended may be distributed to the beneficiary at that time. If the beneficiary dies before distribution of those suspended amounts, my personal representative or trustee shall distribute the balance of the suspended amounts to the persons who would be the alternate takers of that beneficiary's share (or takers through the exercise of a power of appointment) as otherwise provided herein.

(e) My personal representative and trustee shall not be responsible or liable to anyone for a beneficiary's actions or welfare and shall have no duty to inquire whether a beneficiary uses drugs or other substances as described in this Article. My personal representative and trustee shall be indemnified and held harmless by my estate from any liability of any nature in exercising its judgment and authority under this Article, including any failure to request a beneficiary to submit to medical examination, and including a decision to distribute suspended amounts to a beneficiary.

(f) Notwithstanding the provisions of this Article, my personal representative and trustee shall not suspend any mandatory distributions that are required for a trust to qualify for any federal transfer or estate tax exemption, deduction or exclusion allowable with respect to a trust or to become or remain a Qualified Subchapter S Trust (unless my personal representative or trustee shall elect for the trust to be an Electing Small Business Trust).

The word "minor" wherever used in this Article THIRTEENTH shall mean any person who shall be under the age of twenty-one (21) years.

Modified by Drafter

**FOURTEENTH:** My personal representative and trustee shall have all of the powers provided in the Illinois Compiled Statutes, as amended, or any successor thereto, and the powers conferred by law upon fiduciaries in every jurisdiction in which my personal representative and trustee may act. In addition, the following powers are conferred upon both my personal representative and trustee, exercisable in the sole discretion of my personal representative and trustee, as the case may be:

Powers to allow PR or Executor as well as Trustee to take whatever steps are deemed correct to maximize value of estate

- (a) To retain and hold any property for any period, whether or not the property is of the character permissible for investment by fiduciaries under any applicable law, and without regard to the effect the retention may have upon diversification of investments.
- (b) To sell, exchange, grant options on, transfer or otherwise dispose of any property, real or personal, at public or private sale, for cash or on credit, secured or unsecured, at such time or times, in such manner and upon such terms and conditions as my personal representative or trustee shall deem advisable.
- (c) To invest and reinvest in common or preferred stocks, bonds, securities, mortgages, investment trusts, common trust funds, mutual funds, regulated investment companies, evidences of rights or interests, and other property, real or personal, domestic or foreign, whether or not the investments are permissible for fiduciaries under any applicable law and without regard to diversification.
- (d) To render liquid my estate or any trust in whole or in part, at any time and from time to time, and to hold cash or readily marketable securities of little or no yield for such periods as my personal representative or trustee shall deem advisable.
- (e) To manage, maintain, repair, alter, improve, insure, partition, subdivide, lease for any term (whether or not beyond any period fixed by statute for leases made by fiduciaries or beyond the term of any trust created hereunder), mortgage, encumber, grant security interests in, or otherwise purchase, dispose of, or deal with any real or personal property, as my personal representative or trustee shall deem advisable.
- (f) To abandon any property which my personal representative or trustee shall deem worthless or not of sufficient value to warrant keeping or protecting; to abstain from the payment of taxes, assessments, repairs, maintenance or other upkeep therefore; to permit any property to be lost by tax sale or other proceedings or to convey any such property for no or a nominal consideration.
- (g) To form one or more corporations or limited liability companies, alone or with any person, in any jurisdiction, and to transfer assets of my estate or any trust

to any new or existing corporation or limited liability company in exchange for stock or membership interests; to form one or more partnerships with any person in any jurisdiction, to have my estate, any trust or a nominee be a general or limited partner, and to transfer assets of my estate or any trust to any new or existing partnership as a capital contribution; to enter into one or more joint ventures or associations with any person in any jurisdiction, and to commit assets of my estate or any trust to the purposes of those ventures or associations; and to retain as an investment for any period any securities, partnership interests or other assets resulting from any such actions.

(h) To enter into, modify or terminate agreements with any person regarding voting rights, management, operation, retention or disposition of interests in corporations, partnerships, joint ventures, associations or other businesses of my estate or any trust, regardless of whether any agreement is in effect when that business interest is received by my personal representative or trustee; to retain and continue to operate, or permit the operation of, any business, on the terms which governed when received by my personal representative or trustee or on different terms; to invest additional sums in any business, even to the extent that my estate or any trust may be invested entirely in any business, without liability for any loss resulting from lack of diversification; to act as or select other persons (including any beneficiary) to act as directors, officers, managers or employees of any business, with reasonable compensation without regard to their being a fiduciary or beneficiary and, in the case of my personal representative or trustee, without regard to the commissions allowed by law; to discontinue any business or sell or otherwise dispose of any interest therein on such terms and conditions as my personal representative or trustee shall deem advisable; and to make such other arrangements with respect to any business as my personal representative or trustee shall deem advisable. I exonerate my personal representative and trustee from any loss resulting from the retention or operation of any business or any depreciation in the value thereof, unless such loss shall result from the gross negligence or willful misconduct of my personal representative or trustee.

(i) To vote, in person or by general or limited proxy, any shares of stock or other securities or property; to exercise or dispose of any options, subscription or conversion rights, or other privileges or rights of any other nature; to become a party to, or deposit securities or other property under, or accept securities or other property issued under any voting trust or similar agreement; to assent to or participate in any reorganization, readjustment, recapitalization, consolidation, merger, dissolution, liquidation, sale or purchase of assets, lease, mortgage, election, contract, agreement, or other action or proceeding by any corporation; to deposit securities or other property under, or become a party to, any agreement or plan for any such action or proceeding or for the protection of holders of securities; to subscribe to new securities or exchange property in connection with the foregoing; to delegate discretionary powers to any reorganization, creditors, stockholders or similar committee or protective group; and to pay any assessments or expenses in connection with the foregoing.

(j) To drill, test, explore, maintain, develop and otherwise exploit, either alone or jointly with others, any and all property in which my estate or any trust hereunder may have any rights or interests of whatsoever kind or nature with respect to oil, gas, minerals, timber or other natural resources, whether originally a part of my estate or such trust or subsequently acquired, and to pay the costs and expenses thereof, together with all delay rentals, bonuses, royalties, overriding royalties, drilling and operating expenses, taxes, assessments and other charges and burdens in connection therewith; to enter into operation, farm-out, pooling or utilization agreements in connection with any and all of such rights and interests; and to extract, remove, process, convert, retain, store, lease, sell or exchange such rights and interests and the production therefrom, all in such manner, to such extent, on such terms and for such consideration as my personal representative or trustee may deem advisable.

(k) To pay, collect, adjust, compromise, settle or refer to arbitration any claim in favor of or against my estate or any trust, and to institute, prosecute or defend such legal proceedings as my personal representative or trustee shall deem advisable.

(l) To foreclose mortgages and bid for property under foreclosure or take title by conveyance in lieu of foreclosure; to continue investments after maturity; to modify, renew or extend any note, bond, mortgage, security agreement or similar instrument upon such terms and conditions as my personal representative or trustee shall deem advisable; to release obligors or guarantors or refrain from instituting suits or actions for deficiencies; and to expend any sums or use any property as my personal representative or trustee shall deem advisable for the protection of any property or interest therein.

(m) To borrow money or assets for any purpose, without personal liability therefore, from any person including my personal representative or trustee, and to secure repayment by mortgage or pledge of any property.

(n) To lend assets to any person, including a beneficiary, the estate of a deceased beneficiary, or an estate or other trust in which a beneficiary has an interest, upon any terms and conditions, with or without security, for any purpose which may or will benefit my estate, any trust or any beneficiary.

(o) To exercise, at such times and in such manner as my personal representative or trustee shall deem advisable, any right of election or other rights which from time to time may be available under the Internal Revenue Code or any other tax law, and to make such other decisions as my personal representative or trustee may deem appropriate with respect to expenses or deductions for estate or income tax purposes, the valuation of assets, the filing of any income, gift or other tax returns, and the payment of any tax or collection of any refund, regardless of the effect of any such action on the interest of any beneficiary of my estate and

without the necessity of making adjustments or reimbursements between principal and income or among the beneficiaries of my estate.

(p) To employ and pay the compensation of accountants, attorneys, experts, investment counselors, custodians, agents and other persons or firms providing services or advice, irrespective of whether my personal representative or trustee may be associated therewith; to delegate discretionary powers to such persons or firms; and to rely upon information or advice furnished thereby or to ignore the same, as my personal representative or trustee shall deem advisable.

(q) To pay any and all costs, charges, fees, taxes, interest, penalties or other expenses of the administration of my estate, in installments with interest if desired, and except as expressly provided in Article FIRST hereof or elsewhere herein, to charge the same against the income or principal, or partly against each, of my estate or any trust.

Added by drafter to give PR/Executor/Trustee maximum flexibility

(r) To hold property in their names as personal representative or trustee, or in their names without designation of any fiduciary capacity, or in the name of a nominee or nominees, or unregistered, or in bearer form; to deposit property with a custodian or depository; and to remove property from the State in which it is located at the time of my death and keep property in other jurisdictions, without bond, surety or other security.

(s) To pay any legacy or distribute, divide or partition property in cash or in kind, or partly in kind, and to allocate different kinds of property, disproportionate amounts of property and undivided interests in property among any trusts, parts, funds or shares; to determine the fair valuation of property, with or without regard to tax basis; to determine what property is covered by general descriptions in this will; to distribute directly from my estate to beneficiaries of any trust hereunder whether or not such trust has been funded; to hold the principal of separate trusts in a consolidated fund and to invest the same as a single fund; and to merge any trusts which have substantially identical terms and beneficiaries, and to hold them as a single trust. If, in the opinion of my personal representative or trustee, the assets of any trust is or has become so small that it is uneconomical and not in the best interests of the trust beneficiaries to continue, my personal representative or trustee may terminate the trust and distribute the assets of the trust outright to the income beneficiaries thereof or to the guardian, committee, custodian or other legal representative of the income beneficiaries.

(t) To act or refrain from acting in all respects as if financially uninvolved, regardless of any connection with or investment in any business or any conflict of interest between any fiduciary hereunder and my estate or any trust. No personal representative or trustee shall be disqualified or barred from exercising any power or discretion conferred by law or under this will because such fiduciary may be a shareholder, officer, director, member, partner or person in any way interested in a corporation, partnership or other person or entity affected by the exercise of

such power or discretion. My personal representative or trustee may contract, in any manner that my personal representative or trustee shall deem advisable, with any such corporation, partnership, person or entity.

(u) To change the situs and/or governing law of any trust hereunder to any state my personal representative or trustee from time to time may deem desirable, and to take such further actions, including without limitation the amendment to the terms of the trust and the moving of trust assets, as may be necessary or advisable to effectuate such change.

(v) To do all acts and execute and deliver all instruments as my personal representative or trustee may deem necessary or advisable to carry out any of the foregoing powers.

If and to the extent permitted by applicable law in effect at the time of my death, my personal representative shall have the authority to determine what property shall receive basis increases pursuant to the Internal Revenue Code and the amount of such increases.

No fiduciary shall be liable for acts or omissions in administering my estate or any trust created under this will, except for that fiduciary's own actual fraud, gross negligence or willful misconduct. Each fiduciary shall be deemed to have acted within the scope of such fiduciary's authority, to have exercised reasonable care, diligence and prudence, and to have acted impartially as to all affected persons unless the contrary is proved by affirmative evidence. If any fiduciary becomes liable as fiduciary to any other person who is not a beneficiary in connection with any matter not within the fiduciary's control and not due to the fiduciary's actual fraud, gross negligence or willful misconduct, such fiduciary shall be fully indemnified and held harmless by my estate or by the trust created hereunder giving rise to such liability, as the case may be, from and against any liability, claim, loss, damage or expense, including reasonable attorneys' fees, that such fiduciary may sustain.

A trustee of a trust may have duties and responsibilities in addition to those described in the instrument creating the trust. If a trustee has questions, the trustee should obtain legal advice.

No person who deals with any fiduciary hereunder shall be bound to see to the application of any asset delivered to such fiduciary, or to inquire into the authority for, or propriety of, any action taken or not taken by such fiduciary.

**FIFTEENTH:** In addition to the other powers granted hereunder, my personal representative and trustee shall be entitled to determine the following:

(a) Except as otherwise provided herein, my personal representative or trustee may determine, when there is reasonable doubt or uncertainty as to the applicable law or the relevant facts, which receipts of money or other assets should be credited to income or principal, and which disbursements, commissions,



Liability of Trustee and PR or Exec

Authority to hire attorney

Para 15 is more power for PR/Exec and Trustee regarding labeling of assets

assessments, fees, taxes (except as provided in Article FIRST hereof), and other expenses should be charged to income or principal.

(b) Any distributions or dividends payable in the stock of a corporation, and rights to subscribe to securities or rights other than cash declared or issued by a corporation, shall be dealt with as principal.

(c) The proceeds from the sale, redemption or other disposition, whether at a profit or loss, and regardless of the tax treatment thereof, of any property constituting principal, including mortgages and real estate acquired through foreclosure or otherwise, shall normally be dealt with as principal, but my personal representative or trustee, except as otherwise provided herein, may allocate a portion of any such proceeds to income if the property disposed of produced no income or substantially less than the current rate of return on trust investments, or if my personal representative or trustee shall deem such action advisable for any other reason.

(d) The preceding provisions of this Article FIFTEENTH shall not be deemed to authorize any act by my personal representative or trustee which may be a violation of any law prohibiting the accumulation of income.

Survivorship clause is typical 30 days

**SIXTEENTH:** I direct that for purposes of this will a beneficiary shall be deemed to predecease me (or any other person upon whose death the interest of such beneficiary depends) unless such beneficiary survives me (or such other person) by more than thirty days.

**SEVENTEENTH:** I appoint Mary Loretta Somerville, my sister to be my personal representative. If Mary Loretta Somerville, my sister shall fail to qualify for any reason as my personal representative, or having qualified shall die, resign or cease to act for any reason as my personal representative, I appoint Mary Anita Somerville, my sister in law as my personal representative.

I appoint Mary Loretta Somerville, my sister to be my trustee. If Mary Loretta Somerville, my sister shall fail to qualify for any reason as my trustee, or having qualified shall die, resign or cease to act for any reason as my trustee, I appoint Mary Anita Somerville, my sister in law as my trustee.

Added by drafter so Court will require anyone else to post bond, etc

I direct that no **specifically named** personal representative or trustee shall be required to file or furnish any bond, surety or other security in any jurisdiction.

Notwithstanding anything to the contrary contained in this will, during such time as any current or possible future beneficiary of any trust created hereunder may be acting as a trustee hereunder, such person shall be disqualified from exercising any power to make any discretionary distributions of income or principal to himself or herself (unless the discretion to make such distributions is limited by an ascertainable standard within the meaning of Section 2041(b)(1)(A) of the Internal Revenue Code), or to satisfy any of his or her legal obligations, or to make discretionary allocations of receipts or disbursements as between income and principal,

Appt of PR/Exec/ trustee and alternates Assures unnamed agents must account or be bonded; logical limits on authority prevent inclusion in estate of PR/ Exec/ Trustee

or to make decisions with respect to tax elections or options the exercise or nonexercise of which could result in an enlargement of his or her beneficial interest hereunder. No trustee who is a current or possible future beneficiary of any trust hereunder shall participate in the exercise of any powers of my trustee which would cause such beneficiary to be treated as the owner of trust property for tax purposes.

Any personal representative or trustee, subject to the judicial or non-judicial settlement of the accounts of such personal representative or trustee, may resign at any time by an instrument in writing, signed and acknowledged in duplicate, one counterpart of which shall be delivered to the court in which this will is admitted to probate and the other counterpart of which shall be delivered to the successor personal representative or the successor trustee, as the case may be.

▶ I appoint Patricia Pickle, my best friend, having an address at 12345 Ocean View, San Diego, CA 92114, as Trust Protector hereunder. If the Trust Protector fails or ceases to act, no successor Trust Protector shall be appointed. The Trust Protector shall have the right to resign at any time by written notice to the income beneficiaries and my trustee.

The Trust Protector shall be authorized to remove any Trustee and appoint a successor Trustee, provided, however, that the successor Trustee so appointed may not be the Trust Protector or related or subordinate to the Trust Protector within the meaning of 26 U.S.C. Sec. 672(c). The rights of the Trust Protector to remove a trustee and appoint a successor trustee shall be exercised by an executed and acknowledged instrument, counterparts of which shall be filed with the court in which this will is admitted to probate and delivered to any acting trustee and to the designated successor trustee. Such instrument shall specify the successor trustee and certify the willingness of the successor trustee to serve. Within 60 days thereafter, any trustee so removed shall begin proceedings for the settlement of the trustee's accounts and shall deliver all assets held to the successor. The trustee then shall have full acquittance for all assets so delivered, subject to settlement of the trustee's accounts.

The Trust Protector shall be authorized: to modify or amend any trust under this will to achieve a favorable tax status, or because of changes in federal or state tax laws or the regulations and rules there under, or because of changes in other laws, regulations or rules applicable to my estate, or as otherwise may be necessary or advisable to carry out my intent; to terminate and liquidate trusts; to change the situs and/or governing law of any trust hereunder; to interpret terms of this will at the request of my trustee; to increase, decrease or delay interests of beneficiaries hereunder; to convert a trust into a supplemental needs trust if a beneficiary becomes disabled; to create, modify, limit or eliminate powers of appointment; and to consult with my trustee with regard to investment decisions. The Trust Protector shall in no event have any authority to take actions which would adversely affect the status of IRA or other retirement benefits. No modification or amendment of this will may grant a beneficial interest to any individual or class of individuals not specifically provided for in this will. No Trust Protector may appoint himself or herself, or his or her creditors or estate, as a beneficiary hereunder.

The Trust Protector shall serve without compensation, unless a Trust Protector is an attorney or accountant in which event such Trust Protector shall be entitled to reasonable

We need a Trust protector because the PR/ Exec & trustee may be beneficiaries of any of the trusts.

hourly compensation for services rendered. The Trust Protector shall be entitled to reimbursement for reasonable expenses incurred in connection with the actions of the Trust Protector hereunder. The Trust Protector shall not be obligated to monitor or supervise my trustee or trust administration hereunder, but rather may act only when matters are brought to the attention of the Trust Protector by a beneficiary, Trustee or otherwise interested party. So long as the Trust Protector shall have acted in good faith and have not been reckless, the Trust Protector shall not be liable for simple negligence.

The term "personal representative" wherever used herein shall mean the personal representatives, executors, executor, executrix or administrator in office from time to time. The term "trustee" wherever used herein shall mean the trustees or trustee in office from time to time. Each personal representative and trustee shall have the same rights, powers, duties, authority and privileges, whether or not discretionary, as if originally appointed hereunder. The term "Trust Protector" wherever used herein shall mean the Trust Protector in office from time to time. The terms "child" and "children" as used herein include not only the child and children of the person designated, but also the legally adopted child and children of such person. The term "issue" includes not only the children and other issue of the person designated, but also the legally adopted children and issue of such person or issue. The terms "child" and "children" as used herein include only the child and children of the person designated, but not any stepchild of such person. The term "issue" includes only the children and other issue of the person designated, but not any stepchild of such person or issue.

Any provision herein which refers to a statute, rule, regulation or other specific legal reference which is no longer in effect at the time said provision is to be applied shall be deemed to refer to the successor, replacement or amendment to such statute, rule, regulation or other reference, if any, and shall be interpreted in such a manner so as to carry out the original intent of said provision.

Wherever used in this will and the context so requires, the masculine includes the feminine and the singular includes the plural, and vice versa.

**EIGHTEENTH:** Notwithstanding anything to the contrary contained in this will, if under any of the provisions of this will any portion of the trust assets would be held in trust beyond a date twenty-one years after the death of the last survivor of my issue and the other beneficiaries of this will in being upon my death, or such later date permitted by the rule against perpetuities applicable in the State of Illinois; then, upon such date, the trust of such portion shall terminate and the principal, and any unpaid income thereof, shall be paid and distributed to the person or persons then living who would have been entitled to receive the income therefrom had the trust continued, in the proportions to which they would have been so entitled.

**NINETEENTH:** I appoint Mary Loretta Somerville, my sister to be the guardian of the person and property of any child of mine who has not attained the age of majority or is adjudged to be incapacitated. If Mary Loretta Somerville, my sister shall fail or cease to act as guardian, I appoint Mary Anita Somerville, my sister in law as guardian. Any guardian appointed hereunder shall have the rights and responsibilities of a parent regarding the health,

Defines  
PR/Exec/  
Trustee  
and Child

This old  
fashioned  
attorney  
includes  
RAP

Appoints  
guardian  
of minors  
and incap  
adult child

education, maintenance and support of the ward, but shall not be liable to third persons by reason of the relationship for acts of the ward.

**Defines incapacitated child for all concerned.**

As used herein, a child who is "incapacitated" shall mean a child who is or becomes impaired by reason of mental illness or deficiency, physical illness or disability, mental or physical infirmities accompanying advanced age, chronic drug abuse or chronic intoxication, or other cause to the extent of lacking sufficient understanding or capacity to make or communicate reasonable decisions. No guardian shall be required to file or furnish any bond, surety or other security in any jurisdiction. Upon the request of the ward the guardian shall file an inventory or account with the court. The guardian shall be entitled to reasonable compensation for services rendered in such capacity. Nothing herein shall be construed as limiting the rights or powers of the guardian. Any trustee hereunder may, but shall not be required to, make payments directly to the guardian. If my trustee or any trust hereunder is the beneficiary of any life insurance policy, my trustee shall be entitled to the insurance proceeds rather than the guardian.

**No bond required. Must file inventory and account if child demands.**

**TWENTIETH:** I have served in the Armed Forces of the United States. I therefore request that my personal representative make appropriate inquiries to ascertain whether there are any benefits to which I, my dependents or my heirs may be entitled by virtue of any military affiliation. I specifically request that my personal representative consult with a retired affairs officer at the nearest military installation, the Department of Veterans Affairs, and the Social Security Administration.

**Good practice to include # of Pgs**

**IN WITNESS WHEREOF,** I, Kathlene Julia Somerville, sign my name and publish and declare this instrument (consisting of \_\_\_ pages, including this page) as my last will and testament this 27th day of June, 2012. I also have affixed my initials on the bottom of each of the preceding pages hereof.

\_\_\_\_\_  
Kathlene Julia Somerville

The foregoing instrument was signed, published and declared by Kathlene Julia Somerville, the above-named Testatrix, to be her last will and testament in our presence, all being present at the same time, and we, at her request and in her presence and in the presence of each other, have subscribed our names as witnesses on the date above written.

\_\_\_\_\_  
**Printed:**  
Department of the Navy  
Navy Personnel Command (PERS-312F)  
5720 Integrity Drive  
Millington, TN 38055-3130

\_\_\_\_\_  
**Printed:**  
Department of the Navy  
Navy Personnel Command (PERS-312F)  
5720 Integrity Drive  
Millington, TN 38055-3130

**You should have this on your desktop for FAST formatting/cleaning**

**MILITARY TESTAMENTARY INSTRUMENT SELF-PROVING AFFIDAVIT**

WITH THE UNITED STATES ARMED FORCES  
AT WASHINGTON NAVY YARD, WASHINGTON DC 20374

← Proper venue for MTI

We, the Testatrix and the witnesses, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that in the presence of the military legal counsel and the witnesses the Testatrix, Kathlene Julia Somerville, signed and executed the instrument as her military testamentary instrument, that she had signed willingly, and that she executed it as her free and voluntary act and deed for the purposes therein expressed. It is further declared that each of the witnesses, at the request of the Testatrix, in the presence and hearing of the Testatrix, the military legal assistance counsel and each other, signed the military testamentary instrument as witness, and that to the best of his or her knowledge the Testatrix was at the time at least eighteen years of age or emancipated, of sound mind, and under no constraint, duress, fraud or undue influence.

\_\_\_\_\_  
Kathlene Julia Somerville  
Testatrix

\_\_\_\_\_  
Print:  
Witness

\_\_\_\_\_  
Print:  
Witness

REMOVED  
CLAUSE  
"PERSONALLY  
KNOWN"

Subscribed, sworn to and acknowledged before me by the said Kathlene Julia Somerville, Testatrix, who has produced [ ] Passport / [ ] State Driver's License / [ ] Geneva Convention Military Identification Card as identification, and sworn to and subscribed before me by the above-named witnesses, this 27th day of June, 2012.

I, the undersigned officer, do hereby certify that I am, on the date of this certificate, a person with the power described in Title 10 U.S.C. 1044a of the grade, branch of service, and organization stated below in the active service of the United States Armed Forces, or an authorized civilian attorney under Title 10 U.S.C. 1044a, and that by statute no seal is required on this certificate, under authority granted to me by Title 10 U.S.C. 1044a.

\_\_\_\_\_  
Name of Officer and Position: LT Horace Smith, JAGC, USNR  
Grade and Branch of Service: United States Navy  
Command or Organization: Naval Legal Service Office North Central

← MTI MUST be Executed by a 10 U.S.C. § 1044 ATTORNEY--NOT a LN and NOT a State Licensed Notary!

PREAMBLE: This is a MILITARY POWER OF ATTORNEY prepared pursuant to Title 10 United States Code, Section 1044b, and executed by a person authorized to receive legal assistance from the military services. Federal law exempts this power of attorney from any requirement of form, substance, formality, or recording that is prescribed for powers of attorney by the laws of a state, the District of Columbia, or a territory, commonwealth or possession of the United States. Federal law specifies that this power of attorney shall be given the same legal effect as a power of attorney prepared and executed in accordance with the laws of the jurisdiction where it is presented.

Prepared by

LT HORACE SMITH, USNR.  
NLSO North Central, Washington Navy Yard, DC 20374

Signals that this is an MTI. Must have responsible attorney's name and address

Note hand written inserts are NOT acceptable; blanks are not acceptable.

**POWER OF ATTORNEY**  
(EFFECTIVE AT A FUTURE TIME)

**KNOW EVERYONE BY THESE PRESENTS**, which are intended to constitute a General Power of Attorney, **THAT I, Kathlene Julia Somerville**, having an address at 1322 Patterson Ave. S.E., Washington DC 20374, hereby make, constitute and appoint **Mary Loretta Somerville, my sister**, having an address at 8032 Monticello St., Chicago, Il 60674, tel. no.: 312-987-6543, or if Mary Loretta Somerville, my sister is unable, unwilling or unavailable to act, then **Mary Anita Somerville, my sister in law**, having an address at 6543 Monticello St., Chicago, IL 60674, tel. no.: 312-456-7890, as my attorney-in-fact TO ACT in my name, place and stead in any way which I could do, if I were personally present, to the extent that I am permitted by law to act through an agent:

(a) to ask, demand, sue for, recover and receive all manner of goods, chattels, debts, rents, interest, sums of money and demands whatsoever, due or to become due, that are thought to be owing, belonging or payable to me in my own right or otherwise, and to execute, acknowledge and deliver acquittances, receipts, releases, satisfactions or other discharges for the same;

(b) to sell, transfer, exchange, convert, abandon, or otherwise dispose of, or grant options with respect to, real and personal property, at public or private sale, with or without security, in such manner, at such times, for such prices, and upon such terms and conditions as my attorney-in-fact may deem necessary or appropriate;

(c) to buy, sell, exchange, invest and reinvest in common or preferred stocks, bonds, commodities, options, limited liability companies, investment trusts,

mutual funds, regulated investment companies and other types of securities and financial instruments, foreign or domestic, including any undivided interest in any one or more common trust funds, whether or not such investments be of the character permissible for investments by fiduciaries under any applicable law, and without regard to the effect any such investment may have upon the diversity of investments; to demand, receive and obtain any money or other things of value to which I am or may become or may claim to be entitled in connection with any stocks, bonds or other financial instruments; to cause securities or other property to be held or registered in the name of a nominee or nominees or unregistered or in any other form; to vote in person at meetings of stock or security holders and adjournments thereof, to enter into voting trusts, and to vote by general or limited proxy with respect to any stock or securities;

(d) to make, execute, endorse, accept and deliver in my name or in the name of my attorney-in-fact all checks, notes, drafts, warrants, securities, stock certificates, certificates of deposit, bonds, acknowledgments, and any other agreements, certificates or instruments of any nature, as my attorney-in-fact may deem necessary or appropriate;

(e) to deposit and withdraw any sums to or from any bank, savings or similar account maintained by me alone or jointly; to open, continue, modify or terminate any account or banking arrangement in my name or jointly with others; to borrow money at such interest rates and upon such terms and conditions as my attorney-in-fact may deem necessary or appropriate, and to provide security therefore from my assets; to pay, renew or extend the time of payment of any note given by me or on my behalf; to prepare financial statements concerning my assets and liabilities or income and expenses, and deliver them to financial institutions; to receive statements, notices and other documents from financial institutions; to open or cause to be opened any safe deposit box in my name and to examine and remove any or all of the contents of such box; and to conduct such other banking transactions as my attorney-in-fact may deem necessary or appropriate;

(f) to take possession of, recover, obtain and hold any tangible personal property belonging to me or to which I may be entitled, and to receive and take for me and in my name any rents, issues and profits of any such property; to purchase, invest in, reinvest in, accept as a gift, sell, exchange, lease, grant options upon, assign, transfer, abandon, pledge, encumber or otherwise dispose of any personal property of any nature and wherever situate; to store property for hire or on a gratuitous bailment; to make repairs and alterations; and to execute, acknowledge and deliver all contracts, leases, notes, security agreements, guarantees, transfers to trusts, bills of sale, assignments, extensions, releases, waivers, consents, and any other agreements, writings and instruments of any nature affecting any personal property, as my attorney-in-fact may deem necessary or appropriate;

(g) to possess, recover, manage, hold, control, develop, subdivide, partition, mortgage, lease or otherwise deal with any real property belonging to me or to which I may be entitled; to purchase, invest in, reinvest in, accept as a gift, sell, exchange, lease, sublease, grant options upon, convey with or without covenants, quitclaim, assign, transfer, abandon, encumber or otherwise dispose of any real property of any nature and wherever situate; to borrow money at such interest rates and upon such terms and conditions as my attorney-in-fact may deem necessary or appropriate, and to provide security therefore by mortgage or pledge of any property; to satisfy, discharge, release or extend the term of any mortgage; to apply for zoning, rezoning or other governmental permits; to make repairs, replacements and improvements, structural or otherwise; to pay, compromise or contest real estate taxes, assessments, water charges and sewer rents; to abstain from the payment of real estate taxes, assessments, water charges and sewer rents, repairs, maintenance and upkeep of the same; to abandon property if deemed to be worthless or not of sufficient value to warrant keeping or protecting; to permit property to be lost by tax sale, foreclosure or other proceeding or to convey property for a nominal consideration or without consideration; and to execute, acknowledge and deliver all contracts, deeds, leases, mortgages, notes, security agreements, guarantees, transfers to trusts, bills of sale, assignments, extensions, satisfactions, releases, waivers, consents, and any other agreements, writings and instruments of any nature affecting any real property, as my attorney-in-fact may deem necessary or appropriate;

(h) to commence any actions or proceedings for the recovery of any real or personal property or for any other purpose; to appear in, answer and defend any actions or proceedings commenced against me; and to prosecute, maintain, appeal, discontinue, compromise, arbitrate, mediate, settle and adjust all actions, proceedings, accounts, dues and demands that now or hereafter may exist, as my attorney-in-fact may deem necessary or appropriate;

(i) to create, amend or terminate one or more trusts (including a Qualified Income Trust or "Miller Trust"), partnerships, corporations, limited liability companies, co-tenancies or any other form of ownership or entity for the purpose of dealing with any property or property interest of any nature that I may have or hereafter acquire, under such terms and with such provisions as my attorney-in-fact may deem necessary or appropriate; to transfer any or all property in which I have an interest into any trusts, partnerships, corporations, limited liability companies, co-tenancies or other entities, whether created by me or my attorney-in-fact or otherwise (and, in this regard, that my attorney-in-fact may be a remainderman, partner, shareholder, member, co-tenant or beneficiary of any such entity shall not affect the validity of any action hereunder, and shall not, by itself, constitute a breach of fiduciary duty); to remove property from any such entity; and to give to any such entity, or to any person acting as agent or trustee under any instrument executed by me or on my behalf, such instructions or authorizations as I may have the right to give;

(j) to join or become a party to, or to oppose, any reorganization, readjustment, recapitalization, foreclosure, merger, voting trust, dissolution, consolidation or exchange, and to deposit any securities with any committee, depository or trustee, and to pay any fees, expenses and assessments incurred in connection therewith, and to charge the same to principal, and to exercise conversion, subscription or other rights, and to make any necessary payments in connection therewith, or to sell any such privileges;

(k) to deal with all matters relating to all forms of insurance and annuities, including the procurement, maintenance and termination thereof; however, notwithstanding the powers given my attorney-in-fact in this and other provisions of this power of attorney, my attorney-in-fact shall have no incidents of ownership in any life insurance policy in which I own an interest and which insures the life of my attorney-in-fact;

(l) to do all acts necessary to maintain my customary standard of living and that of my family and other persons customarily supported by me, including without limitation the power to pay for medical, dental and surgical care, living quarters, usual vacation and travel expenses, shelter, clothing, food, education, organizational fees and contributions, and other living costs;

(m) to act for me in all matters which affect my right to government benefits and assistance, including without limitation Social Security, Medicare, Medicaid, qualified state tuition programs, and other governmental benefits and benefits relating to civil or military service; to file, prosecute, submit to arbitration or settle any claim for benefits or assistance; to establish new residency and domicile; and to receive the proceeds of claims and conserve, invest, disburse and use them on my behalf;

(n) to take all steps and remedies necessary or appropriate for the conduct and management of any business in which I may have an interest; to exercise in person or by proxy any right, privilege or option which I may have with respect to any business; to continue, modify, negotiate, renegotiate, extend and terminate any and all contracts or agreements heretofore or hereafter made with respect to the business; to pay, compromise or contest business taxes or other claims or obligations; to determine the policies of the business as to the location, methods and manner of its operations including its financing, accounting, and insurance; and to add or remove capital from the business;

(o) to employ such agents, attorneys, accountants, investment counsel, trustees, caretakers and other persons and entities providing services or advice, irrespective of whether my attorney-in-fact may be associated therewith, and to rely upon information or advice furnished thereby or to ignore the same, and to delegate duties hereunder and pay such compensation, as my attorney-in-fact may deem necessary or appropriate; and

Note that the client must be told that to GIVE a power under the following nine (9) items, he or she must initial the space!

(p) to do, execute, perform and finish for me and in my name all things which my attorney-in-fact shall deem necessary or appropriate in and about or concerning my property or any part thereof.

[Initial: \_\_\_\_\_] I authorize my attorney-in-fact to sell, grant options upon, convey with or without covenants, exchange, lease, assign, transfer, encumber or otherwise dispose of any real property which I own, together with all improvements thereon and rights relating thereto, in such manner, at such times, for such prices, and upon such terms and conditions as my attorney-in-fact may deem necessary or appropriate; to satisfy, discharge, release or extend the term of any mortgage or deed of trust; to apply for zoning, rezoning or other governmental permits; to pay, compromise or contest real estate taxes, assessments, water charges and sewer rents; to negotiate, execute, acknowledge and deliver all contracts, sales agreements, brokerage agreements, amendments, deeds, leases, mortgages, notes, security agreements, checks, drafts, guarantees, bills of sale, assignments, extensions, satisfactions, releases, waivers, consents, affidavits, transfer tax returns, closing documents, and any other agreements, writings and instruments of any nature affecting the property, as my attorney-in-fact may deem necessary or appropriate; to prosecute, defend, intervene in, arbitrate, appeal, compromise, settle and otherwise deal with any claim, action or proceeding in connection with the property or the sale thereof; to do, execute, perform and finish for me and in my name all things which my attorney-in-fact shall deem necessary or appropriate in connection with the sale of the property.

[Initial: \_\_\_\_\_] I authorize my attorney-in-fact to sell, grant options upon, assign, transfer, exchange, lease, convey, encumber or otherwise dispose of any business which I own or in which I have an interest, in such manner, for such prices, and upon such terms and conditions as my attorney-in-fact may deem necessary or appropriate; to possess, recover, manage, control, or otherwise deal with the property; to negotiate, execute, acknowledge and deliver all contracts, sales agreements, brokerage agreements, amendments, bills of sale, assignments, deeds, leases, mortgages, notes, security agreements, checks, drafts, guarantees, extensions, satisfactions, releases, waivers, consents, affidavits, closing documents, and any other agreements, writings and instruments of any nature affecting the property, as my attorney-in-fact may deem necessary or appropriate; to prosecute, defend, intervene in, arbitrate, appeal, compromise, settle and otherwise deal with any claim, action or proceeding in connection with the property or the sale thereof; to do, execute, perform and finish for me and in my name all things which my attorney-in-fact shall deem necessary or appropriate in connection with the sale of the property.

[Initial: \_\_\_\_\_] In addition, I specifically authorize my attorney-in-fact to make gifts of my property to or for the benefit of such persons, charities or other entities as, in the opinion of my attorney-in-fact, would be the donees I might choose, having in mind the resources, both public and private, available for my care after the making of such gifts, and having in mind the objective of preserving the largest amount of my property for my family as a whole. The gifts may be in cash or in kind. And the gifts may pass outright to the donee, or may be transferred to an existing trust for the donee or a trust created by my attorney-in-fact for the donee, or may be transferred to an existing custodian for the donee under any gifts to minors or transfers to minors act or a custodian for the donee established by my attorney-in-fact under such acts. The amount or value of gifts to each donee shall not exceed in aggregate, in any calendar year, the amount excludable from gifts for gift tax purposes by virtue of Section 2503(b) of the Internal Revenue

Code, or any successor thereto, in effect in the year in question (currently \$10,000 under said statute, heretofore adjusted to \$13,000 and subject to further adjustment for inflation, or gifts in conformity with the Code's annual exclusion rules for gifts to Section 529 accounts). Gifts in excess of said limit may be made to pay tuition costs and medical expenses so long as the payment of such gifts is made in a manner so as not to be subject to gift or generation skipping transfer taxes pursuant to Sections 2503(e) and 2611(b)(1) of the Internal Revenue Code, or any successor thereto. In no event shall any gifts be made to my attorney-in-fact, or to the creditors of my attorney-in-fact, or to the estate of my attorney-in-fact, or to the creditors of the estate of my attorney-in-fact.

[Initial: \_\_\_\_\_] In addition, I specifically authorize my attorney-in-fact to make any transfer of resources not prohibited under applicable federal or state law, when the transfer is for the purpose of qualifying me for state or federal medical care assistance or a limited casualty program for the medically needy, or for the purpose of preserving for my spouse or other relatives the maximum amount of property allowed under applicable law if an application has been made for governmental medical assistance, or in anticipation of such application and for the purpose of avoiding a Medicaid recovery lien. I specifically authorize my attorney-in-fact to amend or revoke any agreements relating to the title or status of property, any community property agreement, or other document of similar import executed by me and/or my spouse if, in the sole discretion of my attorney-in-fact, such action would be in my best interest, following advice of counsel regarding eligibility for such benefits. If any such transfer of resources is to be made to my attorney-in-fact, I name Bobbie Hoosier, my friend as special attorney-in-fact to approve such transfer.

[Initial: \_\_\_\_\_] In addition, I specifically authorize my attorney-in-fact to revoke or amend any revocable living trust which I have heretofore or hereafter establish, and to initiate, participate in or oppose any action or proceeding to remove, substitute or surcharge a fiduciary, trustee or advisor, or to reform, modify or terminate any trust or trust instrument.

[Initial: \_\_\_\_\_] In addition, I specifically authorize my attorney-in-fact to create any revocable or irrevocable trusts for my benefit, to name the trustees and successor trustees, and to fund such trusts with all or any assets of mine or other interests in property which are capable of being held in trust. This authority includes the power to create and fund a Qualified Income Trust or "Miller Trust" to qualify me for Medicaid. My attorney-in-fact may serve as the trustees of the trusts, and may retain the power to amend, revoke or otherwise change such revocable trusts consistent with the powers granted to me by the original instrument. My attorney-in-fact shall have the power to withdraw income or principal on my behalf or for my benefit, and to exercise whatever trust powers or elections which I may exercise.

[Initial: \_\_\_\_\_] In addition, I specifically authorize my attorney-in-fact to disclaim, within the meaning of Section 2518 of the Internal Revenue Code and applicable state law, any interest in whole or in part or with respect to specific amounts, parts, fractional shares or assets, any devise, legacy, interest, right, privilege, or power to which I otherwise succeed under the Last Will of any person, by operation of law, under a beneficiary designation of any policy of insurance, under a beneficiary designation for any individual retirement account (IRA), Roth

IRA, pension plan, investment account or other asset, or in any joint tenancy or survivorship interest I may have.

[Initial: \_\_\_\_\_] In addition, I specifically authorize my attorney-in-fact to deal with tax authorities, to execute, sign and file on my behalf any and all federal, state, local and foreign income, gift, payroll and other tax returns, including estimated returns and interest, dividends, gains and transfer returns, for all periods; to pay any taxes, penalties and interest due thereon; to allocate generation skipping transfer tax exemptions (within the meaning of Section 2642(a) of the Internal Revenue Code) and to make tax elections; to represent me or to sign an Internal Revenue Service Form 2848 (Power of Attorney and Declaration of Representative) or Form 8821 (Tax Information Authorization), or comparable authorization, appointing a qualified lawyer, certified public accountant or enrolled agent (including my attorney-in-fact if so qualified) to represent me before any office of the Internal Revenue Service or any state, local or foreign taxing authority with respect to the types of taxes and years referred to above, and to specify on said authorization said types of taxes and years; to receive from or inspect confidential information in any office of the Internal Revenue Service or state, local or foreign tax authority; to receive and deposit, in any one of my bank accounts, or those of any revocable trust of mine, checks in payment of any refund of federal, state, local or foreign taxes, penalties and interest; to pay by check drawn on any bank account of mine or of any revocable trust of mine and have accounts to permit my attorney-in-fact to draw checks for payment of said items; to execute waivers (and offers of waivers) of restrictions on assessment or collection of deficiencies in taxes and waivers of notice of disallowance of a claim for credit or refund; to execute any requests for extension of time and consents extending the statutory period for assessment or collection of such taxes; to execute petitions contesting taxes; to establish new residency and domicile; to execute offers in compromise and closing Agreements under Section 7121 or comparable provisions of the Internal Revenue Code or any federal, state, local or foreign tax statutes or regulations; to delegate authority or to substitute another representative for any one previously appointed by me or my attorney-in-fact; and to receive copies of all notices and other written communications involving my federal, state, local or foreign taxes at such address as my attorney-in-fact may designate.

[Initial: \_\_\_\_\_] In addition, I specifically authorize my attorney-in-fact to make voluntary contributions to, transfer assets between, and withdraw amounts from any qualified retirement benefit plan or individual retirement account (including Roth IRA's and Thrift Savings Plans); to change beneficiary designations on any such plan or IRA; to convert an IRA to a Roth IRA; to make elections with respect to the timing, method and amounts of withdrawals, distributions and/or rollovers, methods of calculating minimum required distributions, and methods of distribution as a beneficiary of another's plan or IRA; and to take any other actions with respect to any such plan or IRA as I could take.

**Compensation**

My attorney-in-fact shall be entitled to reasonable compensation for the services of my attorney-in-fact hereunder and reimbursement of reasonable expenses in connection with such services.

**Reports by agent**

My attorney-in-fact shall prepare written, quarterly reports regarding all actions of my attorney-in-fact hereunder and shall provide such reports to me at my address first above

written or to such other persons or addresses as I from time to time may designate. If this power of attorney is in effect immediately prior to my death, my attorney-in-fact shall prepare a final written report to my executor or personal representative in such manner and for such period as requested by my executor or personal representative.

#### Liability of agent

My attorney-in-fact shall not incur any liability to me, my estate, my heirs, successors or assigns for acting or refraining from acting under this power of attorney, except for willful misconduct or gross negligence. My attorney-in-fact shall not be required to make my assets produce income, increase the value of my estate, diversify my investments or enter into transactions authorized by this power of attorney.

#### Springing requirement

THIS POWER OF ATTORNEY WILL BECOME EFFECTIVE FORTHWITH UPON MY DISABILITY OR INCAPACITY. For purpose of this power of attorney, I will be considered to be disabled or incapacitated upon delivery to the third party of the affidavits of the attorney-in-fact and my treating physician. Upon presentation of the appropriate affidavits any third party dealing with my attorney-in-fact may rely completely on the affidavits and shall not have any obligation to further inquire into my disability or incapacity or to question in any way the authority of my attorney-in-fact to act under this power of attorney.

#### More liability

Third parties who act in reliance upon the authority granted to the attorney-in-fact under this durable power of attorney and in accordance with the instructions of the attorney-in-fact shall be held harmless by the principal from any loss suffered or liability incurred as a result of actions taken, unless such third party has received prior written notice of the revocation, suspension, notice of a petition to determine incapacity, partial or complete termination, or death of the principal. Any third party who has not received such notices and acts in good faith upon any representation, direction, decision, or act of the attorney-in-fact shall not be liable to the principal or the principal's estate, beneficiaries or joint owners for those acts.

Any action taken by my attorney-in-fact under this power of attorney shall be valid and binding on me, my heirs and personal representatives unless and until the third party dealing with my attorney-in-fact has received written notice of the revocation, suspension or termination of this power of attorney, as provided above. My attorney-in-fact alone shall be liable to me, my heirs and personal representatives for any action taken beyond the authority conferred by this power of attorney. However, my attorney-in-fact alone shall be liable for any acts or decisions made by the attorney-in-fact in good faith and under the terms of the durable power of attorney.

#### HIPPA Provisions

It may be necessary for my attorney-in-fact to have access to my medical records to establish that this power of attorney is in effect. I grant to my attorney-in-fact the authority and power to serve as my personal representative for all purposes of the Health Insurance Portability and Accountability Act of 1996, the regulations in 45 C.F.R. Sec. 160 et seq., and any other applicable federal, state or local laws or regulations (collectively "HIPAA"), including the authority to request, receive, obtain and review, and be granted full and unlimited access to, and consent to the disclosure of complete unredacted copies of any and all health, medical and financial information and any information or records referred to in 45 C.F.R. Sec. 164.501 and regulated by the Standards for Privacy of Individually Identifiable Health Information found in

65 Fed. Reg. 82462 as protected private records or otherwise covered under HIPAA. I understand that health and medical records can include information relating to subjects such as sexually transmitted diseases, acquired immunodeficiency syndrome (AIDS), AIDS-related complex (ARC) and human immunodeficiency virus (HIV), behavioral or mental health services, and treatment for alcohol or drug abuse or addiction. I understand that I may have access to or receive an accounting of the information to be used or disclosed as provided in 45 C.F.R. Sec. 164.524 et seq. I further understand that authorizing the disclosure of this health information is voluntary and that I can refuse to sign this authorization. I further understand that any disclosure of this information carries with it the potential for an unauthorized further disclosure of this information by third parties and that such further disclosure may not be protected under HIPAA. In order to induce the disclosing party to disclose the aforesaid private and/or protected confidential information, I forever release and hold harmless said disclosing party who relies upon this instrument from any liability under confidentiality rules arising under HIPAA as a consequence of said disclosure. I authorize my attorney-in-fact to execute any and all releases or other documents that may be necessary in order to obtain disclosure of my patient records and other medical information subject to and protected by HIPAA. The purpose of the foregoing authorization is to enable my attorney-in-fact to establish that this power of attorney is in effect.

**Judicial appointment**

While it is my desire and request that no guardian or conservator of my person or property be appointed in the event of my disability or incapacity. If, however, a guardian or conservator of my person or property is to be appointed for me, I hereby nominate and appoint my attorney-in-fact hereunder to serve as guardian and conservator without bond.

**Choice of law**

This power of attorney shall be governed by Illinois law, although I request that it be honored in any state or other location in which I or my property may be found. If any provisions hereof shall be unenforceable or invalid, such unenforceability or invalidity shall not affect the remaining provisions of this power of attorney.

**IN WITNESS WHEREOF**, I have executed this power of attorney this 27th day of June, 2012.

---

Kathlene Julia Somerville

**Note page breaks and roll of lines to keep flow and continuity of document**

We, the undersigned, each being over 18 years of age, hereby witness the signing of the above power of attorney by Kathlene Julia Somerville, known to us to be the person who signed the above power of attorney as principal, at the request of and in the presence of the principal and in the presence of each other on the day and year set forth above. We believe that the principal is of sound mind, that she had the opportunity to read the power of attorney and that she signed the above power of attorney as her free and voluntary act and deed, free of duress, fraud or undue influence, for the purposes therein expressed. None of us is related to the principal by blood, marriage or adoption, and to the best our knowledge none of us is entitled to

any portion of the estate of the principal upon the death of the principal under any will or codicil or by operation of law. We certify the foregoing under penalty of perjury under the laws of Illinois.

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Department of the Navy  
Navy Personnel Command (PERS-312F)  
5720 Integrity Drive  
Millington, TN 38055-3130

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Millington, TN 38055-3130

WITH THE UNITED STATES ARMED FORCES  
AT WASHINGTON NAVY YARD, WASHINGTON DC 20374

The foregoing instrument was acknowledged before me on the \_\_\_\_ day of June, 2012, by Kathlene Julia Somerville.

I, the undersigned officer, do hereby certify that I am, on the date of this certificate, a person with the power described in Title 10 U.S.C. 1044a of the grade, branch of service, and organization stated below in the active service of the United States Armed Forces, or an authorized civilian attorney under Title 10 U.S.C. 1044a, and that by statute no seal is required on this certificate, under authority granted to me by Title 10 U.S.C. 1044a.

---

Print: \_\_\_\_\_  
Officer

Personally Known \_\_\_\_ OR Produced Identification \_\_\_\_  
Type of Identification Produced: [ ] Passport [ ] State Driver's License  
[ ] Geneva Convention Military Identification Card

Name of Officer and Position: LT Horace Smith, JAGC, USNR  
Grade and Branch of Service: United States Navy  
Command or Organization: Naval Legal Service Office North Central

Not for execution by client or at the NLSO. this form is for the agent (attorney in fact) to use when the incapacitating event occurs.

[NOTE: The following affidavit may be executed by the attorney-in-fact at a later date if some third party requests evidence that the power of attorney is in effect.]

**AFFIDAVIT THAT POWER OF ATTORNEY IS IN FULL FORCE AND EFFECT**

WITH THE UNITED STATES ARMED FORCES  
AT WASHINGTON NAVY YARD, WASHINGTON DC 20374

Before me, the undersigned authority, personally appeared ("Affiant"), who swore and affirmed that:

- 1. Affiant is the attorney-in-fact named in the durable power of attorney executed by Kathlene Julia Somerville as principal (the "Principal") on June 27, 2012.
- 2. This durable power of attorney is currently exercisable by Affiant. The Principal is domiciled in Illinois.
- 3. To the best of the Affiant's knowledge after diligent search and inquiry:
  - a. The Principal is not deceased; and
  - b. There has been no revocation, partial or complete termination by adjudication of incapacity or by the occurrence of an event referenced in the durable power of attorney, or suspension by initiation of proceedings to determine incapacity or to appoint a guardian.
- 4. Affiant agrees not to exercise any powers granted by the durable power of attorney if Affiant attains knowledge that it has been revoked, partially or completely terminated, suspended, or is no longer valid because of the death or adjudication of incapacity of the Principal.

Dated: \_\_\_\_\_

Subscribed and sworn to before me  
on

\_\_\_\_\_  
print:

Notary Public

My commission expires on

Personally Known \_\_\_\_ OR Produced Identification \_\_\_\_

Type of Identification Produced: [ ] Passport [ ] State Driver's License

[ ] Geneva Convention Military Identification Card

Not for execution at NLSO. This form is for the agent (attorney in fact) to execute when he or she accepts the appointment upon the occurrence of the incapacitating event.

**ATTORNEY-IN-FACT'S ACCEPTANCE OF AUTHORITY**

I, \_\_\_\_\_, certify that the attached is a true copy of a power of attorney naming the undersigned as attorney-in-fact or successor attorney-in-fact for Kathlene Julia Somerville.

I certify that to the best of my knowledge the principal had the capacity to execute the power of attorney, is alive, and has not revoked the power of attorney; that my powers as attorney-in-fact have not been altered or terminated; and that the power of attorney remains in full force and effect.

I accept appointment as attorney-in-fact under this power of attorney.

Dated:

\_\_\_\_\_

Not for execution in the NLSO offices. may not be the form required by the attending physician. Client should be advised that it is a template for his or her agent (attorney in fact) to take to the physician when event occurs.

**AFFIDAVIT OF PHYSICIAN**

WITH THE UNITED STATES ARMED FORCES  
AT WASHINGTON NAVY YARD, WASHINGTON DC 20374

Before me, the undersigned authority, personally appeared ("Affiant"), who swore and affirmed that:

1. Affiant is a physician licensed to practice medicine in
2. Affiant is the primary physician who is responsible for the treatment and care of Kathlene Julia Somerville.
3. To the best of the Affiant's knowledge after reasonable inquiry, Affiant believes the Principal lacks the capacity to manage property, including taking those actions necessary to obtain, administer and dispose of real and personal property, intangible property, business property, benefits and income.

Dated:

\_\_\_\_\_

Subscribed and sworn to before me  
on

\_\_\_\_\_

print:

Notary Public

My commission expires on

Personally Known \_\_\_\_ OR Produced Identification \_\_\_\_

Type of Identification Produced: [ ] Passport [ ] State Driver's License

[ ] Geneva Convention Military Identification Card

PREAMBLE: This is a MILITARY ADVANCE MEDICAL DIRECTIVE prepared pursuant to Title 10 United States Code, Section 1044c. It was prepared by an attorney who is authorized to provide legal assistance for an individual who is eligible to receive legal assistance. Federal law exempts this advance medical directive from any requirement of form, substance, formality, or recording that is prescribed for an advance medical directive by the laws of a state. Federal law specifies that this advance medical directive shall be given the same legal effect as an advance medical directive prepared and executed in accordance with the laws of the state concerned.

**DECLARATION**

This form is only for people who want to be unplugged!

Declaration made this 27th day of June, 2012.

I, **Kathlene Julia Somerville**, presently residing at 1322 Patterson Ave. S.E., Washington DC 20374, and being an adult of sound mind, willfully and voluntarily make known my desire that my life shall not be artificially prolonged under the circumstances set forth below, and I hereby declare:

If at any time I should have an incurable injury, disease or illness certified to be a terminal condition by two physicians who have personally examined me, one of whom shall be my attending physician, and the physicians have determined that my death will occur whether or not life-sustaining procedures are utilized, and where the application of life-sustaining procedures would serve only to artificially prolong the dying process, I direct that life-sustaining procedures be withheld and withdrawn and that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to keep me comfortable and to relieve pain. The procedures and treatment to be withheld and withdrawn include, without limitation, surgery, antibiotics, cardiopulmonary resuscitation, respiratory support, blood and blood products, dialysis, chemotherapy, radiation therapy, artificially administered feeding and fluids, and invasive diagnostic tests.

I wish to live out my last days at home rather than in a hospital, if it does not jeopardize the chance of my recovery to a meaningful and conscious life and does not impose an undue burden on my family.

This is a logical place for disposition of remains!

If, upon my death, any of my tissue or organs would be of value for transplantation, I freely give my permission to the donation of such tissue or organs for transplantation only. Any organ donation or associated process shall be authorized only if there is no charge or assessment to my estate, my heirs or my insurance company. I direct that following authorized organ donation, the remains of my body be cremated and my ashes scattered in my cat's litter box

Added by drafting attorney.

In the absence of my ability to give directions regarding the use of life-sustaining procedures, it is my intention that this declaration shall be honored by my family, physicians, health care facilities and all concerned with my care as the final expression of my legal right to refuse medical or surgical treatment including without limitation the administration of life-sustaining procedures. I accept the consequences of such refusal.

I understand the full import and meaning of this declaration, and I am aware that this declaration authorizes a physician to withhold and withdraw life-sustaining procedures. I am at least eighteen years of age (or I am in the military service of the United States) and I am emotionally and mentally competent to make this declaration.

If any provision of this document is held to be invalid or unenforceable, the remainder of this document shall continue in full force and effect.

---

Kathlene Julia Somerville

WITNESS:

We, the witnesses whose names are signed below, each hereby attest and declare under penalty of perjury under the laws of the District of Columbia that: (1) the foregoing instrument was personally signed by Kathlene Julia Somerville in my presence, and thereupon I, at her request and in her presence and in the presence of the other witnesses, have hereunto subscribed my name as a witness; (2) I did not sign the above signature of Kathlene Julia Somerville for or at her direction; (3) I personally know Kathlene Julia Somerville (or the identity of Kathlene Julia Somerville was proven by proper military identification or other satisfactory proof) and believe her to be of sound mind and under no constraint, duress, fraud or undue influence; (4) I am not related to Kathlene Julia Somerville by blood, marriage or adoption; (5) I am not entitled (to the best of my knowledge and belief) to any portion of the estate of Kathlene Julia Somerville upon her death under any will or codicil of Kathlene Julia Somerville or by operation of law; (6) I do not have any present or inchoate claim against any portion of the estate of Kathlene Julia Somerville; (7) I do not have any financial responsibility for the medical care of Kathlene Julia Somerville; (8) I am not a physician or an employee of any physician, and I am not an operator or employee of, or patient in, any hospital, health care provider, residential care facility, community care facility, skilled nursing facility or similar institution; and (9) I and Kathlene Julia Somerville are both at least 18 years of age (or are in the military service).

Dated: June 27, 2012

Note formatting and roll of pages

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Millington, TN 38055-3130

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PREAMBLE: This is a MILITARY ADVANCE MEDICAL DIRECTIVE prepared pursuant to Title 10 United States Code, Section 1044c. It was prepared by an attorney who is authorized to provide legal assistance for an individual who is eligible to receive legal assistance. Federal law exempts this advance medical directive from any requirement of form, substance, formality, or recording that is prescribed for an advance medical directive by the laws of a state. Federal law specifies that this advance medical directive shall be given the same legal effect as an advance medical directive prepared and executed in accordance with the laws of the state concerned.

**NOTICE AND WARNING TO PERSON EXECUTING THIS DOCUMENT --**

**Statutory  
Warning: Do  
NOT ALTER**

**THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE EXECUTING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:**

EXCEPT AS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT (THE ATTORNEY-IN-FACT) THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU WHEN YOU ARE NO LONGER CAPABLE OF MAKING HEALTH CARE DECISIONS FOR YOURSELF. YOUR AGENT MUST ACT CONSISTENTLY WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN. UNLESS YOU STATE OTHERWISE, YOUR AGENT HAS THE SAME AUTHORITY TO MAKE DECISIONS ABOUT YOUR HEALTH CARE AS YOU WOULD HAVE HAD.

YOUR AGENT HAS THE POWER TO MAKE A BROAD RANGE OF HEALTH CARE DECISIONS FOR YOU. THE PERSON YOU APPOINT AS YOUR AGENT SHOULD BE SOMEONE YOU KNOW AND TRUST. YOU SHOULD DISCUSS THIS DOCUMENT WITH YOUR AGENT.

EXCEPT AS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THIS DOCUMENT GIVES YOUR AGENT THE POWER TO CONSENT TO YOUR PHYSICIAN NOT GIVING TREATMENT OR STOPPING TREATMENT NECESSARY TO KEEP YOU ALIVE.

NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE INFORMED CONSENT WITH RESPECT TO THE PARTICULAR DECISION. NO TREATMENT MAY BE GIVEN TO YOU OVER YOUR OBJECTION AT THE TIME, AND HEALTH CARE NECESSARY TO KEEP YOU ALIVE MAY NOT BE STOPPED OR WITHHELD IF YOU OBJECT AT THE TIME.

THIS DOCUMENT GIVES YOUR AGENT AUTHORITY TO CONSENT, TO REFUSE TO CONSENT, OR TO WITHDRAW CONSENT TO ANY CARE, TREATMENT, SERVICE, OR PROCEDURE TO MAINTAIN, DIAGNOSE, OR TREAT A PHYSICAL OR MENTAL CONDITION. THIS POWER IS SUBJECT TO ANY STATEMENT OF YOUR DESIRES AND ANY LIMITATIONS THAT YOU INCLUDE IN THIS DOCUMENT. YOU MAY SPECIFY IN THIS DOCUMENT ANY TYPES OF TREATMENT THAT YOU DO OR DO NOT DESIRE.

IN ADDITION, A COURT CAN TAKE AWAY THE POWER OF YOUR AGENT TO MAKE HEALTH CARE DECISIONS FOR YOU IF YOUR AGENT AUTHORIZES ANYTHING THAT IS ILLEGAL OR ACTS CONTRARY TO YOUR KNOWN DESIRES AS STATED IN THIS DOCUMENT.

YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY OF YOUR AGENT OR TO REVOKE THIS DOCUMENT ENTIRELY BY NOTIFYING YOUR AGENT OR YOUR ATTENDING PHYSICIAN, HOSPITAL OR OTHER HEALTH CARE PROVIDER ORALLY OR IN WRITING OF THE REVOCATION.

THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE, UNLESS YOU INDICATE OTHERWISE IN THIS DOCUMENT.

UNLESS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THIS DOCUMENT GIVES YOUR AGENT THE POWER AFTER YOU DIE TO DONATE YOUR BODY OR PARTS THEREOF FOR TRANSPLANT AND TO DIRECT THE DISPOSITION OF YOUR REMAINS.

IT IS IMPORTANT THAT YOU UNDERSTAND THE NATURE AND RANGE OF DECISIONS THAT MAY BE MADE ON YOUR BEHALF. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK YOUR ATTORNEY OR PHYSICIAN TO EXPLAIN IT TO YOU.

YOUR AGENT MAY NEED THIS DOCUMENT IMMEDIATELY IN CASE OF AN EMERGENCY THAT REQUIRES A DECISION CONCERNING YOUR HEALTH CARE. EITHER KEEP THIS DOCUMENT WHERE IT IS IMMEDIATELY AVAILABLE TO YOUR AGENT AND ALTERNATE AGENT OR GIVE EACH OF THEM AN EXECUTED COPY OF THIS DOCUMENT. YOU ALSO MAY WANT TO GIVE YOUR PHYSICIAN AN EXECUTED COPY OF THIS DOCUMENT.

**POWER OF ATTORNEY FOR HEALTH CARE**

**TO:** My family, physicians and all those concerned with my care

No blanks, no handwritten notations! Ask for alternate agents.

I, **Kathlene Julia Somerville**, presently residing at 1322 Patterson Ave. S.E., Washington DC 20374, and being an adult of sound mind, hereby appoint and authorize Mary Loretta Somerville, my sister, presently residing at 8032 Monticello St., Chicago, Il 60674, tel. no.: 312-987-6543, or if Mary Loretta Somerville, my sister is unable, unwilling or unavailable to act, then Mary Anita Somerville, my sister in law, presently residing at 6543 Monticello St., Chicago, IL 60674, tel. no.: 312-456-7890, as my agent and attorney-in-fact to act for me and in my name to make and communicate any and all decisions about or relating to my receipt or refusal to accept medical treatment, diagnostic procedures, surgery, hospitalization, care and treatment in a nursing home or other facility, health care, nursing care or personal care, in any situation in which, as the result of illness, disease, mental deterioration or injury, I am incapable

of making or communicating a decision with respect to my treatment or care. This authorization includes the right to refuse and direct the withdrawal of medical treatment which would prolong my life, and to communicate health care decisions to all persons including without limitation my physicians, health care providers and family.

If at any time I should have an incurable injury, disease or illness certified to be a terminal condition by two physicians who have personally examined me, one of whom shall be my attending physician, and the physicians have determined that my death will occur whether or not life-sustaining procedures are utilized, and where the application of life-sustaining procedures would serve only to artificially prolong the dying process, I direct that life-sustaining procedures be withheld and withdrawn and that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to keep me comfortable and to relieve pain. The procedures and treatment to be withheld and withdrawn include, without limitation, surgery, antibiotics, cardiopulmonary resuscitation, respiratory support, blood and blood products, dialysis, chemotherapy, radiation therapy, artificially administered feeding and fluids, and invasive diagnostic tests.

I further delegate to my agent and attorney-in-fact the power and authority to select, employ and discharge health care personnel, such as physicians, nurses, therapists, hospice care and home health care providers, and other medical professionals; to admit or discharge me (including transfer from another facility) from any hospital, hospice, nursing home, adult home or other medical care facility; to apply for public benefits to defray the cost of health care; and to contract in my name and on my behalf for all health care services, including without limitation medical, nursing and hospital care, as my agent and attorney-in-fact may deem appropriate. I confirm that I shall be and remain personally liable for the payment of all such care and services to the same extent as if I had personally contracted therefore.

I wish to live out my last days at home rather than in a hospital, if it does not jeopardize the chance of my recovery to a meaningful and conscious life and does not impose an undue burden on my family.

I authorize my agent and attorney-in-fact to donate all or any part of my body for transplantation, or to otherwise direct the disposition of my remains. Any organ donation or associated process shall be authorized only if there is no charge or assessment to my estate, my heirs or my insurance company. I direct that following authorized organ donation, the remains of my body be cremated and my ashes scattered in my cat's litter box

Logical insertion by attorney!

I grant to my agent the authority and power to serve as my personal representative for all purposes of the Health Insurance Portability and Accountability Act of 1996, the regulations in 45 C.F.R. Sec. 160 et seq., and any other applicable federal, state or local laws or regulations (collectively "HIPAA"), including the authority to request, receive, obtain and review, and be granted full and unlimited access to, and consent to the disclosure of complete unredacted copies of any and all health, medical and financial information and any information or records referred to in 45 C.F.R. Sec. 164.501 and regulated by the Standards for Privacy of Individually Identifiable Health Information found in 65 Fed. Reg. 82462 as protected private records or otherwise covered under HIPAA. I understand that health and medical records can

HIPPA

include information relating to subjects such as sexually transmitted diseases, acquired immunodeficiency syndrome (AIDS), AIDS-related complex (ARC) and human immunodeficiency virus (HIV), behavioral or mental health services, and treatment for alcohol or drug abuse or addiction. I understand that I may have access to or receive an accounting of the information to be used or disclosed as provided in 45 C.F.R. Sec. 164.524 et seq. I further understand that authorizing the disclosure of this health information is voluntary and that I can refuse to sign this authorization. I further understand that any disclosure of this information carries with it the potential for an unauthorized further disclosure of this information by third parties and that such further disclosure may not be protected under HIPAA. In order to induce the disclosing party to disclose the aforesaid private and/or protected confidential information, I forever release and hold harmless said disclosing party who relies upon this instrument from any liability under confidentiality rules arising under HIPAA as a consequence of said disclosure. I authorize my agent to execute any and all releases or other documents that may be necessary in order to obtain disclosure of my patient records and other medical information subject to and protected by HIPAA.

Ability to die at home

I authorize my agent and attorney-in-fact to execute on my behalf any documents necessary or desirable to implement the health care decisions that my agent and attorney-in-fact is authorized to make pursuant to this document, including without limitation all documents pertaining to a refusal to permit medical treatment, or authorizing the leaving of a medical facility against medical advice, or any waivers or releases from liability required by a physician or health care provider.

I understand the full import and meaning of this document, and I am aware that this document authorizes a physician to withhold and withdraw life-sustaining procedures. I am at least eighteen years of age (or I am in the military service of the United States) and I am emotionally and mentally competent to make this document.

My agent must act consistently with my desires as stated in this document or otherwise made known by me to my agent.

Tell client to discuss with his or her agent!

This document is a durable power of attorney for health care, and the authority of my agent and attorney-in-fact shall become effective when I can no longer make my own health care decisions. This document and the authority of my agent and attorney-in-fact shall not terminate if I become disabled, incompetent or incapacitated.

If any provision of this document is held to be invalid or unenforceable, the remainder of this document shall continue in full force and effect.

**IN WITNESS WHEREOF**, I have executed this instrument, as my free and voluntary act and deed, this 27th day of June, 2012.

---

Kathlene Julia Somerville

Note: This page had to be "cleaned" to fix the page breaks, cleaning requires us to adjust the spacing; if adjusting font it must be consistent throughout the document!

**WITNESS:** We, the witnesses whose names are signed below, each hereby attest and declare under penalty of perjury under the laws of the District of Columbia that:

- (1) the foregoing instrument was personally signed by Kathlene Julia Somerville in my presence, and thereupon I, at her request and in her presence and in the presence of the other witnesses, have hereunto subscribed my name as a witness;
- (2) I did not sign the above signature of Kathlene Julia Somerville for or at her direction;
- (3) I personally know Kathlene Julia Somerville (or the identity of Kathlene Julia Somerville was proven by proper military identification or other satisfactory proof) and believe her to be of sound mind and under no constraint, duress, fraud or undue influence;
- (4) I am not related to Kathlene Julia Somerville by blood, marriage or adoption;
- (5) I am not entitled (to the best of my knowledge and belief) to any portion of the estate of Kathlene Julia Somerville upon her death under any will or codicil of Kathlene Julia Somerville or by operation of law;
- (6) I do not have any present or inchoate claim against any portion of the estate of Kathlene Julia Somerville;
- (7) I do not have any financial responsibility for the medical care of Kathlene Julia Somerville;
- (8) I am not a physician or an employee of any physician, and I am not an operator or employee of, or patient in, any hospital, health care provider, residential care facility, community care facility, skilled nursing facility or similar institution;
- (9) I am not a person named as agent in this instrument; and
- (10) I and Kathlene Julia Somerville are both at least 18 years of age (or are in the military service).

Dated: June 27, 2012

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**Printed:**  
Department of the Navy  
Navy Personnel Command (PERS-312F)  
5720 Integrity Drive  
Millington, TN 38055-3130

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**Printed:**  
Department of the Navy  
Navy Personnel Command (PERS-312F)  
5720 Integrity Drive  
Millington, TN 38055-3130

WITH THE UNITED STATES ARMED FORCES  
AT WASHINGTON NAVY YARD, WASHINGTON DC 20374

I, LT Horace Smith, JAGC, USNR, a person authorized to administer oaths under Title 10 U.S.C. 1044a, hereby certify that Kathlene Julia Somerville, a party to the foregoing instrument dated June \_\_\_\_, 2012, annexed hereto, personally appeared before me, said Kathlene Julia Somerville being personally known to me the person who executed said instrument, and acknowledged the same to be her act and deed.

Given under my hand this \_\_\_\_ day of June, 2012.

I, the undersigned officer, do hereby certify that I am, on the date of this certificate, a person with the power described in Title 10 U.S.C. 1044a of the grade, branch of service, and organization stated below in the active service of the United States Armed Forces, or an authorized civilian attorney under Title 10 U.S.C. 1044a, and that by statute no seal is required on this certificate, under authority granted to me by Title 10 U.S.C. 1044a.

\_\_\_\_\_  
print:

Officer

Name of Officer and Position: LT Horace Smith, JAGC, USNR

Grade and Branch of Service: United States Navy

Command or Organization: Naval Legal Service Office North Central

Notice: No white space; no empty blanks! The drafter must clean this document to make it roll properly and have no unexplainable blanks.

## APPOINTMENT OF AGENT TO CONTROL DISPOSITION OF REMAINS

I, **Kathlene Julia Somerville**, presently residing at 1322 Patterson Ave. S.E., Washington DC 20374, and being of sound mind, willfully and voluntarily make known my desire that, upon my death, the disposition of my remains shall be controlled by Mary Loretta Somerville, my sister, presently residing at 8032 Monticello St., Chicago, IL 60674, tel. no.: 312-987-6543, or if Mary Loretta Somerville, my sister is unable, unwilling or unavailable to act, then Mary Anita Somerville, my sister in law, presently residing at 6543 Monticello St., Chicago, IL 60674, tel. no.: 312-456-7890, (my "agent"). I hereby make the foregoing appointment of my agent with respect to the disposition of my remains.

**SPECIAL DIRECTIONS:** Set forth below are any special directions limiting the power granted to my agent as well as any instructions or wishes desired to be followed in the disposition of my remains: It is my desire that, upon my death, my body be cremated and my ashes scattered in my cat's litter box. I have not contracted for or paid for any funeral arrangements.

**ORGAN DONATION:** I authorize my agent to donate all or any part of my body for transplantation, or to otherwise direct the disposition of my remains. Any organ donation or associated process shall be authorized only if there is no charge or assessment to my estate, my heirs or my insurance company. I direct that following authorized organ donation, the remains of my body be cremated and my ashes scattered in my cat's litter box

Note logical placement added by drafting atty

**DURATION:** This appointment becomes effective upon my death.

**PRIOR APPOINTMENT REVOKED:** I hereby revoke any prior appointment of any person to control the disposition of my remains.

**RELIANCE:** Any person or organization, including without limitation any cemetery, operator of a crematory, funeral home, embalmer, or other establishment in any manner involved with funerals or disposition of remains, may rely on this document. Any modification or revocation of this document is not effective as to any third party until receipt of actual notice of the modification or revocation. No third party shall be liable because of reliance on a copy of this document.

Signed this 27th day of June, 2012.

---

Kathlene Julia Somerville

We declare that the person who executed this document is personally known to us and appears to be of sound mind and acting of her free will, and she signed this document in our presence. Neither of us is the agent appointed in this document.

\_\_\_\_\_  
**Printed:**  
Department of the Navy  
Navy Personnel Command (PERS-312F)  
5720 Integrity Drive  
Millington, TN 38055-3130

\_\_\_\_\_  
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Navy Personnel Command (PERS-312F)  
5720 Integrity Drive  
Millington, TN 38055-3130

WITH THE UNITED STATES ARMED FORCES  
AT WASHINGTON NAVY YARD, WASHINGTON DC 20374

I, LT Horace Smith, JAGC, USNR, a person authorized to administer oaths under Title 10 U.S.C. 1044a, hereby certify that Kathlene Julia Somerville, a party to the foregoing appointment of agent dated June \_\_\_\_, 2012, annexed hereto, personally appeared before me, said Kathlene Julia Somerville being personally known to me the person who executed said appointment of agent, and acknowledged the same to be her act and deed.

Given under my hand this \_\_\_\_ day of June, 2012.

I, the undersigned officer, do hereby certify that I am, on the date of this certificate, a person with the power described in Title 10 U.S.C. 1044a of the grade, branch of service, and organization stated below in the active service of the United States Armed Forces, or an authorized civilian attorney under Title 10 U.S.C. 1044a, and that by statute no seal is required on this certificate, under authority granted to me by Title 10 U.S.C. 1044a.

\_\_\_\_\_  
print:

Officer

Name of Officer and Position: LT Horace Smith, JAGC, USNR  
Grade and Branch of Service: United States Navy  
Command or Organization: Naval Legal Service Office North Central  
\*\*\*\*\*

**NOTE: The \*\*\*\*\*  
was added by drafting  
attorney to make  
document logical!**

ACCEPTANCE AND ASSUMPTION BY AGENT: I have no reason to believe there has been a revocation of this appointment to control disposition of remains. I hereby accept this appointment.

Dated:

\_\_\_\_\_  
Agent Sign Above  
then print here: