

#604

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That, I, Bobby V. Cleary, a legal resident of the City of Birmingham, State of Alabama, United States of America, now in the military service as a Staff Sergeant (Army serial No. 14060026) in the Army of the United States, and anticipating that I may be required to go overseas in said military service, have made, constituted and appointed, and by these presents do make, constitute and appoint Mrs. Harry Simmons, who address is 854 6th St., College Hills, Birmingham, Alabama, my true and lawful attorney to act in, manage, and conduct all my estate and all my affairs, and for that purpose for me and in my name, place, and stead, and for my use and benefit, and as my act and deed, to do and execute, or to concur with persons jointly interested with myself therein in the doing or executing of, all or any of the following acts, deeds, and things, that is to say:

(1) To buy, receive, lease, accept, or otherwise acquire; to sell, convey, mortgage, hypothecate, pledge, quit claim, or otherwise encumber or dispose of; or to contract or agree for the acquisition, disposal or encumbrance of; any property whatsoever and wheresoever situated, be it real, personal, or mixed, or any custody, possession, interest, or right therein or pertaining thereto, upon such terms as my said attorney shall think proper;

(2) To take, hold, possess, invest, lease, or let, or otherwise manage any or all of my real, personal, or mixed property, or any interest therein; to eject, remove, or relieve tenants or other persons from, and recover possession of, such property by all lawful means; and to maintain, protect, preserve, insure, remove, store, transport, repair, rebuild, modify, or improve the same or any part thereof;

(3) To make, do, and transact all and every kind of business of what nature or kind soever, including the receipt, recovery, collection, payment, compromise, settlement, and adjustment of all accounts, legacies, bequests, interests, dividends, annuities, demands, debts, taxes, and obligations, which may now or hereafter be due, owing or payable by me or to me;

(4) To make, indorse, accept, receive, sign, seal, execute, acknowledge, and deliver deeds, assignments, agreements, certificates, hypothecations, checks, notes, bonds, vouchers, receipts, and such other instruments in writing of whatever kind and nature as may be necessary, convenient, or proper in the premises;

(5) To deposit and withdraw for the purposes hereof, in either my said attorney's name or jointly in both our names, in or from any banking institution, any funds, negotiable paper, or moneys which may come into my said attorney's hands as such attorney or which I now or hereafter may have on deposit or be entitled to;

(6) To institute, prosecute, defend, compromise, arbitrate, and dispose of legal, equitable, or administrative hearings, actions, suits, attachments, arrests, distresses or other proceedings, or otherwise engage in litigation in connection with the premises;

(7) To act as my attorney or proxy in respect to any stocks, shares, bonds, or other investments, rights, or interests, I may now or hereafter hold.

(8) To engage and dismiss agents, counsel, and employees, and to appoint and remove at pleasure any substitute for, or agent of my said attorney, in respect to all or any of the matters or things herein mentioned and upon such terms as my attorney shall think fit;

(9) To execute vouchers in my behalf for any and all allowances and reimbursements properly payable to me by the United States, including but not restricted to allowances and reimbursements for transportation of dependents or for shipment of household effects as authorized by law or Army regulations, and to receive, indorse, and collect the proceeds of checks payable to the order of the Undersigned drawn on the Treasurer of the United States;

(10) To prepare, execute, and file income and other tax returns, and other governmental reports, applications, requests and documents;

(11) To take possession, and order the removal and shipment, of any of my property from any post, warehouse, depot, dock, or other place of storage or safe keeping, governmental or private; and to execute and deliver any release, voucher, receipt, shipping ticket, certificate, or other instrument necessary or

convenient for such purpose.

GIVING AND GRANTING unto my said attorney full power and authority to do and perform all and every act, deed, matter, and thing whatsoever in and about my estate, property, and affairs as fully and effectually to all intents and purposes as I might or could do in my own proper person if personally present, the above specially enumerated powers being in aid and exemplification of the full, complete, and general power herein granted and no in limitation or definition thereof; and hereby ratifying all that my said attorney shall lawfully do or cause to be done by virtue of these presents.

And I hereby declare that any act or thing lawfully done hereunder by my said attorney shall be binding on myself, and my heirs, legal and personal representatives, and assigns whether the same shall have been done before or after my death, or other revocation of this instrument, unless and until reliable intelligence or notice thereof shall have been received by my said attorney; and whether or not I, the grantor of this instrument, shall have been reported or listed, either officially or otherwise, as "missing in action" as that phrase is used in military parlance, it being the intendement hereof that such status designation shall not bar my attorney from fully and completely exercising and continuing to exercise any and all powers and rights herein granted, and that such report of "missing in action" shall neither constitute or be interpreted as constituting notice of my death nor operate to revoke this instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the 25th day of February, nineteen hundred and forty-four (1944).

WITNESSES:

Henriette Saniky

Edwin D. Shaderick

John A. Murphy

Bobby V. Cleary (SEAL)
(Signature of grantor)

P. O. Box 33, Belen N. Mex.

616 East 8th Street, Brooklyn, N. Y.

21 Broadrun St., Salem, Mass.

ACKNOWLEDGMENT

State of New Mexico)

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County of De Baca)

I, 1st Lt. John A. Murphy Air Corps, do hereby certify that I am duly appointed Trial Judge Advocate and that under provisions of Public Law 800 - 77th Congress, am qualified to administer oaths and take acknowledgments; and that Staff Sergeant Bobby V. Cleary, grantor in the foregoing Power of Attorney, dated 25 February 1944, and hereto annexed, who is personally well known to me as the person who executed the foregoing Power of Attorney, appeared before me this day within the territorial limits of my authority, and being first duly sworn executed and acknowledged said instrument after the contents thereof had been read and duly explained to him, and acknowledged that the execution of said instrument by him was his free and voluntary act and deed for the uses and purposes therein set forth.

In witness whereof, I have hereunto set my hand this the 25th day of February, 1944.

John A. Murphy
1st Lt., Air Corps
Trial Judge Advocate

/Filed for record in this office on the 29th day of December, 1944, at one o'clock P. M. and duly recorded in Deed Record Vol. 119 on page 365 and 366.

L. C. Walker, Judge of Probate

NO TAX DUE ON THIS INSTRUMENT