

STATE OF ALABAMA)

Talladega COUNTY)

DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, which are intended to constitute a Durable Power of Attorney, that I, **WESLEY SMITH**, the undersigned, a resident citizen of Talladega County, do hereby make, constitute and appoint **SUZAN SMITH-DOIDGE**, my daughter, my true and lawful Attorney-in-Fact.

The rights, powers and authority of my said Attorney hereinafter granted shall commence and be in full force and effect on the date hereof and the authority herein conferred shall not be effected by my disability, incompetency, or incapacity and such rights, powers and authority shall remain in full force and effect until my death. Any action taken in good faith pursuant to the foregoing authority, without actual knowledge of my death, shall be binding upon me, my heirs, and assigns and personal representatives. My Attorney shall do and execute all or any of the following acts, deeds and things, in my name and on my behalf, viz:

1. To ask, demand, sue for, recover and receive all sums of money, debts, goods, wares, merchandise, chattels, effects and things of whatsoever nature or description which now are or hereafter shall be or become due, owing, payable, or belonging to me in or by any right, title, ways or means howsoever, and upon receipt thereof or any part thereof, to make, sign, execute and deliver such receipts, releases, or other discharges for the same respectively as she shall think fit or to be advised.
2. To settle any account or reckoning whatsoever wherein I now am or at any time hereafter shall be in any wise interested or concerned with any person or firm whomsoever, and to pay or receive the balance thereof as the case may require.
3. To receive every sum of money which now is or hereafter shall be due or belonging to me upon the security or by virtue of any mortgage and on receipt of the full amount secured thereby to execute a good and sufficient release or other discharge of such mortgage by deed or otherwise.
4. To commence, prosecute, discontinue or defend all actions or other legal proceedings touching my estate or any part thereof, or touching any matter in which I or my estate may in any wise be concerned.
5. To enter into and upon all and singular my real estate, and to let, manage, and improve the same or any part thereof, and to repair, or otherwise improve or alter, and to insure any buildings thereon.

Inst # 1998-15921

05/01/1998-15921
02:46 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 NCD 13.50

Inst # 1998-15921

0691 0119

Wesley A.

6. To contract with any person for leasing for such periods, at such rents and subject to such conditions as my attorney shall see fit, all or any of my said real estate, and any such person to let into possession thereof, and to execute all such leases and contracts as shall be necessary or proper in that behalf, and to give notice to quit to any tenant or occupier, thereof, and to receive and recover from all tenants and occupiers thereof or of any part thereof, all rents, arrears of rent, and sums of money which now are or shall hereafter become due and payable in respect thereof, and also on non-payment thereof, or any part thereof, to take all necessary or proper means and proceedings for determining the tenancy or occupation of such tenants or occupiers, and for ejecting the tenants or occupiers and recovering the possession thereof.

7. To sell, either at public or private sale, or exchange any part or parts of my real estate, or personal property, for such consideration and upon such terms as my attorney shall think fit, and to execute and deliver good and sufficient deeds or other instruments for the conveyance or transfer of the same, with such covenants or warranty or otherwise as my attorney shall see fit, and to give good and effectual receipts for all or any part of the purchase price or other consideration, this to apply to all my real, personal and mixed property whether situated within or without the State of Alabama.

8. To deposit any money which may come into her hands as such attorney with any bank or banker or savings institution in the name of **WESLEY SMITH** and signed by **SUZAN SMITH-DOIDGE** as attorney in fact, and any of such money or any other money to which I am entitled which now is or shall be so deposited to withdraw, and either employ as she shall think fit in the payment of any debts, or interest payable by me, or taxes, or assessments, insurance and expenses due and payable or to become due and payable on account of my real and personal estate, or in or about any of the purposes herein mentioned, or otherwise for my use and benefit, or to invest in my name in any stocks, shares, bonds, securities or other property, real, personal and mixed, as she may think proper and to receive and give receipts for any income or dividend arising from such investments, and all and any such investments or other investments to vary or dispose of for my use and benefit as she may think fit.

9. To borrow any sum or sums of money on such terms and with such security, whether real or personal property, as my attorney may think fit, and for that purpose to execute all promissory notes, bonds, mortgages, and other instruments which may be necessary or proper.

10. To pay every month, or at such intervals as my attorney shall think fit, my ordinary living expenses, including medical expenses and any and all other necessary and proper expenses incurred in, about and for my benefit and use.

0691 0120

11. For me and in my name to ask, demand, sue for, collect, receive and give acquittance for all sums of money, debts and demands whatsoever which are or shall be due, owing or belonging to me, or detained from me by any person or persons.

12. ~~I grant full and absolute authority to my Attorney in Fact named herein to make annual gifts to my children, including SUZAN SMITH-BOIDGE, provided, however, any time my daughter shall be serving and acting as Attorney in Fact pursuant to this power, she shall have the right, power or authority to make any such gift to herself so long as such gift is not in excess of the amount of the gift tax exclusion under Section 2503(b) of the Internal Revenue Code of 1986, as amended at any time.~~

13. In general to do all other acts, deeds, matters and things whatsoever in or about my estate, property and affairs and to concur with persons jointly interested with myself therein in doing all acts, deeds, matters and things herein, either particularly or generally described, as fully and effectually to all intents and purposes and I could do in my own proper person if personally present.

IN WITNESS WHEREOF, I, the said **WESLEY SMITH**, have executed this Durable Power of Attorney, this the 28 day of July, 1997.

Wesley Smith
WESLEY SMITH

STATE OF ALABAMA)
COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **WESLEY SMITH**, whose name is signed to the foregoing Durable Power of Attorney, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 28th day of July, 1997.

Cynthia R. Prewitt
Notary Public

State of Alabama, Talladega Co. I hereby certify that the following fees have been collected on this instrument as required by law.

MY COMMISSION EXPIRES FEB. 25, 1998

Deed Tax _____
Mtg. Tax _____
Indexing fee 8.00
Recording 10.50
Total 18.50

JAMES E. PREUITT
Judge of Probate

001070

Inst. # 1998-15921

RECORDED IN ABOVE
FILED TO L & P
FILED ON
(SEAL)

'97 SEP 26 AM 11:09

05/01/1998-15921
02:46 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MCD
13.50

0691 0121