

This Instrument Prepared By:
Emory K. Mauldin Attorney At Law
1820 - 7th Avenue North
Suite 108
Birmingham, AL 35203

Durable Power of Attorney

STATE OF ALABAMA)

Shelby
JEFFERSON COUNTY) EKM

KNOW ALL MEN BY THESE PRESENTS, which are intended to constitute a Durable Power of Attorney, that I, **DORCAS O'BRIEN**, the undersigned, whose legal residence being: 3007 Bowron Road, Helena, Alabama 35080; a resident citizen of Shelby County, do hereby make, constitute and appoint **GERALD DENNIS O'BRIEN**, whose legal residence being: 119 Oakview Lane, Helena, Alabama; a resident of Shelby County, my true and lawful Attorney-in-Fact, for me and in my name, place and stead, and on my behalf.

The rights, powers and authority of my said Attorney hereinafter granted shall commence and become effective upon the disability, incompetency, or incapacity of the principal and the authority herein conferred shall not be effected by my disability, incompetency, or incapacity, but shall be deemed to be durable in accordance with Alabama Code Section 26-1-2 (1975). 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, way 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, discontinued 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.

6. To contact 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 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 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 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.

9. 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.

10. 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.

11. 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 benefits and use.

12. 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.

13. To make health care decisions for me; provided, however, that this particular power shall exist only when I am unable, in the judgment of any attending physician, to make those health care decisions. My Attorney-in-fact is authorized to make whatever medical treatment decisions I could make if I were able, including, without limitation, decisions related to (i) the provision, withholding or withdrawal of life sustaining treatment, (ii) the provision, withholding or withdrawal of artificial nutrition and hydration (iii) medical or domiciliary care and (iv) admissions to hospitals or other institutions or placement in a nursing home. My attorney-in-fact shall also have full authority to (i) consent to, refuse to consent to, or to withdraw consent to the provisions of any care, treatment, surgery, or procedure to maintain, diagnose or treat a physical or mental condition, (ii) sign such medical forms as may be necessary to carry out any such decisions, (iii) talk with health care personnel and (iv) examine any medical records and to consent to the disclosure of such records. It is my intent that my Attorney-in-fact (i) have all powers related to the health care and afforded an Attorney-in-fact pursuant to Code of Alabama § 26-1-2(g) (Supp. 1997) and (ii) serve as my health care proxy in instances involving terminal illness or injury or permanent unconsciousness as provided in Code of Alabama § 22-8A-4 (b) (i) Supp. 1997).

14. I grant to my said Attorney in Fact, full power and authority, to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to being done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that my said Attorney Fact, or their substitute, shall lawfully do or cause to be done by virtue of this Durable Power of Attorney and the rights and powers herein granted.

15. And I do hereby, for myself, my heirs, executors and administrators, ratify and confirm and agree to ratify and confirm, whatsoever my said attorney shall do within the authority granted herein by these present.

16. This instrument is to be construed and interpreted as a Durable Power of Attorney. The enumeration of specific items, rights, acts, or powers herein is not intended to, nor does it, limit or restrict, the powers herein granted to my said Attorney in Fact.

17. If any provision of this Durable Power of Attorney is held to be illegal it shall not effect the remainder hereof and said Durable Power shall be carried out with any illegal provisions stricken.

This Power of Attorney revokes any and all Powers of Attorney heretofore given.

IN WITNESS WHEREOF, I, the said **Dorcas O'Brien**, have executed this Durable Power of Attorney, this 14th day of September, 2004.

Dorcas O'Brien
DORCAS O'BRIEN

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **DORCAS O'BRIEN**, 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, she executed the same voluntarily on the day bears date.

Given under my hand and official seal this 13th day of September, 2004.

Notary Public

My Commission Expires:

Teressa S. Mauldin
07/21/2006