

AFFIDAVIT OF NON-REVOCATION OF POWER OF ATTORNEY

Before me, the undersigned Notary public, in and for the State of Alabama-at-Large, **WILLIAM J. MALLORY**, who having been by me first duly sworn, deposes and says as follows:

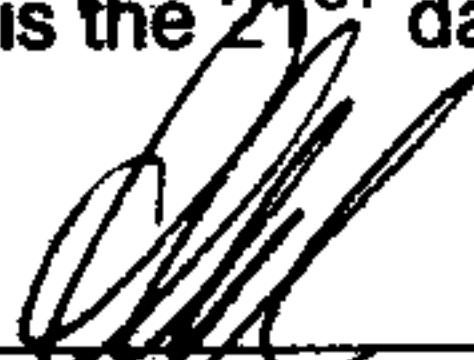
1. My name is **WILLIAM J. MALLORY**. I am over the age of twenty-one (21) years, and have personal knowledge of the facts stated herein.
2. On OCTOBER 20, 1998 **STELLA C. MALLORY** appointed me as his/her attorney-in-fact under a Durable Power of Attorney, a true and correct copy of which is attached hereto as Exhibit "A".
3. I have on this day exercised the above-referenced Durable Power of Attorney by executing HUD-1 Settlement Statement, Warranty Deed, and various other documents relating to the sale of a residence located in SHELBY County, Alabama, and being more particularly described as follows: to wit:

LOT 11, ACCORDING TO THE SURVEY OF CHASE PLANTATION, 4TH SECTOR, AS RECORDED IN MAP BOOK 9, PAGE 156 A & B, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

4. At the time of the execution of the above-mentioned closing documents and exercise of the Durable Power of Attorney of **STELLA C. MALLORY**, I had no actual knowledge of the termination or revocation of the power of attorney or of **STELLA C. MALLORY's** death. I know **STELLA C. MALLORY** to be still living, and have never been notified since the execution of the Durable Power of Attorney that he/she has revoked said power.
5. I am making this Affidavit pursuant to Code of Alabama 1975 § 26-1-2(e).


WILLIAM J. MALLORY

Subscribed and sworn to before me on this the 21ST day of OCTOBER, 1998.


Notary Public
My commission expires: 3/11/00

11/03/1998-43313
11:41 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 NEL 11.00

Inst # 1998-43313

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

DURABLE SPECIAL POWER OF ATTORNEY

I, **Stella Catherine Mallory**, do hereby constitute and appoint **William Jerome Mallory** as my true and lawful attorney-in-fact, for me in my name, place, and stead, and for my use and benefit: to execute all necessary and proper documents and instruments including, but not limited to a Promissory Note and Mortgage in favor of **Old Kent Mortgage Company**, in the amount of eighty-six thousand dollars (\$ 86,000.00) at 6.375% annual interest rate for a term of thirty (30) years in connection with the refinance of property located at 411 Chase Plantation Pkwy, Birmingham, Alabama 35244 and more particularly described as follows:

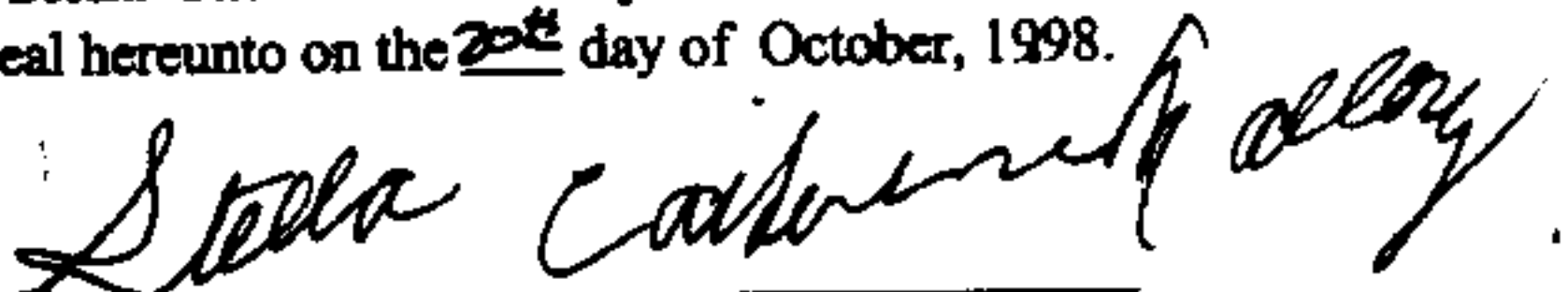
Lot 11, according to the Survey of Chase Plantation, 4th Sector, as recorded in Map Book 9, Page 156 A & B, in the Probate Office of Shelby County, Alabama.

Said refinance and mortgage loan transaction shall be made by my attorney-in-fact herein appointed according mortgage closing instruction and such further terms and conditions as he/she may deem necessary and proper, and to sign, execute and deliver, in my name or otherwise, such instruments as may be required in connection with said mortgage loan and to do such other acts as I might do in and mortgaging said property.

I further give and grant unto my said attorney-in-fact full power and authority to do and perform every act necessary and proper to be done in the exercise of any of the foregoing powers as fully as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney shall lawfully do or cause to be done by virtue hereof.

This power of attorney shall not be affected by my disability, incompetency or incapacity.

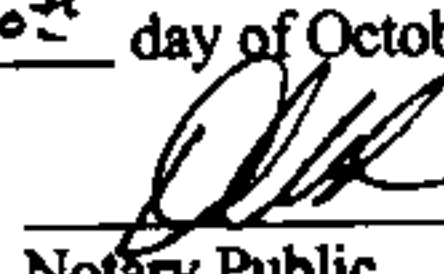
IN WITNESS WHEREOF, the said **Stella Catherine Mallory** has caused this instrument to be executed by affixing his/her hand and seal hereunto on the 20th day of October, 1998.


Stella Catherine Mallory

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said county in said State, hereby certify that **STELLA CATHERINE MALLORY** whose name is signed to the foregoing Durable Special Power of Attorney, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the said Durable Special Power of Attorney he/she executed the same voluntarily on the day the same bear date.

Given under my hand and official seal this 20th day of October, 1998.


Notary Public

My commission expires: 3-11-00

THIS INSTRUMENT WAS PREPARED BY:

D. WADE RAMSEY, ESQ.
Acres & Ramsey, L.L.C.
300 Office Park Drive, Suite 309
Birmingham, Alabama 35223

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