

AFFIDAVIT OF NON-REVOCATION OF POWER OF ATTORNEY

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

1. My name is **R.J. Hester**. I am over the age of nineteen (19) years, and have personal knowledge of the facts stated herein.
2. On AUGUST 17th, 1999, **Donna Carlisle Hester** 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, 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:

A parcel of land in the W 1/4 of the SE 1/4 of Section 9, Township 21 South, Range 2 West, Shelby County, Alabama, described as follows: Beginning at the NE corner of the NW 1/4 of the SE 1/4 of Section 9, Township 21 South, Range 2 West, Shelby County, Alabama and run thence Southerly along the East line of said 1/4 1/4 667.82 feet to a point; thence turn 93 deg. 17 min. 58 sec. right and run Westerly 1293.31 feet to a point; thence turn 92 deg. 02 min. 26 sec. left and run Southerly 867.54 feet to a point in the centerline of Shelby County Road No. 330; thence turn 96 deg. 27 min. 42 sec. right and run Westerly along centerline of said road 40.01 feet to a point; thence turn 83 deg. 13 min. 11 sec. right and run Northerly along the West line of the SW 1/4 of the SE 1/4 and the NW 1/4 of the SE 1/4 of said Section 9 a distance of 1516.50 feet to a capped corner marking the Northwest corner of said NW 1/4 of the SE 1/4; thence turn 91 deg. 49 min. 44 sec. right and run Easterly along the North line of said NW 1/4 of the SE 1/4 a distance of 1329.79 feet to the point of beginning; being situated in Shelby County, Alabama.

LESS AND EXCEPT that part of the property that lies within the right of way of Highway No. 330. All being situated in 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 **Donna Carlisle Hester**, I had no actual knowledge of the termination or revocation of the power of attorney or of **Donna Carlisle Hester's** death. I know **Donna Carlisle Hester** 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).


R.J. Hester

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **R.J. Hester**, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 18th day of AUGUST, 1999.


Notary Public

My commission expires: 3/11/00

09/08/1999-37561
08:06 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 CRH 16.00

Inst # 1999-37561

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

DURABLE SPECIAL POWER OF ATTORNEY

I, **Donna Carlisle Hester**, do hereby constitute and appoint my husband, **R.J. Hester** 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 Chase Manhattan Mortgage Corporation in the amount of TWO HUNDRED TWO THOUSAND NINE HUNDRED AND 00/100 (\$ 202,900.00) at 7.25 % annual interest rate for a term of FIFTEEN (15) years in connection with the refinance of property located at 1000 Camp Branch Circle, Alabaster, Alabama 35007 and more particularly described as follows:

See the attached Exhibit "A" which is hereby incorporated by reference and made a part hereof as if set out fully herein.

Donna Carlisle Hester is one and the same person as Donna c. Carlisle.

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 **Donna Carlisle Hester** has caused this instrument to be executed by affixing his/her hand and seal hereunto on the 17 day of August


Donna Carlisle Hester

STATE OF ALABAMA)

Shelby COUNTY)

I, the undersigned, a Notary Public in and for said county in said State, hereby certify that **Donna Carlisle Hester** 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 17th day of August
1999.

Charles A. Fleming
Notary Public
My commission expires:

THIS INSTRUMENT WAS PREPARED BY:

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

MY COMMISSION EXPIRES NOV 17, 2002

EXHIBIT "A" LEGAL DESCRIPTION

A parcel of land in the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 9, Township 21 South, Range 2 West, Shelby County, Alabama, described as follows: Beginning at the NE corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9, Township 21 South, Range 2 West, Shelby County, Alabama and run thence Southerly along the East line of said $\frac{1}{4}$ $\frac{1}{4}$ 667.82 feet to a point; thence turn 93 deg. 17 min. 58 sec. right and run Westerly 1293.31 feet to a point; thence turn 92 deg. 02 min. 26 sec. left and run Southerly 867.54 feet to a point in the centerline of Shelby County Road No. 330; thence turn 96 deg. 27 min. 42 sec. right and run Westerly along centerline of said road 40.01 feet to a point; thence turn 83 deg. 13 min. 11 sec. right and run Northerly along the West line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 9 a distance of 1516.50 feet to a capped corner marking the Northwest corner of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence turn 91 deg. 49 min. 44 sec. right and run Easterly along the North line of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ a distance of 1329.79 feet to the point of beginning; being situated in Shelby County, Alabama.

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