

THIS INSTRUMENT PREPARED BY:
R. SHAN PADEN, Attorney at Law
Paden & Paden
Five Riverchase Ridge, Suite 100
Birmingham, Alabama 35244-2893

STATE OF ALABAMA)

COUNTY OF SHELBY)

DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, That I, the undersigned, KATHRYN SMITH, does hereby appoint TERRY SMITH to be my lawful attorney-in-fact in all matters relating to our purchase of, 2025 BLUE HERRON CIRCLE, BIRMINGHAM, AL 35242, SHELBY County, Alabama, BESSEMER DIVISION, and described below:

LOT 238, ACCORDING TO THE SURVEY OF HIGHLAND LAKES, 2ND SECTOR, AS RECORDED IN MAP BOOK 20, PAGE 150, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

TOGETHER WITH NON-EXCLUSIVE EASEMENT TO USE THE PRIVATE ROADWAYS. COMMON AREA, ALL AS MORE PARTICULARLY DESCRIBED IN THE DECLARATION OF EASEMENTS AND MASTER PROTECTIVE COVENANTS FOR HIGHLAND LAKES, A RESIDENTIAL SUBDIVISION, RECORDED IN INSTRUMENT #1994-07111, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA, AND THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HIGHLAND LAKES, A RESIDENTIAL SUBDIVISION, 2ND SECTOR, RECORDED IN INSTRUMENT #1996-10928, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA. (WHICH TOGETHER WITH ALL AMENDMENTS THERETO, IS HEREAFTER COLLECTIVELY REFERRED TO AS, THE "DECLARATION").

I hereby specifically authorize TERRY SMITH to execute on my behalf all papers necessary to complete the conventional loan and mortgage of the above property in the amount of \$310,000.00 at a rate of 6.750% for a term of 30 years, including, but not limited to all waivers, receipts, notes, mortgages, truth-in-lending documents, deeds and any other documents required to be executed by Bank, Savings and Loan, Mortgage or Title Company in connection with the mortgage and to do all acts and things as fully and effectual in all respects as I would do if present.

RECORDER'S MEMORANDUM
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction.

Inst # 2001-04618

02/09/2001-04618
08:17 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
14.00
002 HNB

It is my intent that this Power of Attorney shall be a Durable Power of Attorney pursuant to Section 26-1-2 Code of Alabama 1975, as amended. This Power of Attorney shall not be affected by disability, incompetence or incapacity of the principal.

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 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 any person acting in reliance hereon. This Power of Attorney may be filed for record in any public office and shall expire 60 days from the date of execution.

WITNESS my hand and seal this 8th day of JANUARY, 2001.

Kathryn Smith
KATHRYN SMITH

STATE OF California
COUNTY OF Ventura

I, the undersigned Notary Public in and for said County in said State, hereby certify that KATHRYN 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 Durable Power of Attorney, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 8th of JANUARY, 2001.

Mike Grewal
Notary Public

My commission expires: July 1, 2004



Inst # 2001-04618

02/09/2001-04618
08:17 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MAR 14.00