

STATE OF ALABAMA )  
COUNTY OF SHELBY )

20020719000338670 Pg 1/2 14.00  
Shelby Cnty Judge of Probate, AL  
07/19/2002 14:06:00 FILED/CERTIFIED

AFFIDAVIT & INDEMNITY AGREEMENT  
REGARDING OF POWER OF ATTORNEY

Before me, the undersigned Notary Public, in and for the State of Alabama-at-Large, personally appeared Penny Foster, who having been by me first duly sworn, deposed as follows:

1. My name is Penny Foster. I am over the age of twenty-one (21) years, and have personal knowledge of the facts herein.

2. On July 16, 2002, Allen Foster appointed me as attorney-in-fact under a Power of Attorney, a true and correct copy of which is attached hereto as Exhibit A.

3. I have on this day exercised the powers granted in the above referenced Power of Attorney by executing warranty deeds, mortgages and various other documents relating to the sale, or mortgage, of the residence located in Jefferson County, Alabama, and being more particularly described as follows, to-wit:

Lot 7, according to the Survey of Russet Bend, as recorded in Map Book 11, Page 52, 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 Power of Attorney I had no actual knowledge of the termination of the power by revocation or the death of Allen Foster. I know Allen Foster to be still living, competent and have not been notified since the execution of the Power of Attorney that he/she has revoked said power. The affiant herein affirms, under penalty of perjury, that he/she is not using the power of attorney to self-deal in the Principals' property, or to otherwise benefit personally from this mortgage or sale of the Principals' real property.

5. I am making this affidavit pursuant to Code of Alabama 1975 Section 26-1-2(e).

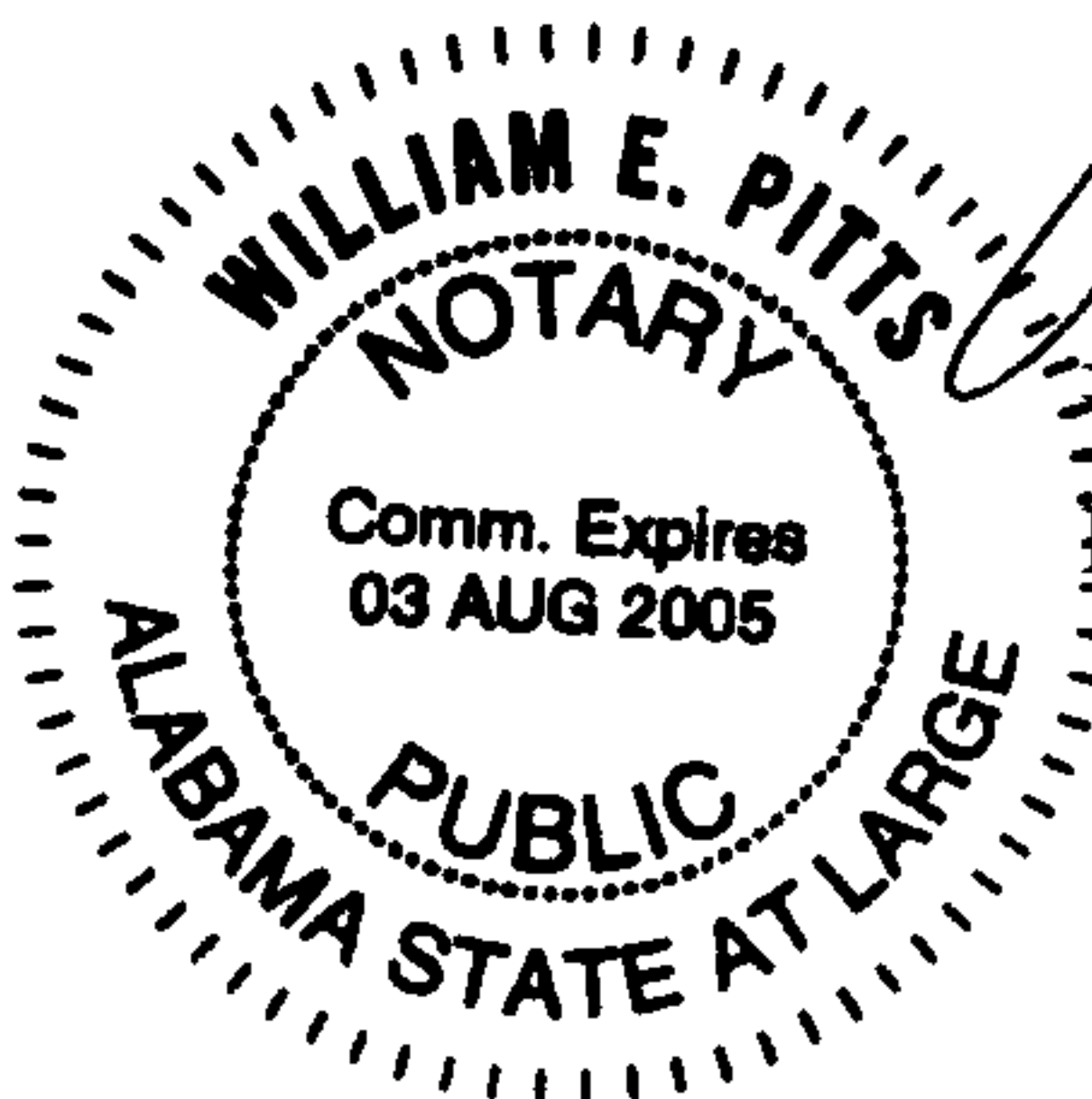
6. I, Penny Foster, agree to indemnify and hold harmless Stewart Title Guaranty Company; David C. Skinner, W. Eric Pitts or any member or other employee of David C. Skinner, L.L.C. and Liberty Mortgage Corporation, from any loss, costs, damage and expense of every kind including attorney's fees, which it shall or may suffer resulting from a reliance on the Power of Attorney.

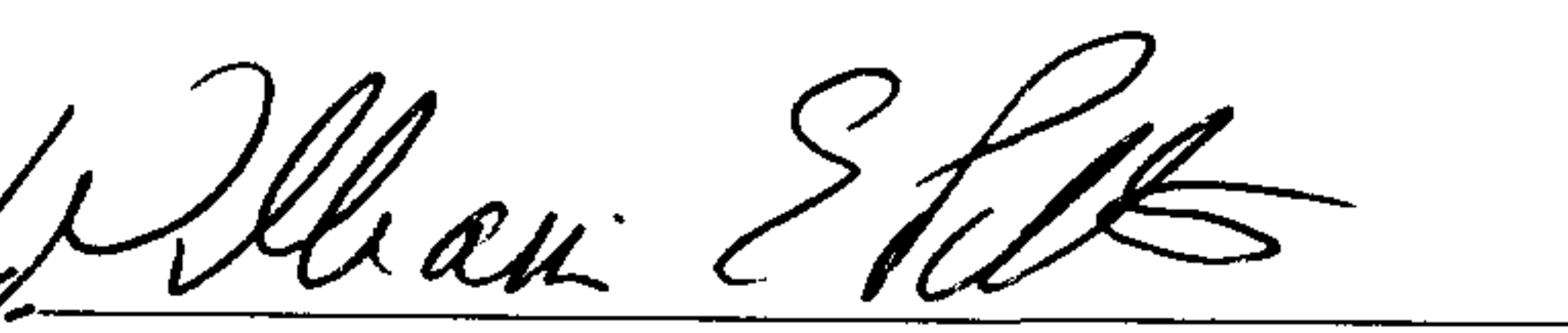
Witness my hand and seal this the 17th day of July, 2002.

  
Affiant and Attorney-in-Fact

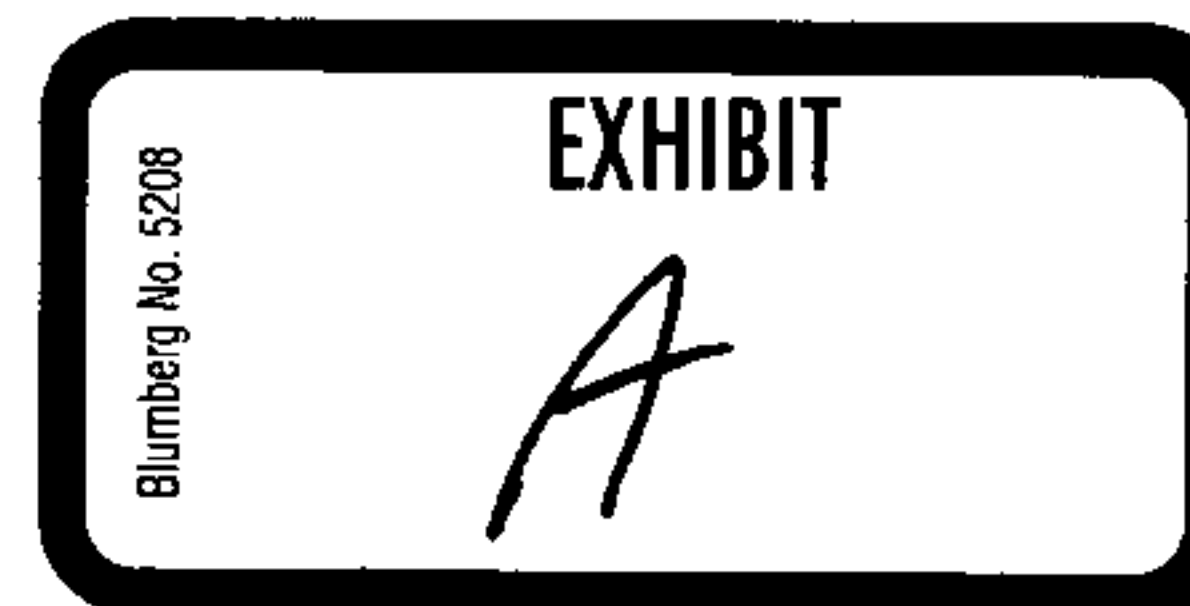
STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

Subscribed and sworn to before me on this 17th day of July, 2002.



  
Notary Public  
My Commission Expires: \_\_\_\_\_

✓  
David Skinner



✓ This instrument prepared by  
David C. Skinner, 2700 Rogers  
Drive, Suite 208; Birmingham,  
AL 35209; (205) 871-9566

### DURABLE POWER OF ATTORNEY

**THIS POWER OF ATTORNEY SHALL NOT BE AFFECTED BY DISABILITY, INCOMPETENCY, OR INCAPACITY OF THE PRINCIPAL.**

I, Allen Foster, do hereby appoint Penny Foster as my attorney-in-fact to act for me, and in my name in any way I could act in person, concerning the sale of that certain residence located at 585 Russet Bend Drive, Birmingham, AL 35244 and further described as follows:

Lot 7, according to the Survey of Russet Bend, as recorded in Map Book 11, Page 52, in the Probate Office of Shelby County, Alabama.

The above grant expressly includes the power and authority to execute all documents necessary for the sale of the aforementioned residence including, but not limited to, deeds, affidavits of title and settlement statements. I hereby bind myself to indemnify and defend attorney in fact of and from any and all claims, demand, losses, damages, actions and causes of action, including expenses, cost and reasonable attorney's fees incurred by attorney in fact in connection with the carrying out of the powers granted by this instrument provided that attorney in fact did not act in bad faith with respect to the transaction made the subject matter of the request for indemnification. Third parties may rely upon the representations of my attorney in fact as to all matters relating to any power granted to my attorney in fact by this instrument. Any person who relies upon the representations of my attorney in fact or the powers granted to my attorney in fact by this instrument shall be free from any liability to me resulting from attorney in fact's exercise of said powers.

I, Allen Foster, hereby sign my name to this durable power of attorney pursuant to the provisions of Alabama Code Section 26-1-2 on July 16, 2002, and being first duly sworn, do hereby declare to the undersigned authority that having been advised by counsel and being fully informed of the contents of this form and the full import of this grant to my attorney-in-fact. I sign and execute this power of attorney willingly, knowingly, and voluntarily for the purposes therein expressed, and that I am 18 years of age or older, of sound mind and under no constraint or undue influence.

Allen Foster

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We, Sharon Dalton and Beth Nash, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that Allen Foster signs and executes this instrument and that he signed it willingly and that we, in the presence and hearing of him, hereby sign this instrument as witnesses to his signing, and that to the best of our knowledge he is 18 years of age or older, of sound mind and under no constraint or undue influence.

Beth Nash

Witness

Sharon Dalton

Witness

State of Tennessee )

County of Davidson )

Subscribed, sworn to and acknowledged before me by Allen Foster, Sharon Dalton, Beth Nash and        on July 16, 2002.

SEAL

Jean R. David-Jaeger

NOTARY

My Commission Expires: March 26, 2005