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Shelby Cnty Judge of Probate,AL  
05/06/2003 09:32:00 FILED/CERTIFIED

**STATE OF ALABAMA**

**COUNTY OF JACKSON**

**GENERAL AND DURABLE  
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS that I, **THURSIE M. CREEK**, do by these presents hereby make, constitute and appoint **RAY J. FIELDS**, as my true and lawful Attorney-in-Fact to act in, manage, and conduct all my estate and all my affairs, and for that purpose for me and in my name, place and stead, and for my use and benefit, and as my act and deed, to do and execute, or to concur with persons jointly interested with myself therein in the doing or executing of, all of or any of the following acts, deeds, and things, that is to say:

- (1) To exercise or perform any act, power, duty, right, or obligation whatsoever that I now have, or may hereafter acquire the legal right, power, or capacity to exercise or perform, in connection with, arising from, or relating to any person, item, transaction, thing, business property, real or personal, tangible or intangible, or whatsoever;
- (2) To sell, either at public or private sale, or exchange any part or parts of my real estate and personal property for such consideration and upon such terms as my Attorney-in-Fact 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 of warranty or otherwise as my Attorney-in-Fact shall see fit, and to give good and effectual receipts for all or any part of the purchase price or other consideration;
- (3) To ask, demand, sue for, recover, and receive all sums of money, debts, dues, 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, ways, or means howsoever, and upon receipt thereof or of any part thereof to make, sign, execute, and deliver such receipts, releases, or other discharges for the same respectively as my Attorney-in-Fact shall think fit or be advised;
- (4) 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 whomsoever, and to pay or receive the balance thereof as the case may require;
- (5) 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;

(6) To commence, prosecute, discontinue, compromise or defend all actions or other legal proceedings touching my estate or any part thereof, or touching any matter in which my estate may be in any wise concerned;

(7) 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;

(8) To contract with any person for leasing for such periods, at such rents and subject to such conditions as my Attorney-in-Fact shall see fit, all or any of my real estate, and to let into possession thereof any such person, and to execute all such leases and contracts as 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 any part thereof all rents, arrears of rent, and sums of money which now are or shall hereafter become due and payable in respect thereof, and also on nonpayment thereof or of any part thereof to take all necessary or proper means and proceedings for terminating the tenancy or occupation of such tenants or occupiers, and for ejecting the tenants or occupiers and recovering the possession thereof;

(9) To write checks or drafts against any bank account which I may have, whether in my name alone or jointly with others, and to make withdrawals from any savings account, certificate of deposit, or any other savings which I may have any interest in, and to apply the same to any debt or expense of mine or for any purpose they deem to be in my benefit;

(10) To deposit any moneys which may come into the hands of my Attorney-in-Fact as such Attorney-in-Fact with any bank or banker in my name, and any of such money or any other money to which I am entitled; to withdraw, and employ as my Attorney-in-Fact shall think fit in the payment of any debts, or interest, payable by me, or taxes, assessments, insurance, and expenses due and payable or to become, due and payable on accounts of my real and personal estate or in or about any of the purposes herein mentioned, or otherwise for any use and benefit, or to invest in my name in any stocks, shares, bonds, securities or other property, real or personal, as my Attorney-in-Fact may think proper, and to receive and give receipts for any income or dividend arising from such investments, and as to all and any such investments or other investments, to vary or dispose of same for my use and benefit as my Attorney-in-Fact may think fit;

(11) To borrow any sum or sums of money on such terms and with such security, whether real or personal property, as my Attorney-in-Fact may think fit, and for that purpose to execute all promissory notes, bonds, mortgages, and other instruments which may be necessary or proper;

(12) To act as my attorney-in-fact or proxy in respect to any stocks, shares, bonds, other securities, or other investments, right or interests, I may now or hereafter hold.

(13) To prepare, execute, and file income and other tax returns, other governmental reports, declarations, applications, requests, and documents.

(14) To have access to any safe deposit box or boxes that may be now or hereafter rented by me or for me, or standing in my name; to withdraw or remove any of the contents thereof and to make deposits in and otherwise use or surrender such box or boxes; and to rent any safe deposit box or boxes in my name or in the name of my said Attorney-in-Fact or in both our names jointly, either with or without right of survivorship.

(15) For all or any of the purposes of these presents, to enter into and sign, seal, execute, acknowledge, and deliver any contracts, deeds, or other instruments whatsoever, and to draw, accept, make, endorse, discount, or otherwise deal with any bills of exchange, checks, promissory notes, or other commercial or mercantile instruments;

(16) To make health care decisions for me, including the right to consent, refuse consent or withdraw consent to any care, treatment, medication, service, or procedure to maintain, diagnose or treat a physical or mental condition; to execute waivers, medical authorizations and such other approval as may be required to permit or authorize care which I may need; to consent to the release of medical information; and to determine whether and when life-sustaining procedures should be withheld or withdrawn from me.

GIVING AND GRANTING unto my said Attorney-in-Fact full power and authority to do, take, and perform all and every act, deed, matter, and thing whatsoever in or about my estate, property, and affairs, as fully and effectually to all intents and purposes as I could do in my own proper person if personally present, with full power of substitution or revocation hereby ratifying and confirming all that my said Attorney-in-Fact, or his or her substitute, shall lawfully do or cause to be done by virtue of this Power Of Attorney and the rights and powers herein granted.

This instrument is to be construed and interpreted as a Durable And General Power Of Attorney. The enumeration of specific items, rights, acts or powers herein is in aid and exemplification of the full, complete and general powers herein granted to my said Attorney-in-Fact and is not intended to, nor does it, limit or restrict, and is not to be construed or interpreted as limiting or restricting, said general powers.

This Power Of Attorney and the authority conferred herein shall not be affected by my

disability, incompetency or incapacity and any actions taken in good faith pursuant to the foregoing authority without actual knowledge of my death shall be binding upon me, my heirs, assigns, and personal representatives.

I hereby nominate the said **RAY J. FIELDS**, as my guardian, curator, conservator or other fiduciary for consideration by the Court if proceedings to appoint a fiduciary for me are hereinafter commenced.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 6 day of January, 2003.

Thursie M. Creek  
**THURSIE M. CREEK**

**STATE OF ALABAMA**

**COUNTY OF** Jackson

I, the undersigned authority, a Notary Public in and for said county and state, hereby certify that **THURSIE M. CREEK**, whose name is signed to the foregoing Power Of Attorney and who is known to me, acknowledged before me on this day that, being informed of the contents of the said Power Of Attorney, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 6 day of January, 2003.

Haley Rogers  
Notary Public  
My Commission Expires: 2-27-05

Prepared by:

HOUSE, PERRY & ROGERS, L.L.C. • Scott A. Rogers • 929 Merchants Walk • Huntsville, Alabama 35801 • (256) 539-7539\*