


## DURABLE POWER OF ATTORNEY

STATE OF ALABAMA  
SHELBY COUNTY

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20060705000320890 1/4 \$20.00  
Shelby Cnty Judge of Probate, AL  
07/05/2006 02:56:48PM FILED/CERT

**KNOW ALL MEN BY THESE PRESENTS:** That I, **ASHLEY WATERS DEKKER**, the undersigned of 5573 Heath Row Drive, City of Birmingham, County of Shelby, State of Alabama, do hereby constitute and appoint **KRIS A. DEKKER**, of 5573 Heath Row Drive, City of Birmingham, County of Shelby, State of Alabama, as my true and lawful Attorney in Fact.

If the Person named as my Attorney in Fact is not available or is unable to act as my Attorney in Fact, I appoint **DANNY WATERS**, of 440 Trillium Drive, Galloway, Ohio, as my true and lawful Attorney in Fact.

In the event I am permanently unconscious or otherwise mentally or physically incapacitated from such action, for me and in my name, place and stead to do and perform the following acts:

1. To enter upon and take possession of any lands, tenements and hereditament that may belong to me or to the possession of which I may be entitled; to sell, convey, encumber, mortgage, lease or otherwise dispose of any and all real estate which I may own or to the possession of which I may be entitled; and to ask, collect and receive any rents, profits, issues or income of any and all of such land, or of any part or parts thereof.
2. To demand, sue for, collect, recover and receive all goods, claims, debts, moneys, interests and demands whatsoever, now due or that may hereafter be due, or belong to me, and to make, execute and deliver receipts, releases or other discharges thereof, under seal or otherwise.
3. To defend, settle, adjust and compromise all actions, suits, accounts, claims and demands whatsoever that now or hereafter shall be pending between me and any firm, corporation or person, in such manner and in all respects as my attorney shall think satisfactory.
4. To make, sign and deliver checks and drafts upon any bank, savings and loan association, or any financial institution wherever located where I have an account, the same as I could do if personally present.
5. To withdraw the funds in my name in any bank, savings and loan association or any financial institution wheresoever located, and to acknowledge receipt of said funds and to make application for withdrawal of said funds the same as I could do if personally present.
6. To sell, exchange, or otherwise dispose of any and all shares to stock, bonds or other securities, including United States securities, now or hereafter belonging to me, and to make, execute and deliver an assignment or assignments of any such shares of stock, bonds, or other securities.
7. To invest and reinvest in my name in such loans, bonds, stocks, mortgages, securities, or other property, real or personal, and to purchase securities or other property, the same as I could do if personally present.

w/5-10-06



8. To vote any corporate stock owned by me in person, or by special, limited or general proxy, with or without power of substitution, and to waive notice of any meeting and to give consent for or with respect thereto.
9. To make, execute and file income tax returns or declarations of estimated tax for any year or years; to make, execute and file gift tax returns with respect to gifts made by or for me for any year or years; and to make, execute and file any claims for refund of any tax.
10. To employ, compensate and discharge any agents, clerks, servants, attorneys at law, accountants, investment advisors, custodians, or other persons in and about the performance of these presents as my attorney shall deem necessary.
11. Without in any wise limiting the foregoing, generally to do, execute and perform any other act, deed, matter or thing whatsoever that ought to be done, executed or performed in and about the premises of every nature and kind whatsoever, as fully and completely as I could do if personally present.
12. To endorse and cash U.S. Savings Bonds.
13. To make gifts to my immediate family, my descendants and their immediate family with the understanding that my attorney in fact would consider my wishes in such situation.
14. To make gifts up to an amount per person equal to the annual exclusion under Internal Revenue Code § 2503 (b) or to carry out any plan or pattern of family and/or charitable gifts which have been established or clearly contemplated by me; to make such gifts that may be in excess of the annual exclusion amount as long as such gifts are part of the estate plan clearly contemplated by me along with the advice of my attorney; or which in the opinion of counsel for my attorney in fact, my attorney in fact would be permitted to make, and which would be considered advisable under the then circumstances to make from my assets as if it were my guardian or conservatorship estate, including the making of additions to any then existing trust or trusts, (whether created by me or others); or to complete any gifts which shall be necessary to any plan contemplated by me so that I may accelerate my qualification for any public benefits which may be available to me and preserve a portion of my estate for the benefit of my lineal descendants, which said gifts being made only upon my becoming institutionalized in a skilled nursing facility, and only to those lineal descendants that I have set forth in my Last Will and Testament;
15. To exercise or release powers of appointment in whole or in part and to disclaim or renounce in whole or in part any interest that I might otherwise have as a joint owner, beneficiary, heir or otherwise and in exercising such discretion, my Agent may take into account such matters as shall include but shall not be limited to any reduction in estate or inheritance taxes in my estate, and the effect of such renunciation or disclaimer upon persons interested in my estate and persons who would receive the renounced or disclaimed property;
16. To claim on my behalf any claims or any statutory allowances or shares which may be available to me in the estate of my spouse, including but not limited to the homestead allowance, family allowance, personal property exemptions, elective share or any other claims including those for expenses;
17. To transfer, assign and convey any property or interest in property, the legal or equitable title



to which is in my name, to any trust of which I am the primary beneficiary during my lifetime and under the terms of which I expressly have the power to amend or revoke such trust, and to exercise any right of withdrawal of income and/or principal which I may have pursuant to the terms and conditions of such trust, whether such trust was created before or after the execution of this power of attorney; To change the beneficiaries on any insurance policies on my life, provided, however, that neither such right and power, nor any other rights and powers, shall be exercisable with respect to any policies of life insurance on the life of my said Agent herein named, which may at any time be owned by me;

18. To employ and discharge medical personnel including such physicians, psychiatrists, dentists, nurses, and therapists as my Attorney In Fact shall deem necessary for my physical, mental and emotional well-being, and to pay such individuals, or any of them, reasonable compensation, except that no power listed herein shall contradict the directions of my Advanced Directive for Health Care, drafted in accordance with Alabama Law;

19. To create, amend, terminate, or substitute assets therein and to change trustees in and for any Qualified Income Trust established for my benefit;

To irrevocably assign to any Qualified Income Trust created for my benefit any income which shall be paid to me;

20. To create an irrevocable trust for my benefit with the Alabama Family Trust, in whatever form my attorney in fact should determine, but in accordance with the rules and regulations of the Alabama Family Trust and to fund such trust with all or part of my estate as my attorney in fact shall determine to be in my best interest;

21. To apply for any public assistance benefits which may be available to me based on my medical and/or financial needs; to appeal any denial of benefits made in my behalf and to request any fair hearings or administrative hearings and present in my behalf any claims and defense which may be necessary to secure said benefits;

22. To settle, negotiate, cash out, elect pay out terms, or change beneficiaries, or transfer ownership in and to any IRA, retirement, pension, or annuity, which shall appear in my name;

23. To sever any section or power included herein found to be void, invalid, or illegal in accordance with Alabama law, and to enforce the remaining sections and powers except in the instance of a finding of guilt or high suspicion of culpability in the causation of the instance leading to my inability to perform the tasks listed herein; and,

24. To induce any third party to act hereunder, I hereby agree that any third party receiving a duly executed copy or facsimile of this power of attorney may act hereunder, and that revocation or termination hereof shall be ineffective as to such third party unless and until actual notice or knowledge of such revocation or termination shall have been received by such third party, and I, for myself and my heirs, executors, legal representatives and assigns, hereby agree to indemnify and hold harmless any such third party from and against any and all claims that may arise against such third party by reason of reliance upon this durable power of attorney.

25. In the event I am detained outside of the United States and unable to return to the county this



Power of Attorney may be invoked by my Attorney in Fact.

Notwithstanding any provisions to the contrary herein, my said Attorney shall not satisfy any legal obligation of said attorney out of any property subject to this power of attorney, nor may my attorney exercise this power in favor of their estates or the creditors of her estates.

**THIS POWER OF ATTORNEY SHALL NOT BE AFFECTED BY THE DISABILITY, INCOMPETENCY, OR INCAPACITY OF THE UNDERSIGNED, ASHLEY WATERS DEKKER.**

And I, **ASHLEY WATERS DEKKER**, do hereby ratify and confirm all that my said attorney shall do or cause to be done in and about the premises by virtue of this Power of Attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 26 day of May, 2006.

Ashley Waters Dekker  
**ASHLEY WATERS DEKKER**

We, the undersigned witnesses, sign our name to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Grantor signs and executes this instrument as a Durable Power of Attorney, and that she signs it willingly and that each of us, in the presence and the hearing of the Grantor, hereby signs this Power of Attorney as witness to her signing, and that to the best of our knowledge, she is over the age of nineteen years, and of sound mind, and under no constraint or undue influence.

Frances Deale  
WITNESS

OF

1100 East Park Drive  
Birmingham, AL 35205

Timothy P. Wargholz, Jr.  
WITNESS

OF

1100 East Park Drive, Ste 409  
Birmingham, AL 35235

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County, in the said State, hereby certify that **Ashley Waters Dekker**, 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 said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 26 day of May, 2006.

Catherine S. Morgan  
NOTARY PUBLIC  
My commission expires: 1-06

(SEAL)