

STATE OF ALABAMA )

SHELBY COUNTY )

**DURABLE POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS, which are intended to be and do hereby constitute a Durable Power of Attorney, I, **MARK A. BACAK**, of Pelham, Alabama, do hereby revoke any and all powers of attorney heretofore made by me and do hereby make, constitute and appoint **Dolly A. Bacak**, my true and lawful Attorney-in-Fact, for me, in my name, stead, as my alter ego, and on my behalf and for my use and benefit to exercise or perform any act, power, right, duty or obligation whatsoever and wheresoever 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, items, transaction, thing, business, property, real, personal, tangible or intangible, or wheresoever situated. It being my intention to authorize my said Attorney to act as fully with respect to all of my affairs, property, rights, duties and obligations as fully and completely as I myself could do in my own proper person and to take care of any situation which said Attorney may face, all with respect to my said affairs, property, rights, duties and obligations. Without in anywise limiting the generality of the foregoing powers, which are intended to be as full and complete as I may grant, my said Attorney shall have and may exercise among others, each and all of the powers following to be broadly construed, viz:

- (1) To request, ask, demand, sue for, recover, collect, receive, hold and possess all such sums of money, debts, dues, commercial paper, checks, drafts, accounts, deposits, legacies, bequests, devises, notes, interests, stock certificates, bonds, dividends, certificates of deposit, annuities, pension and retirement benefits, insurance benefits and proceeds, any and all documents of title, chooses in action, personal and real property, tangible and intangible property and property rights, and demands whatsoever, liquidated or unliquidated, as now are, or shall hereafter become, owned by me, or due, owing, payable, or belonging to, me or in which I have or may hereafter acquire interest; to have, use, and take all lawful means and equitable and legal remedies, procedures, and writs in my name for the collection and recovery thereof, and to adjust, sell, compromise, and agree for the same; and to make,



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**Mark A. Bacak**

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execute, and deliver for me, on my behalf, and in my name, all endorsements, acquittances, releases, receipts, or other sufficient discharges for the same;

- (2) (a) To make gifts of any of my property to any individuals, including my attorney in fact or agent, within the limits of the annual exclusion as provided by Section 2503(b) of Title 26 of the United States Code, and taking into account the availability of Section 2513 of Title 26 of the United States Code, as the same may from time to time be amended, or to organizations described in Sections 170(c) and 2522(a) of Title 26 of the United States Code, or corresponding future provisions of federal tax law, or both, as the attorney in fact or agent shall determine: (1) to be in my best interest; (2) to be in the best interest of my estate; or (3) that will reduce the estate tax payable on the principal's death; and is in accordance with my personal history of making or joining in the making of lifetime gifts.  
(b) Subsection (a) shall not in any way impair my right or power, by express words in this power of attorney or other writing, to further authorize, expand, or limit the authority of any attorney in fact or other agent to make gifts of my property.  
(c) This section is declaratory of Section 26-1-2 of the Code of Alabama, as amended.
- (3) To lease, purchase, exchange, and acquire, and to agree, bargain, and contract for the lease, take, receive, and possess any real or personal property whatsoever, tangible or intangible, or interest thereon, on such terms and conditions, and under such covenants, as my said Attorney shall deem proper;
- (4) To maintain, repair, improve, manage, insure, rent, sell, convey, subject to liens, to mortgage and pledge or otherwise hypothecate, and in any way or manner deal with all or any part of any real or personal property whatsoever, tangible or intangible, or any interest therein, that I now own or may hereafter acquire, for me, in my behalf, and in my name and under such terms and conditions, and under such covenants, as my said Attorney shall deem proper; to convey and/or release any life estates I have or may have;
- (5) To make, receive, sign, endorse, execute, acknowledge, deliver, and possess such applications, contracts, agreements, options, covenants, conveyances, deeds, trust deeds, security agreements, bills of sale, leases, mortgages, assignments, insurance policies, bills of lading, warehouse receipts, documents of title, bills, bonds, debentures, checks, drafts, bills of exchange, letters of credit, notes, stock certificates, proxies, warrants, commercial paper, receipts, withdrawal receipts and deposit instruments, relating to accounts or deposits in, or certificates of deposit of, banks, savings and loan associations, credit unions, or other financial institutions or associations, proofs of loss, evidences of debts, releases, and satisfaction of mortgages, liens, judgments, security agreements and other debts and obligations and such other instruments in writing of whatever kind and nature as may be necessary or proper in the exercise of the rights and powers herein granted;
- (6) To borrow money for such time and upon such terms as my said Attorney shall see fit, without security or on mortgage of any real property or upon pledge of any personal property



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owned by me or in which I have any interest, to execute mortgages or pledge agreements therefor, and to repay the same out of the properties, moneys or income; and

- (7) To exercise all such rights and powers as I may have with respect to property, real and personal, tangible and intangible, or whatever, and which I now own or may hereafter acquire with others as tenants in common, joint tenants with rights of survivorship, or otherwise, and to join with such other tenants in handling, collecting, selling, disposing of, or in any manner dealing with such property.
- (8) To make any and all health care decisions on my behalf or for my benefit; I do further empower my said attorney to make health care decisions for me if and when I am unable to make my own health care decisions, including the power to consent to giving, withholding or stopping any health care, treatment and for the administration of drugs, therapy, testing, radiological testing, anesthetic drugs and devices, surgery, cosmetic surgery, reconstructive surgery, blood transfusions, and in general for any type of medical treatment administered by any practitioner of the healing arts (including but without limitation to medical doctors, registered nurses, licensed nurses, licensed practical nurses, therapists, allied health professionals, home health agencies, psychiatric doctors and psychologists) and to do all such acts and things as fully and effectually in all respects, and to all of the same intents and purposes, as I myself could do by my own hand, or in my own person, if present and acting.
- (A) I intend for my agent to be treated as I would be with respect to my rights regarding the use and disclosure of my individually identifiable health information or other medical records. This release authority applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 (aka HIPAA), 42 U.S.C. §1320d and 45 CFR §160-164.

I authorize any physician, health care professional, dentist, health plan, hospital, clinic, laboratory, pharmacy or other covered health care provider, any insurance company and the Medical Information Bureau, Inc., or other health care clearinghouse that has provided treatment or services to me or that has paid for or is seeking payment from me for such services:

To give, disclose and release to my agent, without restriction, all of my individually identifiable health information and medical records regarding any past, present or future medical or mental health condition, to include all information relating to the diagnosis and treatment of HIV/AIDS, sexually transmitted diseases, mental illness and drug or alcohol abuse;

The authority given my agent shall supersede any prior agreement that I may have made with my health care providers to restrict access to or dis-



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closure of my individually identifiable health information. The authority given my agent has no expiration date and shall expire only if I revoke the authority in writing and deliver it to my health care provider.

I grant to my said Attorney full power and authority to do, take and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that my said Attorney 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 drawn pursuant to the provisions of Section 26-1-2, Code of Alabama 1975, as amended, and is to be construed as a durable power of attorney and it shall not be affected by my disability, incompetency, or incapacity.

If proceedings to appoint a fiduciary for me are hereinafter commenced, I nominate **Dolly A. Bacak** as my guardian, curator or other fiduciary.

IN WITNESS WHEREOF, I have signed and sealed the Durable Power of Attorney at Helena, Alabama, on this the 30<sup>th</sup> day of August, 2006, and I direct that photographic copies of this document be made which shall have the same force and effect as an original.

 L.S.  
**MARK A. BACAK**

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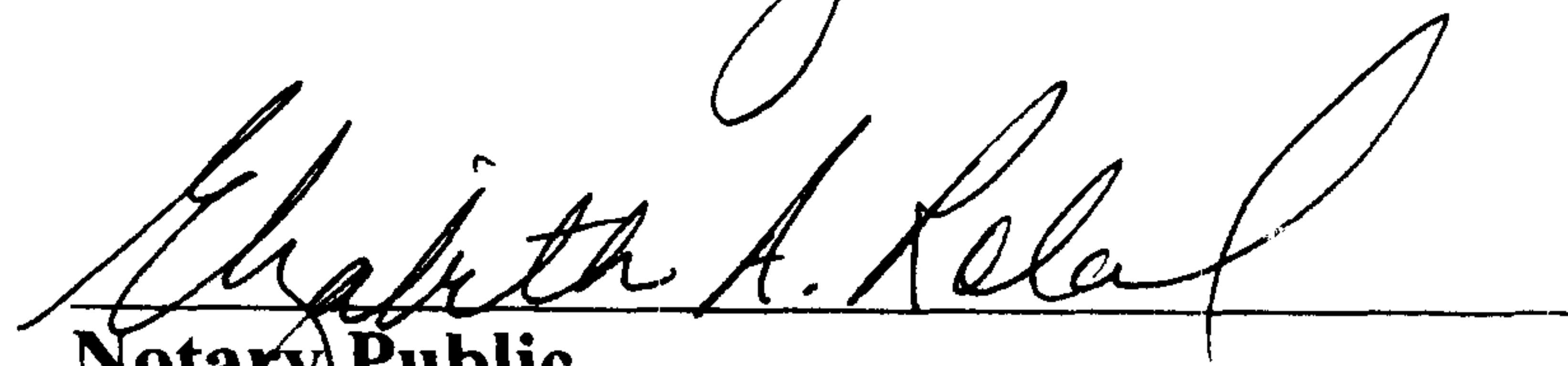
  
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**STATE OF ALABAMA     )**

**SHELBY COUNTY )**

I, the undersigned authority, a Notary Public in and for the State of Alabama at Large, hereby certify that **MARK A. BACAK**, 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 30<sup>th</sup> day of May, 2006.

  
Notary Public

This instrument was prepared by:  
Elizabeth A. Roland, P.C.  
Elizabeth A. Roland  
Attorney at Law  
267 Village Parkway  
Helena, AL 35080