

6/30/11



20110707000196160 1/9 \$46.00  
Shelby Cnty Judge of Probate, AL  
07/07/2011 10:04:05 AM FILED/CERT

This instrument prepared by:

Charles L. Sparks, Esq.  
2700 Highway 280, Suite 245-E  
Birmingham, Alabama 35223

Send tax notice to:

Sydney S. Allen  
5232 Meadowbrook Road  
Birmingham, AL 35242

STATE OF ALABAMA       )  
SHELBY COUNTY         )

**GENERAL WARRANTY DEED**

KNOW ALL PERSONS BY THESE PRESENTS, that in consideration of the sum of Ten and 00/100 Dollars (\$10.00), and other good and valuable consideration, in hand paid by Sydney S. Allen, to the undersigned Grantors, Thomas D. and Sydney S. Allen, husband and wife, the receipt and sufficiency of which are hereby acknowledged, do by these presents, hereby grant, bargain, sell, and convey unto Sydney S. Allen, said Grantee, the following described real estate situated in Shelby County, Alabama, to-wit: . . . .

Lot 18, according to the Survey of Meadow Brook Estates, First Sector, as recorded in Map Book 7, Page 64, in the Probate Office of Shelby County, Alabama.

Subject to: All rights of way, easements, covenants, encumbrances, liens and restrictions of record.  
Ad valorem taxes for the current tax year which grantee herein assumes and agrees to pay.

Sydney S. Allen executes this document individually and as attorney-in-fact of Thomas D. Allen pursuant to a Durable Power of Attorney, and a copy of said Durable Power of Attorney is attached hereto as "Exhibit A".

TO HAVE AND TO HOLD unto said Grantee, Sydney S. Allen, her heirs and assigns forever.

Grantors do for themselves, their respective heirs, executors, administrators and assigns, covenant with Grantee, her respective heirs, executors, administrators and assigns, that they are lawfully seized in fee simple of said premises; that it is free from all encumbrances except as set forth hereinabove; that they have a good right to sell and convey the same as aforesaid; and that they will, and their respective heirs, executors, and assigns shall warrant and defend the same to Grantee, her respective heirs, executors, and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, Grantors have hereunto set their hands and seals on or as of the \_\_ day of April, 2011.

Sydney S. Allen as Attorney-in-fact  
for Thomas D. Allen  
Thomas D. Allen – Grantor

Sydney S. Allen  
Sydney S. Allen – Grantor



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STATE OF ALABAMA       )  
                                 :  
JEFFERSON COUNTY       )

I, the undersigned, hereby certify that Sydney S. Allen, 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 the instrument, she executed the same voluntarily on the day the same bears date, both individually and as the Attorney-in-fact of Thomas D. Allen

Given under my hand and seal of this office this 28<sup>th</sup> day of April, 2011.

[SEAL]

  
Notary Public

My commission expires: 9-11-11



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## **DURABLE POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That I, Thomas Durrett Allen, residing in Shelby County, Alabama, hereby constitute and appoint Sydney Smith Allen as my attorney-in-fact, for the purposes and with the powers hereinafter stated. If Sydney Smith Allen shall die or become incapable of serving as my attorney-in-fact, I hereby constitute and appoint Lynn Hall Allen Ortis and Thomas Durrett Allen, Jr., or any one or more of them, as my attorney-in-fact, for the purposes and with the powers hereinafter stated. My attorney-in-fact is hereby authorized and directed to act in, manage and conduct all of my affairs and, for that purpose, in my name, place and stead, to have the powers and to do and execute all or any of the acts, deeds and things enumerated below:

### **PART I SPECIFIC POWERS**

Without in any way limiting the broad general power given to my attorney above, and not in limitation thereof, I specifically authorize my attorney to act for me in the following manner:

- A. Demand and Receive Property. To demand, receive, collect, and hold any and all monies securities, and other personal and real property of any nature whatsoever belonging to me or in which I may have any interest.
- B. Open and Maintain Bank Accounts. To open and maintain accounts for me and in my name in such banks, savings and loan associations, and other financial institutions as my attorney may deem best; to make deposits of money belonging to me in such accounts; and to disburse such monies on the signature of my attorney for any purposes in connection with my personal comfort, support, maintenance, health, and general welfare, in such manner and amounts, for such purposes, and at such times as my attorney, in his, her, or its sole discretion and judgment, may deem best.
- C. Disburse Funds. To make disbursements of monies belonging to me in such manner and amounts, for such purposes, and at such times as my attorney, in his, her or its sole discretion and judgment, may deem best for maintenance, repair, improvement, management, or any other purposes in connection with any real or personal property or any interest therein owned by me.
- D. Deal in Real Estate. To sell, subdivide, improve, operate, manage, control, and lease any and all real estate owned by me, wherever located; to demand, collect, and receive the rents, income, and profits derived therefrom; to exercise in all respects general control and supervision over any real estate belonging to me; and to purchase or otherwise acquire additional real estate.

- E. Supervise Securities and Personal Property. To exercise in all respects general control and supervision over any securities and other personal property, tangible and intangible, of any nature whatsoever belonging to me; to receive the dividends, interest, proceeds, and profits derived therefrom; and to purchase and otherwise acquire additional personal property.
- F. Enter Safe Deposit Boxes. To have unrestricted access to and control of the contents of any safe deposit box or vault to which I might have access, to take and remove from such box or vault any or all of the contents thereof, to lease one or more safe deposit boxes for the safekeeping of my assets.
- G. Manage Securities. To vote all stocks, bonds, and other securities; to collect the dividends, interest, profits or accruals therefrom; to invest, buy, sell, reinvest, and manage the same; and to exercise any and all rights and powers in connection therewith, all as my attorney in his, her or its sole discretion and judgment, may deem best.
- H. Demand and Receive Money Due. To demand and receive, sue for and recover any and all monies or rights of any nature whatsoever, and from whatever source derived that may now be due to me or which may at any time hereafter come due, and to give in all respects proper receipts, releases and acquittances therefore, with no liability on the part of any obligor making payments to my attorney to see to the application of the proceeds of such payments or collections.
- I. Borrow, Mortgage, and Pledge. To borrow such amounts for such purposes, and at such times as my attorney, in his, her or its sole discretion and judgment, may deem best, and to pledge or mortgage any of my property, real or personal, as security for any such loans.
- J. Maintain Legal Actions. To institute, prosecute, defend, compromise, settle, arbitrate, or dispose of any legal, equitable, or administrative actions or proceedings in my name; to execute and verify petitions and complaints in the Federal and State courts, specifically including the United States Tax Court; and to cause me to be represented in such proceedings.
- K. Tax Controversies. To represent me and to appoint others to represent me in all tax matters before all officers of the Internal Revenue Service and any State Department of Revenue for all years, inclusive, and to prepare, sign and file any power of attorney form (specifically including Internal Revenue Service Form 2848) appointing my attorney or any other suitable person selected by my attorney as my representative before such taxing authority.
- L. Tax Returns. To sign and verify all tax, social security, unemployment, insurance, and information returns required by the United States or by any State or subdivision thereof, specifically including joint income tax returns



with my spouse, claims for refund, requests for extension of time and consents in my name; to receive, endorse, and receipt for any tax refunds due to me; to exercise any elections that I may have under Federal or State or local tax law; and to pay, compromise, or contest any taxes, penalties, or interest for which I am or may be liable.

- M. Deal with Existing Trusts. To add any property whatsoever belonging to me to any trust established by me, to be held and managed as though an original part of such trust; to withdraw and/or receive income or principal from any trust regarding which I have a right of withdrawal or receipt; to request and to receive the income or principal of any trust as to which the trustee has discretionary authority to make distributions to me on my behalf, and to execute any release or receipt that may be required by such trustee from me. (This power shall not be construed to grant to my attorney the power to revoke or amend any trust created by me nor the power to create and fund a trust for me.)
- N. Make Gifts. To make gifts of my real or personal property or my interest in such property (including, but not limited to, outright gifts, gifts in trust, gifts to a Qualified State Tuition Payment plan as described in Section 529 of the Internal Revenue Code of 1986, as from time to time amended, or gifts to a custodian under a uniform gifts or transfers to minors act) to such persons (including my attorney) or institutions, in such amounts or proportions, as my attorney, in his, her, or its sole discretion and judgment, may deem appropriate for tax or other reasons; provided, however, the total value of gifts to any one donee in any calendar year shall not exceed (i) the amount specified for the federal gift tax annual exclusion (including such additional amount of any gift tax annual exclusion attributable to the consent of my spouse under Section 2513 of the Internal Revenue Code of 1986, as from time to time amended), or (ii) the amount excluded from the gift tax under the provisions of Section 2503(e) of the Internal Revenue Code of 1986, as from time to time amended, relating to the payment of educational and medical expenses, or (iii) the amount deductible from my gifts under provisions Section 2523 of the Internal Revenue Code of 1986, as from time to time amended, relating to gifts to my spouse, it being my intention that no Federal gift tax shall be incurred on gifts made by my attorney; and provided further, if a gift is made to an individual among my issues by my attorney, the attorney shall make gifts of substantially the same amount to all of my issue in the same generation.
- O. Insurance Transactions. To exercise any right or obligation in regard to any insurance policy of any kind whatsoever in which I have any incident of ownership; to obtain additional contracts of insurance for me; and to make or change the beneficiary of such insurance contracts; provided, however, that my attorney cannot be designated as a beneficiary unless my attorney is my spouse or any individual among my issue, and provided further, that my

attorney shall have no power or authority to deal in any manner with insurance policies I may own on his or her life.

- P. Retirement Plans. To exercise any right with regard to any retirement plan or individual retirement account I may have or enter into by my attorney on my behalf, or with regard to any retirement plan or individual retirement account as to which I am the beneficiary including but not limited to, the power (i) to create and contribute to an individual retirement account, an employee benefit plan, or other retirement plan, (ii) to change the form of the plan as may be permitted by law such as to convert a traditional IRA into a Roth IRA; (iii) to "roll over" plan benefits; (iv) to receive distributions from such plan, and to endorse and deposit checks from such plans; (v) to borrow money from any such plan; (vi) to select options with respect to any such plans; (vii) to make and/or exercise any and all options or elections I might have with regard to the assets of such account or the form of benefits therefrom, specifically including the right to purchase an immediate annuity with any portion of the assets in the account; and (viii) to make or change the beneficiary designation of any such plan; provided, however, that my attorney cannot be designated beneficiary unless my attorney is my spouse or an individual among my issue; and provided further, that my attorney shall have no power to designate my attorney, directly or indirectly, as a beneficiary to receive a share or proportion of such account greater than the share my attorney would have received if such account had been distributed under the intestate laws of the State of Alabama.
- Q. Estate and Trust Transactions. To request, demand, sue for, recover, collect, and hold, or to disclaim or renounce as provided by law, any interest that I have or may have in any estate or trust, and to execute and deliver any receipts, releases, or other instruments in connection with any such interest.
- R. Business Transactions. To conduct, engage in, and transact any and all lawful business of whatever nature or kind in which I am engaged or interested.
- S. Implement Powers. To sign any and all contracts, deeds, or other instruments, including additional powers of attorney, necessary to carry out any of the powers granted hereunder, hereby giving and granting unto my attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in implementing such powers as fully to all intents and purposes as I might or could do if personally present, with full power to substitute in my place and stead. In particular, I grant to my attorney the power to sign for me and on my behalf any and all other powers of attorney, on whatsoever form, as may be required or appropriate to permit my attorney to carry out the powers and purposes set forth herein, naming himself or another as attorney thereunder.



- T. Personal Relationships and Affairs. To do all acts necessary for maintaining my customary standard of living and the customary standard of living of my spouse, my children, and my other dependents; to provide medical, dental and surgical care, hospitalization, custodial care or any other form of health or mental care of me, my spouse, my children, and my other dependents; to continue whatever provision has been made by me for me, my spouse, my children, and my other dependents, with respect to automobiles or other means of transportation; to continue whatever charge accounts have been operated by me for my convenience, and the convenience of my spouse, my children, and my other dependents, open such new accounts as my attorney shall think to be desirable for the accomplishment of any purposes enumerated in this paragraph, and to pay the items charged on such accounts by any person authorized or permitted by me or my attorney to make such charges; to continue the discharge of any services or duties assumed by me, to any parent, relative, or friend of mine; to continue payments incidental to my membership or affiliation in any church, club, society, order, or other organization, or to continue contributions thereto.
- U. Employ Advisors. To employ or discharge persons, firms and corporations to advise or assist my attorney, including, but not limited to, agents, accountants, auditors, brokers, attorneys-at-law, custodians, investment counsel, rental agents, realtors, appraisers and tax specialists.
- V. Waive Confidentiality. To waive on my behalf any attorney-client or physician-patient privilege or duty of confidentiality in those circumstances where my attorney shall deem such waiver appropriate.
- W. Medical Confidentiality. To be considered a personal representative under privacy regulations related to Protected Health Information (PHI) and for my attorney to be entitled to all health information in the same manner as if I personally were making the request. This power of attorney authorizes my attorney to make various property-related decisions on my behalf, some of which relate to my health care. Accordingly, I confirm that, in connection therewith, my attorney shall be treated as my personal representative for all purposes as provided by Regulation Section 164.502(g) of Title 45 of the Code of Federal Regulations and the medical information privacy law and regulations generally referred to as "HIPPA."
- X. Court Enforcement. To seek appropriate court orders, injunctions and judgments which may be deemed necessary if a third party refuses to comply with actions which my agent desires to take. My agent may, in such court proceedings, seek injunctive relief, reimbursement of court costs and attorney's fees, and actual and punitive damages on my behalf.

## PART II



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### ADMINISTRATION

- A. Compensation. My attorney shall serve without bond and without compensation. My attorney shall be entitled to reimbursement for all reasonable costs and expenses actually incurred and paid by my attorney on my behalf under any provision of this Power of Attorney.
- B. Right of Revocation. I reserve the right to revoke or amend this Power of Attorney at any time and by any method. Pursuant to that power, all Durable Powers of Attorney heretofore executed by me are hereby revoked.
- C. Inventory and Accountings. No inventory or account shall be filed with any court or clerk thereof, but an accounting shall be filed with me or my guardian each year and with my personal representative in the year of my death.
- D. Ratification. I do hereby ratify and confirm all things so done by my attorney within the scope of the authority herein given my attorney as fully and to the same extent as if by me personally done.
- E. Nomination of Guardian. If at any time following the execution of this Power of Attorney, a court appoints a guardian of my estate or a general guardian, I request that the court making such appointment consider my attorney nominated hereunder to serve as such guardian of my estate or general guardian.
- F. Partial Invalidity. If any part of this Power of Attorney is declared invalid or unenforceable under applicable law, such decision shall not affect the validity of the remaining parts.
- G. THIS POWER OF ATTORNEY SHALL NOT BE AFFECTED BY MY DISABILITY, INCOMPETENCY OR INCAPACITY AND MAY BE EXERCISED NOTWITHSTANDING ANY SUCH DISABILITY, INCOMPETENCY OR INCAPACITY AND NOTWITHSTANDING ANY UNCERTAINTY AS TO WHETHER I AM DEAD OR ALIVE.

IN WITNESS WHEREOF, I have hereunto set my hand seal this 3 day of May, 2007.

 (SEAL)  
Thomas Durrett Allen

STATE OF ALABAMA)

SHELBY COUNTY)

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Shelby Cnty Judge of Probate, AL  
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I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that Thomas Durhett Allen, whose name is signed to the foregoing Power of Attorney and who is known to me, acknowledged before me on this day, that, being fully informed of the contents of the foregoing instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 3<sup>rd</sup> day of May, 2007.

Christy Collier  
Notary Public  
My Commission Expires: 12-5-07

Shelby County, AL 07/07/2011  
State of Alabama  
Deed Tax: \$10.00