

STATE OF ALABAMA)
SHELBY COUNTY)

20151005000347150 1/3 \$20.00
Shelby Cnty Judge of Probate, AL
10/05/2015 08:56:50 AM FILED/CERT

DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, which are intended to constitute a Durable Power of Attorney, that I, **James P. Philen**, the undersigned, of Shelby County, State of Alabama, do hereby make, constitute and appoint my wife, **Wilma Philen**, of Shelby County, State of Alabama, my true and lawful Attorney-in-Fact for me and in my name, place and stead, and on my behalf and for my use and benefit.

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, on connection with, arising from, or relating to any person, item, transaction, thing, business property, real or personal, tangible or intangible, or whatsoever;

To request, ask, demand, sue for, recover collect, receive, and 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, 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, execute, and deliver for me, on my behalf, and in my name all endorsements, acquittances, releases, receipts, or other sufficient discharges for the same;

To lease, purchase, exchange, and acquire, and to agree, bargain, and contract for the lease, purchase, exchange and acquisition of, and to accept, 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-in-Fact shall deem proper;

To maintain, repair, improve, manage, insure, rent, lease, sell, convey, subject to liens, mortgage, subject to deeds of trust, and 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, on my behalf, and in my name and under such terms and conditions, under such covenants, and my said Attorney-in-Fact shall deem proper;

To conduct, engage in, and transact any and all lawful business of whatever nature or kind for me, on my behalf, and in my name;

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 deposits of, banks, savings and loan 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;

And if the estate is ample to provide for the purposes implicit herein, to make gifts to my family, to charity, and other objects as I might have been expected to make, in amounts which do not exceed in total for any year twenty percent (20%) or the income to my estate for that year.

I grant to my said Attorney-in-Fact full power and authority to do, take and perform all and every act and thing whatsoever requisite, proper, or

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necessary to be done, in 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-in-Fact, or his 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 not intended to nor does it limit or restrict, and is not to be construed or interpreted as limiting or restricting, the general powers herein granted to my Attorney-in-Fact.

The rights, powers and authority of my said Attorney-in-Fact herein granted shall commence and be in full force and effect upon the disability incompetency, or incapacity, or incarceration by legal authorities, of the said principal, **James P. Philen**, and such rights, powers, and authority shall remain in full force and effect thereafter until the death of the principal, **James P. Philen**, or until his disability, incompetency, or incapacity, or incarceration by legal authorities or is otherwise terminated. For purposes of this Power of Attorney, the principal, **James P. Philen**, shall be deemed disabled, incompetent, or incapable, or incarcerated by legal authorities upon the happening of one of the following events:

- A. The principal, **James P. Philen**, is adjudicated, disabled, incompetent, or incapable, by a court of law in the State of Alabama; or
- B. The principal, **James P. Philen** is determined to be disabled, incompetent, or incapable in writing by two physicians qualified to practice under the laws of the State of Alabama; or
- C. Confinement by legal authorities under arrest, plea or guilty verdict.

For purposes of this Power of Attorney, said disability, incompetency or incapacity, shall be deemed terminate upon certification, in writing, by two physicians, qualified to practice under the laws of the State of Alabama. Any action taken in good faith pursuant to the foregoing authority without actual knowledge of my death shall be binding upon me, my estate, my heirs, assigns, and personal representatives.

If **Wilma Philen** ceases to act as Attorney-in-Fact by reason of death, incapacity or resignation, I appoint **Wayne Philen**, as Attorney-in-Fact. If **Wayne Philen** ceases to act as Attorney-in-Fact by reason of death, incapacity or resignation, I appoint **Steve Philen**, as Attorney-in-Fact. If **Steve Philen** ceases to act as Attorney-in-Fact by reason of death, incapacity or resignation, I appoint **Gary Philen**, as Attorney-in-Fact. The resignation of the original Attorney-in-Fact may be evidenced by an instrument in writing delivered to the successor Attorney-in-Fact above-named. The incapacity of the original Attorney-in-Fact may be determined by a statement of a physician delivered to the successor Attorney-in-Fact.

IN WITNESS WHEREOF, as principal, I have signed this Durable Power of Attorney at Alabaster, Shelby County, State of Alabama, this the 11 day of June, 1999, and I have directed that photographic copies of this Power be made which shall have the same force and effect as an original.

James P. Philen
James P. Philen

Bill Logan
Witness

Keller P. Rutledge
Witness

Alabaster, AL
address

Columbiane AL 38057
address


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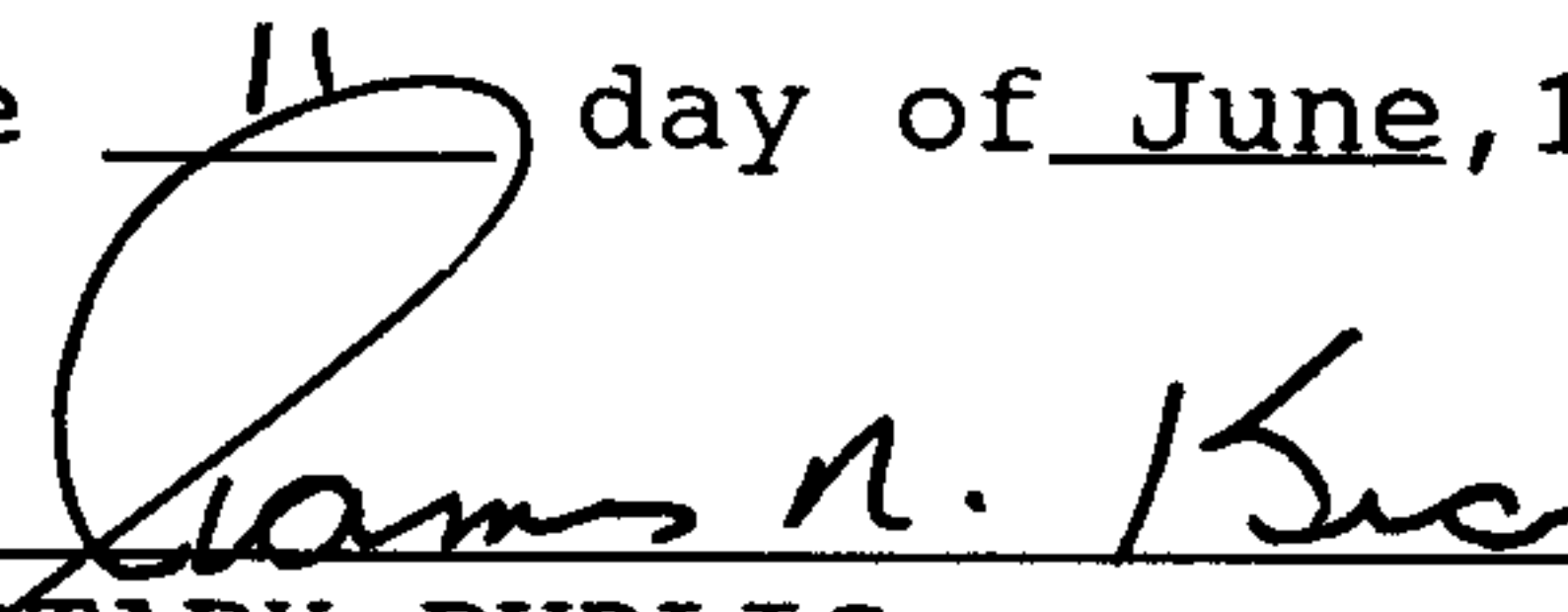
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STATE OF ALABAMA)
SHELBY COUNTY)

VERIFICATION

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that **James P. Philen** and the witnesses whose names are signed to the foregoing instrument before me came on the date and year aforesaid, and stated that the foregoing was true and accurate to the best of their knowledge, information and belief.

Given under my hand and seal this the 11 day of June, 1999.


NOTARY PUBLIC

MY COMMISSION EXPIRES: 10-8-2001



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