

20170914000334650

09/14/2017 10:46:50 AM

STATUTORY DURABLE POWER OF ATTORNEY POA 1/9

OF

BARBARA NETHERLAND

**NOTICE:** THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE DURABLE POWER OF ATTORNEY ACT, CHAPTER XII, TEXAS PROBATE CODE. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I, BARBARA NETHERLAND, with an address of 3804 Pinehurst Drive, Pearland, Texas 77581, appoint my husband, BILLY WAYNE NETHERLAND, with an address of 3804 Pinehurst Drive, Pearland, Texas 77581, as my agent to act for me in any lawful way with respect to all of the following powers except for a power that I have crossed out below. If BILLY WAYNE NETHERLAND dies, becomes legally disabled, resigns, or ceases to act, I appoint my son, WAYNE PAUL NETHERLAND, with an address of 3703 Pine View Court, Pearland, Texas 77581, as my agent. If WAYNE PAUL NETHERLAND dies, becomes legally disabled, resigns, or ceases to act, I appoint my son, DENNIS LEE NETHERLAND, with an address of 408 E. Helena Street, Broken Arrow, Oklahoma 74012, as my agent. If DENNIS LEE NETHERLAND dies, becomes legally disabled, resigns, or ceases to act, I appoint my granddaughter, SARA ELIZABETH NETHERLAND, with an address of 3703 Pine View Court, Pearland, Texas 77581, as my agent.

TO WITHHOLD A POWER, YOU MUST CROSS OUT EACH POWER WITHHELD.

Real property transactions (specifically including, but not limited to, the real property described on the attached Schedule "A");  
Tangible personal property transactions;  
Stock and bond transactions;  
Commodity and option transactions;  
Banking and other financial institution transactions;  
Business operating transactions;  
Insurance and annuity transactions;  
Estate, trust and other beneficiary transactions;  
Claims and litigation;  
Personal and family maintenance;  
Benefits from social security, Medicare, Medicaid, or other governmental programs or civil or military service;  
Retirement plan transactions;  
Tax matters.

CHICAGO TITLE

GF CTT 15654177Z 1

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Tax matters.

CHICAGO TITLE

GF CT15654177Z1



IF NO POWER LISTED ABOVE IS CROSSED OUT, THIS DOCUMENT SHALL BE CONSTRUED AND INTERPRETED AS A GENERAL POWER OF ATTORNEY, AND MY AGENT (ATTORNEY IN FACT) SHALL HAVE THE POWER AND AUTHORITY TO PERFORM OR UNDERTAKE ANY ACTION I COULD PERFORM OR UNDERTAKE IF I WERE PERSONALLY PRESENT.

**SPECIAL INSTRUCTIONS**

**GIFTS:** Special instructions applicable to gifts (initial in front of the following sentence to have it apply):

B.B.N. I grant my agent the power to apply my property to make gifts to or on behalf of any person, except that the amount of a gift to an individual may not exceed the amount of annual exclusions allowed from the federal gift tax for the calendar year of the gift.

**POWER TO MAKE ADDITIONAL GIFTS:** If I have initialed the line above granting my agent the power to apply my property to make gifts, then in addition to such power, I further grant to my agent the power to make gifts (outright, in trust, or otherwise) of any of my property up to the entirety thereof to, or to pay amounts on behalf of, any one or more of my descendants (including my agent, if my agent is a descendant of mine) or to any charitable organization to which deductible gifts may be made under the income and gift tax provisions of the Internal Revenue Code of 1986, as amended. Such gifts or amounts paid to my descendants shall include those which are excludible under Section 2503(b) or Section 2503(e) of the Internal Revenue Code of 1986, as amended, or those to which the split gift provisions of Section 2513 of the Internal Revenue Code of 1986, as amended, are expected to apply. Nothing herein shall be construed to require any court action whatsoever prior to making such gifts, nor to restrict such gifts to a situation in which it must be determined that I will remain incapacitated for the remainder of my lifetime. Notwithstanding the foregoing, the gifts made by a person who is serving as my agent under this instrument to himself or herself shall not exceed in the aggregate for any calendar year the greater of five thousand dollars (\$5,000) or five percent (5%) of the fair market value of my estate (for U.S. gift tax purposes) as of December 31st of such calendar year; provided, however, if my agent is making gifts authorized by the following paragraph of this power of attorney in order to obtain or maintain eligibility for public health care benefits, then these limitations shall not apply.

**POWER TO MAKE GIFTS TO QUALIFY FOR PUBLIC BENEFITS:** If my agent in my agent's sole discretion has determined that I need nursing home or other long-term medical care and that I will receive proper medical care whether I privately pay for such care or if I am a recipient of Title XIX (Medicaid) or other public benefits, then my agent shall have the power: (i) to take any and all steps necessary, in my agent's judgment, to obtain and maintain my eligibility for any and all public benefits and entitlement programs, including, if necessary, creating and funding a qualified income trust or special needs trust for me, my husband or a disabled child, if

any; (ii) to transfer with or without consideration my assets to my husband and/or my descendants (if any), or to my natural heirs at law or to the persons named as beneficiaries under my last will and testament or a revocable living trust which I may have established, including my agent; and (iii) to enter into a personal services contract for my benefit, including entering into such contract with my agent, and even if doing so may be considered self-dealing. Such public benefits and entitlement programs shall include, but are not limited to, Social Security, Supplemental Security Income, Medicare, Medicaid and Veterans benefits.

**LIMITATIONS:** Notwithstanding any provision herein to the contrary, any authority granted to my agent shall be limited so as to prevent this power of attorney from causing my agent to be taxed on my income (unless my agent is my spouse) and from causing my assets to be subject to a general power of appointment by my agent, as that term is defined in Section 2041 of the Internal Revenue Code of 1986, as amended.

**ADDITIONAL POWERS:** ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

In addition to the powers granted above, I grant to my agent all of the following powers:

**(1) Power to Compel Third Parties to Recognize Validity**

The power to take legal action to compel third parties to recognize the validity of this instrument, and the power to sue for damages, both punitive and actual, in the case of a refusal by a third party to honor this power.

**(2) Power to Create a Revocable Trust**

The power to create for me (and with my husband as to any property owned by my husband or in which my husband has any interest which may be transferred) one or more revocable trusts (referred to as a "grantor trust") of which I am an income beneficiary and with such person or persons as my agent shall select as the trustee or co-trustees (including my agent or any corporate trustee having at the time of its appointment assets beneficially owned by others under its management with a value in excess of \$100,000,000), without bond or other security, and with such other terms and provisions as my agent shall deem appropriate, including, but not limited to, provisions to minimize or eliminate any death or transfer taxes which may be imposed on my estate, any grantor trust, any beneficiary of my estate or any beneficiary of any grantor trust, and to grant to the trustee or co-trustees of any grantor trust any one or more of the powers granted to a trustee under the governing law of the trust; provided, however, such trust agreement shall provide that I retain the power to revoke any such grantor trust, in whole or in part at any time, or that I have a general power of appointment over the assets of such grantor trust; and further provided that at my death the assets of any such grantor trust which would have constituted my community property if such assets had not been transferred to such grantor trust, together with all of such assets which would have constituted any separate property if such assets



had not been transferred to such grantor trust, shall pass in a manner which is consistent with any existing estate plan which I may have previously instituted, including dispositions of my property by will, trust, beneficiary designation, or otherwise, and including the apportionment of taxes and other expenses, or if there is no person named in such grantor trust to whom such assets shall pass, then such assets shall be delivered to the personal representative of my estate. It is not my intention in granting the power enumerated in this paragraph to allow my agent to change in any way the persons who will be receiving the property of my estate or the overall scheme of my estate plan; rather, I am attempting to facilitate my agent's ability to save taxes or otherwise reduce the costs of administering my estate. If I have already established a grantor trust, or if my agent creates a grantor trust for me, this paragraph shall include the power to alter, amend or modify such grantor trust in a manner which is consistent with the provisions contained herein; and in addition, any such grantor trust created by me or by my agent may be revoked by my agent as long as such revocation results in a disposition of my estate which is consistent with my existing estate plan. Further, my agent shall have the power to transfer all or part of the interest I may own in any real property, stocks, bonds, accounts with financial institutions, insurance, and other property to the trustee of such grantor trust.

### **(3) Power to Exercise Community Property Rights**

The power to exercise my rights to manage the community estate of my husband and myself if I am married at such time (which power shall be presumptively exercised to its fullest extent unless otherwise provided), and the power to enter into partition or other marital agreements between my husband and me.

### **(4) Power Over Natural Resources**

The power to make, execute and deliver oil, gas and mineral leases upon all lands and mineral interests owned or claimed by me, wheresoever located, to such persons and upon such terms and conditions as my agent may deem advisable. Such oil, gas and mineral leases may be for such duration and contain such warranties of title, pooling and unitization provisions, and other special clauses as my agent may agree to upon my behalf. This power shall include the right to negotiate and contract for the sale of any such oil, gas and mineral lease or leases. I also give my agent the power and authority to execute pooling or unitization agreements affecting any oil, gas or other mineral rights or interests owned or claimed by me, whether mineral fee interests, royalty interests or leasehold interests, so as to pool and combine any such interest or interests with the interests of others in the same or other lands, such agreements to be upon such terms and conditions and to contain such authorizations as my agent may deem advisable.

### **(5) Power to Appoint Substitute Agent**

The power to appoint or substitute one or more agents to serve as my agent under this power of attorney; provided, however, such power shall be exercisable only by the then-serving agent (or if more than one agent is serving, by all such agents acting unanimously), and any such appointment or substitution shall override other provisions contained herein which may attempt

to name one or more successor agents. Any such appointment or substitution may be revoked by me or my agent at any time and for any reason, and such appointment or substitution shall not terminate upon the death, disability, incapacity or resignation of my agent. Any such appointment or substitution shall be evidenced by acknowledged written instrument.

**(6) Power to Pay Fee to Agent**

The power to pay a reasonable fee from my estate to my agent as compensation for services rendered under this power of attorney in an amount which does not exceed the customary and prevailing charges for services of a similar character at the time and place such services are performed. My agent shall also be entitled to reimbursement for actual expenses advanced on my behalf and for reasonable expenses incurred in connection with the performance of such agent's duties.

**(7) Power Regarding Representation in Tax Matters**

The power to represent me, and to appoint an agent or agents to represent me, before the Internal Revenue Service or any State or other taxing authority by completing, signing, and submitting IRS Form 2848 or any other governmental form.

**(8) Power to Perform All Other Acts**

In addition to the powers enumerated above, I hereby give and grant unto my said agent full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done, as fully, to all intents and purposes, as I might or could do if personally present, hereby ratifying and confirming whatsoever my said agent shall and may do by virtue hereof; provided, however, and notwithstanding the foregoing, if I have deleted a particular power or several powers on page one of this power of attorney, then my agent shall not have such power or powers by virtue of the power and authority conferred by this sentence.

**This power of attorney is effective immediately and is not affected by my subsequent disability or incapacity.**

I agree that any third party who receives a copy of this document may act under it. Revocation of the durable power of attorney is not effective as to a third party until the third party receives actual notice of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.



I agree that any third party dealing with any alternate agent or agents named hereunder may rely on a written and acknowledged affidavit signed by such alternate agent or agents stating that all prior agents have died, become legally disabled, resigned or refused to serve, and no third party shall be required to investigate as to whether such affidavit is correct. Such affidavit need not state specific details regarding the reasons why the prior agents are not able to serve, but instead, such affidavit may simply state that such death, disability, resignation or refusal to act has occurred. I agree to indemnify the third party for any claims that arise against the third party because of reliance on such affidavit.

Signed on February 18, 2013.

Barbara Netherland  
BARBARA NETHERLAND, Principal

THE STATE OF TEXAS

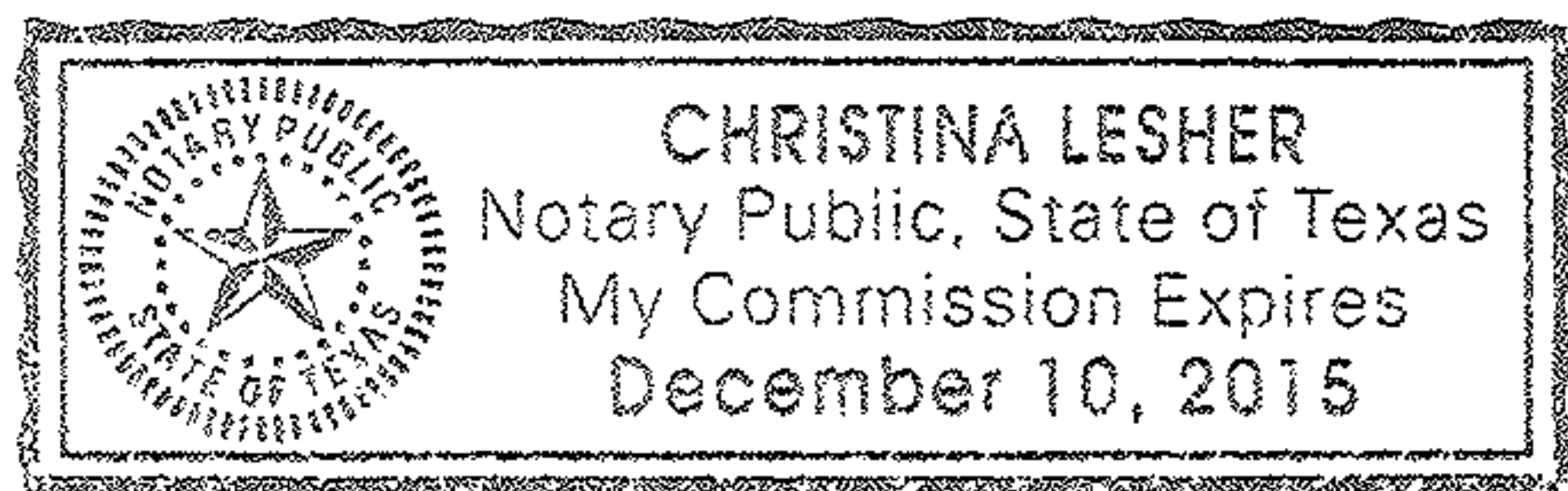
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COUNTY OF HARRIS

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This instrument was acknowledged before me on February 18, 2013,  
by BARBARA NETHERLAND.



Christina Lesher  
Notary Public, State of Texas

THE ATTORNEY IN FACT OR AGENT, BY ACCEPTING OR ACTING UNDER  
THE APPOINTMENT, ASSUMES THE FIDUCIARY AND OTHER LEGAL  
RESPONSIBILITIES OF AN AGENT.

**REAL PROPERTY SPECIFICALLY COVERED  
BY THIS POWER OF ATTORNEY**

1. LOT FORTY-SIX (46), IN BLOCK TWO (2), OF PINE HOLLOW SECTION 3-B, A SUBDIVISION IN BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 20, PAGES 393-394 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, more commonly known as 3804 Pinehurst Drive, Pearland, Texas 77581.



## FILED and RECORDED

Instrument Number: 2015041994

Filing and Recording Date: 09/08/2015 02:28:53 PM Pages: 8 Recording Fee: \$50.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink, appearing to read "Joyce Hudman".

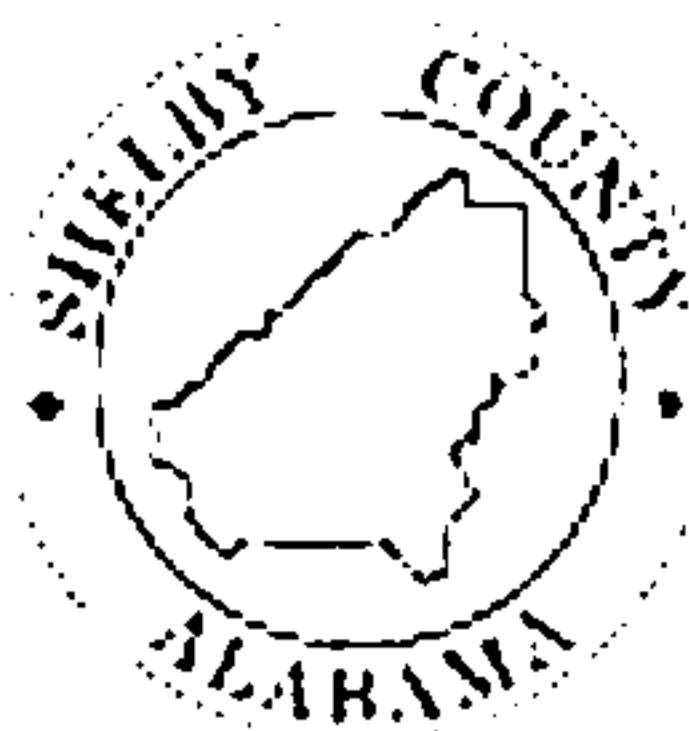
Joyce Hudman, County Clerk  
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

***DO NOT DESTROY - Warning, this document is part of the Official Public Record.***

cclerk-debbiet

**20170914000334650 09/14/2017 10:46:50 AM POA 9/9**



Filed and Recorded  
Official Public Records  
Judge James W. Fuhrmeister, Probate Judge,  
County Clerk  
Shelby County, AL  
09/14/2017 10:46:50 AM  
\$39.00 CHERRY  
20170914000334650

A handwritten signature in black ink, appearing to read "James W. Fuhrmeister".