

**POWER OF ATTORNEY AND**

**DESIGNATION OF AGENT**

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Shelby Cnty Judge of Probate AL  
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Name of Principal: Walter B. Beard

I name the following person as my agent: David Byrd

Name of Agent: David Byrd

Agent's Address: 4242 Hwy 26, Columbiana, Alabama 35051

Agent's Telephone Number: [REDACTED]

**DESIGNATION OF SUCCESSOR AGENT**

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent:

Tiffany Byrd

Successor Agent's Address:

4288 Hwy 26, Columbiana, AL 4

Successor Agent's Telephone Number:

[REDACTED]

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor Agent: None

Second Successor Agent's Address: \_\_\_\_\_

Second Successor Agent's Telephone Number: \_\_\_\_\_

**GRANT OF GENERAL AUTHORITY**

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Alabama Uniform Power of Attorney Act, Chapter 1A, Title 26, Code of Alabama 1975:

If you wish to grant general authority over all of the subjects enumerated in this section you may SIGN here:

(Signature of Principal) X *Robert B. Bland*

**OR IF YOU WISH TO LIMIT THE AUTHORITY**

If you wish to grant specific authority over less than all subjects enumerated in this section you must INITIAL by each subject you want to limit in the agent's authority:

- |           |   |
|-----------|---|
| <u>  </u> | Real Property as defined in Section 26-1A-204                   |
| <u>  </u> | Tangible Personal Property as defined in Section 26-1A-205      |
| <u>  </u> | Stocks and Bonds as defined in Section 26-1A-206                |
| <u>  </u> | Commodities and Options as defined in Section 26-1A-207         |
| <u>  </u> | Banks and Other Financial Institutions as defined in            |
| <u>  </u> | Section 26-1A-208   |
| <u>  </u> | Operation of Entity or Business as defined in Section 26-1A-209 |
| <u>  </u> | Insurance and Annuities as defined in Section 26-1A-210         |
| <u>  </u> | Estates, Trusts, and Other Beneficial Interests as defined in   |

Section 26-1A-211

☐ Claims and Litigation as defined in Section 26-1A-212

☐ Personal and Family Maintenance as defined in Section 26-1A-213

☐ Benefits from Governmental Programs or Civil or Military Service as defined in Section 26-1A-214

☐ Retirement Plans as defined in Section 26-1A-215

☐ Taxes as defined in Section 26-1A-216

☐ Gifts as defined in Section 26-1A-217

### **GRANT OF SPECIFIC AUTHORITY (OPTIONAL)**

My agent **MAY NOT** do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL the specific authority you WANT to give your agent.)

☐ Create, amend, revoke, or terminate an inter vivos trust, by trust or applicable law

☐ Make a gift to which exceeds the monetary limitations of Section 26-1A-217 of the Alabama Uniform Power of Attorney Act, but subject to any special instructions in this power of attorney

☐ Create or change rights of survivorship

☐ Create or change a beneficiary designation

☐ Authorize another person to exercise the authority granted under this power of attorney

☐ Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan



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Exercise fiduciary powers that the principal has authority to delegate

**LIMITATIONS ON AGENT'S AUTHORITY**

An agent that is not my ancestor, spouse, or descendant **MAY NOT** use my property to *benefit* the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

Limitation of Power. Except for any special instructions given herein to the agent to make gifts, the following shall apply:

(a) Any power or authority granted to my Agent herein shall be limited so as to prevent this Power of Attorney from causing any Agent to be taxed on my income or from causing my assets to be subject to a "general power of appointment" by my Agent as defined in 26 U.S.C. § 2041 and 26 U.S.C. § 2514 of the Internal Revenue Code of 1986, as amended.

(b) My Agent shall have no power or authority whatsoever with respect to any policy of insurance owned by me on the life of my Agent, or any trust created by my Agent as to which I am a trustee.

**SPECIAL INSTRUCTIONS (OPTIONAL)**

You may give special instructions on the following lines. For your protection, if there are no special instructions write NONE in this section.

SPECIAL INSTRUCTIONS: None \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EFFECTIVE DATE**

This power of attorney is effective immediately unless have stated otherwise in the Special Instructions.

## NOMINATION OF CONSERVATOR OR GUARDIAN

### (OPTIONAL)

If it becomes necessary for a court to appoint a [conservator or guardian] of my estate or [guardian] of my person, I nominate the following person(s) for appointment:

Name of Nominee for conservator or guardian of my estate:

DAVID BYRD  
Nominee's Address: 4242 Hwy 26, Columbiana, ALA 35051

Nominee's Telephone Number: [REDACTED]

Name of Nominee for

guardian of my person: DAVID BYRD

Nominee's Address: 4242 Hwy 26, Columbiana, AL 35051

Nominee's Telephone Number: [REDACTED]

## RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

## SIGNATURE AND ACKNOWLEDGMENT

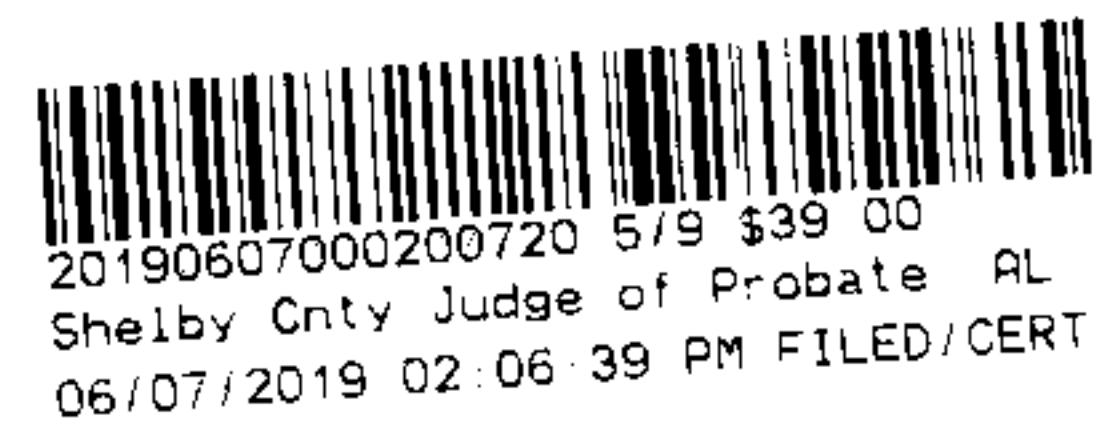
Signature of Principal X *Walter B. Beard*

Your Signature Date: 2-28-2019

Your Name Printed: WALTER B. BEARD

Your Address: 4288 Hwy 26, Columbiana, AL 35051

Your Telephone Number: [REDACTED]





State of Alabama)

County of Shelby)

I, Marion Lagman, a Notary Public, in and for the County in this State, hereby certify that Walter B. Beard, whose name is signed to the foregoing document, and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, he or she executed the same voluntarily on the day the same bears date.

Given under my hand this the 28<sup>th</sup> day of February, 2014.

Marion Lagman

Signature of Notary

My commission expires: 6-19-20


(This document prepared by: Henry E. Lagman)

### **IMPORTANT INFORMATION**

#### **Agent's Duties**

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties *that* continue until you *resign* or the power of attorney is terminated or revoked. You must:

- (1) do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in

  
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the principal's best interest;  
(2)act in good faith;  
(3)do nothing beyond the authority granted in this power of attorney; and  
(4)disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:


WALTER B. Beard BY David Byrd AS Agent  
(Principal's Name) by (Your Signature) as Agent

(1)Unless the Special Instructions in this power of attorney state otherwise, you must also: I act loyally for the principal's benefit;  
(2)avoid conflicts that would impair your ability to act in the principal's best interest;  
(3)act with care, competence, and diligence;  
(4)keep a record of all receipts, disbursements, and transactions made on behalf of the principal;  
(5)cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and  
(6)attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

### **Termination of Agent's Authority**

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

(1)death of the principal;  
(2)the principal's revocation of the power of attorney or your authority;  
(3)the occurrence of a termination event stated in the power of attorney;  
(4)the purpose of the power of attorney is fully accomplished; or  
(5)if you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

  
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### Liability of Agent

The meaning of the authority granted to you is defined in the Alabama Uniform Power of Attorney Act, Chapter 1A, Title 26, Code of Alabama 1975. If you violate the Alabama Uniform Power of Attorney Act, Chapter 1A, Title 26, Code of Alabama 1975, or act outside the authority granted, you may be liable for any damages caused by your violation.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.

### APPENDIX E

SECTION 26—1A-302. AGENT'S CERTIFICATION. A document substantially in the following format may be used by an agent to certify facts concerning a power of attorney.

#### **AGENT'S CERTIFICATION AS TO THE VALIDITY OF POWER OF ATTORNEY AND AGENT'S AUTHORITY**

State of ALABAMA )

County of SHELBY )

I, DAVID Bryd (Name of Agent), certify under penalty of perjury that

WALTER B. Beard (Name of Principal)

granted me authority as an agent or successor agent in a power of attorney dated

2/28/2019.

I further certify that to my knowledge:

(1) the Principal is alive and has not revoked the Power of Attorney or my authority to act under the Power of Attorney and the Power of Attorney and my authority to act under the Power of Attorney have not terminated;

(2) if the Power of Attorney was drafted to become effective upon the happening of an event or contingency, the event or contingency has occurred;



(3)if I was named as a successor agent, the prior agent is no longer able or willing to serve; and


(4) \_\_\_\_\_

Agent's Name: David Byrd

Agent's Signature: *David Byrd*

Agent's Address: 4242 Hwy 26, Columbiana, AL 35051

Agent's Phone Number [REDACTED]

  
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