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Fee Amt: \$48.25 Page 1 of 10
Madison County, AL
FRANK BARGER Probate Judge

File **2019-00026098**

POWER OF ATTORNEY

SAMUEL C. PHELPS

TO

ANDREW PHELPS



20190607000201270 1/10 \$42.00
Shelby Cnty Judge of Probate, AL
06/07/2019 03:37:26 PM FILED/CERT

ANDREW PHELPS
355 SPENCER LAKES DRIVE
35759

This Instrument Prepared By:

**John R. Wynn, Esquire
Lanier Ford Shaver & Payne P.C.
2101 West Clinton Avenue, Suite 102
Huntsville, Alabama 35805**

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POWER OF ATTORNEY

A. IMPORTANT INFORMATION

1. This Power of Attorney (the "Power of Attorney") authorizes another person (your "Agent") to make decisions concerning your property for you (the "Principal"). Your Agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Alabama Uniform Power of Attorney Act, Chapter 1A, Title 26, Code of Alabama 1975.
2. This Power of Attorney does not authorize your Agent to make health care decisions for you. Such powers are governed under other applicable law.
3. You should select someone you trust to serve as your Agent. Unless you specify otherwise, generally your Agent's authority will continue until you die or you revoke this Power of Attorney or your Agent resigns or is unable to act for you.
4. Your Agent is entitled to reimbursement of reasonable expenses and reasonable compensation unless you state otherwise in the Special Instructions set forth below.
5. This Power of Attorney provides for designation of one Agent. If you wish to name more than one Agent you may name a Co-Agent in the Special Instructions set forth below. Co-Agents are not required to act together unless you include that requirement in the Special Instructions set forth below.
6. If your Agent is unable or unwilling to act for you, this Power of Attorney will end unless you have named a Successor Agent. You may also name a Second Successor Agent.
7. This Power of Attorney becomes effective immediately unless you state otherwise in the Special Instructions set forth below.
8. If you have questions about this Power of Attorney or the authority you are granting to your Agent, you should seek legal advice before signing this Power of Attorney.



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A handwritten signature in black ink, consisting of a stylized 'S' followed by a flourish.

B. DESIGNATION OF AGENT

I, SAMUEL C. PHELPS, hereby name the following person as my Agent:

Name of Agent: Andrew Phelps

Agent's Address: 355 Spencer Lakes Drive, Meridianville, Alabama 35759

Agent's Telephone Number: [REDACTED]

C. DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my Agent is unable or unwilling to act for me, I hereby name as my Successor Agents:

Name of Successor Agent: Rebekah Phelps

Successor Agent's Address: 355 Spencer Lakes Drive, Meridianville, Alabama 35759

Successor Agent's Telephone Number: _____

Name of Second Successor Agent: _____


Second Successor Agent's Address: _____

Second Successor Agent's Telephone Number: _____

As used herein the term "Agent" means the person(s) granted authority to act for me under this Power of Attorney and includes the original Agent, a Co-Agent, the Successor Agent and the Second Successor Agent, and a person to which an Agent's authority is delegated.

D. GRANT OF GENERAL AUTHORITY

I hereby grant my Agent and my Successor Agents 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:


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


Samuel C. Phelps
(Signature of Principal)

OR

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 include in your Agent's authority:

SP

- _____ Real Property as defined in Section 26-1A-204
- _____ Tangible Personal Property as defined in Section 26-1A-205
- _____ Stocks and Bonds as defined in Section 26-1A-206
- _____ Commodities and Options as defined in Section 26-1A-207
- _____ Banks and Other Financial Institutions as defined in Section 26-1A-208
- _____ Operation of Entity or Business as defined in Section 26-1A-209
- _____ Insurance and Annuities as defined in Section 26-1A-210
- _____ 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


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E. 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

_____ Exercise fiduciary powers that the Principal has authority to delegate

F. 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 set forth below.

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.

G. 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.

(a) Revocation of Prior Power of Attorney. By executing this Power of Attorney I hereby revoke any and all other powers of attorney (whether general or specific and/or whether durable or not) heretofore made by me, except for any power of attorney limited to health care matters or any health care proxy.

(b) Other Instructions. NONE

H. EFFECTIVE DATE

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


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I. NOMINATION OF CONSERVATOR OR GUARDIAN (OPTIONAL)

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

Name of Nominee for conservator or guardian of my estate:

Nominee's Address: _____

Nominee's Telephone Number: _____

Name of Nominee for guardian of my person:

Nominee's Address: _____

Nominee's Telephone Number: _____

J. 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.

K. SIGNATURE AND ACKNOWLEDGMENT

Samuel C. Phelps
(Signature of Principal)

Your Signature Date: 4/30/2019

Your Name Printed: SAMUEL C. PHELPS

Your Address: 355 Spencer Lakes Drive, Meridianville, Alabama 35759

Your Telephone Number: [REDACTED]



[Signature]

Executed in the presence of:

Witness John R. W. Jr.

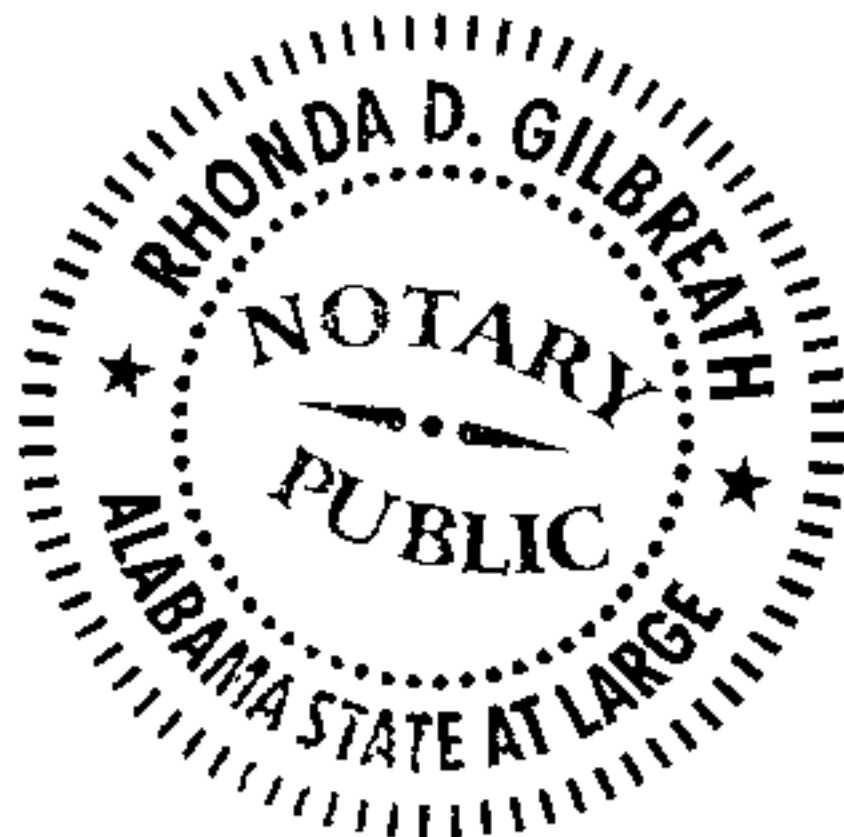
Witness Debra J. Francois

STATE OF ALABAMA)

COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that SAMUEL C. PHELPS, whose name is signed to the foregoing Power of Attorney, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing Power of Attorney, he executed the same voluntarily on the day the same bears date.

GIVEN under my hand and seal on this the 30th day of April, 2019.



Rhonda D. Gilbreath [SEAL]
NOTARY PUBLIC
My Commission Expires: 4/4/2022

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[Signature]

L. IMPORTANT INFORMATION FOR AGENT

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 your 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 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:

(Principal's Name) by (Your Signature) as Agent

Unless the Special Instructions in this Power of Attorney state otherwise, you must also:

- (1) 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.

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.

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