

STATE OF ALABAMA)
) DURABLE POWER OF ATTORNEY
JEFFERSON COUNTY) and
) Authority to Access Health Information
) of
) LYNNE TORBERT FALKNER

CAUTION: This is an important document. It gives the person whom you designate (Your "AGENT") broad powers to handle property during your lifetime, which may include powers to Mortgage, Sell, or Otherwise dispose of any real or personal property without advance notice to you or approval by you. These powers will exist even if you become **Disabled** or **Incompetent**. If there is anything about this document that you do not understand, you should ask a lawyer to explain it to you.

KNOW ALL MEN BY THESE PRESENTS, that I, Lynne Torbert Falkner, 13725 Highway 43, Vandiver, Alabama 35176, do hereby make, constitute and appoint, Brandon Grey Falkner, 265 Crandall Driver, Springville, Alabama 35146, as my Attorney-in-fact, for me and in my name, place and stead, and on my behalf, to do, perform and execute any and every act that I may legally do through an attorney in fact, and I grant to her every power necessary to carry out the purposes for which this power is granted, including the powers of revocation and substitution, hereby ratifying and affirming that which she or her substitute shall lawfully do or cause to be done by virtue of the rights and powers herein granted.

1. Effectiveness of Power of Attorney: This instrument is to be construed and interpreted as a general durable power of attorney effective immediately. **Any and All other Power of Attorney signed prior to this document is revoked effectively immediately.**
2. Grant of Powers: I grant to my Agent full power and authorization to do everything necessary in exercising any of the powers therein by this power of attorney as fully as I might or could do it myself personally present. My agent shall have full power of substitution or revocation. I hereby ratify and confirm all that my Agent lawfully does or causes to be done by virtue power of attorney and the powers herein granted. My Agent shall have the power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereinafter acquire, relating to any person, matter, transaction or property, real or personal, tangible, now owned or hereafter acquired by me, including without limitation, the following enumerated powers:

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(a) POWERS OF PAYMENT AND COLLECTION:

- (1) To request, forgive, demand, collect, sue, recover, receive and hold all sums of money, annuities, bonds, accounts, bequests, certificate of deposits, checks, debts, deposits, devises, commercial paper, dividends, drafts, due, insurance, interests, legacies, note, pension, profit sharing, retirement, social security, stock certificates and other contractual proceeds and benefits, all documents of title, all property, real or personal, intangible or tangible, and property rights and demands whatsoever, liquidated or un-liquidated, now or hereafter owned by, or due, owing, payable or belonging to me or in which I have or may hereafter acquire an interest.
- (2) To have, use and take all lawful means and equitable and legal remedies and proceedings in my name for the collection and recovery thereof, and to adjust, sell compromise, and agree for the same, and to execute and deliver for me, on my behalf and in my name, all endorsements, release receipts, or other sufficient discharges for the same.

(b) PROPERTY MATTERS:

- (1) To acquire, purchase, or grant options to sell, exchange and sell, pledge, mortgage, sell and convey real or personal property, lease, tangible or intangible, or interests therein, on such terms and conditions as my Agent shall deem proper, with full authority to sign, endorse, execute and deliver any sales agreement, deed, bill of sale and all other instruments or documents pertaining to the sale of any of my real or personal property; and to enter into bonds, contracts, mortgages and deed connected therewith.
- (2) To sell, assign, convey exchange, deed, transfer, mortgage, pledge, lease, let, license, demise, remise, quitclaim, bargain or otherwise dispose of any and all of my real estate, stocks, bonds, evidences of indebtedness and other securities and other personal tangible and intangible or mixed property, or any custody, possession, interest or right therein at public or private sale, upon such terms, consideration, and conditions as my said attorney shall deem advisable and to execute, acknowledge and deliver such instruments and writing of whatsoever kind and nature may be necessary, convenient or proper in the premises.

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(c) **MANAGEMENT POWERS:**

To maintain, repair, improve, invest, manage, insure, rent, lease, encumber, and in any manner deal with any real or personal property, tangible or intangible or any interest therein that I now own or may hereinafter acquire in my name and for my benefit, upon such terms and conditions as my Agent shall deem proper;

(d) **BANKING POWERS:**

To make, receive and endorse checks and drafts, deposit and withdraw funds, acquire and redeem certificates of deposit in banks, saving and loan associations, and other institutions, execute or release such deeds of trust or other security agreement as may be necessary or proper in the exercise of the rights and powers herein granted

(e) **SAFETY DEPOSIT BOXES:**

To have access at any time or times to any safe deposit box rented by me, where so ever located, and to remove all or part of the contents thereof, and to surrender or relinquish said safe deposit box, and any institution in which any such safe deposit box may be located shall not incur any liability to me or my estate as a result of permitting my Agent to exercise this power.

(f) **POWER TO BORROW:**

To borrow any sum of sums of money on such terms (including the power to borrow against the cash surrender value of any life insurance policy issued on my life), and with such security, whether real or personal property, as my Agent may think fit, and for that purpose to execute all promissory notes, mortgages, bonds, deeds of trust, security agreements, and other instruments which may be necessary or proper.

(g) **BUSINESS INTERESTS:**

To conduct or participate in any lawful business of whatever nature of me and in my name; to execute partnership agreements and amendments thereto; to incorporate, merge, consolidate, reorganize, recapitalize, liquidate or dissolve any business; to elect or employ officers, directors, directors and agents; to carry out the provision of any agreement for the sale of any business interest or the stock therein; and to exercise voting rights with respect to stock, either in person or by proxy, and to exercise stock options;

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(h) POWER TO HOLD PROPERTY AND MAKE INVESTMENTS:

The power to hold or acquire any property real or personal, or securities, regardless of whether such property or securities are so called "Legal" investment, where such course is, in the said Agent's opinion, for my best interest.

(i) DISCLAIMER:

To exercise or release powers of appointment in whole or in part and to disclaim or renounce in whole in part any interest that I might otherwise have as a joint owner, beneficiary, heir or otherwise and in exercising such discretion, my Agent may take into account such matters as shall include but shall not be limited to any reduction in estate or inheritance taxes on my estate, and the effect of such renunciation or disclaimer upon persons interested in my estate and persons who would received the renounced or disclaimed property;

(j) TRUSTS:

To transfer, convey and assign any property or interest in property, the legal or equitable title to which is in my name, to any trust of which I am the primary beneficiary during my lifetime and under the terms of which I expressly have the power to amend or revoke such trust, and to exercise any right of withdrawal of income and /or principal which I may have pursuant to the terms and conditions of such trust, whether such trust was created before or after the execution of this power of attorney.

(k) POWER TO CHANGE BENEFICIARIES ON ANY INSURANCE POLICIES ON MY LIFE:

To change the beneficiaries on any insurance policies on my life; provided, however, that neither such right and power, nor any other rights and powers shall be exercisable with respect to any policies of life insurance which may at any time be owned by me on the life of my Agent herein named.

(l) DEPOSITING MONEY AND OTHER PROPERTY:

To deposit in my Attorney (Agent) or my name, or jointly in both our names, in any banking institution, funds or property, and to withdraw any part or all of my deposits at any time made by me in my behalf.

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(m) **EXECUTING GOVERNMENT VOUCHERS:**

To execute vouchers in my behalf for any and all allowances, compensation Reimbursements properly payable to me by the Government of the United States or any agency or department thereof.

(n) **RECOVERING POSSESSION AND OTHER PROPERTY:**

To eject, remove or relieve tenants or other persons from, and recover possession of any property, real, personal or mixed in which I now or hereafter may have an interest.

(o) **LITIGATION:**

To institute, maintain, defend, compromise, arbitrate or otherwise dispose of any and all actions, suits, attachments, or other legal proceedings for or against me.

(p) **TAX RETURNS:**

To prepare and execute any tax returns, including, but not limited to Federal Income Tax Returns, State Income Tax Returns, Social Security Tax Returns, and Federal and State information and estimated returns; to execute any claims for refunds, protests, applications for abatement, petitions to the United States Board of Tax Appeals or any other Board of Court, Federal or State, Consents and Waivers to determination and assessment of taxes and consents and waivers agreeing to a later determination and assessment of taxes than is provided by statute of limitations; to receive and endorse and

collect any checks in settlement of any refund of taxes; to examine and to request and receive copies of any tax returns, reports and other information from the United States Treasury Department or any other taxing authority, Federal or State, in connection with any of the foregoing matters.

(q) **AUTOMOBILES:**

To execute and deliver to the power and authority any and all documents, instruments and papers necessary to effect proper registration of any automobiles in which I now or may hereafter have an interest, or the sale thereof and transfer of legal title thereto as required by law, and to collect and receipt for all monies paid in consideration of such sale and transfer.

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3. MISCELLANEOUS

(a) In the event any agent named herein should be of the opinion at any time that she or she does not have the expertise to manage all or any part of my assets, I grant to said Agent the right and power to delegate the management powers hereinabove granted over all or any part of my assets to any person(s) or firm(s), and to enter into any management or agency agreements with said person(s) or firm(s), pertaining thereto, with the right on the part of the Agent name herein to revoke and cancel any such agreement at any time upon (90) days written notice to said person(s) or firm(s).

(b) I grant full and absolute authority to the Agent named herein, on a noncumulative, yearly basis, to make gifts to my children, in trust, or otherwise, as well to their spouses, and to their children, in trust or otherwise, with the amount of the gifts to each such person each year not to exceed that amount which is excludable from the total amount of gifts made during such year under Section 2503(b) Internal Revenue Code of 1986, as amended from time to time.

(c) I further authorize and empower the Agent named herein to sue and apply so much of the income and principal of the assets comprising my estate as may be necessary or desirable in the sole discretion of said Agent, for my maintenance and support. Any provision herein to the contrary notwithstanding, the Agent shall have no power or authority to use or apply the principal to discharge any legal obligation that the Agent or any other person may have to support me or any dependent or beneficiary of mine, except to the extent that there are no assets

(d) Reasonably available to the person having the obligation of support to pay the same.

(e) I further authorize and empower my Agent to engage, employ and dismiss any agents, clerks, servants, attorneys-at-law, accountants, investment advisors, custodians, or other persons in and about the performance of these presents as my Agent shall think fit.

Any decisions made by the said Agent with respect to the matters set forth hereinabove in sections 3(b), 3(c), and 3(d) shall be final, binding and conclusive upon all of the beneficiaries of my estate, and said Agent shall be released and discharged of and from all liability for any such decision that she or he may make in good faith with respect thereto.

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4. INTERPRETATION AND GOVERNING LAW:

This instrument shall be construed and interpreted as a general durable power of attorney. The enumeration of specific powers herein is not intended to, nor does it, limit or restrict the general powers herein granted to my Agent. This instrument is executed and delivered in the State of Alabama, and the laws of the State of Alabama shall govern all questions as to the validity of this power and the construction of its provisions. This instrument is intended to be effective in all states of the United States and in all foreign countries.

5. INDEMNITY:

I hereby bind myself to indemnify my Agent and any successor who shall so act, against any and all claims, demands, losses, damages, actions and causes of action, including expenses, costs and reasonable attorneys' fees which my Agent at any time may sustain or incur in connection with carrying out the authority granted her or him in this power of attorney.

6. NOMINATION OF GUARDIAN OR CONSERVATOR:

In the event court proceedings are hereafter commenced to appoint a guardian, conservator or other fiduciary to take charge of my person, or to manage and conserve my property, I hereby nominate and appoint my Agent above-named, as my guardian, conservator, or other fiduciary, to serve without bond unless otherwise required by a court of competent jurisdiction.

7. REVOCATION:

This general durable power of attorney may be voluntarily revoked by me by written instrument signed by me and delivered to my Agent. My guardian may also revoke this instrument by written instrument signed by him or her and delivered to my Agent. Any affidavit executed by my Agent stating that she or he does not have, of doing any act pursuant to this power of attorney, actual knowledge of the revocation or termination of this power of attorney, is, in the absence of fraud, conclusive proof of the non- revocation or non- termination of the power at that time.

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8. HEALTH CARE:

Arrange for my care at home or by admitting to an appropriate facility, and effectively immediately, and to serve as my personal representative as that term is used in 45 CFR 164.502 (Commonly known as "HIPPA Privacy Regulations"), and to have the same access to my personal health information as I have myself, including, but not limited to, viewing and obtaining copies of any and all of my personally identifiable medical records of any kind and whatever, and consulting with medical providers; and I authorize covered medical entities to provide such access and to cooperate with my agent under this document (as well as any health care agent or proxy I may appoint); (further, my agent appointed herein may make medical decisions for me consistent with applicable law and with health care directive I may have in effect at the time decisions may be needed).

With this instrument I intend to create a Durable Power of Attorney pursuant to Alabama Code, of 1975 S 26-1-2 et seq., as from time to time amended, and with HIPPA privacy regulations. The enumeration of specific powers is not intended to and does not limit or restrict the broad powers herein granted. This Power of Attorney and HIPPA

Authorization shall take effect immediately and shall not be affected by my subsequent disability, incapacity or incompetency. The authority and powers conferred subsequent disability, incapacity or incompetency. The authority and powers conferred shall remain in force and in effect until my death or my earlier revocation of this document.

9. DEATH:

My death shall not revoke or terminate this agency as to my Agent or any other person who, without actual knowledge of my death, acts in good faith under this power of attorney. Any action so taken, unless otherwise invalid or unenforceable, shall be binding upon me and my heirs, devisees, and personal representatives.

10. SUBSTITUTE AGENT:

If, **Brandon Grey Falkner**, ceases to act my Agent due to death, incapacity, or resignation, I appoint **Merri Beth Falkner, 265 Crandall Drive, Springville, Alabama 35146** to serve as my Agent.

11. JOINT POWER:

If I name two persons to serve as my Agent hereunder, it is my intent that the power granted to them shall be a joint power, which shall and must be exercised by them together as they may from time to time act on my behalf. No action or transaction requiring a signature will be effective or binding without both such persons' signature affixed to the written instrument(s) reflecting the action or transaction.

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Further, I do authorize my aforesaid attorney to execute, acknowledge and deliver any instrument under seal or otherwise, and to do all things necessary to carry out the intent hereof, hereby granting unto my said attorney full power and authority to act in and concerning the premises as fully and effectually as I may do if personally present.

PROVIDED, however, that all business transacted hereunder for me as my account shall be transacted in my name, and that all endorsements and instruments executed by my said attorney for the purpose of carrying out the foregoing powers shall contain my name, followed by that of my said attorney and the designation "attorney-in-fact."

My agent is entitled to reasonable compensation and reimbursement for reasonable expenses for services rendered as agent under this power of attorney, if desired.

To induce any third party to act hereunder, I hereby agree that any third party receiving a duty executed copy or facsimile of this instrument may act hereunder, and that revocation or termination hereof shall be ineffective as to such third party unless and until actual notice or knowledge of such revocation or termination shall have been received by such third party, and I for myself and for my heirs, executors, legal representatives and assigns, hereby agree to indemnify and hold harmless any such third party from and against any and all claim that may arise against such third party by reason of such third party have relied on the provisions of this instrument.

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**THIS DURABLE GENERAL POWER OF ATTORNEY MAY BE REVOKED BY ME AT
ANY TIME.**

IN WITNESS WHEREOF, I, **Lynne Torbert Falkner**, as Principal, have signed the
General Durable Power of Attorney, consisting of **10** pages this 22 day of June,
2025.

Signature:

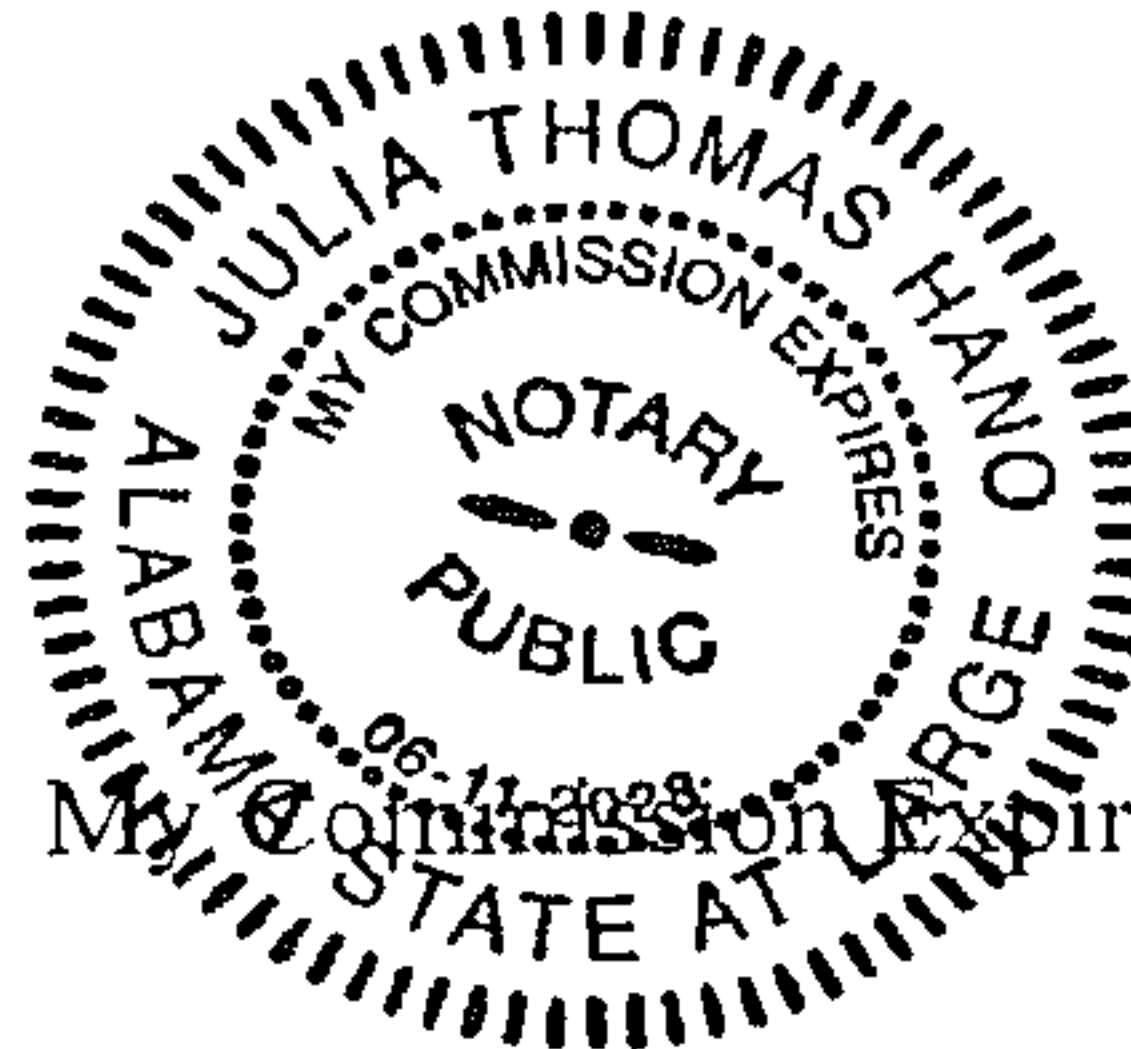
Lynne Torbert Falkner
Lynne Torbert Falkner
13725 Highway 43
Vandiver, Alabama 35176
County of Shelby

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, a Notary Public, hereby certify that **Lynne Torbert Falkner**, 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 conveyance, he/she/they executed the same voluntarily on
the day the same bears date.

Given under my hand this 22 day of June, 2025.



Julia Thomas Hano
Notary Public

Print Name Julia Thomas Hano

6-11-28

Prepared By:

Attorney Tommy McFarland
P. O. Box 100515
Birmingham, Alabama 35210
(205) 655-8003, (888) 655-8023 (Fax)



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
07/28/2025 10:29:25 AM
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