

DURABLE POWER OF ATTORNEY

Executed By

Johnny Lee Fowlkes

1. Appointment of Attorney-in-Fact

I, Johnny Lee Fowlkes, an adult resident citizen of 411 Hill Street, Hernando, Mississippi hereby appoint Cynthia Louise Fowlkes, my natural daughter, an adult resident citizen of 14265 Harrison Drive, Byhalia, Mississippi, as my attorney-in-fact under the Uniform Durable Power of Attorney Act (Mississippi Code of 1972 Section 87-3-101, et seq.) to act in, manage, and conduct my affairs, in any way which I myself could do with respect to any and all matters of any kind or nature.

I authorize any health care provider to disclose to the person named herein as my attorney-in-fact, by mail, fax, electronic transmission, or verbally, any pertinent individually identifiable health information, including any protected health information, sufficient to determine whether I am by reason of illness or mental or physical disability unable to give prompt and intelligent consideration to financial matters.

All acts done by my attorney-in-fact hereunder pursuant to the power hereby conferred during any period of disability or incapacity shall have the same effect, and inure to the benefit of and bind me, my heirs, devisees, and personal representatives, as if I were not incapacitated or disabled. This durable power of attorney shall be nondelegable except as specifically provided below, and shall be valid and effective from the date hereof until such time as I shall die or revoke the power.

2. Property Subject To This Power of Attorney

The property subject to this durable power of attorney shall include any interest in property owned by me, including but not limited to my interest in all real property; all personal property, tangible or intangible; all property held in any type of joint tenancy, including a tenancy in common, or joint tenancy with right of survivorship; all property over which I hold a power of appointment; choses in action; and all other contractual or statutory rights or elections, including but not limited to any rights or elections in any probate or similar proceeding to which I am or may become entitled.

3. Powers

I authorize my attorney-in-fact to take the following actions on my behalf:

a. Monies. To use the funds in any account of mine on deposit with any securities firm, bank, savings and loan association, credit union or other financial institution for my health, education, support, and maintenance; to collect any monies due me; to make deposits and withdrawals, whether by check or otherwise; to renew or not renew any certificates of deposit; and to have full access to the contents of my safe deposit box at any such financial institution.

b. Securities and Other Personal Property. To buy, sell, or otherwise deal with personal property on my behalf, both tangible and intangible, including but not limited

to securities and other forms of investment (and to exercise on my behalf all voting and other rights with respect thereto), clothing, automobiles, jewelry, furniture, furnishings, and other household or personal effects.

c. Real Estate. To sell, rent, maintain, and otherwise deal with my real estate upon such terms and conditions as my attorney-in-fact may determine to be in my best interests (including the power to take back a purchase-money mortgage in part payment of the purchase price in the event of a sale). This authorization includes, but is not limited to, the residence I currently own.

d. Medical Care. To contract for my entry into, maintenance at, or release from any hospital, or other health care facility, including the authority to approve or disapprove any proposed medical treatment to the extent that I am, in the opinion of my treating physician, incompetent or incapable of acting for myself.

e. Gifts. To make gifts of any of my assets to my heirs at law. The annual gifts to any such donee shall not exceed the maximum allowable federal gift tax exemption then in effect.

f. Tax Returns. To make and sign in my name any and all tax or other returns to the State or Federal Government or other taxing authority, to request extensions in connection with such taxes, to protest in my name any such taxes or the proposed assessment of any such taxes, to file claims for refunds of taxes, to endorse refund checks, to make appearances in Court or before any taxing authority, either in person or through an attorney-in-fact, and to attempt to sustain any tax return or to oppose proposed tax assessments.

g. Other Acts. To take any and all actions on my behalf as fully and effectively as if I could do personally to include but not limited to standing in on my behalf in civil /criminal legal matters. In conferring this general power of attorney on my attorney-in-fact, I am fully aware of the broad authority being granted, and express my full confidence in my attorney-in-fact.

#### 4. Ratification of Acts

I ratify and confirm all acts done by my attorney-in-fact under this durable power of attorney. All third parties acting in good faith reliance on this power shall be absolved of any liability pursuant to the provisions of the Uniform Durable Power of Attorney Act. I direct that a copy of this durable power of attorney shall be valid as an original hereof.

#### 5. Photographic Copies

Photographic, portable document formatted (PDF) or other facsimile reproductions of this executed Power of Attorney may be made and delivered by my attorney-in-fact, and may be relied upon by any person to the same extent as though the copy were an original. Anyone who acts in reliance upon any representation or certificate of my attorney-in-fact, or upon a reproduction of this power, shall not be liable for permitting my attorney-in-fact to perform any act pursuant to this power.

6. Other Provisions

If any instrument signed by my attorney-in-fact pursuant to this durable power of attorney is recorded in the public records before my written revocation hereof is recorded in the public records of the same county, then such instrument shall be and remain fully effective for the purposes stated in the instrument.

Any third party may rely upon the authority granted in this durable power of attorney until the third party has received notice of revocation or my death. Until a third party has received such notice, the third party may act in reliance upon the authority granted in this durable power of attorney.

My attorney-in-fact is not liable for any acts or decisions made by my attorney-in-fact in good faith and under the terms of this durable power of attorney.

IN WITNESS WHEREOF, I hereby execute this durable power of attorney on this 27<sup>th</sup> day of may, 2009.

Johnny Lee Fowlkes  
Johnny Lee Fowlkes

STATE OF MISSISSIPPI  
COUNTY OF DESOTO

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Johnny Lee Fowlkes, to me known to be the person described in and who executed the foregoing Durable Power of Attorney, and acknowledged that he executed the same as his free act and deed.

WITNESS my hand and Notarial Seal at office this 27<sup>th</sup> day of May, 2009.

WE Davis, Chancery Clerk  
Notary Public

By: R Ramey DC

My Commission Expires: \_\_\_\_\_  
~~My Commission Expires Jan. 2, 2012~~



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