

Per Florida Statute § 709.2120:  
The unreasonable refusal of a third party to allow an attorney-in-fact to act pursuant to the power granted herein, and challenges to the proper exercise of authority by the attorney-in-fact, may entitle the attorney-in-fact to damages and costs, including reasonable attorney's fees.

## **General Durable Power of Attorney**

I, VIRGINIA R. BOYETTE, of Lake City, Florida, am creating a durable power of attorney intended to comply with the Florida Power of Attorney Act (part II of chapter 709, Florida Statutes) as amended from time to time. I hereby revoke all powers of attorney previously granted by me as Principal and terminate all Agency relationships created by me except:

- (i) powers granted by me under any Designation of Health Care Surrogate;
- (ii) powers granted by me on forms provided by financial institutions granting the right to write checks on, deposit funds to and withdraw funds from accounts to which I am a signatory; and
- (iii) powers granting access to a safe deposit box.

### **Article One Appointment of Attorney-in-Fact**

#### **Section 1.01 Attorney-in-Fact**

I appoint DIANE B. HIERS to serve as my Attorney-in-Fact (also referred to herein as "my Agent").

If DIANE B. HIERS resigns, dies, becomes incapacitated, is not qualified to serve, or declines or otherwise fails to serve, I appoint KATHRYN B. CLAYTON to serve as my successor Attorney-in-Fact.

#### **Section 1.02 Authority to Delegate**

Any serving Attorney-in-Fact may delegate, in writing, any of the Attorney-in-Fact's authority to any other Attorney-in-Fact that I have designated in this General Durable Power of Attorney to serve with the delegating Attorney-in-Fact or as a successor Attorney-in-Fact. The serving Attorney-in-Fact making a delegation under this provision may revoke the delegation at any time.

### **Section 1.03 Self-Dealing by Descendant**

My descendant who is serving as my Attorney-in-Fact may engage in acts of self-dealing, even if state law restricts acts of self-dealing. Unless expressly prohibited by another provision of this Durable Power of Attorney, the Attorney-in-Fact may enter into and profit from transactions on my behalf in which my Attorney-in-Fact is personally interested, so long as the terms of the transaction are fair to me. For example, the Attorney-in-Fact may purchase property from me at its fair market value without court approval.

### **Section 1.04 Prior or Joint Attorney-in-Fact Unable to Act**

A successor Attorney-in-Fact, or an Attorney-in-Fact serving jointly with another Attorney-in-Fact, may establish that the acting Attorney-in-Fact or joint Attorney-in-Fact has resigned, died, become incapacitated, is no longer qualified to serve, or declined or otherwise failed to serve as Attorney-in-Fact by signing an affidavit to that effect. The affidavit may (but need not) be supported by a death certificate of the Attorney-in-Fact, a certificate showing that a guardian or conservator has been appointed for the Attorney-in-Fact, a letter from a physician stating that the Attorney-in-Fact is incapable of managing his or her own affairs, or a letter from the Attorney-in-Fact stating his or her unwillingness to act or delegating his or her power to the successor Attorney-in-Fact.

## **Article Two**

### **Effectiveness of Appointment - Durability Provision**

#### **Section 2.01 Effectiveness and Durability**

The authority granted to my Attorney-in-Fact under this General Durable Power of Attorney shall be effective immediately upon signing.

This General Durable Power of Attorney is not terminated by lapse of time or my subsequent incapacity, except as provided in section 709.2109, Florida Statutes.

#### **Section 2.02 Termination of General Durable Power of Attorney**

This General Durable Power of Attorney shall expire at the earlier of:

- adjudication that I am totally or partially incapacitated by a court, unless the court determines that certain authority granted by this Durable Power of Attorney is to be exercisable by my Attorney-in-Fact;

- my death (except for post-death matters allowed under state law); or

- my revocation of this Durable Power of Attorney.

#### **Section 2.03 Suspension of Attorney-in-Fact's Authority**

If any person initiates judicial proceedings to determine my incapacity or for the appointment of a guardian advocate, the authority granted under this General Durable Power of Attorney is suspended until the petition is dismissed or withdrawn or the court enters an order authorizing my

Attorney-in-Fact to exercise one or more powers granted under this General Durable Power of Attorney.

### **Article Three General Powers**

I grant my Attorney-in-Fact the powers described in this Article so that my Attorney-in-Fact may act on my behalf. In addition, my Attorney-in-Fact may do everything necessary to exercise the powers listed below.

My Attorney-in-Fact may exercise any power described in this General Durable Power of Attorney on my behalf with respect to any real property I now own or may acquire in the future.

#### **Section 3.01 Real and Personal Property Sales and Purchases**

Unless specifically limited by the other provisions of this General Durable Power of Attorney, my Attorney-in-Fact may:

- (i) sell, exchange, and convey any interest I own in any kind of property, real or personal, including homestead property under Florida law or the laws of any other state, and determine the terms of sale and grant options with regard to sales;
- (ii) dispose of sales proceeds on my behalf as my Attorney-in-Fact determines is appropriate;
- (iii) buy any kind of property, real or personal, including homestead property under Florida law or the laws of any other state, and determine the terms for buying property and may obtain options to buy property;
- (iv) arrange to insure purchased property, and otherwise arrange for its safekeeping;
- (v) borrow money for the purposes described in this Section and to secure the loan in any manner my Attorney-in-Fact determines is appropriate, and repay the loan from my funds;
- (vi) pay for any purchases made; and
- (vii) repay any cash advanced from my credit cards.

#### **Section 3.02 Real Property Management**

My Attorney-in-Fact may manage any real property I now own or may acquire in the future, including my personal residence and homestead property under Florida law or the laws of any other state. Unless specifically limited by the other provisions of this General Durable Power of Attorney, my Attorney-in-Fact may:

- (i) declare, create, or execute a homestead on my personal residence under Florida law or the laws of any other state; and terminate, abandon, release, or give a waiver on any interest I have in a homestead;



- (ii) lease and sublease property for any period, and grant options to lease or subdivide property, even if the term of the lease, sublease or option extends beyond the term of this General Durable Power of Attorney;
- (iii) eject and remove tenants or other persons from property, and recover the property by all lawful means;
- (iv) collect and sue for rents;
- (v) execute occupancy agreements on my behalf;
- (vi) pay, compromise, or contest tax assessments and apply for tax assessment refunds;
- (vii) subdivide, partition, develop, dedicate property to public use without consideration, and grant or release easements over my real property;
- (viii) maintain, protect, repair, preserve, insure, build upon, improve, demolish, abandon, and alter all or any part of my real property;
- (ix) employ laborers;
- (x) obtain or vacate plats and adjust boundaries;
- (xi) adjust differences in the property's value on exchange or partition by giving or receiving consideration;
- (xii) release or partially release real property from a lien;
- (xiii) enter into any contracts, covenants, and warranty agreements regarding my real property that my Attorney-in-Fact considers appropriate; and
- (xiv) encumber property, including homestead property under Florida law or the laws of any other state, by mortgage or deed of trust.

### **Section 3.03 Residence and Tangible Personal Property**

Without limiting any other authority granted in this General Durable Power of Attorney, if my Attorney-in-Fact determines that I will never be able to return to my residence from a hospital, hospice, nursing home, convalescent home, or similar facility, my Attorney-in-Fact may sell, lease, sublease, or assign my interest in my residence on terms and conditions that my Attorney-in-Fact considers appropriate.

As it relates to items of tangible personal property remaining in my residence, my Attorney-in-Fact may:

- (i) store and safeguard any items, and pay all storage costs;
- (ii) sell any items that my Attorney-in-Fact believes I will never need again on terms and conditions that my Attorney-in-Fact considers appropriate; or
- (iii) transfer custody and possession of any item to the person named in my estate planning documents as the person to receive that item upon my death.

### **Section 3.04 Banking and Investment Transactions**

My Attorney-in-Fact has authority to conduct banking transactions as provided in section 709.2208(1), Florida Statutes.

My Attorney-in-Fact has authority to conduct investment transactions as provided in section 709.2208(2), Florida Statutes. In addition, in accordance with section 709.2201(2)(a), Florida Statutes, my Attorney-in-Fact may execute stock powers or similar documents on my behalf and delegate to a transfer agent or similar person the authority to register any stocks, bonds, or other investment instruments into or out of my name or nominee's name.

### **Section 3.05 Obligations**

My Attorney-in-Fact may collect all rights and benefits to which I am entitled now or in the future, including, but not limited to rights to, cash payments, property, debts, accounts, legacies, bequests, devises, dividends and annuities. In collecting my obligations, unless specifically limited by the other provisions of this General Durable Power of Attorney, my Attorney-in-Fact may demand, sue for, arbitrate, settle, compromise, receive, deposit, expend for my benefit, reinvest or otherwise dispose of these matters as my Attorney-in-Fact determines appropriate.

### **Section 3.06 Legal Actions**

My Attorney-in-Fact may institute, supervise, prosecute, defend, intervene in, abandon, compromise, adjust, arbitrate, settle, dismiss, and appeal from any and all legal, equitable, judicial or administrative hearings, actions, suits or proceedings involving me in any way. This authority includes, but is not limited to, claims by or against me arising out of property damage or personal injury suffered by or caused by me or under circumstances such that the resulting loss may be imposed on me. My Attorney-in-Fact may otherwise engage in litigation involving me, my property or my legal interests, including any property, interest or person for which or whom I have or may have any responsibility.

### **Section 3.07 Fiduciary Positions**

My Attorney-in-Fact may resign or renounce for me any fiduciary position I hold now or in the future including personal representative, trustee, guardian, attorney-in-fact, and officer or director of a corporation and any governmental or political office or position. In so doing, my Attorney-in-Fact may file an accounting with the appropriate court of competent jurisdiction or settle on the basis of a receipt, release or other appropriate method.

### **Section 3.08 My Support**

My Attorney-in-Fact may do anything reasonably necessary to maintain my customary standard of living, including:

- (i) maintain my residence by paying all operating costs, including, but not limited to, interest on mortgages or deeds of trust, amortization payments, repairs and taxes, or by purchasing, leasing or making other arrangement for a different residence;
- (ii) provide clothing, transportation, medicine, food and incidentals; and



- (iii) make all necessary arrangements, contractual or otherwise, for my care at any hospital, hospice, nursing home, convalescent home or similar establishment, or in my own residence should I desire it, and assure that all of my essential needs are met wherever I may be.

#### **Section 3.09 Support of Dependents**

My Attorney-in-Fact may make payments as my Attorney-in-Fact deems necessary for the health, education, maintenance or support of those my Attorney-in-Fact determines to be dependent on me for support.

#### **Section 3.10 Advance Funeral Arrangements**

My Attorney-in-Fact may make advance arrangements for my funeral and burial, including a burial plot, marker and any other related arrangements that my Attorney-in-Fact considers appropriate.

#### **Section 3.11 Online Accounts and Social Media**

My Attorney-in-Fact may access, establish, cancel, or continue online accounts (through the Internet or other similar method) of all kinds on my behalf, wherever held and whether in my name alone or held jointly. My Attorney-in-Fact is specifically authorized to request and change my access credentials to any online account, such as username, password, and secret question.

This authority specifically includes, but is not limited to, bank accounts, investment accounts, accounts with health care providers, social media accounts (like Facebook and Twitter), gambling and poker accounts, accounts with publishers, accounts for access to employee benefits, email accounts, accounts with Internet service providers, accounts to manage websites and website domain names, accounts with retail vendors, and accounts with utility companies.

### **Article Four Additional Powers**

In addition to the powers specified in Article Three, my Attorney-in-Fact has the powers specified in this Article. If a power specified in this Article conflicts with a power specified in Article Three, the power specified in this Article controls.

#### **Section 4.01 Insurance Transactions**

My Attorney-in-Fact may engage in insurance transactions, including applying for, maintaining, canceling, paying premiums on, increasing or decreasing coverage, collecting, borrowing from, transferring ownership, surrendering and/or purchasing insurance policies.

#### **Section 4.02 Estate Transactions**

My Attorney-in-Fact may engage in estate transactions, including Receipt, Release and Refunding Agreements and Waivers and Consents.

#### **Section 4.03 Safe-Deposit Boxes**

My Attorney-in-Fact may enter any safe-deposit box or other place of safekeeping standing in my name alone or jointly with another and to remove the contents and to make additions. In accordance with section 709.2114(1)(d), Florida Statutes, my Attorney-in-Fact must create and maintain an accurate inventory each time my Attorney-in-Fact accesses my safe-deposit box.

#### **Section 4.04 Government Agencies and Benefits**

My Attorney-in-Fact has the unrestricted power to deal with and obtain maximum entitlements and benefits relating to the Social Security Administration, Veterans Administration, Social Services Departments, Social Security Disability Insurance, Supplemental Security Income, Medicaid, Medicare, Worker's Compensation and all other government benefits or entitlement programs, including claims, planning for eligibility, and submission of applications and appeals. In this regard, my Attorney-in-Fact is authorized to execute and deliver any power of attorney or authorization to act form requested or required by a governmental agency. This power shall impose no affirmative duty on my Attorney-in-Fact to provide information and/or documentation to any government agency.

#### **Section 4.05 Deal with Tax Authorities**

My Attorney-in-Fact is authorized to:

- (i) deal with tax authorities, to execute and sign on my behalf any and all Federal, state, local and foreign income and gift tax returns (as authorized under Section 1.6012-1(a)(5) of Title 26 of the Code of Federal Regulations or under any state, local, or foreign authority), including estimated returns and interest, dividends, gains and transfers, and to pay any taxes, penalties and interest due thereon;
- (ii) represent me or to sign an Internal Revenue Service Form 2848 (Power of Attorney or Declaration of Representative) or Form 8821 (Tax Information Authorization), or comparable authorization, appointing a qualified lawyer, certified public accountant or enrolled agent (including my Attorney-in-Fact, if so qualified) to represent me before any office of the Internal Revenue Service, state, local or foreign taxing authority with respect to the types of taxes and years referred to above, and to specify on said authorization said types of taxes and years;
- (iii) receive from or inspect confidential information in any office of the Internal Revenue Service, state, local or foreign tax authority;
- (iv) receive and deposit, in any one of my bank accounts, or those of any revocable trust of mine, checks in payment of any refund of Federal, state, local or foreign taxes, penalties and interest;
- (v) execute waivers (and offers of waivers) of restrictions on assessment or collection of deficiencies in taxes and waivers of notice of disallowance of a claim for credit or refund;
- (vi) execute consents extending the statutory period for assessment or collection of such taxes; to execute Offers in Compromise and Closing Agreements under Section 7121 or comparable provisions of the Internal Revenue Code, as amended, or any federal, state, local or foreign tax statutes or regulations; and



- (vii) substitute another representative for any one of those previously appointed by me or my Attorney-in-Fact, and to receive copies of all notices and other written communications involving my federal, state, local, or foreign taxes at such address as my Attorney-in-Fact designates.

#### **Section 4.06 Health Care Decisions**

My Attorney-in-Fact may make all health care decisions on my behalf, including, but not limited to those set forth in chapter 765, Florida Statutes. If I have executed a health care advance directive (including but not limited to a Designation of Health Care Surrogate) designating a Healthcare Surrogate, the terms of the directive control if the directive and this General Durable Power of Attorney are in conflict.

#### **Section 4.07 HIPAA Authorization**

My Attorney-in-Fact, and any successor Attorney-in-Fact appointed in this power of attorney, shall have the power and authority of a designated representative for all purposes under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 42 U.S.C. Section 1320d and 45 C.F.R. Parts 160-164. My Attorney-in-Fact and successor Attorney-in-Fact are authorized to execute releases and other documents necessary to obtain disclosure of individually identifiable health information, medical records, and patient files, including psychotherapy notes. This information includes, but is not limited to, any written opinion or assessment of my decision making capacity. This authorization and release apply to all information protected by HIPAA and shall only expire if I revoke this power of attorney.

#### **Section 4.08 Employment of Professionals**

My Attorney-in-Fact may retain, discharge, and pay, in the sole discretion of my Attorney-in-Fact, for the services of attorneys, accountants, financial planners, geriatric care managers, social workers, and any other health care professionals. My Attorney-in-Fact is not obligated to retain or pay for any health care professional on my behalf.

#### **Section 4.09 Intent to Return Home**

It is my intention to return home if I should be in a hospital, rehabilitation center, or nursing home, and my Attorney-in-Fact shall take all steps, including, but not limited to, executing any document, affidavit or Declaration of Intent to Return Home on my behalf, to effectuate the same.

#### **Section 4.10 Domicile**

My Attorney-in-Fact may change or maintain my domicile and/or residency for any and all purposes and take any and all actions to effectuate the foregoing.

#### **Section 4.11 Nomination of Guardian of Property**

I intend hereby to render unnecessary any future proceeding for a court-appointed Guardian of Property in the event I become temporarily or permanently incapacitated or incompetent. Accordingly, I request, in the strongest possible terms, that any court that may receive or act upon a petition for the appointment of a Guardian of Property should deny such petition so long as my Attorney-in-Fact is acting under this power of attorney.



If a Guardian of Property is ever appointed for me in spite of this request, I direct that the person serving, or named to serve, as my Attorney-in-Fact under this power of attorney be named as my Guardian of Property.

#### **Section 4.12 Caregiver Agreements**

My Attorney-in-Fact may enter into, execute, modify, alter or amend any contract or agreement (for example, a Caregiver Agreement or Personal Services Contract) pertaining to my medical, personal, or general care that I may require at my residence, assisted living facility, nursing facility, or in another's residence on my behalf. I expressly authorize my Attorney-in-Fact to also serve as a caregiver under any such agreement and to be paid in accordance with the terms and conditions of such agreement, provided, however, that such services are compensated at fair market value.

#### **Section 4.13 Credit Cards**

My Attorney-in-Fact may use any credit card in my name; to make purchases on my behalf; and to close any existing credit card account.

#### **Section 4.14 Domestic Pets**

My Attorney-in-Fact may make reasonable expenditures for the care, maintenance, support, and general welfare of my domestic pets, if any. Specifically, and without limitation, my Attorney-in-Fact may consent to and make reasonable expenditures for medical treatment, boarding, and kennel care of any of my domestic pets. I authorize any and all payments from my funds for pet care provided by any person or entity, including my Attorney-in-Fact.

In addition, my Attorney-in-Fact may acquire a domestic service pet if, in my Attorney-in-Fact's sole discretion, such service pet will benefit me.

#### **Section 4.15 U.S. Mail**

My Attorney-in-Fact may open, read, respond to, and redirect my mail, and represent me before the U.S. Postal Service in all matters relating to mail service.

### **Article Five Special Powers**

In addition to the powers specified in Article Three and Article Four, my Attorney-in-Fact has the powers specified in this Article. If a power specified in this Article conflicts with a power specified in Article Three or Article Four, the power specified in this Article controls.

My initials below are intended to comply with section 709.2202(1), Florida Statutes, which requires me to initial or sign next to enumerations of certain authorities in order for my Attorney-in-Fact to exercise the authorities.

### Section 5.01 Disclaimers and Statutory Elections

VRB My Attorney-in-Fact may make statutory elections and renounce or disclaim any interest  
(initials) in property by testate or intestate succession or by inter vivos transfer consistent with  
Florida law.

### Section 5.02 Trusts

VRB My Attorney-in-Fact may:  
(initials)

- (i) create and fund a self-settled special needs trust in accordance with United States Code, Title 42, Section 1396p(d)(4)(A);
- (ii) create and fund a qualified income trust in accordance with United States Code, Title 42, Section 1396p(d)(4)(B) if such a trust should be deemed necessary to qualify me for Medicaid benefits, and make arrangements for the diversion of my income to such a trust as necessary to comply with applicable Medicaid rules and regulations, as are more particularly set forth in the Economic Self Sufficiency Manual Section 1840.0110; and
- (iii) sign all necessary documents to allow me to join any trust qualifying under United States Code, Title 42, Section 1396p(d)(4)(C) and transfer any portion of my assets to such trust.

### Section 5.03 Annuities

VRB My Attorney-in-Fact may waive my right to be a beneficiary of a joint and survivor  
(initials) annuity, including a survivor benefit under a retirement plan. My Attorney-in-Fact may withdraw from, transfer ownership, surrender, or purchase any commercial annuity, private annuity, or grantor retained annuity trust.

### Section 5.04 Gifting Powers

VRB Notwithstanding any other provision of this General Durable Power of Attorney, my  
(initials) Attorney-in-Fact may make gifts of any interest I have in real or personal property ("my property").

VRB Unless otherwise specified above, the value of any gift made pursuant to this Section may  
(initials) exceed the annual dollar limits of the federal gift tax exclusion under Section 2503(b) of the Internal Revenue Code.

### Section 5.05 Long Term Care Planning

VRB Notwithstanding the provisions of Section 1.03 of this General Durable Power of  
(initials) Attorney, my Attorney-in-Fact may take any action necessary to effectuate the foregoing, including to qualify me for Social Security Benefits, Supplemental Security Income, Veterans Benefits, Medicaid or any other government benefit program. Such actions may include but shall not be limited to the following:

- (i) convert non-exempt resources into exempt resources;
- (ii) divest me of assets, without restriction as to the value of the divestment;

- (iii) sign an application for Medical Assistance or any other government benefit program;
- (iv) serve as representative payee;
- (v) make home improvements and additions to my family residence;
- (vi) pay off, partly or in full, any encumbrance on my family residence;
- (vii) purchase a family residence, if I do not own a family residence;
- (viii) purchase a more expensive family residence; and
- (ix) attend and represent me at Fair Hearings.

#### **Section 5.06 Ownership and Rights of Survivorship**

ZRB  
(initials) Notwithstanding the provisions of Section 1.03 of this General Durable Power of Attorney, my Attorney-in-Fact may select, create, or change the rights of survivorship on any and all of my property, whether real or personal, including bank and investment accounts, insurance policies, annuities, qualified or nonqualified retirement plans, and real property interests, and may do so by any means, including by changing ownership, such as adding a joint owner. My Attorney-in-Fact may designate survivorship rights among one or more remaindermen and may designate the form of title among multiple remaindermen, including, but not limited to, as tenants in common, joint tenants, community property, or tenants by the entirety.

ZRB  
(initials) In particular, my Attorney-in-Fact may execute any deed designating beneficiaries, including an enhanced life estate deed (also known as a "ladybird" deed), including with respect to my homestead property, if any, and may conduct any and all transactions with full power and authority in my Attorney-in-Fact to sell, convey, mortgage, lease, and otherwise dispose of the property in accordance with the terms of the deed.

#### **Section 5.07 Beneficiary Designations**

ZRB  
(initials) Notwithstanding the provisions of Section 1.03 of this General Durable Power of Attorney, my Attorney-in-Fact may select, create, or change beneficiary designations on any and all of my property, whether real or personal, including bank and investment accounts, insurance policies, annuities, qualified or nonqualified retirement plans, and real property interests.

### **Article Six Administrative Powers and Provisions**

This Article contains certain administrative powers and provisions that facilitate the use of the General Durable Power of Attorney and that protect my Attorney-in-Fact and those who rely upon my Attorney-in-Fact.



### **Section 6.01 Release of Information**

My Attorney-in-Fact may release and obtain, as the case may be, any and all information regarding my financial investments, taxes, and estate planning, including any information or documents regarding stocks, bonds, certificates of deposit, bank accounts, tax returns, retirement accounts, pension plans, wills, trusts, powers of attorney, advance directives, and any other documents or information regarding my financial affairs, taxes, or estate planning from my attorneys-at-law, financial advisors, insurance professionals, accountants, stockbrokers, stock transfer agents, and any other persons having such information.

I release these persons or entities from any liability for releasing the above-referenced information to my Attorney-in-Fact in reliance on this Section.

If my Attorney-in-Fact is an attorney-at-law or other accounting or financial professional, the professional regulations of my Attorney-in-Fact's profession and federal law may prohibit my Attorney-in-Fact from releasing information about my financial affairs to others if I am a client of my Attorney-in-Fact. This instrument, therefore, is a limited waiver of any privilege (such as the attorney-client privilege) that I have established with any Attorney-in-Fact as a client. The privilege is waived for the limited purpose of permitting my Attorney-in-Fact to perform his or her duties under this General Durable Power of Attorney.

### **Section 6.02 Attorney-in-Fact Authorized to Employ My Attorney**

My Attorney-in-Fact may employ the attorney who prepared this General Durable Power of Attorney or any other attorney employed by me in connection with my estate plan or business matters and I specifically:

- (i) waive any and all conflicts of interest that might arise through such employment;
- (ii) authorize the attorney to make full disclosure of my estate plan and business to the Attorney-in-Fact; and
- (iii) authorize the attorney to accept the engagement.

### **Section 6.03 Revocation**

I may revoke this General Durable Power of Attorney at any time.

If this General Durable Power of Attorney is revoked, no person will incur any liability to me or my estate as a result of permitting my Attorney-in-Fact to exercise any power authorized by this General Durable Power of Attorney prior to that person's receipt of notice that it was revoked.

### **Section 6.04 Resignation**

My Attorney-in-Fact may resign by the execution of a written resignation delivered to me (or my guardian if I am incapacitated and one has been appointed for me) and to any Attorney-in-Fact serving together with the resigning Attorney-in-Fact, or if none, to the next successor Attorney-in-Fact. If I am incapacitated, notice may be delivered to any person with whom I am residing or who has my care and custody.

### **Section 6.05 Signature of Attorney-in-Fact**

My Attorney-in-Fact shall use substantially the following form when signing documents on my behalf pursuant to this power:

*DLANE B. HIERS* as Attorney-in-Fact for VIRGINIA R. BOYETTE; or

*KATHRYN B. CLAYTON* as Attorney-in-Fact for VIRGINIA R. BOYETTE.

### **Section 6.06 Interpretation**

This General Durable Power of Attorney is a general power of attorney and should be interpreted as granting my Attorney-in-Fact all general powers permitted under Florida law. The description of specific powers is not intended to, nor does it, limit or restrict any of the general powers granted to my Attorney-in-Fact.

### **Section 6.07 Use of "Attorney-in-Fact" Nomenclature**

The word "Attorney-in-Fact" and any modifying or equivalent word or substituted pronoun includes the singular and the plural, as well as the masculine, feminine, and neuter genders.

### **Section 6.08 Third-Party Refusal**

In accordance with section 709.2120, Florida Statutes, acceptance or rejection of this General Durable Power of Attorney is controlled by this Section.

#### **(a) Procedure**

A third person must accept or reject this General Durable Power of Attorney within a reasonable time.

Four days, excluding Saturdays, Sundays, and legal holidays, are presumed to be a reasonable time for a financial institution or broker-dealer to accept or reject this General Durable Power of Attorney with respect to:

- (i) a banking transaction, if this General Durable Power of Attorney expressly contains authority to conduct banking transactions pursuant to section 709.2208(1), Florida Statutes; or
- (ii) an investment transaction, if this General Durable Power of Attorney expressly contains authority to conduct investment transactions pursuant to section 709.2208(2), Florida Statutes.

A third person may not require an additional or different form of power of attorney (such as a financial institution's power of attorney form) for authority granted in this General Durable Power of Attorney.

A third person who rejects this General Durable Power of Attorney for any reason other than as provided in paragraph (i) of subsection (b) below must state in writing the reason for the rejection.

#### **(b) Permissible Reasons to Reject**

A third person is not required to accept this General Durable Power of Attorney if:



- (i) the third person is not otherwise required to engage in a transaction with me in the same circumstances;
- (ii) the third person has knowledge of the termination or suspension of my Attorney-in-Fact's authority or of this General Durable Power of Attorney before exercising the power;
- (iii) a timely request by the third person for an affidavit or opinion of counsel under section 709.2119(4), Florida Statutes, is refused by my Attorney-in-Fact;
- (iv) except as provided in paragraph (ii) of this subsection, the third person believes in good faith that the power is not valid or that my Attorney-in-Fact does not have authority to perform the act requested; or
- (v) the third person makes, or has knowledge that another person has made, a report to the local adult protective services office stating a good faith belief that I may be subject to physical or financial abuse, neglect, exploitation, or abandonment by my Attorney-in-Fact or a person acting for or with my Attorney-in-Fact.

**(c) Third-Party Liability for Improper Rejection**

A third person who, in violation of section 709.2120, Florida Statutes (the contents of which are stated in this Section), rejects this General Durable Power of Attorney is subject to:

- (i) a court order mandating acceptance of this General Durable Power of Attorney; and
- (ii) liability for damages, including reasonable attorney's fees and costs, incurred in any action or proceeding that confirms, for the purpose tendered, the validity of this General Durable Power of Attorney or mandates acceptance of this General Durable Power of Attorney.

**Section 6.09 Third-Party Reliance**

Except as provided in section 709.2119(5), Florida Statutes, no person who relies in good faith on the authority of my Attorney-in-Fact under this General Durable Power of Attorney will incur any liability to me, my estate, or my heirs, successors and assigns.

Any party dealing with my Attorney-in-Fact may conclusively rely upon an affidavit or certificate of my Attorney-in-Fact stating:

- (i) where I am domiciled;
- (ii) that I am not deceased;
- (iii) that there has been no revocation, or partial or complete termination by adjudication of incapacity or by the occurrence of an event referenced in this General Durable Power of Attorney;
- (iv) that there has been no suspension by initiation of proceedings to determine my incapacity, or to appoint a guardian; and



- (v) if the affiant is a successor Attorney-in-Fact, the reasons for the unavailability of the predecessor Attorneys-in-Fact, if any, at the time the authority is exercised.

#### **Section 6.10 Governing Law**

This General Durable Power of Attorney's validity and interpretation will be governed by the Florida Power of Attorney Act (part II of chapter 709, Florida Statutes). To the extent permitted by law, this General Durable Power of Attorney is applicable to all of my property (whether real or personal, tangible or intangible, or legal or equitable), wherever located, and whether or not the property is owned by me now or in the future.

#### **Section 6.11 Severability**

If any provision of this General Durable Power of Attorney is declared invalid for any reason, the remaining provisions will remain in full force and effect.

### **Article Seven Duties and Liabilities of My Attorney-in-Fact**

#### **Section 7.01 Mandatory Duties**

In accordance with section 709.2114(1), Florida Statutes, my Attorney-in-Fact is a fiduciary. Notwithstanding the provisions in this General Durable Power of Attorney, my Attorney-in-Fact:

- (i) must act only within the scope of authority granted in this General Durable Power of Attorney, and in so doing:
  - (a) may not act contrary to my reasonable expectations if actually known by my Attorney-in-Fact;
  - (b) must act in good faith;
  - (c) may not act in a manner that is contrary to my best interest, except as provided in sections 709.2114(2)(d) and 709.2202, Florida Statutes; and
  - (d) must attempt to preserve my estate plan, to the extent actually known by my Attorney-in-Fact, if preserving the plan is consistent with my best interest based on all relevant factors, including:
    - (1) the value and nature of my property;
    - (2) my foreseeable obligations and need for maintenance;
    - (3) minimization of taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes;
    - (4) eligibility for a benefit, a program, or assistance under a statute or rule; and
    - (5) my personal history of making or joining in making gifts;
- (ii) may not delegate authority to a third person [anyone other than an Attorney-in-Fact acting with the delegating Attorney-in-Fact or a successor Attorney-in-Fact] except as

Virginia R. Boyette

General Durable Power of Attorney

provided by section 518.112, Florida Statutes (regarding delegation of investment functions);

- (iii) must keep a record of all receipts, disbursements, and transactions made on my behalf; and
- (iv) must create and maintain an accurate inventory each time my Attorney-in-Fact accesses my safe-deposit box, if this General Durable Power of Attorney authorizes my Attorney-in-Fact to access the box.

#### **Section 7.02 Default Duties**

In accordance with section 709.2114(2), Florida Statutes, except as otherwise provided in this General Durable Power of Attorney, my Attorney-in-Fact shall:

- (i) act loyally for my sole benefit;
- (ii) act so as not to create a conflict of interest that impairs my Attorney-in-Fact's ability to act impartially in my best interest;
- (iii) act with the care, competence, and diligence ordinarily exercised by Attorneys-in-Fact in similar circumstances; and
- (iv) cooperate with a person who has authority to make health care decisions for me in order to carry out my reasonable expectations to the extent actually known by my Attorney-in-Fact and, otherwise, act in my best interest.

#### **Section 7.03 Duty and Liability Regarding Actual Knowledge of Breach by Another Attorney-in-Fact**

In accordance with section 709.2111(4), Florida Statutes, an Attorney-in-Fact who has actual knowledge of a breach or imminent breach of fiduciary duty by another Attorney-in-Fact, including a predecessor Attorney-in-Fact, must take any action reasonably appropriate in the circumstances to safeguard my best interests. If the Attorney-in-Fact in good faith believes that I am not incapacitated, giving notice to me is a sufficient action. If an Attorney-in-Fact fails to take action as required by this provision, the Attorney-in-Fact is liable to me for my reasonably foreseeable damages that could have been avoided if the Attorney-in-Fact had taken such action.

In accordance with section 709.2111(3), Florida Statutes, except as otherwise provided in this General Durable Power of Attorney, including the immediately preceding paragraph of this Section, an Attorney-in-Fact who does not participate in or conceal a breach of fiduciary duty committed by another Attorney-in-Fact, including a predecessor Attorney-in-Fact, is not liable for the actions or omissions of the other Attorney-in-Fact.

In accordance with section 709.2111(5), Florida Statutes, a successor Attorney-in-Fact does not have a duty to review the conduct or decisions of a predecessor Attorney-in-Fact. Except as provided in this Section, a successor Attorney-in-Fact does not have a duty to institute any proceeding against a predecessor Attorney-in-Fact, or to file any claim against a predecessor Attorney-in-Fact's estate, for any of the predecessor Attorney-in-Fact's actions or omissions as Attorney-in-Fact.

#### **Section 7.04 Limitation of Liability of My Attorney-in-Fact**

Except as provided in this General Durable Power of Attorney and section 709.2111, Florida Statutes, I release and discharge any Attorney-in-Fact acting in good faith from any and all civil liability and from all claims or demands of all kinds whatsoever by me, my estate, and my heirs, successors, and assigns arising out of the acts or omissions of my Attorney-in-Fact, except for duties committed dishonestly, with improper motive, or with reckless indifference to the purposes of this General Durable Power of Attorney or my best interests, including willful misconduct or gross negligence. This protection extends to the estate, heirs, successors and assigns of my Attorney-in-Fact.

In particular, any Attorney-in-Fact who acts in good faith is not liable to any beneficiary of my estate plan for failure to preserve the plan, and absent a breach of duty to me, my Attorney-in-Fact is not liable if the value of my property declines.

### **Article Eight Acceptance of Appointment as Attorney-in-Fact**

Any manifestation of acceptance of appointment as Attorney-in-Fact, whether in writing or by conduct, is an acceptance of all aspects of this General Durable Power of Attorney, and may not be limited to only certain aspects. Appointment as Attorney-in-Fact is accepted by:

- (i) signing any document manifesting acceptance;
- (ii) exercising any authority or performing any duties as Attorney-in-Fact under this General Durable Power of Attorney; or
- (iii) any other assertion or conduct indicating acceptance.

### **Article Nine Declarations of the Principal**

I understand that this General Durable Power of Attorney is an important legal document. Before executing this General Durable Power of Attorney, my attorney explained to me the following:

- (i) that this General Durable Power of Attorney provides my Attorney-in-Fact with broad powers to dispose of, sell, convey and encumber my real and personal property;
- (ii) that the powers will exist for an indefinite period of time unless I revoke this General Durable Power of Attorney or I have limited their duration by specific provisions herein;
- (iii) that this General Durable Power of Attorney remains in full force and effect during my subsequent disability or incapacity; and



(iv) that I may revoke or terminate this General Durable Power of Attorney at any time.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this the 14th day of May, 2015. Signed, sealed and delivered in the presence of:

Virginia R. Boyette  
VIRGINIA R. BOYETTE, Principal

Teresa B. Morgan  
TERESA B. MORGAN, Witness

Tammy L. Hale  
TAMMY L. HALE, Witness

STATE OF FLORIDA  
COUNTY OF COLUMBIA

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared VIRGINIA R. BOYETTE who is personally known to me or who has produced N/A as identification and who executed the foregoing instrument and she acknowledged that she executed the same for the purposes herein expressed. WITNESS my hand and official seal in the County and State last aforesaid this 14th day of May, 2015.

Angela H. Cranford  
Notary Public, State of Florida

