

Susan Kessler
Colleton County Register Of Deeds

**As evidenced by the instrument number shown below, this document
has been recorded as permanent record in the archives of the
Office of the Colleton County Register Of Deeds**



2024000138	
POWER OF ATTORNEY	
RECORDING FEES	\$25.00
STATE TAX	\$0.00
COUNTY TAX	\$0.00
PRESENTED & RECORDED	
01/10/2024 12:52:18 PM	
SUSAN KESSLER	
REGISTER OF DEEDS	
COLLETON COUNTY, SC	
BK: RB 3276	
PG: 141-151	

SUSAN KESSLER
REGISTER OF DEEDS COLLETON COUNTY SOUTH CAROLINA

COLLETON COUNTY, SC
2024000138
POWER OF ATTORNEY
RECORDING FEES \$25.00
STATE TAX \$0.00
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01-10-2024 12:52:18 PM
SUSAN KESSLER
REGISTER OF DEEDS
BK:RB 3276 PG:141-151

For Registration
Fredrick Smith
Register of Deeds
Mecklenburg County, NC
Electronically Recorded
2023 Sep 01 10:23 AM RE Excise Tax: \$ 0.00
Book: 38349 Page: 383 - 392 Fee: \$ 26.00
Instrument Number: 2023084257

Fredrick Smith

**DURABLE POWER OF ATTORNEY
FOR FINANCIAL MANAGEMENT
OF
BILLY BENTON**

Dated: August 31, 2023

LAW OFFICES
MONK LAW FIRM, PLLC

1701 FIRST BAXTER CROSSING, SUITE 101
FORT MILL, SOUTH CAROLINA 29708
(704) 369-9977

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

**DURABLE POWER OF ATTORNEY
FOR FINANCIAL MANAGEMENT**

KNOW ALL MEN BY THESE PRESENTS, that I, **BILLY BENTON**, of Mecklenburg County, North Carolina, have made, constituted, and appointed and by these presents do make, constitute, and appoint **my daughter, SHARI BENTON SMITH**, if living, competent, and willing to act, my true and lawful Agent (hereinafter my "Agent") for me and in my name, place, and stead to deal generally and in all respects, without restriction, in and with any property of any nature whatsoever in which I may have any interest.

If the person named as my Agent is not reasonably available or is unable or unwilling for any reason to act as my Agent, then I appoint the following in the order listed, if living, competent and willing to serve in that capacity:

CLARENCE WILLIAM SMITH, JR. my son-in-law

Each Successor Agent designated shall be vested with the same power and duties as if originally named as my Agent.

PART I – POWERS

A. **Statutory Powers.** I hereby grant to my Agent all of the powers set forth in North Carolina General Statutes §32-27, which powers are hereby incorporated by reference, subject to the restrictions of North Carolina General Statutes §32-26.

B. **Specific Powers.** Without in any way limiting the broad general power given to my Agent above, and in addition to those powers referred to in Paragraph A above, and not in limitation thereof, I specifically authorize my Agent to act for me in the following manner:

1. **Demand and Receive Property.** To demand, receive, collect, and hold any and all monies, securities, and other personal and real property of any nature whatsoever belonging to me or in which I may have any interest.

2. **Open and Maintain Bank Accounts.** To open and maintain accounts for me and in my name in such banks, savings and loan associations, and other financial institutions as my Agent may deem best; to make deposits of money belonging to me in such accounts; and to disburse such monies on the signature of my Agent for any purposes in connection with my personal comfort, support, maintenance, health, and general welfare, in such manner and amounts, for such purposes, and at such times as my Agent, in his, her, or its sole discretion and judgment, may deem best.

3. **Disburse Funds.** To make disbursements of monies belonging to me in such manner and amounts, for such purposes, and at such times as my Agent, in his, her, or its sole discretion and judgment, may deem best for maintenance, repair, improvement, management, or any other purposes in connection with any real or personal property or any interest therein owned by me.

4. **Deal in Real Estate.** To sell, subdivide, convey, improve, operate, manage, control, and lease any and all real estate owned by me, wherever located; to demand, collect, and receive the rents, income, and profits derived therefrom; to exercise in all respects general control and supervision over any real estate belonging to me; and to purchase or otherwise acquire additional real estate.

5. **Supervise Securities and Personal Property.** To exercise in all respects general control and supervision over any securities and other personal property, tangible and intangible, of any nature whatsoever belonging to me; to receive the dividends, interest, proceeds, and profits derived therefrom; and to purchase and otherwise acquire additional personal property.

6. **Enter Safe Deposit Boxes.** To have unrestricted access to and control of the contents of any safe deposit box or vault to which I might have access, to take and remove from such box or vault any or all of the contents thereof, to lease one or more safe deposit boxes for the safekeeping of my assets.

7. **Manage Securities.** To vote all stocks, bonds, and other securities; to collect the dividends, interest, profits, or accruals therefrom; to invest, buy, sell, reinvest, and manage the same; and to exercise any and all rights and powers in connection therewith, all as my Agent in his, her, or its sole discretion and judgment, may deem best.

8. **Demand and Receive Money Due.** To demand and receive, sue for and recover any and all monies or rights of any nature whatsoever and from whatever source derived that may now be due to me or which may at any time hereafter come due, and to give in all respects proper receipts, releases, and acquittances therefor, with no liability on the part of any obligor making payments to my Agent to see to the application of the proceeds of such payments or collections.

9. **Borrow, Mortgage, and Pledge.** To borrow such amounts for such purposes, and at such times as my Agent, in his, her, or its sole discretion and judgment, may deem best, and to pledge or mortgage any of my property, real or personal, as security for any such loans.

10. **Maintain Legal Actions.** To institute, prosecute, defend, compromise, settle, arbitrate, or dispose of any legal, equitable, or administrative actions or proceedings in my name; to execute and verify petitions and complaints in the Federal and State courts, specifically including the United States Tax Court; and to cause me to be represented in such proceedings.

11. **Tax Controversies.** To represent me and to appoint others to represent me in all tax matters before all officers of the Internal Revenue Service and any State Department of Revenue for all years from 1950 to 2100, inclusive, and to prepare, sign and file any power of attorney form (specifically including Internal Revenue Service Form 2848) appointing my Agent or any other suitable person selected by my Agent as my representative before such taxing authority.

12. **Tax Returns.** To sign and verify all tax, social security, unemployment, insurance, and information returns required by the United States or by any State or subdivision thereof, specifically including joint income tax returns with my spouse, if any, claims for refund, requests for extension of time and consents in my name; to receive, endorse, and receipt for any tax refunds due to me; to exercise any elections that I may have under Federal, State or local tax law; and to pay, compromise, or contest any taxes, penalties, or interest for which I am or may be liable.

13. **Trust Matters.** To establish trusts both revocable and irrevocable and to fund any such trusts and to amend any revocable trust in which I am the Grantor. To fund said trusts and add any property whatsoever belonging to me to any trust established by me, or my Agent, to be held and managed as though an original part of such trust; to withdraw and/or receive income or principal from any trust regarding which I have a right of withdrawal or receipt; to request and to receive the income or principal of any trust as to which the trustee has discretionary authority to make distributions to me or on my behalf, and to execute any release or receipt that may be required by such trustee from me.

14. **Power to Make Gifts.** My Agent is expressly authorized to make gifts, grants or other transfers without consideration either outright or in trust to my spouse, if any, or to any one or more of my relatives or descendants, if any, without limit as to the amount (including the forgiveness of debt), including gifts to a spouse, relative or descendant of mine acting as my Agent. My Agent is authorized to make gifts to other individuals or organizations in accordance with an established pattern of giving of mine.

15. **Medicaid Qualification.** My Agent is authorized to utilize all lawful means and methods to recover such assets and/or rights, qualify me for such benefits and claim such benefits on my behalf. The authority herein granted shall include but not be limited to converting my assets into assets that do not disqualify me from receiving such benefits or divesting me of such assets. In any divestment actions or asset conversions, I direct that my Agent, to the extent reasonably possible, avoid disrupting the dispositive provisions of any estate plan of mine known to my Agent, whether or not such estate plan is embodied in a will, a trust, non-property, or otherwise. If it is necessary to disrupt such plan, then my Agent is directed to use my Agent's best efforts to restore such plan as and when the opportunity to do so is available to my Agent. If a transfer of cash by my Agent is made to a pecuniary legatee under my will, my Agent shall endeavor to insure that such transfer is deemed a satisfaction of such legacy, pro tanto.

16. **Insurance Transactions.** To exercise any right or obligation in regard to any insurance policy of any kind whatsoever in which I have any incident of ownership; to obtain additional contracts of insurance for me; and to make or change the beneficiary of such insurance contracts; provided, however, that my Agent cannot be designated as a beneficiary unless my Agent is my spouse or an individual among my issue, and provided that my Agent shall have no power or authority to deal in any manner with insurance policies I may own on his or her life.

17. **Retirement Plans.** To exercise any right with regard to any retirement plan or individual retirement account I may have or entered into by my Agent on my behalf, or with regard to any retirement plan or individual retirement account as to which I am the beneficiary including, but not limited to, the power (i) to create and contribute to an individual retirement account, an employee benefit plan, or other retirement plan, (ii) to change the form of the plan as may be permitted by law such as to convert a traditional IRA into a Roth IRA; (iii) to "roll over" plan benefits, (iv) to receive distributions from such plan, and to endorse and deposit checks from such plans; (v) to borrow money from any such plan, (vi) to select any available option with respect to any such plan, (vii) to annuitize all or any portion of the proceeds of the account, and (viii) to make or change the beneficiary designation of any such plan; provided, however, that my Agent cannot be designated beneficiary unless my Agent is my spouse or an individual among my issue; and provided further, that my Agent shall have no power to designate my Agent, directly or indirectly, as a beneficiary to receive a share or proportion of such account greater than the share my Agent would have received if such account had been distributed under the intestate laws of the State of North Carolina.

18. **Estate and Trust Transactions.** To request, demand, sue for, recover, collect, and hold, or to disclaim or renounce as provided by law, any interest that I have or may have in any estate or trust, and to execute and deliver any receipts, releases, or other instruments in connection with any such interest.

19. **Business Transactions.** To conduct, engage in, and transact any and all lawful business of whatever nature or kind in which I am engaged or interested.

20. **Implement Powers.** To sign any and all contracts, deeds, or other instruments, including additional powers of attorney, necessary to carry out any of the powers granted hereunder, hereby giving and granting unto my Agent full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in implementing such powers as fully to all intents and purposes as I might or could do if personally present, with full power to substitute in my place and stead. In particular, I grant to my Agent the power to sign for me and on my behalf any and all other powers of attorney, on whatsoever form, as may be required or appropriate to permit my Agent to carry out the powers and purposes set forth herein, naming himself or another as Agent thereunder.

21. **Personal Relationships and Affairs.** To do all acts necessary for maintaining my customary standard of living and the customary standard of living of my spouse, if any, my children, if any, and my other dependents, if any; to provide medical, dental and surgical care, hospitalization, custodial care or any other form of health or mental care for me, my spouse, if any, my children, if any, and my other dependents, if any; to continue whatever provision has been made by me for me, my spouse, if any, my children, if any, and my other dependents, if any, with respect to automobiles or other means of transportation; to continue whatever charge accounts have been operated by me for my convenience, and the convenience of my spouse, if any, my children, if any, and my other dependents, if any, to open such new accounts as my Agent shall think to be desirable for the accomplishment of any of the purposes enumerated in this paragraph, and to pay the items charged on such accounts by any person authorized or permitted by me or my Agent to make such charges; to continue the discharge of any services or duties assumed by me, to any parent, relative, or friend of mine; to continue payments incidental to my membership or affiliation in any church, club, society, order, or other organization, or to continue contributions thereto.

22. **Employ Advisors.** To employ or discharge persons, firms and corporations to advise or assist my Agent, including, but not limited to, agents, accountants, auditors, brokers, attorneys-at-law, custodians, investment counsel, rental agents, realtors, appraisers and tax specialists.

23. **Agent Authorized to Employ My Attorney.** My Agency may employ an attorney at MONK LAW FIRM, PLLC, or its successors or assigns, or any other attorney employ by me in connection with my estate plan or business matters, and I specifically:

Waive any Conflict of Interest that may arise through this employment;

Authorize the attorney to fully disclose my estate and or business plan to my Agent; and

Authorize the attorney to accept the engagement

24. **Waive Confidentiality.** To waive on my behalf any attorney-client or physician-patient privilege or duty of confidentiality in those circumstances where my Agent shall deem such waiver appropriate.

25. **Medical Information.** To be considered a personal representative under privacy regulations related to protected health information and for my Agent to be entitled to all health information in the same manner as if I personally were making the request. This authorization and request shall also be considered a consent to the release of such information under current laws, rules and regulations, specifically including, but not limited to, the express grant of authority to personal representatives as provided by Regulation Section 165.502(g) of Title 45 of the Code of federal Regulations and the medical information privacy law and regulations generally referred to as "HIPAA."

26. **Court Enforcement.** To seek appropriate court orders, injunctions and judgments which may be deemed necessary if a third party refuses to comply with actions which my Agent desires to take. My Agent may, in such court proceedings, seek injunctive relief, reimbursement of court costs and attorney fees, and actual and punitive damages on my behalf.

27. **Federal, State, or Local Agencies.** To take all actions on my behalf with respect to any and all federal, state or local agencies or departments including the ability to sign and process documents related thereto, including but not limited to the IRS, Social Security Administration, Veterans Administration, Medicaid, and Medicare. Further, if I ever enter a nursing home or other care facility, it is my intent to return to any home that I own or in which I have an interest. This should not limit the ability of my Agent to exercise the full powers listed in this document and I understand that there may be some circumstances where it may be best for my Agent to sell my home.

28. **Business Interests.** The power to continue to own, or to form initially, and operate any business interest, whether in the form of a proprietorship, corporation, general or limited partnership, limited liability company, joint venture or other organization, including, but not limited to, the power (i) to effect incorporation, dissolution, or other change in the form of the organization of such business interest, (ii) to dispose of any part of such business interest or acquire the interest of others, (iii) to continue, enter into, modify or terminate any agreements relating to any such business interest, and (iv) to invest capital or additional capital in or lend money to such business interest.

29. **Digital Assets.** The power to exercise all powers that an absolute owner would have and any other powers appropriate to achieve the proper access, management, control, investment, valuation, distribution and deletion of: (1) any kind of computing device of mine; (2) any kind of data storage device or medium of mine; (3) any electronically stored information of mine; (4) any user account of mine; (5) any domain name of mine; (6) the contents of any communication that is in electronic storage by any electronic communication service or remote computing service or that is carried or maintained on that service, whether public or private; (7) any record or other information pertaining to me with respect to that service; (8) any digital asset of mine; (9) any electronic communication of mine; (10) any record or other information pertaining to me with respect to such items; and (11) any assets similar to the preceding as currently exist or may exist as technology develops, including both the catalogue and content of each of the preceding items (collectively "My Digital Assets"). My Agent may obtain copies of any electronically stored information of mine or any other Digital Assets of mine, or that provides to me an electronic communication service or remote computing service, whether public or private, to divulge to my Agent: (A) any electronically stored information of mine; (B) the contents of any communication that is in electronic storage by that service or that is carried or maintained on that service; (C) any recorded or other information pertaining to me with respect to that service. This authorization is to be construed as my lawful consent under the Electronic Communications Privacy Act of 1986, as amended; the Computer Fraud and Abuse Act of 1986, as amended; the North Carolina Revised Uniform Fiduciary Access to Digital Assets Act, Chapter 36F of the North Carolina General Statutes, as amended; and any other applicable federal or state data privacy law or criminal law. My Agent may employ any consultants or agents to advise or assist my Agent in decrypting any encrypted electronically stored information of mine or in bypassing, resetting, or recovering any password or other kind of authentication or authorization, and I hereby authorize my Agent to take any of these actions to access: (i) any kind of computing device of mine; (ii) any kind of storage device or medium of mine; (iii) any electronically stored information of mine; (iv) any user account of mine; and (v) any other Digital Asset of mine. The terms in this paragraph are to be construed as broadly as possible, and the term "user account" includes without limitation an established relationship between a user and a computing device or between a user and a provider of Internet or other network access, electronic communication services, or remote computing services, whether public or private.

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PART II – ADMINISTRATION

A. **Compensation.** My Agent, if my descendant, shall serve without bond and without compensation. My Agent shall be entitled to reimbursement for all reasonable costs and expenses actually incurred and paid by my Agent on my behalf under any provision of this Power of Attorney. If at any time, MONK LAW FIRM, PLLC, or its successors and assigns is serving as my Agent, it shall receive compensation for its services as my Agent under this power of attorney in accordance with its published fee schedule, published from time to time and in effect at the time such compensation becomes payable, including minimum fees, and additional compensation for special investments, closely-held business interests and certain other services, without reduction for any other compensation paid to any person or other entity. This compensation may be paid without prior court approval. I recognize that the compensation may exceed the compensation for such services in effect from time to time under applicable law. In addition, MONK LAW FIRM, PLLC shall be reimbursed for all reasonable expenses incurred in providing services under this power of attorney.

B. **Right of Revocation.** I reserve the right to revoke or amend this Power of Attorney at any time by any method set forth in North Carolina Uniform Power of Attorney Act. Pursuant to that power, all Durable Powers of Attorney for Financial Management heretofore executed by me are hereby revoked. This Power of Attorney does NOT revoke any Durable Power of Attorney for Health Care previously executed by me.

C. **Inventory and Accountings.** No inventory or accounting shall be filed with any court or the clerk thereof. Upon written request, an annual accounting shall be available to me or my guardian, conservator, guardian of my estate, guardian of my person, and/or general guardian, as well as my personal representative in the year of my death. In addition, upon written request, a copy of this annual accounting shall be available to my spouse, if any, and each of my adult children, if any.

D. **Ratification.** I do hereby ratify and confirm all things so done by my Agent within the scope of the authority herein given my Agent as fully and to the same extent as if by me personally done.

E. **Nomination of Guardian/Conservator.** If at any time following the execution of this Power of Attorney, a court appoints a guardian, conservator, guardian of my estate, guardian of my person or general guardian, I request that the court making such appointment consider my Agent nominated hereunder to serve as such guardian, conservator, guardian of my estate, guardian of my person or general guardian.

F. **Relation of Agent to Health Care Agent.** Any decision affecting my property or financial affairs, including a decision as to the disbursement of monies belonging to me, which is made by my Health Care Agent appointed pursuant to a Health Care Power of Attorney meeting the requirements of Article 3 of Chapter 32A of the General Statutes of North Carolina shall be superior to and binding upon my Agent acting under this Power of Attorney, and my Agent acting under this Power of Attorney shall not be required to inquire into whether any such decision is necessary to exercise powers relating to health care, or whether costs incurred by the Health Care Agent are reasonable, and shall not be liable to me, my estate, my heirs, successors, assigns and personal representatives for any acts or omissions arising from any such decision.

G. Delegation of Authority. A successor Agent or an Agent serving jointly with another Agent may establish that the acting Agent or joint Agent is no longer able to serve as Agent by signing an affidavit that states that the Agent is not available or is incapable of acting. The affidavit must be supported by a death certificate of the Agent, a certificate showing that a guardian or conservator has been appointed for the Agent, or a letter from the Agent stating his or her unwillingness to act or delegating his or her power to the successor Agent. An affidavit supported by one of the foregoing certificates or letters will terminate the Agent's authority under this power of attorney.

H. Partial Invalidity. If any part of this Power of Attorney is declared invalid or unenforceable under applicable law, such decision shall not affect the validity of the remaining parts.

I. Reliance. No person who may act in reliance upon the representation of my Agent for the scope of authority granted to the Agent shall incur any liability to me or to my estate as a result of permitting the Agent to exercise this authority, nor is any person who deals with my Agent responsible to determine or ensure the proper application of funds or property.

Remainder of this page intentionally left blank

ALTHOUGH NOT REQUIRED BY THE NORTH CAROLINA UNIFORM POWER OF ATTORNEY ACT (N.C. GEN. STAT. §32C, EFFECTIVE JANUARY 1, 2018), IT IS MY INTENTION THAT THIS POWER OF ATTORNEY BE CONSIDERED DURABLE AND IT SHALL NOT BE AFFECTED BY MY SUBSEQUENT INCAPACITY OR MENTAL INCOMPETENCE.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on August 31, 2023.

(SEAL)

Billy B.
BILLY BENTON, Principal

We, Cindy S. Alvear and Karson Wren, the witnesses hereto, sign our names to this durable power of attorney, being first duly sworn, and do hereby declare to the undersigned authority that the Principal hereof signed before us and executed this power of attorney willingly, and that we sign this document as witnesses, and to the best of our knowledge, the Principal is of sound mind and under no constraint or undue influence.

Witness I:

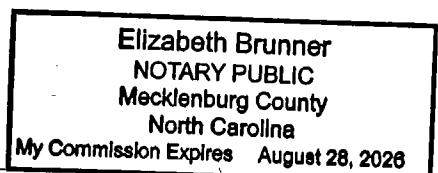
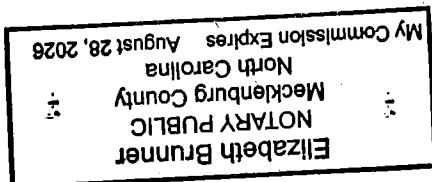
Witness II:

STATE OF NORTH CAROLINA)
) ss.
COUNTY OF MECKLENBURG)

I, ELIZABETH BRUNNER, a Notary Public in and for the State and County aforesaid, hereby certify that BILLY BENTON personally appeared before me this day and acknowledged the due execution of the foregoing Durable Power of Attorney for the purposes therein expressed, and that Cindy S. Alvear and Kastor (Leinen), appeared before me and acknowledged the witnessing of the foregoing instrument.

WITNESS my hand and notarial seal on August 31, 2023.

[SEAL]



Elizabeth Brunner, Notary Public for NC
My Commission Expires: 08-28-2026

Durable Power of Attorney for Financial Management of Billy Benton
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