

DURABLE POWER OF ATTORNEY GIFTING PROVISION ALTERNATIVE

K. Gifts. The power to make gifts to any of my children or grandchildren of any of my real or personal property that my Agent in her sole discretion believes is advisable as an estate planning measure; provided, however, that no distribution shall be made to one or more of my Agents or successor Agents except upon review and written certification of my attorney, _____, of _____, of _____, North Carolina (or, in the event of his death, disability, or nonavailability, another attorney in his firm experienced in estate planning and elder law) that such distribution is appropriate under this paragraph and is otherwise in my best interest. Notwithstanding the foregoing gifting powers my Agent or successor Agents may not make gifts or create beneficial interests for herself or her issue that at the time in question would exceed in the aggregate the portion of my estate to which my Agent or her issue would be entitled under the laws of North Carolina if I then died intestate and a domiciliary of said state.

DURABLE POWER OF ATTORNEY ESTATE AND MEDICAID PLANNING PROVISION

L. Estate Planning. The power to take such action or to apply such funds in any fashion as my Agent determines is in keeping with my wishes and interests so far as they can be ascertained, without petition to or leave of court, for the purpose of conserving my property, benefitting my descendants, minimizing current or prospective federal and state taxes, and maximizing entitlements to federal and state medical, welfare, housing, and other public programs, by all legitimate and proper means within the sound and trusted discretion of my Agent, including, without limitation, gifts (see preceding specific gifting provision) to such relatives and charities as would likely be the recipients of donations from me, and revocable or irrevocable transfers into trusts for the benefit of myself or other said recipients; to take these steps even though my Agent is a member of the group that may benefit under the estate plan; to consult with lawyers, accountants, or other advisors in carrying out the powers granted herein, to rely on the advice given by such advisors, and to pay all expenses incurred in carrying out the powers hereunder out of my assets. As a guide to my Agent in creating an estate plan, my primary aim is to preserve my assets for the benefit of my children and grandchildren. To the extent legally possible, it is my hope that my estate plan will protect my assets from being dissipated to pay for the cost of health, medical, or nursing home expenses and minimize the amount of estate taxes payable on my death. The decision of my Agent as to the form and contents of my estate plan shall be final and binding on all parties.