

# UNOFFICIAL COPY



Owner Recording, Return To:  
Kathleen A. Whitfill, Paralegal  
Greenebaum Doll & McDonald  
3500 National City Tower  
101 South Fifth Street  
Louisville, KY 40202-3197



0408508103

Doc#: 0408508103  
Eugene "Gene" Moore Fee: \$42.00  
Cook County Recorder of Deeds  
Date: 03/25/2004 12:30 PM Pg: 1 of 10

RECORDER'S STAMP

10

**POWER OF ATTORNEY**  
(Dorothy F. Childers to James Childers)

Property of Cook County Clerk's Office

Lawyers Title Insurance Corporation

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## POWER OF ATTORNEY

I, **DOROTHY F. CHILDERS**, of Martin County, Florida, hereby make, constitute and appoint my spouse, **JAMES CHILDERS**, or if my spouse shall die or cease to serve hereunder for any reason, my daughter, **SARA JEAN CHILDERS**, or if she shall die or cease to serve hereunder for any reason, my daughter, **MARY ANN CHILDERS**, or if she shall die or cease to serve hereunder for any reason, my daughter, **CAROL LYNN CHILDERS**, as my true and lawful Attorney-in-Fact, with full power of substitution, hereby revoking any and all powers of attorney that may have been heretofore executed by me, with full power and authority for me in my name, place and stead, to act in, manage, and conduct all my affairs, as I could do if acting personally, effective immediately. For purposes of acting as my Attorney-in-Fact, I hereby authorize my said Attorney-in-Fact, for me and in my name, place and stead, and for my use and benefit, and as my act and deed, to do, and execute, or to concur with persons and/or other legal entities jointly interested with myself therein in the doing or executing of, all or any necessary acts, deeds and things including, but not limited to, the following:

(1) TO BUY, ACQUIRE, OBTAIN, TAKE OR HOLD POSSESSION of any property or property rights of mine or for me whatsoever, whether real, personal or mixed; and to retain such property as long as said Attorney-in-Fact shall deem it wise; and without limiting the generality of the foregoing, to take possession of and to order the removal and shipment of, any property from any post, warehouse, depot, dock, or other place of storage or safekeeping, governmental or private; and to execute and deliver any release, voucher, receipt, shipping ticket, certificate or other instrument necessary or convenient for such purposes;

(2) TO SELL, CONVEY (either with or without covenants of warranty), LEASE, MANAGE, CARE FOR, PRESERVE, PROTECT INSURE, IMPROVE, CONTROL, STORE, TRANSPORT, MAINTAIN, REPAIR, REMODEL, REBUILD, and in every way deal in and with any property or property rights of mine, real, personal or mixed, now or hereafter owned by me, and to set up and carry reserves for repairs, improvements, upkeep and obsolescence of real and personal property; to eject, remove, or relieve tenants or other persons from, and to recover possession of such property, real, personal or mixed; and to deal with the United States government, or agencies thereof, in the negotiating and executing of any contract;

(3) TO BORROW MONEY, MORTGAGE MY REAL AND PERSONAL PROPERTY OR COMPLETE, EXTEND, MODIFY OR RENEW ANY OBLIGATIONS, GIVING EITHER SECURED (including but not restricted to real estate mortgages, stock certificates and/or insurance policies as collateral) or unsecured, negotiable or nonnegotiable obligations of the undersigned, at a rate of interest and upon terms satisfactory to my said Attorney-in-Fact; to likewise LEND MONEY, either with or without collateral; to EXTEND OR SECURE CREDIT; and to GUARANTEE AND INSURE THE PERFORMANCE AND PAYMENT OF OBLIGATIONS OF ANOTHER PERSON, firm or corporation in the furtherance of any business of mine;

(4) TO OPEN, MAINTAIN, OR CLOSE BANK ACCOUNTS, savings or checking, or to do any business with any banking or lending institution, including any savings and



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loan association or any insurance company, in regard to any savings or checking account of mine, to make deposits and withdrawals, obtain bank statements and passbooks, to collect or receive funds, to sign, endorse or execute checks, drafts, money orders, warrants, certificates or vouchers payable to me by any person, firm or corporation, including political corporations, and including the United States of America, including but not restricted to allowances and reimbursements for transportation of dependents or for shipment of household effects as authorized by law or regulations; and TO HAVE FULL ACCESS TO ANY SAFETY DEPOSIT BOX, AND CONTENTS OF MINE, IN ANY BANK OR BANKING INSTITUTIONS;

(5) TO PAY ALL TAXES, city, county, State or Federal, including, but not restricted to, real estate taxes, special assessments, personal property taxes, monies and credit taxes, gift taxes, and income taxes, and to receive appropriate receipts thereof; to prepare, execute, file and obtain from the Government, income and other tax returns, State and Federal, and other governmental reports, applications, requests and documents; to take any appropriate action to minimize, reduce or establish nonliability for taxes whether now or hereafter unlawfully or illegally assessed against me; to receive or sue or take appropriate action for refunds of same; to appear for me and to represent me before the Internal Revenue Service and/or United States Department of the Treasury and/or any state tax commission, or any unit, division, agent or employee thereof, in connection with any matter involving Federal or State taxes in which I may be a party; to do everything whatsoever requisite and necessary to be done in the premises and to receive refund checks; and to execute waivers of the statute of limitations and to execute closing agreements as fully as I might do if done in my own capacity (and I hereby request and direct that all correspondence, documents and other communications regarding any tax matters with respect to which my said Attorney-in-Fact is hereby authorized to act be addressed to the said Attorney-in-Fact at the address said Attorney-in-Fact directs);

(6) TO ACT AS PROXY, with full power of substitution, at any corporate meeting, and to initiate corporate meetings for my benefit as stockholder, in respect of any stocks, stock rights, shares, bonds, debentures, or other investments, right or interest I may now or hereafter hold, as fully as I might do if personally present and acting in my own behalf, including, but not restricted to, the right to join in or oppose any plans for changes in organization,

(7) TO INVEST AND REINVEST, or exchange any existing assets, including but not restricted to common and preferred stocks, annuities, and life insurance, in any income-producing contracts or property or securities, real or personal; and, not limited by the generality of the foregoing, to take out life insurance upon my life or upon the life of anyone else in whom I have an insurable beneficial interest, naming as beneficiary either me or the insured or the estate of any insured; and to pay the premiums, assessments and proper charges for such investments or to continue any existing plan of insurance or investment;

(8) TO REASONABLY DELAY, DEFEND, BEGIN, PROSECUTE, SETTLE, ARBITRATE, OR DISPOSE OF ANY LAWSUIT, or administrative hearings, claims, actions,



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attachments, injunctions, arrests or other proceedings, or otherwise engage in or participate in litigation in connection with the premises;

(9) TO CARRY ON A BUSINESS, or businesses of mine, in the discretion of the Attorney-in-Fact, and for that purpose to retain and employ or increase therein the capital which as of this date shall be employed therein; and to use fresh capital for any new enterprises; and to incorporate, or to operate as a general partnership, or limited partnership, or sole proprietorship under a trade name; to borrow on behalf of such business and to pledge business and/or personal assets of mine for such debt; to extend, modify, renegotiate or otherwise deal with any business debt; to buy and sell business assets; to liquidate, merge or reorganize any business; to make ordinary or extraordinary distributions of profits; to serve individually as employee, officer or director of such business at reasonable compensation for each service rendered;

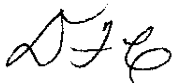
(10) TO EMPLOY professional and business assistants of all kinds, including, but not restricted to, attorneys, accountants, realtors, appraisers, salesmen, and agents;

(11) TO ACT IN THE SETTLEMENT OF ANY ESTATE, in which I have or may have some interest or property due me and to protect, prosecute, and defend such interests; to petition, apply for, or otherwise obtain original or ancillary letters of administration, or letters testamentary; to receive and give acquittance for all sums of money, debts and accounts whatsoever, which are or shall become due, owing and payable to me; to appear, waive a bond or other security, and to deduct reasonable expenses from any share due me;

(12) TO PURCHASE with the same effect as I could such United States Treasury Bonds and securities as may be redeemed, at par value (and accrued interest) in payment of Federal estate taxes which I or my estate may owe (commonly called "Flower Bonds"), as well as any other bonds available at a discount and redeemable at par at my death, and for the purposes thereof, to do any and all things (including the borrowing of funds) which I could do if acting personally, in order to effect the purchase and ownership of such bonds and securities for the purposes aforesaid;

(13) TO MAKE GIFTS outright, in trust, in a Section 529 Plan or in custodianship of any amount or amounts, of any real or personal property, or both (within the amount of the gift tax annual exclusion) to the natural objects of my bounty, including, without limitation, my spouse, my issue and the spouses of my issue, so as to reduce the Federal estate taxes and state inheritance taxes payable at my death and at my spouse's subsequent death, with full power of substitution of judgment in this regard; and

(14) TO CLAIM OR DISCLAIM any power, property or interest in property (present or future) to be given, bequeathed, devised, passed by intestacy or distributed in any way to me or any trust for my benefit, including without limitation homestead, renunciation or elective share, dower or curtesy, in whole or in part, with full power of substitution of judgment in this regard;



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(15) TO WITHDRAW any and all amounts in any life insurance policy, annuity, qualified or non-qualified retirement pension, profit-sharing or deferred compensation plan, benefit or account of any kind, to the full extent of my ability to do so personally, and the insurance or annuity company, trustee, fiduciary or other holder of such policy, annuity, plan, benefit or account shall be released from all liability for complying with the instructions of my Attorney-in-Fact as to such matters. To make any election available, in my Attorney-in-Fact's sole discretion, to take 5-year averaging, 10-year averaging and/or capital gain treatment of any distribution from any qualified plan.

(16) In the sole discretion of my Attorney-in-Fact, TO MAKE any election or allocation of any exemption available against or under the generation-skipping tax imposed by Chapter 13 of the Code, and to file such return or returns as shall be necessary to make such election or allocation.

(17) (a) TO CREATE AND FUND one or more revocable trusts for my benefit and payable to my estate after death, with such trustee(s) and on such terms as my Attorney-in-Fact shall deem appropriate, and to revoke, amend or withdraw from, any such trust. TO FUND the DOROTHY F. CHILDERS REVOCABLE TRUST, with any or all of my assets at any time and from time to time.

(b) To exercise any rights I have retained under any revocable or irrevocable trust on my behalf.

(c) To alter, amend or revoke the DOROTHY F. CHILDERS REVOCABLE TRUST, and any other trust under which either I or my Attorney-in-Fact holds such powers under the express trust terms or applicable law (or under both).

(18) TO ACT AS MY HEALTH CARE SURROGATE to make any health care decisions for me, and to act for me and in my name (in any way I could act in person) to make any and all decisions for me concerning my personal care, medical treatment, hospitalization and health care and to require, withhold or withdraw any type of medical treatment or procedure, even though my death may ensue. My Attorney-in-Fact/Health Care Surrogate shall have the same access and rights with respect to my medical records that I have, including the right to disclose the contents to others. I designate my current Attorney-in-Fact as my limited attorney-in-fact and personal representative to have access to my medical records, and to disclose the contents to others. This designation of my personal representative is made in accordance with the provisions of 45CFR 164.502(g)(1), and as such authorizes each of my attending physicians to provide my personal representative with all rights that I possess in and to my medical information under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). I hereby indemnify my said physicians from any liability for providing my limited health information as so authorized. My Attorney-in-Fact/Health Care Surrogate shall also have full power to dispose of any part or all of my body for medical purposes, authorize an autopsy and direct the disposition of my remains. I do not want my life to be prolonged nor do I want life-sustaining treatment to be provided or continued if

*D.F. C*

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my Attorney-in-Fact/Health Care Surrogate believes the burdens of the treatment outweigh the expected benefits. I want my Attorney-in-Fact/Health Care Surrogate to consider the relief of suffering, the expense involved and the quality as well as the possible extension of my life in making decisions concerning life-sustaining treatment. Without limiting the generality of the foregoing, but subject to the foregoing direction, my Attorney-in-Fact/Health Care Surrogate shall have the following powers:

(a) To give consent to and authorize or refuse, or to withhold or withdraw consent to, any and all types of medical care, treatment or procedures relating to my physical and mental health, including any medication program, surgical procedures, life-sustaining treatment or provision of food and water.

(b) To admit to or discharge me from any and all types of hospitals, institutions, homes, residential or nursing facilities, treatment centers and other health care institutions providing personal care or treatment for any type of physical or mental condition.

(c) To contract for any and all types of health care services and facilities in the name of and on my behalf and to bind me to pay for all such services and facilities; and my Attorney-in-Fact/Health Care Surrogate shall not be personally liable for any services or care contracted for on my behalf.

(d) At my expense and subject to reasonable rules of a health care provider to prevent disruption of my health care, to examine and copy and consent to disclosure of all my medical records that my Attorney-in-Fact/Health Care Surrogate deems relevant to the exercise of my Attorney-in-Fact/Health Care Surrogate's powers, whether the records relate to mental health or any other medical condition and whether they are in the possession of or maintained by any physician, psychiatrist, psychologist, therapist, hospital, nursing home or other health care provider.

(e) To direct that an autopsy be made; to make a disposition of any part or all of my body pursuant to the Uniform Anatomical Gift Act, as now or hereafter amended; and to direct the disposition of my remains.

If I have executed a Living Will Directive, (i) the language contained in this Paragraph 18 shall be in addition to, and not in lieu of, any health care proxy authority which I may have granted in such Living Will Directive; and (ii) any binding directive set forth in such Living Will Directive shall bind my Health Care Surrogate hereunder and shall supersede the authority of my Health Care Surrogate as to the matters expressly covered thereby.

(19) TO INDEMNIFY any third party and hold such third party harmless from liability for accepting the authority of my Attorney-in-Fact, and to sue or otherwise charge any third party which fails, declines or refuses to accept the authority of my Attorney-in-Fact.

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(20) TO ESTABLISH AND FUND, in such amounts as my Attorney-in-Fact shall deem advisable, one or more prepaid tuition plans and qualified tax-deferred tuition savings plans (under Code Section 529 or otherwise) for any of the natural objects of my bounty, including, without limitation, my issue; to designate the custodian of any such plans, and to change such custodian from time to time, to the extent permitted by such plans; to designate the beneficiary of any such plans, and to change such beneficiary from time to time, to the extent permitted by such plans; to select the state for establishment of any such plans, and to rollover any such plans from one state to another state; and to withdraw the funds from any such plans from time to time, to the extent permitted by such plans.

I hereby give and grant said Attorney-in-Fact full power and authority to do and perform each and every act, deed, matter and thing whatsoever in and about my property, person and affairs as fully and effectually to all intents and purposes as I might or could do in my own proper person if personally present, and hereby ratify all that said Attorney-in-Fact shall lawfully do or cause to be done by virtue thereof, PROVIDED, HOWEVER, that nothing herein shall give or grant the power to execute or change my Last Will and Testament.

I further direct that this Power of Attorney shall take effect as below provided and shall be irrevocable except as hereinafter otherwise expressly stated, and if real estate of mine is involved and this instrument has been recorded in a public office, this instrument, as to such real estate, shall not be revocable, unless and until such time as there is filed of record a duly acknowledged revocation of this instrument in the same public office in which the instrument containing this power is recorded.

I hereby nominate my said Attorney-in-Fact as the conservator or guardian of my estate and person if protective proceedings for either my estate or person (or both) are hereafter commenced.

This Power of Attorney shall become effective on the date of execution hereof, and shall continue effective until it is revoked by me in writing. This power, as between said Attorney-in-Fact and me, may be revoked at any time by prior written notice to said Attorney-in-Fact stating the date on which such revocation shall be effective; BUT, as regards any revocation by me or by operation of law, including death, anyone else in good faith relying upon the exercise of these powers by said Attorney-in-Fact may rely upon this instrument for its continuing validity. This instrument may be recorded in a public office but need not necessarily be so recorded.

THIS POWER OF ATTORNEY IS NOT AFFECTED BY THE SUBSEQUENT INCAPACITY OF THE PRINCIPAL EXCEPT AS PROVIDED IN FSA § 709.08.

EXCULPATION. My said Attorney-in-Fact shall not be liable for any loss sustained through error of judgment made in good faith, but said Attorney-in-Fact shall be liable for willful misconduct or breach of good faith.

*DJC*

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IN WITNESS WHEREOF, I have hereunto set my hand and seal the 20 day of January, 2004, at Louisville, Jefferson County, Kentucky.  
STUART MARTIN FLORIDA

Dorothy F. Childers  
DOROTHY F. CHILDERS

[Signature]  
Witness

[Signature]  
Witness

308 Ridge Ln. Stuart, FL 34994  
Address

310 SW Ocean Blvd, Stuart, FL 34994  
Address

STATE OF FLORIDA )  
COMMONWEALTH OF KENTUCKY )  
                  MARTIN ) SS:  
COUNTY OF ~~JEFFERSON~~ )

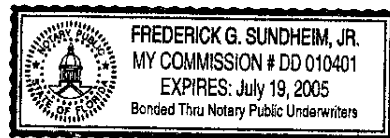
The foregoing instrument was acknowledged before me this 20 day of January, 2004, by **DOROTHY F. CHILDERS**, who is personally known to me or who has produced DRIVERS LIC as identification.

My commission expires: \_\_\_\_\_

(SEAL)

[Signature]  
Notary Public-State of Kentucky  
Florida

(Print, Type or Stamp Commissioned Name of Notary Public)



LSFC



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I certify that I prepared the  
foregoing Power of Attorney.



\_\_\_\_\_  
John R. Cummins, Esq.  
Ivan M. Diamond, Esq.  
Florida Bar No. 019502  
GREENEBAUM DOLL & McDONALD PLLC  
3500 National City Tower  
Louisville, Kentucky 40202-3197  
(502) 587-3602

LOU:829518.1

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Tax ID Number: 17-04-224-049-1099

Property Address: 1230 N. State Pkwy., P-7  
Chicago, IL 60610**Legal Description**

Unit Number P7 in State Tower Condominium as delineated on a survey of the following described real estate: Lots 1, 2, 3, 4 and 5 in the subdivision of the East 1/2 of the South 1/2 of Lot 2 in Bronson's Addition to Chicago, a subdivision of the Northeast 1/4 of Section 4, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois; which survey is attached as Exhibit "A" to the Declaration of Condominium recorded as Document 26144509, together with its undivided percentage interest in the common elements.

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