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Doc#: 0507018116
Eugene "Gene" Moore Fee: \$48.50
Cook County Recorder of Deeds
Date: 03/11/2005 02:59 PM Pg: 1 of 13

RECORDING COVER PAGE

Re: **Permanent Index No.:** 18-05-317-012-0000

Address of Property: 4545 Wolf Road, Western Springs, IL 60558

Legal Description

Lot 13 in Block 14 in Ridge Acres, being a subdivision of the West ½ of Section 5, Township 38 North, Range 12, East of the Third Principal Meridian, (except the right of way of the Chicago, Burlington and Quincy Railroad) and the part of the South West ¼ of Section 32, Township 39 North, Range 12, East of the Third Principal Meridian, South of the center line of Naperville Road (except Blocks 50 to 53 in above tract) in Cook County, Illinois

Mail to:

Eileen R. Fitzgerald
LAW OFFICE OF EILEEN R. FITZGERALD
1561 Warren Avenue
Downers Grove, IL 60515
(630) 493-4380

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Power of Attorney for Property

Please NOTE:

"Power of Attorney for Property" refers to the legal delegation of decision-making authority to an agent.

"Power of Attorney for Property document" refers to the actual form.

■ What is a Power of Attorney for Property?

The Power of Attorney for Property document allows a person, called the principal, to delegate to another person, called the agent (a trusted friend or family member), the power to make decisions regarding assets, finances, bank accounts and other types of property. The agent, who does not need to be an attorney, will speak for the principal and make decisions according to the principal's wishes even when the principal is physically or mentally incapacitated.

■ Must an attorney prepare the form for you?

Although Illinois law does not require that an attorney prepare a Power of Attorney for Property document, for proper guidance and to protect your own interests, you may choose to involve your lawyer anyway.

■ What are the advantages of having a Power of Attorney for Property?

A Power of Attorney for Property is flexible and can apply to a number of situations. It will permit you, if you are the principal, to decide who should make decisions on your behalf about your personal business or property rather than leaving the decision-making to the courts. It saves your relatives from the burden of having to make those decisions without knowing your wishes. For example, a Power of Attorney for Property can be used by you to designate one or more specific powers which are best suited to your needs, for example: to authorize real estate and stock transactions; to handle banking, tax or other types of business matters; to represent you in court; or to address other types of legal claims. A Power of Attorney for Property can assure that your desires and your agent's authority will be honored by others at the time the power of attorney is exercised.

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■ What are the legal requirements or provisions?

Any person aged eighteen or older who is a resident of Illinois can create a Power of Attorney for Property. The person whom you designate as your agent must be aged eighteen or over. The Power of Attorney for Property document must be signed by you, and your signature must be notarized and witnessed.

When exercising the Power of Attorney for Property, your agent must use due care when acting for your benefit and must act in accordance with the terms which you have specified in your Power of Attorney for Property document. He or she will be liable for any negligent exercise of the duties which you have specified.

■ How long will your Power of Attorney for Property last?

As the principal, you can specify the time which the Power of Attorney for property will begin and when it will end. In addition, your Power of Attorney for Property document can be amended at any time by a written amendment signed and dated by you.

You may revoke your Power of Attorney by burning or tearing up the document, by written revocation, or by oral revocation in the presence of a witness 18 years of age or older who then puts the revocation in writing for you. However, if it becomes necessary to terminate the Power of Attorney after you have become incapacitated, legal action may be required to terminate the agency.

Unless you state an earlier termination date, the Power of Attorney for Property will continue until your death.

■ When should you designate an agent under a Power of Attorney for Property?

The best time for you to create a Power of Attorney for Property is right now, long before you anticipate anything happening to you. This will ensure that if you are ever in a situation where you need an agent, you will have one.

■ Will your Power of Attorney for Property be recognized in another state?

Most other states' statutes provide for powers of attorney for property and finances under their own state law. Since Illinois now requires the Power of Attorney for Property to be both notarized and witnessed, it is unlikely the law of another state would require more. Thus an Illinois Power of Attorney for Property should be recognized as valid in other states.

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■ Other things to consider –

Before executing your Power of Attorney for Property document, you should talk to the person who you want to be your agent and review your wishes for the ways you would like for your property transactions to be handled in the event that your agent must exercise his or her authority under the Power of Attorney for Property.

It is advisable for you to specify one or more successor agents to act in your behalf in case the primary agent is unavailable, unable or unwilling to act in your behalf should it become necessary. The primary consideration should be that the individuals appointed are people in whom you have a great deal of trust and can rely upon to act according to your interests and values. Your Power of Attorney for Property document should also state the duties, limitations, immunities and other terms applicable to your agent.

After your Power of Attorney for Property document is signed by you and notarized, you should send the original form to your agent and provide copies to your lawyer. You should advise other close family members of your selection of an agent to act on your behalf if it becomes necessary.

Illinois Statutory Short Form Power of Attorney for Property

(Notice: The purpose of this Power of Attorney for Property is to give the person you designate (your "agent") broad powers to handle your property, which may include powers to pledge, sell or otherwise dispose of any real or personal property without advance notice to you or approval by you. This form does not impose a duty on your agent to exercise granted powers; but when powers are exercised, your agent will have to use due care to act for your benefit and in accordance with this form and keep a record of receipts, disbursements and significant actions taken as agent. A court can take away the powers of your agent if it finds the agent is not acting properly. You may name successor agents under this form but not co-agents. Unless you expressly limit the duration of this power in the manner provided below, until you revoke this power or a court acting on your behalf terminates it, your agent may exercise the powers given here throughout your lifetime, even after you become disabled. The powers you give your agent are explained more fully in Section 3-4 of the Illinois "Statutory Short Form Power of Attorney for Property Law" of which this form is a part (see pages 8-11 of this form). That law expressly permits the use of any different form of power of attorney you may desire. (If there is anything about this form that you do not understand, you should ask a lawyer to explain it to you.)

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POWER OF ATTORNEY made this 13 day of APRIL 2004
(month, year)

1. I, (insert name and address of principal) LEO B. SEXTON
hereby appoint:

(insert name and address of agent) ELIZABETH R. SEXTON

4645 WOLF RD. WESTERN SPRINGS, IL
as my attorney-in-fact (my "agent") to act for me and in my name (in any way I could act in person) with respect to the following powers, as defined in Section 3-4 of the "Statutory Short Form Power of Attorney for Property Law" (including all amendments), but subject to any limitations on or additions to the specified powers inserted in paragraph 2 or 3 below:

(You must strike out any one or more of the following categories of powers you do not want your agent to have. Failure to strike the title of any category will cause the powers described in that category to be granted to the agent. To strike out a category you must draw a line through the title of that category.)

- | | |
|--|---|
| (a) Real estate transactions. | (i) Tax matters. |
| (b) Financial institution transactions. | (j) Claims and litigation. |
| (c) Stock and bond transactions. | (k) Commodity and option transactions. |
| (d) Tangible personal property transactions. | (l) Business operations. |
| (e) Safe deposit box transactions. | (m) Borrowing transactions. |
| (f) Insurance and annuity transactions. | (n) Estate transactions. |
| (g) Retirement plan transactions. | (o) All other property powers and transactions. |
| (h) Social Security, employment and military service benefits. | |

(Limitations on and additions to the agent's powers may be included in this power of attorney if they are specifically described below.)

2. The powers granted above shall not include the following powers or shall be modified or limited in the following particulars (here you may include any specific limitations you deem appropriate, such as a prohibition or conditions on the sale of particular stock or real estate or special rules on borrowing by the agent):

NONE

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3. In addition to the powers granted above, I grant my agent the following powers (here you may add any other delegable powers including, without limitation, power to make gifts, exercise powers of appointment, name or change beneficiaries or joint tenants or revoke or amend any trust specifically referred to below):

Unlimited power

(Your agent will have authority to employ other persons as necessary to enable the agent to properly exercise the powers granted in this form, but your agent will have to make all discretionary decisions. If you want to give your agent the right to delegate discretionary decision-making powers to others, you should keep the next sentence, otherwise it should be struck out.)

4. My agent shall have the right by written instrument to delegate any or all of the foregoing powers involving discretionary decision-making to any person or persons whom my agent may select, but such delegation may be amended or revoked by any agent (including any successor) named by me who is acting under this power of attorney at the time of reference.

(Your agent will be entitled to reimbursement for all reasonable expenses incurred in acting under this power of attorney. Strike out the next sentence if you do not want your agent to also be entitled to reasonable compensation for services as agent.)

5. ~~My agent shall be entitled to reasonable compensation for services rendered as agent under this power of attorney.~~

(This power of attorney may be amended or revoked by you at any time and in any manner. Absent amendment or revocation, the authority granted in this power of attorney will become effective at the time this power is signed and will continue until your death unless a limitation on the beginning date or duration is made by initialing and completing either (or both) of the following:)

6. () This power of attorney shall become effective on Feb 9 - 2004
(insert a future date or event during your lifetime, such as court determination of your disability, when you want this power to first take effect)

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7. () This power of attorney shall terminate on THREE YEARS AFTER MY DEATH
(insert a future date or event, such as court determination of your disability, when you want this power to terminate prior to your death)

(If you wish to name successor agents, insert the name(s) and address(es) of such successor(s) in the following paragraph.)

8. If any agent named by me shall die, become incompetent, resign or refuse to accept the office of agent, I name the following (each to act alone and successively, in the order named) as successor(s) to such agent:

MARY WALSH - JOHN ~~W~~ SEXTON

For purposes of this paragraph 8, a person shall be considered to be incompetent if and while the person is a minor or an adjudicated incompetent or disabled person or the person is unable to give prompt and intelligent consideration to business matters, as certified by a licensed physician.

(If you wish to name your agent as guardian of your estate, in the event a court decides that one should be appointed, you may, but are not required to, do so by retaining the following paragraph. The court will appoint your agent if the court finds that such appointment will serve your best interests and welfare. Strike out paragraph 9 if you do not want your agent to act as guardian.)

9. If a guardian of my estate (my property) is to be appointed, I nominate the agent acting under this power of attorney as such guardian, to serve without bond or security.

10. I am fully informed as to all the contents of this form and understand the full import of this grant of powers to my agent.

Signed (Principal) Leo B Sexton

(You may, but are not required to, request your agent and successor agents to provide specimen signatures below. If you include specimen signatures in this power of attorney, you must complete the certification opposite the signatures of the agent and successors.)

Specimen signatures of agent (and successors)

I certify that the signatures of my agent (and successors) are correct.

(Agent) Elizabeth P. Sexton

(Principal) Leo B Sexton

(Successor Agent) Mary Walsh

(Principal) Leo B Sexton

(Successor Agent) John J Sexton

(Principal) Leo B Sexton

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(This power of attorney will not be effective unless it is notarized and signed by at least one witness, using the form below.)

The undersigned witness certifies that ~~Elizabeth R. Sexton~~ Leo B. Sexton, known to me to be the same person whose name is subscribed as principal to the foregoing power of attorney, appeared before me and the notary public and acknowledged signing and delivering the instrument as the free and voluntary act of the principal, for the uses and purposes therein set forth. I believe him or her to be of sound mind and memory.

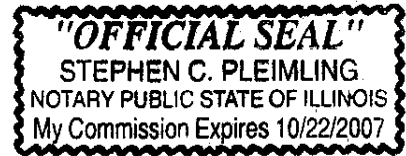
Dated: 4/13/04

Witness Esther M Cook

State of Illinois)
County of Cook) SS.

The undersigned, a notary public in and for the above state and county, certifies that Leo B. Sexton, known to me to be the same person whose name is subscribed as principal to the foregoing power of attorney, appeared before me and the additional witness in person and acknowledged signing and delivering the instrument as the free and voluntary act of the principal, for the uses and purposes therein set forth (and certified to the correctness of the signature(s) of the agent(s)).

Dated: 4/13/04 (SEAL)



(Notary Public) Stephen C. Pleimling

My commission expires 10/22/07

The requirement of the signature of an additional witness imposed by this amendatory Act of the 91st General Assembly [91-0790] applies only to instruments executed on or after the effective date of this amendatory Act of the 91st General Assembly [June 9, 2000].

(The name and address of the person preparing this form should be inserted if the agent will have power to convey any interest in real estate.)

This document was prepared by:

(Name) Elizabeth R. Sexton,

(Address) 4645 Wolf Road, Western Springs, IL 60558

MAIL TO:

Eileen R. Fitzgerald
Attorney at Law

1561 Warren Avenue
Downers Grove, IL 60515
(630) 493-4380

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Excerpts required by Section 3-4 of the Illinois Power of Attorney Act
(755 ILCS 45/1-1 et seq.)

Statutory Short Form Power of Attorney for Property Law

Section 3-4. **Explanation of powers granted in the statutory short form power of attorney for property.** This Section defines each category of powers listed in the statutory short form power of attorney for property and the effect of granting powers to an agent. When the title of any of the following categories is retained (not struck out) in a statutory property power form, the effect will be to grant the agent all of the principal's rights, powers and discretions with respect to the types of property and transactions covered by the retained category, subject to any limitations on the granted powers that appear on the face of the form. The agent will have authority to exercise each granted power for and in the name of the principal with respect to all of the principal's interests in every type of property or transaction covered by the granted power at the time of exercise, whether the principal's interests are direct or indirect, whole or fractional, legal, equitable or contractual, as a joint tenant or tenant in common or held in any other form; but the agent will not have power under any of the statutory categories (a) through (o) to make gifts of the principal's property, to exercise powers to appoint to others or to change any beneficiary whom the principal has designated to take the principal's interests at death under any will, trust, joint tenancy, beneficiary form or contractual arrangement. The agent will be under no duty to exercise granted powers or to

assume control of or responsibility for the principal's property or affairs; but when granted powers are exercised, the agent will be required to use due care to act for the benefit of the principal in accordance with the terms of the statutory property power and will be liable for negligent exercise. The agent may act in person or through others reasonably employed by the agent for that purpose and will have authority to sign and deliver all instruments, negotiate and enter into all agreements and do all other acts reasonably necessary to implement the exercise of the powers granted to the agent.

(a) **Real estate transactions.** The agent is authorized to: buy, sell, exchange, rent and lease real estate (which term includes, without limitation, real estate subject to a land trust and all beneficial interests in and powers of direction under any land trust); collect all rent, sale proceeds and earnings from real estate; convey, assign and accept title to real estate; grant easements, create conditions and release rights of homestead with respect to real estate; create land trusts and exercise all powers under land trusts; hold, possess, maintain, repair, improve, subdivide, manage, operate and insure real estate; pay, contest, protest and compromise real estate taxes and assessments; and, in general, exercise all powers with respect to real estate which the principal could if present and under no disability.

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(b) **Financial institution transactions.** The agent is authorized to: open, close, continue and control all accounts and deposits in any type of financial institution (which term includes, without limitation, banks, trust companies, savings and building and loan associations, credit unions and brokerage firms); deposit in and withdraw from and write checks on any financial institution account or deposit; and, in general, exercise all powers with respect to financial institution transactions which the principal could if present and under no disability.

(c) **Stocks and bond transactions.** The agent is authorized to: buy and sell all types of securities (which term includes, without limitation, stocks, bonds, mutual funds and all other types of investment securities and financial instruments); collect, hold and safekeep all dividends, interest, earnings, proceeds of sale, distribution, shares, certificates and other evidences of ownership paid or distributed with respect to securities; exercise all voting rights with respect to securities in person or by proxy, enter into voting trusts and consent to limitations on the right to vote, and, in general, exercise all powers with respect to securities which the principal could if present and under no disability.

(d) **Tangible personal property transactions.** The agent is authorized to: buy and sell, lease, exchange, collect, possess and take title to all tangible personal property; move, store, ship, restore, maintain, repair, improve, manage, preserve, insure and safekeep tangible

personal property; and, in general, exercise all powers with respect to tangible personal property which the principal could if present and under no disability.

(e) **Safe deposit box transactions.** The agent is authorized to: open, continue and have access to all safe deposit boxes, sign, renew, release or terminate any safe deposit contract, drill or surrender any safe deposit box; and, in general, exercise all powers with respect to safe deposit matters which the principal could if present and under no disability.

(f) **Insurance and annuity transactions.** The agent is authorized to: procure, acquire, continue, renew, terminate or otherwise deal with any type of insurance or annuity contract (which terms include, without limitation, life, accident, health, disability, automobile casualty, property or liability insurance); pay premiums or assessments on or surrender and collect all distributions, proceeds or benefits payable under any insurance or annuity contract; and, in general, exercise all powers with respect to insurance and annuity contracts which the principal could if present and under no disability.

(g) **Retirement plan transactions.** The agent is authorized to: contribute to, withdraw from and deposit funds in any type of retirement plan (which term includes, without limitation, any tax qualified or nonqualified pension, profit sharing, stock bonus, employee savings and other retirement plan, individual retirement account, deferred

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compensation plan and any other type of employee benefit plan); select and change payment options for the principal under any retirement plan; make rollover contributions from any retirement plan to other retirement plans or individual retirement accounts; exercise all investment powers available under any type of self-directed retirement plan; and, in general, exercise all powers with respect to retirement plans and retirement plan account balances which the principal could if present and under no disability.

(h) **Social Security, unemployment and military service benefits.** The agent is authorized to: prepare, sign and file any claim or application for Social Security, unemployment or military service benefits; sue for, settle or abandon any claims to any benefit or assistance under any federal, state, local or foreign statute or regulation; control, deposit to any account, collect, receipt for, and take title to and hold all benefits under any Social Security, unemployment, military service or other state, federal, local or foreign statute or regulation; and, in general, exercise all powers with respect to Social Security, unemployment, military service and governmental benefits which the principal could if present and under no disability.

(i) **Tax matters.** The agent is authorized to: sign, verify and file all the principal's federal, state and local income, gift, estate, property and other tax returns, including joint returns and declarations of estimated tax; pay all taxes; claim, sue for and receive all tax refunds; examine and copy all the

principal's tax returns and records; represent the principal before any federal, state or local revenue agency or taxing body and sign and deliver all tax powers of attorney on behalf of the principal that may be necessary for such purposes; waive rights and sign all documents on behalf of the principal as required to settle, pay and determine all tax liabilities; and, in general, exercise all powers with respect to tax matters which the principal could if present and under no disability.

(j) **Claims and litigation.** The agent is authorized to: institute, prosecute, defend, abandon, compromise, arbitrate, settle and dispose of any claim in favor of or against the principal or any property interests of the principal; collect and receipt for any claim or settlement proceeds and waive or release all rights of the principal; employ attorneys and others and enter into contingency agreements and other contracts as necessary in connection with litigation; and, in general, exercise all powers with respect to claims and litigation which the principal could if present and under no disability.

(k) **Commodity and option transactions.** The agent is authorized to: buy, sell, exchange, assign, convey, settle and exercise commodities futures contracts and call and put options on stocks and stock indices traded on a regulated options exchange and collect and receipt for all proceeds of any such transactions; establish or continue option accounts for the principal with any securities or futures broker; and, in general, exercise all powers with respect

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to commodities and options which the principal could if present and under no disability.

(l) **Business operations.** The agent is authorized to: organize or continue and conduct any business (which term includes, without limitation, any farming, manufacturing, service, mining, retailing or other type of business operation) in any form, whether as a proprietorship, joint venture, partnership, corporation, trust or other legal entity; operate, buy, sell, expand, contract, terminate or liquidate any business; direct, control, supervise, manage or participate in the operation of any business and engage, compensate and discharge business managers, employees, agents, attorneys, accountants and consultants; and, in general, exercise all powers with respect to business interests and operations which the principal could if present and under no disability.

(m) **Borrowing transactions.** The agent is authorized to: borrow money; mortgage or pledge any real estate or tangible or intangible personal property as security for such purposes; sign, renew, extend, pay and satisfy any notes or other forms of obligation; and, in general, exercise all powers with respect to secured and unsecured borrowing which the principal could if present and under no disability.

(n) **Estate transactions.** The agent is authorized to: accept, receipt for, exercise, release, reject, renounce, assign, disclaim, demand, sue for, claim and recover any legacy, bequest, devise, gift or other property interest or payment due or payable to or for the principal; assert any interest in and exercise any power over any trust, estate or property subject to fiduciary control; establish a revocable trust solely for the benefit of the principal that terminates at the death of the principal and is then distributable to the legal representative of the estate of the principal; and, in general exercise all powers with respect to estates and trusts which the principal could if present and under no disability; provided, however, that the agent may not make or change a will and may not revoke or amend a trust revocable or amendable by the principal or require the trustee of any trust for the benefit of the principal to pay income or principal to the agent unless specific authority to that end is given, and specific reference to the trust is made, in the statutory property power form.

(o) **All other property powers and transactions.** The agent is authorized to: exercise all possible powers of the principal with respect to all possible types of property and interests in property, except to the extent the principal limits the generality of this category (o) by striking out one or more categories (a) through (n) or by specifying other limitations in the statutory property power form.

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