

UNOFFICIAL COPY

This Instrument Prepared By:
Barry C. Bergstrom & Assoc., Ltd.
3330 - 181st Pl.
Lansing, IL 60438

Doc#: 0718057076 Fee: \$42.50
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 06/29/2007 12:11 PM Pg: 1 of 10

MAIL TO:

Barry C. Bergstrom & Associates, Ltd.
3330-181st Place, Suite 104
Lansing, IL 60438



Doc#: 0722831006 Fee: \$42.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 08/16/2007 09:31 AM Pg: 1 of 10

(Space above for recording purposes)

NOTE:

ILLINOIS DURABLE POWER OF ATTORNEY FOR PROPERTY

**RERECORDED TO CORRECT MISSING LOT NO. IN PARCEL #3
ON RIDER A ATTACHED HERETO AND ADDRESS & PIN IN PARCEL #1**

(Notice: The purpose of this Durable Power of Attorney 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 a power is 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. 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.)

DURABLE POWER OF ATTORNEY dated March 24th 2007.

1. I, JOHN M. GARGAS, 3304 E. 136th Street, Chicago, Illinois 60633, personally, hereby appoint: JOHN W. GARGAS, 8951 Prairie, Highland, Indiana 46322, as my attorney(s)-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:

(a) PROPERTY POWERS AND TRANSACTIONS. The agent is authorized to: exercise all possible property 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 paragraph by striking out one or more of the paragraphs below or by specifying other limitations in the statutory property power form.

(b) 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 interest 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 trust; 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.

UNOFFICIAL COPY

- (c) 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), including Totten Trust accounts in the name of principal; payable on death accounts or with any beneficiary, 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.
- (d) STOCK 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, distributions, 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; trade or borrow on margin account; and, in general, exercise all powers with respect to securities which the principal could if present and under no disability.
- (e) 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.
- (f) 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.
- (g) 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.
- (h) 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 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.

UNOFFICIAL COPY

(i) 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.

(j) 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.

(k) 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.

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

(m) 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.

(n) 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;

UNOFFICIAL COPY

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.

(o) 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 trust 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.

(p) THE POWER TO PAY HOUSEHOLD EXPENSES AND CHARITABLE SUBSCRIPTIONS. The agent is authorized to pay periodically such sums as the agent may deem appropriate for ordinary household expenses of the principal, and to do any and all acts which maintain the customary standard of living of the principal, the principal's spouse, children and other dependents of the principal, including by way of illustration, but not of restriction, the power to do the following: to provide for the health, education and welfare of the principal, the principal's spouse, children and other dependents; to maintain or establish charge accounts for the convenience of the principal, the principal's spouse, children or other dependents; and to pay for items charged to such accounts by any person authorized by myself or my attorney to make such charges; to continue payments incidental to maintaining memberships in any church, club, social or other organization; and in the discretion of the agent, to pay such charitable subscriptions as the principal has been in the habit of paying (and to make such other payments by way of charity as in the circumstances the agent shall think that the principal would make if the principal was present).

(q) THE POWER TO DEAL WITH TRUSTEE. The agent is authorized to deal with and handle any trust which the principal is dealing with or handling, including Totten Trust accounts owned by the principal. The agent is further authorized to require the trustee of any trust established for the benefit of the principal to make the payment of income or principal to the agent.

(r) WAIVER OF SURETY ON BOND. To serve and act as the agent hereunder without surety or other security on any official bond of the agent hereof, said surety or security being hereby expressly waived; however, the agent is hereby authorized in the agent's sole discretion to post surety bonds in connection with the performance of the agent's duties as such agent and the expense of such surety bonds shall be charged against the principal's estate.

(s) DISCLAIMER. The agent is hereby specifically authorized to disclaim, in whole or in part, any interest of benefit payable to the principal if, in the agent's sole opinion, such a disclaimer will benefit the principal as a whole and those interested in the principal, or the principal's estate, generally. The principal further directs that no person shall be authorized to question the agent's decision to disclaim even if the disclaimer alters the distribution of the property, cash, or interest disclaimed.

UNOFFICIAL COPY

(t) MEDICAL RECORDS. The agent is authorized to waive the confidentiality of medical records and to authorize the disclosure and release of any medical information regarding the principal from any physician, hospital, care facility, or other medical provider to any person or entity including the agent or any successor agent or any insurance provider, such authorization being deemed in compliance with all state and federal laws and regulations including HIPAA.

(u) GIFTS. The agent is authorized to make gifts to the principal's descendants, including the agent and the agent's descendants without limitation on such gifts as defined by IRC Section 2503(b).

(v) LIVING TRUST. The agent is authorized to create a revocable living trust, if not already created by the principal, providing for the principal during the principal's lifetime and then distribution in equal shares to the principal's respective descendants, per stirpes, upon the principal's death. The agent is authorized to transfer the principal's property to such trust in such amounts and at such times as the agent may determine.

(w) ADDITIONAL POWERS. The agent is authorized to exercise powers of appointment, name or change beneficiaries or joint tenancies.

2. Reproductions of this executed original (with reproduced signatures and the certificate of acknowledgement) shall be deemed to be original counterparts of this Durable Power of Attorney.

3. If any provision of this Durable Power of Attorney or its application to any person or circumstances is held by a Court of competent jurisdiction to be invalid, the invalidity shall not affect any other provisions or applications of which can be given effect without the invalid provisions or application, and to this end provisions of this document are severable.

4. The 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 Durable Power of Attorney at the time of reference.

5. The agent shall be entitled to reasonable compensation for services rendered as agent under this Durable Power of Attorney.

6. This Durable Power of Attorney shall become effective on the date first above written.

7. This Durable Power of Attorney shall terminate on my death.

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: (1) LISA ANDERSON; (2) GERARD GARGAS.

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

UNOFFICIAL COPY


consideration to business matters, as certified by a licensed physician.

9. If a guardian of my estate is to be appointed, I nominate the following to serve as such guardian without bond or security in the order named: (1) JOHN W. GARGAS; (2) LISA ANDERSON; (3) GERARD GARGAS.

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.

11. The Attestation Page and the following Riders are attached hereto and incorporated herein:
NONE.

SIGNED:

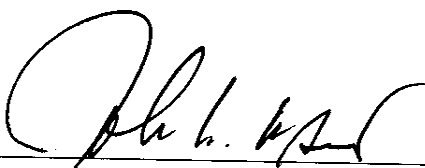


JOHN M. GARGAS, (Principal)

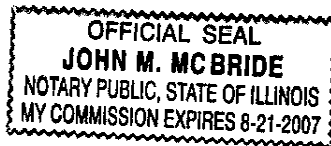
STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

The undersigned, a notary public in and for the above county and state, certifies that JOHN M. GARGAS, known to me to be the same person whose name is subscribed as principal to the foregoing Durable Power of Attorney, appeared before me and the additional witnesses 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.

Dated: MARCH 20, 2007



(Notary Public)



THIS INSTRUMENT WAS PREPARED BY:
BARRY C. BERGSTROM & ASSOCIATES, LTD.
3330-181ST PLACE, LANSING, IL 60438
(708) 895-7040

09/06

UNOFFICIAL COPY

ATTESTATION FOR DURABLE POWER OF ATTORNEY AND FOR THE APPOINTMENT OF GUARDIANS

The undersigned witnesses certify that JOHN M. GARGAS, known to me to be the same person whose name is subscribed as principal to the foregoing Durable Power of Attorney, appeared before the undersigned witnesses and the notary public and acknowledges signing and delivering the instrument as the free and voluntary act of the principal, for the uses and purposes therein set forth, and that we believe the principal to be of sound mind and memory.

Mary Ann Mitchell RESIDING AT 8951 Prairie Ave
Highland IL 60322

John M. Gargas RESIDING AT 9858 S. Campbell
Evergreen Park, Ill. 60805

Property of Cook County Clerk's Office

UNOFFICIAL COPY

LEGAL DESCRIPTION RIDER A
ATTACHED TO AND MADE A PART OF
DURABLE POWER OF ATTORNEY DATED MARCH 20, 2007
BETWEEN JOHN M. GARGAS AND JOHN W. GARGAS

PARCEL 1

LOT SIXTY-FIVE IN BLOCK TWENTY-TWO IN THE CALUMET AND CHICAGO CANAL AND DOCK COMPANY'S SUBDIVISION OF BLOCK NINE OF A SUBDIVISION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 31 AND ALSO OF ALL THAT PART OF THE WEST 366 1/2 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31 WHICH LIES NORTH EAST OF THE RIGHT OF WAY OF THE CHICAGO AND WESTERN INDIANA RAILROAD ALL IN TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS LYING EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 26-31-418-~~009~~ 026Commonly known address: ~~13639 South Brainard~~, Chicago, IL 606333245 E. 136TH ST.**PARCEL 2**

LOT TWENTY-SEVEN (27) AND LOT TWENTY EIGHT (28) IN BLOCK TWENTY (20) IN THE CALUMET AND CHICAGO CANAL AND DOCK COMPANY SUBDIVISION OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) AND SOUTH FIVE (5) ACRES OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF SECTION 31, TOWN 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES NORTHEAST OF THE RIGHT OF WAY OF THE CHICAGO AND WESTERN INDIANA RAILROAD, IN COOK COUNTY, ILLINOIS.

PIN: 26-31-412-038

PROPERTY ADDRESS: 3302 EAST 136TH ST., CHICAGO, IL 60633

PIN: 26-31-412-037

PROPERTY ADDRESS: 3300 EAST 136TH ST., CHICAGO, IL 60633**PARCEL 3**

~~OF~~ LOT 26 (TWENTY SIX)
 THE WEST THREE (3) FEET OF BLOCK TWENTY (20) IN THE CALUMET AND CHICAGO CANAL AND DOCK COMPANY SUBDIVISION OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) AND SOUTH FIVE (5) ACRES OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES NORTHEAST OF THE RIGHT OF WAY OF THE CHICAGO AND WESTERN INDIANA RAILROAD, IN COOK COUNTY, ILLINOIS.

PIN: 26-31-412-039

PROPERTY ADDRESS: 3304 EAST 136TH ST., CHICAGO, IL 60633

UNOFFICIAL COPY

PARCEL 4

LOT EIGHT (8) IN WILLIAM H. RIND'S SUBDIVISION OF PART OF THE SOUTHEAST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO PLAT RECORDED MAY 21, 1907, IN BOOK 95, PAGE 38 AS DOCUMENT NO. 4039857.

PIN: 26-31-419-001

PROPERTY ADDRESS: 3321 EAST 136TH ST., CHICAGO, IL 60633

PARCEL 5

LOT 29 IN BLOCK 6 IN CAR SHOPS SUBDIVISION OF HEGEWISCH IN THE NORTHEAST QUARTER (1/4) OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PIN: 26-31-209-019

PROPERTY ADDRESS: 13149 S. BALTIMORE AVENUE, CHICAGO, IL 60633

PARCEL 6

LOT 1 (1) THE NORTH FIFTEEN (15) FEET OF LOT TWO (2) IN PHILLIPS SUBDIVISION OF EAST 298.54 FEET, EXCEPT THE SOUTH 224 FEET OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, IN ACCORDANCE WITH PLAT AND CERTIFICATE OF CORRECTION THEREOF FILED AS DOCUMENT NUMBER 85533.

PIN: 26-32-303-034

PROPERTY ADDRESS: 13400 S. AVENUE K, CHICAGO, IL 60633

PARCEL 7

LOT THIRTY-EIGHT (38) IN BLOCK THREE (3) IN CALUMET AND CHICAGO CANAL AND DOCK COMPANY'S SUBDIVISION OF THE WEST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES NORTHEAST OF THE RIGHT OF WAY OF THE CHICAGO AND WESTERN INDIANA RAILROAD, IN COOK COUNTY, ILLINOIS.

PIN: 26-31-401-053

PROPERTY ADDRESS: 13431 S. HOUSTON AVENUE, CHICAGO, IL 60633

UNOFFICIAL COPY

PARCEL 8

LOTS 18 AND 19 IN BLOCK 2 IN CALUMET AND CHICAGO CANAL AND DOCK COMPANY'S SUBDIVISION OF THE WEST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, WHICH LIES NORTHEAST OF THE RIGHT OF WAY OF THE CHICAGO AND WESTERN INDIANA RAILROAD COMPANY ON AND ACROSS SAID WEST HALF (1/2) IN COOK COUNTY, ILLINOIS, LYING EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PIN: 26-31-402-041

PIN: 26-31-402-042

PROPERTY ADDRESS: 13442 SOUTH BRANDON AVENUE, CHICAGO, IL 60633

PARCEL 9

LOT 27 IN BLOCK 14 IN THE CALUMET AND CHICAGO CANAL AND DOCK COMPANY'S SUBDIVISION OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) AND THE SOUTH 5 ACRES OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 15, LYING EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PIN: 26-31-404-021

PROPERTY ADDRESS: 13453 S. BURLEY AVENUE, CHICAGO, IL 60633

PARCEL 10

LOT 47 IN BLOCK 22 IN CALUMET & CHICAGO CANAL & DOCK COMPANY'S SUBDIVISION OF BLOCK 9 OF A SUBDIVISION IN SECTION 31, TOWNSHIP 37 NORTH, RANGE 15, ACCORDING TO THE PLAT THEREOF RECORDED 6/25/1929, AS DOCUMENT 1123317 OF PLATS, PAGE 42, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PIN: 26-31-418-009

PROPERTY ADDRESS: 13639 S. BRAINARD, CHICAGO, IL 60633