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1998-12-23 11:03:42  
Cook County Recorder 37.50



COOK COUNTY  
RECORDER  
JESSE WHITE  
ROLLING MEADOWS

POWER OF ATTORNEY

1. I, **JOSEPHINE SMITH**, of Palatine, Cook County, Illinois, hereby appoint, **GARY MONACO** of Hawthorn Woods, Illinois, 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 "Illinois Power of Attorney Act", Illinois Revised Statutes, Chapter 110 1/2, Section 803-4, as amended:

(a) **HEALTH CARE DECISIONS**: The agent is authorized 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 agent shall have the same access to my medical records that I have, including the right to disclose the contents to others. My agent shall also have full power to make a disposition of any part or all of my body for medical purposes, authorize an autopsy and direct the disposition of my remains. The above grant of powers is intended to be as broad as possible so that my agent will have authority to make any decision I could make to obtain or terminate any type of health care, including withdrawal of food and water and other life-sustaining measures, if my agent believes such action would be consistent with my intent and desires. This Power of Attorney for health care is intended to include all powers authorized by the provisions of Section 804-10(b) of the "Illinois Powers of Attorney for Health Care Law", Illinois Revised Statutes, Chapter 110 1/2, Section 804-10(b), as amended.

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The powers granted above shall be subject to the following rules or limitations:

I do not want my life to be prolonged nor do I want life-sustaining treatment to be provided or continued if my agent believes the burdens of the treatment outweigh the expected benefits. I want my agent 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.

(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 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. Specifically, but not by way of limitation this paragraph applies to the property located at 1444 Carol Court, Unit 2A, Palatine, Cook County, Illinois, and to the property located at 1462 Carol Court, #2B, Palatine, Cook County, Illinois, both of which are legally described in Schedule A attached hereto.

(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); 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

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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.

(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

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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.

(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 agent 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.

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(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, 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; 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 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 forms.

(p) **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 (p) by striking out one or more of categories (a) through (o) or by specifying other limitations in the statutory property power form.

2. 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.

3. My agent shall be entitled to reimbursement for expenses incurred but shall not be entitled to any compensation for services rendered as agent under this Power of Attorney.

4. If any power or authority hereby sought to be conferred upon my agent should be invalid or unexercisable for any cause or not recognized by any person or organization dealing with my agent, the remaining powers and authorities given to my agent hereunder shall nevertheless continue in full force and effect.

5. Each person or other legal entity relying or acting upon this Power of Attorney shall be entitled to presume conclusively that this Power of Attorney is in full force and effect unless written notice shall have been given by me to such person or other legal entity that this power has been revoked. In addition, revocation of the appointment of my agent shall not be effective until my agent has received actual notice of its revocation in writing from me and delivered to my agent; until receipt of such actual notice, my agent shall not be liable to me for any action taken by my agent.

6. No person or legal entity relying on this Power of Attorney shall be required to see to the application and disposition of any monies, stocks, bonds, securities or other property paid to or delivered to my agent, or my agent's substitute, pursuant to the provisions hereof.

7. If a guardian of my person and/or my estate (property) is to be appointed, I nominate my son, GARY MONACO of Hawthorn Woods, Illinois, to serve as such guardian; without needing bond or security to serve.

8. If any agent or guardian named by me shall die, become incompetent, resign or refuse to accept the office of agent, I name my daughter, VIVIAN BARSANTI of Palatine, Illinois, as successor to such agent or guardian pursuant to all of the applicable provisions, terms and conditions as herein set forth. For the 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.

9. 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.

10. This Power of Attorney shall become effective upon execution.

11. It is my intent that this Power of Attorney shall remain in full force and effect and that the power granted herein shall continue without interruption until my death, unless previously revoked by me or by a Court of competent jurisdiction upon proper petition.

Dated this 19 day of October, 1998.

*Josephine Smith*  
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JOSEPHINE SMITH

*JS*





UNOFFICIAL COPY

Property of Cook County Clerk's Office

My Commission Expires 03/31/2011  
Notary Public for Cook County  
NORMAN J. KIRBY  
"NOTARY PUBLIC"

SCHEDULE A

Property Address: 1444 Carol Court, #2A, Palatine, IL 60067

Permanent Index Number: 02-12-206-041-1064

Legal Description:

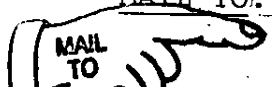
UNIT NO. 64 IN LONG VALLEY CONDOMINIUM AS DELINEATED ON SURVEY OF THE FOLLOWING DESCRIBED PARCEL OF REAL ESTATE (HEREINAFTER REFERRED TO AS "PARCEL") OF PARTS OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, TOGETHER WITH AN UNDIVIDED 101452% INTEREST IN SAID PARCEL EXCEPTING FROM SAID PARCEL ALL THE PROPERTY AND SPACE COMPRISING ALL THE UNITS THEREOF AS DEFINED AND SET FORTH IN SAID DECLARATION.

Property Address: 1462 Carol Court, Palatine, IL 60067

Permanent Index Number: 02-12-206-041-1045

Legal Description:

UNIT NUMBER 45 IN LONG VALLEY CONDOMINIUM, AS DELINEATED ON SURVEY OF THE FOLLOWING DESCRIBED PARCEL OF REAL ESTATE (HEREINAFTER REFERRED TO AS PARCEL) OF PARTS OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO DECLARATION OF CONDOMINIUM OWNERSHIP MADE BY AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, A NATIONAL BANKING ASSOCIATION, AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 8, 1972, AND KNOWN AS TRUST NUMBER 76743 RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS, AS DOCUMENT NUMBER 22388828, TOGETHER WITH AN UNDIVIDED .01442 PERCENT INTEREST IN SAID PARCEL (EXCEPTING FROM SAID PARCEL ALL THE UNITS THEREOF AS DEFINED AND SET FORTH IN SAID DECLARATION AND SURVEY), ALL IN COOK COUNTY, ILLINOIS.

MAIL TO:  NORMAN I. KURTZ, LTD.  
32 W. Busse Avenue  
Mt. Prospect, IL 60056

