

# UNOFFICIAL COPY

Prepared by and after  
Recording Mail to:  
Rachel D. Wanroy  
Burke, Warren, MacKay &  
Serritella, P.C.  
330 N. Wabash, 22<sup>nd</sup> Floor  
Chicago, Illinois 60611



Doc#: 1122222006 Fee: \$50.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 08/10/2011 08:34 AM Pg: 1 of 8

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**STATUTORY SHORT FORM**

**POWER OF ATTORNEY**

**FOR PROPERTY**

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## NOTICE TO THE INDIVIDUAL SIGNING THE ILLINOIS STATUTORY SHORT FORM POWER OF ATTORNEY FOR PROPERTY.

PLEASE READ THIS NOTICE CAREFULLY. The form that you will be signing is a legal document. It is governed by the Illinois Power of Attorney Act. If there is anything about this form that you do not understand, you should ask a lawyer to explain it to you.

The purpose of this Power of Attorney is to give your designated "agent" broad powers to handle your financial affairs, which may include the power to pledge, sell, or dispose of any of your real or personal property, even without your consent or any advance notice to you. When using the Statutory Short Form, you may name successor agents, but you may not name co-agents.

This form does not impose a duty upon your agent to handle your financial affairs, so it is important that you select an agent who will agree to do this for you. It is also important to select an agent whom you trust, since you are giving that agent control over your financial assets and property. Any agent who does act for you has a duty to act in good faith for your benefit and to use due care, competence, and diligence. He or she must also act in accordance with the law and with the directions in this form. Your agent must keep a record of all receipts, disbursements, and significant actions taken as your agent.

Unless you specifically limit the period of time that this Power of Attorney will be in effect, your agent may exercise the powers given to him or her throughout your lifetime, both before and after you become incapacitated. A court, however, can take away the powers of your agent if it finds that the agent is not acting properly. You may also revoke this Power of Attorney if you wish.

This Power of Attorney does not authorize your agent to appear in court for you as an attorney-at-law or otherwise to engage in the practice of law unless he or she is a licensed attorney who is authorized to practice law in Illinois.

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The powers you give your agent are explained more fully in Section 3-4 of the Illinois Power of Attorney Act. This form is a part of that law. The "NOTE" paragraphs throughout this form are instructions.

You are not required to sign this Power of Attorney, but it will not take effect without your signature. You should not sign this Power of Attorney if you do not understand everything in it, and what your agent will be able to do if you do sign it.

Please place your initials on the following line indicating that you have read this Notice:

*John S* .....

Principal's initials

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## ILLINOIS STATUTORY SHORT FORM POWER OF ATTORNEY FOR PROPERTY

1. I, John Simmons, of 643 Arlington Place, Chicago, Illinois 60614 (the "principal") hereby revoke all prior powers of attorney for property executed by me and appoint: Rachel D. Wanroy, Burke Warren, MacKay & Serritella, P. C., 330 N. Wabash, 22<sup>nd</sup> Floor, Chicago, Illinois 60611 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:

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

2. The powers granted above shall include the following powers:  
All powers needed to close the **acquisition** and financing with Bank of America, N.A. of co-op units 14A and 15A located at 2440 N. Lakeview, Chicago, Illinois 60614 (the "Property"), including but not limited to the power to execute, acknowledge and deliver all documents, notes, mortgages, assignments of rents, waivers of homestead rights, affidavits, bills of sale, deeds of conveyance, ALTA statements, RESPA settlement statements, shares of stock of and in Chicago Residential, Inc. which shares entitle the principal to a proprietary lease of the Property and other instruments in order to effect such acquisition and financing.

3. In addition to the powers granted above, I grant my Agent the following powers:  
None

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.

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

6. (x) This power of attorney shall become effective on the date of execution hereof.

7. (x) This power of attorney shall terminate on closing of **the acquisition** and financing of the Property.

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:

Any Attorney from the law firm of Burke, Warren, MacKay & Serritella P.C.

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For purposes of 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. 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.

11. The Notice to Agent is incorporated by reference and included as part of this form.

Dated: July 25, 2011.

Signed *John Simmons*  
John Simmons

The undersigned witness certifies that John Simmons, 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. The undersigned witness also certifies that the witness is not: (a) the attending physician or mental health service provider or a relative of the physician or provider; (b) an owner, operator, or relative of an owner or operator of a health care facility in which the principal is a patient or resident; (c) a parent, sibling, descendant, or any spouse of such parent, sibling, or descendant of either the principal or any agent or successor agent under the foregoing power of attorney, whether such relationship is by blood, marriage, or adoption; or (d) an agent or successor agent under the foregoing power of attorney.

Dated: July 25, 2011

*Vicky K. Torres*  
Witness

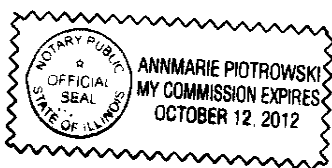
State of Illinois )  
County of Cook ) SS.

The undersigned, a notary public in and for the above county and state, certifies that John Simmons, 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 witness Vicky Torres 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: July 25, 2011.

*Ann Marie Piotrowski*  
Notary Public

My commission expires 10.12.12



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*(NOTE: 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 agents.)*

Specimen signatures of  
Agent (and successors)

I certify that the signatures  
of my Agent (and successors)  
are genuine.

.....  
(Agent)

.....  
(principal)

.....  
(successor agent)

.....  
(principal)

.....  
(successor agent)

.....  
(principal)

Rachel D. Wanroy  
Burke, Warren, MacKay & Serritella, P.C.  
330 N. Wabash, 22<sup>nd</sup> Floor  
Chicago, Illinois 60611  
312 840 7000

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## "NOTICE TO AGENT

When you accept the authority granted under this power of attorney a special legal relationship, known as agency, is created between you and the principal. Agency imposes upon you duties that continue until you resign or the power of attorney is terminated or revoked.

As agent you must:

- (1) do what you know the principal reasonably expects you to do with the principal's property;
- (2) act in good faith for the best interest of the principal, using due care, competence, and diligence;
- (3) keep a complete and detailed record of all receipts, disbursements, and significant actions conducted for the principal;
- (4) attempt to preserve the principal's estate plan, to the extent actually known by the agent, if preserving the plan is consistent with the principal's best interest; and
- (5) cooperate with a person who has authority to make health care decisions for the principal to carry out the principal's reasonable expectations to the extent actually in the principal's best interest.

As agent you must not do any of the following:

- (1) act so as to create a conflict of interest that is inconsistent with the other principles in this Notice to Agent;
- (2) do any act beyond the authority granted in this power of attorney;
- (3) commingle the principal's funds with your funds;
- (4) borrow funds or other property from the principal, unless otherwise authorized;
- (5) continue acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney, such as the death of the principal, your legal separation from the principal, or the dissolution of your marriage to the principal.

If you have special skills or expertise, you must use those special skills and expertise when acting for the principal. You must disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name "as Agent" in the following manner:

"(Principal's Name) by (Your Name) as Agent"

The meaning of the powers granted to you is contained in Section 3-4 of the Illinois Power of Attorney Act, which is incorporated by reference into the body of the power of attorney for property document.

If you violate your duties as agent or act outside the authority granted to you, you may be liable for any damages, including attorney's fees and costs, caused by your violation.

If there is anything about this document or your duties that you do not understand, you should seek legal advice from an attorney."

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**EXHIBIT A**  
**LEGAL DESCRIPTION**

Apartments 14A and 15A of the Apartment Building known as 2440 Lakeview Avenue, Chicago, Illinois located on the following described real estate:

Lot 4 (except the southwesterly 215 feet) and Lot 5 in Baird's Lincoln Park addition to Chicago, a subdivision in the southeast corner of the southwest  $\frac{1}{4}$  of section 28, township 40 north, range 14, east of the third principal meridian in Cook County, Illinois.

P.I.N. 14 28 322 015 0000

Common Address: 2440 N. Lakeview, Unit 14A and Unit 15A, Chicago, Illinois 60614