## **UNOFFICIAL COPY**



Doc#: 1408418005 Fee: \$52.00 RHSP Fee: \$9.00 RPRF Fee: \$1.00

Karen A.Yarbrough

Cook County Recorder of Deeds
Date: 03/25/2014 09:01 AM Pg: 1 of 8

Statutory Short Form Power of Attorney for Property
Eff. 7/1/11

Text of Section after amendment by P.A. 96-1195)

Sec. 3-3. Statutory short form power of attorney for property.

- (a) The form prescribed in this Section may be known as "statutory property power" and may be used to grant in agent powers with respect to property and financial matters. The "statutory property power" consists of the following: (1) Notice to the Individual Signing the Illinois Statutory Short Form Power of Attorney for Property; (2) Illinois Statutory Short Form Power of Attorney for Property; and (3) Notice to Agent. When a power of attorney in substantially the form prescribed in this Section is used, including all 3 items above, with item (1), the Notice to Individual Signing the Illinois Statutory Short Form Power of Attorney for Property, on a separate sheet (coversheet) in 14-point type and the notarized form of acknowledgment at the end, it shall have the meaning and effect prescribed in this Act.
- (b) A power of attorney shall also be deemed to be in substantially the same format as the statutory form if the explanatory language throughout the form (the language following the designation "NOTE:") is distinguished in some way from the legal paragraphs in the form, such as the use of boldface or other difference in typeface and font or point size, even if the "Notice" paragraphs at the beginning are not on a separate sheet of paper or are not in 14-point type, or if the principal's initials do not appear in the acknowledgement at the end of the "Notice" paragraphs.

The validity of a power of attorney as meeting the requirements of a statutory property power shall not be affected by the fact that one or more of the categories of optional powers listed in the form are struck out or the form includes specific limitations on or additions to the agent's powers, as permitted by the form. Nothing in this Article shall invalidate or bar use by the principal of any other or different form of power of attorney for property. Nonstatutory property powers (i) must be executed by the principal, (ii) must designate the agent and the agent's powers, (iii) must be signed by at least one witness to the principal's signature, and (iv) must indicate that the principal has acknowledged his or her signature before a notary public. However, nonstatutory property powers need not conform in any other respect to the statutory property power.

(c) The Notice to the Individual Signing the Illinois Statutory Short Form Power of Attorney for Property shall be substantially as follows:

8

1408418005 Page: 2 of 8

## **UNOFFICIAL COPY**

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

PLEASE REAL 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 a ent is not acting properly. You may also revoke this Power of Attorney if you with the second of the power of authorize your agent to appear in court.

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 re or she is a licensed attorney who is authorized to practice law in Illinois.

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

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

(d) The Illinois Statutory Short Form Power of Attorney for Property shall be substantially as follows:

"ILLINOIS STATUTORY S'.OF. FORM POWER OF ATTORNEY FOR ! OFFRTY

1. I With WO7 (insert name and address of principal) hereby revoke all prior powers of attorney for property executed by me and appoint:

(NOTE: You may not name co-agents using this form.)
as my attorney-in-fact (my "agent") to act for me and in my lam: (in any way I

1408418005 Page: 3 of 8

## **UNOFFICIAL COPY**

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:

(NOTE: 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.
- (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.
- (1) Business operations.
- (m) Borrowing transactions.
- (n) Estate transactions.
- (o) All other property transactions.

!NOTE: 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 rodified or limited in the following particulars:
(MOTE: Here von may include any specific limitations you deem appropriate,
such as a prchibition or conditions on the sale of particular stock or real
estate or special rules on borrowing by the agent.)
3. In addition to the powers granted above, I grant my agent the following
powers:
(NOTE: Here you may add any other delegable powers including, without
limitation, power to make gifts, exercic, powers of appointment, name or
change beneficiaries or joint tenants or revoke or amend any trust
specifically referred to below.)

(NOTE: Your agent will have authority to employ other per ons 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

1408418005 Page: 4 of 8

## **UNOFFICIAL COPY**

your agent the right to delegate discretionary decision-making powers to others, you should keep paragraph 4, 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.

  (NOTE: Your agent will be entitled to reimbursement for all reasonable expenses incurred in acting under this power of attorney. Strike out paragraph 5 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.

(NOTE: 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 one or both of paragraphs 6 and 7.)

7.)

6. () This power of attorney shall become effective on 3/11/14

COTE: Insert a future date or event during your lifetime, such as a court determination of your disability or a written determination by your physician that you are incapacitated, when you want this power to first take effect.)

(NOTE: Insert a future date or event, such as a court determination that you are not under a legal disability or a written determination by your physician that you are not incapacitated, if you want this power to terminate prior to your death.)

(NOTE: If you wish to name one or more successor agents, insert the name and address of each successor agent in paragraph 8.)

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

For purposes of this paragraph 6, 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 contified by a licensed physician.

(NOTE: If you wish to, you may name your agent as guardian of your estate if a court decides that one should be appointed. To do this, retain paragraph 9, and the court will appoint your agent if the court finds that this appointment will serve your best interests and welfare. Stile 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 with 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.

  (NOTE: This form does not authorize your agent to appear is court for you as an attorney-at-law or otherwise to engage in the practice of law unless he or

1408418005 Page: 5 of 8

NOFFICIAL COPY
she is a licensed attorney who is authorized to practice law in Illinois.)  11. The Notice to Agent is incorporated by reference and included as part of this form. 3/11/14  Dated: Signed (principal)
(NOTE: This power of attorney will not be effective unless it is signed by at least one witness and your signature is notarized, using the form below. The notary may not also sign as a witness.)
The undersigned witness certifies that, 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.  Witness
(NOTE: Illinois requires only one witness, but other jurisdictions may require nore than one witness. If you wish to have a second witness, have him or her certify and sign here:)
(Second witness) The undersigned witness certifies that
State of (100;) SS. County of (200;) SS.

1408418005 Page: 6 of 8

# **UNOFFICIAL COPY**

ertifies that	public in and for the above con, known to me to be the incipal to the foregoing power ness(es)	of attorney,) in t as the free and erein set forth (, agent(s)).
My commission expires		ANDRA AL
NOTE: You may, but are not re igents to provide specimen sig signatures in this power of at apposite the signatures of the	quired to, request your agent a natures below. If you included torney, you must complete the agents.)	AL OF RYNOIS NOTARY PUBLIC CABANASSON AND STARY PUBLIC SERVICE OF STARY PUBLIC
specimen signatures of gent (and successors)	I certify that the signatures of my agent (and successors) are genuine.	
(agent)	(principal)	
(successor agent)	(principal)	
(successor agent)	(principal)	
Phone:	in completing this form should wing form may be known as "Noticappointed under a power of atto	ice to Agent" and
pecial legal relationship, knorincipal. Agency imposes upon the power of attorney is termit.  As agent you must:  (1) do what you know the	"NOTICE TO AGENT ity granted under this power of rwn as agency, is created between you duties that continue until nated or revoked.  principal reasonably expects you the best increst of the principal reserves to the principal transcription."	een you and the you resign or you to do with the
(are, competence, and diligence (3) keep a complete and a and significant actions conduct (4) attempt to preserve to actually known by the agent, is principal's best interest; and (5) cooperate with a per-	e; detailed record of all receipts	the extent stent with the realth care

1408418005 Page: 7 of 8

## **UNOFFICIAL COPY**

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."

(f) The requirement of the signature of a witness in addition to the principal and the notary, imposed by Public Act 91-790, applies only to inscruments executed on or after June 9, 2000 (the effective date of that Public Act).

(NOTE: 1918 amendatory Act of the 96th General Assembly deletes provisions that referred to the one required witness as an "additional witness", and it also provides for the signature of an optional "second witness".)

(Source: P.2 96-1195, eff. 7-1-11.)

1408418005 Page: 8 of 8

## **UNOFFICIAL COPY**

### PARCEL 1:

THE SOUTH 21.25 FEET, AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE THEREOF, OF THAT PART OF LOT 1004 IN BRICKMAN MANOR FIRST ADDITION UNIT 6, BEING A SUBDIVISION OF PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF A LINE DRAWN AT RIGHT ANGLES TO THE EAST LINE THEREOF ROM A POINT ON SAID LINE 184.77 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT, IN COOK COUNTY, ILLINOIS.

### PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS AS CREATED BY DEED FROM AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, A NATIONAL BANKING ASSOCIATION AS TRUSTEE UNDER TRUST AGREEMENT DATED FEBRUARY 10, 1972 KNOWN AS TRUST NUMBER 76492 TO DAVID N. ZUCKERT AND JOYCE S. ZUCKERT DATED DECEMBER 15, 1972 AND RECORDED FEBRUARY 13, 1973 AS DOCUMENT 22219035, IN COOK COUNTY, ILLINOIS. Cook County Clark's Office

912 N. Boxwood Dr. Unit A Mount Prospect IL

PIN 1: 03-27-401-056-0000