

UNOFFICIAL COPY

Doc#: 1922049027 Fee: \$98.00
Edward M. Moody
Cook County Recorder of Deeds
Date: 08/08/2019 08:57 AM Pg: 1 of 20

RECORDING COVER PAGE

Fidelity National Title

Power of Attorney

SC19019077

Property of Cook County Clerk's Office

UNOFFICIAL COPY

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.

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:



 Principal's initials

UNOFFICIAL COPY

ILLINOIS STATUTORY SHORT FORM

POWER OF ATTORNEY FOR PROPERTY

1 I, Mary DiBiasio, of Evanston, 773-968-3173, hereby revoke all prior powers of attorney for property executed by me and appoint my son, Lee DiBiasio, of Chicago, whose telephone number is 773-968-3173,

(NOTE: You may not name co-agents using this form.)

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:

(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.
- (l) 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 modified or limited in the following particulars:

(NOTE: 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.)

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, exercise powers of appointment, name or change beneficiaries or joint tenants or revoke or amend any trust specifically referred to below.)

UNOFFICIAL COPY

My agent is authorized to transfer, assign and convey any property or interest in any property which I may own to any trust of which I am a beneficiary and under the terms of which I expressly have the power, exercisable alone or with others, to amend or revoke such trust, whether such trust was created before or after the execution of this power of attorney.

Distribution from Trust Estate and Other Property. My agent is authorized to request a distribution from the above-mentioned trust estate and from any other of my property in order to accomplish any gift or transfer authorized to be made hereunder this paragraph #3, and any gift or transfer authorized under this paragraph #3 may include my agent, individually:

- (i) **Exclusion Gifts.** The agent may make annual exclusion gifts and tuition and medical exclusion gifts to any one or more of my descendants and their spouses in such amounts as the agent considers appropriate. Annual exclusion gifts and tuition and medical exclusion gifts shall be made in such manner as to qualify under Code Section 2503(b) and 2503(e), respectively. Annual exclusion gifts to each person in any calendar year shall not exceed the maximum allowable amount of such annual exclusion for an unmarried donor, or twice that amount if I am married at the time of such gift. The "spouse" of any person, other than me, means the individual legally married to, and not legally separated from, such person on the date of the gift then in question or on the date of the prior death of such person. References to sections of the Code refer to the Internal Revenue Code of 1986, as amended from time to time, and include corresponding provisions of subsequent federal tax law.
- (ii) **Additional Gifts.** The agent may make gifts in such amounts as determined by my agent, in my name or on my behalf if my agent believes the gifts will provide tax, Medicaid, or financial benefits for me or for my estate or my family, to my spouse or descendants, in any amount; and to charitable organizations in amounts and at times that follow patterns of giving established by me before the date of the gifts made by the agent. It is my wish that if I require extended long term care in a licensed nursing facility, and there is no reasonable likelihood that I will be able to return to living outside a licensed nursing facility, that my agent make such gifts as may be possible, consistent with my testamentary intent as set forth in my estate plan, to qualify me for medical assistance benefits to cover the cost of such nursing care provided that my best interests and welfare are not compromised in any way. However, if I am residing or will soon reside in a licensed nursing facility, and any of my family member(s), spouse or descendant(s), qualify to receive my home as an allowable transfer (meaning a gift of the home that will not disqualify me for Medicaid or other governmental benefits) under applicable federal and state law and regulations, then my agent may make such allowable transfer of my home to my family member(s), spouse or descendant(s). The agent may also transfer every kind of property, real, personal, tangible, intangible, or mixed, including homestead real property, so that I might be eligible for any other programs of public benefit, including, but not limited to, Supplemental Social Security (SSI), Federal Social Security Disability Insurance (SSDI), Medicaid (or state equivalent), state insurance, and benefits from the Veteran's Administration. If my agent transfers any assets pursuant to this paragraph, then the assets transferred shall be distributed to any donee referred to in my will or revocable living trust, including my agent.
- (iii) **Retirement Plans.** In connection with any pension, profit sharing or stock bonus plan, individual retirement arrangement, annuity or account under Section 403(b) of the Internal Revenue Code of 1986, as amended ("IRC"), plan under IRC Section 457, or any other retirement plan, arrangement or annuity in which I am a participant or of which I am a beneficiary (whether established by my agent or

UNOFFICIAL COPY

otherwise) (each of which is hereinafter referred to as "such Plan"), my agent shall have the following powers, in addition to all other applicable powers granted by this instrument:

- (a) To make contributions (including "rollover" contributions) or cause contributions to be made to such plan with my funds or otherwise on my behalf.
- (b) To receive and endorse checks or other distributions to me from such Plan, or to arrange for the direct deposit of the same in any account in my name or in the name of any trust of which I am the donor and principal beneficiary.
- (c) To elect a form of payment of benefits from such Plan, to withdraw benefits from such plan, to make contributions to such Plan and to make, exercise, waive or consent to any and all elections and/or options that I may have regarding the contributions to, investments or administration of, or distribution or form of benefits under such Plan.
- (d) To designate one or more beneficiaries or contingent beneficiaries for any benefits payable under such Plan on account of my death, provided, however, that my agent shall have no power to make any such designation unless such designation is consented to by instrument in writing by a majority of all my then living descendants (or their guardians acting for them) excluding my agent if a descendant of mine is then serving as my agent. My agent also shall be authorized to change any such prior designation of beneficiary made by me or by my agent, provided, however that my agent shall have no power to designate my agent directly or indirectly as a beneficiary or contingent beneficiary to receive a greater share or proportion of any such benefits than my agent would have otherwise received unless such change is consented to by instrument in writing by all other then living beneficiaries (or their guardians acting for them) who would have received the benefits but for the proposed change. These limitations shall not apply to any designation of my agent as beneficiary in a fiduciary capacity, with no beneficial interest.

In addition to the above powers, I grant my agent the following powers:

- A. The power to appoint others or to change any beneficiary designations made by me pursuant to my insurance beneficiary form or other contractual arrangements.
- B. The power to sever joint tenancies.
- C. The power to represent me in filing for dissolution or legal separation.
- D. The power to renounce and disclaim any property or interest in property or powers to which for any reason and by any means I may become entitled, whether by gift or testate or intestate succession; to release or abandon any property or interest in property or powers which I may now or hereafter own, and, in exercising such discretion my agent may take into account such matters as shall include but shall not be limited to any reduction in estate or inheritance taxes on my estate and the effect of such renunciation or disclaimer upon persons interested in my estate and persons who would receive the renounced or disclaimed property.

UNOFFICIAL COPY

- E. My agent may apply for government aid for me, including, but not limited to, Supplemental Security Income, Social Security Disability, Medicaid and Medicare, and also purchase health insurance for me.**
- F. My agent is also authorized to create, execute and fund Supplemental Needs Trusts, intervivos revocable and intervivos irrevocable trusts (regardless of whether I am an income and/or principal beneficiary), and OBRA (Omnibus Budget Reconciliation Act of 1993, as amended thereto) or Pooled Pay Back Trusts (d4a Trusts or d4c Trusts) and any other transfers, gifts, or conveyances for purposes of income, gift, estate, or generation skipping tax, medicaid or asset protection planning, or whatever purposes my agent deems appropriate.**
- G. My agent is also authorized to amend or revoke any trust (whose terms permit amendment or revocation by me), established by me, whether before or after the execution of this power, or by my agent pursuant to this document, without changing the dispositive provisions.**
- H. My agent is authorized to execute and enter into a Personal Service Contract for my care and sole benefit.**
- I. My agent is authorized to compensate separately any brokers' attorneys, auditors, depositories, real estate managers, investment advisors and other persons (including my agent and any firm with which my agent is associated without reducing compensation in any capacity).**
- J. My agent is authorized to transfer, gift or convey any and all property that I may own as I may do under all circumstances for purposes of income, gift, estate, or generation skipping tax, Medicaid or asset protection planning or whatever purposes my agent deems appropriate.**
- K. My agent is authorized to apply for a reverse mortgage, including but not limited to signing the Mortgage and Note.**
- L. My agent may cash in any of my insurance policies, use them in a viatical settlement, or assign them for purposes of prepaid funeral.**
- M. (1) My agent may transfer my assets to my child or any age or to a trust created solely for the benefit of my child who is blind or disabled as determined by the Social Security Administration or the Medicaid Department's Determination Review Unit or to another person for the sole benefit of the person's child.**
- (2) My agent may transfer my homestead property to: my spouse (if any), or my child under age 21, or my child of any age who is blind or disabled as determined by the Social Security Administration or the Medicaid Department's Determination Review Unit, or my brother or sister who has an equity interest in the homestead property and who was living in the home for at least one year immediately before the date I entered the facility or applied for/received DoA services, or my child who provided care (either nursing or support) for me and who was living in the homestead property for at least 2 years immediately before the date I entered the facility or applied for/received DoA services.**

UNOFFICIAL COPY

- N. My agent may lend money to my children, spouse, other family members, or friends who agree to repay the loan, pursuant to a written promissory note, at a market rate of interest on an actuarially sound basis.**
- O. My agent may acquire an annuity for my benefit or my spouse's benefit and also Medicaid qualification for myself or my spouse.**
- P. In addition to the Tax Matters powers granted in the Illinois Statutory Short Form Power of Attorney, to act as my agent and, if qualified, as my true and lawful attorney to appear for and represent me before the Treasury Department in connection with any matter involving federal taxes in which I am a party. The authority so vested in my agent shall include, but not be limited to, the authority to execute waivers or consents agreeing to a later assessment and collection of taxes than is provided by applicable statutes of limitation and shall also include the authority to execute closing agreements in respect of tax liabilities or specific matters.**
- Q. I hereby authorize my agent to request information or photocopies of any records from financial institutions and insurance companies with whom I have conducted business, and I hereby authorize all such financial institutions and insurance companies to release to my agent all information or photocopies of any records that my agent may request. If I am incapacitated at the time my agent shall request such information, all persons are authorized to treat any such request for information by my agent as the request of my legal representative and to honor such requests on that basis.**

I hereby waive all privileges that may be applicable to such information and records and to any communication pertaining to me and made in the course of any confidential relationship recognized by law.

- R. My agent may engage in estate and long term care planning in furtherance of achieving asset preservation based on all relevant factors, including:**
- a. the value and nature of my property;**
 - b. my foreseeable obligations and need for maintenance;**
 - c. minimization of taxes, including income, estate, inheritance, generation skipping transfer, and gift taxes; and**
 - d. eligibility for a benefit, a program, or assistance under a statute or government regulation.**

Property transfers made pursuant to the authority granted herein shall, for all purposes, be deemed to have been "in my best interest" if: (1) made in accordance with the provisions of this section; and (2) made in the context of estate planning, financial planning, Medicaid planning, long term care planning and/or asset preservation planning pursuant to the recommendations of an attorney-at-law experienced in such matters.

- S. My agent may take any action necessary to effectuate the foregoing, including to qualify me for Social Security Benefits, Supplemental Security Income, Veterans Benefits, Medicaid or any other government benefit program. Such actions may include but shall not be limited to the following:**
- a. convert non-exempt resources into exempt resources;**

UNOFFICIAL COPY

- b. divest me of assets;
 - c. if I am married and if my agent is my spouse, my spouse may protect our assets, whether owned by me alone, my spouse alone, or by us together as husband and wife, so that my spouse's impoverishment because of my health care costs can be avoided, by whatever lawful methods that might be available;
 - d. sign a Spousal Refusal;
 - e. sign an Assignment of Support;
 - f. sign an application for Medical Assistance or any other government benefit program;
 - g. serve as representative payee;
 - h. make home improvements and additions to my family residence;
 - i. pay off, partly or in full, any encumbrance on my family residence;
 - j. purchase a family residence, if I do not own a family residence;
 - k. purchase a more expensive family residence;
 - l. if I am married, transfer the family residence to a spouse who does not need long-term health or nursing care;
 - m. if I am married, divide community property assets equally or unequally between my spouse and me; and
 - n. attend and represent me at Fair Hearings.
- T. My agent may open, read, respond to, and redirect my mail, and represent me before the U.S. Postal Service in all matters related to mail service.
- U. My agent is expressly authorized to create or revoke Transfer on Death Instruments as provided in the Illinois statute. Please note: Use of this provision is subject to the permissibility under Illinois law, which has changed and is subject to further change.
- V. My agent has the authority to access, modify, control, archive, transfer, and delete my digital assets.

Digital assets include my sent and received emails, email accounts, digital music, digital photographs, digital videos, gaming accounts, software licenses, social-network accounts, file-sharing accounts, financial accounts, domain registrations, Domain Name System (DNS) service accounts, blogs, listservs, web-hosting accounts, tax-preparation service accounts, online stores and auction sites, online accounts, and any similar digital asset that currently exists or may be developed as technology advances.

My digital assets may be stored on the cloud or on my own digital devices. My agent may access, use, and control my digital devices in order to access, modify, control, archive, transfer, and delete my digital assets—this power is essential for access to my digital assets that are only accessible through my digital devices. Digital devices include desktops, laptops, tablets, peripherals, storage devices, mobile telephones, smartphones, and any similar hardware that currently exists or may be developed as technology advances.

Governmental Benefits. In addition, I give my agent the authority to apply for, to make any elections required, to maximize and maintain any and all public benefits, governmental programs, insurance benefits and retirement benefits to which I may be entitled or may in

UNOFFICIAL COPY

the future become entitled. Such public benefits shall expressly include, but not be limited to: Veteran's benefits, Social Security (SSA), Social Security Disability Insurance (SSDI), Medicare, Medicaid, In-Home Supportive Services (IHSS), Community Care Programs (CCP), and Supplemental Security Income (SSI). My agent is authorized to take any number of the following actions, which list is illustrative and not exhaustive:

- A. Modification or revocation, in whole or in part, of any trust I have established, whose terms permit amendment or revocation by me or any third party.
- B. Creating a revocable or irrevocable trust, even if to do so substantially modifies my current estate plan, even to the point of treating beneficiaries unequally and/or disinheriting certain beneficiaries.
- C. Effecting a transfer of my residence, or interest therein, to my spouse or to other permissible transferees under applicable laws and regulations then in effect, including agreeing to a transmutation of such residence to the separate property of my spouse.
- D. Executing an Occupancy Agreement on my behalf concurrently with the gifting of any real property or interest therein.
- E. Making gifts of my property, even to the extent such gifts may be in excess of the annual gift tax exclusion amount, to my spouse and to other permissible transferees.
- F. Consenting on my behalf to support orders sought and obtained by my spouse for his or her proper support and to avoid his or her impoverishment.
- G. Transferring and transmuting ownership in any of my assets to my spouse, as his or her separate property, in order to, among and including other reasons, to fund the Community Spouse Resource Allowance (CSRA) fully.
- H. I authorize my agent to appoint a Special Agent who, relative to my agent, is not a related or subordinate party as described in §672 of the Internal Revenue Code of 1986, as amended, to make gifts of my assets to the beneficiaries described in my estate plan (whether or not such assets are held in a revocable trust created by me or my agent pursuant to this Power) if, in my agent's judgment, the gift of such assets will qualify me for government benefits and increase the amount of my estate which will be received by my heirs.
- I. My agent is authorized to continue to pursue an application or appeal for governmental benefits, if those benefits were applied for during my lifetime.

Defense of actions. Should it become necessary, the agent herein is hereby authorized to defend actions taken pursuant to these public benefits planning provisions,

UNOFFICIAL COPY

including but not limited to the retention of legal counsel, hiring other professionals, and to pay for such legal and professionals from my assets and income.

Self-dealing authorized. For the purposes of public benefits planning, the agent is authorized (1) to purchase any of my assets at fair market value, (2) to transfer any of my assets, and/or (3) to engage in transactions which the agent considers in my best interest and in furtherance of the public benefits planning goals, irrespective of any concurrent interest or benefit which may be conferred thereby to the agent personally.

Removal of Assets from Trust. If any of my assets are held in a revocable trust, the agent is authorized to remove those assets from trust, to the extent that is necessary to effect any of the above-described transfer of assets, or for general eligibility purposes.

Notwithstanding anything to the contrary in this paragraph #3, my agent, prior to making any transfer to himself or herself, his or her spouse (or any person dependent upon my agent) shall first obtain my written consent, or if I am not capable of giving informed consent, then the written consent of all other adult beneficiaries (other than my agent) who would be entitled to more than a 10% interest in my estate (probate and non-probate) if I died immediately before the transfer was made; provided further that in no event is my agent authorized or permitted to make any transfers pursuant to this paragraph #3 to his or her estate, his or her creditors, or the creditors of his or her estate.

Additionally, I authorize my agent to appoint a Special Agent who, relative to my agent, is not a related or subordinate party as described in §672 of the Internal Revenue Code of 1986, as amended, to make gifts of my assets to the beneficiaries described in my estate plan (whether or not such assets are held in a revocable trust created by me or my agent pursuant to this Power) if, in my agent's judgment, the gift of such assets will qualify me for government benefits and increase the amount of my estate which will be received by my heirs.

(NOTE: 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 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.)

UNOFFICIAL COPY

6. () This power of attorney shall become effective on:
(NOTE: 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.)

7. () This power of attorney shall terminate on:
(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 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:

- a. My brother, John Okonok, of Glenview, whose telephone number is 773-899-4338.

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.

(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. Strike out paragraph 9 if you do not want your agent to act as guardian.)

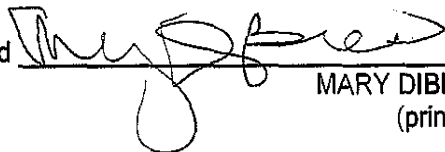
9. If a guardian of my estate (my property) is to be appointed, I nominate the agent acting under this power of attorney as such guardian, to serve without bond or security.

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.

(NOTE: This form 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.)

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

Dated: 5/22/19


Signed 
MARY DIBIASIO
(principal)

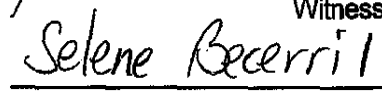
(NOTE: This power of attorney will not be effective unless it is signed by at least one witness and your signature is notarized, using the form below. The notary may not also sign as a witness.)

UNOFFICIAL COPY

The undersigned witness certifies that MARY DIBIASIO, 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: 5/22/19



 Witness Signature


 Witness Printed Name

(NOTE: Illinois requires only one witness, but other jurisdictions may require more 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 MARY DIBIASIO, 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: _____

 Witness Signature

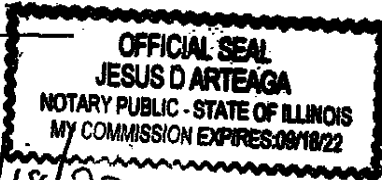
 Witness Printed Name

State of Illinois)
) SS
 County of Cook)

UNOFFICIAL COPY

The undersigned, a notary public in and for the above county and state, certifies that MARY DIBIASIO, 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(es) Selene Becerril (and _____) 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: 5/22/19



[Signature]
Notary Public

My commission expires 9/18/22

(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 correct.

[Signature]
(agent)

[Signature]
(principal)

(successor agent)

(principal)

(successor agent)

(principal)

(NOTE: The name, address, and phone number of the person preparing this form or who assisted the principal in completing this form should be inserted below.)

AND RETURN TO:
Anthony B. Ferraro
Attorney-CPA
DiMonte & Lizak, LLC
216 West Higgins Road
Park Ridge, IL 60068
(847) 698-9600

UNOFFICIAL COPY

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.

UNOFFICIAL COPY

Section 3-4 of the Illinois 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, and is incorporated by reference into the statutory short form. Incorporation by reference does not require physical attachment of a copy of this Section 3-4 to the statutory short form power of attorney for property. 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 designed 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 act in good faith for the benefit of the principal using due care, competence, and diligence 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.

(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) 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

UNOFFICIAL COPY

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 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.

UNOFFICIAL COPY

(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 to commodities and options which the principal could if present and under no disability. The statutory short form power of attorney for property does not authorize the agent to appear in court or any tribunal as an attorney-at-law for the principal or otherwise to engage in the practice of law without being a licensed attorney who is authorized to practice law in Illinois under applicable Illinois Supreme Court Rules.

(l) **Business operations.** The agent is authorized to: organize or continue and conduct any business (which term includes, without limitation, any forming, 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 dispositive 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 transactions.** The agent is authorized to: exercise all possible authority of the principal with respect to all possible types of property and interests in property, except to the extent limited in subsections (a) through (n) of this Section 3-4 and to the extent that the principal otherwise limits the generality of this category (o) by striking out one or more of categories (a) through (n) or by specifying other limitations in the statutory property power form.

UNOFFICIAL COPY

AGENT'S CERTIFICATION AND ACCEPTANCE OF AUTHORITY

I, Wes DiBiasio (insert name of agent), certify that the attached is a true copy of a power of attorney naming the undersigned as agent or successor agent for Mary DiBiasio (insert name of principal).

I certify that to the best of my knowledge the principal had the capacity to execute the power of attorney, is alive, and has not revoked the power of attorney; that my powers as agent have not been altered or terminated; and that the power of attorney remains in full force and effect.

I accept appointment as agent under this power of attorney.

This certification and acceptance is made under penalty of perjury.*

Dated: MAY 22, 2014

[Signature]
(Agent's Signature)

Wes DiBiasio
(Print Agent's Name)

4527 W SCHOOL ST CHICAGO IL 60641
(Agent's Address)

*(NOTE: Perjury is defined in Section 32-2 of the Criminal Code of 1961, and is a Class 3 felony.)

(c) Any person dealing with an agent named in a copy of a document purporting to establish an agency may presume, in the absence of actual knowledge to the contrary, that the document purporting to establish the agency was validly executed, that the agency was validly established, that the named principal was competent at the time of execution, and that, at the time of reliance, the named principal is alive, the agency was validly established and has not terminated or been amended, the relevant powers of the named agent were properly and validly granted and have not terminated or been amended, and the acts of the named agent conform to the standards of this Act. No person relying on a copy of a document purporting to establish an agency shall be required to see to the application of any property delivered to or controlled by the named agent or to question the authority of the named agent.

(d) Each person to whom a direction by the named agent in accordance with the terms of the copy of the document purporting to establish an agency is communicated shall comply with that direction, and any person who fails to comply arbitrarily or without reasonable cause shall be subject to civil liability for any damages resulting from noncompliance. A health care provider who complies with Section 4-7 shall not be deemed to have acted arbitrarily or without reasonable cause.

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

UNOFFICIAL COPY

Sc1901 9077 1/3

**FIDELITY NATIONAL
TITLE INSURANCE**

Property of Cook County Clerk's Office

PARCEL 1:

UNIT NUMBER 305 IN THE 1572 MAPLE AVENUE CONDOMINIUM, AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED TRACT OF LAND: PART OF THE SOUTH 80 FEET OF LOTS 1 AND 2 IN BLOCK 62 IN EVANSTON IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; WHICH SURVEY IS ATTACHED AS EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0427544087; TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS IN COOK COUNTY ILLINOIS.

PARCEL 2:

THE EXCLUSIVE RIGHT TO THE USE OF PARKING SPACE P-1 AND STORAGE SPACE S-1, A LIMITED COMMON ELEMENT AS DELINEATED AND DEFINED IN THE DECLARATION OF CONDOMINIUM AFORESAID.

PARCEL 3:

UNOFFICIAL COPY

NON-EXCLUSIVE, PERPETUAL EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THE EASEMENT AGREEMENT BETWEEN AMY DAVIS AND OXFORD BANK AND TRUST, TRUST NO. 974, RECORDED SEPTEMBER 17, 2003 AS DOCUMENT NO. 0326006192, FOR INGRESS AND EGRESS OVER, UPON AND ACROSS THE "ACCESS EASEMENT" FOR THE PURPOSE OF PROVIDING PEDESTRIAN ACCESS FOR THE GRANTEE PARTIES TO AND FROM THE EXIT DOORS DEFINED THEREIN FROM AND TO MAPLE AVENUE. THE "ACCESS EASEMENT" BEING THE SURFACE AND THE AIR SPACE ABOVE THE SURFACE OF THE SOUTH 5 FEET OF THE NORTH 135 FEET OF LOT 1 IN BLOCK 62 IN EVANSTON IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

NON-EXCLUSIVE, PERPETUAL, EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THE EASEMENT AND RESTRICTIVE COVENANT AGREEMENT BETWEEN MIDWEST BANK AND TRUST COMPANY, TRUST NO. 01-1-7906, AND OXFORD BANK AND TRUST, TRUST NO. 974, RECORDED SEPTEMBER 17, 2003 AS DOCUMENT NO. 0326006193, FOR INGRESS AND EGRESS OVER, UPON AND ACROSS THE "ACCESS EASEMENT" FOR THE PURPOSE OF PROVIDING PEDESTRIAN ACCESS FOR THE GRANTEE PARTIES TO AND FROM THE EXIT DOORS DEFINED THEREIN FROM AND TO MAPLE AVENUE. THE "ACCESS EASEMENT" BEING THE SURFACE AND THE AIR SPACE ABOVE THE SURFACE OF THE SOUTH 5 FEET OF THE NORTH 135 FEET OF LOT 2 IN BLOCK 62 IN EVANSTON IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS..

PIN : 11-18-309-034-1006