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Cook County Recorder

RECORDING COVER PAGE

Document Type: ILLINOIS POWER OF ATTORNEY FOR PROPERTY
DURABLE POWER OF ATTORNEY

Remarks: Mail To:

Bertha A. Martinez
1001 Hermes Avenue
Lemont, Illinois 60439

UNOFFICIAL COPY**ILLINOIS POWER OF ATTORNEY FOR PROPERTY****DURABLE POWER OF ATTORNEY**

\\ (The space above for Recorder's use only)

(Notice: The purpose of this power of attorney is to give the person you designate (your "agent") broad powers to handle your property, which may include powers to pledge, sell or otherwise dispose of any real or personal property without advance notice to you or approval by you. This form does not impose a duty on your agent to exercise granted powers; but when powers are exercised, your agent will have to use due care to act for your benefit and in accordance with this form and keep a record of receipts, disbursements and significant actions taken as agent. A court can take away the powers of your agent if it finds the agent is not acting properly. Unless you expressly limit the duration of this power in the manner provided below, until you revoke this power or a court acting on your behalf terminates it, your agent may exercise the powers given here throughout your lifetime, even after you become disabled. The powers you give your agent are explained more fully in Exhibit A (see the back of this form).

POWER OF ATTORNEY made this 6 day of JULY, 2001.
(month) (year)

1. I, JAVIER MARTINEZ, of Lemont, Cook County, Illinois, personally and as trustee of my living trust, hereby appoint: BERTHA A. MARTINEZ 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 Exhibit A, 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.

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- (m) Borrowing transactions.
- (n) Estate transactions.
- (o) All other property powers and transactions.

2. The powers granted above shall not include the following powers or shall be modified or limited in the following particulars (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): My agent shall have no rights or powers with respect to any policy of insurance owned by me on the life of my agent. My agent shall have no power under this Durable Power of Attorney for Property with regard to any act, power, duty, right, or obligation that I may have relating to any person, matter, transaction, or property held by me or in my custody as a trustee, custodian, personal representative, or other fiduciary capacity.

3. In addition to the powers granted above, I grant my agent the following powers (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):

- (a) I grant my agent full power and authority to do everything necessary to transfer, assign, convey, change beneficiary and deliver any interest I may have in property owned by me to:

JAVIER MARTINEZ or BERTHA A.
MARTINEZ, Trustees, or their successors in
trust, under the JAVIER MARTINEZ LIVING
TRUST, dated July 6, 2001, and any
amendments thereto.

- (b) My agent may convey real or personal property, whether tangible or intangible, or any interest therein.
- (c) My agent may transfer, convey, and assign stocks, bonds, securities, accounts held with securities firms, commodities, options, metals, and all other types of intangible property.
- (d) My agent may receive and endorse checks and drafts, deposit and withdraw funds, and acquire and redeem certificates of deposit in banks, savings and loans, and all other financial institutions.
- (e) My agent may execute or release mortgages, deeds of trust, or other security agreements as may be necessary to accomplish the purpose of this Durable Power of Attorney.

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- (f) My agent may apply for, endorse, and transfer certificates of title for any motor vehicle.
- (g) My agent may endorse, convey, and otherwise transfer all business interests that I may now own or hereafter acquire.
- (h) My agent may endorse, convey and otherwise transfer all interests I may have in all types of securities. The term "securities" includes, without limitation, stocks, bonds, limited partnerships, mutual funds and all other types of investment securities and financial instruments.
- (i) My agent is authorized to institute, prosecute, defend, abandon, compromise, arbitrate, settle and dispose of any claim in favor of or against me or any property interests of mine; collect and receipt for any claim or settlement proceeds and waive or release all rights of mine; 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 I could if present and under no disability.
- (j) My agent is authorized to disclaim any legacy, bequest, devise, gift or other property interest, or payment due, or payable to, or for the principal.
- (k) My agent, in my agent's discretion, may make, unconditionally or upon such terms and conditions as my agent shall think fit, such gifts to any one or more of those persons consisting of my spouse and my descendants in my agent's sole discretion and for any reason my agent determines. The total of all annual gifts to any one person, other than my spouse, shall not exceed the annual exclusion amount allowed by the Internal Revenue Service. If the gift is going to be made to the acting agent, then the next successor agent is hereby designated to make such gift.

4. No person who acts in reliance on the representations of my agent or the authority granted under this Durable Power of Attorney shall incur any liability to me, my heirs, or assigns as a result of permitting my agent to exercise any power granted under this Durable Power of Attorney.

5. 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 durable power of attorney at the time of reference.

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

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7. (X) This power of attorney shall become effective on execution of this document. This power of attorney shall not be affected if I become disabled or incapacitated. Upon execution of this document, all prior Power of Attorneys for Property are revoked.

8. (X) This power of attorney shall terminate on death unless previously revoked.

9. If any agent named by me shall die, become incompetent, resign or refuse to accept the office of agent, I name ROSALINDA M. ORTIZ and MARISSA MARTINEZ as successors to such agent. If neither ROSALINDA M. ORTIZ nor MARISSA MARTINEZ are able or willing to act, or if neither of them can continue to act for any reason, then MORGAN STANLEY DEAN WITTER TRUST, FSB as successor to such agent. If MORGAN STANLEY DEAN WITTER TRUST, FSB is unwilling or unable to act, or if it cannot continue to act for any reason, then THE NORTHERN TRUST COMPANY shall be named as successor to such agent.

For purposes of this paragraph 10, 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.

10. 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.

11. 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.

Javier Martinez
JAVIER MARTINEZ, Principal

(This power of attorney will not be effective unless it is notarized, using the form below.)

State of Illinois)
County of Cook) ss.

The undersigned, a notary public in and for the above county and state, certifies that JAVIER MARTINEZ, known to me to be the same person whose name is subscribed as principal to the foregoing power of attorney, appeared before me 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: 2/6/01

Stephen Sutera
Notary Public



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The undersigned witness certifies that JAVIER MARTINEZ, 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.

Dated: 7-6-01

Janie Aschauer
Witness

Dated: 7-6-01

Michelle L. Williams
Witness

(The name and address of the person preparing this form should be inserted if the agent will have power to convey any interest in real estate.)

This document was prepared by:
Stephen Sutura, Attorney At Law
4927 West 95th Street
Oak Lawn, IL 60453-2503

EXHIBIT A

Explanation of powers granted in the power of attorney for property. This Section defines each category of powers listed in this power of attorney for property and the effect of granting powers to an agent. When the title of any of the following categories is retained 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. 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 use due care to act for the benefit of the principal in accordance with the terms of the 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

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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, trusts 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 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.

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(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, qualified or nonqualified annuity, 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.

(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

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respect to commodities and options which the principal could if present and under no disability.

(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 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 property power form.

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

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Legal Descriptions

Lot 18 in Block 5 in Peter Fischbach's Addition to Lemont, said Addition being a Subdivision in the North Half of the Southwest Quarter of Section 29, Township 37 North, Range 11 East of the Third Principal Meridian, according to the Plat thereof recorded December 29, 1892 in Book 60 of Plats, Page 5 as Document 1792545, in Cook County, Illinois.

Address: 1001 Hermes Avenue, Lemont, IL 60439

PIN: 22-29-302-021-0000

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