

UNOFFICIAL COPY

96958807

1/2
MERCURY TITLE COMPANY

DEPT-01 RECORDING \$31.50
T#0010 TRAN 3845 12/19/96 11:05:00
\$8330 + C.J. *-96-958807
COOK COUNTY RECORDER
DEPT-10 PENALTY \$28.00

(Above Space for Recorder's Office)

ILLINOIS STATUTORY SHORT FORM POWER OF ATTORNEY

FROM

VICTOR M. NAKAWATASE AND CHARLOTTE H. NAKAWATASE

TO

JAMES M. NAKAWATASE

Property Address: 8716 North Monticello
Lincolnwood, Illinois 60645

Permanent Real Estate Index Number: 10-35-306-030-0000

This instrument prepared by
and after recording is to be mailed to:

Dean Kalamatians
2824 West Diversey Avenue
Chicago, Illinois 60647

96958807

UNOFFICIAL COPY

Property of Cook County Clerk's Office

1133336

UNOFFICIAL COPY

AMERICAN LEGAL FORMS, E 17945 Form No. 300
CHICAGO 60633-2027

Page

Illinois Power of Attorney Act Official Statutory Form
755 ILCS 45/3-3 Effective January, 1993

ILLINOIS STATUTORY SHORT FORM POWER OF ATTORNEY FOR PROPERTY

NOTICE: THE POWERS OF THIS POWER OF ATTORNEY SHALL GIVE THE PERSON YOU DESIGNATE AS YOUR AGENT THE SPECIFIED POWERS TO HANDLE YOUR PROPERTY WHICH MAY INCLUDE POWERS TO SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. THIS FORM DOES NOT NAME A COUNTRY OR AN AGENT TO EXERCISE GRANTED POWERS BUT WHEN YOU GIVE THE POWERS TO YOUR AGENT, YOU HAVE THE DUTY TO DOCUMENT CAREFULLY, FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS FORM AND KEEP A RECORD OF RECEIPTS, CONCERNING AGREEMENTS AND SIGNIFICANT ACTS OR TAKEN, AN AGENT IS ALLOWED TO TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS THE AGENT IS ACTING DISHONESTLY. YOU MAY NAME SUCCESSOR AGENTS UNDER THIS FORM BUT NOT CO-AGENTS UNLESS YOU EXPRESSLY LIMIT THE EXERCISE OF THIS POWER IN THE MANNER PROVIDED BELOW. UNTIL YOU EXERCISE THE POWERS, NO AGENT ACTING ON YOUR BEHALF TERMINATED. YOUR AGENT MAY EXERCISE THE POWERS GIVEN HEREIN WITHOUT YOUR LIFE TIME AFTER YOU BECOME DISABLED. THE POWERS YOU GIVE YOUR AGENT ARE EXPLAINED MORE FULLY IN SECTION 3 OF THE ILLINOIS STATUTORY SHORT FORM POWER OF ATTORNEY FOR PROPERTY, ALL OF WHICH THIS FORM IS A PART. SEE THE BACK OF THESE FORMS THAT LAW ATTORNEY PERMITS THE USE OF ANY DIFFERENT FORM OF POWER OF ATTORNEY YOU MAY DESIRE IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND. YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

Power of Attorney made this 8th day of November 1996

Victor M. Nakawatase and Charlotte H. Nakawatase, 6716 N. Monticello
Lincolnwood, Illinois 60645

hereby appoint James M. Nakawatase, 3325 Columbia, Lincolnwood, Illinois 60645

as my attorney-in-fact, my "Agent" to act for me and in my name in such acts I could set 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 or additions to the specified powers, made in paragraph 2 or 3 below:

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 | (g) Retirement plan transactions | (i) Business operations |
| (b) Financial institution transactions | (h) General security, employment and civilian service benefits | (ii) Government transactions |
| (c) Stock and bond transactions | (j) Tax matters | (iii) Estate management |
| (d) Tangible personal property transactions | (k) Claims and litigation | (iv) All other property and transactions. |
| (e) Sale-leaseback tax transactions | (l) Commodity and option transactions | |
| (f) Insurance and annuity transactions | | |

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 (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 restrictions on borrowing by the agent):

The above powers are limited to the sale of the subject property to Brad Blumenthal

and Lynn Voedisch, or their nominee, with the closing of the sale scheduled on or about December 17th, 1996.

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):

The right to execute and deliver to the above purchasers in our name and stead,

warranty deed, affidavit of title, closing statements, Settlement (HUD-1) Statements,

Vendor-Vendee affidavits, disbursement statements, ALTA Statements, bill of sale, and

any and all other documents necessary to close the sale of said property.

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 THE NEXT SENTENCE, 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.

UNOFFICIAL COPY

Property of Cook County Clerk's Office

10003306

(YOUR AGENT WILL BE ENTITLED TO REIMBURSEMENT FOR ALL REASONABLE EXPENSES INCURRED IN ACTING UNDER THIS POWER OF ATTORNEY. STRIKE OUT THE NEXT SENTENCE 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.

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 EITHER (OR BOTH) OF THE FOLLOWING:

6. This power of attorney shall become effective on November 8, 1996

7. This power of attorney shall terminate on November 8, 1997

If you wish to name successor agents, insert the names and addresses of such successors in the following paragraph:

8. If my agent named in the above paragraph ceases to be competent to act or dies, my agent shall be succeeded by the following person(s), in the order named, as successor(s) to such agent:

9. The powers of this power of attorney may be exercised by my agent(s) and while my agent(s) is/are acting as my agent(s) or by another person or firm chosen by my agent(s) to my agent's reasonable satisfaction in business matters as follows:

If you wish to name your agent as guardian of your estate, in the event a court decides that one should be appointed, you may but are not required to do so by retarding the following paragraph. The court will appoint your agent if the court finds that such appointment will serve your best interests and welfare. Strike out paragraph 9 if you do not want your agent to act as guardian.

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.

Signed X Victor M. Nakawatase dated Nov 10, 1996 Supd. Charlotte H. Nakawatase
(principal)

You may but are not required to request your agent and successor agent(s) to print or specimen signatures below. You include printed 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.

Specimen
Successor agent

Specimen
Successor agent

THIS POWER OF ATTORNEY WILL NOT BE EFFECTIVE UNLESS IT IS NOTARIZED, USING THE FORM BELOW:

State of Illinois ss.

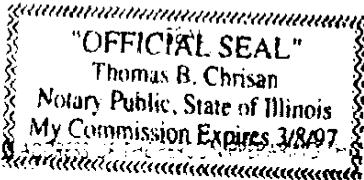
County of Cook ss.

Victor M. Nakawatase and
Charlotte H. Nakawatase

The undersigned, a notary public in and for the above county and state, certifies that Victor M. Nakawatase and Charlotte H. Nakawatase, 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 I witnessed their signatures and delivering the instrument to be free and voluntary act of the principal for the uses and purposes therein contained, and certified to the correctness of the signatures of the agents.

Dated Nov 10, 1996

Thomas B. Chrisan
My Commission Expires 3/8/97



THE NAME AND ADDRESS OF THE NOTARY PUBLIC WHO NOTARIZED THIS DOCUMENT AND WHO IS ENTITLED TO CONVEY AN INTEREST IN REAL ESTATE

This document was prepared by

Dean Kalamatianos, 2824 West Diversey Avenue, Chicago, Illinois 60647

UNOFFICIAL COPY

Property of Cook County Clerk's Office

STATE OF HAWAII
City and County of Honolulu } ss

On this 20th day of November, 1996, before me personally appeared

Charlotte H. Nakawatase

to me known to be the person (s) described in and who executed the foregoing instrument, and acknowledged that _____

she executed the same as her free act and deed.

L.S.

Olivia K. Bonoz

Notary Public, First Judicial Circuit, State of Hawaii

My Commission Expires

6-27-97

~~Property~~
UNOFFICIAL COPY

of Cook County Clerk's Office

UNOFFICIAL COPY

Page 3

NAME Dean Kalamatianos
ADDRESS 2824 West Diversey Avenue
CITY Chicago, Illinois 60647
STATE IL
ZIP

OR RECORDER'S OFFICE BOX NO. _____

(The Above Space for Recorder's Use Only)

LEGAL DESCRIPTION

Lot 16 (except the South 10 feet) and the South 20 feet of Lot 17 in Block 8 in Lincoln Avenue Gardens being a Subdivision of part of the North 1/2 of the Southwest 1/4 of Fractional Section 35, Township 41 North, Range 13 East of the Third Principal Meridian, according to the Plat thereof recorded February 11, 1927 Document 9548461 in Cook County, Illinois.

STREET ADDRESS 6716 North Monticello, Lincolnwood, Illinois 60645

PERMANENT TAX INDEX NUMBER 10-35-306-030-0000

THE SPACE ABOVE IS NOT PART OF OFFICIAL STATUTORY FORM. IT IS ONLY FOR THE AGENT'S USE IN RECORDING THIS FORM WHEN NECESSARY FOR REAL ESTATE TRANSACTIONS

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. 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 of 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 (d) to make gifts of the principal's property, to exercise powers to appoint to others or to change any beneficiary whom the principal has designated 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 use due care to act for the benefit of the principal 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, and 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, and trusts and exercise all powers under and 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 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.

10365666

UNOFFICIAL COPY

Property of Cook County Clerk's Office

(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.

UNOFFICIAL COPY

(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, bank or otherwise 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 deposits 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 cash and futures or stocks and stock indices traded on a regulated options exchange and collect or receipt for all proceeds of any such transaction; establish or continue bank 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.

Business operations. The agent is authorized to organize, continue and conduct any business which term includes, without limitation, farming, manufacturing, service, mining, retailing, or other type of business operation in any form, whether as a proprietorship, joint venture, partnership, corporation, trust or other legal entity, locate, 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.

(l) **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 borrowing, sign, renew, extend, pay and forgive, or note 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.

(m) **Estate transactions.** The agent is authorized to accept, receipt for, exercise, release, reject, renounce, assign, disclaim, demand, sue for, claim and recover any legal, personal, devise, gift or other property, interest or claim due or payable to or for the principal, assert any interest in and exercise any power over any trust, estate or property, create, transfer, 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 testator 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 principal to do so, except for the benefit of the principal. To pay income of principal to the agent unless specific authority to that end is given, and specific reference to the trust or clause in the statutory property power form.

(n) **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 interest in property, except to the extent the principal limits the generality of this category, (i) by striking out one or more of categories (a) through (n); or (ii) by specifying other limitations in the statutory property power form.

06058307

UNOFFICIAL COPY

Property of Cook County Clerk's Office