

Recording Requested by:

2000 003764

And When Recorded Mail to:

STATE OF INDIANA  
LAKE COUNTY  
RECORD AND RETURN TO:

Mr. Andrew B. Horvat 11: 07  
8228 Rutledge  
Merriam, Indiana 46410  
RECORDER

ANDREW B. HORVAT, Principal, to MARY ANN MALOTT, Agent:

**DURABLE GENERAL POWER OF ATTORNEY**

(Springing)

TO PERSON EXECUTING THIS DOCUMENT:

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS.

1. THIS DOCUMENT MAY PROVIDE THE PERSON YOU DESIGNATE AS YOUR ATTORNEY-IN-FACT WITH BROAD POWERS TO DISPOSE, SELL, CONVEY AND ENCUMBER YOUR REAL AND PERSONAL PROPERTY.
2. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOU.
3. THESE POWERS WILL EXIST FOR AN INDEFINITE PERIOD OF TIME UNLESS YOU LIMIT THEIR DURATION IN THIS DOCUMENT. THESE POWERS WILL CONTINUE TO EXIST NOTWITHSTANDING YOUR SUBSEQUENT DISABILITY OR INCAPACITY.
4. YOU HAVE THE RIGHT TO REVOKE OR TERMINATE THIS DURABLE POWER OF ATTORNEY AT ANYTIME.

**FILED**

JAN 19, 2000

PETER BENJAMIN  
LAKE COUNTY AUDITOR

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E.P.  
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**DURABLE POWER OF ATTORNEY**  
(Springing)

KNOW ALL MEN BY THESE PRESENTS, that I, ANDREW B. HORVAT, of Lake County, Indiana, hereby revoke any general power of attorney that I have heretofore given to any person, and by these Presents do constitute, make and appoint MARY ANN MALOTT and LENORA LOTHIAN my lawful Joint Attorneys. In the event that one of the Joint Attorneys shall predecease me, or is unable or unwilling to act as my Attorney for any reason whatsoever, then and in that event I hereby nominate and appoint the remaining Attorney to serve.

Until I am certified as incapacitated as provided hereunder, this Power of Attorney shall have no force or effect. All authority granted in this Power of Attorney shall be subject to establishment of incapacity as provided hereunder. After this Power of Attorney becomes effective, it shall not be affected by any subsequent incapacity which I may hereafter suffer or the passage of time. For purposes of establishing incapacity, whenever two licensed, practicing medical doctors or licensed psychologists who are not related to me or to any beneficiary or heir at law by blood or marriage certify in writing that I am unable to manage my financial affairs because of mental or physical infirmity and the certificates are personally served upon me, then the attorney(s)-in-fact named herein shall assume all powers granted in this Power of Attorney. However, even after receipt of the doctors' certificates, I retain the right to revoke this Power of Attorney at any time.

Anyone dealing with the attorney(s)-in-fact may rely upon written medical certificates or a photocopy of them presented to them along with the original Power of Attorney document, and shall incur no liability for any dealings with any designated attorney(s)-in-fact in good faith reliance on said certificate and the original Power of Attorney document. This provision is inserted in this document to encourage third parties to deal with my attorney(s)-in-fact without the need for court proceedings.

1. To ask, demand, sue for, recover and receive all sums of money, debts, goods, merchandise, chattels, effects and things of whatsoever nature or description which are now or hereafter shall be or become owing, due, payable or belonging to me in or by any right whatsoever, and upon receipt thereof, to make, sign, execute and deliver such receipts, releases or other discharges for the same, respectively, as he shall think fit.
2. To deposit any moneys which may come into his hands as such attorney with any bank or bankers, either in my or his own name, and any of such money or any other money to which I am entitled which now is or shall be so deposited to withdraw as he shall think fit; to sign mutual savings bank and federal savings and loan association withdrawal orders; to sign and endorse checks payable to my order and to draw, accept, make, endorse, discount, or otherwise deal with any bills of exchange, checks, promissory notes or other commercial or mercantile instruments; to borrow any sum or sums of money on such terms and with such security as he may think fit and for that purpose to execute all notes or other instruments which may be necessary or proper; and to have access to any and all safe deposit boxes registered in my name.
3. To sell, assign, transfer and dispose of any and all stocks, bonds (including U.S. Savings Bonds), loans, mortgages or other securities registered in my name; and to collect and receipt for all interest and dividends due and payable to me.
4. To invest in my name in any stock, shares, bonds (including U.S. Treasury Bonds referred to as "flower bonds"), securities or other property, real or personal, and to vary such investments as he, in

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his sole discretion, may deem best; and to vote at meetings of shareholders or other meetings of any corporation or company and to execute any proxies or other instruments in connection therewith.

5. To enter into and upon my real estate, and to let, manage, and improve the same or any part thereof, and to repair or otherwise improve or alter, and to insure any buildings thereon; to sell, either at public or private sale or exchange any part or parts of my real estate or personal property for such consideration and upon such terms as he shall think fit, and to execute and deliver good and sufficient deeds or other instruments for the conveyance or transfer of the same, with such covenants of warranty or otherwise as he shall see fit, and to give good and effectual receipts for all or any part of the purchase price or other consideration; and to mortgage my real estate and in connection therewith to execute bonds and warrants and all other necessary instruments and documents.

6. To contract with any person for leasing for such periods, at such rents and subject to such conditions as he shall see fit, all or any of my said real estate; to give notice to quit to any tenant or occupier thereof; and to receive and recover from all tenants and occupiers thereof or of any part thereof all rents, arrears of rent, and sums of money which now are or shall hereafter become due and payable in respect thereof; and also on non-payment thereof or of any part thereof, to take all necessary or proper means and proceedings for determining the tenancy or occupation of such tenants or occupiers, and for ejecting the tenants or occupiers and recovering the possession thereof.

7. To commence, prosecute, discontinue or defend all actions or other legal proceedings pertaining to me or my estate or any part thereof; to settle, compromise, or submit to arbitration any debt, demand or other right or matter due me or concerning my estate as he, in his sole discretion, shall deem best and for such purpose to execute and deliver such releases, discharges or other instruments as he may deem necessary and advisable; and to satisfy mortgages, including the execution of a good and sufficient release, or other discharge of such mortgage.

8. To prepare and file all income and other federal and state tax returns which the principal is required to file; to sign the principal's name to tax returns; hire preparers and advisors and pay for their services; and to do whatever is necessary to protect the principal's assets from assessments for income taxes and other taxes. The agent is specifically authorized to receive confidential information; to receive checks in payment of any refund of taxes, penalties or interest; to execute waivers (including offers of waivers) of restrictions on assessment or collection of tax deficiencies and waivers of notice of disallowance of claims for credit or refund; to execute consents extending the statutory period for assessment or collection claims for credit or credit refund; to execute closing agreements under Internal Revenue Code section 7121, or any successor statute; and to delegate authority or substitute another representative with respect to all above matters.

9. To engage, employ and dismiss any agents, clerks, servants or other persons as he, in his sole discretion, shall deem necessary and advisable.

10. To execute any trust instrument, or any document connected with the creation of a trust, or the amendment, modification, revocation (in whole or in part) or termination of an existing trust instrument to which I am a party.

11. To convey and transfer any of my property to trustees who shall hold the same for my benefit and/or the benefit of my children and other members of my immediate family upon such trust terms and conditions as to my attorney shall deem desirable.

12. To make gifts on the principal's behalf to a class composed of the principal's children, any of their issue, or both, to the full extent of the federal annual gift tax exclusion in effect from time to time,

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including the \$10,000 per donee annual exclusion under Internal Revenue Code section 2503(b) or any successor statute, and for such purposes to remove the principal's assets from any grantor revocable trust of which the principal is a grantor.

13. To disclaim any interest in property for the purpose of making a qualified disclaimer within the meaning of section 2518 of the Internal Revenue Code.

14. To have access to all safe deposit boxes in the principal's name or to which the principal is an authorized signatory; to contract with financial institutions for the maintenance and continuation of safe deposit boxes in the principal's name; to add to and remove the contents of all such safe deposit boxes; and to terminate contracts for all such safe deposit boxes.

15. To use any credit cards in the principal's name to make purchases and to sign charge slips on behalf of the principal as may be required to use such credit cards; and to close the principal's charge accounts and terminate the principal's credit cards under circumstances where the agent considers such acts to be in the principal's best interest.

16. In general, to do all other acts, deeds and matters whatsoever in or about my estate, property and affairs as fully and effectually to all intents and purposes as I could do in my own proper person if personally present, giving to my said attorney power to make and substitute under him an attorney or attorneys for all the purposes herein described, hereby ratifying and confirming all that the said attorney or substitute or substitutes shall do therein by virtue of these Presents.

17. In addition to the powers and discretion herein specially given and conferred upon my attorney, and notwithstanding any usage or custom to the contrary, to have the full power, right and authority to do, perform and to cause to be done and performed all such acts, deeds and matters in connection with my property and estate as he, in his sole discretion, shall deem reasonable, necessary and proper, as fully, effectually and absolutely as if he were the absolute owner and possessor thereof.

18. When required to give reasonable effect to the context in which used, pronouns in the masculine, feminine or neuter gender include each other, and nouns and pronouns in the plural or singular number include each other.

IN WITNESS WHEREOF, I have hereunto set my hand this 1 day of DECEMBER, 1999.

Andrew B. Horvat  
ANDREW B. HORVAT

The Principal is personally known to me and I believe Principal to be of sound mind.

Hairston Santos  
Witness

Address: 8224 RUTLEDGE  
MERRILLVILLE, IN 46410



STATE OF INDIANA

COUNTY OF LAKE

BEFORE ME, the undersigned, a Notary Public within and for the County of Lake, State of Indiana, personally appeared ANDREW B. HORVAT known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 1 day of DECEMBER 1999.

My Commission Expires:

7-22-2007

*Marshall Nills*

Notary Public

Document is  
**NOT OFFICIAL!**

This Document is the property of  
the Lake County Recorder!

After recording return to:  
Mr. Andrew B. Horvat  
8228 Rutledge  
Merrillville, Indiana 46410

THIS INSTRUMENT PREPARED BY:

*Darrell R. Banks*  
DARRELL R. BANKS  
6732 E. State Boulevard, Box 218  
Fort Wayne, Indiana 46815



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