

2002 001330

2002 JAN - 10 10:07

198503334

LAKE COUNTY, INDIANA
RECORDER

THIS FORM HAS BEEN PREPARED FOR USE IN THE STATE OF INDIANA BY LAWYERS ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS, AND INSERTION OF SPECIAL CLAUSES, MAY CONSTITUTE THE PRACTICE OF LAW WHICH SHOULD ONLY BE DONE BY A LAWYER.

POWER OF ATTORNEY

OF

WILLIAM A. BIERNAT

PRINCIPAL

TO

HERBERT S. LASSER

ATTORNEY IN FACT

made under Indiana Code 30-5, as it may be amended, or replaced (the "Statute")

I, as principal, designate and name the person whose name appears above to be my attorney in fact.

A. **POWERS.** According to the Statute, an attorney in fact has a power granted under IC 30-5 if the power of attorney incorporates the power. Therefore, by referring to the language of the Statute describing powers, this Power of Attorney incorporates into it the powers here listed and confers general authority with respect to them:

real property transactions;	[IC 30-5-5-2]	fiduciary transactions;	[IC 30-5-5-10]
tangible personal property transactions;	[IC 30-5-5-3]	claims and litigation;	45D05-0105-CP-212 [IC 30-5-5-11]
bond, share, and commodity transactions;	[IC 30-5-5-4]	family maintenance;	[IC 30-5-5-12]
banking transactions;	[IC 30-5-5-5]	benefits from military service;	[IC 30-5-5-13]
business operating transactions;	[IC 30-5-5-6]	records, reports, and statements;	[IC 30-5-5-14]
insurance transactions;	[IC 30-5-5-7]	estate transactions;	[IC 30-5-5-15]
beneficiary transactions;	[IC 30-5-5-8]	all other matters.	[IC 30-5-5-19]
gift transactions;	[IC 30-5-5-9]		

[Note: Though the Statute grants powers with respect to health care [IC 30-5-5-16 and IC 30-5-5-17] and delegation [IC 30-5-5-18], this Power of Attorney does not include them. Health care can be provided in a separate power of attorney concerning health care.]

Any power I do not wish to incorporate into this Power of Attorney I have deleted by lining out and writing my initials opposite the deletion. Any power to be modified or added I have modified or added as follows: [and have verified by writing my initials in the space provided here in the margin].

Deduct from the proceeds of Closing the sum of \$50,000, payable to Herbert S. Lasser & Associates, P.C. constituting all attorney fees due by myself and my wife, Mary A. Biernat, arising out of a Release and Settlement Agreement with the City of Hammond, IN dated Dec. _____, 2001

IN FURTHERANCE OF THESE POWERS, I give my attorney in fact power to act on my behalf and to do for me and in my name those things which such attorney deems expedient to and necessary to effectuate the intent of this Power of Attorney, as fully as I could do for myself.

B. **RESERVATION OF POWER TO ACT AND TO REVOKE.** I reserve unto myself, however, the power to act on my own behalf and also to revoke or amend this Power of Attorney.

C. **CHAPTERS OF STATUTE ALSO APPLICABLE.** The following chapters of the Statute also apply to this Power of Attorney and acts performed under it:
Definitions [IC 30-5-2] Reliance [IC 30-5-8]
General Provisions [IC 30-5-3] Liabilities [IC 30-5-9]
Duties [IC 30-5-6] Termination [IC 30-5-10]

D. **LIABILITY OF ATTORNEY IN FACT.** As permitted by IC 30-5-9-5, I, as principal, specifically provide that my attorney in fact is liable only if my attorney in fact acts in bad faith.

E. **RELIANCE ON POWER OF ATTORNEY.** In addition to provisions of the Statute regarding reliance, the holding institution(s) named in this Paragraph E and the banking institution named in Paragraph F may rely on this Power of Attorney being in effect unless I shall have executed a proper instrument revoking or changing it and delivered such instrument, or caused it to be delivered, to such person(s):

Holding Institution	Type of Account	Account Number
Chicago Title Insurance Company	Closing Agent	FILED
		JAN 3 2002
		PETER BENJAMIN LAKE COUNTY AUDITOR

All other persons to whom this Power of Attorney may be delivered may rely on its being in effect unless I shall have executed a proper instrument revoking or changing it and recorded such instrument, or caused it to be recorded, in the Office of the Recorder of _____ County, State of Indiana.

000131

13.00/PC

Chicago Title Insurance Company

F. SAFE DEPOSIT BOX. I have a safe deposit box, Number _____

at _____ (BANKING INSTITUTION) _____ (BRANCH) _____ (CITY)

I give my attorney in fact power to enter or have access to that box and to any other safe deposit box in my name either individually or jointly with any other person. I give the power also to remove property from such box or add property to it, and to relocate such box within the banking institution or at another. Powers here given are in addition to those incorporated into this Power of Attorney by reference.

G. DURATION OF POWER OF ATTORNEY. SELECT ONLY ONE OF THE FOLLOWING PROVISIONS BY STRIKING ALL INAPPLICABLE PROVISIONS: [in case of insufficient striking, provision a applies]:

a. This Power of Attorney is not terminated by my incapacity.

b. This Power of Attorney terminates on January 7, 2002 at 5:00 o'clock p.m.

c. ~~This Power of Attorney terminates upon my incapacity or on _____~~

H. REVOCATION OF PRIOR POWERS. I ~~do~~/do not [strike one] revoke all powers of attorney I signed before the date of this Power of Attorney. Revocation does not affect the validity of an act performed under a prior power of attorney. In case of failure to strike, prior powers are revoked.

I. GUARDIANS. If protective proceedings for my person or for my estate, or for both, are commenced, I nominate _____ as guardian of my person, and _____ as guardian of my estate, to serve in each case without bond as may be permitted by law.

J. SUCCESSOR ATTORNEY IN FACT. As a successor to my attorney in fact I designate and name Robert A. Plantz. Such successor shall become my attorney in fact when the person(s) first designated and named has/have failed or ceased to serve as specified in the Statute, or has/have declined to serve.

By giving me written notice while I am not incapacitated, my attorney in fact may resign or decline to serve. During a period of my incapacity, my attorney in fact shall continue to serve until a successor attorney in fact is authorized to act under this Power of Attorney, whether designated and named in this Power of Attorney as such successor or selected by a court of competent jurisdiction to be such successor.

K. BINDING EFFECT. Any act or thing performed by my attorney in fact under this Power of Attorney binds me and my successors in interest, as the Statute provides.

Signed this 21st day of December 2001, in _____ counterparts, each of which shall be considered an original.

Counterpart No. _____

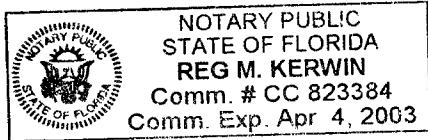


William A. Biernat
PRINCIPAL'S SIGNATURE
William A. Biernat
PRINCIPAL'S SOCIAL SECURITY NUMBER
4574 Pine Green Trail
PRINCIPAL'S STREET OR OTHER ADDRESS
Sarasota, FL 34241-4769
PRINCIPAL'S CITY, STATE AND ZIP CODE

FLORIDA
STATE OF ~~INDIANA~~, COUNTY OF SARASOTA SS:

Before me, the undersigned, a Notary Public in and for said County and State, this TWENTY FIRST day of December 2001, personally appeared the principal named above, signed this Power of Attorney, and acknowledged the execution of it, as the voluntary act and deed of the principal, for the uses and purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.



Reg M. Kerwin
NOTARY PUBLIC'S SIGNATURE
REG M. KERWIN
NOTARY PUBLIC'S NAME, PRINTED OR TYPED

My Commission Expires: _____ Resident of _____ County.

This instrument prepared by Herbert S. Casser, Attorney at Law.

MAIL TO: Herbert S. Casser + Assoc.
3700 E US 30
Meridale, TN 37410

Mail Tax Bills To:

City of Hammond
Redevelopment Commission
649 Conkey Street
Hammond, IN 46320

Tax Key Nos.: 26-35-417-10

3

19850338
WARRANTY DEED

This indenture witnesseth that WILLIAM A. BIERNAT and MARY M. BIERNAT, Husband and Wife, Convey and Warrant to the City of Hammond, by and through it's Redevelopment Commission, for and in consideration of Ten (\$10.00) Dollars and other good and valuable consideration the receipt of which is hereby acknowledged, the following Real Estate in Lake County in the State of Indiana, to wit:

A parcel of land lying in Block 3, Robertsdale Industrial Park, to the City of Hammond, as shown in Plat Book 54, Page 35, in the Office of the Recorder of Lake County, Indiana, and being more particularly described as follows: Commencing at the Southeasterly corner of said Block 3 (said point lies on the South line of the North Half of the North Half of Section 18, Township 37 North, Range 9 West of the Second Principal Meridian); thence South 88 degrees 45 minutes 49 seconds West, along said South line, a distance of 118.11 feet to the point of beginning; thence continuing South 88 degrees 45 minutes 49 seconds West, a distance of 324.47 feet; thence North 00 degrees 45 minutes 13 seconds West, on a line parallel to and 253.39 Feet East of the most West line of said Block 3, a distance of 270.21 feet; thence North 89 degrees 13 minutes 17 seconds East, a distance of 145.99 feet; thence North 00 degrees 45 minutes 13 seconds West, a distance of 29.00 feet; thence North 89 degrees 13 minutes 17 seconds East, a distance of 178.30 feet; thence South 00 degrees 47 minutes 09 seconds East, a distance of 296.62 feet to the point of beginning, all in the City of Hammond, Lake County, Indiana

and commonly known as: 2635 Gasper Avenue, Hammond, Lake County, Indiana.

SUBJECT TO:

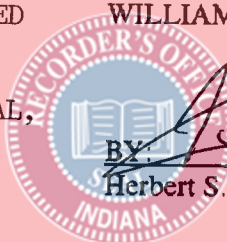
General real estate taxes for the year 2000 payable in 2001 and for all subsequent years.

Dated this 19th day of December, 2001.

THE UNDERSIGNED HEREBY CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF A CERTAIN POWER OF ATTORNEY DATED DECEMBER 21, 2001 AND RECORDED AS DOCUMENT

WILLIAM A. BIERNAT

n0. HAS NOT BEEN REVOKED BY THE DEATH OF THE PRINCIPAL, NOR BY VOLUNTARY REVOCATION BY THE PRINCIPAL.



BY: Herbert S. Lasser
Herbert S. Lasser, his Attorney in Fact.

MARY M. BIERNAT

BY: Herbert S. Lasser
Herbert S. Lasser, her Attorney in Fact.

DULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

JAN 3 2002

PETER BENJAMIN
LAKE COUNTY AUDITOR

131-A

Chicago Title Insurance Company