

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

7005-0459849

2005 JUN - 2 11:10:45
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, Ruth J. Durkovich, a resident of Lake County, Indiana, do hereby make, constitute and appoint James A. Durkovich and/or Kathleen R. Yates, acting together or acting alone, my true and lawful attorney-in-fact, for me and in my name, place and stead, and for my benefit and protection and in a fiduciary capacity to have all of the authority and powers set forth in this Power of Attorney; provided, however, that with respect to all health care powers given under paragraphs 14 and 15, I nominate and appoint James A. Durkovich, but if unable or unwilling to serve, then Kathleen R. Yates, as my attorney-in-fact for such health care purposes only:

(1) Real Property. Authority with respect to real property transactions pursuant to Indiana Code ("IC") 30-5-5-2, including, but not limited to, the power to bargain, sell, convey, warrant, mortgage or invest and reinvest or in any other manner dispose of or deal in any and all real property which I now own or hereafter acquire, upon such terms and conditions as my attorney-in-fact in his sole discretion may deem advisable;

(2) Tangible Personal Property. Authority with respect to tangible personal property pursuant to IC 30-5-5-3, including, but not limited to, the power to bargain, sell, convey, warrant, pledge or hypothecate, invest and reinvest or in any other manner dispose of or deal in any and all tangible personal property of every kind which I may now own or hereafter acquire, upon such terms and conditions as my attorney-in-fact in his sole discretion may deem advisable;

(3) Bond, Share and Commodity. Authority with respect to bond, share, and commodity transactions pursuant to IC 30-5-5-4, including, but not limited to, the power to (i) bargain, sell, convey, warrant, pledge or hypothecate, invest and reinvest or in any other manner dispose of or deal in any and all securities of every kind which I may now own or hereafter acquire, upon such terms and conditions as my attorney-in-fact in his sole discretion may deem advisable (ii) vote at any regular or special meeting any and all shares of stock in any corporation which I may now or hereafter own, to execute such proxies as my attorney-in-fact may deem advisable in connection with the voting of said stock and to execute consents to action as a shareholder in lieu of voting and (iii) purchase and hold United States obligations which may be redeemed at par before maturity for the payment of federal estate taxes in my estate;

(4) Banking. Authority with respect to banking transactions pursuant to IC 30-5-5-5, including, but not limited to, the power to (i) have access to any and all safe deposit boxes owned or rented by me or in my name and to place property therein and withdraw property therefrom in his sole discretion (ii) borrow

FILED
JUN - 7 2005

STEPHEN R. STIGLICH
LAKE COUNTY AUDITOR

00128A

22-
ZP
UM

money for and on my behalf on such terms and conditions as my attorney-in-fact may deem advisable, and for the purpose of securing any such loan to give as security any of my real or personal property (iii) open or close any account, whether checking or savings and whether joint or individual, which my attorney-in-fact may deem advisable at any time (iv) to endorse and deposit in any account, joint or individual, which I now have or may hereafter have in any bank or other institution any and all checks, drafts and other instruments, whether negotiable or nonnegotiable and (v) to execute checks, drafts and other instruments for the payment of money in my name and upon any checking account or savings account, joint or individual, which I now have or may hereafter have in any bank or other institution and to withdraw all or any part of the funds in any such account;

(5) Business. Authority with respect to business operating transactions pursuant to IC 30-5-5-6, including, but not limited to, the right to operate and participate in any business in which I have an interest to the full extent of my rights therein;

(6) Insurance. Authority with respect to insurance transactions pursuant to IC 30-5-5-7, including, but not limited to, the power to (i) exercise all incidents of ownership which I may have with respect to any contract of insurance on my life or on the life of another, provided, however, that I expressly exclude the right to deal with any insurance which I own on the life of anyone named as attorney-in-fact hereunder, and (ii) continue to make gifts to the trustee of any irrevocable trust agreement created by me which owns insurance insuring either the life of my spouse and/or myself in order to enable trustee to make timely premium payments; provided, however, that such gifts may never exceed the amount of any premiums then currently due with respect to such insurance;

(7) Beneficiary. Authority with respect to beneficiary transactions pursuant to IC 30-5-5-8, including, but not limited to, the authority to (i) represent me with respect to any estate, trust, or other fiduciary relationship under which I am a beneficiary, and (ii) transfer part or all of any assets owned by me of any kind to any trustee of a revocable trust created by me;

(8) Fiduciary. Authority with respect to fiduciary transactions pursuant to IC 30-5-5-10, including, but not limited to, the right to represent me in any proceeding of which I am a fiduciary and in which fiduciary relationship I have the authority to delegate;

(9) Claims and Litigation. Authority with respect to claims and litigation pursuant to IC 30-5-5-11, including, but not limited to the power to demand, collect, sue for and receive, recover and receipt for all sums of money, damages owed, and other property now

or hereafter due or to become due to me or to be or become owned by or deliverable to me from any source whatsoever, and to take all such action as may be necessary for the recovery thereof, by suit or otherwise, and to compromise, adjust and settle any and all such indebtedness, suits, and claims to property and damages and to give proper discharges therefor;

(10) Family Maintenance. Authority with respect to family maintenance pursuant to IC 30-5-5-12, provided, however, that the maintenance of my family's customary standard of living shall be limited to the support in their accustomed manner of living, health, maintenance, and education of my spouse, my dependent children, and any other dependent person customarily supported by me;

(11) Military Service. Authority with respect to benefits from military service pursuant to IC 30-5-5-13, including, but not limited to, the right to exercise any rights I may have with respect to benefits from the military service, if any;

(12) Records, Reports and Statement. Authority with respect to records, reports and statements pursuant to IC 30-5-5-14, including, but not limited to, the power to (i) keep records of cash received and disbursed on account of me (ii) make and execute all tax returns of every kind, state, federal and local, and all other documents which may become necessary or advisable in connection with any such taxes, to pay all taxes I may owe, and to adjust and compromise any and all tax claims of any kind against me, and (iii) execute on my behalf any specific power of attorney required by any taxing authority to allow my attorney-in-fact to act on my behalf before that taxing authority on any return or issue;

(13) Estate Transactions. Authority with respect to estate transactions pursuant to IC 30-5-5-15, including, but not limited to, the right to receive or disclaim any legacy, bequest, devise, gift or other property interest or payment due to me;

(14) Health Care. Authority with respect to health care pursuant to IC 30-5-5-16, including, but not limited to the right to:

(i) disclose to my spouse, and to authorize any attorney who has knowledge thereof to disclose to my spouse, any and all details regarding my financial affairs and my estate plan documents and arrangements, notwithstanding the attorney-client privilege which for those purposes is hereby expressly waived;

(ii) act as my health care representative in all matters of health care in accordance with Indiana Code 16-36-1 et

seq., as amended, including, but not limited to the power to consent on my behalf to any treatment, physical or psychiatric, or surgical procedure for any injury or disease from which I may be suffering;

(iii) waive all physician-patient and hospital-patient privileges for and on my behalf;

(iv) request, receive, and review any information, verbal or written, regarding my health, including medical and hospital records, and to execute releases and other documents that may be required in order to obtain this information and to convey that information to any attorney who is representing me with respect to estate planning matters;

(v) to employ and discharge physicians, dentists, nurses, therapists, and other professionals or para professionals as my attorney-in-fact may deem necessary or advisable for my physical, mental, or emotional well-being and to pay reasonable compensation to them; and

(vi) to give or withhold consent, revoke, withdraw, modify, or change consent to, and to arrange for my entrance to and care at any hospital, nursing home, health center, convalescent home, retirement home, or similar institution and to pay all costs for my care which my attorney-in-fact, based on medical advice, determines in good faith to be necessary or advisable for my well-being, provided, however, that it is my firm direction that any such institution be chosen for me only after my attorney-in-fact has given his most careful consideration in choosing an institution which demonstrates a sincere concern and commitment toward the maintenance of my dignity as a human being.

(15) Health Care Representative Appointment with Power to Stop Health Care. Authority as my health care representative to not only act for me in all matters of health care in accordance with IC 16-36-1 as previously described and as further shown by the appointment under IC 16-36-1 which is attached to this power of attorney pursuant to IC 30-5-5-16(b)(2) and IC 30-5-5-17, but to also stop, withhold, and withdraw health care on my behalf if my health care representative is satisfied that certain health care is not or would not be beneficial, or that such health care is or would be excessively burdensome;

(16) Gifts. Authority with respect to gift transactions pursuant to I.C. 30-5-5-9, including, but not limited to, the power to make gifts which my attorney-in-fact considers to be in the best interests of me, including the minimization of income, estate, inheritance or gift taxes or my earliest qualification for any Medicaid benefits; provided, however, that (i) gifts may only be

made to or for my descendants (ii) the amount of such gifts shall not be limited to the federal annual exclusion from gift tax, but may be in any amounts as my attorney-in-fact deems wise, and (iii) the power to make any such gifts to anyone who is then serving as my attorney-in-fact (or to such person's descendants) shall be held by such person's co-attorneys-in-fact or, if none, then by such person's immediate successor attorney-in-fact who is then legally competent, if such a successor is available, but if none, then by my attorney-in-fact;

(17) Delegating Authority. An individual co-attorney-in-fact shall have the right and authority to delegate, in writing, any powers given under this instrument, to the other individual(s) also serving as co-attorney-in-fact; provided, however, that upon delegation, the delegating co-attorney-in-fact shall have no liability whatsoever for any subsequent actions or inactions on the delegated co-attorney-in-fact's part, unless such delegating co-attorney-in-fact learns of gross negligence or willful misconduct on the delegated co-attorney-in-fact's part and fails to thereafter take appropriate action; and

(18) All Other Matters. Authority with respect to all other matters pursuant to IC 30-5-5-19, including the right, without in any way limiting or being limited by the foregoing powers, to do all such acts and things and execute all contracts, papers and other instruments as I personally could do, hereby ratifying and confirming all acts which my said attorney-in-fact shall do or cause to be done by virtue hereof.

I hereby cancel all powers of attorney heretofore executed by me at any time.

This power of attorney shall not be affected by my subsequent disability or incapacity, or lapse of time.

This instrument is to be construed and interpreted as a general durable power of attorney. The enumeration of specific powers herein is not intended to, nor does it, limit or restrict the general powers herein granted to my agent. This instrument is executed and delivered in the State of Indiana, and the laws of the State of Indiana shall govern all questions as to the validity of this power and the construction of its provisions. Furthermore, this Power of Attorney shall not be diminished or revoked by the passage of time from the date of its execution, it being my intent that it remain in full force and effect until revoked by me regardless of how much time has elapsed since the date of its execution.

Third parties may rely upon the representation of my attorney-in-fact or my successor attorney-in-fact as to all matters relating to any power granted to my attorney-in-fact or any successor

attorney-in-fact under this Power of Attorney or under the Health Care Representative Appointment, including authority to act, and no person who may act in reliance upon such representations shall incur any liability to me or my estate as a result of permitting anyone listed in the introductory paragraph to exercise any power.

Any individual named as my attorney-in-fact shall be considered unable to serve under this Power of Attorney (and under any Health Care Representative Appointment) if an uncontroverted written opinion by a licensed practicing medical doctor to that effect is attached to this Power of Attorney and is provided to each co-attorney-in-fact, if any, and to each successor attorney-in-fact named under this Power of Attorney, establishing that such individual is unable to serve (for medical, physical, psychological, or other reasons of disability) and is not expected to be able to serve in the near future. After receipt of said letter and until the disability terminates, the individual shall not be my attorney-in-fact and shall not be entitled to exercise any powers under this Power of Attorney.

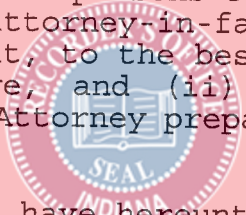
In the event any institution, while named or acting as my attorney-in-fact, shall consolidate with or be merged into or purchased by or have all or substantially all of its assets purchased by or a substantial part of its trust business succeeded to by any other institution having trust powers, then any such successor institution shall automatically and without order of any court be constituted and become the successor and substitute to the original institution named or acting as my attorney-in-fact.

All references to any Indiana Code section found in this power of attorney or the attached Health Care Representative Appointment shall include any amendment to or replacement of said Code section.

I hereby express my preference for the purpose of the Indiana Code, as now enacted or hereafter amended or substituted for, that, in the event a guardianship is established for my benefit, my herein designated attorney-in-fact be appointed guardian of said guardianship.

I hereby authorize third persons to rely on (i) affidavits or written statements of my attorney-in-fact that this power has not been revoked by me and that, to the best of his knowledge, I, the principal, am still alive, and (ii) certified copies of the original of this Power of Attorney prepared by me or my attorneys, Bewley & Koday, LLP.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the 7 day of August, 2001.


Ruth J. Durkovich
Ruth J. Durkovich

STATE OF INDIANA)
COUNTY OF Allen) SS:

Before me, a Notary Public in and for said County and State, this 7 day of August, 2001, personally appeared Ruth J. Durkovich, to me personally known to be the person who executed the above and foregoing power of attorney, and acknowledged her execution thereof as her voluntary act and deed for the uses and purposes therein stated.

KATHLEEN R. HORACEK
NOTARY PUBLIC
STATE OF INDIANA
MY COMMISSION EXPIRES NOV. 28, 2008

Kathleen Horacek
Notary Public

My Commission Expires: November 28, 2008
My County of Residence: Allen



This Instrument Prepared by James Koday, Attorney at Law.