

2005 075559

2005 SEP -6 AM 8:48

MICHAEL A. BROWN
RECORDER

DURABLE FINANCIAL POWER OF ATTORNEY

of

GLADYS HOLTON

I, GLADYS HOLTON, being at least 18 years of age and mentally competent, do hereby designate and appoint Gregory Holton and Angela Holton, jointly and individually, my true and lawful attorney-in-fact.

I. **POWERS:** I give to my attorney-in-fact the powers herein specified to be used on my behalf. I am incorporating by reference herein those powers which comply with my wishes in accordance with the manner prescribed by Ind. Code Section 30-5-5. The powers given herein shall be considered limited so that my attorney-in-fact shall not have any power which would cause my attorney-in-fact to be treated as the owner of any interest in my property and which would cause that property to be taxed as owned by the attorney-in-fact, it being my intention not to grant any beneficial interests in my estate by this instrument. My attorney-in-fact shall have the following powers:

Real Property: Authority with respect to real property transactions pursuant to Ind. Code Section 30-5-5-2, all of which powers are incorporated herein by reference, including, but not limited to, the following:

1. To purchase, sell, mortgage, convey, and lease any interest in real estate, wherever located, of which I may be owner now or hereafter (if this provision is applicable, this instrument must be recorded).

007914

FILED

SEP 1 2005

STEPHEN R. STIGLICH
LAKE COUNTY AUDITOR

\$29
CK# 3337
CAM

Tangible Personal Property: Authority with respect to tangible personal property transactions pursuant to Ind. Code Section 30-5-5-3, all of which powers are incorporated herein by reference, including, but not limited to, the following:

1. To bargain for, contract concerning, buy, sell, encumber, and in any way and manner deal with personal property of any kind or nature and to apply or make use of my property for my support and the support of those persons to whom I owe an obligation or support.
2. To execute instruments to effect the transfer of title to any motor vehicle owned by me.

Bonds, Commodities and Shares: Authority with respect to bond, commodity and share transactions pursuant to Ind. Code Section 30-5-5-4, all of which powers are incorporated herein by reference, including, but not limited to, the following:

1. To make and execute any and all contracts; to purchase, sell, dispose of, assign, and pledge notes, stocks, bonds, and securities, and to exercise such voting rights as my ownership of any notes, stocks, bonds, and securities may entitle me, either in person or by proxy. This authority shall include any power to purchase commodities, any power to sell short or to initiate a margin transaction and any power to purchase put or call options.

2. To sell, purchase, dispose of, assign, and pledge any United States Savings Bonds and United States Treasury Securities in which I may have an interest.
3. To purchase United States Government bonds which are redeemable at par value in payment of estate taxes imposed by the United States Government.

Banking: Authority with respect to banking transactions pursuant to Ind. Code Section 30-5-5-5, all of which powers are incorporated herein by reference, including, but not limited to, the following:

1. To make, draw, and endorse promissory notes, checks, drafts, or bills of exchange and to waive demand, presentment, protest, notice of protest, and notice of non-payment of all such instruments.
2. To receive and to demand all sums of money, debts, accounts, bequests, interests, dividends, and demands whatsoever which are now or shall hereafter become due or payable to me and to compromise, settle, or discharge the same.
3. To have access to any and all safe deposit boxes in my name and to open, inspect, inventory, place items in or remove from, and close said safe deposit boxes.

Business: Authority with respect to business operating transactions pursuant to Ind. Code Section 30-5-5-6.

Insurance: Authority with respect to insurance transactions pursuant to Ind. Code Section 30-5-5-7, all of which powers are incorporated herein by reference, including, but not limited to, the following:

1. To maintain, purchase, surrender, acquire, assign, pledge, make claims under, borrow against, partially or fully liquidate, change beneficiaries, designate insureds, and generally deal in all forms of insurance and claims.
2. To apply for and otherwise deal with Medicare and Medicaid benefits.

Beneficiary: Authority with respect to beneficiary transactions pursuant to Ind. Code Section 30-5-5-8.

Gifts, Estate Planning, and Medicaid Planning Transactions: Authority with respect to gift transactions pursuant to Ind. Code Section 30-5-5-9; moreover, this authority shall include the following powers:

1. Give at any time or times any or all of my assets, cash, property, or interests in property, including any right to receive income from any source and including a change of ownership or beneficiary on any policy of life insurance, to those persons and in the same proportions as set forth in my estate planning documents, and without regard to any restrictions or aggregate yearly value of a gift to an individual as set forth in I.C. 30-5-5-9. To the extent that my attorney-in-fact is a beneficiary

of my estate, then the attorney-in-fact is specifically authorized to receive a proportionate share of any gift.

2. Create trusts to effect my estate or Medicaid plan.
3. Make transfers pursuant to I.C. 30-2-8.5, commonly known as the Indiana Uniform Transfers to Minors Act, or under any similar law of another jurisdiction.
4. Disclaim any property or interest in property or powers.
5. Employ other financial, Medicaid, and estate planning devices for the purpose of reducing tax liability, reducing medical liability, cost effectively qualifying for Medicaid, and effecting transfers to family and charities consistent with my desires.
6. Provided, however, that in carrying out the powers granted in this section of my durable power of attorney, the attorney-in-fact shall be guided by the standard that the gifting, Medicaid planning, and estate planning powers provided herein are designed, in part, for the preservation of my assets and my attorney-in-fact shall exercise such powers in a manner so as to provide for my best interests and the best interests of my beneficiaries, without any prohibition against self-dealing.
7. Provided, further, that consistent with my desire to minimize taxation and preserve assets consistent with my best interests and the best interests of my beneficiaries,

this paragraph shall be limited such that it is not to be construed as a power of appointment which has negative tax implications on my estate or on my attorney-in-fact. No act performed consistent with this paragraph on gifting, Medicaid planning, and estate planning shall be considered a criminal act.

Fiduciary: Authority with respect to fiduciary transactions pursuant to Ind. Code Section 30-5-5-10.

Claims and Litigation: Authority with respect to claims and litigation pursuant to Ind. Code Section 30-5-5-11.

Family Maintenance: Authority with respect to family maintenance pursuant to Ind. Code Section 30-5-5-12.

Military Service Benefits: Authority with respect to benefits from military service pursuant to Ind. Code Section 30-5-5-13, including the full power to apply for benefits from and otherwise deal with matters concerning the Veterans Administration.

Records, Reports and Statements: Authority with respect to records, reports and statements pursuant to Ind. Code Section 30-5-5-14; including the power to execute on my behalf any specific power of attorney required by any taxing authority which is needed to allow my attorney-in-fact to act on my behalf before that taxing authority on any return or issue. Such powers shall include but not be limited to the following:

General authority to represent me before the Internal Revenue Service of the United States Treasury and to represent me as taxpayer for federal income tax 1040 for the years 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, and 2025 and to receive confidential information and to perform any and all acts I could perform with respect to tax matters, including the power to sign the return, and to execute, file, request, and examine tax returns of all kinds with taxing authorities of all jurisdictions, federal, state, local, and foreign, and to represent me in all matters pertaining to any taxes due or asserted to be due from me by any such jurisdiction or pertaining to the refund of any taxes to which I may be entitled from any such jurisdiction.

General authority to represent me before the Indiana Department of Revenue and to represent me as taxpayer for state income tax IT-40 for the years 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, and 2025 and to receive confidential information and to perform any and all acts I could perform with respect to tax matters, including the power to sign the return, and to execute, file, request, and examine tax returns of all kinds with taxing authorities of all jurisdictions and to represent me in all matters pertaining to any taxes due or asserted to be due from me by any such jurisdiction or pertaining to the refund of any taxes to which I may be entitled from any such jurisdiction.

Estate Transactions: Authority with respect to estate transactions pursuant to Ind. Code Section 30-5-5-15.



Employment and Delegation: Authority with respect to employing and paying the compensation of any and all attorneys, agents, custodians, experts, investment counsel, accountants, bookkeepers, or other agents or providers of services as the Attorney-in-Fact deems advisable, except that my Attorney-in-Fact may not otherwise delegate powers created under this Power of Attorney.

All Other Matters: Authority with respect to all other matters pursuant to Ind. Code Section 30-5-5-19; provided, however, that this Power of Attorney is not a Health Care Power of Attorney or Appointment of Health Care Representative.

II. **SUCCESSOR ATTORNEY-IN-FACT:** Should Gregory Holton and Angela Holton, jointly and individually, fail to serve or cease to serve as my attorney-in-fact hereunder then I designate either Gregory Holton or Angela Holton, individually, as my successor true and lawful attorney-in-fact with full authority to act on my behalf hereunder.

III. **GUARDIAN:** If it becomes necessary to secure the appointment of a guardian of my person or estate or if protective proceedings are filed on my behalf, I hereby request the appropriate probate court to appoint Gregory Holton and Angela Holton, jointly and individually, as my guardian or as the person to act on my behalf, but if such individual is unwilling, unable, or fails to qualify as my guardian, then I request that either Gregory Holton or Angela Holton, individually, be appointed.

IV. **FEES:** My attorney-in-fact shall be entitled to a fee for services provided as

my attorney-in-fact.

V. LIABILITY AND INDEMNITY: My attorney-in-fact shall only be liable for actions undertaken in bad faith; provided, however, my attorney-in-fact shall be liable for the negligent exercise of the powers described herein if the exercise of such power involves self-dealing. I hereby ratify and confirm all that my attorney-in-fact shall do by virtue hereof. Further, I agree to indemnify and hold harmless any person who, in good faith, acts under this Power of Attorney or transacts business with my attorney-in-fact in reliance upon this Power, without actual knowledge of its revocation.

VI. EFFECTIVE DATE AND INCAPACITY: This Power of Attorney shall be effective immediately and shall not be affected by my subsequent disability, incompetence, or adjudged incapacity, if any.

VII. REVOCAION: I hereby reserve the right to revoke this Power of Attorney at any time. This Power of Attorney shall terminate upon the execution and recordation with the Recorder's Office of the County of my domicile of a written revocation hereof. My attorney-in-fact shall have the power to revoke all powers of attorney previously executed by me.

VIII. COPIES: Consistent with Indiana law, a copy of this Power of Attorney may be accepted in lieu of an original and be fully binding on all persons and entities concerned.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of January, 2005.

Gladys Holton by Anneli Holton PCA 452-34-9630
GLADYS HOLTON, Soc. Sec. No.:

STATE OF INDIANA)
COUNTY OF Hancock) SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared GLADYS HOLTON who acknowledged the execution of the above and foregoing Power of Attorney. IN WITNESS WHEREOF, I do hereby set my hand and notarial seal as of the 14th day of January, 2005.

Steve Carlock
Notary Public

Printed: Steve Carlock

My Commission Expires: 4/1/2008 Resident of Hancock County, IN

WITNESS:

Steve Carlock
Signature of Witness

Steve Carlock
Printed Name

5999 West Memory Lane, Suite A
Greenfield, Indiana 46140



Ae M O D

Signature of Witness

Anne M O Dea

Printed Name

**5999 West Memory Lane, Suite A
Greenfield, Indiana 46140**

This instrument prepared by STEVE CARLOCK, *Attorney at Law*, 5999 West Memory Lane, Suite A
Greenfield, Indiana 46140, (317) 891-3253, FAX (317) 891-3250, Attorney Number: 3921-49





OFFICE OF THE LAKE COUNTY RECORDER
LAKE COUNTY GOVERNMENT CENTER
2293 NORTH MAIN STREET
CROWN POINT, INDIANA 46307



MICHAELA A. BROWN
Recorder

HECTOR A. ESPINOZA
Chief Deputy

PHONE (219) 755-3730
FAX (219) 755-3257

MEMORANDUM

