2017 043289

STATE OF INDIAN LAKE COUNTY FILED FOR RECO

2017 JUL 14 AM 10:

MICHAEL B. BROV RECORDER

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL.

Knnetti Klarkner

### GENERAL DURABLE POWER OF ATTORNEY

Document is

BARRARAE. BOSAKAS PRINCIPAL

This Document is the property of the Lake County Recorder!

**BOSE McKINNEY & EVANS LLP** 

Attorneys at Law 111 Monument Circle, Suite 2700 Indianapolis, Indiana 46204 MT

17-19928

HOLD FOR MERIDIAN TITLE CORE

## GENERAL DURABLE POWER OF ATTORNEY GIVEN BY BARBARA E. BOSAK AS PRINCIPAL



\*\*aka Barbara Esther

KNOW ALL MEN BY THESE PRESENTS That I, Barbara E. Bosak, herein referred to as the "Principal," of Lake County, Indiana, do hereby appoint Theresa K. Bosak, herein referred to as my "Agent," to be my attorney-in-fact or agent, to have and to exercise all of the following powers, and to do and to perform all of the following acts and things, as fully and effectively as I could exercise or do them myself:

## ARTICLE I Alternates

I hereby appoint my Cary C. Bosak to be my alternate attorney-in-fact or agent. In the event of the death, incompetency or resignation of my primary agent, or whenever my primary agent is not reasonably available, or whenever the provisions of Article VI herein prohibit my primary agent from exercising a power granted herein, I authorize my alternate agent to exercise any of the powers, and to do and perform any of the acts, set forth herein. At such times, my alternate agent shall have all britle powers granted herein to my primary agent and shall be the person referred to herein as my "Agent". My alternate agent may execute and deliver an affidavit that my primary agent is dead or incompetent, or has resigned or is not reasonably available, and such affidavit shall be conclusive evidence insofar as third parties are concerned of the facts set forth therein. Any person acting in reliance upon such an affidavit shall incur no liability to me because of such reliance.

#### ARTICLE II

#### Effective Date and Durability Provision

This power of attorney is effective immediately and shall not be affected by my subsequent disability or incompetence.

ARPIOLE II

Powers

My Agent is authorized in my Agent's sole and absolute discretion from time to time and at any time to exercise any and all of the powers of an attorney-in-fact with general authority under Indiana Code 30-5-5 with respect to:

- A. Real property transactions;
- B. Tangible personal property transactions;
- C. Bond, share and commodity transactions;
- D. Banking transactions;

- E. Business operating transactions;
- F. Insurance transactions;
- G. Transfer on death transfers;
- H. Beneficiary transactions;
- I. Gift transactions;
- J. Fiduciary transactions;
- K. Claims and litigation;
- L. Family maintenance; Ocument is
- M. Benefits from military service:
- This Document is the property of
- N. Records, reports and statements; new Recorder!
- O. Estate transactions;
- P. Delegating authority;
- Q. Retirement plans; and
- R. All other matters, excepting health care powers, including, but not limited to, the power:
- 1. To represent me and to act on any behalf in any and all matters relating to taxation, whether by the Federal government, the government of any state or any local government unit; to prepare, sign and file any documents or forms that may be required in these matters; and to perform any other acts as my Agent shall deem appropriate in these matters including but not limited to signing any tax return and receiving, cashing or endorsing any refund check to which I am entitled.
- 2. To create and contribute to an IRA or employee benefit plan (including a plan for a self-employed individual) for my benefit; to select or change any payment option under any IRA or employee benefit plan in which I am a participant (including plans for self-employed individuals); to make or change beneficiary designations under any such plan; to make voluntary contributions to such plans; to make "roll-overs" of plan benefits into other retirement plans; and to borrow money and purchase assets therefrom and sell assets thereto, if authorized by any such plan. Further, for purposes of receiving social security benefits, my Agent is herewith appointed my "Representative Payee".
- 3. To transfer from time to time and at any time to the trustee or trustees of any revocable trust (even though my Agent may be the sole trustee or one of two or more

co-trustees of such trust) created by me before or after the execution of this instrument, as to which trust I am, during my lifetime, the primary or only beneficiary, any or all of my cash, property or interests in property, including any rights to receive income from any source; and for this purpose to enter and remove from any safe-deposit box of mine (whether the box is registered in my name alone or jointly with one or more other persons) any of my cash or property and to execute such instruments, documents and papers to effect the transfers described herein as may be necessary, appropriate, incidental or convenient; and to make such transfers absolutely in fee simple or for my lifetime only with the remainder or reversion (of the property so transferred) remaining in me so that such property will be disposed of at my death by my will or by the intestacy laws of the state in which I shall die a resident.

- 4. To renounce any fiduciary position to which I have been or may be appointed or elected, including but not limited to personal representative, trustee, guardian, attorney-in-fact, and officer or director of a corporation and any governmental or political office or position to which I have been or may be elected or appointed; to resign any such positions in which capacity I am presently serving to file an accounting with a court of competent jurisdiction or settle on a receipt and release or such other informal method as my Agent shall deem appropriate.
- the Lake County Recorder!

  5. To renounce and disclaim any property or interest in property or powers to which for any reason and by any means I may become entitled, whether by gift, testate or intestate succession; to release or abandon any property or interest in property or powers which I may now or hereafter own, including any interests in or rights over trusts (including the right to alter, amend, revoke or terminate) and any right to claim an elective share in any estate or under any will, and in exercising such discretion, my Agent may take into account such matters as shall include but not be limited to the minimization of estate and inheritance taxes payable by my estate and the effect of such renunciation or disclaimer upon persons interested in my estate or upon persons who would receive the renounced of this claimed property.

In connection with the exercise of the powers herein described, my Agent is fully authorized and empowered to perform any acts and things and to execute and deliver any documents, instruments, and papers necessary, appropriate, incident or convenient to such exercise or exercises, including, without limitation, to seek on my behalf and at my expense:

ARTICLE IV

- A. a declaratory judgment from any court of competent jurisdiction interpreting the validity of any or all acts authorized by this instrument, but such declaratory judgment shall not be necessary in order for my Agent to perform any act authorized by this instrument;
- B. a mandatory injunction requiring compliance with my Agent's instructions by any person, organization, corporation or other entity obligated to comply with instructions given by me; and

C. actual and punitive damages against any person, organization, corporation or other entity obligated to comply with instructions given by me who negligently or willfully fails or refuses to follow such instructions.

#### ARTICLE V

#### Third Party Reliance

For the purpose of inducing all persons, organizations, corporations and entities to act in accordance with the instructions of my Agent given in this instrument, I hereby represent, warrant and agree to hold harmless any person who, in good faith, acts under this power of attorney or transacts business with my Agent in reliance upon this power of attorney, without actual knowledge of its revocation.

# NOT OFFICIAL! Restrictions on Powers This Document is the property of

Notwithstanding any provision hereunder to the contrary my Agent:

- A. Shall have no power or authority whatsoever with respect to any interest I may own in any policy of insurance on such Agent's life.
- B. Shall have no power or authority whatsoever with respect to (i) any irrevocable trust created by such Agent as to which I am a trustee or beneficiary or (ii) any asset given to me by such Agent.
- C. Shall be prohibited (except as specifically authorized in this instrument) from (i) appointing, assigning or designating any of my assets, interests or rights directly or indirectly to such Agent, such Agent's estate, such Agent's creditors of the creditors of such Agent's estate, (ii) disclaiming assets to which I would otherwise be entitled if the effect of such disclaimer is to cause such assets to pass directly or indirectly to such Agent or such Agent's estate, (iii) using my assets to discharge any of such Agent's legal obligations, including any obligation of support which such Agent may owe to others (excluding those to whom I am equally with such Agent legally obligated to support), (iv) receiving directly or indirectly any money or property of mine as a gift [whether or not such gift would be permitted under indiana Code 30-5-5-9(a)], except this restriction shall not be interpreted as prohibiting my primary agent from receiving in his own right a gift made on my behalf by my first alternate attorney-in-fact or as prohibiting my primary agent.
- D. Shall, in exercising any power herein given with respect to health care, defer to such other person or persons, if any, to whom I have granted in a written instrument executed by me the authority to make any health care decisions for me.

#### ARTICLE VII

#### Administrative Provisions

- A. My Agent shall be entitled to reimbursement for all reasonable costs and expenses actually incurred and paid by my Agent on my behalf under any provision of this instrument, but my Agent shall not be entitled to compensation for services rendered hereunder.
- B. Should it become necessary to appoint a guardian of my estate, I herewith nominate, constitute and appoint whomever is serving at such time as my Agent hereunder.
- C. My Agent and my Agent's heirs, successors and assigns are hereby released and forever discharged from any and all liability upon any claim or demand of any nature whatsoever by me or my heirs and assigns arising out of the acts or omissions of my Agent, except for willful misconduct or gross negligence. My Agent shall have no responsibility to make my property productive of incomes to increase the value of my estate or to diversify my investments. My Agent shall have no liability for entering into transactions authorized by this instrument with my Agent in my Agent's individual capacity so long as my Agent believes in good faith that such transactions are in my best interests are the best interests of my estate and those persons interested in my estate.
- D. My Agent shall have no responsibility to monitor on any regular basis the state of my physical health or mental competence to determine if any actions need be taken under this instrument.
- E. If any part of any provision of this instrument shall be invalid or unenforceable under applicable law, such part shall be ineffective to the extent of such invalidity only, without in any way affecting the remaining parts of such provision or the remaining provisions of this instrument.
- F. This instrument shall be governed by the laws of the State of Indiana in all respects, including its validity, construction, interpretation and termination, and to the extent permitted by law shall be applicable to all property of mine, real, personal, intangible or mixed, wherever and in whatever state of the United Lines or foreign country the situs of such property is at any time located and whether such property is now owned by me or hereafter acquired by me or for me by my Agent.
- G. This instrument may be amended or revoked by me, and my Agent may be removed by me, at any time by the execution by me of a written instrument of revocation, amendment, or removal delivered to my Agent. If this instrument has been recorded in the public records, then the instrument of revocation, amendment or removal shall be filed or recorded in the same public records. My Agent may resign by the execution of a written resignation delivered to me or, if I am mentally incapacitated, to any person with whom I am residing or who has the care and custody of me. If my Agent is or becomes married to me, the dissolution of our marriage shall revoke this instrument automatically without the requirement of a writing.

- H. This instrument has been executed in multiple counterpart originals. All such counterpart originals shall have equal force and effect.
- I. This power of attorney shall apply, without limitation, to the real property described in Exhibit A which may be added hereto and to any other real property in which I may now have or hereafter acquire an interest. My Agent is authorized to add to an Exhibit A or to add to said Exhibit A hereto the legal description of any real property in which I may now have or hereafter acquire an interest.
- J. My Agent is authorized to make photocopies of this instrument as frequently and in such quantity as my Agent shall deem appropriate. All photocopies shall have the same force and effect as any original.

and effect as any original.
28 + Hay of April 2017.
NOT OFFICIAL!
This Document is the property of Busak
the Lake County Récordada E. Bosak
STATE OF
COUNTY OF LAKE
Before me, a Notary Public in and for said County and State, personally appeared
Barbara E. Bosak, who acknowledged the execution of the foregoing "General Durable Power of
Attorney."
The Reserve of the second
WITNESS my hand and Notarial Seal this 28 day of APRIL , 2017.
Notary Public Seal
State of Indiana Novary Public
My Commission Expires Jul 6, 2023 KATHLEEN J. WILLMAN
(Printed Signature)
My Commission Expires:
My County of Residence:

This instrument was prepared by Ronald C. Smith, Attorney at Law, 111 Monument Circle, Suite 2700, Indianapolis, Indiana 46204.

3192609\_1