

Durable Power of Attorney

of

Shirley R. Smith

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

Shirley R. Smith
Meridian Title

2017 084078

MICHAEL B. BRIDGES
RECORDER

2017 DEC 12 PM 2:17

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORDS

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ARTICLE I - DESIGNATION OF AGENT

1.1. I, Shirley R. Smith, of Lake County, Indiana, being an adult and mentally competent do hereby designate and appoint my son, James T. Smith, currently of Lake County, State of Indiana, as my true and lawful Attorney-in-Fact, hereinafter sometimes referred to as my Agent, giving my Agent full authority and power to make financial, asset management, and personal decisions for me in my name, place and stead as authorized in this document. In the event that my wife, Shirley R. Smith, cannot or will not serve or continue to serve as my Attorney-in-Fact, then I designate and appoint my son, James T. Smith, as my Attorney-in-Fact with all the powers and authority as specified in this document.

ARTICLE II - REVOCATION OF PRIOR POWERS

2.1. I hereby revoke all powers of attorney, general and/or limited, heretofore granted by me as principal and terminate all agency relationships created under any such prior powers, including those of all successor agents named or contemplated therein, if any, excepting the Appointment of a Health Care Representative which is being executed contemporaneously with this document.

ARTICLE III - GENERAL ASSET AND FINANCIAL POWERS

3.1. My Attorney-in-Fact is authorized, in her/his sole and absolute discretion, from time to time and at any time with respect to any and all of my property and interests in property, real, personal and mixed, and matters affecting my financial and personal interests, by way of illustration and not intending any limitation, to proceed on my behalf as follows:

3.1.1. **Real Property:** General authority with respect to real property transactions pursuant to I.C. 30-5-5-2; and, in addition to the other powers listed therein, to purchase any type of real property that is considered or can be made an exempt resource under Medicaid Rules.

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3.1.2. **Tangible Personal Property Transactions:** General authority with respect to tangible personal property transactions pursuant to I.C. 30-5-5-3; and, in addition to the other powers listed therein, to purchase any type of personal property that is considered or can be made an exempt resource under Medicaid Rules.

3.1.3. **Bond, Share and Commodity Transactions:** General authority with respect to bond, share and commodity transactions pursuant to I.C. 30-5-5-4. This authority shall include the power to purchase and sell bonds and commodities, including U.S. Government bonds, and to purchase any other type of property that can be made an exempt or unavailable resource under Medicaid rules.

3.1.4. **Banking Transactions:** General authority with respect to banking transactions and the power to place documents or property in or remove from any deposit box I may have and all other powers pursuant I.C. 30-5-5-5.

3.1.5. **Business Operating Transactions:** General authority with respect to business operating transactions pursuant to I.C. 30-5-5-6.

3.1.6. **Insurance Transactions:** General authority with respect to insurance transactions pursuant I.C. 30-5-5-7, including the right to change beneficiaries or ownership, and to exercise any rights to which I may be entitled, on any policy that I own, and to apply for and otherwise deal with Medicare and Medicaid benefits.

3.1.7. **Beneficiary Transactions:** General authority with respect to beneficiary transactions pursuant to I.C. 30-5-5-8.

3.1.8. **Gift Transactions:** General authority with respect to gift transactions pursuant to I.C. 30-5-5-9, including the power to make gifts of my property, in trust or otherwise, to my attorney-in-fact or others, without limitation as to amounts, in excess of or less than the amount excluded from gifts under Section 2503(b) of the Internal Revenue Code of 1986, as it may be amended, or any successor code or regulation thereto, and without regard to the specific restrictions on aggregate annual value for gifts to individuals that are set forth in I.C. 30-5-5-9, and to engage the services of attorneys and others for the purpose of doing Medicaid eligibility planning which includes making transfers that allow my assets and/or income to be distributed to those individuals who would otherwise benefit from my estate, including my attorney-in-fact.

3.1.9. **Fiduciary Transactions:** General authority with respect to fiduciary transactions pursuant to I.C. 30-5-5-10.

3.1.10. **Claims and Litigation:** General authority with respect to claims and litigation pursuant to I.C. 30-5-5-11.

3.1.11. **Family Maintenance:** General authority with respect to family maintenance pursuant to I.C. 30-5-5-12.

3.1.12. **Benefits from Military Service:** General authority with respect to benefits from military service pursuant to I.C. 30-5-5-13, including the full power to apply for benefits from and otherwise deal with matters concerning the Veterans Administration.

3.1.13. **Records, Reports, and Statements:** General authority with respect to records, reports, and statements pursuant to I.C. 30-5-5-14; including the power to prepare, sign and file state and federal income tax returns on my behalf, including Forms 1040, 1040X, 709, 843, IT-40, IT-40X and any other tax form for the years 2005 through 2025, and the power to execute on my behalf Form 2848, 8821, POA-1 or 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 and to carry out the purposes of this delegation of authority.

3.1.14. **Estate Transactions:** General authority with respect to estate transactions pursuant I.C. 30-5-5-15, including the power to create, modify, amend and revoke revocable and/or irrevocable trust for me and/or with me as grantor.

3.1.15. **Delegating Authority to Others:** General authority with respect to delegating authority to others pursuant to I.C. 30-5-5-18.

3.1.16. **All Other Matters:** General authority with respect to all other matters pursuant to I.C. 30-5-5-19, except for health care decisions, which are subject to the Appointment of a Health Care Representative.

ARTICLE IV - PROVISION APPLICABLE TO ARTICLE III

4.1. With respect to Article III (general asset and financial powers), it is to be understood that the authority I have conferred on my Attorney-in-Fact in no way is intended to limit or restrict my own authority or decision making capabilities covering such powers and authority as long as I remain mentally competent.

4.2. Furthermore, this durable power of attorney and the authority I have conferred and specified under Article III above shall remain effective in the event that I become disabled or legally incapacitated to act on my own behalf. This durable power of attorney shall not be affected by the lapse of time.

ARTICLE V - THIRD PARTY RELIANCE

5.1 No person who relies in good faith upon any representations by or authority of my Attorney-in-Fact, shall be liable to me, my estate, my heirs or assigns for recognizing such representations or authority.

ARTICLE VI - NOMINATION OF GUARDIAN

6.1 In the event a judicial proceeding is brought to establish a guardianship over my person or property, I hereby nominate my Attorney-in-Fact, hereinabove designated and appointed, to be my guardian.

ARTICLE VII - MISCELLANEOUS PROVISIONS

7.1 This durable power of attorney is intended to be valid and given full faith and credit in any jurisdiction or state in which it is presented.

7.2 My Attorney-in-Fact shall not be entitled to any compensation for services performed hereunder, but shall be entitled to reimbursement for all reasonable expenses incurred and paid, including transportation costs, as a result of carrying out any provisions of this instrument.

7.3 My Attorney-in-Fact, including heirs, legatees, successors, assigns, personal representatives and estate, acting in good faith hereunder, are hereby released and forever discharged from any and all liability, (including civil, criminal, administrative or disciplinary) and from all claims or demands of all kinds whatsoever by me or my heirs, legatees, successors, assigns, personal representatives or estate, arising out of the acts or omissions of my Attorney-in-Fact, except for willful misconduct or gross negligence.

7.4 My Attorney-in-Fact is authorized to make photocopies of this instrument as frequently and in such quantity as he or she shall deem appropriate. Each photocopy shall have the same force and effect as any original.

7.5 If any part or provision of this instrument shall be determined to be invalid or unenforceable, such part or provision shall be ineffective to the extent of such invalidity or unenforceability only, without in any way affecting the remaining parts or provisions of this instrument.

7.6 This instrument, and actions taken by my Attorney-in-Fact properly authorized hereunder, shall be binding upon me, my heirs, successors, assigns, legatees, guardians and personal representatives.

7.7 My Attorney-In-fact shall keep a record of all transactions made on my behalf under this Power of Attorney. The accounting shall be made available to the Executor(trix) of my estate at the time of my death. No other accounting, unless requested by me or ordered by a court, is required.

IN WITNESS WHEREOF, I have hereunto executed this Durable Power of Attorney on

Nov. 3, 2012.

Shirley R. Smith

Shirley R. Smith

STATE OF INDIANA)
COUNTY OF LAKE) SS:

Before me, the undersigned, a Notary Public, in and for said County and State, on Nov 3 2012, personally appeared Shirley R. Smith, and acknowledged the execution of the foregoing Durable Power of Attorney. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

NOT OFFICIAL
This Document is the property of
the Lake County Recorder!

Jo Ellen Pilipow
Notary Public

My Commission Expires: February 27, 2016

County of Residence: Lake

This instrument prepared by:
ROBERT L. TAYLOR, ESQ.
ROBERT L. TAYLOR & ASSOCIATES, LLC
ATTORNEYS AT LAW
200 W. GLEN PARK AVENUE
GRIFFITH, INDIANA 46319
(219) 972-6000

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

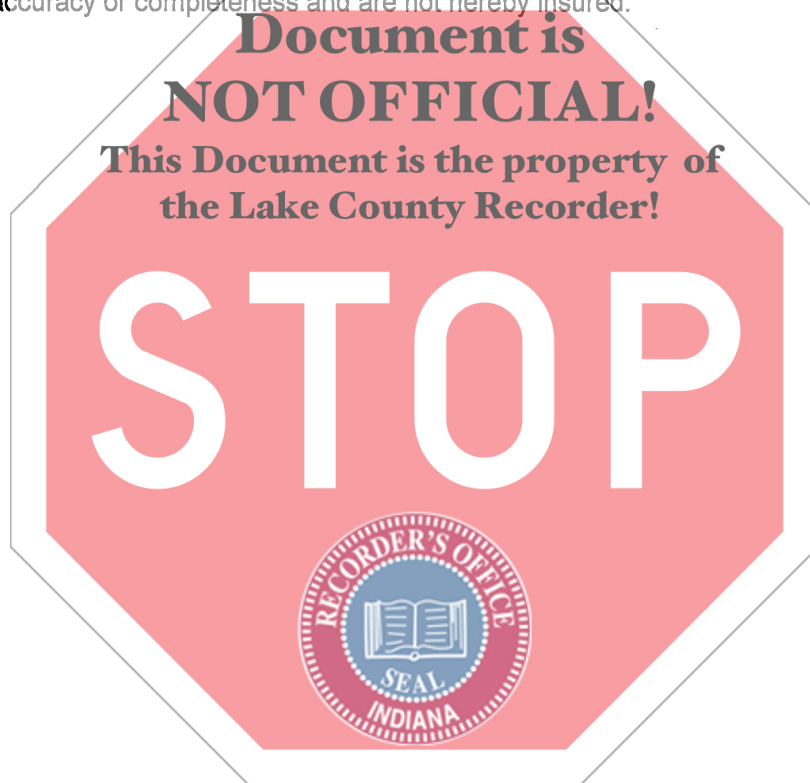
Name Kim Deas
Meridian Title

EXHIBIT "A"

Property Address: 1462 Fred Street, Whiting, IN 46394
File No.: 17-42508

Lot 1, Except the West 8 feet thereof, in August Scholz's Second Addition to Whiting, as per plat thereof, recorded in Plat Book 4 page 21, in the Office of the Recorder of Lake County, Indiana.

The Property address and/or tax parcel identification number(s) listed are provided solely for informational purposes, without warranty as to accuracy or completeness and are not hereby insured.



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