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STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
MICHAEL B BROWN
RECORDER

**DURABLE Power of Attorney and Health Care Surrogate of:
MAIZIE J. FAUST**

I, MAIZIE J. FAUST, the principal, residing in Lake County, IN, hereby designate my daughter, SHEILA D. HARPER, (502) 222-1771, to be my Attorney-in-Fact and Health Care Surrogate (collectively referred to herein as "Designee"), in my name and for my benefit, hereby revoking any and all powers of attorney and health care surrogates I may have executed in the past.

If SHEILA D. HARPER ceases to act as my Designee due to death, incapacity, or resignation, I appoint my daughter, JA'NEAIR M. JOHNSON, (765) 532-3286, as my Designee. Any party dealing with my substitute Designee may rely upon his or her representation as to my original Designee's death, incapacity, or resignation as conclusively correct.

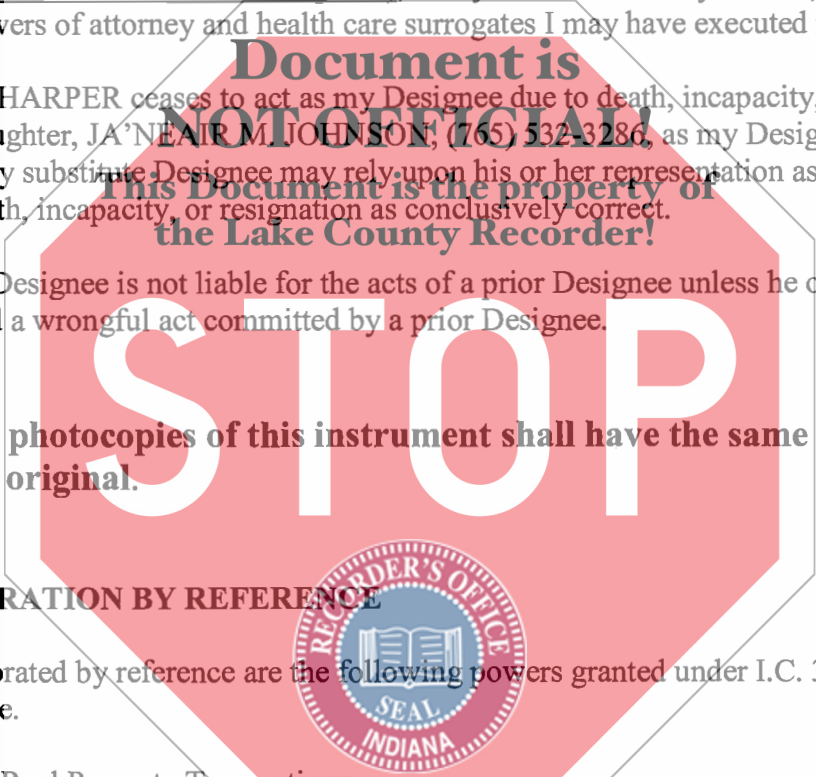
My substitute Designee is not liable for the acts of a prior Designee unless he or she participated in or concealed a wrongful act committed by a prior Designee.

I direct that photocopies of this instrument shall have the same power and effect as the original.

I. INCORPORATION BY REFERENCE

Incorporated by reference are the following powers granted under I.C. 30-5-5 unless noted otherwise.

- IC 30-5-5-2 Real Property Transactions
- IC 30-5-5-3 Tangible Personal Property Transactions
- IC 30-5-5-4 Bond, Share and Commodity Transactions
- IC 30-5-5-5 Banking Transactions
- IC 30-5-5-6 Business Operating Transactions
- IC 30-5-5-7 Insurance Transactions
- IC 30-5-5-8 Beneficiary Transactions
- IC 30-5-5-9 Gift Transactions
- IC 30-5-5-10 Fiduciary Transactions
- IC 30-5-5-11 Claims and Litigation
- IC 30-5-5-12 Family Maintenance
- IC 30-5-5-13 Benefits from Military Service
- IC 30-5-5-14 Records, Reports and Statements



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- IC 30-5-5-15 Estate Transactions
- IC 30-5-5-16 Health Care Powers; Religious Tenets
- IC 30-5-5-17 Consent to or Refusal of Health Care
- IC 30-5-5-18 Delegation of Authority
- IC 30-5-5-19 All Other Matters

II. POWERS

I confer upon my Designee full power to administer my personal and business affairs and to deal with all of my property, whether standing in my name alone, in my name with any other person or persons, or in my capacity as Trustee. My Designee shall fulfill his or her fiduciary duties with utmost good faith and undivided loyalty towards me and act in accordance with the highest principles of morality, fidelity, loyalty and fair dealing. My Designee may act as my alter ego with respect to any and all possible matters and affairs not otherwise enumerated herein and which I as principal can do through an agent. My Designee shall on my behalf have full power to exercise or perform any act, power, duty, right, or obligation whatsoever that I now have or may hereinafter acquire, relating to any person, matter, transaction, or property, real or personal, tangible or intangible, now owned or hereafter acquired by me, as I might or could do if personally present, including, without limitation and, by way of example, the following specifically enumerated powers.

1. *Powers of Collection and Payment.* To forgive, request, demand, sue for, recover, collect, receive, and hold all sums of money, debts, dues, commercial paper, checks, drafts, accounts, deposits, legacies, bequests, devises, notes, interests, stock certificates, bonds, dividends, certificates of deposit, annuities, pension, profit sharing, retirement, Social Security, Medicare, Medicaid, insurance, and other contractual benefits and proceeds, all documents of title, all property, real or personal, tangible or intangible property, and property rights, and demands whatsoever, liquidated or unliquidated, now or hereafter owned by, or due, owing, payable, or belonging to me, or in which I have or may hereafter acquire an interest; to have, use, and take all lawful means and equitable and legal remedies and proceedings in my name for the collection and recovery thereof, and to adjust, sell, compromise, and agree for the same and to execute and deliver for me, on my behalf, and in my name, all endorsements, releases, receipts, or other sufficient discharges for the same.

2. *Power to Acquire, Lease, Convey, and Sell.* To acquire, purchase, exchange, lease, convey, grant options to sell, and sell and convey real or personal property, tangible or intangible property, or any interests therein, on such terms and conditions, including credit arrangements, as my Designee shall deem proper; to execute, acknowledge, and deliver, under seal or otherwise, any and all assignments, transfers, deeds, papers, documents, or instruments which my Designee shall deem necessary in connection therewith; to purchase, sell or otherwise dispose of, assign, transfer, and convey shares of stock, bonds, securities, and other personal property now or hereafter belonging to me, whether standing in my name or otherwise, and wherever situated;

3. *Litigation Powers.* To begin, prosecute, reasonably delay, defend, settle, mediate or dispose of any lawsuit, or administrative hearings, claims, actions, attachments, injunctions or other proceedings, or otherwise engage in or participate in litigation;

4. *Management Powers.* To maintain, repair, improve, invest, manage, insure, rent, lease, encumber, and in any manner deal with any real or personal property, tangible or intangible, or any interests therein, that I now own or may hereafter acquire, in my name and for my benefit, upon such terms and conditions as my Designee shall deem proper;

5. *Banking Powers.* To open or close bank accounts or other financial or security accounts including brokerage accounts, re-title accounts by adding or deleting one or more joint owners, to make, receive, and endorse checks and drafts, deposit and withdraw funds, acquire and redeem certificates of deposit, in banks, savings and loan associations, and other institutions, execute or release such deeds of trust or other security agreements as may be necessary or proper in the exercise of the rights and powers herein granted;

6. *Investment Powers.* To pay or to deposit in my name or in the name of any other person with any bank, broker, corporation, firm, or person any money or property that may belong to me; to withdraw from any bank, broker, corporation, firm, or person any money or property that may now or hereafter belong to me or be due me, and to give instructions or consent to any agent who shall be acting for me and to any trustee of property for my benefit; to transmit, either orally or in writing, in accordance with the procedures established by any investment firm, instructions for the purchase, sale, exchange, or transfers of shares of all funds invested with such firm; to change the beneficiary on any brokerage account or qualified retirement account, including IRA's;

7. *Motor Vehicles.* To apply for a Certificate of Title upon, and endorse and transfer title thereto, for any automobile, truck, pickup truck, van, motorcycle, or other motor vehicle, and to represent in such transfer or assignment that the title to said motor vehicle is free and clear of all liens and encumbrances except those specifically set forth in such transfer or assignment;

8. *Tax Powers.* To act without limitation on my behalf with regard to federal income taxes (Form 1040, 1040EZ, 1040X, etc.), state and local income taxes, estate, gift (Form 709), and other tax returns of all sorts, whether federal, state or local, including where appropriate joint returns, FICA returns, payroll tax returns, claims for refunds, requests for extensions of time to file returns or pay taxes, extensions and waivers of applicable periods of limitation, protests and petitions to administrative agencies or courts, including the tax court, regarding tax matters, and any and all other tax related documents, including but not limited to consents and agreements under Section 2032A of the Internal Revenue Code or any successor section thereto and consents to split gifts and closing agreements, for all tax periods through my death, and for all jurisdictions; to complete Internal Revenue Service Form 2848, Power of Attorney and Declaration of Representative (or other prescribed form) on my behalf as well as to perform all other functions contemplated by that form whether they are required or merely permissible; to consent to any gift and to utilize any gift-splitting provisions or other tax election; and to prepare, sign, and file any claims for refund of any tax; to post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service or any state or local taxing authority; to exercise any and all elections that I may have under federal, state, or local tax laws including without limitation the allocation of any generation-skipping tax exemption to which I may be entitled; to the extent that I may have omitted some power or

discretion, some tax period, some form, or some jurisdiction, I hereby grant to my Designee the power to amend the Internal Revenue Service power of attorney form (presently Form 2848 or Form 2848-D) in my name;

9. *Safe-Deposit Boxes.* To have access at any time or times to any safe-deposit box rented by me or to which I may have access, wheresoever located, including drilling, if necessary, and to remove all or any part of the contents thereof, and to surrender or relinquish said safe-deposit box; any institution in which any such safe-deposit box may be located shall not incur any liability to me or my estate as a result of permitting my Designee to exercise this power;

10. *Insurance.* To exercise and enjoy any and all rights, privileges, benefits, and options, and engage in all transactions, with respect to any insurance policy or annuity contract in which I have any interest, whether as owner, insured, or beneficiary, or in any other capacity, as fully as I could, including, but not limited to, exercising the right to borrow upon the same, to pledge the same for a loan or loans, to assign ownership of the same to any person, trust, or other entity, even to my Attorney-in-Fact, to change the beneficiary of the same to any person, trust, or other entity, even to my Attorney-in-Fact, and to surrender, assign, exchange, or otherwise modify any such policy or contract;

11. *Power to Create and Transfer Assets to Inter Vivos Trust.* To create any trust, revocable or irrevocable, for my benefit and that of my spouse and issue that I may have power to create myself; to amend or revoke such trust or trusts or any other trust that I may have the power to amend or revoke; to transfer any or all of my tangible or intangible personal property or real property to any such trusts; to the extent permitted by such trust or trusts, to remove any or all property from such trust or trusts (the fact that my Designee may be a remainderman or a beneficiary in connection with any such transfer hereunder shall not affect the validity thereof, nor, by itself, constitute a breach of his or her fiduciary duty hereunder);

12. *Gift Making Powers.* This section supersedes and replaces the gift giving powers in IC 30-5-5-9 (2). My agent shall have the full and absolute power to give to my spouse or any of my children, grandchildren, sisters, brothers, nieces, or nephews, gifts outright or in trust of real property and tangible or intangible personal property, including any contractual benefits whether life insurance, annuities or property interests of any nature, whether such interests be present or future interests, vested or contingent, that my Designee in his or her sole discretion believes would be my wishes and is advisable, provided that the gift or series of gifts takes into account the estate planning wishes I have expressed from time to time (including through my Will, Trust, beneficiary designations, conversations). Gifts made by my Designee may be made to my Designee. The restrictions in this section (12) do not apply to any transfers made under 42 U.S.C. 1396p or any transfers made in conjunction with a written asset protection plan created by an attorney.

The authority herein granted shall include divesting me of assets in favor of other persons or entities, including my agent, for the purpose of converting countable assets into excludable assets for Medicaid, VA, or other governmental programs, or transferring assets with the

objective of eventually becoming eligible for Medicaid, VA benefits, or other governmental programs.

13. *Power to Protect Assets and Qualify for Governmental Benefits.* To obtain for me and maintain my eligibility for any and all public benefits and other things due me under entitlement programs; to protect my assets from diminution and to qualify me to receive Medicaid, Supplemental Social Security (SSI) or any other governmental benefits; to create, execute and fund on my behalf a revocable or irrevocable trust on such terms as my Designee deems to be in my best interests and to transfer to such trust any and all assets, and to apply on my behalf to qualify me to receive any governmental or insurance benefits for which I am or may become eligible; to make any decisions concerning the terms and beneficiaries of such trust, in accordance with my wishes as expressed in any documents I have created, which are still in effect at such time, including but not being limited to, my Last Will and Testament, if any; my revocable living trust, if any; (the fact that my Designee may be a remainderman or a beneficiary in connection with any such transfer hereunder shall not affect the validity thereof, nor, by itself, constitute a breach of his or her fiduciary duty hereunder); and if I establish a trust to accomplish the goals described in this paragraph, my Designee is authorized to convey my assets to such trust, provided the Trustee is willing to accept the contribution of such assets; and if I am ever admitted to a long term care nursing home or facility and still own my own home, my Designee when applying for aid or attempting to create or maintain my eligibility for Medicaid benefits shall indicate my intent to return to my home as soon as I am able, to insure that my home shall remain as an exempt asset for purposes of Medicaid qualification;

14. *Power to Represent Me.* To deal with and represent me before the Social Security Administration and any other federal, state or local agency;

Further, I authorize my attorney at law to discuss and confer with my Designee such matters as my attorney at law determines necessary, appropriate or helpful in the representation of my interests and, therefore, I do hereby waive the attorney-client privilege so as to encourage such communications so as to protect my interests;

15. *Power to Make Statutory Elections and Disclaimers.* To make on my behalf any and all statutory elections and disclaimers available to me at law;

16. *Retirement Plan Powers.* To exercise in any manner any election or option under and to make any one or more withdrawals from any Individual Retirement Account or any stock option, profit sharing, pension, thrift, savings, or other employee benefit plans in which I may have any interest, and to become a participant in such a plan or to establish an Individual Retirement Account in my name, to change the designation of beneficiary in effect for any such Individual Retirement Account or employee benefit plan in any manner, to waive any rights which I may have with respect to any employee benefit plan in which my spouse is a participant, to contribute to an existing Individual Retirement Account or other employee benefit plan in my name, and to roll over the proceeds of a lump-sum distribution from any qualified pension or profit-sharing plan into an Individual Retirement Account or another qualified pension or profit sharing plan;

17. *Estate Administration.* To assent or to oppose the allowance of any probate or other accounts in which I may be or become interested, and generally to act in any and all probate matters or proceedings in which I may become interested;

18. *Lending and Borrowing.* To make loans in my name; to borrow money in my name, individually or jointly with others; to give promissory notes or other obligations therefore; and to deposit or mortgage as collateral or for security for the payment thereof any or all of my securities, real estate, personal property, or other property of whatever nature and wherever situated, held by me personally or in trust for my benefit;

19. *Contracts.* To enter into contracts of whatever nature or kind in my name;

20. *Use of Funds for My Care.* In the event of my illness, incapacity or other emergency, to incur, pay and satisfy such expenses and obligations for my comfort, benefit and care, and obligations of a nature customarily incurred by me, as my Designee may consider necessary or desirable or consistent with my wishes, or as directed by my health care agent appointed under my duly executed health care proxy, below;

21. *Power to Hire and Pay for Services.* To retain such accountants, attorneys, social workers, consultants, clerks, employees, workers, or other persons as my agent shall deem appropriate in connection with the management of my property and affairs and to make payments from my assets for the fees of such persons so employed; and

22. *Reimbursement of Designee.* To reimburse my Designee for any reasonable expenses incurred in connection with such services.

23. *Power to relinquish dower rights.* My Designee has the right to relinquish my dower rights.

24. *Power to enter into a pre-nuptial or post-nuptial agreement.* My Designee has the right to enter into a pre-nuptial agreement or a post-nuptial agreement on my behalf.

III. HEALTH CARE POWERS

My Designee named above shall make health care decisions for me in accordance with this directive when I no longer have decisional capacity. I understand the full import of this directive and I am emotionally and mentally competent to make this directive.

My Designee is authorized as follows:

1. To authorize my admission to or discharge from (even against medical advice) any hospital, nursing home, residential care, assisted living or similar facility or service;
2. To contract on my behalf for any health care related service or facility without my health care surrogate incurring personal financial liability for such contracts;

3. To choose or contract on my behalf for any medical provider without my health care surrogate incurring personal financial liability for such choice or contracts;

4. To authorize any medication or procedure intended to relieve pain, even though such use may lead to physical damage, addiction, or hasten the moment of (but not intentionally cause) my death;

5. To retain or dismiss any physicians; and

6. To take any other action necessary to do what I authorize here including (but not limited to) signing any documents relating to refusals of treatment or the leaving of a facility against medical advice, and pursuing any legal action in my name, and at the expense of my estate to force compliance with my wishes as determined by my health care surrogate, or to seek actual or punitive damages for the failure to comply.

7. It is my intent that this designation be valid in any jurisdiction in which I may be at the time of my illness.

IV. HIPAA AUTHORIZATION

In addition to the other powers granted by this document, my Designee shall have the power and authority to serve as my personal representative and health care surrogate for all purposes of the Health Insurance Portability and Accountability Act (HIPAA), (Pub. L. 104-191), 45 CFR Section 160 through 164. My Designee is also authorized to execute all releases and other documents necessary in order to obtain disclosure of my patient records and other medical information subject to and protected under HIPAA. With regard to information disclosed pursuant to this paragraph, I waive any right of privacy that I may have under the authority of HIPAA or any similar state or federal act, rule, or regulation, including any amendments thereto. In addition, I hereby release any covered entity that acts in reliance on this paragraph from any liability that may accrue from the use or disclosure of my protected medical information in reliance upon this paragraph and for any actions taken by my Designee.

V. EXCLUDED POWER

My Designee does not have the power to waive my right to a trial by jury and may not agree to binding arbitration instead of a trial by jury for any reason, including but not limited to admission to a nursing home or hospital. My Designee also does **not** have the power to make plans for the disposition of my body or to execute a funeral planning declaration on my behalf, and I specifically exclude this power granted under IC 30-5-5-16(b)(7). (delete red if Designee is family member.)

VI. INTERPRETATION AND GOVERNING LAW

This instrument is to be construed and interpreted as a General Durable Power of Attorney and Health Care Surrogate. The enumeration of specific powers herein is not intended to, nor does it, limit or restrict the general powers herein granted to my Designee. For a third party to construe

otherwise would be contrary to my intent. All questions as to the validity of this power and the construction of its provisions are governed by the laws of the State of Indiana, except that if this document is executed in another state, the laws of that state shall govern the validity of that state's notary. Nevertheless, I intend that this instrument be given full force and effect in any state or country in which I may find myself or in which I may own property, whether real or personal. I direct that my Designee not be required to give bond and, if any bond is required, that no sureties be required.

VII. EFFECTIVE DATE AND DURABILITY

This General Durable Power of Attorney and Health Care Surrogate shall take effect when executed by me and shall not be affected by lapse in time nor by my subsequent disability or incapacity and shall be binding not only upon me but also upon my heirs, executor, and administrator up to the time of the receipt by my said Designee of a written revocation signed by me or of reliable intelligence of my death. If my Designee is my spouse, and such Designee files for a divorce or an annulment of the Designee's marriage to me, the Designee's power is to be terminated upon the filing for said divorce or annulment.

VIII. THIRD-PARTY RELIANCE

Any party dealing with my Designee hereunder may rely absolutely on the authority granted herein and need not look to the application of any proceeds or the authority of my Designee as to any action taken hereunder. Any party may treat my Designee or any authorized officer or employees of my Designee as authorized to act for me on my behalf in the same manner and with the same force and effect as I might or could. In this regard, no person who may in good faith act in reliance upon the representations of my Designee or the authority granted hereunder shall incur any liability to me or my estate as a result of such act and shall be indemnified and held harmless from acting upon instructions, either oral or in writing, reasonably believed to have originated with my Designee. I hereby ratify and confirm whatever my Designee shall lawfully do under this instrument. Any gift of property made by my Designee in the proper exercise of the gift-making powers specifically granted in section I (12) herein shall be a full and complete delivery of title upon which third-party purchasers for value may rely. My Designee is authorized as he or she deems necessary to bring an action in court so that this instrument shall be given the full power and effect that I intend on by executing it.

IX. PROTECTIVE PROCEEDINGS

If protective proceedings for my person or my estate are hereafter commenced, I hereby nominate, for consideration by the court, my Designee to serve as the conservator of my estate and as the guardian of my person. Nothing in this section shall be construed as a direction that such a petition be filed or such appointment be made, and it is my express wish that such action be taken only when and if absolutely necessary.

X. SEVERABILITY

The invalidity or unenforceability of any provision of this document shall not affect the validity or enforceability of this document. If a Court of competent jurisdiction determines that any provision is invalid, the remaining provisions of this document shall be interpreted and construed as if the invalid provision had never been included in this document.

IN WITNESS THEREOF, I have signed my name to this Durable Power of Attorney and Health Care Surrogate on December 5, 2019.

Maizie J. Faust
MAIZIE J. FAUST, Principal

COMMONWEALTH OF KENTUCKY)
COUNTY OF JEFFERSON)

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This Document is the property of the Lake County Recorder!

Before me, the undersigned authority, this day personally appeared MAIZIE J. FAUST, Principal, and witnesses, whose names are signed to this instrument, and all these persons being first duly sworn, declared to me and to the witnesses in my presence that the instrument is the Durable Power of Attorney and Health Care Surrogate of the Principal and that the Principal has willingly signed it as a free and voluntary act for the purposes therein expressed; and each of the witnesses stated to me, in the presence and hearing of the Principal, that they each signed the declaration as a witness, and to the best of their knowledge, the Principal was 18 years of age or over, of sound mind and under no constraint or undue influence.

Merranda Lachalme OF 920 Dupont Road, Suite 200, Louisville, KY 40207
(Witness)

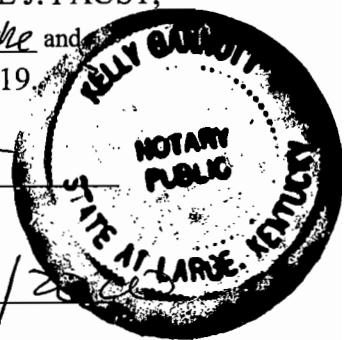
Karen Oeters OF 920 Dupont Road, Suite 200, Louisville, KY 40207
(Witness)



SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by MAIZIE J. FAUST, Principal, and subscribed and sworn to before me by Merranda Lachalme and KAREN OETERS, witnesses, on December 5, 2019.

Wesley Smith
Notary Public

My commission expires: 3/9/2021



This Instrument Prepared by:
KELLY GANNOTT, ESQ.
Indiana Attorney No. 24646-10
KBA #88997
Kentucky ElderLaw, PLLC ↓
920 Dupont Road, Suite 200
Louisville, KY 40207-4695
(502) 581-1111

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.


KELLY GANNOTT, ESQ.

