



Rep. Angelo Saviano

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LRB097 10113 AJ0 55921 a

1 AMENDMENT TO SENATE BILL 2015

2 AMENDMENT NO. _____. Amend Senate Bill 2015 on page 1,
3 immediately below line 3, by inserting the following:

4 "Section 3. The Illinois Power of Attorney Act is amended
5 by changing Sections 2-3, 2-4, 2-5, and 3-3 as follows:

6 (755 ILCS 45/2-3) (from Ch. 110 1/2, par. 802-3)

7 (Text of Section before amendment by P.A. 96-1195)

8 Sec. 2-3. Definitions. As used in this Act:

9 (a) "Agency" means the written power of attorney or other
10 instrument of agency governing the relationship between the
11 principal and agent or the relationship, itself, as appropriate
12 to the context, and includes agencies dealing with personal or
13 health care as well as property. An agency is subject to this
14 Act to the extent it may be controlled by the principal,
15 excluding agencies and powers for the benefit of the agent.

16 (b) "Agent" means the attorney-in-fact or other person

1 designated to act for the principal in the agency.

2 (c) "Disabled person" has the same meaning as in the
3 "Probate Act of 1975", as now or hereafter amended. To be under
4 a "disability" or "disabled" means to be a disabled person.

5 (d) "Person" means an individual, corporation, trust,
6 partnership or other entity, as appropriate to the agency.

7 (e) "Principal" means an individual (including, without
8 limitation, an individual acting as trustee, representative or
9 other fiduciary) who signs a power of attorney or other
10 instrument of agency granting powers to an agent.

11 (Source: P.A. 85-701.)

12 (Text of Section after amendment by P.A. 96-1195)

13 Sec. 2-3. Definitions. As used in this Act:

14 (a) "Agency" means the written power of attorney or other
15 instrument of agency governing the relationship between the
16 principal and agent or the relationship, itself, as appropriate
17 to the context, and includes agencies dealing with personal or
18 health care as well as property. An agency is subject to this
19 Act to the extent it may be controlled by the principal,
20 excluding agencies and powers for the benefit of the agent.

21 (b) "Agent" means the attorney-in-fact or other person
22 designated to act for the principal in the agency.

23 (b-5) "Banking organization" has the meaning ascribed to it
24 in the Uniform Disposition of Unclaimed Property Act.

25 (c) "Disabled person" has the same meaning as in the

1 "Probate Act of 1975", as now or hereafter amended. To be under
2 a "disability" or "disabled" means to be a disabled person.

3 (c-2) "Excluded Power of Attorney" means any one of the
4 following agency designations:

5 (1) A power of attorney given to a banking organization
6 or a financial organization primarily for a business or
7 commercial purpose.

8 (2) A power of attorney given to a banking organization
9 or a financial organization to the extent it is coupled
10 with an interest in the subject of the power.

11 (3) A power of attorney given to or for the benefit of
12 a creditor in connection with a loan or other credit
13 transaction or a secured party in connection with a secured
14 transaction.

15 (4) A proxy or other delegation to exercise voting
16 rights or management rights with respect to a corporation,
17 partnership (general or limited), limited liability
18 company, condominium, commercial entity, or association.

19 (5) A power of attorney created on a form prescribed by
20 a government or governmental subdivision, agency, or
21 instrumentality for a governmental purpose.

22 (6) A power of attorney given to a banking organization
23 or a financial organization to facilitate a specific
24 transfer or disposition of one or more identified stocks,
25 bonds, or other assets, whether real or personal, tangible
26 or intangible.

1 (7) A power of attorney authorizing a third party to
2 prepare, execute, deliver, submit or file a document or
3 instrument with a government or governmental subdivision,
4 agency, or instrumentality, or other third party.

5 (8) A power of attorney authorizing a banking
6 organization or a financial organization or an employee of
7 a banking organization or a financial organization to take
8 action in relation to an account in which the financial
9 institution (i) holds cash, securities, commodities, or
10 other financial assets on behalf of the principal, or (ii)
11 acts as an investment manager with a third-party serving as
12 the custodian of such cash, securities, commodities, or
13 other financial assets on behalf of the principal.

14 (9) A power of attorney given by an individual who is,
15 or is seeking to become, a director, officer, stockholder,
16 employee, partner (general or limited), member, unit
17 owner, equity owner, trustee, manager, or agent of a
18 corporation, a partnership (general or limited), a limited
19 liability company, a condominium, a legal or commercial
20 entity, or an association, in that individual's capacity as
21 such, including a power of attorney contained in a
22 subscription agreement.

23 (10) A power of attorney contained in a certificate of
24 incorporation, bylaws, general or limited partnership
25 agreement, limited liability company agreement,
26 declaration of trust, declaration of condominium,

1 condominium offering plan, or other agreement or
2 instrument governing the internal affairs of an entity or
3 association, authorizing a director, officer, shareholder,
4 employee, partner (general or limited), member, unit
5 owner, equity owner, trustee, manager or other person to
6 take lawful actions relating to such entity or association.

7 (11) A power of attorney given to a licensed real
8 estate broker to take action in connection with a listing
9 of real property, mortgage loan, lease, or management
10 agreement.

11 (12) A power of attorney given to a condominium
12 managing agent to take action in connection with the use,
13 management, and operation of a condominium unit.

14 (13) A power of attorney authorizing the acceptance of
15 the service of process on behalf of the principal.

16 (14) A power of attorney created pursuant to
17 authorization provided by a federal or State statute, other
18 than this Act, that specifically contemplates creation of
19 the power.

20 (c-3) "Financial organization" has the meaning ascribed to
21 it in the Uniform Disposition of Unclaimed Property Act.

22 (c-5) "Incapacitated", when used to describe a principal,
23 means that the principal is under a legal disability as defined
24 in Section 11a-2 of the Probate Act of 1975. A principal shall
25 also be considered incapacitated if: (i) a physician licensed
26 to practice medicine in all of its branches has examined the

1 principal and has determined that the principal lacks decision
2 making capacity; (ii) that physician has made a written record
3 of this determination and has signed the written record within
4 90 days after the examination; and (iii) the written record has
5 been delivered to the agent. The agent may rely conclusively on
6 the written record.

7 (d) "Person" means an individual, corporation, trust,
8 partnership or other entity, as appropriate to the agency.

9 (e) "Principal" means an individual (including, without
10 limitation, an individual acting as trustee, representative or
11 other fiduciary) who signs a power of attorney or other
12 instrument of agency granting powers to an agent.

13 (Source: P.A. 96-1195, eff. 7-1-11.)

14 (755 ILCS 45/2-4) (from Ch. 110 1/2, par. 802-4)

15 Sec. 2-4. Applicability. (a) The principal may specify in
16 the agency the event or time when the agency will begin and
17 terminate, the mode of revocation or amendment and the rights,
18 powers, duties, limitations, immunities and other terms
19 applicable to the agent and to all persons dealing with the
20 agent, and the provisions of the agency will control
21 notwithstanding this Act, except that every health care agency
22 must comply with Section 4-5 of this Act.

23 (b) From and after the effective date of this Act: (1) this
24 Act governs every agency, whenever and wherever executed, and
25 all acts of the agent to the extent the provisions of this Act

1 are not inconsistent with the agency; and (2) this Act applies
2 to all agencies exercised in Illinois and to all other agencies
3 if the principal is a resident of Illinois at the time the
4 agency is signed or at the time of exercise or if the agency
5 indicates that Illinois law is to apply. Providing forms of
6 statutory property and health care powers in Articles III and
7 IV does not limit the applicability of this Act, it being
8 intended that every agency, including, without limitation, the
9 statutory property and health care power agencies, shall have
10 the benefit of and be governed by Article II, by Sections 4-1
11 through 4-9 and Section 4-11 of Article IV, and by all other
12 general provisions of this Act, except to the extent the terms
13 of the agency are inconsistent with this Act.

14 (c) The following portions of this Act shall not apply to
15 an excluded power of attorney: Section 2-7(b), Section
16 2-7(c) (2), Section 2-7(c) (3), Section 2-7(c) (4), Section
17 2-7(d), Section 2-7(f), Section 2-8(b), Section 2-10(d),
18 Section 2-10(e), Section 2-10(f), Section 2-10.3(b), Section
19 2-10.3(c), and Section 2-10.5.

20 (Source: P.A. 86-736.)

21 (755 ILCS 45/2-5) (from Ch. 110 1/2, par. 802-5)

22 (Text of Section before amendment by P.A. 96-1195)

23 Sec. 2-5. Duration of agency - amendment and revocation.
24 Unless the agency states an earlier termination date, the
25 agency continues until the death of the principal,

1 notwithstanding any lapse of time, the principal's disability
2 or incapacity or appointment of a guardian for the principal
3 after the agency is signed. Every agency may be amended or
4 revoked by the principal at any time and in any manner
5 communicated to the agent or to any other person related to the
6 subject matter of the agency, except that revocation and
7 amendment of health care agencies are governed by Section 4-6
8 of this Act except to the extent the terms of the agencies are
9 inconsistent with that Section.

10 (Source: P.A. 86-736.)

11 (Text of Section after amendment by P.A. 96-1195)

12 Sec. 2-5. Duration of agency - amendment and revocation.

13 (a) Unless the agency states an earlier termination date,
14 the agency continues until the death of the principal,
15 notwithstanding any lapse of time, the principal's disability
16 or incapacity or appointment of a guardian for the principal
17 after the agency is signed. Every agency may be amended or
18 revoked by the principal, if the principal has the capacity to
19 do so, at any time and in any manner communicated to the agent
20 or to any other person related to the subject matter of the
21 agency, except that revocation and amendment of health care
22 agencies are governed by Section 4-6 of this Act except to the
23 extent the terms of the agencies are inconsistent with that
24 Section. The execution of a power of attorney does not revoke a
25 power of attorney previously executed by the principal unless

1 the subsequent power of attorney provides that the previous
2 power of attorney is revoked or that all other powers of
3 attorney are revoked.

4 (b) Notwithstanding the provisions of subsection (a), an
5 excluded power of attorney may be revoked only by the mechanism
6 provided in that power of attorney or, if none, by written
7 instrument signed by the principal and the agent making
8 specific reference to the excluded power of attorney in
9 question. An excluded power of attorney is not revoked by a
10 subsequent power of attorney, including but not limited to a
11 subsequent power of attorney that states that all other powers
12 of attorney are revoked.

13 (Source: P.A. 96-1195, eff. 7-1-11.)

14 (755 ILCS 45/3-3) (from Ch. 110 1/2, par. 803-3)

15 (Text of Section before amendment by P.A. 96-1195)

16 Sec. 3-3. Statutory short form power of attorney for
17 property. The following form may be known as "statutory
18 property power" and may be used to grant an agent powers with
19 respect to property and financial matters. When a power of
20 attorney in substantially the following form is used, including
21 the "notice" paragraph at the beginning in capital letters and
22 the notarized form of acknowledgment at the end, it shall have
23 the meaning and effect prescribed in this Act. The validity of
24 a power of attorney as meeting the requirements of a statutory
25 property power shall not be affected by the fact that one or

1 more of the categories of optional powers listed in the form
2 are struck out or the form includes specific limitations on or
3 additions to the agent's powers, as permitted by the form.
4 Nothing in this Article shall invalidate or bar use by the
5 principal of any other or different form of power of attorney
6 for property. Nonstatutory property powers must be executed by
7 the principal and designate the agent and the agent's powers,
8 but they need not be acknowledged or conform in any other
9 respect to the statutory property power.

10 "ILLINOIS STATUTORY SHORT FORM POWER OF ATTORNEY FOR PROPERTY

11 (NOTICE: THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE
12 THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE
13 YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO PLEDGE, SELL OR
14 OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT
15 ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. THIS FORM DOES NOT
16 IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS; BUT
17 WHEN POWERS ARE EXERCISED, YOUR AGENT WILL HAVE TO USE DUE CARE
18 TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS FORM AND
19 KEEP A RECORD OF RECEIPTS, DISBURSEMENTS AND SIGNIFICANT
20 ACTIONS TAKEN AS AGENT. A COURT CAN TAKE AWAY THE POWERS OF
21 YOUR AGENT IF IT FINDS THE AGENT IS NOT ACTING PROPERLY. YOU
22 MAY NAME SUCCESSOR AGENTS UNDER THIS FORM BUT NOT CO-AGENTS.
23 UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THIS POWER IN THE
24 MANNER PROVIDED BELOW, UNTIL YOU REVOKE THIS POWER OR A COURT
25 ACTING ON YOUR BEHALF TERMINATES IT, YOUR AGENT MAY EXERCISE
26 THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU

1 BECOME DISABLED. THE POWERS YOU GIVE YOUR AGENT ARE EXPLAINED
 2 MORE FULLY IN SECTION 3-4 OF THE ILLINOIS "STATUTORY SHORT FORM
 3 POWER OF ATTORNEY FOR PROPERTY LAW" OF WHICH THIS FORM IS A
 4 PART (SEE THE BACK OF THIS FORM). THAT LAW EXPRESSLY PERMITS
 5 THE USE OF ANY DIFFERENT FORM OF POWER OF ATTORNEY YOU MAY
 6 DESIRE. IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT
 7 UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.)

8 POWER OF ATTORNEY made this day of (month)
 9 (year)

10 1. I,, (insert name and address of
 11 principal) hereby appoint:

12
 13 (insert name and address of agent)

14 as my attorney-in-fact (my "agent") to act for me and in my
 15 name (in any way I could act in person) with respect to the
 16 following powers, as defined in Section 3-4 of the "Statutory
 17 Short Form Power of Attorney for Property Law" (including all
 18 amendments), but subject to any limitations on or additions to
 19 the specified powers inserted in paragraph 2 or 3 below:

20 (YOU MUST STRIKE OUT ANY ONE OR MORE OF THE FOLLOWING
 21 CATEGORIES OF POWERS YOU DO NOT WANT YOUR AGENT TO HAVE.
 22 FAILURE TO STRIKE THE TITLE OF ANY CATEGORY WILL CAUSE THE
 23 POWERS DESCRIBED IN THAT CATEGORY TO BE GRANTED TO THE AGENT.
 24 TO STRIKE OUT A CATEGORY YOU MUST DRAW A LINE THROUGH THE TITLE
 25 OF THAT CATEGORY.)

- 1 (a) Real estate transactions.
- 2 (b) Financial institution transactions.
- 3 (c) Stock and bond transactions.
- 4 (d) Tangible personal property transactions.
- 5 (e) Safe deposit box transactions.
- 6 (f) Insurance and annuity transactions.
- 7 (g) Retirement plan transactions.
- 8 (h) Social Security, employment and military service
- 9 benefits.
- 10 (i) Tax matters.
- 11 (j) Claims and litigation.
- 12 (k) Commodity and option transactions.
- 13 (l) Business operations.
- 14 (m) Borrowing transactions.
- 15 (n) Estate transactions.
- 16 (o) All other property powers and transactions.

17 (LIMITATIONS ON AND ADDITIONS TO THE AGENT'S POWERS MAY BE
 18 INCLUDED IN THIS POWER OF ATTORNEY IF THEY ARE SPECIFICALLY
 19 DESCRIBED BELOW.)

20 2. The powers granted above shall not include the following
 21 powers or shall be modified or limited in the following
 22 particulars (here you may include any specific limitations you
 23 deem appropriate, such as a prohibition or conditions on the
 24 sale of particular stock or real estate or special rules on
 25 borrowing by the agent):

26

1
 2
 3
 4

5 3. In addition to the powers granted above, I grant my
 6 agent the following powers (here you may add any other
 7 delegable powers including, without limitation, power to make
 8 gifts, exercise powers of appointment, name or change
 9 beneficiaries or joint tenants or revoke or amend any trust
 10 specifically referred to below):

11
 12
 13
 14
 15

16 (YOUR AGENT WILL HAVE AUTHORITY TO EMPLOY OTHER PERSONS AS
 17 NECESSARY TO ENABLE THE AGENT TO PROPERLY EXERCISE THE POWERS
 18 GRANTED IN THIS FORM, BUT YOUR AGENT WILL HAVE TO MAKE ALL
 19 DISCRETIONARY DECISIONS. IF YOU WANT TO GIVE YOUR AGENT THE
 20 RIGHT TO DELEGATE DISCRETIONARY DECISION-MAKING POWERS TO
 21 OTHERS, YOU SHOULD KEEP THE NEXT SENTENCE, OTHERWISE IT SHOULD
 22 BE STRUCK OUT.)

23 4. My agent shall have the right by written instrument to
 24 delegate any or all of the foregoing powers involving
 25 discretionary decision-making to any person or persons whom my
 26 agent may select, but such delegation may be amended or revoked

1 by any agent (including any successor) named by me who is
2 acting under this power of attorney at the time of reference.

3 (YOUR AGENT WILL BE ENTITLED TO REIMBURSEMENT FOR ALL
4 REASONABLE EXPENSES INCURRED IN ACTING UNDER THIS POWER OF
5 ATTORNEY. STRIKE OUT THE NEXT SENTENCE IF YOU DO NOT WANT YOUR
6 AGENT TO ALSO BE ENTITLED TO REASONABLE COMPENSATION FOR
7 SERVICES AS AGENT.)

8 5. My agent shall be entitled to reasonable compensation
9 for services rendered as agent under this power of attorney.

10 (THIS POWER OF ATTORNEY MAY BE AMENDED OR REVOKED BY YOU AT ANY
11 TIME AND IN ANY MANNER. ABSENT AMENDMENT OR REVOCATION, THE
12 AUTHORITY GRANTED IN THIS POWER OF ATTORNEY WILL BECOME
13 EFFECTIVE AT THE TIME THIS POWER IS SIGNED AND WILL CONTINUE
14 UNTIL YOUR DEATH UNLESS A LIMITATION ON THE BEGINNING DATE OR
15 DURATION IS MADE BY INITIALING AND COMPLETING EITHER (OR BOTH)
16 OF THE FOLLOWING:)

17 6. () This power of attorney shall become effective on
18
19 (insert a future date or event during your lifetime, such as
20 court determination of your disability, when you want this
21 power to first take effect)

22 7. () This power of attorney shall terminate on
23
24 (insert a future date or event, such as court determination of
25 your disability, when you want this power to terminate prior to
26 your death)

1 (IF YOU WISH TO NAME SUCCESSOR AGENTS, INSERT THE NAME(S) AND
2 ADDRESS(ES) OF SUCH SUCCESSOR(S) IN THE FOLLOWING PARAGRAPH.)

3 8. If any agent named by me shall die, become incompetent,
4 resign or refuse to accept the office of agent, I name the
5 following (each to act alone and successively, in the order
6 named) as successor(s) to such agent:

7
8

9 For purposes of this paragraph 8, a person shall be considered
10 to be incompetent if and while the person is a minor or an
11 adjudicated incompetent or disabled person or the person is
12 unable to give prompt and intelligent consideration to business
13 matters, as certified by a licensed physician. (IF YOU WISH TO
14 NAME YOUR AGENT AS GUARDIAN OF YOUR ESTATE, IN THE EVENT A
15 COURT DECIDES THAT ONE SHOULD BE APPOINTED, YOU MAY, BUT ARE
16 NOT REQUIRED TO, DO SO BY RETAINING THE FOLLOWING PARAGRAPH.
17 THE COURT WILL APPOINT YOUR AGENT IF THE COURT FINDS THAT SUCH
18 APPOINTMENT WILL SERVE YOUR BEST INTERESTS AND WELFARE. STRIKE
19 OUT PARAGRAPH 9 IF YOU DO NOT WANT YOUR AGENT TO ACT AS
20 GUARDIAN.)

21 9. If a guardian of my estate (my property) is to be
22 appointed, I nominate the agent acting under this power of
23 attorney as such guardian, to serve without bond or security.

24 10. I am fully informed as to all the contents of this form
25 and understand the full import of this grant of powers to my
26 agent.

1 Signed

2 (principal)

3 (YOU MAY, BUT ARE NOT REQUIRED TO, REQUEST YOUR AGENT AND
4 SUCCESSOR AGENTS TO PROVIDE SPECIMEN SIGNATURES BELOW. IF YOU
5 INCLUDE SPECIMEN SIGNATURES IN THIS POWER OF ATTORNEY, YOU MUST
6 COMPLETE THE CERTIFICATION OPPOSITE THE SIGNATURES OF THE
7 AGENTS.)

8 Specimen signatures of I certify that the signatures
9 agent (and successors) of my agent (and successors)
10 are correct.

11

12 (agent) (principal)

13

14 (successor agent) (principal)

15

16 (successor agent) (principal)

17 (THIS POWER OF ATTORNEY WILL NOT BE EFFECTIVE UNLESS IT IS
18 NOTARIZED AND SIGNED BY AT LEAST ONE ADDITIONAL WITNESS, USING
19 THE FORM BELOW.)

20 State of

21) SS.

22 County of

23 The undersigned, a notary public in and for the above
24 county and state, certifies that,
25 known to me to be the same person whose name is subscribed as
26 principal to the foregoing power of attorney, appeared before

1 me and the additional witness in person and acknowledged
2 signing and delivering the instrument as the free and voluntary
3 act of the principal, for the uses and purposes therein set
4 forth (, and certified to the correctness of the signature(s)
5 of the agent(s)).

6 Dated: (SEAL)

7

8 Notary Public

9 My commission expires

10 The undersigned witness certifies that, known
11 to me to be the same person whose name is subscribed as
12 principal to the foregoing power of attorney, appeared before
13 me and the notary public and acknowledged signing and
14 delivering the instrument as the free and voluntary act of the
15 principal, for the uses and purposes therein set forth. I
16 believe him or her to be of sound mind and memory.

17 Dated: (SEAL)

18

19 Witness

20 (THE NAME AND ADDRESS OF THE PERSON PREPARING THIS FORM SHOULD
21 BE INSERTED IF THE AGENT WILL HAVE POWER TO CONVEY ANY INTEREST
22 IN REAL ESTATE.)

23 This document was prepared by:

24

25 "

26 The requirement of the signature of an additional witness

1 imposed by this amendatory Act of the 91st General Assembly
2 applies only to instruments executed on or after the effective
3 date of this amendatory Act of the 91st General Assembly.

4 (Source: P.A. 91-790, eff. 6-9-00.)

5 (Text of Section after amendment by P.A. 96-1195)

6 Sec. 3-3. Statutory short form power of attorney for
7 property.

8 (a) The form prescribed in this Section may be known as
9 "statutory property power" and may be used to grant an agent
10 powers with respect to property and financial matters. The
11 "statutory property power" consists of the following: (1)
12 Notice to the Individual Signing the Illinois Statutory Short
13 Form Power of Attorney for Property; (2) Illinois Statutory
14 Short Form Power of Attorney for Property; and (3) Notice to
15 Agent. When a power of attorney in substantially the form
16 prescribed in this Section is used, including all 3 items
17 above, with item (1), the Notice to Individual Signing the
18 Illinois Statutory Short Form Power of Attorney for Property,
19 on a separate sheet (coversheet) in 14-point type and the
20 notarized form of acknowledgment at the end, it shall have the
21 meaning and effect prescribed in this Act.

22 (b) A power of attorney shall also be deemed to be in
23 substantially the same format as the statutory form if the
24 explanatory language throughout the form (the language
25 following the designation "NOTE:") is distinguished in some way

1 from the legal paragraphs in the form, such as the use of
2 boldface or other difference in typeface and font or point
3 size, even if the "Notice" paragraphs at the beginning are not
4 on a separate sheet of paper or are not in 14-point type, or if
5 the principal's initials do not appear in the acknowledgement
6 at the end of the "Notice" paragraphs.

7 The validity of a power of attorney as meeting the
8 requirements of a statutory property power shall not be
9 affected by the fact that one or more of the categories of
10 optional powers listed in the form are struck out or the form
11 includes specific limitations on or additions to the agent's
12 powers, as permitted by the form. Nothing in this Article shall
13 invalidate or bar use by the principal of any other or
14 different form of power of attorney for property. Nonstatutory
15 property powers (i) must be executed by the principal, (ii)
16 must designate the agent and the agent's powers, (iii) must be
17 signed by at least one witness to the principal's signature,
18 and (iv) must indicate that the principal has acknowledged his
19 or her signature before a notary public. However, nonstatutory
20 property powers need not conform in any other respect to the
21 statutory property power.

22 (c) The Notice to the Individual Signing the Illinois
23 Statutory Short Form Power of Attorney for Property shall be
24 substantially as follows:

25 "NOTICE TO THE INDIVIDUAL SIGNING THE ILLINOIS

1 STATUTORY SHORT FORM POWER OF ATTORNEY FOR PROPERTY.

2 PLEASE READ THIS NOTICE CAREFULLY. The form that you will
3 be signing is a legal document. It is governed by the Illinois
4 Power of Attorney Act. If there is anything about this form
5 that you do not understand, you should ask a lawyer to explain
6 it to you.

7 The purpose of this Power of Attorney is to give your
8 designated "agent" broad powers to handle your financial
9 affairs, which may include the power to pledge, sell, or
10 dispose of any of your real or personal property, even without
11 your consent or any advance notice to you. When using the
12 Statutory Short Form, you may name successor agents, but you
13 may not name co-agents.

14 This form does not impose a duty upon your agent to handle
15 your financial affairs, so it is important that you select an
16 agent who will agree to do this for you. It is also important
17 to select an agent whom you trust, since you are giving that
18 agent control over your financial assets and property. Any
19 agent who does act for you has a duty to act in good faith for
20 your benefit and to use due care, competence, and diligence. He
21 or she must also act in accordance with the law and with the
22 directions in this form. Your agent must keep a record of all
23 receipts, disbursements, and significant actions taken as your
24 agent.

25 Unless you specifically limit the period of time that this

1 Power of Attorney will be in effect, your agent may exercise
 2 the powers given to him or her throughout your lifetime, both
 3 before and after you become incapacitated. A court, however,
 4 can take away the powers of your agent if it finds that the
 5 agent is not acting properly. You may also revoke this Power of
 6 Attorney if you wish.

7 This Power of Attorney does not authorize your agent to
 8 appear in court for you as an attorney-at-law or otherwise to
 9 engage in the practice of law unless he or she is a licensed
 10 attorney who is authorized to practice law in Illinois.

11 The powers you give your agent are explained more fully in
 12 Section 3-4 of the Illinois Power of Attorney Act. This form is
 13 a part of that law. The "NOTE" paragraphs throughout this form
 14 are instructions.

15 You are not required to sign this Power of Attorney, but it
 16 will not take effect without your signature. You should not
 17 sign this Power of Attorney if you do not understand everything
 18 in it, and what your agent will be able to do if you do sign it.

19 Please place your initials on the following line indicating
 20 that you have read this Notice:

21
 22 Principal's initials"

23 (d) The Illinois Statutory Short Form Power of Attorney for
 24 Property shall be substantially as follows:

1 "ILLINOIS STATUTORY SHORT FORM
 2 POWER OF ATTORNEY FOR PROPERTY

3 1. I,, (insert name and address of
 4 principal) hereby revoke all prior powers of attorney for
 5 property executed by me, other than excluded powers of attorney
 6 as defined in the Illinois Power of Attorney Act, and appoint:
 7

8 (insert name and address of agent)

9 (NOTE: You may not name co-agents using this form.)

10 as my attorney-in-fact (my "agent") to act for me and in my
 11 name (in any way I could act in person) with respect to the
 12 following powers, as defined in Section 3-4 of the "Statutory
 13 Short Form Power of Attorney for Property Law" (including all
 14 amendments), but subject to any limitations on or additions to
 15 the specified powers inserted in paragraph 2 or 3 below:

16 (NOTE: You must strike out any one or more of the following
 17 categories of powers you do not want your agent to have.
 18 Failure to strike the title of any category will cause the
 19 powers described in that category to be granted to the agent.
 20 To strike out a category you must draw a line through the title
 21 of that category.)

22 (a) Real estate transactions.

23 (b) Financial institution transactions.

- 1 (c) Stock and bond transactions.
- 2 (d) Tangible personal property transactions.
- 3 (e) Safe deposit box transactions.
- 4 (f) Insurance and annuity transactions.
- 5 (g) Retirement plan transactions.
- 6 (h) Social Security, employment and military service
- 7 benefits.
- 8 (i) Tax matters.
- 9 (j) Claims and litigation.
- 10 (k) Commodity and option transactions.
- 11 (l) Business operations.
- 12 (m) Borrowing transactions.
- 13 (n) Estate transactions.
- 14 (o) All other property transactions.

15 (NOTE: Limitations on and additions to the agent's powers may
 16 be included in this power of attorney if they are specifically
 17 described below.)

18 2. The powers granted above shall not include the following
 19 powers or shall be modified or limited in the following
 20 particulars:

21 (NOTE: Here you may include any specific limitations you deem
 22 appropriate, such as a prohibition or conditions on the sale of
 23 particular stock or real estate or special rules on borrowing
 24 by the agent.)

25
 26

1
 2
 3

4 3. In addition to the powers granted above, I grant my
 5 agent the following powers:

6 (NOTE: Here you may add any other delegable powers including,
 7 without limitation, power to make gifts, exercise powers of
 8 appointment, name or change beneficiaries or joint tenants or
 9 revoke or amend any trust specifically referred to below.)

10
 11
 12
 13
 14

15 (NOTE: Your agent will have authority to employ other persons
 16 as necessary to enable the agent to properly exercise the
 17 powers granted in this form, but your agent will have to make
 18 all discretionary decisions. If you want to give your agent the
 19 right to delegate discretionary decision-making powers to
 20 others, you should keep paragraph 4, otherwise it should be
 21 struck out.)

22 4. My agent shall have the right by written instrument to
 23 delegate any or all of the foregoing powers involving
 24 discretionary decision-making to any person or persons whom my
 25 agent may select, but such delegation may be amended or revoked
 26 by any agent (including any successor) named by me who is

1 acting under this power of attorney at the time of reference.

2 (NOTE: Your agent will be entitled to reimbursement for all
3 reasonable expenses incurred in acting under this power of
4 attorney. Strike out paragraph 5 if you do not want your agent
5 to also be entitled to reasonable compensation for services as
6 agent.)

7 5. My agent shall be entitled to reasonable compensation
8 for services rendered as agent under this power of attorney.

9 (NOTE: This power of attorney may be amended or revoked by you
10 at any time and in any manner. Absent amendment or revocation,
11 the authority granted in this power of attorney will become
12 effective at the time this power is signed and will continue
13 until your death, unless a limitation on the beginning date or
14 duration is made by initialing and completing one or both of
15 paragraphs 6 and 7:)

16 6. () This power of attorney shall become effective on
17

18 (NOTE: Insert a future date or event during your lifetime, such
19 as a court determination of your disability or a written
20 determination by your physician that you are incapacitated,
21 when you want this power to first take effect.)

22 7. () This power of attorney shall terminate on
23

24 (NOTE: Insert a future date or event, such as a court
25 determination that you are not under a legal disability or a
26 written determination by your physician that you are not

1 incapacitated, if you want this power to terminate prior to
2 your death.)

3 (NOTE: If you wish to name one or more successor agents, insert
4 the name and address of each successor agent in paragraph 8.)

5 8. If any agent named by me shall die, become incompetent,
6 resign or refuse to accept the office of agent, I name the
7 following (each to act alone and successively, in the order
8 named) as successor(s) to such agent:

9
10

11 For purposes of this paragraph 8, a person shall be considered
12 to be incompetent if and while the person is a minor or an
13 adjudicated incompetent or disabled person or the person is
14 unable to give prompt and intelligent consideration to business
15 matters, as certified by a licensed physician.

16 (NOTE: If you wish to, you may name your agent as guardian of
17 your estate if a court decides that one should be appointed. To
18 do this, retain paragraph 9, and the court will appoint your
19 agent if the court finds that this appointment will serve your
20 best interests and welfare. Strike out paragraph 9 if you do
21 not want your agent to act as guardian.)

22 9. If a guardian of my estate (my property) is to be
23 appointed, I nominate the agent acting under this power of
24 attorney as such guardian, to serve without bond or security.

25 10. I am fully informed as to all the contents of this form
26 and understand the full import of this grant of powers to my

1 agent.

2 (NOTE: This form does not authorize your agent to appear in
3 court for you as an attorney-at-law or otherwise to engage in
4 the practice of law unless he or she is a licensed attorney who
5 is authorized to practice law in Illinois.)

6 11. The Notice to Agent is incorporated by reference and
7 included as part of this form.

8 Dated:

9 Signed

10 (principal)

11 (NOTE: This power of attorney will not be effective unless it
12 is signed by at least one witness and your signature is
13 notarized, using the form below. The notary may not also sign
14 as a witness.)

15 The undersigned witness certifies that, known
16 to me to be the same person whose name is subscribed as
17 principal to the foregoing power of attorney, appeared before
18 me and the notary public and acknowledged signing and
19 delivering the instrument as the free and voluntary act of the
20 principal, for the uses and purposes therein set forth. I
21 believe him or her to be of sound mind and memory. The
22 undersigned witness also certifies that the witness is not: (a)
23 the attending physician or mental health service provider or a
24 relative of the physician or provider; (b) an owner, operator,

1 or relative of an owner or operator of a health care facility
 2 in which the principal is a patient or resident; (c) a parent,
 3 sibling, descendant, or any spouse of such parent, sibling, or
 4 descendant of either the principal or any agent or successor
 5 agent under the foregoing power of attorney, whether such
 6 relationship is by blood, marriage, or adoption; or (d) an
 7 agent or successor agent under the foregoing power of attorney.

8 Dated:

9
 10

Witness

11 (NOTE: Illinois requires only one witness, but other
 12 jurisdictions may require more than one witness. If you wish to
 13 have a second witness, have him or her certify and sign here:)

14 (Second witness) The undersigned witness certifies that
 15, known to me to be the same person whose name
 16 is subscribed as principal to the foregoing power of attorney,
 17 appeared before me and the notary public and acknowledged
 18 signing and delivering the instrument as the free and voluntary
 19 act of the principal, for the uses and purposes therein set
 20 forth. I believe him or her to be of sound mind and memory. The
 21 undersigned witness also certifies that the witness is not: (a)
 22 the attending physician or mental health service provider or a
 23 relative of the physician or provider; (b) an owner, operator,
 24 or relative of an owner or operator of a health care facility

1 in which the principal is a patient or resident; (c) a parent,
 2 sibling, descendant, or any spouse of such parent, sibling, or
 3 descendant of either the principal or any agent or successor
 4 agent under the foregoing power of attorney, whether such
 5 relationship is by blood, marriage, or adoption; or (d) an
 6 agent or successor agent under the foregoing power of attorney.

7 Dated:

8

9 Witness

10 State of

11) SS.

12 County of

13 The undersigned, a notary public in and for the above
 14 county and state, certifies that,
 15 known to me to be the same person whose name is subscribed as
 16 principal to the foregoing power of attorney, appeared before
 17 me and the witness(es) (and) in
 18 person and acknowledged signing and delivering the instrument
 19 as the free and voluntary act of the principal, for the uses
 20 and purposes therein set forth (, and certified to the
 21 correctness of the signature(s) of the agent(s)).

22 Dated:

23

24 Notary Public

25 My commission expires

1 (NOTE: You may, but are not required to, request your agent and
 2 successor agents to provide specimen signatures below. If you
 3 include specimen signatures in this power of attorney, you must
 4 complete the certification opposite the signatures of the
 5 agents.)

6	Specimen signatures of	I certify that the signatures
7	agent (and successors)	of my agent (and successors)
8		are genuine.
9
10	(agent)	(principal)
11
12	(successor agent)	(principal)
13
14	(successor agent)	(principal)

15 (NOTE: The name, address, and phone number of the person
 16 preparing this form or who assisted the principal in completing
 17 this form should be inserted below.)

18 Name:

19 Address:

20

21

22 Phone: "

1 (e) Notice to Agent. The following form may be known as
2 "Notice to Agent" and shall be supplied to an agent appointed
3 under a power of attorney for property.

4 "NOTICE TO AGENT

5 When you accept the authority granted under this power of
6 attorney a special legal relationship, known as agency, is
7 created between you and the principal. Agency imposes upon you
8 duties that continue until you resign or the power of attorney
9 is terminated or revoked.

10 As agent you must:

11 (1) do what you know the principal reasonably expects
12 you to do with the principal's property;

13 (2) act in good faith for the best interest of the
14 principal, using due care, competence, and diligence;

15 (3) keep a complete and detailed record of all
16 receipts, disbursements, and significant actions conducted
17 for the principal;

18 (4) attempt to preserve the principal's estate plan, to
19 the extent actually known by the agent, if preserving the
20 plan is consistent with the principal's best interest; and

21 (5) cooperate with a person who has authority to make
22 health care decisions for the principal to carry out the
23 principal's reasonable expectations to the extent actually
24 in the principal's best interest.

25 As agent you must not do any of the following:

1 (1) act so as to create a conflict of interest that is
2 inconsistent with the other principles in this Notice to
3 Agent;

4 (2) do any act beyond the authority granted in this
5 power of attorney;

6 (3) commingle the principal's funds with your funds;

7 (4) borrow funds or other property from the principal,
8 unless otherwise authorized;

9 (5) continue acting on behalf of the principal if you
10 learn of any event that terminates this power of attorney
11 or your authority under this power of attorney, such as the
12 death of the principal, your legal separation from the
13 principal, or the dissolution of your marriage to the
14 principal.

15 If you have special skills or expertise, you must use those
16 special skills and expertise when acting for the principal. You
17 must disclose your identity as an agent whenever you act for
18 the principal by writing or printing the name of the principal
19 and signing your own name "as Agent" in the following manner:

20 "(Principal's Name) by (Your Name) as Agent"

21 The meaning of the powers granted to you is contained in
22 Section 3-4 of the Illinois Power of Attorney Act, which is
23 incorporated by reference into the body of the power of
24 attorney for property document.

25 If you violate your duties as agent or act outside the
26 authority granted to you, you may be liable for any damages,

1 including attorney's fees and costs, caused by your violation.

2 If there is anything about this document or your duties
3 that you do not understand, you should seek legal advice from
4 an attorney."

5 (f) The requirement of the signature of a witness in
6 addition to the principal and the notary, imposed by Public Act
7 91-790, applies only to instruments executed on or after June
8 9, 2000 (the effective date of that Public Act).

9 (NOTE: This amendatory Act of the 96th General Assembly deletes
10 provisions that referred to the one required witness as an
11 "additional witness", and it also provides for the signature of
12 an optional "second witness".)

13 (Source: P.A. 96-1195, eff. 7-1-11.)"; and

14 on page 3, immediately below line 7, by adding the following:

15 "Section 95. No acceleration or delay. Where this Act makes
16 changes in a statute that is represented in this Act by text
17 that is not yet or no longer in effect (for example, a Section
18 represented by multiple versions), the use of that text does
19 not accelerate or delay the taking effect of (i) the changes
20 made by this Act or (ii) provisions derived from any other
21 Public Act.

22 Section 99. Effective date. This Act takes effect July 1,

1 2011.".