

As Reported by the Senate Judiciary--Civil Justice Committee

126th General Assembly

Regular Session

2005-2006

Sub. H. B. No. 246

**Representatives Oelslager, Willamowski, Aslanides, Barrett, Beatty, Book,
Buehrer, Carano, Coley, Collier, Combs, Daniels, DeGeeter, Domenick,
C. Evans, Gilb, Hagan, Harwood, Healy, Hughes, Latta, McGregor, Otterman,
T. Patton, Reidelbach, Sayre, Schaffer, Schlichter, Seaver, Setzer, Skindell,
G. Smith, J. Stewart, Williams**

Senator Zurz

—

A B I L L

To amend section 2106.18 and to enact sections 1
1337.18, 1337.19, and 1337.20 of the Revised Code 2
to permit a surviving spouse to take a motorcycle 3
as one of the two automobiles the surviving spouse 4
may receive outside of probate, to create a 5
statutory form for the creation of a power of 6
attorney, to set forth the general powers of an 7
attorney in fact under a power of attorney, and to 8
provide for the construction of the powers of an 9
attorney in fact under a power of attorney created 10
by use of the statutory form. 11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2106.18 be amended and sections 12
1337.18, 1337.19, and 1337.20 of the Revised Code be enacted to 13
read as follows: 14

Sec. 1337.18. (A) The following form may be used to create a 15

power of attorney: 16

Power of Attorney 17

[The powers granted by this document are broad and sweeping. They are explained in Ohio Revised Code section 1337.20. If you have any questions about these powers, obtain legal advice. You can use any different form of power of attorney you may desire. This document does not authorize anyone to make health-care decisions for you. You can revoke this power of attorney at any time.] 18
19
20
21
22
23

Principal (Person Granting the Power) 24

Name: 25

.....

Address: 26

.....

..... 27

Telephone: 28

.....

1. Notice to Principal. 29

As the principal, you are using this document to give authority to another person, known as your agent or attorney-in-fact, to make decisions regarding your money and property. Your agent will have the powers that you indicate below to make decisions about your money and property without advance notice to you or approval by you. 30
31
32
33
34
35

Unless expressly authorized in the power of attorney, a power of attorney does not grant authority to an agent to do any of the following: 36
37
38

(a) Create, modify, or revoke a trust; 39

(b) Fund with your property a trust not created by you or a person authorized to create a trust for your benefit; 40
41

(c) Make or revoke a gift of your property in trust or otherwise; 42

(d) Create or change rights of survivorship in your property or in property in which you may have an interest; 43
44

(e) Designate or change the designation of a beneficiary to receive any property, benefit, or contractual right on your death, such as insurance benefits and retirement benefits; 45
46
47

(f) Create in the agent or a person to whom the agent owes a legal duty of support the right to receive property, a benefit, or a contractual right in which you have an interest; 48
49
50

(g) Delegate the powers granted under the power of attorney to another person. 51
52

(h) Elect or change a retirement allowance plan of payment on your behalf under Ohio Revised Code Chapter 145., 742., 3305., 3307., 3309., or 5505., other than a joint and survivor annuity leaving one-half to your spouse if you are married, a single life annuity if you are single, or any plan that includes a partial lump sum option; except that no express authority is necessary to elect a plan that meets the minimum requirements of a court order to elect a plan that will pay a lifetime benefit to a former spouse. 53
54
55
56
57
58
59
60

(i) If authorized under Ohio Revised Code section 145.814, change an election made under Ohio Revised Code section 145.19 or 145.191. 61
62
63

(j) Terminate your membership in the public employees retirement system, state teachers retirement system, school employees retirement system, Ohio police and fire pension fund, or state highway patrol retirement system by withdrawing your accumulated employee contributions. 64
65
66
67
68

The powers that you give to your agent are explained more fully in Ohio Revised Code sections 1337.19 and 1337.20. If you have any questions about this document or the powers that you are giving to your agent, you should obtain legal advice. 69
70
71
72

2. Notice to Agent. 73

Once you accept designation as the agent under this document or 74
exercise authority granted to you by the principal, a fiduciary 75
relationship is created between you and the principal. Unless 76
otherwise modified in this power of attorney, your duties include 77
the duty to do all of the following: 78

(a) Act in good faith, with reasonable care for the best interests 79
of the principal; 80

(b) Take no action beyond the scope of the authority given to you 81
in this document; 82

(c) Keep complete record of all receipts, disbursements, and 83
transactions conducted for the principal. 84

If you violate the terms of this document or the fiduciary duties 85
created by this relationship, you will be liable to the principal 86
or the principal's successors for loss or damage caused by your 87
violation. 88

If there is anything about this document or your duties that you 89
do not understand, you should obtain legal advice. 90

3. Designation of Agent(s). 91

I, the above-named principal, hereby appoint and designate the 92
following as my Attorney(s)-in-Fact. (Insert the name(s), 93
address(es), and telephone number(s) of your agent(s) below. If 94
more space is needed, you may attach additional sheets.) 95

Name: Name: 96
.....

Address: Address: 97
.....

..... 98
Telephone: Telephone: 99
.....

4. Designation of Successor Agent(s). 100

(Optional: acts if any named Agent dies, resigns, or is otherwise 101
unable to act or serve.) 102

I, the above-named principal, hereby appoint and designate the 103
following as my successor Agent(s). 104

First Successor: Second Successor: 105

Name: Name: 106

.....
Address: Address: 107

.....
..... 108

Telephone: Telephone: 109

.....
.....

[If more than one Agent is designated, check the box in front of 110
one of the following statements.] 111

[] Each Agent may independently exercise the powers granted. 112

[] All Agents must jointly exercise the powers granted. 113

[] A majority in number of Agents must jointly exercise the 114
powers granted. 115

Any person can rely on a statement by a successor Agent that he or 116
she is properly acting under this document and may rely 117
conclusively on any action or decision made by that successor 118
Agent. That person does not have to make any further investigation 119
or inquiry. 120

5. Grant of Power. 121

I, the above-named Principal hereby appoint the above named 122
Agent(s) to act as my agent(s) in any way that I could act with 123
respect to the following matters, as each of them is defined in 124
Ohio Revised Code section 1337.20: 125

[To grant all of the following powers, initial the line in front 126

of (W) and ignore the lines in front of the other powers. To grant 127
one or more, but fewer than all, of the following powers, initial 128
the line in front of each power you are granting. To withhold a 129
power, do not initial the line in front of it. You may, but need 130
not, cross out each power withheld.] 131

Initial 132

- (A) Real property transactions 133
- (B) Tangible personal property transactions 134
- (C) Stock and bond transactions 135
- (D) Commodity and option transactions 136
- (E) Banking and other financial institution 137
transactions
- (F) Business operating transactions 138
- (G) Proprietary interests and materials transactions 139
- (H) Insurance and annuity transactions 140
- (I) Retirement plan transactions 141
- (J) Safe deposit box transactions 142
- (K) Estate, trust, and other beneficiary transactions 143
- (L) Borrowing transactions 144
- (M) Fiduciary transactions 145
- (N) Personal relationships and affairs 146
- (O) Benefits from Social Security, Medicare, 147
Medicaid, and other governmental programs, or
military service
- (P) Records, reports, and statements 148
- (Q) Tax matters 149
- (R) Licenses 150
- (S) Access to documents 151
- (T) Employment of agents 152
- (U) Power to delegate 153
- (V) Claims and litigation 154
- (W) All powers listed above 155

<u>Special Instructions:</u>	156
<u>[On the following lines or on additional pages you may give</u>	157
<u>special instructions limiting or extending the powers granted to</u>	158
<u>your Agent.]</u>	159
.....	160
.....	161
.....	162
.....	163
.....	164
<u>6. Commencement and Duration of Power.</u>	165
<u>This power of attorney is effective:</u>	166
<u>[Check the appropriate box below to the left of your choice. If</u>	167
<u>you do not check any box, this power of attorney will become</u>	168
<u>effective when you sign it.]</u>	169
<u>[] Immediately.</u>	170
<u>[] Upon my incapacity as determined by the following person or</u>	171
<u>persons and set forth in an affidavit:</u>	172
.....	173
.....	174
<u>[] Upon my incapacity as determined by two physicians and set</u>	175
<u>forth in an affidavit.</u>	176
<u>[] Upon the following future date or event:</u>	177
.....	178
.....	179
<u>This power of attorney shall terminate:</u>	180
<u>[Check the appropriate box below to the left of your choice. If</u>	181
<u>you do not check any box, this power of attorney will terminate</u>	182
<u>upon your death.]</u>	183
<u>[] Upon my death.</u>	184

<u>[] Upon my incapacity as determined by the following person or</u>	185
<u>persons and set forth in an affidavit:</u>	186
.....	187
.....	188
<u>[] Upon my incapacity as determined by two physicians and set</u>	189
<u>forth in an affidavit.</u>	190
<u>[] Upon the following future date or event:</u>	191
.....	192
.....	193
<u>7. Durability of Power.</u>	194
<u>[The authority granted in this power of attorney can be effective</u>	195
<u>even during a period of disability. Check the appropriate box</u>	196
<u>below if you want this power of attorney to be effective or to not</u>	197
<u>be effective during any period of disability.]</u>	198
<u>[] This power of attorney will continue in force and effect even</u>	199
<u>during any period in which I am disabled.</u>	200
<u>[] This power of attorney will not be in force and will have no</u>	201
<u>effect during any period in which I am disabled.</u>	202
<u>8. Obtaining Personal Health Information.</u>	203
<u>[] My Agent shall be treated as my personal representative for</u>	204
<u>all purposes relating to my Personal Health Information as</u>	205
<u>provided in 45 CFR 164.502(g)(2) and for the Health Insurance</u>	206
<u>Portability and Accountability Act of 1996.</u>	207
<u>[] My Agent shall not be treated as my personal representative</u>	208
<u>for any purposes relating to my Personal Health Information as</u>	209
<u>provided in 45 CFR 164.502(g)(2) and for the Health Insurance</u>	210
<u>Portability and Accountability Act of 1996.</u>	211
<u>9. Compensation of Agent.</u>	212
<u>[Your Agent will be reimbursed for all reasonable expenses</u>	213

incurred in acting under this power of attorney. Check the 214
appropriate box below to indicate whether you want your Agent also 215
to be reasonably paid or not to be paid for services rendered as 216
Agent.] 217

[] My Agent is entitled to reasonable compensation for services 218
rendered as Agent under this power of attorney. 219

[] My Agent shall not receive any compensation for services 220
rendered as Agent under this power of attorney. 221

10. Exoneration of Agent(s). 222

My Agent is released from any liability to me and my estate 223
arising out of the acts or failures to act of my Agent, except for 224
willful misconduct or gross negligence. I agree to indemnify and 225
hold my Agent harmless against any liability or expense, including 226
attorney's fees, that my Agent may incur as the result of acting 227
or failing to act under this instrument, except for liability and 228
expense resulting from willful misconduct or gross negligence. 229

11. Exoneration of Third Parties. 230

I agree that any third party who receives a copy of this document 231
may act under it. Revocation of the power of attorney is not 232
effective as to a third party until the third party learns of the 233
revocation. I agree to indemnify the third party for any claims 234
that arise against the third party because of reliance on this 235
power of attorney. 236

12. Self-Dealing. 237

[With respect to the Agent's right to or not to enter into 238
transactions with you, check the box in front of one of the 239
following statements.] 240

[] My Agent can enter into transactions with me or in my behalf 241
in which my Agent is personally interested as long as the terms of 242
the transaction are fair to me, notwithstanding any law 243

<u>prohibiting acts of self-dealing.</u>	244
<u>[] My Agent cannot enter into transactions with me or in my</u>	245
<u>behalf in which my Agent is personally interested.</u>	246
<u>13. Property to Which this Instrument Applies.</u>	247
<u>[Your Agent will have authority over some or all of your property.</u>	248
<u>Check the appropriate box below to indicate whether your Agent's</u>	249
<u>authority is over all of your property or over only some of your</u>	250
<u>property. If your Agent's authority is over only some of your</u>	251
<u>property, identify the property not subject to this power of</u>	252
<u>attorney.]</u>	253
<u>[] This instrument will apply to all of my property, real or</u>	254
<u>personal, wherever located.</u>	255
<u>[] This instrument will apply to all of my property, real or</u>	256
<u>personal, wherever located except for the following:</u>	257
<u>[On the following lines or on additional pages you may list</u>	258
<u>property not subject to this power of attorney.]</u>	259
<u>.....</u>	260
<u>.....</u>	261
<u>.....</u>	262
<u>.....</u>	263
<u>.....</u>	264
<u>14. Amending and Revocation.</u>	265
<u>I may amend or revoke this power of attorney at any time by a</u>	266
<u>signed instrument delivered to my Agent. If this instrument has</u>	267
<u>been filed or recorded in public records, then any amendment or</u>	268
<u>revocation also will be similarly filed or recorded, but a similar</u>	269
<u>filing or recording of the amendment or revocation will not be</u>	270
<u>necessary to effectuate the amendment or revocation with respect</u>	271
<u>to my Agent and to all persons who have actual knowledge of the</u>	272
<u>amendment or revocation.</u>	273

<u>15. Nomination of Guardian.</u>	274
<u>[With respect to your right to nominate a guardian of your person</u>	275
<u>or estate, or both, check the box in front of one of the following</u>	276
<u>statements.]</u>	277
<u>[] If a guardian or conservator is ever needed for my estate, I</u>	278
<u>nominate my Agent or any other person that my Agent nominates as</u>	279
<u>my guardian or conservator. This nomination revokes any other</u>	280
<u>nomination I may have made in any other document dated prior to</u>	281
<u>the date of this power of attorney, including any nomination set</u>	282
<u>forth in a Health Care Durable Power of Attorney.</u>	283
<u>[] If a guardian or conservator is ever needed for my estate, I</u>	284
<u>nominate as my guardian or conservator.</u>	285
<u>This nomination revokes any other nomination I may have made in</u>	286
<u>any other document dated prior to the date of this power of</u>	287
<u>attorney, including any nomination set forth in a Health Care</u>	288
<u>Durable Power of Attorney.</u>	289
<u>[] I do not nominate any person as the guardian or conservator of</u>	290
<u>my estate under this instrument.</u>	291
<u>16. Governing Law.</u>	292
<u>The laws of the State of Ohio will govern all questions pertaining</u>	293
<u>to the validity and construction of this power of attorney.</u>	294
<u>IN WITNESS WHEREOF, I have signed this Power of Attorney on [Date]</u>	295
<u>.....</u>	296
<u>.....</u>	297
<u>(Principal's Signature)</u>	298
<u>[This instrument should be notarized or witnessed, or both, as</u>	299
<u>applicable law may require or as may be desired.]</u>	300
<u>On [Date], this instrument was signed by</u>	301
<u>..... [Name of Principal] in our presence and</u>	302
<u>was acknowledged and declared by the Principal to be the</u>	303

Principal's Power of Attorney. Immediately thereafter, at the 304
Principal's request, in the Principal's presence, and in the 305
presence of each other, we signed this instrument as subscribing 306
witnesses. 307

..... 308
(Witness) (Witness) 309

This document was acknowledged before me 310
[Date] by [Name of Principal] who is 311
known to me or from whom I have obtained adequate proof of 312
identity. 313

..... 314
(Signature of notarial officer) 315
(Seal, if any) 316

.....
(Title and Rank) 317
[My commission expires: 318
.....]

(B) Except as otherwise required by the Revised Code, a 319
person may create a power of attorney using the form set forth in 320
division (A) of this section or any other form that is valid under 321
the common law of this state. 322

(C) A power of attorney may incorporate by reference any one 323
or more powers set forth in section 1337.20 of the Revised Code by 324
referencing the appropriate division of that section and the power 325
or powers to be incorporated. 326

Sec. 1337.19. By executing a power of attorney in the form 327
set forth in division (A) of section 1337.18 of the Revised Code 328
or any other power of attorney that incorporates by reference a 329
power set forth in section 1337.20 of the Revised Code, the 330
principal, except as modified in the power of attorney, authorizes 331
the attorney in fact with respect to that power to do all of the 332

<u>following:</u>	333
<u>(A) Demand, receive, and obtain by litigation or otherwise</u>	334
<u>money or any other thing of value to which the principal is, may</u>	335
<u>become, or claims to be entitled and conserve, invest, disburse,</u>	336
<u>or use anything so received for the purposes intended;</u>	337
<u>(B) Contract in any manner with any person, on terms</u>	338
<u>agreeable to the attorney in fact, to accomplish a purpose of a</u>	339
<u>transaction, and perform, rescind, reform, release, or modify the</u>	340
<u>contract or another contract made by or for the principal;</u>	341
<u>(C) Execute, acknowledge, seal, and deliver a deed,</u>	342
<u>revocation, mortgage, security interest, lease, notice, check,</u>	343
<u>promissory note, electronic funds transfer, release, or other</u>	344
<u>instrument or communication the attorney in fact considers</u>	345
<u>desirable to accomplish a purpose of a transaction;</u>	346
<u>(D) Prosecute, defend, submit to arbitration, settle, or</u>	347
<u>propose or accept a compromise with respect to a claim existing in</u>	348
<u>favor of or against the principal or intervene in litigation</u>	349
<u>relating to the claim;</u>	350
<u>(E) Seek on the principal's behalf the assistance of a court</u>	351
<u>to carry out an act authorized by the power of attorney;</u>	352
<u>(F) Engage, compensate, and discharge an attorney,</u>	353
<u>accountant, expert witness, or other assistant;</u>	354
<u>(G) Keep appropriate records of each transaction, including</u>	355
<u>an accounting of receipts and disbursements;</u>	356
<u>(H) Prepare, execute, and file a record, report, or other</u>	357
<u>document the attorney in fact considers desirable to safeguard or</u>	358
<u>promote the principal's interest under a statute or governmental</u>	359
<u>regulation;</u>	360
<u>(I) Reimburse the attorney in fact for expenditures properly</u>	361

made by the attorney in fact in exercising the powers granted by 362
the power of attorney; 363

(J) Do any other lawful act with respect to the power of 364
attorney. 365

Sec. 1337.20. Except as modified by the principal, a power of 366
attorney created by use of the form set forth in section 1337.18 367
of the Revised Code or any other power of attorney that 368
incorporates by reference any of the powers set forth below shall 369
be construed as follows: 370

(A) Language in a power of attorney that grants power with 371
respect to transactions concerning real property authorizes the 372
attorney in fact to do all of the following: 373

(1) Accept as a gift or as security for a loan, reject, 374
demand, buy, lease, receive, or otherwise acquire an interest in 375
real property, a right incident to real property, or real property 376
held in an undisclosed trust; 377

(2) Sell, exchange, convey with or without covenants, 378
quitclaim, release, surrender, mortgage, encumber, partition, 379
consent to partitioning, subdivide, apply for zoning, rezoning, or 380
other governmental permits, plat or consent to platting, develop, 381
grant options concerning, lease, sublease, or otherwise dispose of 382
an interest in real property or a right incident to real property; 383

(3) Release, assign, satisfy, and enforce by litigation or 384
otherwise a mortgage, deed of trust, encumbrance, lien, or other 385
claim to real property that exists or is asserted; 386

(4) Do any act of management or of conservation with respect 387
to an interest in real property, or a right incident to real 388
property, owned or claimed to be owned by the principal, 389
including, but not limited to, all of the following: 390

(a) Insure against a casualty, liability, or loss; 391

<u>(b) Obtain or regain possession or protect, by litigation or otherwise;</u>	392
	393
<u>(c) Pay, compromise, or contest taxes or assessments or apply for and receive refunds in connection with taxes or assessments;</u>	394
	395
<u>(d) Purchase supplies, hire assistance or labor, and make repairs or alterations;</u>	396
	397
<u>(5) Use, develop, alter, replace, remove, erect, or install structures or other improvements upon real property in or incident to which the principal has, or claims to have, an interest or right;</u>	398
	399
	400
	401
<u>(6) Participate in a reorganization with respect to real property or a legal entity that owns an interest in or right incident to real property and receive and hold, directly or indirectly, shares of stock or obligations received in a plan of reorganization, and act with respect to them, including, but not limited to, all of the following:</u>	402
	403
	404
	405
	406
	407
<u>(a) Sell or otherwise dispose of the shares or obligations;</u>	408
<u>(b) Exercise or sell an option, conversion, or similar right with respect to the shares or obligations;</u>	409
	410
<u>(c) Vote shares in person or by proxy;</u>	411
<u>(7) If specifically authorized in the power of attorney, change the form of title of an interest in or right incident to real property;</u>	412
	413
	414
<u>(8) Dedicate to public use, with or without consideration, easements or other real property in which the principal has, or claims to have, an interest.</u>	415
	416
	417
<u>(B) Language in a power of attorney granting power with respect to transactions concerning tangible personal property authorizes the attorney in fact to do all of the following:</u>	418
	419
	420

(1) Accept as a gift or as security for a loan, reject, demand, buy, receive, or otherwise acquire ownership or possession of tangible personal property or an interest in tangible personal property; 421
422
423
424

(2) Sell, exchange, convey with or without covenants, release, surrender, create a security interest in, grant options concerning, lease, sublease to others, or otherwise dispose of tangible personal property or an interest in tangible personal property; 425
426
427
428
429

(3) Release, assign, satisfy, or enforce, by litigation or otherwise, a security interest, lien, or other claim with respect to tangible personal property or an interest in tangible personal property; 430
431
432
433

(4) Do an act of management or conservation with respect to tangible personal property or an interest in tangible personal property, including, but not limited to, all of the following: 434
435
436

(a) Insure against casualty, liability, or loss; 437

(b) Obtain or regain possession, or protect, by litigation or otherwise; 438
439

(c) Pay, compromise, or contest taxes or assessments or apply for and receive refunds in connection with taxes or assessments; 440
441

(d) Move from place to place; 442

(e) Store for hire or on a gratuitous bailment; 443

(f) Use, alter, and make repairs or alterations; 444

(5) If specifically authorized in the power of attorney, change the form of title of an interest in or right incident to tangible personal property. 445
446
447

(C) Language in a power of attorney granting power with respect to transactions concerning stocks and bonds authorizes the 448
449

<u>attorney in fact to do all of the following:</u>	450
<u>(1) Buy, sell, and exchange stocks, bonds, mutual funds, and</u>	451
<u>all other types of securities and financial instruments, whether</u>	452
<u>held directly or indirectly, except commodity futures contracts</u>	453
<u>and call and put options on stocks and stock indexes;</u>	454
<u>(2) Receive certificates and other evidences of ownership</u>	455
<u>with respect to securities;</u>	456
<u>(3) Exercise voting rights with respect to securities in</u>	457
<u>person, in writing, or by proxy;</u>	458
<u>(4) Enter into voting trusts;</u>	459
<u>(5) Consent to limitations on the right to vote.</u>	460
<u>(D) Language in a power of attorney granting power with</u>	461
<u>respect to transactions concerning commodities and options</u>	462
<u>authorizes the attorney in fact to do all of the following:</u>	463
<u>(1) Buy, sell, exchange, assign, settle, and exercise</u>	464
<u>commodity futures contracts and call and put options on stocks and</u>	465
<u>stock indexes traded on a regulated option exchange;</u>	466
<u>(2) Establish, continue, modify, and terminate option</u>	467
<u>accounts with a broker.</u>	468
<u>(E) Language granting power with respect to transactions</u>	469
<u>concerning banks and other financial institutions authorizes the</u>	470
<u>attorney in fact to do all of the following:</u>	471
<u>(1) Continue, modify, and terminate an account or other</u>	472
<u>banking arrangement made by or for the principal;</u>	473
<u>(2) Establish, modify, and terminate an account or other</u>	474
<u>banking arrangement with a bank, trust company, savings and loan</u>	475
<u>association, credit union, thrift company, brokerage firm, or</u>	476
<u>other financial institution selected by the attorney in fact;</u>	477
<u>(3) Contract to procure other services available from a</u>	478

<u>financial institution as the attorney in fact considers desirable;</u>	479
<u>(4) Withdraw by check, order, or otherwise money or property</u>	480
<u>of the principal deposited with or left in the custody of a</u>	481
<u>financial institution;</u>	482
<u>(5) Receive bank statements, vouchers, notices, and similar</u>	483
<u>documents from a financial institution and act with respect to</u>	484
<u>them;</u>	485
<u>(6) Borrow money at an interest rate agreeable to the</u>	486
<u>attorney in fact and pledge as security personal property of the</u>	487
<u>principal necessary in order to borrow, pay, renew, or extend the</u>	488
<u>time of payment of a debt of the principal;</u>	489
<u>(7) Make, assign, draw, endorse, discount, guarantee, and</u>	490
<u>negotiate promissory notes, checks, drafts, and other negotiable</u>	491
<u>or nonnegotiable paper of the principal, or payable to the</u>	492
<u>principal or the principal's order, make funds transfers, receive</u>	493
<u>the cash or other proceeds of those transactions, and accept and</u>	494
<u>pay when due a draft drawn by a person upon the principal;</u>	495
<u>(8) Receive and act upon a sight draft, warehouse receipt, or</u>	496
<u>other negotiable or nonnegotiable instrument;</u>	497
<u>(9) Apply for and receive letters of credit, credit and debit</u>	498
<u>cards, and traveler's checks from a financial institution, and</u>	499
<u>give an indemnity or other agreement in connection with letters of</u>	500
<u>credit;</u>	501
<u>(10) Consent to an extension of the time of payment with</u>	502
<u>respect to commercial paper or a financial transaction with a</u>	503
<u>financial institution.</u>	504
<u>(F) Language in a power of attorney granting power with</u>	505
<u>respect to operating a business authorizes the attorney in fact to</u>	506
<u>do all of the following:</u>	507
<u>(1) Operate, buy, sell, enlarge, reduce, or terminate a</u>	508

<u>business interest;</u>	509
<u>(2) Subject to the terms of a partnership agreement or operating agreement, do all of the following:</u>	510
<u>(a) Perform a duty or discharge a liability and exercise a right, power, privilege, or option that the principal has, may have, or claims to have, under the partnership agreement or operating agreement;</u>	511
<u>(a) Perform a duty or discharge a liability and exercise a right, power, privilege, or option that the principal has, may have, or claims to have, under the partnership agreement or operating agreement;</u>	512
<u>(a) Perform a duty or discharge a liability and exercise a right, power, privilege, or option that the principal has, may have, or claims to have, under the partnership agreement or operating agreement;</u>	513
<u>(a) Perform a duty or discharge a liability and exercise a right, power, privilege, or option that the principal has, may have, or claims to have, under the partnership agreement or operating agreement;</u>	514
<u>(a) Perform a duty or discharge a liability and exercise a right, power, privilege, or option that the principal has, may have, or claims to have, under the partnership agreement or operating agreement;</u>	515
<u>(b) Enforce the terms of the partnership agreement or operating agreement by litigation or otherwise;</u>	516
<u>(b) Enforce the terms of the partnership agreement or operating agreement by litigation or otherwise;</u>	517
<u>(c) Defend, submit to arbitration, settle, or compromise litigation to which the principal is a party because of membership in a partnership or limited liability company;</u>	518
<u>(c) Defend, submit to arbitration, settle, or compromise litigation to which the principal is a party because of membership in a partnership or limited liability company;</u>	519
<u>(c) Defend, submit to arbitration, settle, or compromise litigation to which the principal is a party because of membership in a partnership or limited liability company;</u>	520
<u>(3) Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or option the principal has or claims to have as the holder of a bond, share, or other instrument of similar character and defend, submit to arbitration, settle, or compromise litigation to which the principal is a party because of a bond, share, or similar instrument;</u>	521
<u>(3) Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or option the principal has or claims to have as the holder of a bond, share, or other instrument of similar character and defend, submit to arbitration, settle, or compromise litigation to which the principal is a party because of a bond, share, or similar instrument;</u>	522
<u>(3) Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or option the principal has or claims to have as the holder of a bond, share, or other instrument of similar character and defend, submit to arbitration, settle, or compromise litigation to which the principal is a party because of a bond, share, or similar instrument;</u>	523
<u>(3) Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or option the principal has or claims to have as the holder of a bond, share, or other instrument of similar character and defend, submit to arbitration, settle, or compromise litigation to which the principal is a party because of a bond, share, or similar instrument;</u>	524
<u>(3) Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or option the principal has or claims to have as the holder of a bond, share, or other instrument of similar character and defend, submit to arbitration, settle, or compromise litigation to which the principal is a party because of a bond, share, or similar instrument;</u>	525
<u>(3) Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or option the principal has or claims to have as the holder of a bond, share, or other instrument of similar character and defend, submit to arbitration, settle, or compromise litigation to which the principal is a party because of a bond, share, or similar instrument;</u>	526
<u>(4) With respect to a business controlled by the principal, do all of the following:</u>	527
<u>(4) With respect to a business controlled by the principal, do all of the following:</u>	528
<u>(a) Continue, modify, renegotiate, extend, and terminate a contract made with an individual or a legal entity by or for the principal with respect to the business before execution of the power of attorney;</u>	529
<u>(a) Continue, modify, renegotiate, extend, and terminate a contract made with an individual or a legal entity by or for the principal with respect to the business before execution of the power of attorney;</u>	530
<u>(a) Continue, modify, renegotiate, extend, and terminate a contract made with an individual or a legal entity by or for the principal with respect to the business before execution of the power of attorney;</u>	531
<u>(a) Continue, modify, renegotiate, extend, and terminate a contract made with an individual or a legal entity by or for the principal with respect to the business before execution of the power of attorney;</u>	532
<u>(b) Determine all of the following:</u>	533
<u>(i) The location of its operation;</u>	534
<u>(ii) The nature and extent of its business;</u>	535
<u>(iii) The methods of manufacturing, selling, merchandising, financing, accounting, and advertising employed in its operation;</u>	536
<u>(iii) The methods of manufacturing, selling, merchandising, financing, accounting, and advertising employed in its operation;</u>	537

<u>(iv) The amount and types of insurance carried;</u>	538
<u>(v) The mode of engaging, compensating, and dealing with its accountants, attorneys, and other attorneys in fact and employees;</u>	539 540
<u>(c) Change the name or form of organization under which the business is operated and enter into a partnership agreement or operating agreement with other persons or organize a corporation or other business entity to take over all or part of the operation of the business;</u>	541 542 543 544 545
<u>(d) Demand and receive money due or claimed by the principal or on the principal's behalf in the operation of the business, and control and disburse the money in the operation of the business;</u>	546 547 548
<u>(5) Put additional capital into a business in which the principal has an interest;</u>	549 550
<u>(6) Join in a plan of reorganization, consolidation, or merger of the business;</u>	551 552
<u>(7) Sell or liquidate a business or part of it at the time and upon the terms the attorney in fact considers desirable;</u>	553 554
<u>(8) Establish the value of a business under a buy-out agreement to which the principal is a party;</u>	555 556
<u>(9) Prepare, sign, file, and deliver reports, compilations of information, returns, or other papers with respect to a business that are required by a governmental agency or instrumentality or that the attorney in fact considers desirable and make related payments;</u>	557 558 559 560 561
<u>(10) Pay, compromise, or contest taxes or assessments and do any other act that the attorney in fact considers desirable to protect the principal from illegal or unnecessary taxation, fines, penalties, or assessments with respect to a business, including attempts to recover, in any manner permitted by law, money paid before or after the execution of the power of attorney.</u>	562 563 564 565 566 567

(G) Language in a power of attorney granting power with 568
respect to proprietary interests and materials transactions 569
authorizes the attorney in fact in connection with or with respect 570
to any artistic, domestic, intellectual, literary, mechanical, 571
scientific, or other proprietary interest or material to do all of 572
the following: 573

(1) Abandon, apply for, extend, maintain, modify, receive, 574
renew, secure, or terminate any protection by copyright, patent, 575
registration, or other mechanism for any composition, design, 576
device, discovery, formula, invention, mark, name, process, 577
program, recipe, service mark, trademark, trade name, or other 578
protectable intangible or tangible endeavor or work; 579

(2) Appeal from, compromise, conduct, defend, intervene in, 580
participate in, prosecute, settle, or terminate any proceeding 581
before any administrative, judicial, or other agency, board, body, 582
commission, court, examiner, judge, magistrate, officer, or other 583
official or tribunal with jurisdiction of any proprietary interest 584
or material; 585

(3) Arrange or contract for payment or receipt of any 586
charges, fees, royalties, or other payments for assignment, 587
license, sale, transfer, use, or other exploitation of any 588
proprietary interest or material; 589

(4) Deal in and with any business data, business or trade 590
secret, business method, client or customer list, dealership, 591
franchise, license, manufacturing process, or other proprietary 592
interest or material. 593

(H) Language in a power of attorney granting power with 594
respect to insurance and annuities authorizes the attorney in fact 595
to do all of the following: 596

(1) Continue, pay the premium or assessment on, modify, 597
rescind, release, or terminate a contract procured by or for the 598

<u>principal that insures or provides an annuity to either the</u>	599
<u>principal or another person, whether or not the principal is a</u>	600
<u>beneficiary under the contract;</u>	601
<u>(2) Procure new, different, or additional contracts of</u>	602
<u>insurance or annuities for the principal or the principal's</u>	603
<u>spouse, children, or other dependents and select the amount, type</u>	604
<u>of insurance or annuity, and mode of payment;</u>	605
<u>(3) Pay the premium or assessment on, modify, rescind,</u>	606
<u>release, or terminate a contract of insurance or annuity procured</u>	607
<u>by the attorney in fact;</u>	608
<u>(4) Apply for and receive a loan on the security of a</u>	609
<u>contract of insurance or annuity;</u>	610
<u>(5) Surrender and receive the cash surrender value;</u>	611
<u>(6) Exercise an election that is not specifically prohibited;</u>	612
<u>(7) Change the manner of paying premiums;</u>	613
<u>(8) Change or convert the type of insurance or annuity, with</u>	614
<u>respect to which the principal has or claims to have a power</u>	615
<u>described in this section;</u>	616
<u>(9) If specifically authorized in the power of attorney,</u>	617
<u>change the beneficiary of a contract of insurance or annuity</u>	618
<u>designated by the principal;</u>	619
<u>(10) Apply for and procure government aid to guarantee or pay</u>	620
<u>premiums of a contract of insurance on the life of the principal;</u>	621
<u>(11) Collect, sell, assign, hypothecate, borrow upon, or</u>	622
<u>pledge the interest of the principal in a contract of insurance or</u>	623
<u>annuity;</u>	624
<u>(12) Pay from proceeds or otherwise, compromise or contest,</u>	625
<u>and apply for refunds in connection with, a tax or assessment</u>	626
<u>levied by a taxing authority with respect to a contract of</u>	627

insurance or annuity or its proceeds or liability accruing by 628
reason of the tax or assessment. 629

(I)(1) Except for the restrictions set forth in division 630
(I)(2) of this section, language in a power of attorney granting 631
power with respect to retirement plan transactions authorizes the 632
attorney in fact to do all of the following: 633

(a) Contribute to, withdraw from, and deposit funds in any 634
type of retirement plan, including, but not limited to, any tax 635
qualified or nonqualified pension, profit sharing, stock bonus, 636
employee savings and other retirement plan, individual retirement 637
account, deferred compensation plan, or other type of employee 638
benefit plan; 639

(b) Select and change payment options for the principal under 640
any retirement plan; 641

(c) Make rollover contributions from any retirement plan to 642
other retirement plans or individual retirement accounts; 643

(d) Exercise all investment powers available under any type 644
of self-directed retirement plan. 645

(2) Unless specifically authorized in a power of attorney, 646
language in a power of attorney granting power with respect to 647
retirement plan transactions does not authorize the attorney in 648
fact to do any of the following: 649

(a) Elect or change a retirement allowance plan of payment on 650
the principal's behalf under Chapter 145., 742., 3305., 3307., 651
3309., or 5505. of the Revised Code, other than a joint and 652
survivor annuity leaving one-half to the spouse if the principal 653
is married, a single life annuity if the principal is single, or 654
any plan that includes a partial lump sum option; except that no 655
express authority is necessary to elect a plan that meets the 656
minimum requirements of a court order to elect a plan that will 657

pay a lifetime benefit to a former spouse.

658

(b) If authorized under section 145.814 of the Revised Code, change an election made under section 145.19 or 145.191 of the Revised Code;

659

660

661

(c) Terminate the principal's membership in the public employees retirement system, state teachers retirement system, school employees retirement system, Ohio police and fire pension fund, or state highway patrol retirement system by withdrawing the principal's accumulated employee contributions.

662

663

664

665

666

(J) Language in a power of attorney granting power with respect to safe deposit transactions authorizes the attorney in fact to do all of the following:

667

668

669

(1) Open, continue, and have access to all safe deposit boxes;

670

671

(2) Sign, renew, release, or terminate any safe deposit contract;

672

673

(3) Drill or surrender any safe deposit box.

674

(K)(1) Language in a power of attorney granting power with respect to estates, trusts, and other relationships in which the principal is a beneficiary authorizes the attorney in fact to act for the principal in all matters that affect a trust, probate estate, guardianship, conservatorship, escrow, custodianship, or other fund from which the principal is, may become, or claims to be entitled as a beneficiary to a share or payment, including all of the following:

675

676

677

678

679

680

681

682

(a) Accept, reject, disclaim, receive, receipt for, sell, assign, release, pledge, exchange, or consent to a reduction in or modification of a share in or payment from the fund;

683

684

685

(b) Demand or obtain by litigation or otherwise money or any other thing of value to which the principal is, may become, or

686

687

<u>claims to be entitled by reason of the fund;</u>	688
<u>(c) Initiate, participate in, and oppose litigation to ascertain the meaning, validity, or effect of a deed, will, declaration of trust, or other instrument or transaction affecting the interest of the principal;</u>	689 690 691 692
<u>(d) Initiate, participate in, and oppose litigation to remove, substitute, or surcharge a fiduciary;</u>	693 694
<u>(e) Conserve, invest, disburse, and use anything received for an authorized purpose;</u>	695 696
<u>(f) Transfer an interest of the principal in real property, stocks, bonds, accounts with financial institutions, insurance, and other property to the trustee of a revocable trust created by the principal as settlor;</u>	697 698 699 700
<u>(g) Transfer an interest of the principal in real property to any trustee or trustees of an undisclosed trust for the benefit of the principal;</u>	701 702 703
<u>(h) If specifically authorized in the power of attorney, designate or change the designation of a beneficiary to receive any property, benefit, or contractual right on the principal's death.</u>	704 705 706 707
<u>(2) Unless expressly authorized in the power of attorney, language granting power with respect to estates, trusts, and other relationships in which the principal is a beneficiary does not include authority to create, modify, or revoke a trust or authority to fund with the principal's property a trust not created by the principal or a person authorized to create a trust for the principal.</u>	708 709 710 711 712 713 714
<u>(L) Language in a power of attorney granting power with respect to borrowing transactions authorizes the attorney in fact to do all of the following:</u>	715 716 717

<u>(1) Borrow money;</u>	718
<u>(2) Mortgage or pledge any real estate, tangible personal property, or intangible personal property as security for any borrowing transactions;</u>	719 720 721
<u>(3) Sign, renew, extend, pay, and satisfy any notes or other forms of obligations.</u>	722 723
<u>(M)(1) Language in a power of attorney granting power with respect to fiduciary transactions authorizes the attorney in fact to do all of the following:</u>	724 725 726
<u>(a) Represent and act for the principal in all ways and in all matters affecting any fund with respect to which the principal is a fiduciary;</u>	727 728 729
<u>(b) Initiate, participate in, and oppose any judicial or other proceeding for the removal, substitution, or surcharge of a fiduciary, conserve, invest, or disburse anything received for the purposes of the fund for which it is received, and reimburse the attorney in fact for any expenditures properly made by the attorney in fact in the execution of the powers conferred on the attorney in fact by the power of attorney;</u>	730 731 732 733 734 735 736
<u>(c) Agree and contract in any manner, with any person, and on any terms that the attorney in fact selects for the accomplishment of the purposes set forth in division (M) of this section and perform, rescind, reform, release, or modify the agreement or contract or any other similar agreement or contract made by or for the principal;</u>	737 738 739 740 741 742
<u>(d) Execute, acknowledge, verify, seal, file, and deliver any consent, designation, pleading, notice, demand, election, conveyance, release, assignment, check, pledge, waiver, admission of service, notice of appearance, or other instrument that the attorney in fact determines is useful for the accomplishment of</u>	743 744 745 746 747

any of the purposes set forth in division (M) of this section; 748

(e) Hire, discharge, and compensate any attorney, accountant, expert witness, or other assistants when the attorney in fact determines that action to be desirable for the proper execution by the attorney in fact of any of the powers described in division (M) of this section and for the keeping of needed records; 749
750
751
752
753

(f) Perform any other acts with respect to a fund of which the principal is a fiduciary. 754
755

(2) Division (M) of this section does not authorize a fiduciary to delegate any power of a fiduciary unless the power is one the fiduciary is authorized to delegate under the terms of the trust agreement or other instrument governing the exercise of the power or under the law of the jurisdiction that governs that trust agreement or other instrument. 756
757
758
759
760
761

(3) As used in division (M) of this section, "fund" means any trust, probate estate, guardianship, conservatorship, escrow, custodianship, or other fund in which the principal has, or claims to have, an interest as a fiduciary. 762
763
764
765

(4) All powers described in division (M) of this section may be exercised equally with respect to any fund of which the principal is a fiduciary as of the date of the power of attorney or becomes a fiduciary after that date, and regardless of whether the fund is located in the state of Ohio or elsewhere. 766
767
768
769
770

(N) Language in a power of attorney granting power with respect to personal and family maintenance authorizes the attorney in fact to do all of the following: 771
772
773

(1) Do the acts necessary to maintain the customary standard of living of the principal, the principal's spouse, children, and other individuals customarily or legally entitled to be supported by the principal, including providing living quarters by purchase, 774
775
776
777

lease, or other contract or paying the operating costs, including 778
interest, amortization payments, repairs, and taxes, on premises 779
owned by the principal and occupied by those individuals; 780

(2) For the individuals described in division (N)(1) of this 781
section, provide normal domestic help, usual vacations and travel 782
expenses, and funds for shelter, clothing, food, appropriate 783
education, and other current living costs; 784

(3) For the individuals described in division (N)(1) of this 785
section, pay expenses for necessary medical, dental, and surgical 786
care, hospitalization, and custodial care; 787

(4) For the individuals described in division (N)(1) of this 788
section, continue any provision made by the principal for 789
automobiles or other means of transportation, including 790
registering, licensing, insuring, and replacing them; 791

(5) Maintain or open charge accounts for the convenience of 792
the individuals described in division (N)(1) of this section and 793
open new accounts the attorney in fact considers desirable to 794
accomplish a lawful purpose; 795

(6) Continue payments incidental to the membership or 796
affiliation of the principal in a church, club, society, order, or 797
other organization or continue contributions to those 798
organizations. 799

(O) Language in a power of attorney granting power with 800
respect to benefits from social security, medicare, medicaid, 801
other governmental programs, or civil or military service 802
authorizes the attorney in fact to do all of the following: 803

(1) Execute vouchers in the name of the principal for 804
allowances and reimbursements payable by the United States or a 805
foreign government or by a state or political subdivision of a 806
state to the principal, including allowances and reimbursements 807

for transportation of the principal's spouse, children, and other 808
individuals customarily or legally entitled to be supported by the 809
principal, and for shipment of their household effects; 810

(2) Take possession and order the removal and shipment of 811
property of the principal from a governmental or private post, 812
warehouse, depot, dock, or other place of storage or safekeeping 813
and execute and deliver a release, voucher, receipt, bill of 814
lading, shipping ticket, certificate, or other instrument for that 815
purpose; 816

(3) Prepare, file, and prosecute a claim of the principal to 817
a benefit or assistance, financial or otherwise, to which the 818
principal claims to be entitled under a statute or governmental 819
regulation; 820

(4) Prosecute, defend, submit to arbitration, settle, and 821
propose or accept a compromise with respect to any benefits the 822
principal may be entitled to receive; 823

(5) Receive the financial proceeds of a claim of the type 824
described in division (0) of this section and conserve, invest, 825
disburse, or use anything so received for a lawful purpose. 826

(P)(1) Language in a power of attorney granting power with 827
respect to records, reports, and statements authorizes the 828
attorney in fact to do all of the following: 829

(a) Keep records of all cash received and disbursed for or on 830
account of the principal, of all credits and debits to the account 831
of the principal, and of all transactions affecting in any way the 832
assets and liabilities of the principal; 833

(b) Prepare, execute, and file all tax, social security, 834
unemployment insurance, and information returns required by the 835
laws of the United States, of any state or political subdivision 836
of any state, or of any foreign government and to prepare, 837

execute, and file all other papers and instruments that the 838
attorney in fact determines is desirable or necessary for the 839
safeguarding of the principal against excess or illegal taxation 840
or against penalties imposed for a claimed violation of any law or 841
other governmental regulation; 842

(c) Prepare, execute, and file any record, report, or 843
statement with respect to price, rent, wage, or rationing control 844
or other governmental activity that the attorney in fact 845
determines is desirable or necessary for the safeguarding or 846
maintenance of the principal's interest; 847

(d) Hire, discharge, and compensate any attorney, accountant, 848
or other assistant when the attorney in fact determines that 849
action to be desirable for the proper execution by the attorney in 850
fact of any of the powers described in this section; 851

(e) Do any other act, in connection with the preparation, 852
execution, filing, storage, or other utilization of any records, 853
reports, or statements of or concerning the principal's affairs 854
that the principal can do through an attorney in fact. 855

(2) An attorney in fact may exercise all powers described in 856
division (P)(1) of this section equally with respect to any 857
records, reports, or statements of or concerning the affairs of 858
the principal as they exist at the time the principal gives the 859
power of attorney or after the principal gives the power of 860
attorney, in the state of Ohio or elsewhere. 861

(O) Language in a power of attorney granting power with 862
respect to tax matters authorizes the attorney in fact to do all 863
of the following: 864

(1) Prepare, sign, and file federal, state, local, and 865
foreign income, gift, payroll, and other tax returns, claims for 866
refunds, requests for extensions of time, petitions regarding tax 867
matters, and any other tax-related documents, including receipts, 868

offers, waivers, consents (including consents and agreements under 869
section 2032A of the "Internal Revenue Code of 1986," Pub. L. No. 870
94-455, 26 U.S.C. 2032A, as amended), closing agreements, and any 871
power of attorney required by any tax collection or enforcement 872
agency with respect to a tax year upon which the statute of 873
limitations has not run and the following twenty-five tax years; 874

(2) Pay taxes due, collect refunds, post bonds, receive 875
confidential information, and contest deficiencies determined by 876
any tax collection or enforcement agency; 877

(3) Exercise any election available to the principal under 878
federal, state, local, or foreign tax law; 879

(4) Act for the principal in all tax matters for all periods 880
before any tax collection or enforcement agency. 881

(R) Language in a power of attorney granting power with 882
respect to licenses authorizes the attorney in fact to obtain, 883
renew, or transfer all of the following: 884

(1) Automobile, truck, boat, and other vehicle licenses; 885

(2) Business licenses of any type. 886

(S) Language in a power of attorney granting power with 887
respect to access to documents authorizes the attorney in fact to 888
do all of the following: 889

(1) Have access to and possession of the principal's will, 890
trusts, instruments, deeds, life insurance policies, contracts, 891
employee benefit records, and other documents, including, but not 892
limited to, documents protected under the "Financial Services 893
Modernization Act of 1999," Pub. L. No. 106-102, 15 U.S.C. 6801, 894
as amended, and the "Health Insurance Portability and 895
Accountability Act of 1996," Pub. L. No. 104-191, 42 U.S.C. 300gg, 896
as amended; 897

(2) Have access to mail and redirect mail. 898

(T) Language in a power of attorney granting power with respect to employment of agents authorizes the attorney in fact to do all of the following: 899
900
901

(1) Employ attorneys, accountants, investment advisors, expert witnesses, realtors, or other professionals when the attorney in fact believes the employment of the professional to be desirable; 902
903
904
905

(2) Pay any agents reasonable compensation. 906

(U) Language in a power of attorney with respect to delegation authorizes the attorney in fact to delegate any or all of the powers granted by the principal to any person or persons whom the attorney in fact selects. 907
908
909
910

(V) Language in a power of attorney granting power with respect to claims and litigation authorizes the attorney in fact to do all of the following: 911
912
913

(1) Assert and prosecute before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, or defense against an individual, organization, or government, including an action to recover property or any other thing of value, to recover damages sustained by the principal, to eliminate or modify tax liability, or to seek an injunction, specific performance, or other relief; 914
915
916
917
918
919
920

(2) Bring an action to determine adverse claims, intervene in litigation, and act as amicus curiae; 921
922

(3) In connection with litigation, procure an attachment, garnishment, libel, order of arrest, or other preliminary, provisional, or intermediate relief and use any available procedure to effect or satisfy a judgment, order, or decree; 923
924
925
926

(4) In connection with litigation, perform any lawful act, including acceptance of tender, offer of judgment, admission of 927
928

facts, submission of a controversy on an agreed statement of 929
facts, consent to examination before trial, and bind the principal 930
in litigation; 931

(5) Submit to arbitration, settle, and propose or accept a 932
compromise with respect to a claim or litigation; 933

(6) Waive the issuance and service of process upon the 934
principal, accept service of process, appear for the principal, 935
designate persons upon whom process directed to the principal may 936
be served, execute and file or deliver stipulations on the 937
principal's behalf, verify pleadings, seek appellate review, 938
procure and give surety and indemnity bonds, contract and pay for 939
the preparation and printing of records and briefs, and receive 940
and execute and file or deliver a consent, waiver, release, 941
confession of judgment, satisfaction of judgment, notice, 942
agreement, or other instrument in connection with the prosecution, 943
settlement, or defense of a claim or litigation; 944

(7) Act for the principal with respect to a voluntary or 945
involuntary bankruptcy or insolvency proceeding concerning the 946
principal or another person, a reorganization proceeding, or a 947
receivership or application for the appointment of a receiver or 948
trustee that affects an interest of the principal in property or 949
any other thing of value; 950

(8) Pay a judgment against the principal or a settlement made 951
in connection with litigation and receive and conserve money or 952
any other thing of value paid in settlement of or as proceeds of a 953
claim or litigation. 954

Sec. 2106.18. (A) Upon the death of a married resident who 955
owned at least one automobile at the time of death, the interest 956
of the deceased spouse in up to two automobiles that are not 957
transferred to the surviving spouse due to joint ownership with 958

right of survivorship established under section 2131.12 of the Revised Code, that are not transferred to a transfer-on-death beneficiary or beneficiaries designated under section 2131.13 of the Revised Code, and that are not otherwise specifically disposed of by testamentary disposition may be selected by the surviving spouse. This interest shall immediately pass to the surviving spouse upon transfer of the title or titles in accordance with section 4505.10 of the Revised Code. The sum total of the values of the automobiles selected by a surviving spouse under this division, as specified in the affidavit that the surviving spouse executes pursuant to division (B) of section 4505.10 of the Revised Code, shall not exceed forty thousand dollars. Each automobile that passes to a surviving spouse under this division shall not be considered an estate asset and shall not be included in the estate inventory.

(B) The executor or administrator, with the approval of the probate court, may transfer title to an automobile owned by the decedent to any of the following:

(1) The surviving spouse, when the automobile is purchased by the surviving spouse pursuant to section 2106.16 of the Revised Code;

(2) A distributee;

(3) A purchaser.

(C) The executor or administrator may transfer title to an automobile owned by the decedent without the approval of the probate court to any of the following:

(1) A legatee entitled to the automobile under the terms of the will;

(2) A distributee if the distribution of the automobile is made without court order pursuant to section 2113.55 of the Revised Code;

(3) A purchaser if the sale of the automobile is made 990
pursuant to section 2113.39 of the Revised Code. 991

(D) As used in division (A) of this section, "automobile" 992
includes a motorcycle and includes a truck if the truck was used 993
as a method of conveyance by the deceased spouse or the deceased 994
spouse's family when the deceased spouse was alive. 995

Section 2. That existing section 2106.18 of the Revised Code 996
is hereby repealed. 997