

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,

Plaintiff-Appellee,

vs.

HERSCHEL C. ROBERTS,

Defendant-Appellant.

12-1980

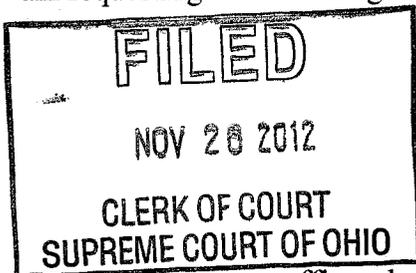
Case No. _____

AFFIDAVIT OF INDIGENCY

I, Herschel C. Roberts, do hereby state that I am without the necessary funds to pay the costs of this action for the following reasons:

I am currently incarcerated at the Lake Erie Correctional Institution in Conneaut, Ohio and I have been incarcerated since the 21st day of November, 2011. I work at the prison, but receive only approximately eighteen dollars per month.

Pursuant to Rule XV, Section 3, of the Rules of Practice of the Supreme Court of Ohio, I am requesting that the filing fee and security deposit, if applicable, be waived.



Herschel C. Roberts, Affiant
AFFIANT

Sworn to, or affirmed, and subscribed in my presence this 23rd day of Nov, 2012.

[Signature]
Notary Public
My Commission Expires: _____



REGINALD CORETHERS
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Cuyahoga County
My Comm. Exp. 5/22/16

[Note: This affidavit must be executed not more than six months prior to being filed in the Supreme Court in order to comply with S.Ct. Prac. R. 15.3. Affidavits not in compliance with that section will be rejected for filing by the Clerk.]

DURABLE POWER OF ATTORNEY

I, **Herschel C. Roberts**, residing at 2234 East 79th Street, Cleveland, Ohio 44103-4910, hereby appoint **Marla J. Roberts (Spouse)** of 2234 East 79th Street, Cleveland, Ohio 44103-4910 as my attorneys-in-fact (referred to herein as my "Agent".)

This Power of Attorney shall not be affected by my subsequent incapacity. My Agent shall have full power and authority to act on my behalf. This power and authority shall authorize my Agent to manage and conduct all of my affairs and to exercise all of my legal rights and powers, including all rights and powers that I may acquire in the future. My Agent's powers shall include, but not be limited to, the power to:

1. open, maintain or close bank accounts (including, but not limited to, checking accounts, savings accounts, and certificates of deposit), brokerage accounts, retirement plan accounts, and other similar accounts with financial institutions;
 - a. conduct any business with any banking or financial institution with respect to any of my accounts, including, but not limited to, making deposits and withdrawals, negotiating or endorsing any checks or other instruments with respect to any such accounts, obtaining bank statements, passbooks, drafts, money orders, warrants, and certificates or vouchers payable to me by any person, firm, corporation or political entity;
 - b. perform any act necessary to deposit, negotiate, sell or transfer any note, security, or draft of the United States of America, including U.S. Treasury Securities;
 - c. have access to any safe deposit box that I might own, including its contents;
2. provide for the support and protection of myself, including, without limitation, provision for food, lodging, housing, medical services, recreation and travel;
3. sell, exchange, buy, invest, or reinvest any assets or property owned by me. Such assets or property may include income producing or non-income producing assets and property;
4. purchase and/or maintain insurance and annuity contracts, including life insurance upon my life;
5. take any and all legal steps necessary to collect any amount or debt owed to me, or to settle any claim, whether made against me or asserted on my behalf against any other person or entity;
6. enter into binding contracts on my behalf;
7. exercise all stock rights on my behalf as my proxy, including all rights with respect to stocks, bonds, debentures, commodities, options or other investments;
8. maintain and/or operate any business that I may own;
9. employ professional and business assistance as may be appropriate, including attorneys, accountants, and real estate agents; and
10. sell, convey, lease, mortgage, manage, insure, improve, repair, or perform any other act with respect to any of my property (now owned or later acquired) including, but not limited to, real estate and real

estate rights (including the right to remove tenants and to recover possession); this includes the right to sell or encumber any homestead that I now own or may own in the future.

(If the Agent is my spouse, then I also hereby appoint Denise E. Pruitt of 20568 Kelsey Lane, Strongsville, Ohio 44149-0968 as my substitute Agent solely for the purpose of releasing any dower, homestead or other inchoate interest or other property rights (of whatever nature), which under local law may not be released by my spouse.)

My Agent's powers shall also include, but not be limited to, the power to:

11. prepare, sign, and file documents with any governmental body or agency, including, but not limited to, authorization to:

a. prepare, sign and file income and other tax returns with federal, state, local, and other governmental bodies;

b. obtain information or documents from any government or its agencies, and represent me in all tax matters, including the authority to negotiate, compromise, or settle any matter with such government or agency;

c. prepare applications, provide information, and perform any other act reasonably requested by any government or its agencies in connection with governmental benefits (including medical, military and social security benefits), and to appoint anyone, including my Agent, to act as my "Representative Payee" for the purpose of receiving Social Security benefits; and

12. make gifts from my assets to members of my family and to such other persons or charitable organizations with whom I have an established pattern of giving (or if it is appropriate to make such gifts for estate planning and/or tax purposes), to file state and federal gift tax returns, and to file a tax election to split gifts with my spouse, if any.

13. My Agent shall, in addition to all the rights above-listed, have access to my healthcare and medical records and statements regarding billing, insurance and payments.

Subject to other provisions of this document, my Agent may disclaim any interest, which might otherwise be transferred or distributed to me from any other person, estate, trust, or other entity, as may be appropriate. However, my Agent may not disclaim assets to which I would be entitled, if the result is that the disclaimed assets pass directly or indirectly to my Agent or my Agent's estate. Provided that they are not the same person, my Agent may disclaim assets which pass to my Gift Agent, and my Gift Agent may disclaim assets which pass to my Agent.

This Power of Attorney shall be construed broadly as a General Power of Attorney. The listing of specific powers is not intended to limit or restrict the general powers granted in this Power of Attorney in any manner.

Any power or authority granted to my Agent under this document shall be limited to the extent necessary to prevent this Power of Attorney from causing, (i) my income to be taxable to my Agent, (ii) my assets to be subject to a general power of appointment by my Agent, or (iii) my Agent to have any incidents of ownership with respect to any life insurance policies that I may own on the life of my Agent.

My Agent shall not be liable for any loss that results from a judgment error that was made in good faith. However, my Agent shall be liable for willful misconduct or the failure to act in good faith while acting