



principal's disability, then the attorney-in-fact has full authority to act in that capacity notwithstanding the later disability, incapacity, or adjudged incompetency of the principal. While the Applicant has challenged the validity of the power of attorney from February 24, 1999, the evidence indicates that Mathilda Becker understood the nature, scope and extent of the document. Accordingly, the power of attorney from February 24, 1999 is valid as a matter of law.

The law demands the utmost loyalty and honesty from an agent to the principal. *Testa v. Roberts* (1988), 44 Ohio App.3d 161, 164. The evidence indicates that Mark Becker has remained loyal and honest in his capacity as his mother's attorney-in-fact. The evidence also indicates Mathilda Becker's financial and personal needs are being adequately met and that Mark Becker has not abused his position as his mother's attorney-in-fact. Accordingly, Mark Becker should continue to manage his mother's estate and person through the power of attorney from February 24, 1999. Dinah Colvin's application for the appointment of guardian is hereby denied.

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JUDGE

cc: Robert L. Cloud/ 22782  
Kevin Garrison / 62275

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<sup>1</sup> She also brought an application for the appointment of an independent medical examiner which application was dismissed by agreement of the parties.