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DOC # 0670447  
03/23/2006 08:27 AM Deputy: GB

OFFICIAL RECORD

Requested By:  
C ARTHUR NISSON

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

✓ C. Arthur Nisson, Esq.  
1652 Foothill Blvd.  
Santa Ana, CA 92705

Douglas County - NV  
Werner Christen - Recorder  
Page: 1 Of 18 Fee: 31.00  
BK-0306 PG- 7874 RPTT: 0.00



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CERTIFICATION OF TRUST

COPY

CERTIFICATION OF TRUST

1. The Survivor's Trust created January 4, 2005, under the Robert E. Hall and Rosamond U. Hall 1967 Trust as amended and restated July 29, 1998, is in existence.
2. The Settlers of the Robert E. Hall and Rosamond U. Hall are Robert E. Hall and Rosamond U. Hall and the currently acting Trustee is Rosamond U. Hall.
3. The powers of the trustee are attached as Exhibit "A".
4. The Survivor's Trust is revocable by Rosamond U. Hall.
5. The trust tax identification number is [REDACTED]7062.
6. Title to trust assets should be "Rosamond U. Hall, Trustee of the Survivor's Trust under the Robert E. Hall and Rosamond U. Hall 1967 Trust.
7. The real property in the County of Douglas, State of Nevada held in trust is bounded and described as follows:

Parcel No. 1: Lot 29 in Block A as shown on the Amended Map of GLENBROOK, Unit No. 2, filed in the office of the Recorder of Douglas County, Nevada on October 13, 1978

Parcel No. 2: The exclusive right to use for garage purposes that parcel designated as "G.E." 29, in Block A, as shown on the Amended Map of GLENBROOK UNIT NO. 2, filed in the office of the County Recorder of Douglas County, Nevada on October 13, 1978

and

Parcel No. 1: Lot 30 in Block A as shown on the Amended Map of GLENBROOK, Unit No. 2, filed in the office of the Recorder of Douglas County, Nevada on October 13, 1978

Parcel No. 2: The exclusive right to use for garage purposes that parcel designated as "G.E." 30, in Block A, as shown on the Amended Map of GLENBROOK UNIT NO. 2, filed in the office of the County Recorder of Douglas County, Nevada on October 13, 1978

APN: 1-161-18 and 1-161-19



8. The undersigned certifies under penalty of perjury under the laws of the State of California that the Trust has not been revoked, modified, or amended in any manner which would cause the representations contained in the Certification of Trust to be incorrect and the Certification is being signed by all of the currently acting Trustees.

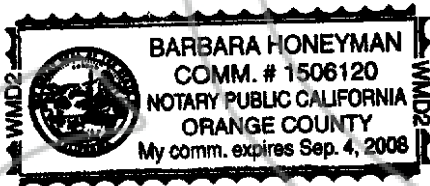
Dated: March 7, 2006

Rosamond U. Hall, Trustee  
Rosamond U. Hall, Trustee

STATE OF CALIFORNIA )  
                                  )  
COUNTY OF ORANGE )

On 9th of March, 2006, before me, Barbara Honeyman the undersigned, a Notary Public in and for said County and State, personally appeared ROSAMOND U. HALL, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity and that by her signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Barbara Honeyman  
Notary Public in and for said County and State



ARTICLE 9  
COURT JURISDICTION

Except as otherwise provided herein, the appropriate Superior Court of the State of California shall have jurisdiction for all the purposes set forth in Section 17200 of the California Probate Code.

ARTICLE 10  
POWERS OF TRUSTEE

In order to carry out the provisions of the trust created by this instrument, and subject to any limitations stated elsewhere herein, the Trustee shall have the following powers in addition to those now or hereafter conferred by law:

10.1 Power to Invest and Reinvest. To invest and reinvest all or any part of the trust estate in every kind of property, real, personal or mixed, and every kind of investment, including, but not limited to, common or preferred stocks, "puts," "calls," options, shares of investment trusts and investment companies, bonds, debentures, mortgages, deeds of trust (including both first deeds of trust and junior encumbrances), mortgage participations, notes, real estate, mutual funds, index funds, and common trust funds (including funds administered by any corporate Trustee acting hereunder), commodities (including precious stones and precious metals), commodities futures contracts, partnership interests (limited and general), limited liability companies, joint ventures, entities based in the United States or outside the United States, art or art works, or other property as the Trustee, in the Trustee's discretion, may select; and the Trustee may continue to hold in the form in which received (or the form to which changed by reorganization, split-up, stock dividend, or other like occurrence) any securities or other property the Trustee may at any time acquire under this trust, it being the Trustors' express desire and

intention that the Trustee shall have the full power to invest and reinvest the trust funds without being restricted to forms of investment that the Trustee otherwise may be permitted to make by law; and the investments need not be diversified.

10.2 Power to Hold Property and to Operate a Business. To continue to hold any property and to operate at the risk of the trust estate any business that the Trustee receives or acquires under the trust as long as the Trustee deems advisable.

10.3 Power to Abandon Property. To abandon any property or interest in property belonging to the trust when, in the Trustee's discretion, such abandonment is in the best interests of the trust and its beneficiaries.

10.4 Power to Manage Securities. To have all the rights, powers and privileges of an owner with respect to the securities held in trust, including, but not limited to, the powers to vote, give proxies, and pay assessments; to participate in voting trusts, pooling agreements, foreclosures, reorganizations, consolidations, mergers and liquidations, and incident to such participation to deposit securities with and transfer title to any protective or other committee on such terms as the Trustee may deem advisable; to exercise or sell stock subscriptions or conversion rights; and to pledge securities or other assets held in trust in connection with the securing of any loan or guarantee hereunder.

10.5 Power to Hold Securities in Name of Nominee. To hold securities or other property in the Trustee's name as Trustee under this trust, ~~or in the Trustee's own name, or in the name of a nominee, or the Trustee may hold securities unregistered in such condition that ownership will pass by delivery, and to trade securities on margin.~~

RTH  
7/29/98  
RTH  
7/29/98

10.6 Power to Manage, Control, Grant Options, Sell. To manage, control, grant options on, sell (for cash or on deferred payments), convey, exchange, partition, divide, improve, and repair trust property; and except as otherwise provided herein, to retain, purchase, or otherwise acquire unproductive or underproductive property.

10.7 Power to Lease. To lease trust property for terms within or beyond the term of the trust for any purpose, including exploration for and removal of gas, oil, and other minerals; and to enter into community oil leases, pooling and unitization agreements.

10.8 Power to Employ Agents and Advisors. To employ any custodian, attorney, accountant, corporate fiduciary or other agent or agents to assist the Trustee in the administration of this trust. Reasonable compensation for all services performed by these agents shall be paid from the trust estate out of either income or principal as the Trustee, in the Trustee's discretion, shall determine, and shall not decrease the compensation to which the Trustee is entitled

10.9 Power to Purchase. To purchase property at its fair market value as determined by the Trustee, in the Trustee's discretion, from the probate estate of either Trustor

10.10 Corporate Trustee's Power to Loan or Advance. To loan or advance a corporate Trustee's funds to the trust for any trust purpose, with interest at current rates; to receive security for such loans in the form of a mortgage, pledge, deed of trust or other encumbrance of any assets of the trust; to purchase assets of the trust at their fair market values determined by an independent appraisal of those assets; and to sell property to the trust at a price not in excess of its fair market value as determined by an independent appraisal

10.11 Power to Disclaim, Release or Restrict Powers. To disclaim, to release or to restrict, permanently or for any period of time, the scope of any power that the Trustee may



hold in connection with the trusts created under this instrument, whether such power is expressly granted in this instrument or is implied by law. The Trustee shall exercise this power in a written instrument specifying the powers to be disclaimed, released, or restricted and the nature of such restriction, said written instrument to be delivered to the then current-income beneficiaries of the trust in question (or to the parent, guardian or conservator of a beneficiary who is under legal disability, as the case may be). Any power disclaimed, released, or restricted by the Trustee shall be extinguished except to the extent that the trust expressly provides that such power shall pass to another, or except to the extent that the written instrument with which the Trustee disclaims, releases, or restricts such power states otherwise.

10.12 Power to Minimize Tax Liabilities. To take any action and to make any election, in the Trustee's discretion, to minimize the tax liabilities of this trust and its beneficiaries, and to have the power to allocate the benefits among the various beneficiaries, and the Trustee shall have the power to make adjustments in the rights of any beneficiaries, or between the income and principal accounts, to compensate for the consequences of any tax election or any investment or administrative decision that the Trustee believes has had the effect of directly or indirectly preferring one (1) beneficiary or group of beneficiaries over others.

No beneficiary, including any income beneficiary or the remaindermen of any trust, shall have any right to recoupment or restoration of any loss the beneficiary may suffer as a result of any tax election made by the Trustee hereunder or by the personal representative of the estate of the Deceased Spouse with respect to the qualification of the Marital Trusts for the marital deduction under Section 2056(b)(7) of the Internal Revenue Code, as may be amended from time to time, the special election under Section 2652(a)(3) of said Code, as may be amended from time to time, or, with respect to any QFOB interest, the election under Section 2057 of the Code, as may be amended from time to time.



10.13 Power to Borrow. To borrow money, guarantee loans, and to encumber or hypothecate trust property by mortgage, deed of trust, pledge, or otherwise, whether such property is owned wholly by the trust or with a co-owner.

10.14 Power to Commence or Defend Litigation. To commence or defend, at the expense of the trust, such litigation with respect to the trust or any property of the trust estate as the Trustee may deem advisable, and to compromise or otherwise adjust any claims or litigation against or in favor of the trust.

10.15 Power to Carry Insurance. To carry insurance of such kinds and in such amounts as the Trustee deems advisable, at the expense of the trust, to protect the trust estate and the Trustee personally against any hazard.

10.16 Power to Distribute in Non-Pro-Rata Shares. To partition, allot and distribute the trust estate, on any division or partial or final distribution of the trust estate, in undivided interests or in kind, or partly in money and partly in kind, at valuations determined by the Trustee, and to sell such property as the Trustee may deem necessary to make division or distribution. In making any division or partial or final distribution of the trust estate, except with respect to any stock which qualifies as a QFOB interest, which must be allocated pro-rata, the Trustee shall be under no obligation to make a pro-rata division, or to distribute the same assets to beneficiaries similarly situated; but rather, the Trustee may, in the Trustee's discretion, make a non-pro-rata division between trusts or shares and non-pro-rata distributions to such beneficiaries, as long as the respective assets allocated to separate trusts or shares, or distributed to such beneficiaries, have equivalent or proportionate fair market values. In selecting assets to be distributed in kind or assets to be sold to facilitate such division or distribution, the Trustee shall have absolute discretion as to the consideration to be given to the income tax basis of each asset involved in the selection, and also shall have absolute discretion, but shall not be required, to



make adjustments in the rights of any beneficiaries to compensate for the comparative income tax bases of the assets distributed.

10.17 Power to Allocate Generation-Skipping Transfer Tax Exemption. To allocate all or any portion of a Trustor's generation-skipping transfer tax exemption to any trust administered under this instrument.

10.18 Power to Divide For Generation-Skipping Transfer Tax Purposes. Upon the allocation of some or all of a Trustor's generation-skipping transfer tax exemption under Internal Revenue Code Section 2631, the Trustee may, if appropriate, divide any trust hereunder into two (2) separate trusts administered under the same terms and conditions in order that the generation-skipping transfer tax inclusion ratio for one (1) such trust shall be "zero" and the inclusion ratio for the other shall be "one."

10.19 Provisions Regarding Division, Funding, and Administration of Subtrusts for Generation-Skipping Transfer Tax Purposes. Notwithstanding any other provision hereof, if the Trustee does in fact divide one (1) trust hereunder into two (2) trusts, one (1) which has an inclusion ratio of "one" and the other which has an inclusion ratio of "zero," the Trustors direct the Trustee to make such division in a manner that permits such trusts to be treated as separate trusts in accordance with Treasury Regulations Section 26.2654-1 and any successor thereto, and to fund the trust with an inclusion ratio of "zero" with a pecuniary amount. Specifically, unless changes in applicable Treasury Regulations require otherwise, the Trustee is directed to take the following steps in making any such division:

10.19.1 Appropriate Interest. The Trustee shall satisfy the "appropriate interest" requirement either by paying or permanently setting aside property in satisfaction of the pecuniary amount within fifteen (15) months of the date of death of the transferor, by paying

appropriate interest as defined in Treasury Regulations Section 26.2642-2(b)(4) on such amount, or by allocating to the pecuniary amount a pro-rata share of trust income from the valuation date to the payment date.

10.19.2 Funding of Pecuniary Amount. The Trustee shall fund such pecuniary amount either in cash, at date of distribution values, or in a manner that fairly reflects net appreciation and depreciation in the value of the assets in the fund available to pay the pecuniary amount measured from the date of death to the date of payment.

10.19.3 Provisions Regarding Determination of Applicable Fraction. Further, in determining the denominator for the "applicable fraction" used in calculating the inclusion ratio for any trust hereunder, it is the Trustors' intent that where the Trustee creates separate trusts hereunder, one (1) with an inclusion ratio of "one" and one (1) with an inclusion ratio of "zero," that the "applicable fraction" be calculated under the Treasury Regulations in effect at such time to accomplish the intended result. To this end, and notwithstanding any other provision hereof, unless changes in applicable Treasury Regulations require otherwise, the Trustors direct the Trustee to fund such trusts either using cash, date of distribution values, or (if the Trustee elects to fund such trusts in kind using date of death values) in a manner that fairly reflects net appreciation and depreciation (occurring between the valuation date and the date of distribution) in all of the assets from which the distribution could have been made, in accordance with Treasury Regulations Section 26.2642-2 or any successor thereto.

10.19.4 Good Faith Standard. In determining how to satisfy the appropriate interest and funding requirements described in Paragraph 10.19.1 and Paragraph 10.19.2, above, and in determining how to satisfy the funding requirements described in Paragraph 10.19.3, above, to obtain the desired "applicable fraction," the Trustee shall have complete discretion, and shall not be held liable for any consequence of the exercise of this

discretion accomplished in good faith. The Trustors recognize that the Trustee's decision as to how to satisfy these requirements may affect the amounts ultimately allocated to the various trusts hereunder; nevertheless, the Trustors intend the preceding sentence to apply.

10.19.5 Distributions From Exempt and Non-Exempt Trusts. Notwithstanding any other provision of this trust, if a trust is divided into an Exempt Trust and a Non-Exempt Trust pursuant to this Paragraph 10.19, then any discretionary payments of income made to a "skip" person shall be made first from the Exempt Trust, and only then from the Non-Exempt Trust, and any such payments to a "non-skip" person shall be made first from the Non-Exempt Trust and only thereafter from the Exempt Trust.

10.20 Power to Purchase Life Insurance. To have the power to purchase life insurance policies on the life of any person and to exercise all rights of ownership and control contained in the policies; provided, however, that policies may not be purchased with funds of the Marital Trusts without the consent of the Surviving Spouse.

10.21 Power to Pay Storage, Packing, Shipping. Upon the death of the Surviving Spouse, to pay from the trust estate of any trust all storage, packing, shipping, delivery, insurance and other charges relating to the distribution of property from the trust estate, said payments to be treated as an expense of the trust in question.

10.22 Powers With Respect to S Corporation Stock. The Trustee shall have the following powers with respect to S corporation stock held hereunder:

10.22.1 Power to Divide. If S corporation stock is an asset of, or is transferred to, any trust created hereunder, and such trust does not qualify as a "qualified subchapter S trust" as defined in Internal Revenue Code Section 1361(d)(3) because of the terms

of such trust, the Trustee shall have the power to segregate and retain such S corporation shares in a separate trust on all the same terms and conditions as a Grandchild's Trust administered pursuant to Paragraph 7.6 et seq., above, and the terms of such paragraph are hereby incorporated herein by this reference; provided, however, that in order to then qualify as a "qualified subchapter S trust" as defined in Internal Revenue Code Section 1361(d)(3), all income of such trust shall be distributed currently to the beneficiary of such trust, as required by Internal Revenue Code Section 1361(d)(3)(B). Alternatively, the Trustee, in the Trustee's sole discretion, may forgo the creation of a "qualified subchapter S trust" and, instead, make the election to treat the trust holding the S corporation stock as an "electing small business trust" as defined in Internal Revenue Code Section 1361(e)(1).

10.22.2 Other Powers. If there is any S corporation stock as an asset of this trust, the Trustee is authorized to do any or all of the following:

- (a) Consent to a subchapter S election, including consent for the portion of the tax year prior to the date of a Trustor's death;
- (b) Terminate the subchapter S election, including, the power to revoke or join in a revocation;
- (c) Enter into agreements covering short period allocations.
- (d) Enter into agreements for distributions of income, including distributions of subchapter C earnings and profits;
- (e) Elect installment payment of federal estate taxes and retain S corporation stock during the payment period;

(f) Except any stock which qualifies as a QFOB interest (whether or not the FOBD is made for same), sell S corporation stock, including sales which qualify under Internal Revenue Code Section 303; and

(g) Except any stock which qualifies as a QFOB interest (whether or not the FOBD is made for same), distribute S corporation stock to beneficiaries, unequally if necessary, in a manner to preserve the election, including the power to qualify a trust as a qualified subchapter S trust or as an electing small business trust.

10.23 Environmental Considerations. In taking into consideration any environmental concerns that may be relevant to property owned by any trust created hereunder

10.23.1 Power to Inspect. The Trustee, in the Trustee's discretion, may periodically inspect, review and monitor any and all property held in any trust created hereunder for the purpose of determining compliance with any law, rule or regulation affecting such property, with all expenses of such inspection, review and monitoring to be paid from the trust estate.

10.23.2 Power to Take Action or Abate. The Trustee shall have the power to take any and all action the Trustee, in the Trustee's discretion, deems necessary to prevent, abate, "clean up," or otherwise respond to any actual or threatened violation of any law affecting any property held in any trust created hereunder related to the generation, use, treatment, storage, disposal, release, discharge, or contamination by any materials or substances that are prohibited or regulated by law or that are known to pose a hazard to the environment or human health. Such actions may be taken prior to the initiation of enforcement action by any government agency. The Trustee shall notify the trust beneficiaries as to the estimated costs of such response, and such beneficiaries shall have the right to pay for such response costs or

authorize payment of such costs by the Trustee from the trust estate. Notwithstanding the preceding sentence, the Trustee shall nonetheless be entitled to use trust assets to pay such costs or, in the Trustee's discretion, to resign. The Trustee shall have no personal liability to any beneficiary for the costs incurred pursuant to this Paragraph 10.23.2.

10.23.3 Trustee Not Personally Liable. To the extent permitted by law, the Trustee shall be relieved from all personal liability (including fines, penalties and the cost of any litigation or administrative proceeding) pertaining to any actual or threatened violation of any federal, state or local law, rule or ordinance affecting any property held in any trust related to the generation, use, treatment, storage, disposal, release, discharge or contamination by any materials or substances that are prohibited or regulated by federal, state or local law or that are known to pose a hazard to the environment or human health; provided, however, that the Trustee shall not be relieved from such personal liability resulting from their own gross negligence or willful misconduct. The Trustee shall be indemnified from the assets of the trusts to which such liability relates (to the entire extent thereof) for any such personal liability from which the Trustee has hereby been relieved.

10.24 Power to Create a Special Needs Trust. Except to the extent the following power would make the FOBD for any QFOB interest held by a trust created hereunder unavailable, then notwithstanding any other provision of this trust, no discretionary payments of income or principal shall be used to pay, defray or reimburse any expense paid or payable by any governmental agency or charitable institution for the support of any beneficiary, and the Trustee shall not be compelled to pay, defray or reimburse any such expense. If, during the term of the trust, the beneficiary is institutionalized in a facility operated by or with or reimbursed by or with the funds of any governmental agency, or if public funds are available for the care of or for payments and services to the beneficiary, then (i) no discretionary payments of income or principal shall be paid to or applied for the benefit of the beneficiary, except for those comforts and luxuries

not otherwise provided by any publicly funded program or from any other source, public or private, and (ii) no court shall have the authority to direct payments of income or principal to or for the benefit of the beneficiary by reason of any provision of California Trust Law or the common law of California or the laws of any other state, and the Trustee shall have the authority to defend and/or enforce this provision at the expense of the trust estate.

10.25 Power to Make Gifts. During the lifetime of a Trustor, the Trustee, in the Trustee's discretion, shall have the power to make gifts in any one (1) or more of the following circumstances:

10.25.1 As Directed by Either Trustor. The Trustee shall make gifts of cash or other property from the trust estate, to such one (1) or more persons and entities on such terms and conditions, either outright or in trust, and in such proportions as a Trustor shall direct in a signed writing delivered to the Trustee. Notwithstanding the foregoing, the Trustee shall have the power to make gifts pursuant to this Paragraph 10.25.1 only from that portion of the trust estate which is revocable by the Trustor directing such gift at the time such gift is made ("Trustor's portion of the trust estate").

10.25.2 Continue Gifting Program Established by a Trustor. Subject to the limitations set forth in Paragraph 10.25.4, Paragraph 10.25.5, and Paragraph 10.25.6, below, if a Trustor becomes incapacitated (as determined pursuant to Article 4), then during the lifetime of that Trustor ("incapacitated Trustor"), the Trustee, in the Trustee's discretion, may continue any gifting program established by the incapacitated Trustor by making gifts from the incapacitated Trustor's portion of the trust estate unless (i) the non-incapacitated Trustor directs the Trustee to discontinue such gifting program in a signed writing delivered to the Trustee, or (ii) the incapacitated Trustor discontinued or intended to discontinue such gifting program prior to becoming incapacitated. The Trustee's decisions as to what constitutes a gifting program and



whether an incapacitated Trustor discontinued or intended to discontinue a gifting program prior to becoming incapacitated shall be binding on all beneficiaries of this trust and shall not be open to question, and the Trustee may rely on any evidence available to him or her in determining whether the incapacitated Trustor intended to discontinue a gifting program (e.g., oral declarations to the Trustee prior to the incapacitated Trustor's incapacity).

10.25.3 Gifts For Other Purposes. Subject to the limitations set forth in Paragraph 10.25.4, Paragraph 10.25.5, and Paragraph 10.25.6, below, if a Trustor becomes incapacitated (as determined pursuant to Article 4), then during the lifetime of the incapacitated Trustor, the Trustee shall have the power to make gifts from the incapacitated Trustor's portion of the trust estate for any purpose, including minimizing current or prospective taxes of the incapacitated Trustor or the trust estate, as the Trustee, in the Trustee's discretion, shall deem appropriate. The Trustee shall only have the power to make gifts under the provisions of this Paragraph 10.25.3 to the named beneficiaries in this trust who are to receive, either outright or in trust, all or part of the trust estate upon the incapacitated Trustor's death ("permissible donee"), or to any trust established for the benefit of a permissible donee.

10.25.4 Specific Limitation on Power to Make Gifts Pursuant to Paragraph 10.25.2 and Paragraph 10.25.3. In determining whether to exercise the Trustee's power to make gifts under Paragraph 10.25.2 or Paragraph 10.25.3, above, the Trustee shall take into consideration all relevant circumstances, including, but not limited to, the wishes of the incapacitated Trustor, known or reasonably known to the Trustee, the incapacitated Trustor's estate plan, and the value, liquidity and productiveness of the trust estate. In no event shall the Trustee have the power to make gifts if the Trustee, in the Trustee's discretion, determines that the trust estate is not more than adequate to provide for the current and foreseeable future needs of the incapacitated Trustor, given the incapacitated Trustor's age and physical condition, standard of living and other relevant circumstances, including whether anyone is legally entitled to





support from the incapacitated Trustor, and all other resources of the incapacitated Trustor known to the Trustee to be reasonably available for such purposes. In the event the incapacitated Trustor regains his or her capacity (as determined pursuant to Article 4), the Trustee's power to make gifts pursuant to either Paragraph 10.25.2 or Paragraph 10.25.3, above, shall cease until such time or time(s), if any, such Trustor may again become incapacitated (as determined pursuant to Article 4).

10.25.5 Specific Limitation on Amount of Gifts Made Pursuant to Paragraph 10.25.2 and Paragraph 10.25.3. The aggregate amount of any gifts to a permissible donee pursuant to either Paragraph 10.25.2 or Paragraph 10.25.3, above, shall be limited to the maximum gift tax present interest annual exclusion determined under Internal Revenue Code Section 2503(b), as may be amended from time to time, or any successor statute thereto (or such greater amount, if any, as then may be excluded under Section 2513(a) of the Internal Revenue Code, as may be amended from time to time, or any successor statute thereto), for gifts to or for a permissible donee during a calendar year, reduced by the amount of all prior gifts made during that calendar year by either (i) the incapacitated Trustor, prior to his or her incapacity (as determined pursuant to Article 4) or (ii) on behalf of the incapacitated Trustor where the incapacitated Trustor is deemed to be the donor for federal gift tax purposes, including any gifts made by the Trustee pursuant to Paragraph 10.25.2 or Paragraph 10.25.3, above, which prior gifts qualified for the gift tax present interest annual exclusion, whether such prior gifts were made under this document or otherwise. In determining the amount of prior gifts to or for the permissible donee not made under this document, the Trustee may rely on any evidence available to him or her in determining the nature and amount of such prior gifts. Any gift made pursuant to either Paragraph 10.25.2 or Paragraph 10.25.3, above, which is excluded as a gift for federal gift tax purposes under Section 2503(e) of the Code, as may be amended from time to time, or any successor thereto, shall not be limited by the provisions of the preceding sentence.



**10.25.6 General Limitation of Power to Make Gifts.** It is the intention of the Trustors that any gifts made pursuant to this Paragraph 10.25 not be included in the taxable estate of a Trustor for federal estate tax purposes as a result of the death of that Trustor. To the extent that any such gift would be included in the taxable estate of a Trustor, then the Trustee shall not have the power to make such gift. The good faith determinations of the Trustee regarding whether a gift made pursuant to this Paragraph 10.25 would be includable in the taxable estate of a Trustor for federal estate tax purposes as a result of the death of a Trustor shall be binding on all beneficiaries of this trust and shall not be open to question.

**10.25.7 Gifts Not Advancement or Satisfaction.** Unless otherwise directed by a Trustor (who is not incapacitated) in a signed notarized writing delivered to the Trustee, any gift made pursuant to the provisions of this Paragraph 10.25 shall not be deemed an advancement or a satisfaction of any beneficiary's interest in any gift hereunder, such as an outright bequest or a trust created hereunder, any interest created under a Trustor's Will (or codicil thereto), or any interest in a Trustor's estate receivable by intestate succession

**10.25.8 Trustee Not Personally Liable.** Except in the event of the Trustee's own bad faith or gross negligence, the Trustee shall not be liable for either exercising or failing to exercise the power to make gifts as set forth in this Paragraph 10.25.

**10.26 Power to Combine Trusts.** The Trustee shall have the power to combine any separate trusts established hereunder for the benefit of a beneficiary into a single trust for said beneficiary if the Trustee, in the Trustee's discretion, determines that such combination would simplify the administration of such trusts for the benefit of the beneficiary, and provided that such combination would not alter the generation-skipping transfer tax inclusion ratio of such trusts.