

DOC # 0754884
12/03/2009 12:35 PM Deputy: SD

OFFICIAL RECORD

Requested By:
GEORGE KEELE

Douglas County - NV
Karen Ellison - Recorder

Page: 1 Of 6 Fee: 19.00
BK-1209 PG- 0505 RPTT: 0.00



Assessor's Parcel Number: _____

Recording Requested By: George M. Keele

Name: _____

Address: 1692 County Rd #A

City/State/Zip Minden NV 89423

Real Property Transfer Tax: \$ _____

Memorandum of Trust

(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2. (Additional recording fee applies)

This cover page must be typed or legibly hand printed.

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| REC FEE | 7 |
| RMF | 5 |
| MICRO | 1 |
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FILED FOR RECORD
AT REQUEST OF

NOV 18 1986

Wenzel

Nov 18 4 29 PM '86

OFFICIAL RECORDS
SANTA CLARA COUNTY
LAURIE KANE
RECORDER

When Recorded, Return To:

Robert D. Wenzel
ADAMS, WENZEL & PLANK
A Professional Corporation
111 West St. John Street, Suite 900
San Jose, CA 95113-1184

MEMORANDUM OF TRUST

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The undersigned, MARY A. SULLIVAN, has executed a revocable intervivos trust which becomes totally irrevocable upon her death. The Trust is to be referred to as the MARY A. SULLIVAN T/D 10/17/86. MARY A. SULLIVAN is the Trustee of this Trust. KATHLEEN MARY KAWCAK is the successor Trustee named to act as such in the event MARY A. SULLIVAN is unable or unwilling to act. CHRISTOPHER EUGENE KAWCAK and KRISTINA MARIE KAWCAK are the second successor Co-Trustees. In the event CHRISTOPHER EUGENE KAWCAK or KRISTINA MARIE KAWCAK are unwilling or unable to act, the other is the sole Trustee.

In order to carry out the provisions of the trusts created by this instrument, the Trustee shall have these powers in addition to those now or hereafter conferred by law:

a. To invest and reinvest funds in every kind of property, real, personal or mixed, and every kind of investment, specifically including, but not limited to, corporate obligations of every kind, stocks, preferred or common, shares of investment trusts, investment companies, and mutual funds, and mortgage participations, life insurance policies on the life of any beneficiary that men of prudence, discretion and intelligence acquire for their own account, including any common trust fund administered by the Trustee.

b. To continue to hold any property including any shares of the Trustee's own stock 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.

c. 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; and to exercise or sell stock subscription or conversion rights.

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d. 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.

e. To manage, control, grant options on, sell (for cash or on deferred payments), convey, exchange, partition, divide, improve and repair trust property.

f. 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.

g. To lend money to any person, including the probate estate of the Settlor, provided that any such loan shall be adequately secured and shall bear a reasonable rate of interest.

h. To purchase property at its fair market value, as determined by the Trustee in the Trustee's discretion, from the probate estate of the Settlor.

i. To loan or advance the Trustee's own 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 value as 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.

j. To release or to restrict the scope of any power that the Trustee may hold in conjunction with the trust created under this instrument, whether such power is expressly granted in the instrument or implied by law. The Trustee shall exercise this power in a written instrument executed by the Trustee, specifying the powers to be released or restricted, and the nature of the restriction.

k. 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 it shall allocate the benefits among the various beneficiaries, and the Trustee shall 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 beneficiary or group of beneficiaries over others.

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l. To borrow money and to encumber trust property by mortgage, deed of trust, pledge or otherwise.

m. 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.

n. 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.

o. To withhold from distribution, in the Trustee's discretion, at the time for distribution of any property in this trust, without the payment of interest, all or any part of the property, as long as the Trustee shall determine in the Trustee's discretion that such property may be subject to conflicting claims, to tax deficiencies, or to liabilities, contingent or otherwise, properly incurred in the administration of the estate.

p. To purchase bonds and to pay such premiums in connection with the purchase as the Trustee in the Trustee's discretion deems advisable; provided, however, that each premium shall be repaid periodically to principal out of the interest on the bond in such reasonable manner as the Trustee shall determine and, to the extent necessary, out of the proceeds on the sale or other disposition of the bond.

q. To purchase bonds at such discount as the Trustee in the Trustee's discretion deems advisable; provided, however, that each discount shall be accumulated periodically as interest in such reasonable manner as the Trustee shall determine and to the extent necessary paid out of the proceeds on the sale or other disposition of the bond or out of principal.

r. To purchase in the Trustee's discretion at less than par obligations of the United States of America that are redeemable at par in payment of any federal estate tax liability of the Settlor in the amounts the Trustee considers advisable. The Trustee shall exercise the Trustee's discretion and purchase these obligations if the Trustee believes that the Settlor is in substantial danger of death, and may borrow funds and give security for that purpose. The Trustee shall resolve any doubt concerning the desirability of making the purchase and its amount in favor of making the purchase and in purchasing a larger, even though somewhat excessive amount. The Trustee shall not be liable to the Settlor, any heir of the Settlor, or any beneficiary of this trust for losses resulting from purchases made in good faith.

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Notwithstanding anything in this instrument to the contrary, the Trustee is directed to pay the federal estate tax due on the Settlor's death in an amount not less than the par value plus accrued interest of the obligations that are eligible for redemption to pay the deceased Settlor's federal estate taxes, without apportionment or charge against any beneficiary of the trust estate or transferee of property passing outside the trust estate. The legal representative of the deceased Settlor's estate, or if none was appointed, the Trustee acting under this instrument, shall select the redemption date of these obligations.

s. To partition, allot and distribute the trust estate, in any division or partial or final distribution of the trust estate, in undivided interest 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, the Trustee shall be under no obligation to make a prorata division, or to distribute the same assets to beneficiaries similarly situated; but rather, the Trustee may, in the Trustee's discretion, make a non-prorata division between trusts or shares and non-prorata 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 value. All shares of stock shall be distributed in kind and prorata to the extent possible.

t. To trade commodity futures long and short, to trade all options long and short, to write options long and short, covered or uncovered, and to make currency transactions both long and short.

u. To buy, sell and trade in securities of any nature, including short sales.

Dated: October 17, 1986

Mary A. Sullivan
MARY A. SULLIVAN

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STATE OF CALIFORNIA)
) ss.
COUNTY OF)

On the 17th day of October, 1986, before me, the undersigned, a Notary Public in and for said State, personally appeared MARY A. SULLIVAN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

WITNESS my hand and official seal.

Robert D Wenzel

Notary Public

