

OFFICIAL RECORD  
Requested By:  
HENRY CAVALLERA

Mail Tax Statements and  
When Recorded Mail To:

PAUL ESLING  
3447 Long Drive  
Minden, NV 89423

Douglas County - NV  
Karen Ellison - Recorder

Page: 1 Of 23 Fee: 61.00  
BK-0310 PG- 7273 RPTT: 0.00



**NOTICE OF INCAPACITY OF CO-TRUSTEE,**  
**CERTIFICATE OF TRUST, AND OF APPOINTMENT OF SOLE TRUSTEE**

KNOW ALL MEN BY THESE PRESENTS, that PAUL ESLING and RENATE KAROLINE ESLING of the City of Minden, State of Nevada, executed a revocable inter vivos trust entitled the ESLING FAMILY TRUST, dated October 28, 2004.

Exhibit "B", Powers of the Trustee, Miscellaneous Trustee Administrative Provisions, B. Successor Trustees, Paragraph (1), of the ESLING FAMILY TRUST, states, "For the purpose of determining whether a Trustee is subject to a disability, so as to cause a successor to be appointed as set forth herein, "disability" shall include and physical or mental condition of an individual Trustee, whether arising from accident, illness or other causes, which renders such Trustee unable to conduct the regular affairs of the Trust Estate, including the endorsement for receipt of funds and writing of checks for disbursement of funds from the Trust Estate and which condition of disability is probable to extend for a period of more than ninety (90) days. The

condition of disability shall be evidenced by the written certificate of such Trustee's attending physician, and shall be accompanied by the written adoption of said certificate by the majority of Trustors and then living descendants who are competent, excluding the individual Trustee whose disability is then in question."

Attached hereto as Exhibit 1 is a copy of the Physician's Certificate completed by Mel Christopher Magboo, M.D., dated November 12, 2009, regarding RENATE KAROLINE ESLING's inability to manage her personal and financial affairs, and the letter attached thereto states that "Ms. Esling lacks sufficient understanding or capacity to make significant responsible decisions concerning her person or estate". Attached hereto as Exhibit 2 are the Adoption of Certificate by Physician Regarding Disability forms completed by three or more of the five descendants of RENATE KAROLINE ESLING.

Therefore, it has been determined that RENATE KAROLINE ESLING is disabled under the terms of the ESLING FAMILY TRUST and does not have the capacity to act as Trustee.

It has been determined that under the terms of the Trust, PAUL ESLING, of Minden, Nevada, is the sole Trustee of the ESLING FAMILY TRUST, dated October 28, 2004, and he assumes the appointment as sole Trustee under said Trust.

The address of the sole successor Trustee, PAUL ESLING,

is 3774 Long Drive, Minden, Nevada 89423.

The Trustee's powers are as set forth on Exhibit 3.

Paul Esling  
PAUL ESLING, Sole Trustee of  
the ESLING FAMILY TRUST, dated  
October 28, 2004

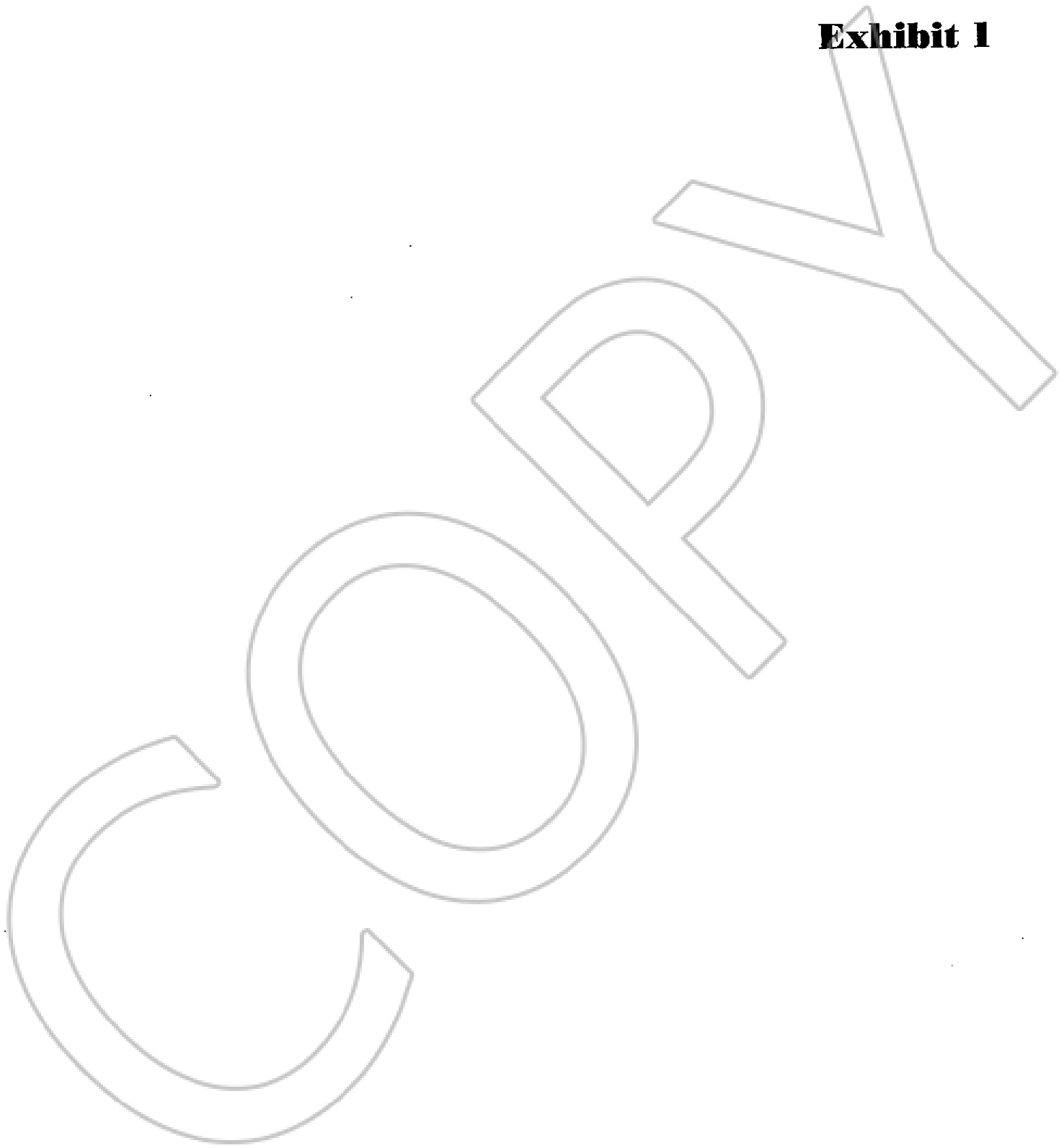
STATE OF NEVADA )  
                          ) ss.  
COUNTY OF WASHOE )

On this 29<sup>th</sup> day of march, in the year 2010,  
before me, Heather A. Harper, a Notary Public  
in and for said state, personally appeared PAUL ESLING,  
personally known to me to be the person who executed the  
above instrument, and acknowledged to me that he executed  
the same for purposes stated therein.

Heather A. Harper  
NOTARY PUBLIC in and for said  
County and State.



**Exhibit 1**



**Exhibit 1**



PHYSICIAN'S CERTIFICATE WITH NEEDS ASSESSMENT

(Please print clearly or type)

I, Med Christopher Magboe MD, am a physician licensed to practice in the State of Nevada.  
Physician's Full Name

I examined Esling, Renate, an adult, on 11/9/9.  
Patient's Full Name Date of Exam

This adult patient suffers from (Diagnosis): \_\_\_\_\_

Dementia / HTN / Depression

which is a  Permanent  Temporary condition.

I certify that this adult patient is unable to respond (check all that apply; at least one must be provided):

- To a substantial and immediate risk of physical harm.
- To an immediate need for medical attention.
- To a substantial and immediate risk of financial loss.

Describe immediate risk or need: The patient needs nursing home care and may not be able to access medicaid to pay for the care if a guardian is not appointed to do medicaid planning. Other: \_\_\_\_\_

Attached hereto is (check all that apply; at least one must be provided):

- A copy of my report of the above exam which includes my findings, opinion and diagnosis regarding the patient and his/her mental condition and/or capacity.
- A copy of the patient's chart notes which support and/or detail my findings, opinion and diagnosis regarding the patient and his/her mental condition and/or capacity.
- A letter, signed by me, detailing my findings, opinion and diagnosis regarding the patient and his/her mental condition and/or capacity.

My opinion of the patient's mental capacity and/or ability to function independently

without the assistance of others is \_\_\_\_\_

My opinion as to the patient's risk of harm and need for supervision is as follows:

The patient's risk of harm to self is:

- Mild                       Moderate                       Severe

The patient's risk of harm to others is:

- Mild                       Moderate                       Severe

The patient's level of needed supervision is as follows:

- Locked Facility                       24 hour supervision  
 Independent living with some supervision                       No supervision  
 No supervision when taking medications

My opinion as to the patient's everyday functions is as follows:

1. Independent	2. Needs Support	3. Needs Assistance	4. Total Care	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Care of Self (Activities of Daily Living (ADLs) and related activities)</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Maintain adequate hygiene, including bathing, dressing, toileting, dental
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Prepare meals and eat for adequate nutrition
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Identify abuse or neglect and protect self from harm
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Financial (If appropriate note dollar limits)</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manage and use checks, deposit, withdraw, dispose, invest monetary assets
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Enter into a contract, financial commitment, or lease arrangement
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Employ persons to advise or assist him/her
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resist exploitation, coercion, undue influence
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Medical</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Give/Withhold medical consent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Admit self to health facility
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Make or change an advance directive
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manage medications
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contact help if ill or in medical emergency

**Home and Community Life**

- Choose./Establish abode
- Maintain reasonably safe and clean shelter
- Drive or use public transportation
- Make and communicate choices about roommates
- Avoid environmental dangers such as stove, poisons, and obtain emergency help

My opinion as to the patient's need for a guardian is as follows:

- The patient does not need a guardian;
- The patient needs a guardian of the person only to supervise the taking of medications;
- The patient needs a guardian of the person and estate to make placement, medical and financial decisions;
- If a guardian is appointed, patient requested that \_\_\_\_\_ be appointed to serve as patient's guardian;
- Discussing need for guardianship with patient would be detrimental to patient's mental health.

The patient should \_\_\_\_\_ or should not  be required to attend a hearing on the petition for guardianship. If the patient should not, please explain.

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The patient would comprehend the reason for a court hearing in a guardianship.  
 Yes  No

The patient could contribute to a guardianship proceeding initiated by another to be appointed the patient's guardian.  Yes  No

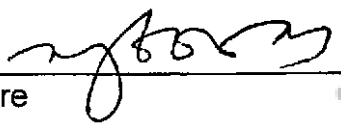
I informed the patient of the patient's right to an attorney in the guardianship proceedings.  Yes  No

- Patient has requested appointment of an attorney.
- Patient would not comprehend the need for attorney representation.
- Discussing the need for attorney representation with patient would be detrimental to patient's mental health.

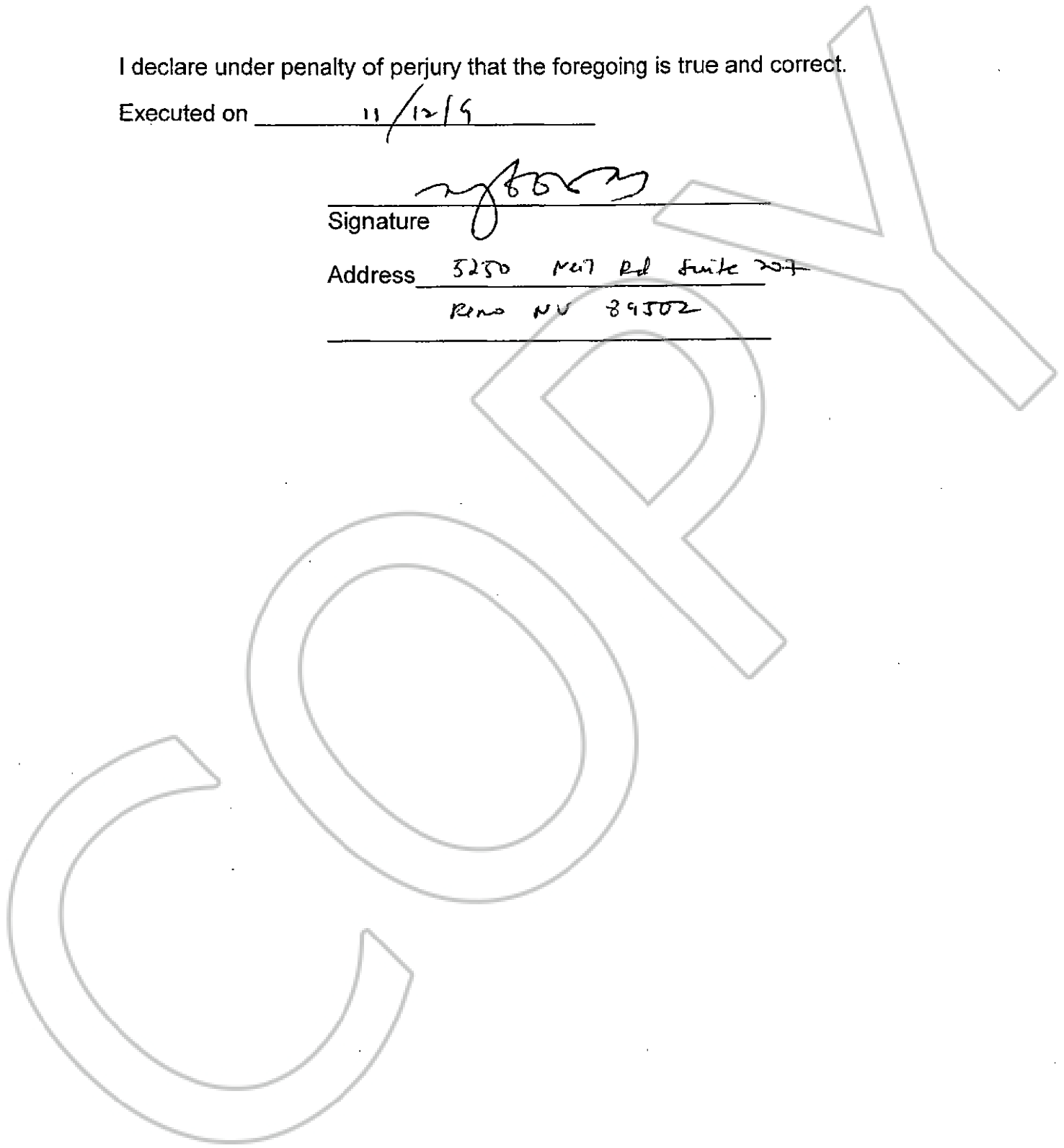
Response of patient: \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/12/19

Signature 

Address 5250 Mt Rd Suite 207  
Reno NV 89502





**GERIATRIC SPECIALTY CARE**  
*"Office Without Walls"*  
5250 Neil Road #207 Reno, NV 89502  
Phone: (775) 398-1981  
Fax: (775) 398-1984

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November 13, 2009

**Re: Renate Esling**

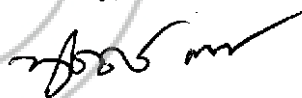
To Whom It May Concern:

I am a medical doctor licensed to practice medicine in the State of Nevada. We have treated Renate Esling from September, 2009 until currently. I most recently saw Ms. Esling on November 9, 2009 at The Arbors. Ms. Esling has the following diagnosis: Dementia, hypertension and depression.

Within a reasonable degree of medical certainty, in my opinion, Ms. Esling lacks sufficient understanding or capacity to make significant responsible decisions concerning her person or estate. I believe it would be in Ms. Esling's best interest to have a court appointed guardian to handle her affairs.

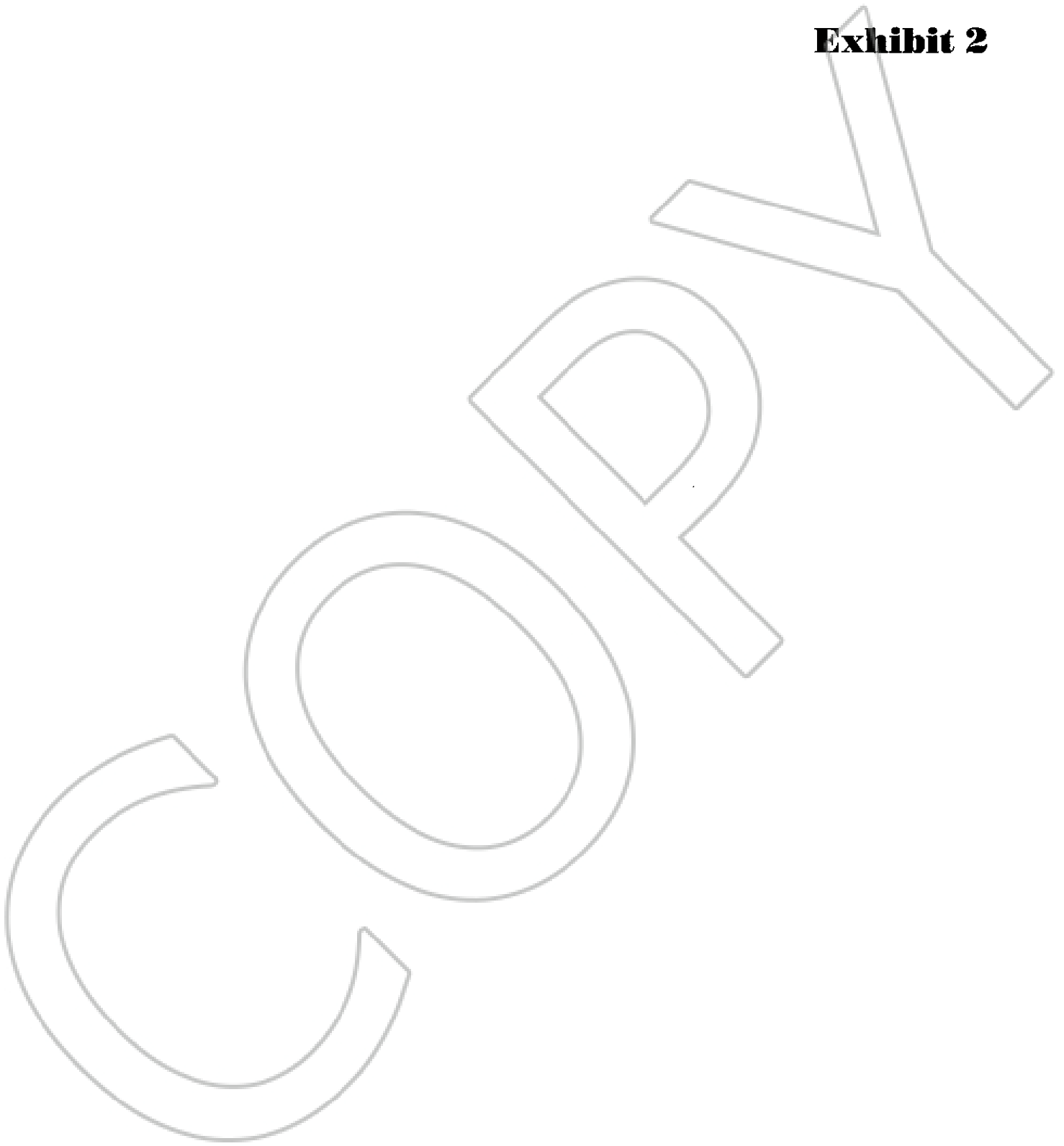
Please contact me or my office if there is any further information needed to proceed with the guardianship process.

Sincerely,



Mel C. Magboo, M.D.  
Geriatric Specialty Care

**Exhibit 2**



**Exhibit 2**

**ADOPTION OF CERTIFICATE BY PHYSICIAN  
REGARDING DISABILITY OF RENATE KAROLINE ESLING**

I, WALTER T. ESLING, hereby state as follows:

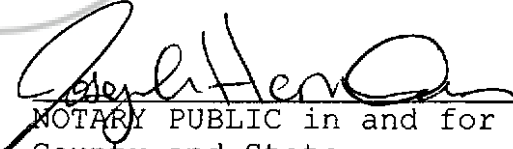
1. I am a son and descendent of RENATE KAROLINE ESLING.
2. I have reviewed the Physician's Certificate With Needs Assessment completed by Mel Christopher Magboo, M.D., dated November 12, 2009, regarding my mother, RENATE KAROLINE ESLING.
3. I hereby accept Dr. Magboo's finding that my mother, RENATE KAROLINE ESLING, is disabled and unable to manage her financial affairs and consent to PAUL ESLING serving as Trustee of THE ESLING FAMILY TRUST, dated October 8<sup>th</sup>, 2004.

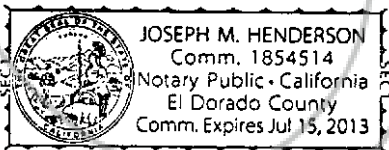
DATED this 15<sup>th</sup> day of March, 2010.

  
WALTER T. ESLING

STATE OF California )  
COUNTY OF El Dorado )

On this 15 day of March, in the year 2010, before me, Joseph Henderson, a Notary Public in and for said state, personally appeared WALTER T. ESLING, personally known to me to be the person who executed the above instrument, and acknowledged to me that he executed the same for purposes stated therein.

  
NOTARY PUBLIC in and for said County and State.

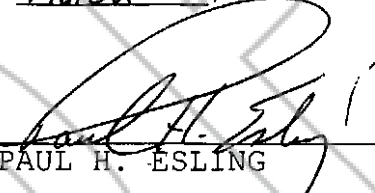


**ADOPTION OF CERTIFICATE BY PHYSICIAN  
REGARDING DISABILITY OF RENATE KAROLINE ESLING**

I, PAUL H. ESLING, hereby state as follows:

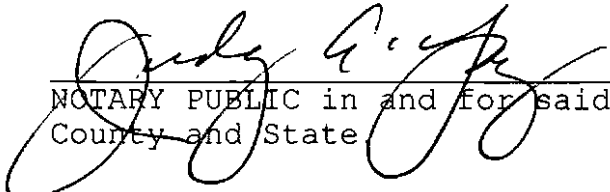
1. I am a son and descendent of RENATE KAROLINE ESLING.
2. I have reviewed the Physician's Certificate With Needs Assessment completed by Mel Christopher Magboo, M.D., dated November 12, 2009, regarding my mother, RENATE KAROLINE ESLING.
3. I hereby accept Dr. Magboo's finding that my mother, RENATE KAROLINE ESLING, is disabled and unable to manage her financial affairs and consent to PAUL ESLING serving as Trustee of THE ESLING FAMILY TRUST, dated October 8<sup>th</sup>, 2004.

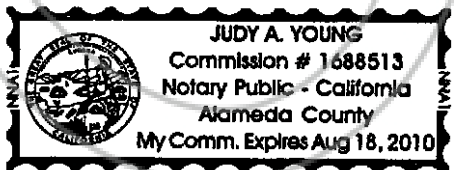
DATED this 19 day of March, 2010.

  
\_\_\_\_\_  
PAUL H. ESLING

STATE OF CA )  
COUNTY OF Alameda

On this 19 day of March, 2010, in the year 2010, before me, Judy A. Young, a Notary Public in and for said state, personally appeared PAUL H. ESLING, personally known to me to be the person who executed the above instrument, and acknowledged to me that he executed the same for purposes stated therein.

  
\_\_\_\_\_  
NOTARY PUBLIC in and for said  
County and State



**ADOPTION OF CERTIFICATE BY PHYSICIAN**  
**REGARDING DISABILITY OF RENATE KAROLINE ESLING**

I, MARY E. RAY, hereby state as follows:

1. I am a daughter and descendent of RENATE KAROLINE ESLING.
2. I have reviewed the Physician's Certificate With Needs Assessment completed by Mel Christopher Magboo, M.D., dated November 12, 2009, regarding my mother, RENATE KAROLINE ESLING.
3. I hereby accept Dr. Magboo's finding that my mother, RENATE KAROLINE ESLING, is disabled and unable to manage her financial affairs and consent to PAUL ESLING serving as Trustee of THE ESLING FAMILY TRUST, dated October 8<sup>th</sup>, 2004.

DATED this 15<sup>th</sup> day of March, 2010.

*Mary E. Ray*  
MARY E. RAY

STATE OF Oklahoma )  
COUNTY OF Tulsa )

On this 15<sup>th</sup> day of March, in the year 2010, before me, Mary E. Ray, a Notary Public in and for said state, personally appeared MARY E. RAY, personally known to me to be the person who executed the above instrument, and acknowledged to me that she executed the same for purposes stated therein.

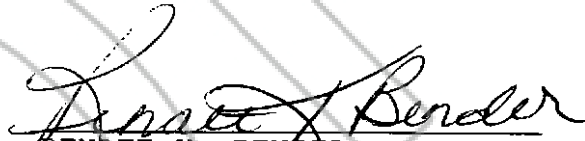
*Unked Foster*  
NOTARY PUBLIC in and for said  
County and State. 01010349 7/6/13

**ADOPTION OF CERTIFICATE BY PHYSICIAN  
REGARDING DISABILITY OF RENATE KAROLINE ESLING**

I, RENATE K. BENDER, hereby state as follows:

1. I am a daughter and descendent of RENATE KAROLINE ESLING.
2. I have reviewed the Physician's Certificate With Needs Assessment completed by Mel Christopher Magboo, M.D., dated November 12, 2009, regarding my mother, RENATE KAROLINE ESLING.
3. I hereby accept Dr. Magboo's finding that my mother, RENATE KAROLINE ESLING, is disabled and unable to manage her financial affairs and consent to PAUL ESLING serving as Trustee of THE ESLING FAMILY TRUST, dated October 8<sup>th</sup>, 2004.

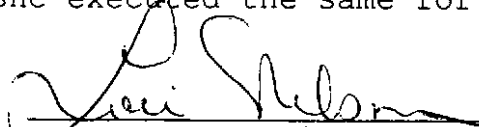
DATED this 16<sup>th</sup> day of March, 2010.

  
\_\_\_\_\_  
RENAME K. BENDER

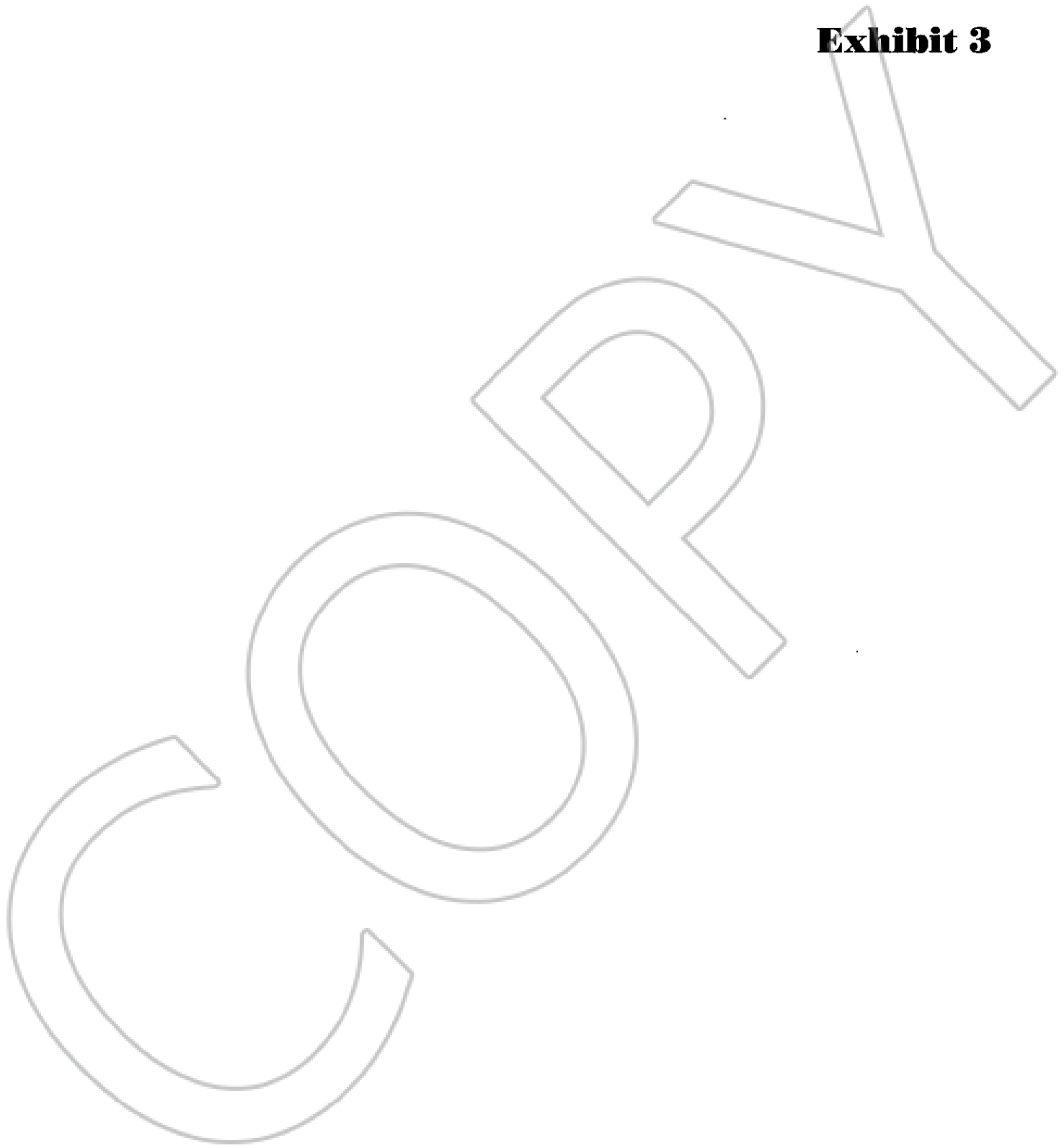
STATE OF Nevada )  
                                  ) )  
COUNTY OF Washoe  )

On this 16<sup>th</sup> day of March, in the year 2010, before me, Lori Nelson, a Notary Public in and for said state, personally appeared RENATE K. BENDER, personally known to me to be the person who executed the above instrument, and acknowledged to me that she executed the same for purposes stated therein.



  
\_\_\_\_\_  
NOTARY PUBLIC in and for said  
County and State.

**Exhibit 3**



**Exhibit 3**

## POWERS OF THE TRUSTEE

### General Powers

To carry out the purposes of this trust or any trust under this instrument, and subject to any limitations stated in this trust, the trustees are vested, without necessity of application to any Court, with the powers listed below as well as any powers conferred by law and not inconsistent with any specific provisions of this trust. The enumeration of certain powers in this trust shall not limit the trustees' powers. The trustees shall have all the rights, powers, and privileges that an absolute owner of the same property would have, subject to the trustees' fiduciary obligations and to any limitations stated elsewhere in this trust. Unless otherwise stated, all powers of a trustee are attached to the office and are not personal.

### Specific Powers

A. The trustees may, in the trustees' discretion, invest and reinvest trust 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; preferred or common stocks; shares of investment trusts, investment companies, and mutual funds; life insurance policies; notes, real estate, bonds, debentures, mortgages, deeds of trust, and mortgage participations that, under the then-prevailing circumstances (specifically including, but not limited to, the general economic conditions and the anticipated needs of the trust and its beneficiaries), persons of skill, prudence, and diligence, acting with care in a similar capacity and familiar with those matters, would use in the conduct of an enterprise of similar character and with similar aims, to attain the Grantors' goals under this trust. The trustees shall consider individual investments as part of an overall investment strategy. The trustees' investments may include stock in, or any common trust fund administered by, the trustees or stock in any entity owned by the trustees or that owns the trustees.

The trustees shall also have the power to invest in market funds and index funds; to establish and maintain margin accounts; and to buy or sell options, puts, and calls.

The power to perform any act that a prudent person would take in order to accomplish the objectives of the trust.

The power to perform any act that a prudent investor would take in investing trust property including the retention of professional financial advisors and the investment of assets as recommended or directed by such financial advisors.

Any other powers appropriate to achieve the proper investment, management and distribution of the trust property including the signing and delivery of contracts and other instruments that are useful to achieve or facilitate the exercise of the trustee's powers."



B. The trustees may, in the trustees' discretion, continue to hold any property, including any shares of the trustees' own stock, and to operate at the risk of the trust estate any business that the trustees receive or acquire for as long as the trustees consider advisable.

C. The trustees may, in the trustees' discretion, retain, purchase, or otherwise acquire unproductive or underproductive property. This power is subject to the surviving spouse's right to compel the trustees either to sell unproductive or underproductive property or to make compensatory distributions of principal.

D. The trustees shall have all the rights, powers, and privileges of an owner of the securities held in trust, including, but not limited to, the powers to:

- (1) Vote, give proxies, and pay assessments;
- (2) Participate in voting trusts and pooling agreements and enter into shareholders' agreements, including, but not limited to, buy-sell agreements and close corporation and S corporation shareholders' agreements;
- (3) Consent to foreclosures, reorganizations, consolidations, mergers, and liquidations;
- (4) Deposit securities with and transfer title to any protective or other committee on any terms that the trustees, in the trustees' discretion, consider advisable; and
- (5) Exercise or sell stock subscription or conversion rights.

E. The trustees may, in the trustees' discretion, hold stocks and other securities in the trustees' name as trustees under this trust, in a nominee's name, or in the name of the broker who handled the asset purchase (what is commonly called "street name"). The trustees may also, in the trustees' discretion, hold unregistered securities in "bearer" form, which enables ownership of the shares to pass by delivery.

F. The trustees may, in the trustees' discretion, acquire or dispose of trust property (for cash or credit), at public or private sale or by exchange; manage, control, divide, develop, improve, exchange, partition, change the character of, repair, alter, or abandon trust property; encumber, mortgage, or pledge trust property for a term within or beyond the term of the trust in connection with the exercise of any power vested in the trustees; and grant options on trust property.

G. The trustees, in the trustees' discretion, may lease trust property for terms within or beyond the term of the trust for any purpose, including exploration for and removal of gas, oil, minerals, and geothermal energy, and may enter into community oil leases, pooling, and unitization agreements.

H. The trustees may, in the trustees' discretion, lend money to the probate estate of either Grantor, regardless of whether the executor of that estate and the trustees of this trust are the same person or entity.

I. The trustees may, in the trustees' discretion, purchase property at its fair market value from the probate estate of either Grantor.

J. The trustees may, in the trustees' discretion, do the following:

- (1) Lend or advance the trustees' own funds to the trust for any trust purpose, with interest at current rates;
- (2) Receive security for such loans in the form of a mortgage, pledge, deed of trust, or other encumbrance of any assets of the trust;
- (3) Purchase assets of the trust at their fair market value; and,
- (4) Sell property to the trust at a price not in excess of its fair market value.

K. The trustees may, in the trustees' discretion, take any action and make any election to minimize the tax liabilities of (1) any trust created by this instrument and (2) the trust's beneficiaries. The trustees shall make adjustments between the income and principal accounts, to compensate for the consequences of any tax election or investment or administrative decision that has directly or indirectly benefitted one beneficiary or group of beneficiaries over others.

L. The trustees may, in the trustees' discretion, borrow money and encumber trust property by mortgage, deed of trust, pledge, or otherwise, for the debts of the trust, the joint debts of the trust and a co-owner of the property in which the trust has an interest, or a Grantor's debts or to guarantee a Grantor's debts, as long as assets of the bypass trust are not used to guarantee the debts of a surviving spouse who is a trustee.

M. The trustees may, in the trustees' discretion, initiate or defend, at the expense of the trust, any litigation that the trustees consider advisable relating to the trust or any property of the trust estate. The trustees' powers under this paragraph shall apply during the term of the trust and after distribution of trust assets. The trustees shall have no duties, however, regarding any litigation or claims occurring after distribution of trust assets, unless the trustees are adequately indemnified by the distributees for any loss occasioned by exercise of the powers.

N. The trustees may compromise, submit to arbitration, abandon, or otherwise adjust any claims or litigation against or in favor of the trust, as long as the trustees determine, in the trustees' discretion, that such action will be beneficial to the trust.

The trustees' powers under this clause shall apply during the term of the trust and after distribution of trust assets. The trustees shall have no duties, however, regarding any claims or litigation

occurring after distribution of trust assets, unless the trustees are adequately indemnified by the distributees for any loss occasioned by exercise of the powers.

O. The trustees may, in the trustees' discretion, carry, at the expense of the trust, insurance of the kinds and in the amounts that the trustees consider advisable to protect the trust estate against any hazard and the trustees personally against liability with respect to third persons.

P. The trustees may, in the trustees' discretion, inspect from time to time or monitor any property held as part of the trust estate in order to determine compliance with any law, regulation, or ordinance that may or does affect the property. This power specifically includes the power to inspect assets controlled by any business enterprise held by the trustees.

Q. When an event occurs on which the trustees are required to divide or distribute trust property, the trustees may delay the division or distribution of all or part of the property (without later payment of interest) for the period of time necessary to ascertain and provide for the payment of any tax claim or other liability, contingent or otherwise, against the property. During this period, the trustees may pay the net income of the trust to the beneficiaries entitled to it, and any income not distributed shall, on resolution of any tax claim or other liability, be payable to the person entitled to it immediately after income is received by the trustees. The provisions of this paragraph shall not be deemed to postpone or defer the vesting of any interest created by the dispositive clauses of the trust.

R. In any case in which the trustees are required to separate any trust property into parts or shares, whether by division, partition, allotment, allocation, or distribution, or otherwise, the trustees are authorized to make such separation of the trust estate in undivided interests, in kind, or partly in money and partly in kind, either pro-rata or non-pro-rata, at reasonable values determined as of the date or dates of separation, and to sell property as the trustees consider advisable in order to effect such separation.

S. To own, hold, hypothecate, sell, alienate, transfer, purchase, manage or otherwise participate in limited liability companies.

T. To make gifts of any kind.

#### Miscellaneous Trustee Administrative Provisions

##### A. Resignation or Succession of Trustees.

A Trustee may resign at any time by giving written notice, thirty (30) days before such resignation shall take effect, to his successor and to the adult beneficiaries of the Trust Estate who then are entitled or authorized in the Trustee's discretion to receive distributions of current income. The resigning Trustee shall transfer the entire Trust Estate to the successor Trustee and hereupon shall be discharged as Trustee and shall have no further discretions or obligations with respect to the Trust Estate.

///

B. Successor Trustees.

- (1) For the purposes of determining whether a Trustee is subject to a disability, so as to cause a successor to be appointed as set forth herein, "disability" shall include any physical or mental condition of an individual Trustee, whether arising from accident, illness or other causes, which renders such Trustee unable to conduct the regular affairs of the Trust Estate, including endorsement for receipt of funds and writing of checks for disbursement of funds from the Trust Estate and which condition of disability is probable to extend for a period of more than ninety (90) days. The condition of disability shall be evidenced by the written certificate of such Trustee's attending physician, and shall be accompanied by the written adoption of said certificate by the majority of Trustors and then living descendants who are competent, excluding the individual Trustee whose disability is then in question.
- (2) Any third person dealing with a successor Trustee shall accept, and shall be entitled to rely absolutely upon the statement of said successor Trustee that the successor Trustee has become the Trustee in accordance with the provisions hereof and shall be under no obligation to make any investigation of the facts or circumstances of the assumption of authority by said successor Trustee.
- (3) A successor Trustee shall not be made subject to any claim or demand by any beneficiary of the Trust Estate by reason of the successor Trustee commencing to act as Trustee in accordance with the provisions hereof.
- (4) No successor Trustee shall be liable for any act, omission or default of a predecessor Trustee. No successor Trustee shall have any duty to investigate or review any action of a predecessor.

C. Bond Requirements.

No bond shall be required of any person named in this instrument as trustee, or of any person appointed as the trustee in the manner specified in this instrument, for the faithful performance of his or her duties as trustee.

D. Reference to Trustee.

As used herein, the term "Trustee" shall refer to the Trustee who may be serving as such from time to time and, unless the context otherwise requires, the singular term "Trustee" shall be interchangeable with the plural term "Trustees."

E. Trustee's Compensation.

A trustee other than one who is also a trustor shall be entitled to pay itself reasonable compensation from time to time without prior court order.

F. Co-Trustee Rules.

The following rules shall apply to decisions by co-trustees:

- (1) Majority rule. Any action by a majority of the trustees shall be binding on the trust estate and may be relied on by third parties dealing with the trustees.
- (2) Decision of special trustee governs. If, after consultation with each other, the trustees cannot agree regarding any matter affecting the administration or distribution of the trust estate, the special trustee's decision shall govern.
- (3) Emergency (Co-Trustees). If an individual co-trustee cannot participate in trust activities because of illness, disability, conflict of interest, or any other reason, the co-trustee, whether a corporate trustee or an individual, shall, during any incapacity, make all decisions regarding the trust estate as though he or she were the sole trustee. In determining the nonparticipating individual trustee's illness or disability, the co-trustee may rely on a certificate or other written statement from one (1) licensed physician who has examined the nonparticipating individual trustee. The co-trustee acting as sole trustee shall incur no liability to any beneficiary of the trust or to the individual trustee as a result of any action taken under this paragraph.
- (4) Non-liability for Co-Trustee's acts. No trustee shall be liable or responsible for any act, omission, or default of any other trustee.

G. Non-liability of Independent Trustees.

No trustee or special trustee named in this instrument or designated as authorized in this instrument who is an independent person (other than a corporate trustee) shall be liable to any beneficiary or to any heir of either Grantor for the trustee's acts or failure to act, except for willful misconduct or gross negligence.

H. Powers and Non-liability of Successor Trustee and Co-Trustee.

All rights, powers, duties, and discretions conferred on the original trustees shall vest in all successor trustees. No successor trustees or co-trustees shall be responsible or liable for the acts or omissions of any prior trustees or co-trustees, nor shall any successor trustees or co-trustees have a duty to audit or investigate the administration or accounts of any prior trustees or co-trustees.

I. Unanimous Action Not Required.

In any case where husband and wife are co-trustees of any trust created hereunder, the signature of one spouse is sufficient to memorialize an act of the trustees and the trust unless a specific statute requires the signature of both spouses. In all other cases, a power vested in two trustees may only be exercised by unanimous action.

J. Environmental Issues.

With respect to possible liability for violation of environmental law:

a. Inspect or investigate property the trustee holds or has been asked to hold, or property owned or operated by an organization in which the trustee holds or has been asked to hold an interest, for the purpose of determining the application of environmental law with respect to the property;

b. Take action to prevent, abate, or to otherwise remedy any actual or potential violation of any environmental law affecting property held directly or indirectly by the trustee, whether taken before or after the assertion of a claim or the initiation of governmental enforcement;

c. Decline to accept property into trust or disclaim any power with respect to property that is or may be burdened with liability for violation of environmental law;

d. Compromise claims against the trust that may be asserted for an alleged violation of environmental law; and

e. Pay the expense of any inspection, review, abatement, or remedial action to comply with environmental law.

K. Pay or contest any claim, settle a claim by or against the trust, and release, in whole or in part, a claim belonging to the trust.

L. Pay taxes, assessments, compensation of the trustee and of employees and agents of the trust, and other expenses incurred in the administration of the trust.

M. Exercise elections with respect to federal, state, and local taxes.

N. Appoint a trustee to act in another jurisdiction regarding trust property in the other jurisdiction, confer on the appointed trustee all powers and duties of the appointed trustee, require that the appointed trustee furnish security, and remove any trustee so appointed.

- O. Resolve a dispute over the interpretation of the trust or its administration by mediation, arbitration, or other procedure for alternative dispute resolution.
- P. Combine two or more trusts into a single trust or divide a trust into two or more separate trusts.
- Q. On termination of the trust, exercise the powers appropriate to wind up the administration of the trust and distribute the trust property to the person entitled to it.
- R. Appoint any person to be an authorized signer for any financial institution account or securities account.