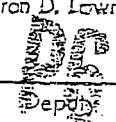


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FILED ~~NOV 17 1994~~
Sharon D. Lawrence
By 
Deputy

6 Attorney for CapitolBank Sacramento

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF EL DORADO

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11 In the matter of)
12) Case Number: PP94-0092
13 EVELYN REEKMAN HORN)
14 SCHOLARSHIP TRUST NUMBER 747) Date: July 25, 1994
15) Department 5
16) Time: 1:30 p.m.

17 AMENDED ORDER MODIFYING CHARITABLE TRUST
18 (Probate Code Sections 15409 and 17200)

19 CAPITOLBANK SACRAMENTO, Trustee of the Evelyn Reekman Horn Scholarship
20 Trust, having filed its Petition to Modify Charitable Trust (Probate Code Sections 15409 and
21 17200) coming on this day regularly for hearing, in Department 5, the Honorable Mary T. Muse,
22 Commissioner, presiding, and there being no objection, the Court finds:

- 23 1. All notices of hearing have been regularly given as prescribed by law, including
24 notice to the Attorney General.
25 2. The Evelyn Reekman Horn Scholarship Trust ("the Trust") was established by
26 Order of this Court on November 13, 1989.

1 3. Petitioner was appointed successor Trustee of the Trust by Order dated August 9,
2 1990.

3 4. The Trust was established to provide scholarships to deserving students attending
4 schools on the Western Slope of El Dorado County. Judicial modification and clarification of the
5 administrative provisions of the Trust is in the best interest of the beneficiaries and truly reflects
6 the intent of Evelyn Reekman Horn.

7 5. Good cause appearing therefore, it is

8 HEREBY ORDERED, ADJUDGED and DECREED that:

9 1. The Scholarship Committee shall consist of a representative of the Black Oak Mines
10 School District, a representative of the El Dorado Union High School District Board of Trustees,
11 a representative of Los Rios Community College District, Cosumnes River College, Placerville
12 Campus, the currently acting Presiding Judge of the El Dorado County Superior Court, the
13 Chairman of the Board of Supervisors of El Dorado County, and the Trust's accountant, Jim G.
14 Smith, who will serve as a member at large;

15 2. Notices of the availability of scholarships and application forms shall be sent to
16 each of the three eligible school districts, no later than September 1 of each year; completed
17 applications must be received by the respective school district representative no later than December
18 31;

19 3. The Scholarship Committee shall be convened no later than the second week in
20 February to review applications and make recommendations; final awards shall be announced no
21 later than mid-April;

22 4. All funds awarded to scholarship recipients must be used during the academic year
23 for which the award is made; all funds not used are forfeited and shall be used for additional
24 scholarships in the District where the award originated; and

25 5. CAPITOLBANK SACRAMENTO, as petitioner is authorized to convene an ad hoc
26 meeting of the Scholarship Committee as needed if funds remain unused at the end of the

academic year.

DATED: AUG 17 1994

MARY THERESA MUSE

JUDGE OF THE SUPERIOR COURT

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hereby appointed, as a committee for the purposes of determining the scholarships hereinafter provided.

(1) The presiding Judge of the Superior Court of the County of El Dorado, provided said Judge shall be a Judge who sits in the Western Slope of El Dorado County, and if there be no presiding Judge sitting in the Western Slope of El Dorado County, then by agreement, one (1) Superior Court Judge who actually sits in Court regularly within the City of Placerville or the Western Portion of El Dorado County. This Judge so sitting shall be chosen by a majority vote of the Judges sitting in Placerville from their ranks.

(2) Chairman of American River Community College Board, provided said Board shall have a campus in the Western Slope of El Dorado County, and if it shall not, then the Chairman of any Junior College or Community College Board which has a campus on the Western Slope of El Dorado County, provided there shall be only one (1) such person.

(3) The Chairman of the Board of Supervisors of El Dorado County, provided that said Chairman is from a District which constitutes a major portion of the Western Slope of El Dorado County, and if the Chairman is not from the Western Slope, then a member of the Board of Supervisors determined by a majority vote of the Supervisors of El Dorado County whose District is primarily located within the Western Slope of El Dorado County.

(4) The Sheriff of El Dorado County.

(5) The Chairperson of the El Dorado Union High School District Board, or whatever District Board is the successor of the El Dorado Union High School District Board.

Once each year, during the first half of the month

of May, or at such other time as they may deem from time to time necessary or suitable, the said committee shall meet. The committee shall then determine from the income available together with so much of the principal, not to exceed ten percent (10%) thereof in any given year, of the trust as they feel advisable to award scholarships to persons who qualify as follows:

(a) Thirty percent (30%) of the income and thirty percent (30%) of any principal which the committee shall decide, shall be awarded as scholarships pursuant to the criteria hereinafter established to persons who have graduated or completed two (2) years of education at American River Community College, or any successor Junior College, or Community College operating or having a campus in Placerville, who intend to continue their education in Universities or Colleges of higher education. It shall not be necessary that said person have an Associate of Arts degree, as long as they have completed sufficient course of study to qualify for entrance into a college or university. This said scholarship shall be open only to students enrolled at the Placerville campus. It shall specifically not include any persons enrolled at any other campus of American River Community College or its successor.

(b) Thirty-five percent (35%) of the income and principal, if the committee shall deem it necessary to invade principal, shall be awarded as scholarships pursuant to the criteria hereinafter set forth, to graduates of El Dorado Union High School, Placerville, or a successor high school having as its campus one which serves the Placerville area.

(c) Thirty-five percent (35%) of the income and principal, which the committee may determine necessary, shall be awarded in the form of scholarships to graduates of whatever high school is within the Black Oak Mine School Dis-

trict, or successor school District which serves the Georgetown area of El Dorado County.

C. I hereby direct that the committee shall consider the following to be the criteria used for establishing scholarships:

1. Scholarships to American River Community College, or Junior College or its successor. It is my intent that, consideration be given to well-rounded students who intend to continue their education at a college or university so as to obtain a Bachelor's Degree. The scholarship shall be limited to two (2) years at which said student attends a college or university accredited by the State of California, and further, shall require that said student shall maintain at least a C average or its numerical equivalent. I desire the committee to pick people who combine scholarship with athletic and/or extra-curricular activities, as it is my desire that this scholarship or scholarships be awarded to well-rounded students and need is not to be considered a factor. I give total discretion to the committee to pick students who they believe will succeed and benefit the community, whether they are the top scholastically, athletically, or in extra-curricular activities is only to be a factor to be considered and is not to be controlling. I desire well-rounded people to go from our community college to college, and said well-rounded people are to be persons who are hard-working and whose return to our community will be of benefit to it. No financial statement or information of any applicant or his or her parents shall be required or considered.

2. With regard to the scholarships to the High Schools, I specifically direct that need is not to be a determining or major factor. I wish to have students who are not

necessarily the most high in their scholastic line, but who are well-rounded, having participated in extra-curricular activities and/or athletic activities.

The main criteria to be used shall be selection of students who will and have shown an ability to work hard, and who will be able to return to their community and be conscientious, good citizens. I specifically direct that recommendations from the faculty of the respective high schools may be considered, but under no circumstances shall they be deemed in any way conclusive, as it is my desire that good citizenship be promoted by this scholarship, and that hardworking people who have shown their ability to work hard, regardless of their high scholastic achievement, or great athletic prowess shall be the ones selected for these scholarships. No financial statement of the applicants or their parents shall be requested or considered.

3. The committee shall allocate scholarships to one person or as many persons as the committee shall deem advisable within each of the three (3) groups above set forth, and shall provide scholarships on a two (2) year basis for the Community College, and on a four (4) year basis for the High School graduates. The committee shall not have the right to revoke or terminate said scholarships unless the student obtains less than a C average while in college, or unless the said student fails to proceed with the continuous two (2) semester or three (3) quarter year taking what is considered by each college or university an average course load. In the event said student should fail to do so, the committee shall have the right to terminate the scholarship. All recipients must provide copies of their report cards within ten (10) days of receipt thereof to the Trustee herein named. All payments of scholarship shall be made on semester or quarter basis so as to facilitate the student's

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by the recipients of the said semester or quarter charges in advance.

D. I direct that the Trustee shall take instructions from the aforesaid committee and shall be bound by its decision. As used in this Will, the term "income for purposes of scholarship", shall mean income after payment of all costs and expenses less the costs of maintaining and operating the trust.

E. To carry out the purposes of any trust created under this Paragraph SIXTH and subject to any limitations stated elsewhere in this Will, the Trustee is vested with the following powers described in California Probate Code Section 1120.2, which are incorporated by reference in this Will and made a part of it, in addition to those powers now or hereafter conferred by law:

(1) Any Trustee then in office may resign as Trustee at any time and appoint a successor Trustee. Any such appointment may be made only by an instrument signed by the Trustee and delivered to each adult income beneficiary, the parent or guardian of each minor income beneficiary, and the Trustee being appointed.

(2) The Trustee is authorized to employ custodians, investment advisers, attorneys, accountants and any other agents or advisers to assist the Trustee in the administration of this trust. Reasonable compensation for all services performed by such agents and advisers shall be paid from the trust estate.

(3) No Trustee under this Will shall be liable to any person interested in this trust for any act or default of that Trustee, unless resulting from the Trustee's own bad faith or gross negligence.