

15833

7116

1 THIS TRUST INDENTURE, Made this 29th day of December, 1958, between LeRoy
2 Gienger and Elvine Gienger, husband and wife, hereinafter called the Donors, and
3 Glen E. Kircher and Bonnie M. Kircher, hereinafter called the Trustees,

4 W I T N E S S E T H:

5 WHEREAS, the Donors desire to establish a trust upon the conditions and for
6 the uses and purposes hereinafter set forth;

7 NOW, THEREFORE, in consideration of the premises and of the mutual covenants
8 herein contained, the Donors have conveyed, granted, assigned and delivered to
9 the Trustees the property specifically set forth in Schedule "A" hereunto append-
10 ed, receipt of which property the Trustees hereby acknowledge. TO HAVE AND TO
11 HOLD IN TRUST NEVERTHELESS, for the following uses and purposes, and subject to
12 the terms, conditions, powers and agreements hereinafter set forth.

13 ARTICLE FIRST:

14 (1) To pay all or such part of the net income to the Donors' granddaughter,
15 Suzann Elvine Kircher, until she attains the age of 21 years, as, in the dis-
16 cretion of the Trustees, seems advisable.

17 (2) To pay out or apply all or such part of the net income for the benefit of
18 the said Suzann Elvine Kircher, until she attains the age of 21 years, as, in
19 the discretion of the trustees, seems advisable;

20 (3) To accumulate, and add to principal and invest as a part thereof, all or
21 such part of the net income until the said Suzann Elvine Kircher attains the age
22 of 21 years, as, in the discretion of the trustees, seems advisable;

23 (4) To pay to said Suzann Elvine Kircher, until she attains the age of 21
24 years, or to pay out for her benefit until that time, all or such part of the
25 accumulated income and any earnings thereon as, in the discretion of the trustees,
26 seems advisable;

27 (5) To pay to said Suzann Elvine Kircher, until she attains the age of 21
28 years, or to pay out for her benefit until that time, all or such part of the
29 property conveyed to the Trustees at this time or subsequently acquired by the
30 trustees under Article Third or Article Fourth below, or otherwise, in the
31 discretion of the trustees.

32 ARTICLE SECOND:

Upon the death of said Suzann Elvine Kircher, prior to her reaching 21 years
of age, to pay all unexpended income and all other property remaining in this
trust to the estate of said Suzann Elvine Kircher, or as she may appoint under
a general power of appointment as defined in Section 2514(c) of the United States
Internal Revenue Code. Upon said Suzann Elvine Kircher attaining the age of
21 years, however, to pay said income and property to her, her heirs and assigns,
forever, outright and free of trust.

ARTICLE THIRD:

To invest, reinvest, vary and change any or all of the trust investments here-
under without restriction to investments authorized by law for trustees; to sell
any and all property conveyed to them by the Donors, and invest and reinvest the
proceeds, all as they may deem advisable in their sole discretion. No purchaser
of said properties or investments, or any part thereof, shall be required to see
to the application of any purchase moneys paid therefor.

ARTICLE FOURTH:

The donors reserve the right to add to the principal of this trust from time

7117

1 to time by conveying additional property to the trustees, which shall be admin-
2 istered in accordance with the terms of this trust agreement in the same manner
as the property conveyed herewith.

3 ARTICLE FIFTH:

4 The donors retain no right to revoke, alter or amend this trust.

5 IN WITNESS WHEREOF, The Donors and Trustees have hereunto set their hands and
6 seals the day and year first herein written.

7 Leroy Gienger (SEAL)
8 Elvina Gienger (SEAL)
9 Clara E. Kischer (SEAL)
10 Reuben M. Nitcher (SEAL)

11 STATE OF OREGON)
12 County of Klamath) SS

13 BE IT REMEMBERED, That on this 29th day of December, 1958, before me, the
14 undersigned, a notary public in and for said County and State, personally
15 appeared the within named Leroy Gienger and Elvina Gienger, husband and wife,
who are known to me to be the identical persons described in and who executed
the within instrument and acknowledged to me that they executed the same freely
and voluntarily.

16 IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the
day and year last above written.

17 William Berry
18 Notary Public for Oregon
19 My Commission expires: 11/20/59

23 EXHIBIT A

24 Ten shares of capital stock of Weyerhaeuser Timber Company, a
25 Washington corporation, of the par value of \$7.50 each.

26 STATE OF OREGON; COUNTY OF KLAMATH; ss.

27 Filed for record at request of Leroy Gienger
28 this 13 day of Sept A.D. 1967 at 2:48 clock PM., and
29 duly recorded in Vol. M-67, of deeds on Page 7116

30 Fee 3.00

DOROTHY ROGERS, County Clerk

31 By Dorothy Rogers

34