

The Order of the Court is stated below:

Dated: August 25, 2022
11:02:05 AM

/s/ MICHAEL S. EDWARDS
District Court Judge



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**IN THE SECOND JUDICIAL DISTRICT COURT OF
DAVIS COUNTY, STATE OF UTAH**

IN THE MATTER OF THE SHIRLEY W. HOLLSTEIN REVOCABLE LIVING TRUST, DATED JULY 22, 1999))))))	ORDER TO MODIFY TRUST Probate No: 223700501 Judge Michael S. Edwards
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The Petition of Helynn Hansen and Mark Hollstein for an order to modify *The Shirley W. Hollstein Revocable Living Trust, Dated July 22, 1999 (Trust)* came before this Court, and the Court, having considered said Petition, enters the following order:

IT IS HEREBY ORDERED AND DECREED THAT :

1. The Court’s signature is found on the first page of this Order.
2. The Court has jurisdiction over the subject matter.
3. The Petition is a verified petition signed by the sole authorized trustees and sole current beneficiaries, with no parties other than the petitioners having an interest in the petition.
4. The Court orders that paragraphs 3.2., 4.1., and 10.1. of the Trust be modified to read as follows:

3.2. TRUSTEES. I designate the following persons to serve simultaneously as my co-trustees:

- (1) Helynn Hansen and Mark Hollstein, each with an equal vote.

- (2) If Helynne Hansen cannot serve as a co-trustee, then Helynne's children, Joseph Spencer Hansen and Mary Elizabeth Booth, shall serve in the stead of Helynne, as co-trustees, with said children having a total of one vote. That is Mark would have one vote and said children would have one total vote.
- (3) If Mark Hollstein cannot serve as a co-trustee, then Mark's spouse, Yoshiko Sumida Hollstein, and his son, Kristof Sumida Hollstein, shall serve in the stead of Mark, as co-trustees, with said spouse and son having a total of one vote. That is Helynne would have one vote and said spouse and son would have one total vote.

It is my intention and preference that two co-trustees serve at all times, with one co-trustee from Helynne's family and one co-trustee from Mark's family. I emphasize that a trustee is not necessarily a beneficiary. My provisions here regarding appointment of trustees do not invalidate my distribution provisions set forth in this Trust. In the event all the above-named co-trustees cannot serve, then a trustee must be appointed by a Court.

A person named or appointed as a trustee is only authorized to act as a trustee upon said person signing an Acceptance of Appointment, as set forth in Article 14.

References in this Power of Attorney to trustees in the singular or the plural shall not be construed to conflict with the number of trustees actually serving pursuant to the requirements of this Article.

Amongst themselves as co-trustees, the co-trustees must approve all decisions affecting my affairs and assets by their unanimous vote since there are only two votes.

4.1. APPLICATION DATES. During the dates I am alive, but absent or incapacitated, my authorized trustees may be called upon to administer the Trust.

The important point is that my trustees' liabilities, rights, authority, and duties (as set forth in this Article) particularly apply during the application dates set forth in this ¶ 4.1.

10.1. DIVISION AND DISTRIBUTION TO PRIMARY BENEFICIARIES. The trustees must divide and distribute Trust assets pursuant to the terms of this ¶ 10.1.

10.1.1. Application Date. I mandate that the terms of this ¶ 10.1. apply at the latest of the following dates:

- (1) the date following my death; **and**

- (2) preferably, but not necessarily, the date after all my assets have been liquidated or monetized; **and**
- (3) the date trustees have satisfied all my obligations, including tax obligations; **and**
- (4) the date one or more primary beneficiaries can claim.

Primary beneficiaries are sometimes referred to hereafter as *PBs*.

10.1.2. Gifts, Loans, and Transfers. During my life, I may have gifted cash funds to a PB. I mandate that all such cash gifts are completely forgiven. I further mandate that any money I may have loaned to a PB is completely forgiven. Finally, after executing this Trust and prior to my death, I may have transferred to a PB the Trust's ownership or beneficiary rights in a Trust asset. It shall be presumed that said transfers are valid.

10.1.3. Division of Trust Assets. The trustee must divide all Trust assets into one equal share for each primary beneficiary named in Article 8 (regardless of whether a PB can claim—e.g., whether they predecease me—because ¶ 10.2. explains what to do with the share of a PB who cannot claim).

10.1.4. Distribution of Trust Assets. At the following dates, the trustee must distribute to each primary beneficiary all or a portion of the PB's share of Trust assets apportioned to said PB (assuming of course that the PB can claim):

- (1) after the Application Date (see ¶ 10.1.1.); and
- (2) at any date after the Application Date, upon unanimous consent of the co-trustees.

I mandate that the trustees have discretion to distribute assets at any time in the years following my death. The co-trustee are under no obligation or legal requirement to distribute Trust assets to a beneficiary (or consent to the distribution of Trust assets to a beneficiary) at any particular time. The trustees may, in their discretion, hold Trust assets indefinitely for any time period, with said assets to be controlled and managed pursuant to the terms of the Trust. I also reiterate the terms found in Article 9 that beneficiaries have no vested or legal right to Trust assets until such date as assets are actually alienated and received by a beneficiary. I emphasize that beneficiaries have no vested or legal right to Trust assets until the co-trustees unanimously consent to distribute all or a portion of a beneficiary's share of Trust assets to the beneficiary. And I again mandate

that distributions to a beneficiary may only occur upon the unanimous consent of the co-trustees.