

HARRY C. TREXLER TRUST

WILL

I, Harry C. Trexler, of the City of Allentown, County of Lehigh and State of Pennsylvania, do make, publish and declare this to be my last Will and Testament, hereby revoking and making void all former Wills and Codicils thereto, by me, heretofore made:

FIRST: I give and bequeath unto my brother, Edwin G. Trexler, the sum of One Hundred and Fifty Thousand Dollars (\$150,000); and unto my brother, Frank M. Trexler, or his heirs, the like sum of One Hundred and Fifty Thousand Dollars (\$150,000), which sums so bequeathed to them are in excess of what I inherited from our parents.

SECOND: I give and bequeath to my Secretaries, J. Thomas Schantz and Nolan P. Benner, each, the sum of Twenty Thousand Dollars (\$20,000); and I further give and bequeath to Dr. George F. Seiberling the sum of Ten Thousand Dollars (\$10,000).

THIRD: I give and bequeath the sum of Five Thousand Dollars (\$5,000) to each of the following persons: Daniel E. Ritter, Granville J. Heintzelman, John C. Shumberger, Henry A. Renninger, Percival S. Fenstermacher, J. Eric Linde, Nathan R. Buller, Frank T. Hagenbuch, Frank W. Romig, Harry W. Diefenderfer, Victor E. Fritz, George W. Kistler, Howard F. Adams, G. Leroy Faust, Jesse F. Solt, Claude S. Wiegner, Elmer E. Luckenbach, Ralph Hermany, Harvey W. Muth and George H. Hardner.

I have made no bequest to my associate in the lumber business, Fred H. Sterner, as he has already attained a competency through our association in that business.

FOURTH: After the death of my wife, Mary M. Trexler, I give and bequeath, as follows, to wit:

To Mrs. Alice Kistler, widow of Milo Kistler, of Tannersville, Pennsylvania, a cousin of my wife, the annual income of Two Thousand Dollars (\$2,000).

To Miss Jennie Yeager, my cousin, the annual income of Two Thousand Dollars (\$2,000).

To Clayton W. Reish the annual income of One Thousand Dollars (\$1,000); and in the event of his wife surviving him, then such annual income to be paid to his surviving wife during her life.

To Edwin B. Diefenderfer the annual income of Five Hundred Dollars (\$500); and in the event of his wife surviving him, then such annual income to be paid to his surviving wife during her life.

To Frank Person the annual income of Five Hundred Dollars (\$500); and in the event of his wife surviving him, then such annual income to be paid to his surviving wife during her life.

To Miss Allie E. Randall the annual income of Six Hundred Dollars (\$600).

To Joseph Heimbach of Hickory Run, the annual income of Five Hundred Dollars (\$500); and in the event of his wife surviving him, then such annual income to be paid to his surviving wife during her life.

To Eugene Marsteller, Mrs. Ida S. Miller, widow of Menno J. Miller, Miss Mary F. Dieter, Miss Lizzie H. Miller, Mrs. Abbie Keichel Drakeley, Charles W. DeLong, William J. Levan and George W. Guignet, each, the annual income of Five Hundred Dollars (\$500).

I direct my Executors and Trustees to set apart from my estate such separate sums as they shall in their discretion determine to be sufficient under all probable contingencies to yield a net annual income equal to the amounts of said annuities, respectively; and I give and bequeath each of said sums unto my Executors and Trustees, in trust, to collect and receive the income thereof, and out of the same to pay said annuitants, respectively, in at least semi-annual installments, during their respective lives.

FIFTH: I direct my Executors and Trustees to pay out of my residuary estate all inheritance, transfer, legacy or succession taxes, which may be payable in respect of the bequests and devises in this my Will contained, or of any gift heretofore made.

SIXTH: I direct my Executors to set apart a sum, which in their judgment shall be sufficient under all probable contingencies to yield a net annual income of Four Thousand Dollars (\$4,000), and I give and bequeath such sum unto my Executors and Trustees, in trust, as a separate and independent fund, and to collect and receive the income thereof and to expend out of said income, each year perpetually in the same manner as I have been doing in the past, the sum of Two Thousand Dollars (\$2,000), for the school children of the City of Allentown, at their annual Romper Day Exercises, and also to expend out of said income, each year, the sum of Two Thousand Dollars (\$2,000) for the extension and maintenance of the library which I have presented to the Masonic Lodges of the City of Allentown.

SEVENTH: I give, devise and bequeath to my wife, Mary M. Trexler, for and during the term of her natural life, the free right and privilege to occupy our residences, No. 1227 Hamilton Street, Allentown, and the Springhouse near Cetronia, together with the full use of all their contents, furniture and equipment, library, pictures, works of art, ornaments and the like now located therein; the use of my automobiles, as well as the use of Springwood Park and the Greenhouse with contents, thereon located.

EIGHTH: All the rest, residue and remainder of my estate, real, personal or mixed of whatsoever nature and wheresoever situate, of which I shall be seized and possessed, or to which I shall in any way be entitled at the time of my death, including any lapsed legacies, I give, devise and bequeath to my Trustees, hereinafter named, and their successors, in trust, nevertheless, to invest, reinvest and keep the same invested, and to collect, recover and receive the rents, issues, income, interest and profits, thereof, and after deducting all proper charges incident to the administration of the trust, to pay the same at least semi-annually, to my beloved wife, Mary M. Trexler, for and during the term of her natural life.

NINTH: Upon the death of my said wife, I direct and authorize my Executors and Trustees to convey in fee simple, to the City of Allentown, for use as a public park by the citizens of that City, a portion of my Springwood Farm, in South Whitehall Township, the

boundary line of which begins at the John Hartman property, and which includes all of the land from thence to the Litzenberger Barn, to the Kappenberger Blacksmith Shop, and from thence to the place of beginning; which I have laid out on a draft or plan signed by me, and which is to be considered as part of this Will.

I further give and bequeath to my Executors and Trustees, the sum of Two Hundred and Fifty Thousand Dollars (\$250,000), as a separate and independent fund, in trust, to collect and receive the income thereof and pay the same annually into the Treasury of the City of Allentown, for the perpetual maintenance of said Park, as well as the Greenhouse thereon located. This bequest shall include all the plants and other contents of said Greenhouse.

TENTH: I further authorize and direct my Executors and Trustees to convey in fee simple, to the County of Lehigh, for use as a public park, by the citizens of that County, my Game Preserve Property in North Whitehall and Lowhill Townships, being all the land and buildings enclosed within the Game Preserve fence, together with all the buffalo, deer and elk therein contained, and the equipment thereof; and I further give and bequeath to my Executors and Trustees, as a separate and independent fund, the sum of One Hundred and Fifty Thousand Dollars (\$150,000), in trust, to collect and receive the income thereof and pay the same annually and perpetually into the Treasury of the County of Lehigh, for the maintenance of said park; the administration of which park shall be under the direction of the Judges of the Courts and County Commissioners of Lehigh County.

ELEVENTH: After compliance with the above provisions of this my Will, and after the death of my wife, I direct that the net income of the remainder of my estate shall be expended, paid and distributed, as follows:

A. In order to further provide for and protect the various charitable bequests herein made and to provide for the contingency of losses in investments made for the benefit of such bequests, I direct that one-fourth of the net income of such remainder shall be accumulated and added to the principal of such remainder.

B. One-fourth thereof shall be paid annually and perpetually into the Treasury of the City of Allentown, to be used by the City for the improvements, extension and maintenance of all of its Parks; such payment shall be in addition to what I have heretofore provided for Springwood Park.

C. The remaining one-half of said income shall be used and distributed annually and perpetually, by my Trustees, for such charitable organizations and objects as in their discretion shall be of the most benefit to humanity, limiting them, however, as to locality, to the City of Allentown and the County of Lehigh, and to the following objects and organization, to wit:

First: Hospitals, churches, institutions for the care of cripples and orphans, young men and young women's Christian Association, Boy Scouts and any other worthy organizations which have for their object, and which truly serve for the benefit of mankind.

Second: Education and training of worthy and earnest young men, who are residents of Pennsylvania, for the Christian ministry, at Muhlenberg College, Allentown, Pennsylvania, and at Franklin and Marshall College at Lancaster, Pennsylvania.

TWELFTH: I hereby nominate and appoint my wife, Mary M.

Trexler, Col. Edward M. Young, Dr. George F. Seiberling and my Secretaries, J. Thomas Schantz and Nolan P. Benner to be Executors and Trustees under this my last Will and Testament; and I further direct that there shall never be less than five (5) Trustees serving in the office; and as vacancies shall occur through death, resignation, inability or otherwise, such vacancies shall be filled by appointments made by the Orphans' Court of Lehigh County; and I recommend that in succession to my wife, Mary M. Trexler, Granville J. Heintzelman shall be appointed; and in succession to Col. Edward M. Young his son, Joseph Young, shall be appointed; and in succession to Dr. George F. Seiberling, Maj. John C. Shumberger shall be appointed; and in succession to J. Thomas Schantz, Victor E. Fritz shall be appointed; and in succession to Nolan P. Benner, Fred H. Sterner shall be appointed. For the filling of further vacancies I make no recommendations, leaving that to the discretion and judgment of the Orphans' Court; but suggest that a financial institution thereto qualified be appointed to fill one vacancy not provided for by my recommendations. I further direct that in case of a difference of opinion shall exist between my said Executors and Trustees as to any matter arising in the execution or exercise of any trust power or discretion under this my Will, or any Codicil hereto, such difference or differences shall be decided by a majority of such Executors or Trustees, and their decision in relation thereto shall be binding and conclusive upon said Executors or Trustees and my estate. Whenever in the future the said Trustees or their successors should deem such course feasible and advisable I hereby authorize them to form a corporation or corporations to carry out the charitable purposes herein specified.

THIRTEENTH: For the settlement and administration of my estate and the trusts created hereby, in addition to any other powers hereinbefore given, I specially direct, authorize and empower my Executors and Trustees to do and perform any and all of the following acts, powers and duties, as well as any others that may be implied or reasonably necessary to carry out my intentions.

First. To carry on and operate my farms, trout hatchery, game preserve and orchards during the lifetime of my wife and for such a reasonable time after her death as they may consider advisable for the best interests of my estate, and as fully as I myself could do.

Second. To withhold from sale, for a period of ten (10) years after my death, or until the death of my wife, if she live beyond that period, my orchards in Lowhill and North Whitehall Townships, and my Springwood Farms in South Whitehall Township; but to sell, either at public or private sale, all of the rest of my real property within a reasonable time after my death, with the exception of such properties as are reserved for the use of my wife during her life, and excepting such properties as are herein otherwise to be disposed of; which properties reserved for my wife are to be sold in like manner after her death, subject to the directions above given as to the orchards and Springwood Farms. All sales of real estate shall be made in such parcels, upon such terms and conditions, and for such prices as the Trustees may deem advisable, with power and authority to make, execute and deliver, to the purchasers all necessary and proper deeds of conveyance therefore, and with further power and authority to take from the purchasers whenever necessary their purchase money mortgages and bonds, secured on the real property sold, to an amount

consonant with good business judgment.

Third. To collect all moneys due me or my estate, whether by notes, book accounts or otherwise; to sell either at public or private sale, whenever they deem expedient and whenever such sales are in accord with the other provisions of my Will, for such prices and on such terms and conditions as they deem best, and make proper conveyance thereof, any and all my personal property, including my live stock, farm stocks and equipment, library, furniture, pictures, works of art and the like; to keep and retain in the trusts, as proper investments thereof, any and all of my present investments, stocks, bonds, mortgages, notes, et cetera, if they deem advisable, or to sell them or any part of them at public or private sale, for such prices, and on such terms and conditions as they deem best, and make proper conveyance thereof; and to invest and reinvest the funds of the estate, exercise any and all option warrants, and change the investments, from time to time, as occasion may arise, or conditions, demand, but always, in the case of reinvestment, in such securities and investments as are legal and proper for trust estates in Pennsylvania.

Fourth. I direct my Executors and trustees to retain and employ Reuben J. Butz, Esq., and J. J. Steele, Esq., as their legal counsel and advisors in the settlement of the estate and the administration of the trusts hereby created.

Fifth. I direct that proper books of account be kept by my Executors and Trustees, which shall be supervised and audited yearly by some firm of accountants. As my affairs in that line are being handled by Messrs. Price, Waterhouse and Company, I direct that that firm or some other firm of equal standing and reputation be employed.

FOURTEENTH: In the event of any or all of the charitable legacies herein made failing by reason of my death within thirty days from the date hereof, I then give, devise and bequeath the property, sum or sums so given to my wife, Mary M. Trexler, in entire confidence that she will make proper disposition of the same.

In Witness Whereof, I Harry C. Trexler, the above named testator, have to this, my last Will and Testament, written on eleven typewritten pages, each bearing my signature, to which at the end thereof I have set my hand and seal, this Fifteenth day of April, A. D. 1929.

Signed, sealed, published and declared by the above named Harry C. Trexler, as and for his last Will and testament, in the presence of us, who have hereunto subscribed our names, at his request, as witnesses thereto, in the presence of the said testator and of each other:

(Sgd) P. B. Sawyer

C. M. Walter

Samuel Weil

(Sgd) Harry C. Trexler (Seal)

I, Harry C. Trexler, of the City of Allentown, County of Lehigh and State of Pennsylvania, do make, publish and declare this Codicil to my last Will and Testament, heretofore made and dated April 15, 1929, to wit:

I hereby revoke and make void the bequest I have made on page 2 of said Will and Testament, of the annual income of Five Hundred Dollars (\$500) to Joseph Heimbach, and after his death to his wife; and instead thereof I give and bequeath the annual income of Five Hundred Dollars (\$500.00) to Charles Kline, my caretaker at Hickory Run; and in the event of his wife surviving him, then such annual income to be paid to his surviving wife during her life; all the other provisions of said Will and Testament to remain as heretofore.

In Witness Whereof, I, Harry C. Trexler, have set my hand and seal this Tenth day of October, A. D. 1930.

Signed, sealed, published and declared by the above named Harry C. Trexler, as and for a Codicil to his last Will and testament, in the presence of us, who have hereunto subscribed our names, at his request, as witnesses thereto, in the presence of the said testator and of each other:

(Sgd) J. Thos. Schantz

Nolan P. Benner

(Sgd) Harry C. Trexler (Seal)

The Orphans' Court Division of the Lehigh County Court of Common Pleas has ordered four cy pres reformations of the Will of Harry C. Trexler.

The separate trusts created by Article Sixth were merged into the Residuary trust created by Article Eleventh.

The City of Allentown was granted permission to demolish the Greenhouse referred to in Article Ninth.

Testator's scheme for the administration of the Game Preserve as set forth in Article Tenth was revised as follows: The administration of the Game Preserve Park shall be under the direction of the Lehigh County Executive, overseen by the Trexler-Lehigh County Game Preserve Advisory Board and funded with capital and operating monies appropriated by the Lehigh County Board of Commissioners (in addition to income distributions from the hereinabove created Game Preserve Trust).

Article Eleventh was reformed to require the Trustees to supplement the distributions of three-fourths of the net income of the trust, as prescribed by paragraphs B and C, with additional distributions from principal, including income currently or previously accumulated and added thereto, as may be required to protect the trust from tax under Section 4942 of the Internal Revenue Code.