

Gaming Limitation Provision

The following provisions apply to all trusts created under this Trust Agreement, except as expressly provided to the contrary in this Article entitled "Gaming Limitation Provision:"

1. Intention. It is the Settlor's intent that a beneficiary does not exhaust his or her financial resources due to his or her participation in "games of chance," including, but not limited to, gambling activities offered in casinos, betting on sports and racing, and the like. This intent is not limited to activities taking place in recognized gaming institutions, but shall also apply to activities provided by individual providers of gaming activities and groups not recognized by legal gaming regulators and commissions. The following restrictions in this Article require that the beneficiary have both a dependence on these activities and that they be destructive to the beneficiary. This Article shall not apply to risk taking that may be considered reasonable in the course of starting a high-risk business, certain "thrill seeking" personal activities, and other ventures not associated with gaming for money or property.

a. **Dependence.** "Dependence" on gambling shall be defined as a beneficiary routinely or frequently participating in gaming activities, and expending significant amounts of property on these activities, to the extent that a mental health professional such as a therapist, psychiatrist or psychologist could reasonably concur that the beneficiary is psychologically dependent upon these activities. An actual diagnosis of dependency on gambling need not be submitted by a medical professional in order to enact the presumption of this prerequisite: No tests must actually be performed by such a medical professional for the Trustee to determine that the beneficiary is dependent upon the behavior; the Trustee need to only have a reasonable suspicion that such dependency does exist..

b. **Destructive.** "Destructive" may be interpreted as behavior which is substantially emotionally or physically detrimental to the beneficiary or his or her immediate family. The behavior may also be destructive to the beneficiary or his or her immediate family in the form of severe financial hardship, such as excessive financial outlays by the beneficiary to perpetuate the dependent behavior. Actual loss of financial resources is not necessary: The mere

chance that such risk taking is so substantial as to potentially financially harm the beneficiary or his or her immediate family is sufficient to enact the presumption of this prerequisite.

B. Trustee Discretion Regarding Distributions. If the Trustee believes that the prerequisites of dependence and destructive behavior are met, the Trustee may suspend all distributions, mandatory and discretionary, until the Trustee believes the beneficiary's excessive gaming behavior has been treated. The Trustee shall not be compelled to make distributions by the beneficiary except as follows.

1. Beneficiary's Right to Compel Distributions. If the beneficiary disputes the Trustee's suspension of distributions, he may compel the Trustee to hire an independent medical professional (as defined above) whom the Trustee and Beneficiary both agree upon, to interview the Beneficiary for at least three, but not more than eight, one hour sessions to determine whether dependence and destructive behavior due to gaming exists. These sessions shall be paid for by the beneficiary's Descendant's Separate Trust.

a. If the independent medical professional determines that either prerequisite for withholding funds due to gaming is not reasonably present the Trustee shall be required to distribute all mandatory distributions to the Beneficiary.

b. If the independent medical professional determines both prerequisites are met the Trustee shall propose a course of treatment for the Beneficiary with the goal of rehabilitating the Beneficiary of his or her gaming problems within the following six month period. This may include therapy, mandatory attendance of Twelve Step Programs for gambling problems during the period, or other reasonable courses of recovery, to be paid for by the Beneficiary's Descendant's Separate Trust. Upon satisfactory proof from an independent medical professional that the Beneficiary has been rehabilitated, the Trustee shall distribute all mandatory distributions owed to the Beneficiary.

2. Discretionary Distributions. While mandatory distributions are suspended, the trust will be administered as a discretionary trust to provide for the Beneficiary according to the provisions of the trust providing for discretionary distributions in the Trustee's discretion (other than an Interested Trustee) and any provisions of the trust relating to distributions for the Beneficiary's health, education, maintenance and support.

3. Resumption of Mandatory Distributions and Withdrawals. When mandatory distributions to and withdrawals by the Beneficiary are resumed, the remaining

balance, if any, of the mandatory distributions that were suspended may be distributed to the Beneficiary at that time and the balance of any rights of withdrawal by the Beneficiary shall be immediately exercisable by the Beneficiary. If the Beneficiary dies before mandatory distributions or rights of withdrawal are resumed, the remaining balance of the mandatory distributions that were suspended will be distributed to the alternate beneficiaries of the Beneficiary's share as provided herein.

4. **Other Prohibitions During Mandatory Suspension of Benefits.** If mandatory distributions to a Beneficiary are suspended as provided above in this Article, then as of such suspension, the Beneficiary shall automatically be disqualified from serving, and if applicable shall immediately cease serving, as a trustee, or in any other capacity in which the Beneficiary would serve as, or participate in the removal or appointment of any trustee hereunder.

C. **Exoneration Provision.** It is not the Settlor's intention to make the Trustee (or any doctor or psychiatrist retained by the Trustee) responsible or liable to anyone for a Beneficiary's actions or welfare. The Trustee has no duty to inquire whether a Beneficiary uses drugs or other substances. The Trustee (and independent medical professional retained by the Trustee) will be indemnified from the trust estate for any liability in exercising the Trustee's judgment and authority under this Article, including any failure to request a Beneficiary to submit to medical examination and including a decision to distribute suspended amounts to a Beneficiary.

D. **Tax Savings Provisions.** Notwithstanding the provisions of the preceding subparagraphs or any other provision of this Trust Agreement, the Trustee shall not suspend any mandatory distributions required for a trust to qualify, in whole or in part, for any Federal or state marital deduction or charitable deduction or as a qualified subchapter S trust. Finally, nothing herein shall prevent a distribution mandated by the provisions hereof relating to the Maximum Duration of Trusts.