

I, LEON ALFRED SALLINGER, presently residing at San Francisco, California, being over the age of twenty-one years and of sound and disposing mind and memory and not acting under duress, menace, fraud or the undue influence of any person whomsoever, do hereby make, publish and declare this to be my Last Will and Testament, in the manner following:

FIRST: I revoke all other and former Wills and Codicils to Wills by me made.

SECOND: I declare I am a single man and that I have never been married. I direct my executor hereinafter named to pay all my just debts and funeral expenses as soon after my demise as can lawfully and conveniently be done. It is my further wish that my funeral and burial shall be in accordance with my station in life and shall be without ostentation or undue expense.

THIRD: I give and bequeath my gold ring set with a black enamel stone surrounded by nineteen small diamonds, and all of my other personal effects not specifically bequeathed herein, such as clothing, books, household furniture and furnishings and bric-a-brac, to my sister, SARAH S. ROGERS, should she survive me, but should she predecease me, this bequest shall lapse and become a part of the residue of my estate.

FOURTH: To the persons hereinafter named I give and bequeath the following sums:

- (1) To my sister, SARAH S. ROGERS, the sum of One thousand dollars (\$1,000.00);
- (2) To my niece, MRS. ALBERT McCALL, the sum of One thousand dollars (\$1,000.00);
- (3) To my niece, MRS. THADDEUS THACKERY CRESHELL, the sum of One thousand dollars (\$1,000.00);
- (4) To my nephew, ROBERT D. SALLINGER the sum of One thousand dollars (\$1,000.00)

- (5) To my nephew, ROBERT E. SALLINGER, the sum of One thousand dollars (\$1,000.00);
- (6) To my sister-in-law, HARRIET SALLINGER, the sum of One thousand dollars (\$1,000.00);
- (7) To my sister-in-law, MAUD HILDA SALLINGER, the sum of One thousand dollars (\$1,000.00);

Should any of the foregoing named legatees predecease me, his or her bequest shall lapse and become a part of the residue of my said estate.

FIFTH: I give and bequeath my entire collection of precious stones, including opals, moss agates, and all other mineral specimens which I may own at the time of my death, and whether the same shall be in the form of jewelry, not otherwise specifically bequeathed herein, to THE AMERICAN MUSEUM OF NATURAL HISTORY, (of which I am an associate member), presently located at 79th Street and West Central Park, in the City of New York.

This bequest is given in trust and is subject to the condition that in no event shall any part or portion thereof be sold. It is my wish and desire that this collection shall be available to the public for inspection and study, under such rules and regulations as the governing body of said museum may prescribe for its protection. Because of the size of said collection, THE AMERICAN MUSEUM OF NATURAL HISTORY may desire to take only a portion thereof, in which event it shall have the right and privilege to select whatever part it may wish, and if any of said stones are not selected by said THE AMERICAN MUSEUM OF NATURAL HISTORY within one hundred eighty days from the official date of my death, I direct that any such unselected portion of my collection shall be distributed to THE DE YOUNG MEMORIAL MUSEUM, Golden Gate Park, San Francisco, California, subject to the same conditions specified above. In the event either said THE AMERICAN MUSEUM OF NATURAL HISTORY or THE DE YOUNG MEMORIAL MUSEUM

shall cease to exist for any reason whatsoever, either before or after the date of my death, I direct said trust shall continue and that said collection shall be delivered, subject to the same terms and conditions, to a recognized public museum within the confines of the United States.

**WILL:** All of the rest, residue and remainder of my estate, of every kind and character, whether the same be real or personal, and whatsoever situated, I give, devise and bequeath to AMERICAN TRUST COMPANY, a corporation, whose principal place of business is in the City of San Francisco, State of California, or any successor or assign thereof, in trust, however, for the following uses and purposes:

(a) During the continuance of the trust the trustee shall pay to my mother, IDA SALINGER, presently residing at Los Angeles, California, in monthly installments as nearly equal in amount as the conditions of the trust will permit, all of the net income arising from said estate for so long as she shall live. From and after the death of my said mother, the trustee shall pay, in monthly or other convenient installments, all so long as she shall live, upon the death of the survivor of my said mother and my said sister, this trust shall cease and terminate, whereupon the trustee shall pay over, deliver and convey all of the trust estate then remaining in its hands, after the payment of expenses and fees, to ROCHESTER PUBLIC LIBRARY, Rochester, New Hampshire, ROCHESTER HIGH SCHOOL, Rochester, New Hampshire, DARTMOUTH COLLEGE, Hanover, New Hampshire, and DEYOUNG MEMORIAL MUSEUM, San Francisco, California, in equal shares.

In reference to the bequest to Rochester Public Library, it is my desire that the principal thereof shall be held in trust and that the income therefrom shall be used for the purchase of books, at such times and in such manner as the governing body of said library shall in its sole discretion deem advisable, with preference to books on the subject of chemistry.

In reference to the bequest to Rochester High School, (of which I am an alumnus), it is my desire that the principal thereof shall be held in trust and that the income therefrom shall be awarded annually, as a cash prize, to the student graduating from said high school with the highest honors. It is my further desire that this trust shall continue for a period of at least fifteen years following my demise, at the end

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of which time the governing body of said high school may apply said sum in such manner and for such purposes as it shall in its sole discretion deem advisable.

In reference to bequest to Dartmouth College (of which I am an alumnus), it is my desire that the principal thereof shall be used for the creation of a scholarship or to augment any other general scholarship awarded by said college, in such manner and upon such terms and conditions as the Board of Trustees, or other governing body of said college, in its sole discretion, may prescribe. If practical to do so, I desire said scholarship shall be known as "The LEON ALFRED SALINGER SCHOLARSHIP".

In reference to the bequest to De Young Memorial Museum, it is my desire that the governing body of said museum shall apply said fund in such manner as it may in its sole discretion deem advisable, giving preference to the maintenance and display of minerals and rare stones.

(b) The trustee shall own, hold, manage, care for and protect all of the trust estate and the income therefrom and shall have the power and the power is hereby granted to it to sell, exchange or mortgage or lease the said trust estate, or any part thereof, for terms within or extending beyond the duration of the trust, and to invest or reinvest the trust property in such manner and in such securities as it shall in its sole discretion deem advisable. The trustee is authorized to retain in the trust estate in the form in which received any or all property which I may own at the time of my death without liability of any kind by reason of such retention. In the event that the trustee shall deem it necessary and for the best interests of the trust estate and the beneficiaries thereof to retain said property; and the trustee shall be the sole judge of what is principal of the trust estate, gross income therefrom, and net income distributable therefrom; the trustee shall not be required to mortgage premiums paid for trust securities; all cash dividends, whether ordinary or extraordinary; shall be considered as income, and any and all stock dividends or other things of value shall be considered as corpus and added to the principal of the trust estate. The powers of the trustee herein granted shall be cumulative and in addition to the powers conferred by law.

(c) Any beneficiary hereunder is hereby prohibited from anticipating, encumbering, assigning or in any other manner alienating his or her interest in either principal or income, and is without power so to do, nor shall such interest be subject to his or her liabilities or obligations, nor to attachment, execution or other legal process, bankruptcy proceedings or claims of other legal or others. The trustee may, however, deposit in any bank designated by a beneficiary, to his or her credit, income and/or principal payable to such beneficiary.

(d) The trustee shall pay out of the principal and/or

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or to have the same or any part thereof, or any devise or bequest, or trusts herein, limited or declared void, or to defeat or change any part of the testamentary plan of this Will, or shall endeavor to secure or take any part of my estate in any manner other than through or under this Will, then, in any or all of the above mentioned cases and events, I hereby give and bequeath to such person or persons the sum of One Dollar (\$1.00) and no more, in lieu of any other share or interest in my estate.

TERMS: I nominate and request appointment of AMERICAN TRUST COMPANY, a corporation, or any successor or assign thereof, as executor of this my last Will. I nominate and request appointment of said AMERICAN TRUST COMPANY, a corporation, or any successor or assign thereof, as sole trustee of the trust herein created. I authorize my said executor to sell or otherwise dispose of the whole or any part of my estate at public or private sale, with or without notice, but subject to confirmation of court in the manner provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand at San Francisco, California, this 20 day of October, 1945.

LEON ALFRED SALINGER.

THE FOREGOING INSTRUMENT, consisting of six (6) pages, including this page, was, on the date thereof, to-wit, the 30 day of October, 1945, signed, published and declared by the said Testator, LEON ALFRED SALINGER, therein named, as his Will, in the presence of us who, at his request and in his presence and in the presence of each other, have signed the same as subscribing witnesses thereto.

JOSEPH A. GARRY Residing at 1007 Dolores Street

San Francisco, Cal.

CYRIL F. MAPELLA Residing at 5243 Masonic Ave

Oakland, Calif.

Gross income of the trust estate, as it in the exercise of its discretion may deem advisable or equitable, all property and/or income taxes, general and special assessments, and all costs, charges, attorney's fees, expenses and liabilities of every kind expended or incurred in the collection, care, holding, administration, protection or distribution of the trust estate, for the payment of which the trust estate or the trustee may become chargeable, including the protection of this trust and its defense against legal attack, and also including the compensation of the trustee's services hereunder.

SEVENTH: I direct that every gift, devise, bequest and interest given under this Will, or any Codicil hereto, shall be delivered free from all estate and inheritance taxes, and that such taxes be paid out of the residue of my estate.

EIGHTH: In the event my mother, Ida Salinger and my sister, Sarah S. Rogers, should both predecease me, then and in that event, I give, devise and bequeath all of the rest, residue and remainder of my said estate to ROCHESTER PUBLIC LIBRARY, ROCHESTER HIGH SCHOOL, DARTMOUTH COLLEGE and DEYOUNG MEMORIAL MUSEUM, share and share alike, subject however, to the provisions in reference to my desires as to the application of each said bequest as set forth under the foregoing paragraph (a) Article "EIGHTH" of this Will.

NINTH: I have intentionally omitted all persons who are not specifically mentioned herein, and I hereby generally and specifically disinherit each, any and all persons claiming to be or who may be lawfully determined to be my heirs at law, except as otherwise mentioned in this Will, and if any such person or such heirs, or any devisees or legatees under this Will, or their successors in interest, or any other person who, if I died intestate, would be entitled to or shall lawfully become entitled to take any part of my estate, shall either directly or indirectly, singly or in conjunction with other persons, seek to establish or assert any claim to my estate or any part thereof, excepting under this Will, or attack, oppose or seek to set aside the probate of this Will, or to impair, invalidate or set aside its provisions or any of them,

CODICIL TO WILL

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, I, the undersigned, LEON ALFRED SALINGER, of the City of Los Angeles, State of California, did on the 30th day of October, 1945, make, execute, publish and declare my Last Will and Testament, in writing, bearing the date, day and year aforesaid.

AND WHEREAS, I now desire to make certain changes therein and additions thereto:

NOW, THEREFORE, I, LEON ALFRED SALINGER, being of sound mind and memory, do make, publish and declare this my codicil to my Last Will and Testament in the manner following, that is to say:

- (1) That I have heretofore established joint savings accounts and checking accounts with my sister, SARAH S. ROGERS, and I have heretofore executed full power of attorney to my said sister, SARAH S. ROGERS, to handle and use all sums or hereafter deposited in said joint accounts, and upon my demise, I hereby give, will and bequeath all sums remaining in said joint accounts to my sister, SARAH S. ROGERS.
- (2) In paragraph "FOURTH", commencing on page 1 and continuing on page 2 of my will aforesaid, I hereby desire to add to said list of beneficiaries an additional name, and I do, by the execution of this codicil, hereby give and bequeath the sum of One thousand (\$1,000.00) Dollars to my brother, ALEX D. SALINGER, and should my brother, ALEX D. SALINGER, predecease me, his bequest shall lapse and become a part of the residue of my said estate as set forth in paragraph "FOURTH", above referred to in said will.

And I do hereby ratify and confirm all and singularly the provisions of my said Last Will and Testament and codicils heretofore executed, except as changed and modified by this my codicil thereto.

IN WITNESS WHEREOF, I have hereunto set my hand at

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CODICIL

I, LEON A. SALINGER, now residing at 1809 Broadway Street, San Francisco, California, declare this to be a Codicil to my Last Will and Testament.

I give to my sister-in-law HILDA MacD. SALINGER, widow of my deceased brother VICTOR, the sum of Three Thousand Dollars (\$3,000.00) in addition to the bequest made to her in my Last Will and Testament, as a token of appreciation for her great kindness to me.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of May, 1946, at Los Angeles, California.

LEON A. SALINGER.

The foregoing instrument, consisting of this one page only, was at the date thereof, by said LEON A. SALINGER signed and published as and declared to be a Codicil to his Last Will and Testament, in the presence of us who, at his request and in his presence, and in the presence of each other, have subscribed our names as witnesses thereto.

WILLIAM L. KUHN

Residing at 402 So. Hoover Street  
Los Angeles 5, California

LAURA VAN DYNE

Residing at 1423 Coronado Terrace  
Los Angeles 26, California

Los Angeles, California, on this 27th day of January  
1949.

LEON ALFRED SALINGER.

THE FOREGOING INSTRUMENT, consisting of two pages, including this page, was, on the date hereof, to wit, the 27th day of January, 1949, signed, published and declared by the said Testator, LEON ALFRED SALINGER, therein named, as a codicil to his Will, which bears the date of October 20th, 1945, in the presence of us who, at this request and in his presence and in the presence of each other, hereunto subscribe our names as witnesses.

IRMA VAN HORN Residing at 1372 W. 20th St.

Los Angeles, Calif.

LLOYD J. SEAY Residing at 526 St. Paul Ave

Los Angeles, Calif