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FILED
CLERK OF DISTRICT COURT
HARPER CO. KS.

IN THE DISTRICT COURT OF HARPER COUNTY, KANSAS
THIRTIETH JUDICIAL DISTRICT

In the Matter of the Estate of)

Wayne F. Dennis, Deceased.)

No. 98 P 29

ORDER CONSTRUCTING WILL

NOW ON, This 15th day of January, 1999, the above entitled matter comes on for hearing on the Petition for Construction of Will. The Executor, George W. Dennis, appears by Terry T. Messick, attorney for the Estate of Wayne F. Dennis, Deceased; the City of Anthony, Kansas, residuary beneficiary of the Estate of Wayne F. Dennis, Deceased, appears by Bob H. Newton, attorney for the City of Anthony, Kansas.

THEREUPON, The Court finds that Notice of Hearing was given in the manner directed by the Court and the proof of service is on file herein; such notice and proof of service is approved and confirmed by the Court.

THE COURT, Having heard the evidence and being fully advised in the premises makes the following findings:

1. Wayne F. Dennis died on May 13, 1998; George W. Dennis, is the appointed and acting Executor of the Last Will and Testament of Wayne F. Dennis, Deceased, by virtue of Letters Testamentary issued to him dated May 27, 1998.

TERRY T. MESSICK

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2. That a phrase of language used within a sentence of ITEM VI of the Last Will and Testament of the decedent is ambiguous and uncertain; that this Court should construe said phrase to express the intention of the testator.

3. That ITEM VI of said Will is hereinafter quoted in full; the underlined portion of lines numbered 9 and 10 is ambiguous and uncertain and should be construed, to wit:

"ITEM VI

1
2
3 I direct that the balance of my property, real and personal,
4 wherever situated, shall be sold and converted into cash, and
5 after the payment of all just debts, claims, taxes, costs and
6 expenses of administration of my estate, I give and bequeath
7 the residue and remainder of my estate to the City of
8 Anthony, Kansas, a municipal corporation, to be used as
9 hereinafter set forth. Said principal cash shall be invested
10 in long term government bonds and only the profits and
11 earnings therefrom shall be expended; all expenditures from
12 the profits and earnings therefrom shall be determined by the
13 governing body of the City of Anthony; all uses and
14 expenditures of the profits and earnings shall be in such a
15 manner as to benefit the greatest number of all of the
16 citizens of the City of Anthony. The profits and earnings
17 shall not be used for employee salaries or employee benefits
18 and no part thereof shall be used for charitable purposes.
19 The governing body shall use substantially all of the profits
20 and earnings annually, however, for specific purposes the
21 funds may accumulate for a period not exceeding three years.
22 It is recommended that not more than ten citizens of the City
23 of Anthony be formed into a group to offer suggestions to the
24 governing body concerning expenditures; no person should
25 serve on this group for longer than a three year term."

4. That the quoted phrase "long term government bonds" as used in said Will was directed toward the concern of the decedent that the investment of funds should be of the highest quality; said phrase was not used to dictate that investments need be limited necessarily in "long term" investments and need not be limited only to investment in "bonds". Said quoted phrase was

the expression of the testator's desire that the invested principal cash should be as free from risk as is possible and had reference to the risk of earnings.

5. The Court further finds that in keeping with the testator's desire to limit the risk of the principal cash, while allowing flexibility of investment opportunities, the following language should be adopted and construed as the intention of the Wayne F. Dennis, to wit:

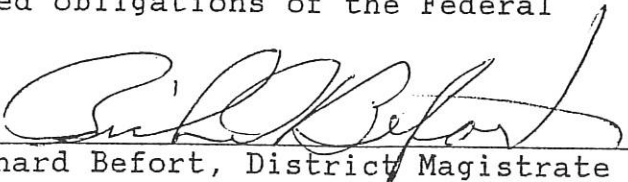
"Said principal cash shall be invested in direct obligations of the Federal Government or indirect insured obligations of the Federal Government"

that the above quoted phrase should be adopted, construed and substituted for the underlined portion of lines 9 and 10 of the original Last Will and Testament of Wayne F. Dennis.

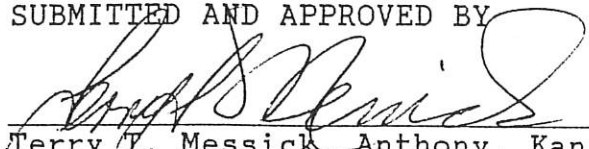
6. The sole and only residuary beneficiary of the Estate of Wayne F. Dennis, Deceased, is the City of Anthony, a municipal corporation, whose mailing address is 124 South Bluff, P. O. Box 504, Anthony, Kansas 67003.

IT IS THE ORDER OF THE COURT, That the underlined portion of the quoted ITEM VI at lines 9 and 10 of the original Last Will and Testament of Wayne F. Dennis dated June 15, 1995, be and it is hereby construed by the Court as follows: "Said principal cash shall be invested in direct obligations of the Federal Government or indirect insured obligations of the Federal Government".

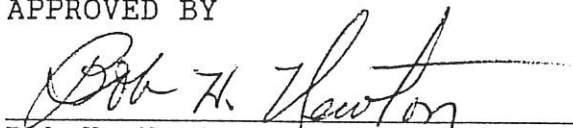


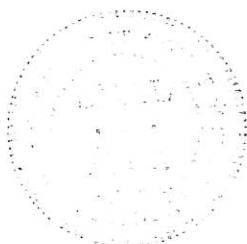

Richard Befort, District Magistrate
Judge of the District Court of
Harper County, Kansas.

SUBMITTED AND APPROVED BY


Terry T. Messick, Anthony, Kansas
Attorney for George W. Dennis,
Executor of the Estate of
Wayne F. Dennis, Deceased.

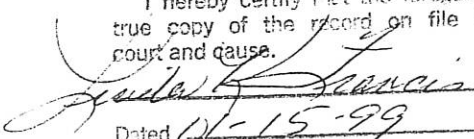
APPROVED BY


Bob H. Newton, Anthony, Kansas
Attorney for the City of Anthony,
Kansas.



STATE OF KANSAS) SS
HARPER COUNTY)

I hereby certify that the foregoing is a
true copy of the record on file in this
court and cause.

 Clerk
Dated 01-15-99