

TRUSTEES' CERTIFICATION OF TRUST
AND
AFFIDAVIT OF TRUSTEE SUCCESSION

PREAMBLE

[1] PURSUANT TO the enabling authority of W.S. § 4-10-1014 and also W.S. § 34-11-101, and first properly having been sworn, the undersigned, **Pauline M. Fichtner** (hereinafter referred to in places as the **Affiant**), and said **Affiant** serving and acting herein and hereunder in a fiduciary capacity as **the surviving and continuing initial Trustee** of the **Fred A. Fichtner & Pauline M. Fichtner Trust** under its written **Fred A. Fichtner & Pauline M. Fichtner Trust Agreement**, originally dated **October 29, 1997**, and as thereafter amended, restated, or otherwise modified, with relation back to its inception, **certifies, states, and affirms** as herein-below follows with regard to the established and continuing existence of the **Fred A. Fichtner & Pauline M. Fichtner Trust** (including the **Fichtner By-Pass Trust** thereby encompassed and as declared and stated in the **Trust Agreement**); and, also as to the present circumstances of administration and the current Trusteeship of that said **Trust**, with reference to the following described **AFFECTED PROPERTY**.

AFFECTED PROPERTY

[2] **Real Property.**

Lots 15 and 16, Block 20, Sheridan Garden's Addition to the City of Sheridan, Sheridan County, Wyoming;

TOGETHER WITH all improvements situate thereon and all appurtenances thereunto appertaining

Otherwise Knows And Numbered As:

**1709 Desmet Avenue
Sheridan, Wyoming 82801**

[3] Personal Property.

[a] Tangible Personal Property. All tangible personal property owned by the said **Trust**, or held, or hereafter to be held in trust subject to the aforesaid **Trust Agreement** for the said **Trust**, as amended, restated, or otherwise modified, with relation back to its inception; **including but not being limited to titled vehicles**; and the proceeds of any sale, exchange, or other disposition of any and all such tangible personal property of the said **Trust**.

[b] Intangible Personal Property. All bank accounts, and other financial intermediary accounts owned by the said **Trust**, or held, or hereafter to be held in trust subject to the aforesaid **Trust Agreement** for the said **Trust**, as amended, restated or otherwise modified, with relation back to its inception; and, all brokerage or investment advisory or securities custodial accounts owned by the said **Trust**, or held, or hereafter to be held in trust subject to the aforesaid **Trust Agreement** for the said **Trust**, as amended, restated or otherwise modified, with relation back to its inception; and, all stocks, bonds, mutual funds, and any and all other securities or derivative securities owned by the said **Trust**, or held, or hereafter to be held in trust subject to the aforesaid **Trust Agreement** for the said **Trust**, as amended, restated, or otherwise modified, with relation back to its inception; and, all business interests owned by the said **Trust**, or held, or hereafter to be held in trust subject to the aforesaid **Trust Agreement** for the said **Trust**, as amended, restated, or otherwise modified, with relation back to its inception; and, all contract rights and contractual beneficial interests owned or exercisable by the said **Trust**, or held, or hereafter to be held in trust subject to the aforesaid **Trust Agreement** for the said **Trust**, as amended, restated or otherwise modified, with relation back to its inception; and, all other general intangibles and choses in action owned by or attributable to the said **Trust**, or held, or hereafter to be held in trust subject to the aforesaid

Trust Agreement for the said **Trust**, as amended, restated, or otherwise modified, with relation back to its inception; and, the proceeds of any transfer, sale, exchange, or other disposition of any and all of the aforesaid and generically described accounts, contracts, interests, and other classes or items of intangible personal property of the said **Trust**.

CERTIFICATION OF TRUST UNDER W.S. § 4-10-1014

[4] The aforesaid **Fred A. Fichtner & Pauline M. Fichtner Trust** under its written **Fred A. Fichtner & Pauline M. Fichtner Trust Agreement**, originally dated **October 29, 1997**, and as thereafter amended, restated, or otherwise modified, with relation back to its inception, was established by **Fred A. Fichtner** and **Pauline M. Fichtner**, as husband and wife, acting in the first part as the **joint Trustors** of the Trust entity that is identified by the Trustors' names; and, **that said Trust entity (including the Fichtner By-Pass Trust thereby encompassed and as declared and stated in the Trust Agreement) still is in existence.**

[5] The name of the Trust entity, and the business mailing address of the Trust entity, and the identity of the **currently serving and acting continuing initial Trustee** of that Trust are stated below:

Fred A. Fichtner & Pauline M. Fichtner Trust
c/o Pauline M. Fichtner, Trustee
1709 Desmet Avenue
Sheridan, Wyoming 82801

[a] Under the **Declaration Of Trust** and the provisions of **Subsection 5.1 of Exhibit A** of the **Fred A. Fichtner & Pauline M. Fichtner Trust Agreement**, originally dated **October 29, 1997**, and as amended, restated, or otherwise modified, with relation back to its inception, in the event of and upon the incapacity or death of the original **joint Trustor** and **initial Co-Trustee, Fred A. Fichtner**, that original **joint Trustor's** surviving spouse, **Pauline M. Fichtner**, **still serves and acts as the surviving and continuing initial Trustee of and under the Fred A. Fichtner & Pauline M. Fichtner Trust.**

[i] Following the death of **original Co-Trustor Fred A. Fichtner**, which occurred on October 30, 2020, through the exercise of her reserved rights and powers, under **Subsection 5.2 of the Exhibit A of the Fred A. Fichtner & Pauline M. Fichtner Trust Agreement**, **Pauline M. Fichtner** – acting in her capacities as an **original Co-Trustor** and the **sole surviving and continuing initial Trustee** of and under the **Fred A. Fichtner & Pauline M. Fichtner Trust Agreement** – selected and designated two of her children, namely **Louis Allen Fichtner** and **Francine Wynn Forrester**, to serve with her as **Successor Co-Trustees**. In and with regard to that written designation, however, **Pauline M. Fichtner** expressly declares and states in the **amended and entirely restated Subsection 5.1 of the Exhibit A of the Fred A. Fichtner & Pauline M. Fichtner Trust Agreement** as follows:

“Without requiring multiple signatures, each Trustee hereby is granted the sole and several power to conduct the business of and to bind the trust entity; and, in furtherance thereof, to sign checks, withdrawal orders, negotiable instrument endorsements, assignments, transfers, deeds and other documents of conveyance, proxies, and all other written instruments and documents, including correspondence and memoranda on behalf of the trust entity; and, to delegate fiduciary powers and responsibilities among themselves as circumstances may require.”

[ii] In the event of the subsequent incapacity or death of **Pauline M. Fichtner**, however, the above-described **Successor Trustees** (or alternate successors from among their siblings) would become entitled to conduct the trusteeship of the above-described **Fred A. Fichtner & Pauline M. Fichtner Trust** without having to designate a successor then to serve and act in the stead of **Pauline M. Fichtner**.

[6] By operation of law, and under the express provisions of the above-described **Fred A. Fichtner & Pauline M. Fichtner Trust Agreement**, the **currently serving and acting surviving and continuing initial Trustee**, **Pauline M. Fichtner**, or either of the above-described **Successor Co-Trustees** have, and severally may exercise without requiring multiple signatures, at each Trustee’s discretion, and outside-of the controlling or supervisory jurisdiction of any Court, all of the **fiduciary powers** which are

conferred upon Trustees generally by the Trustee Powers provisions that are stated in the **Wyoming Uniform Trust Code**, as published in **W.S. §§ 4-10-815 & 4-10-816**, and all other fiduciary powers that expressly are stated in the **Fred A. Fichtner & Pauline M. Fichtner Trust Agreement**, originally dated October 29, 1997, and as amended, restated, or otherwise modified, with relation back to its inception, the provisions of which said statutory and other express powers the **Affiant** incorporates herein by this express reference.

[7] Upon the death of the original Trustor, Fred A. Fichtner, which occurred on **October 30, 2020** – in order to procure and to preserve the potential deferral of **Federal Estate Tax** liability for the **Fichtner By-Pass Trust** portion of the trust estate as a **Qualifying Terminable Interest Property (QTIP) Sub-Trust** – the Fred A. Fichtner & Pauline M. Fichtner Trust became and now is irrevocable.

[8] The currently surviving and continuing initial Trustee of the **Fred A. Fichtner & Pauline M. Fichtner Trust** is **Pauline M. Fichtner**, who is the **Affiant** herein and hereunder. For information regarding the designation of **Successor Co-Trustees**, refer to the foregoing **Sub-Paragraph [5][a][i]** in this document.

[9] Any **Taxpayer Identification Number [TIN]** that may be assigned to the **Fred A. Fichtner & Pauline M. Fichtner Trust** entity (including the Fichtner By-Pass Trust thereby encompassed and as declared and stated in the Trust Agreement) by the **Internal Revenue Service [IRS]**, following and because of the death of **original Co-Trustor Fred A. Fichtner**, may be requested by any party that is entitled to know that information, by contacting the **currently surviving and continuing initial Trustee of the Fred A. Fichtner & Pauline M. Fichtner Trust** – namely, **Pauline M. Fichtner** – at the address which herein-above is stated.

[10] By operation of law, title to real property, titled tangible personal property, and titled intangible personal property that belongs to the aforesaid **Trust**, or is held, or hereafter is to be held in trust subject to the aforesaid **Trust Agreement** for the said **Trust**, as amended, restated, or otherwise modified, may be taken in accord with the forms of ownership for which provision is made in and under **W.S. § 4-10-402**; and, the ownership by the Trust of non-titled tangible personal property may be taken by simple



possession of a Trustee, on behalf of the Trust entity, as intended to be held in trust subject to the said **Trust Agreement**.

[11] In compliance with W.S. § 4-10-1014[c], the Affiant expressly states that the aforesaid **Fred A. Fichtner & Pauline M. Fichtner Trust** has not been amended, restated, otherwise modified, or revoked in any manner that would cause the foregoing representations that are stated in this **CERTIFICATION OF TRUST UNDER W.S. § 4-10-1014** to be incorrect.

TRUSTEES' SUCCESSION AFFIDAVIT UNDER W.S. § 34-11-101

[12] The above-described and under-signed Affiant, **Pauline M. Fichtner**, is the surviving spouse of the original Co-Trustor, **Fred A. Fichtner**, who now is deceased; and, also is the designated, surviving, and currently acting continuing initial Trustee of the **Fred A. Fichtner & Pauline M. Fichtner Trust** under that certain written **Fred A. Fichtner & Pauline M. Fichtner Trust Agreement**, originally made, signed, and acknowledged on **October 29, 1997**, and as thereafter amended, restated, or otherwise modified. Therefore, the undersigned Affiant makes this **AFFIDAVIT** from and upon the basis of the personal knowledge and best belief of the Affiant. The **current mailing address** of the Affiant, for purposes of notification and future contact is:

Pauline M. Fichtner, Trustee
Fred A. Fichtner & Pauline M. Fichtner Trust
1709 Desmet Avenue
Sheridan, Wyoming 82801

[13] The late **Fred A. Fichtner (a/k/a Fred Adam Fichtner)** died on **October 30, 2020**, in the County of Sheridan, within the State of Wyoming; being at the time of the said decedent's death a domiciliary and resident of the State of Wyoming, living in Sheridan County. To evidence the death of the said **Fred A. Fichtner** and for purposes of notification as a matter of public record, the Affiant appends to the sworn and signed original of this **AFFIDAVIT**, marks as **EXHIBIT A**, and incorporates herein by this express reference a duplicate original of the State of Wyoming Department of Health **Certificate of Death** for the said **Fred A. Fichtner (a/k/a Fred**

Adam Fichtner), who is one and the same person that is described as the decedent in the said **Certificate of Death**; and, which said **Certificate of Death** is identified by **State File Number 2020-004194**, which appears in the upper right-hand corner of the appended document.

[14] Under the express authority of the **Declaration Of Trust** and of **Subsection 5.1**, of the **Exhibit A**, of the aforesaid **Fred A. Fichtner & Pauline M. Fichtner Trust Agreement**, originally dated October 29, 1997, and as and if thereafter amended, restated, or otherwise modified, and as describer and augmented by the **CERTIFICATION OF TRUST UNDER W.S. § 4-10-1014**, which is stated herein-above in this document, regarding the current and continuing fiduciary service of the aforesaid **Pauline M. Fichtner** as the **designated, surviving, currently acting, and continuing initial** Trustee of the **Fred A. Fichtner & Pauline M. Fichtner Trust**, under the written **Fred A. Fichtner & Pauline M. Fichtner Trust Agreement**, originally dated October 29, 1997, and as and if thereafter amended, restated, or otherwise modified, and also under the enabling statutory authority of **W.S. § 4-10-701[a]**, which the **Affiant** incorporates herein by this express reference, the **Affiant declares, states, and affirms** that the said **Pauline M. Fichtner** now serves and acts as the **surviving, current, and continuing initial** Trustee of and under the said **Fred A. Fichtner & Pauline M. Fichtner Trust**, as amended, restated or otherwise modified; **and**, that **Louis Allen Fichtner** and **Francine Wynn Forrester** have been designated and currently serve and act with **Pauline M Fichtner** as **Successor Co-Trustees** of and under the said **Fred A. Fichtner & Pauline M. Fichtner Trust**, as amended, restated or otherwise modified.

[a] In and with regard to that written designation of **Successor Co-Trustees**, however, **Pauline M. Fichtner** expressly declares and states in the **amended and entirely restated Subsection 5.1 of the Exhibit A of the Fred A. Fichtner & Pauline M. Fichtner Trust Agreement** as follows:

“Without requiring multiple signatures, each Trustee hereby is granted the sole and several power to conduct the business of and to bind the trust entity; **and**, in furtherance thereof, to sign checks, withdrawal orders, negotiable instrument endorsements, assignments, transfers, deeds and other documents of conveyance, proxies, and all other written instruments and documents, including

correspondence and memoranda on behalf of the trust entity; **and**, to delegate fiduciary powers and responsibilities among themselves as circumstances may require.”

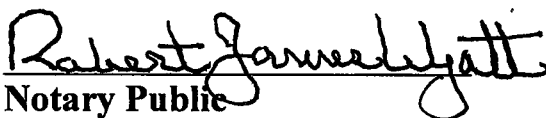
FURTHER, AFFIANT SAITH NOT in these regards; but, **first properly having been sworn**, signs below in witness of and to attest the truth of the contents of the foregoing **TRUSTEES’ CERTIFICATION OF TRUST AND AFFIDAVIT OF TRUSTEE SUCCESSION** on December 9, 2020.


Pauline M. Fichtner – Affiant

VERIFICATION AND ACKNOWLEDGMENT

STATE OF WYOMING)
) ss.
County Of Sheridan)

The foregoing **TRUSTEES’ CERTIFICATION OF TRUST AND AFFIDAVIT OF TRUSTEE SUCCESSION** was sworn-to, signed, and acknowledged before me by **Pauline M. Fichtner**, who appears as the **Affiant** therein, and who personally is known to me; as witnesseth my hand and official seal on **December 9, 2020**.


Notary Public



My commission expires: March 19, 2023

STATE OF WYOMING

CERTIFICATION OF VITAL RECORD

DEPARTMENT OF HEALTH

CERTIFICATE OF DEATH

Decedent:
Name: Fred Adam Fichtner
Sex: Male
Date of Birth: June 10, 1928
State File Number: 2020-004194
Social Security Number: 520-36-7109
Age at the Time of Death: 92 years

Date and Place of Death:
Date of Death: October 30, 2020
City of Death: Sheridan
County of Death: Sheridan
Location: Memorial Hospital of Sheridan County 1401 West 5th Street

Additional Decedent Information:
Place of Birth: Rapelle, Montana
Residence: Sheridan, Wyoming
Marital Status: Married - Pauline Massey
Armed Forces: Yes
Name of Father: Fred Fichtner
Name of Mother: Katherine Schreiner
Informant: Francine Forrester
Relationship: Daughter

Disposition:
Method of Disposition: Cremation
Place of Disposition: Wyo Cremation Authority, Sheridan, Wyoming

Funeral Home or Facility:
Facility: Kane Funeral Home, Sheridan, Wyoming

Cause of Death:
The immediate cause is listed on the first line followed by any underlying causes.
(a) Acute Respiratory Failure
(b) Empyema
(c) Pneumonia
Interval:
2 Weeks
1 Week
2 Weeks

Other Significant Conditions: Pulmonary Embolism
Manner of Death: Natural Death
Time of Death: 13:34 (Actual)

Certifier:
Type: Physician
Name: Kimberlee Gilbert, FNP-C
Address: 1435 Burton, Sheridan, WY, 82801
Date Filed: November 03, 2020

2020-764575 12/10/2020 4:27 PM PAGE: 9 OF 9
FEES: \$36.00 SM CERTIFICATE OF TRUST
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK

NO. 2020-764575 CERTIFICATE OF TRUST
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
ROBERT WYATT PO BOX 846
SHERIDAN WY 82801

EXHIBIT A

* 001196708 *

This is a true certification of the document on file in the office of Vital Statistics
Services, Cheyenne, Wyoming.

DATE ISSUED: November 04, 2020
This copy is not valid unless prepared on paper with an engraved border.

Guy Beaudoin
Guy Beaudoin
Deputy State Registrar

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE