

RICHLAND COUNTY
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 2015 FEB 13 P 2:43
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**IN THE COURT OF COMMON PLEAS
 RICHLAND COUNTY, OHIO**

STATE OF OHIO, *ex rel.*,
 MIKE DEWINE,
 OHIO ATTORNEY GENERAL

Plaintiff

v.

KENDALL CLEMONS, et al.

Defendants.

: Case No. 2011 CV 1617

:
 : Judge DeWeese

:
 :
 : Type of Case: Other Civil

ORDER TO DISTRIBUTE SCHOLARSHIP TRUST ASSETS

This matter came before the Court on Plaintiff State of Ohio *ex. rel* Mike DeWine, Attorney General’s Motion to Distribute Scholarship Trust Assets. The Court finds that the Attorney General’s Motion is well founded. For the reasons stated in the Attorney General’s Motion and for good cause shown, the Court hereby GRANTS said motion and ORDERS the following.

It is hereby ORDERED that:

1. The Court finds that the purposes of the Richland All-Sports Scholarship Trust (formerly known as the Mansfield Tyger All-Sports Scholarship Trust) became impossible or impracticable to achieve.

2. The Court finds that the general charitable intent of the Richland All-Sports Scholarship Trust (formerly known as the Mansfield Tyger All-Sports Scholarship Trust) was to provide college scholarships to graduating student athletes from Mansfield Senior High School.
3. A new Scholarship Trust is hereby formed for the purpose of awarding college scholarships to graduating student athletes from Mansfield Senior High School. The new Scholarship Trust shall be funded and managed as set forth in this Order.
4. The Court hereby appoints Chris Elswick, Doug Castle and Stan Gilbert (hereinafter called "Trustees") as trustees to hold, invest and distribute Scholarship Trust assets pursuant to this Order and subject to this Court's continuing jurisdiction. The Trustees shall serve without compensation and shall manage the assets of the new Scholarship Trust. All decisions of the Trustees shall be made by at least a two-thirds vote. The Trustees shall meet at least twice per year and shall keep minutes of their meetings. In the event a trustee is no longer willing or able to serve, the Mansfield City Schools Board of Education will appoint a successor trustee.
5. The Clerk of Courts shall distribute all funds currently on deposit in the interest bearing account related to this case to the Trustees to hold such funds in trust for the benefit of graduating student athletes from Mansfield Senior High School.
6. The Clerk of Courts shall distribute all future criminal restitution payments from Defendants Kendall Clemons, William Clemons and Cheryl Patrick paid into this Court related to 2013 CR 0469, State v. Kendall Clemons, 2013 CR 0470, State v. William Clemons, and 2014 CR 0106, State v. Cheryl Patrick to the Trustees to hold such funds in trust for the benefit of graduating student athletes from Mansfield Senior High School.

7. All future payments from Foundation Academy from the sale of the building located at 777 Trimble/1050 Wyandotte Ave shall be paid to the Trustees to hold such funds in trust for the benefit of graduating student athletes from Mansfield Senior High School. Any rights and interest held by the Richland All Sports Booster Club, formerly known as the Mansfield Tyger All Sports Booster Club, in the property located at 777 Trimble/1050 Wyandotte, including any rights under any contract or agreement with Foundation Academy, shall be transferred to the Trustees. The Trustees shall be empowered to file any and all documents to carry out this Order;
8. The Trustees shall invest the assets of the Scholarship Trust in a manner to derive the most revenue possible that is consistent with prudence and safety for the long-term protection of the Scholarship Trust corpus. All expenses associated with the investment of the Scholarship Trust corpus shall be charged against income to the extent income is available, and against corpus to the extent income is not available. The Trustees may execute agreements with financial institutions to carry out this Order.
9. In 2015, the Trustees shall award \$10,000 in scholarships to graduating senior athletes from Mansfield Senior High School. In each year thereafter, the Trustees shall use the income from the Scholarship Trust to award scholarships and the Trustees shall not invade the corpus of the Scholarship Trust except to the extent needed to pay scholarships. In the event the Trustees invade the corpus of the Scholarship Trust to pay scholarships, the Trustees shall not use more than \$10,000 of the Scholarship Trust's corpus in a single year. Scholarship awards must be paid directly to institutions of higher learning.

10. The trustees shall prescribe and administer the procedure by which scholarship recipients are selected and evaluated and may appoint members of a scholarship committee to solicit, receive and evaluate applications for scholarships. All members of any such committee shall serve without compensation. The Trustees may accept additional cash or cash-equivalent gifts to the Scholarship Trust and they will have the authority to administer the Scholarship Trust in accordance with these conditions.

11. Annually, the Trustees shall provide a report to the Court and to the Attorney General no later than July 31 of each year setting forth the Scholarship Trust's total assets, income, expenses and scholarship distributions for the year. The report shall run from July 1 to June 30 of each year.

IT IS SO ORDERED.

Dated _____


JUDGE DEWEESE

Copies to:

Samuel Kirk, Esq.
David Haring, Esq.
Kendall Clemons
William Clemons
Ginger Cushing
Betty Snow
Tom Lorentz
Kathleen O'Leary
Carl Snow
Mansfield Memorial Soldiers and Sailors Museum

Also serve:

Albin Bauer, Esq.
One SeaGate, 24th Floor
P.O. Box 10032
Toledo, OH 43699-0032