

ARTICLE XII

DEFINITIONS

(a) The words "child", "children" and "issue", wherever used in this Agreement, shall include not only the child, children and issue of the person designated, but also the legally adopted child or children of such person or persons and of such issue, and also all legally adopted children and issue of any such legally adopted children.

(b) The word "minor", wherever used in this Agreement, shall be deemed to mean any person who has not reached his twenty-first birthday.

(c) Unless the context otherwise requires, the masculine gender throughout this Agreement includes the feminine and neuter.

ARTICLE XIII

LIABILITY

The Trustee shall not be liable for any mistake or error in judgment in the administration of this Trust except for willful misconduct or fraud.

IN WITNESS WHEREOF, the Donor, the Trustee and the First Successor Trustees have hereunto set their hands and seals the day and year first above written.

Harold Z. Smith  
Milton H. H. H.

Mrs. Kaplan (L.S.)  
Mrs. Kaplan, Trustee

Mrs. Kaplan (L.S.)  
Mrs. Kaplan, Trustee

Yvette Kaplan (L.S.)  
Yvette Kaplan, First Succ. Trustee

Nathaniel V. Greenberg (L.S.)  
Nathaniel V. Greenberg,  
First Successor Trustee