

I, Emma G. Nicodemus, of Washington Township, Franklin County, Pennsylvania, being of sound and disposing mind, memory and understanding, do hereby make, publish and declare the following as and for my last will and testament, hereby revoking any and all wills by me at any time heretofore made.

AND FIRST, I direct that all my just debts, funeral expenses, Pennsylvania inheritance and all federal estate tax that may be due by reason of any property passing under this will, or otherwise includable in my gross estate for federal estate tax purposes, be paid out of my residuary estate and I hereby waive on behalf of my estate any right to recover from any person, including any beneficiary of insurance upon my life, any part of the taxes so paid.

ITEM I. I give and bequeath to Edward A. Miller the sum of Ten Thousand (\$10,000.00) Dollars in recognition of his many years of faithful service to me and my husband.

ITEM II. If Edward A. Miller is in my employ at the time of my death, I give and devise to Edward A. Miller and Mary Jane Miller, his wife, for their lifetimes and the lifetime of the survivor of them, the dwelling house and lot of ground belonging thereto, having a width of 100 feet and a depth of approximately 250 feet, and located along the southerly side of Pennsylvania Highway Route 16 in Washington Township, Franklin County, Pennsylvania, being the same real estate acquired from Samuel Wolgemuth. Taxes, insurance and maintenance expenses shall be paid by my Executor or Trustee during the existence of these life estates.

In the event Edward A. Miller is not in my employ at the time of my death, or upon the death of the survivor of the life tenants under this Item, said real estate shall pass to the beneficiary who is then the devisee of my farm under the provisions of the subsequent

Items of this will, or if there be none, then said property shall form a part of the residue of my estate.

ITEM III. I give, devise and bequeath to the Borough of Waynesboro my dwelling house along Pennsylvania Highway Route 16 at the East Branch of the Antietam Creek in Washington Township, Franklin County, Pennsylvania, and the land within the curtilage thereof, together with all of my household effects, furniture and furnishings contained therein, excluding any clothing, jewelry, currency, and personal effects, to be used and maintained as a museum for the benefit of the public, and to be known as "Renfrew". It is my intention that said museum shall be illustrative of an Early American Home. One portion of the dwelling is adaptable to living quarters for a curator, and it shall not be deemed a violation of the terms of this devise to permit such use of a portion of the house.

ITEM IV. I give and devise to the Borough of Waynesboro the remainder of my farm adjoining my dwelling, containing approximately 107 acres and being the same real estate acquired from the Estate of Belle Strickler and from W. Earl Minnich and wife, to be used, developed and maintained as a public park, and to be known as Renfrew Park, for the use and enjoyment primarily of the residents, of all ages, of Washington Township, and the Borough of Waynesboro. It is my intention that said park be not used as a site for athletic contests or primarily for playground activities, but rather that it be developed to provide broad, general recreational facilities, including picnic facilities in designated sections, play areas for small children, benches, walks, and rest areas, and natural exhibits of trees, shrubs and flowers. No hunting shall be allowed, but fishing in regulated areas along the Antietam Creek may be permitted. In the event a public swimming pool should be desired, the construction

of such within an appropriate area may be done. No land from this farm shall be conveyed away by the devisee hereof, so long as said farm is maintained and operated as a public park.

It is my wish that the devisee of said farm consult experts in park planning, either in the Bureau of Parks of the Pennsylvania Department of Forests and Waters, or in an independent park counseling firm prior to determining the layout to be adopted for this park. It is also my wish that the entrance to the museum shall be over the present driveway to my residence and that the entrance to the park area shall be by a new road to be constructed from the Welty Road westwardly across Antietam Creek.

ITEM V. If the Borough of Waynesboro desires to accept the gift of my dwelling and farm for the purposes set forth in Items III and IV of this will, it shall signify its acceptance thereof in writing to my Executor within six (6) months following my death.

It shall be a condition to the acceptance of this gift of my dwelling and farm that the management of the museum and park shall be delegated to a committee of seven (7) people to be appointed by the Town Council of the Borough of Waynesboro, three (3) members of which committee shall be appointed from nominations made by the Board of Directors of First National Bank and Trust Co., Waynesboro, Pa. I suggest that the original committee be constituted so as to contain some or all of the following persons: Chester E. Adams, Anson B. Good, Dr. W. L. Guyton, LeRoy S. Maxwell, Edward A. Miller, Harold C. Shuck, all of Waynesboro, Pennsylvania, and William S. Bowers, of Welsh Run, Pennsylvania. Women with knowledge concerning antique furnishings and Early American furniture should also be considered for membership on the committee.

ITEM VI. In the event the Borough of Waynesboro fails to accept the gifts provided by Items III and IV of this will, or rejects the same in writing addressed to my Executor prior to the expiration of six (6) months from my death, or, after accepting the same, ceases to continue to operate the same according to the intent and purposes of these respective gifts, I give, devise and bequeath all of said properties, real and personal, to the Commonwealth of Pennsylvania for the purposes and uses and subject to the terms and conditions as set forth in Items III and IV hereof.

If the Commonwealth of Pennsylvania desires to accept both of said gifts, it shall signify its acceptance in writing to my Executor within six (6) months from the date my Executor advises the Commonwealth of Pennsylvania in writing that it is the substituted beneficiary of said gifts.

In the event the Commonwealth of Pennsylvania fails to accept both of said gifts, or rejects the same in writing prior to the expiration of the period for its acceptance thereof, or, after accepting the same, ceases to continue to operate the same according to the intent and purposes of these respective gifts, said properties shall form a part of the residue of my estate.

ITEM VII. In the event of the acceptance of said gifts by either the Borough of Waynesboro or the Commonwealth of Pennsylvania, I suggest that at such time as the dwelling house now occupied by Edward A. Miller and Mary Jane Miller, his wife, forms a part of the park property, it could be used as a residence for the Park Superintendent.

The devisee of the dwelling shall open it as a museum within eighteen (18) months after its acceptance of said gift. I recognize that the construction of the park requires planning, but such shall

be carried on with dispatch and in an orderly fashion and some portion of the park shall be open within two (2) years after my death; additional sections shall be opened as soon thereafter as they can be prepared.

I authorize and direct my Executors to expend from the residue of my estate a sum sufficient to erect suitable monuments and plaques to designate the museum and park as the gift of "Edgar A. and Emma Geiser Nicodemus" and to also recognize an endowment thereof by Emma Geiser Nicodemus and Hazel Filbert Geiser, if by her will, or otherwise, she provides endowment funds for the same. Endowments made by others shall be suitably recognized in some permanent record manner by my Executor or Trustee.

ITEM VIII. After any beneficiary has accepted the gifts of the properties described in Items III and IV of this will, the determination of whether such beneficiary ceases to operate the museum, or the park, according to the intent and purpose of these gifts, shall rest with my Trustee hereunder, and the discretion, judgment and determination of my Trustee on this matter shall be final; a declaration in writing signed by my Trustee and recorded among the Franklin County Land Records, certifying that the beneficiary ceased to operate the museum and/or park according to the intent and purpose of these gifts, shall be sufficient to produce a reversion of the title to all of said real estate and personal property to the successor beneficiary named herein, if any, otherwise, to the corpus of the trust created by Item X of this will.

ITEM IX. All the rest, residue and remainder of my estate, of whatsoever nature and wheresoever situate, I give, devise and bequeath to First National Bank and Trust Co., Waynesboro, Pa., in trust, nevertheless, to hold, manage, invest, sell and reinvest the same upon the following terms and conditions:

1. My Trustee shall pay the net income from said trust in quarter-annual installments to the beneficiary that is operating the museum and park for the expenses of operating and maintaining said projects.

2. My Trustee is authorized to expend such amounts of principal as shall be necessary, in its sole and absolute discretion, for the original creation and construction of said park and museum and thereafter for such purpose, or purposes, as shall be necessary, in the sole and absolute discretion of my Trustee. All income from the trust created by this Item during the period of construction of the park and preparation of the dwelling house as a museum shall be paid to the beneficiary for construction and preparation expenses. Without limiting the discretion of my Trustee with regard to the invasion of the corpus of this trust for capital expenses in connection with the original construction of the park and preparation of the house as a museum, it is my hope that the beneficiary of said property will match with its own funds such funds as are withdrawn by my Trustee from the corpus of this trust. None of the corpus of this trust shall be withdrawn or expended for the purpose of constructing a swimming pool in the park area, but if such swimming pool is constructed within an appropriate area in the park, it shall be built with funds obtained from other sources.

3. My Trustee shall be authorized to receive additional contributions to this trust from any other person or persons and when received any such contributions shall be held pursuant to the same terms and conditions as herein set forth.

4. In the event the park and museum cease to be operated for the purposes intended by these gifts and a declaration with respect

thereto shall have been filed by my Trustee pursuant to Item VIII of this will, the trust created by this Item shall thereupon cease and all assets of this trust shall be administered under the trust created by Item X following.

ITEM X. In the event neither of the beneficiaries mentioned in this will accept the gift of my farm and house, or in the event either or both projects cease to be operated by the beneficiary thereof and the title to the properties involved in the park and museum have reverted to my Trustee, I give, devise and bequeath all of my estate of whatsoever nature and wheresoever situate to First National Bank and Trust Co., Waynesboro, Pa., in trust, nevertheless, to hold, manage, invest, sell and reinvest the same and to use the income produced therefrom, for the following uses and purposes:

(a) To pay seventy-five (75%) percent of the income produced therefrom in not less than annual installments to the Waynesboro Hospital;

(b) To pay fifteen (15%) percent of the income produced therefrom in not less than annual installments to the Franklin County Society for Crippled Children and Adults;

(c) To pay ten (10%) percent of the income produced therefrom in not less than annual installments to the Waynesboro Area United Fund.

ITEM XI. In the event my Executor or Trustee shall become responsible for the sale and liquidation of the contents of my residence, I request my Executor or Trustee to have my antiques appraised by two (2) or more competent appraisers and then that these items be first offered to establish museums in the area bounded by Philadelphia, Washington, Baltimore, Hagerstown, and Reading, at not less than the appraised values; any items not so sold shall be sold at a public auction.

ITEM XII. In addition to the powers and authority granted by law, my Trustee, under the trusts created in this will, shall have the following authority:

1. To hold any securities, including stock of First National Bank and Trust Co., Waynesboro, Pa., delivered to it in kind, so long as my said Trustee deems the same to be for the best interests of said trust.

2. To invest in such securities as it deems to be for the best interest of said trust, including any common trust fund administered by the said Trustee, without being restricted to such investments as are considered legal for fiduciaries under the laws of the Commonwealth of Pennsylvania.

3. To sell any real estate of which I may die seized, at either public or private sale.

AND LASTLY, I appoint First National Bank and Trust Co., Waynesboro, Pa., Executor of this my last will and testament, and I appoint LeRoy S. Maxwell, or the law firm with which he is associated, as the attorneys for my estate.

IN WITNESS WHEREOF, I, Emma G. Nicodemus, the testatrix, have hereunto set my hand and seal to this my last will and testament, typewritten upon eight (8) sheets of paper this 25<sup>th</sup> day of MARCH 1970.

Emma G. Nicodemus (SEAL)  
Emma G. Nicodemus

Signed, sealed, published and declared as and for her last will and testament by Emma G. Nicodemus, the testatrix above named, in the presence of us, who in her presence, at her request and in the presence of each other, have hereunto subscribed our names as witnesses.

Kathy P. Caliner  
Mae H. Benedict