

(EXCERPT - JUDGE'S ORDERS) .

THE COURT: All right, the Court finds based on the record that's been generated in this case, both exhibits and testimony, that the cy-pres doctrine is applicable here.

The manner in which the general and specific intent of the Testator can best be carried out would be as follows, and I so order: Trustees of the Hodge Memorial Library and Minor Memorial Library can use the Hodge Memorial Endowment Fund with -- in the following priority order: First, for the heating and lighting and basic maintenance of the Hodge Memorial Library and any capital expenses necessary to maintain the Hodge Memorial Library in good condition, both ordinary capital expenses and extraordinary capital expenses. If there -- and those decisions should be made by the Trustees. If there is any surplus after those needs are met, such surplus may be used for the general operating expenses of the Minor Memorial Library.

When I am talking about the first priority, that is heating, lighting, basic maintenance and extraordinary capital expense necessary to maintain Hodge Memorial in good condition. I also include in that definition general operating expenses of the Hodge Memorial Library, if the definition is not clear enough as given, I include anything that's not covered under the term general operating expenses of the Hodge Memorial

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Library. And it is only after all of those needs are met that the surplus can be used for the general operating expenses of the Minor Memorial Library.

And I find that this will best carry out the intent of the Testator and consistent with the passage of time and the differing needs of the Hodge Memorial Library.

I also find that the Trustees may lease a portion of the Hodge Memorial Library or make space available in that library for other individuals or organizations which benefit the town and/or the citizens of Roxbury. Naturally, subject to any zoning regulations or other regulations of the town which may be applicable.

Thank you very much.