

SUMMARY OF THE TENTH AMENDMENT TO TRUST AGREEMENT

THE WALTER AND MARILYN SMYK FAMILY TRUST

Property located at 7 Bunker Hill Avenue, Stratham, New Hampshire, the Grantors give the sum of Three Hundred Thousand Dollars (\$300,000.00) and said property, consisting of 10.78 acres of land together with any buildings situated thereon, the Town of Stratham, NH ("the Town") upon the following terms and conditions, the breach of which will result in a reversion to the Grantors' Trust:

- i. The land given to the Town under this provision shall be named the "Mary and Walt Smyk Park" ("the Park") and may only be referred to in all Town documents as the "Mary and Walt Smyk Park," "Smyk Park," or "Stratham Park." The Grantors' Trust will commission and erect a commemorative plaque of at least Three Hundred square inches (300 sq. in.) denoting the Grantors' contribution of the property to the Town, which shall be placed at a visible location at or near the main entrance to the park and perpetually maintained by the Town.
- ii. The monies given to the Town under this provision ("the endowment") shall be held in trust and the income therefrom shall be used to maintain the Park.
- iii. All decisions regarding the management and use of the Park and its endowment, shall be made by the Trustees of the Trust Funds or, in their absence, by at least three Trustees appointed by the Town Selectmen.
- iv. The uses of the Park shall be limited to recreational and cultural purposes for residents of the Town of Stratham.
- v. Consistent with these uses, the Park may contain picnic tables, fire pits and barbeque facilities.
- vi. Swings and other similar park and playground equipment are allowed provided they are constructed of wood and are stained and not painted.
- vii. No trees may be removed unless they are dead, dying or decayed. Any trees that are removed must be replaced, on any area of the property, with reasonably mature trees of a similar species.
- viii. No significant changes may be made to the topography of the land in the park.
- ix. The existing house and barn may be retained or replaced with a new building or structure, which may not exceed the footprint of the building or structure it replaces. Any new buildings, structures or changes to the existing buildings will require the unanimous approval of the Town's Trustees and a majority of its Selectmen.
- x. No replacement building or other similar structure may be located within four hundred feet (400') of Portsmouth Avenue or Bunker Hill Avenue. In conjunction with the construction of any replacement building or structure, the existing well and septic system may be relocated as necessary.
- xi. In addition to the replacement of the existing buildings or structures provided for in subparagraphs ix. and x. above, the Town may also construct a maintenance and storage shed having a footprint of no more than Seven Hundred and Fifty square feet (750 sq. ft.) and a restroom facility of no more than Five Hundred square feet (500 sq. ft.), together with associated well and septic systems, and a single, pavilion type structure of not more than Three Thousand square feet (3,000 sq. ft.).
- xii. The design of any new or replacement building or structures must reflect the rural nature of the Town and may not exceed twenty feet (20') in height.
- xiii. Once the Park and the endowment are distributed to the Town, the Town shall hold the Grantors' Trust harmless and indemnify it from any claim made against the Grantor's Trust in connection with the property.