

**MINUTES OF A SPECIAL MEETING OF THE BOARD OF
DIRECTORS OF ST. PHILIP THE APOSTLE CATHOLIC CHURCH –
PAYSON**

DATE: OCTOBER 15, 2012 11:00 A.M. LOCATION: PARISH RECTORY

ATTENDING:

**Fr. William Gyure, President
Jan Parsons, Secretary
Bobbie Simone, Treasurer
Fr. Al Schifano – proxy
Most Rev. Gerald Kicanas – proxy**

A special meeting of the Board of Directors of St. Philip the Apostle Catholic Church was called to order by Fr. Gyure at 10:55 a.m. in the Parish Rectory.

Fr. Gyure opened the meeting with a prayer.

Fr. Gyure noted that a timely notice was received by all board members. Fr. Bill announced that we do have a quorum.

Minutes of the meeting of August 27, 2012 meeting were reviewed. Bobbie Simone made motion to approve the minutes as written. Father Gyure seconded. Motion carried unanimously.

SAFE ENVIRONMENT:

Jan Parsons asked if the parish was in compliance with the Diocesan Safe Environment Program. Fr. Gyure stated that we are in full compliance. Jan asked if we were in full compliance with the Diocesan Policies previously adopted by the Parish Board of Directors. Fr. Bill stated that we are - including a new practice of having an icon on the parish website so that anyone can report or question any safe environment concern to the diocese.

NEW BUSINESS:

The board reviewed the letter from Mr. Omoto requesting that the parish reimburse Ms. Sophia Delster an inadvertent overpayment in the amount of \$29,551.51. After review and discussion of the matter, Jan Parsons made a motion that we accept the resolutions that Saint Philip the Apostle Roman Catholic Church – Payson, hereby authorizes the Pastor to reimburse \$29,551.51 from the parish checking account to Ms. Sophia Delster, Successor Trustee of the William A. Shively Trust, pursuant to the letter from her attorney. It is further resolved that a copy of the letter and a copy of the check that the Parish sends to the Trust and any transmittal letter be attached to the minutes of this meeting.

Bobbie Simone seconded. The motion carried unanimously.

The parish received a notice from Prudential Insurance Company advising that the parish owns 71 shares of Common Stock valued at \$3,868.79 as of August 29th, 2012. It is noted for the minutes that until receipt of this notice, the parish was unaware of its ownership of the stock. The Board called in the business manager to the meeting to discuss Board options regarding the stock. After a brief discussion, Bobbie Simone made motion to accept a resolution that Saint Philip the Apostle Roman Catholic Church – Payson, hereby authorizes the Pastor to cash in shares from Prudential, total value of approximately \$3,868.69 to be deposited in the parish checking account. Jan Parsons seconded the motion. The motion carried unanimously.

ADJOURN

There being no further business, Fr. Gyure indicated that the next meeting would be sometime in February. Fr. Gyure declared the meeting adjourned at 11:19 a.m.

Respectfully submitted,
Jan Parsons, Secretary

LAW OFFICE
DENNIS T OMOTO, PLC

1107 NORTH BEELINE HIGHWAY
SUITE B
PAYSON, ARIZONA 85541
Telephone (928) 474-4502
Facsimile (928) 474-4503
E-mail DTO@Mentor2000.com

September 25, 2012

Saint Philip the Apostle Roman
Catholic Church - Payson
511 South Saint Philip Street
Payson, Arizona 85541

Attention: Father William Gyure

Re: Trust of William A. Shively

Dear Father Gyure:

This letter is mailed on behalf of Ms. Sophia M. Delster, as Successor Trustee of the William A. Shively and Esther K. Shively Revocable Trust (June 26, 1981) ("Trust"), as amended.

A. Debts. Prior to conferring with her accountant and attorney, Successor Trustee has inadvertently overpaid the Saint Philip the Apostle Roman Catholic Church - Payson ("Church") before deducting certain liabilities.

1. Articles VII(A) (9) and (10) of the Trust contain the hereunder clauses:

With respect to each trust created by this agreement, and the property of each trust, Trustee shall have all powers given by law and all powers which may be exercised by individuals owning similar property in their own right. Without restricting the generality of the foregoing, the following powers are set forth, by way of illustration of the extent of powers granted and not by way of limitation, to be exercised from time to time by Trustee at his discretion.

.....

(9) To employ and compensate attorneys, accountants, brokers, agents and custodians: [sic]

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(10) To pay all costs and expenses of the trust and its property, including reasonable compensation to Trustee for its services; . . .

2. Articles V(D)(5)(c) and (d) of Eighth Amendment (September 12, 2008) read:

(c) SOPHIA MARY DELSTER ("Delster") has been a caring and loving companion and friend.

(1) Surviving Trustor is concerned that JOHN LESLIE SHIVELY, RAY ALLEN SHIVELY, SANDRA SUE SHIVELY, WILLIAM JOE SHIVELY and/or other may abet, inaugurate or institute an action, claim, demand, proceeding or otherwise against Delster, as trustee, individually or any other capacity, for any matter whatsoever.

(2) Trustee shall defend, indemnify, hold harmless and protect Delster, individually, as trustee or in any other capacity against and in respect of any and all claims, costs, damages, deficiencies, demands, expenses, injuries, liabilities, lawsuits, obligations and recoveries, including interest, penalties and reasonable attorney fees, that Delster, as trustee, individually or in any other capacity, shall incur or suffer, which arise, result from or relate to any and all such actions, claims, demands, proceedings or otherwise.

(3) Before any distribution of the residue of the trust to the designated beneficiary in Article V(D)(5)(d), all of the hereafter shall first be fully paid and/or held in reserve for the protection of Delster:

(a) Any and all claims, costs, damages, deficiencies, demands, expenses, injuries, liabilities, lawsuits, obligations and recoveries that Delster, as trustee, individually or in any other capacity, shall incur or suffer, which derives, result from or relate to any and such actions, claims, demands, proceedings or otherwise.

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(b) Any and all interest, penalties and reasonable attorney fees that Delster, as trustee, individually or in any other capacity, shall incur or suffer, which arise, result from or relate to any and all of the foregoing actions, claims, demands, proceedings or otherwise, whether Delster is the losing or prevailing party.

d. After the expiration of any applicable statutes of limitation or other relevant laws pertaining to any and all such actions, claims, demands, proceedings or otherwise, or any earlier date selected by Delster in her sole and absolute discretion, all of the residue is then to be distributed to ST. PHILIP'S CATHOLIC CHURCH, presently of 511 South St. Philip's Street, Payson, Arizona 85541. (emphasis added)

3. Successor Trustee has recently informed my office that she has been advancing funds from her separate monies to discharge most of the obligations.

4. Between the date of death of the late William A. Shively ("Decedent") on or about September 16, 2008, and on or about September 6, 2012, a preliminary accounting of the responsibilities is as follows:

a.	Accountants	\$ 8,991.93
b.	Attorney	11,811.34
c.	Cellular phone for Decedent	57.96

d. Costs for the residence at 1424 West 7th Street, Mesa, Arizona 85201 ("Mesa Home"), until sale, to wit:

(1)	AAA Home Insurance	\$ 638.50
(2)	Gardening	1,267.58
(3)	Realtor	500.00
(4)	Safe Security	96.75
(5)	Trustee Fees	685.00
(6)	Utilities	<u>1,653.90</u>

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Subtotal	4,841.73
e. Discover Card	161.97
f. Funeral	1,723.49
g. New Mexico Property Taxes	465.82
h. Ohio Mutual Insurance for the farm in Ohio	362.00
i. United States Treasury for 2008 taxes	1,977.00
j. Reserve for anticipated fees and costs to finalize the matter	<u>4,000.00</u>
Total	\$34,393.24

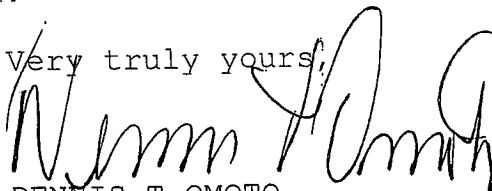
5. Successor Trustee and/or the accountant can furnish a more detailed breakdown upon request.

6. The principal amount of \$4,841.73 should arguably be borne by the beneficiary of the Mesa Home.

B. Mechanism. Therefore, in order to remedy a bona fide error of Successor Trustee and subject to further accounting, a request is made for Church to furnish a check payable to Sophia M. Delster for the principal figure of \$29,551.51 within 15 calendar days of the date on the letterhead.

Thank you for your consideration.

Very truly yours,



DENNIS T OMOTO

DTO/tlc
Enclosures
c: Ms. Sophia M. Delster
File

St. Philip the Apostle Church

511 South Saint Philip Street • Payson, AZ 85541 • (928) 474-2392
www.stphilippayson.org



October 16, 2012

The Law Office of Dennis T Omoto, PLC
1107 N. Beeline Hwy Su B
Payson, AZ 85541

RE: Trust of William A. Shively

Dear Mr. Omoto:

This letter is in reference to your correspondence of September 25, 2012 on behalf of Ms. Sophia Delster, Successor Trustee of the William A. Shively Trust.

The Board of Directors of Saint Philip the Apostle Roman Catholic Church- Payson met on October 15, 2012 and passed a resolution to reimburse Ms. Delster an overpayment in the amount of \$29,551.51.

Enclosed is check # 12505 dated 10/16/2012 in that amount.

Sincerely,

Fr. William Gyure, Chairman
St. Philip the Apostle Parish Board of Directors

Enclosures
C: file

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

12505

St. Philip the Apostle
Roman Catholic Church NPC
511 S. ST. PHILIPS ST.
PAYSON, AZ 85541

JPMORGAN CHASE BANK NA
PAYSON, AZ 85541
(912) 212-1221

10/16/2012

928-474-2392 www.stphilippayson.org

PAY TO THE ORDER OF Sophia M. Delster

\$ 29,551.51

Twenty-Nine Thousand Five Hundred Fifty-One and 51/100***** DOLLARS

TAMPER RESISTANT TONER AREA



Sophia M. Delster
908 S. Rodeo Dr
Payson, AZ 85541

Rev. William James Lyons

MEMO Trust of W. Shively

⑆0⑆2505⑆ ⑆1⑆22⑆1000⑆2⑆4⑆ 986526576⑆

St. Philip the Apostle Roman Catholic Church NPC

12505

Date	Type	Reference	Original Amt.	Balance-Due	Discount	Payment
10/16/2012	Bill	Trust of W. Shively	29,551.51	29,551.51		29,551.51
					Check Amount	29,551.51

JP Morgan Chase

Trust of W. Shively

29,551.51

Details on Back Intuit® CheckLock™ Secure Check