

STATE OF MAINE
PENOBSCOT, ss.

SUPERIOR COURT
Civil Action, Docket No. BANSC-CV-2020-80

JAMES P. GARLAND, of Columbus, County)
of Franklin, State of Ohio, IRVIN C. ("BUZZ"))
CAVERLY, of Corinth, County of Penobscot,)
State of Maine, and JOHN F. LOYD, JR., of)
Harpwell, County of Cumberland,)
State of Maine,)

Plaintiffs)

v.)

AARON M. FREY, ESQ., in his capacity as)
Attorney General for the State of Maine, of)
Augusta, County of Kennebec, State of Maine,)

Defendant)

and)

THE TRUST FOR PUBLIC LAND and the)
BAXTER STATE PARK AUTHORITY,)

Parties-in-Interest)

ORDER

This matter comes before this Court pursuant to the Complaint filed by Plaintiffs James P. Garland, Irvin C. Caverly, and John F. Loyd, Jr., seeking, *inter alia*, modification of the Baxter Park Wilderness Fund (the "Trust") pursuant to 18-B M.R.S. § 412. Notice and opportunity for hearing having been provided to the Defendant and all Parties-in-Interest, the parties hereto consent to the entry of the following order:

- A. The previous contributions of assets to the Trust were duly accepted by Governor John E. Baldacci on behalf of the State of Maine, the assets so contributed have since then been held in a charitable trust for the benefit of Baxter State Park, and the Commissioners appointed pursuant to the Executive Order signed by Governor John E. Baldacci on August 23, 2007, or appointed by a subsequent Governor of the State of Maine, have custody of the assets presently held by the Trust;

- B. The Trust is hereby RENAMED the "Baxter Park Wilderness Fund Trust;"
- C. The Trust is hereby MODIFIED so that it shall henceforth be governed by the terms and conditions stated in the AMENDED AND RESTATED INDENTURE OF TRUST, attached as *Exhibit A*;
- D. James P. Garland, Irvin C. ("Buzz") Caverly, and John F. Loyd, Jr., (the "Trustees") are APPOINTED as Trustees of the Trust, each to serve for the terms described in, and otherwise in accordance with, the terms and conditions stated in the AMENDED AND RESTATED INDENTURE OF TRUST;
- E. The Trustees are hereby vested with all of the rights, powers, authority, and privileges granted by the AMENDED AND RESTATED INDENTURE OF TRUST and by statute, including, but not limited to, the Maine Uniform Trust Code, and by general rules of law to manage, administer, and distribute any assets held at any time by the Trust without authorization or further order of the court;
- F. The Baxter State Park Authority is hereby AUTHORIZED to appoint successor Trustees in the manner described in the AMENDED AND RESTATED INDENTURE OF TRUST; and
- G. All of the costs of this proceeding, including reasonable attorney fees, shall be paid as an administrative expense of the Trust.

Dated at Bangor, Maine, this October 28, 2020.



Justice, Maine Superior Court

ORDER/JUDGMENT ENTERED IN THE
COURT DOCKET ON: 10-30-2020