

MUSICK, PEELER & GARRETT

ATTORNEYS AT LAW

ONE WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90017

TELEPHONE (213) 629-3322

JOSEPH D. PEELER
JOHN M. ROBINSON
DAVID P. EVANS
JAMES E. LUDLAM
GERALD G. KELLY
JESSE R. O'MALLEY
BRUCE E. CLARK
BRUCE A. BEVAN, JR.
CHARLES F. FORBES
THOMAS J. REILLY
THOMAS M. COLLINS
DONALD J. DREW
RICHARD D. DEAR
LEONARD E. CASTRO
J. PATRICK WHALEY
MICHAEL W. CONLON
MICHAEL M. MURPHY
EDWARD A. LAMDRY
JOHN R. BROWNING
JOSEPH A. SAUNDERS
RONALD G. TRAYNER
HARRY R. STANG
ROGER B. BAYMILLER
THOMAS J. KELLEY, JR.

JAMES D. DEVINE
LARRY A. CURTIS
FRANK H. SMITH, JR.
LAWRENCE E. STICKNEY
BURKE W. WILLEY
FREDERICK T. GUCKENBERGER
RICHARD P. CRANE, JR.
RONALD C. WYSE
JAMES B. BERTERO
JAMES L. SEAL
ROBERT D. GIRARD
TERRENCE J. WALLOCK
WILLIAM MCD. MILLER III
GARY F. OVERSTREET
MICHAEL W. BORDERS
JAMES M. HASSAN
WILLIAM S. MILLER
WILLIAM L. NEAL
GEORGE R. HARTLEY
JAY D. CHRISTENSEN
LUCY I. EISENBERG
STEVEN T. SCHLEIER
WAYNE B. LITTLEFIELD
MARY F. BEAUDRY

ELVON MUSICK
1890-1988
LEROY A. GARRETT
1906-1963

CABLE "PEELGAR"
TELEX 67-7451
TELECOPIER
624-1376

OF COUNSEL
FRANCIS F. QUITNER
MELVIN D. WILSON

August 10, 1976

St. Vincents Medical Center
2131 West Third Street
Los Angeles, California 90057

Attention: Mr. Virgil Gaul
Controller

Re: Bixby Endowment

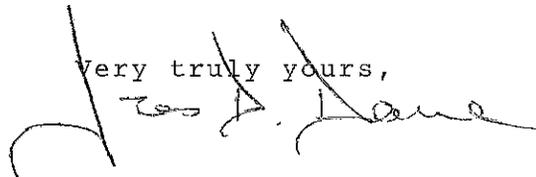
Dear Mr. Gaul:

Enclosed is a declaration signed by Katharine Bixby Hotchkis one of two living children of Fred H. Bixby and Florence G. Bixby the creators of the 1929 endowment.

We hope soon to have a similar declaration from her sister, Florence Elizabeth Bixby Janeway.

In our opinion, when you have received Mrs. Janeway's declaration, the hospital will be free to use the endowment funds in the manner indicated. The endowment by its terms gives the children the power to designate those entitled to its benefits. We do not believe in the circumstances that it is necessary to obtain a court order modifying the endowment although we can obtain such an order if you believe it is desirable to do so.

Very truly yours,



James D. Devine
for MUSICK, PEELER & GARRETT

JDD:lm

Enclosure

DECLARATION OF KATHARINE BIXBY HOTCHKIS

I, the undersigned, KATHARINE BIXBY HOTCHKIS say that:

I am one of the two surviving children of Fred H. Bixby and Florence G. Bixby, the parties of the first part in that certain agreement dated September 4, 1929, between the said parties of the first part and St. Vincent's Hospital, a California corporation, which agreement provides for the endowment of a room at St. Vincent's Hospital for the purposes specified therein. A copy of said Agreement is attached hereto as Exhibit A and by this reference made a part hereof.

Pursuant to said endowment the right to designate who shall be the beneficiary of said endowment devolves upon the children of the parties of the first part.

I know from conversations with my parents that it was always their intention in creating said endowment that the room in St. Vincent's Hospital be used exclusively to care for the needy poor.

I understand that under modern hospital procedures, it is no longer possible, practical, or desirable to limit said endowment to one specified room, rather the room should be located in that portion of said hospital which provides the care the particular patient requires.

I authorize and direct St. Vincent's Hospital to use said endowment funds in a manner which carries out the intent of it's

creators, Fred H. Bixby and Florence G. Bixby, namely, that said endowment fund be used to guarantee that a room will be made available at all times at said hospital for the sole purpose of providing charity care to a needy patient, and the location of that room will depend upon the care which the particular patient requires.

I further authorize care to be provided under said agreement by such members of the hospital's staff of doctors and other medical personnel as the administration of said hospital shall determine appropriate in the particular case, and support any modification to said endowment agreement as may be determined to be necessary.

It is my belief that these directions are necessary in view of the change in circumstances since the creation of said endowment and in order to carry out my parents' intentions.

I declare ~~under penalty of perjury~~ that the foregoing is true and correct.

Executed on August 3, 1976, at
San Marino, Cal, California.

Katharine Bixby Hotchkis
Katharine Bixby Hotchkis

MUSICK, PEELER & GARRETT

ATTORNEYS AT LAW

ONE WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90017

TELEPHONE (213) 629-3322

JOSEPH D. PEELER
JOHN M. ROBINSON
DAVID P. EVANS
JAMES E. LUDLAM
GERALD G. KELLY
JESSE R. O'MALLEY
BRUCE E. CLARK
BRUCE A. BEVAN, JR.
CHARLES F. FORBES
THOMAS J. REILLY
THOMAS M. COLLINS
DONALD J. DREW
RICHARD D. DEAR
LEONARD E. CASTRO
J. PATRICK WHALEY
MICHAEL W. CONLON
MICHAEL M. MURPHY
EDWARD A. LANDRY
JOHN R. BROWNING
JOSEPH A. SAUNDERS
RONALD G. TRAYNER
HARRY R. STANG
ROGER B. BAYMILLER
THOMAS J. KELLEY, JR.

JAMES O. DEVINE
LARRY A. CURTIS
FRANK H. SMITH, JR.
LAWRENCE E. STICKNEY
BURKE W. WILSEY
FREDERICK T. GUCKENBERGER
RICHARD P. CRANE, JR.
RONALD C. WYSE
JAMES B. BERBERO
JAMES L. SEAL
ROBERT D. GIRARD
TERRENCE J. WALLOCK
WILLIAM McD. MILLER III
GARY F. OVERSTREET
MICHAEL W. BORDERS
JAMES M. HASSAN
WILLIAM S. MILLER
WILLIAM L. NEAL
GEORGE R. HARTLEY
JAY D. CHRISTENSEN
LUCY T. EISENBERG
STEVEN T. SCHLEIER
WAYNE B. LITTLEFIELD
MARY F. BEAGORY

ELVON MUSICK
1890-1968
LEROY A. GARRETT
1906-1963

CABLE "PEELGAR"
TELEX 67-7451
TELECOPIER
624-1376

OF COUNSEL
FRANCIS F. QUITNER
MELVIN O. WILSON

July 30, 1976

St. Vincent Medical Center
2131 West Third Street
Los Angeles, California 90057

Attention: Mr. Virgil Gaul
Controller

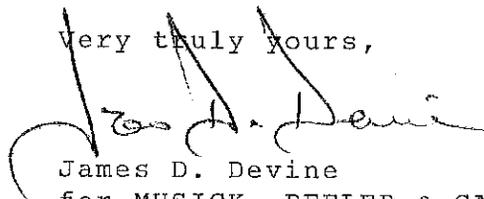
Re: Scheller & Bixby Endowments

Dear Mr. Gaul:

I have reviewed the affidavit of Marie Scheller Mogan executed on March 15, 1972. In our opinion this affidavit gives the hospital sufficient protection to use the funds of the Scheller endowment in accordance with the provisions of the affidavit. You will note that the original endowment stated that it was subject to "such reasonable general rules and regulations for the management and conduct of said hospital generally as may now exist, or hereafter be established by the party of the second." In our opinion it was contemplated in the endowment that procedures would change. We do not believe in the circumstances that it is necessary to obtain a court order modifying the endowment. We can obtain such order, however, if you believe it is desirable to do so.

We are attempting to obtain similar affidavits from the two surviving children of Fred H. Bixby and Florence G. Bixby.

Very truly yours,



James D. Devine
for MUSICK, PEELER & GARRETT

JDD:lm

MUSICK, PEELER & GARRETT

JOSEPH D. PEELER
JOHN M. ROBINSON
DAVID P. EVANS
JAMES E. LUDLAM
GERALD G. KELLY
JESSE R. O'MALLEY
BRUCE E. CLARK
BRUCE A. SEVAN, JR.
CHARLES F. FORBES
THOMAS J. REILLY
THOMAS M. COLLINS
DONALD J. DREW
RICHARD D. DEAR
LEONARD E. CASTRO
J. PATRICK WHALEY
MICHAEL W. CONLON
MICHAEL M. MURPHY
EDWARD A. LANDRY
JOHN R. BROWNING
JOSEPH A. SAUNDERS
RONALD G. TRAYNER
HARRY R. STANG
ROGER B. BAYMILLER
THOMAS J. KELLEY, JR.

JAMES D. DEVINE
LARRY A. CURTIS
FRANK H. SMITH, JR.
LAWRENCE E. STICKNEY
BURKE W. WILSEY
FREDERICK T. GUCKENBERGER
RICHARD P. CRANE, JR.
RONALD C. WYSE
JAMES B. BERTERO
JAMES L. SEAL
ROBERT D. GIRARD
TERRENCE J. WALLOCK
WILLIAM MCD. MILLER III
GARY F. OVERSTREET
MICHAEL W. BORDERS
JAMES M. HASSAN
WILLIAM S. MILLER
WILLIAM L. NEAL
GEORGE R. HARTLEY
JAY D. CHRISTENSEN
LUCY T. EISENBERG
STEVEN T. SCHLEIER
WAYNE B. LITTLEFIELD
MARY F. BEAUDRY

ATTORNEYS AT LAW
ONE WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90017
TELEPHONE (213) 629-3322

ELVON MUSICK
1890-1968
LEROY A. GARRETT
1906-1963

CABLE "PEELGAR"
TELEX 67-7451
TELECOPIER
624-1376

OF COUNSEL
FRANCIS F. QUITNER
MELVIN D. WILSON

August 18, 1976

St. Vincents Medical Center
2131 West Third Street
Los Angeles, California 90057

Attention: Mr. Virgil Gaul
Controller

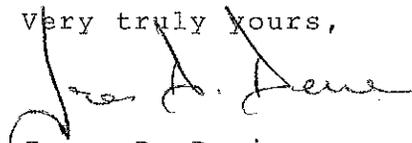
Re: Bixby Endowment

Dear Mr. Gaul:

Enclosed is a declaration signed by Florence Elizabeth Bixby Janeway, one of the two living children of Fred H. Bixby and Florence G. Bixby.

As I mentioned in my letter of August 10th, we believe that now that you have received the declarations of Mrs. Janeway and Mrs. Hotchkis, the hospital is free to use the endowment funds in the manner indicated by the declarations.

Very truly yours,



James D. Devine
for MUSICK, PEELER & GARRETT

JDD:lm

Enclosure

DECLARATION OF FLORENCE ELIZABETH BIXBY JANEWAY

I, the undersigned, FLORENCE ELIZABETH BIXBY JANEWAY say that:

I am one of the two surviving children of Fred H. Bixby and Florence G. Bixby, the parties of the first part in that certain agreement dated September 4, 1929, between the said parties of the first part and St. Vincent's Hospital, a California corporation, which agreement provides for the endowment of a room at St. Vincent's Hospital for the purposes specified therein. A copy of said agreement is attached hereto as Exhibit A and by this reference made a part hereof.

Pursuant to said endowment the right to designate who shall be the beneficiary of said endowment devolves upon the children of the parties of the first part.

I know from conversations with my parents that it was always their intention in creating said endowment that the room in St. Vincent's Hospital be used exclusively to care for the needy poor.

I understand that under modern hospital procedures, it is no longer possible, practical, or desirable to limit said endowment to one specified room, rather the room should be located in that portion of said hospital which provides the care the particular patient requires.

I authorize and direct St. Vincent's Hospital to use said endowment funds in a manner which carries out the intent

of it's creators, Fred H. Bixby and Florence G. Bixby, namely that said endowment fund be used to guarantee that a room will be made available at all times at said hospital for the sole purpose of providing charity care to a needy patient, and the location of that room will depend upon the care which the particular patient requires.

I further authorize care to be provided under said agreement by such members of the hospital's staff of doctors and other medical personnel as the administration of said hospital shall determine appropriate in the particular case, and support any modification to said endowment agreement as may be determined to be necessary.

It is my belief that these directions are necessary in view of the change in circumstances since the creation of said endowment and in order to carry out my parents' intentions.

I declare ~~under penalty of perjury~~ that the foregoing is true and correct.

Executed on August 14th, 1976, at
Santa Ynez, California.

X Florence Elizabeth Bixby Janeway
Florence Elizabeth Bixby Janeway

It is further agreed and declared that upon the death of the said Dr. E. A. Bryant or the disability of said Dr. E. A. Bryant to exercise the power and authority herein given, then the right to nominate or designate the patients who shall occupy the said room shall devolve upon Fred H. Bixby and Florence G. Bixby, and the survivor of them, and upon their death the said power and authority and privileges shall devolve upon the children of the donors, the said parties of the first part, and when such power devolves upon the said children, a majority may exercise such powers and privileges, or a majority may, in writing, nominate and appoint some person to exercise such powers and privileges with respect to the said room and the patients to be cared for therein.

The said party of the second part shall, at its expense, keep the said room in order, and proper for the habitation and care of such patients as may be consigned to it as herein provided.

The said Dr. E. A. Bryant and his successors in the powers and privileges herein given, and/or the said parties of the first part, shall also have the right of visitation of the said room in said hospital for the purpose of ascertaining the needs of such patients designated by him or them as may be occupying the said room, and to see that they are properly taken care of and provided for, and generally to see to the due performance of the terms of this charity.

In the event that the said party of the second part shall violate the terms of this agreement, or fail to keep and perform the agreement on its part, then in that event, the said endowment fund that may have been paid by the said parties of the first part shall revert to the parties of the first part, or to their heirs,

This agreement is to be construed as entire, and if any one of its provisions be questioned, and the said party of the second part shall fail or refuse to perform any one of the promises on its part, or if the said agreement should for any cause be held to be void in any part of it, then it shall be void altogether, or if void as to one of the parties, it shall be void as to both, and the money so given by the said donors shall be returned to the parties of the first part, or their successors in interest as hereinabove provided.

IN WITNESS WHEREOF, the said parties of the first part have hereunto subscribed their names, and the party of the second part has caused its corporate name to be subscribed, and its corporate seal affixed by a resolution of its board of directors, and this agreement has been executed in duplicate.



President

THE ST. VINCENT'S HOSPITAL

By _____
President.

By _____