

EXAMPLE I

The term “descendants” includes persons whose parent/child status arose by virtue of one or more of the following events:

1. natural childbirth, regardless of whether person giving birth contributed genetic material, unless person giving birth was a gestational or genetic surrogate under a written contract;
2. any child(ren) my selected gestational carrier may be gestating pursuant to any current gestational carrier agreement into which I have entered;
3. legal adoption, including second parent, step-parent, confirmatory, adult, joint, and post-mortem adoption;
4. Court judgment of parentage or pre-birth order;
5. Voluntary acknowledgement of parentage;
6. parent/child status granted by state law to children during a domestic partnership, civil union, or marriage; and
7. birth of a child from testator’s gamete where either:
 - a. the embryo is in utero not later than 36 months after the individual’s death; or
 - b. the child is born not later than 45 months after the individual’s death

All children or descendants by any of the about methods are children or descendants for the purpose of this instrument.

EXAMPLE 2

References to “children” and “descendants” shall include children and descendants now in existence or born after the execution of this Agreement. One’s children and other descendants shall be determined according to applicable state or local law, except to the extent modified by this Article or by other specific provisions of this Agreement.

1. A child adopted before he or she attains eighteen (18) years of age (but not after attaining that age) shall be treated under this Agreement as a child of his or her adopting parents and as a descendant of their ancestors.

2. A biological child shall not be treated as a child or descendant of any biological parent of the child or as a descendant of the ancestors of such biological parent if the child has been surrendered for adoption with the consent of such biological parent and the child’s adoptive parent substitutes for the consenting parent under applicable state or local law.

3. A child born outside a marriage and those claiming through that person shall be deemed to be descendants of (i) the natural mother and her ancestors, and (ii) if the natural father acknowledges paternity or paternity is established in a court of competent jurisdiction during the natural father’s lifetime, the natural father and his ancestors, in each case unless a decree of adoption terminates such natural parent’s parental rights.

4. Adoptions and marriages that are recognized under this Agreement shall not affect prior distributions or other interests that have previously vested in possession, but they shall enable a person to receive distributions from or remainder or other interests in a trust still in existence. The descendants of a person who is treated as a child or descendant under this Article shall also be treated as descendants of such person’s ancestors. The descendants of a person who is treated as not being a child or descendant under this Article shall also be treated as not being descendants of such person’s ancestors.

5. Upon the written declaration of any descendant of the Settlor and subject to any restrictions contained in such writing, a posthumously conceived child by means of assisted reproduction whereby such descendant provided genetic material to the resulting child shall be considered a child of such descendant and a descendant of the descendant’s ancestors.

6. A child born as a result of artificial insemination, in vitro fertilization or other medical intervention shall be treated under this Agreement as a child of (i) the woman (other than a woman who was contractually serving as a surrogate or gestational carrier) who gave birth to such child (the “birth mother”); (ii) the person or couple who initiated the medical procedure with the intention of ultimately becoming the

legal parent or parents of the resulting child (each, an “intended parent”); and (iii) the birth mother’s or intended parent’s spouse at the time of conception or implantation of the embryo that resulted in the child at issue, unless there is clear and convincing evidence that the birth mother’s or intended parent’s spouse withheld consent to the medical intervention and did not subsequently voluntarily acknowledge parentage. In the event of any question whether (i) a birth mother’s or intended parent’s spouse withheld consent to a medical intervention for purposes of this subparagraph, or (ii) parentage has been voluntarily acknowledged for purposes of this subparagraph, the determination by the Trustees (other than the birth mother or either intended parent) shall be binding on all persons interested in any trust under this Agreement and on all persons claiming to be so interested.