

AN ORDINANCE 2009 - 09 - 17 - 0749

ACCEPTING A DONATION IN THE AMOUNT OF \$513,858.61 FROM THE ESTATE OF BOZA BECICA, AS PRESCRIBED IN HER LAST WILL AND TESTAMENT, FOR THE PURCHASE OF LIBRARY BOOKS AND MATERIALS FOR THE SAN ANTONIO PUBLIC LIBRARY.

* * * * *

WHEREAS, the Last Will and Testament Of Boza Becica contained a \$513,858.61 bequest for the San Antonio Public Library; and

WHEREAS, the Will stipulated that the funds be used to purchase new books for the Library; and

WHEREAS, on June 23, 2009, the San Antonio Public Library received a letter accompanied by an Air Force Federal Credit Union cashier's check for \$513,858.61 made payable to the City of San Antonio; and

WHEREAS, it is the direction of the San Antonio Public Library Board of Trustees that the best use of this gift is the establishment of a permanent endowment for the acquisition of books and materials; **NOW THEREFORE**:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. There is hereby established a permanent endowment for the acquisition of books and materials for the San Antonio Public Library in accordance with the terms and conditions of the Last Will and Testament of Boza Becica. The City Manager, or her designee, or the Director of the Library Department or his designee is hereby authorized to accept the gift of \$513,858.61 from the estate of Boza Becica. A copy of the Last Will and Testament of Boza Becica is attached hereto as **Attachment I**.

SECTION 2. Fund 29603033 entitled Boza Becica Endowment as an endowment fund shall be established to record the revenue and expenditures for the purchase of books and library material.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SW/mgc
09/17/09
Item #26

SECTION 4. This ordinance shall become effective immediately upon passage by eight (8) affirmative votes of the entire City Council; otherwise, said effective date shall be ten (10) days from the date of passage hereof..

PASSED AND APPROVED this 17th day of September 2009.



M A Y O R
JULIÁN CASTRO

ATTEST: *Leticia J. Ruiz*
City Clerk

APPROVED AS TO FORM: *Hollis Young*
for City Attorney

Agenda Item:	26 (in consent vote: 9, 10, 11, 12, 14, 15, 16, 17, 19, 20, 21, 22A, 22B, 22C, 22D, 25, 26, 27, 29, 30, 31)						
Date:	09/17/2009						
Time:	10:28:28 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance accepting a donation in the amount of \$513,858.61 from the estate of Boza Becica, as prescribed in her Last Will and Testament, for the purchase of library books and materials for the San Antonio Public Library. [A.J. Rodriguez, Deputy City Manager; Ramiro Salazar, Director, Library]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x			x	
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				x
John G. Clamp	District 10		x				

No. 2008-PC-1240

ESTATE OF	§	IN THE PROBATE COURT
	§	
	§	
BOZA BECICA,	§	NO. 2
	§	
	§	
DECEASED	§	BEXAR COUNTY, TEXAS

ORDER PROBATING WILL AND AUTHORIZING LETTERS TESTAMENTARY

On this day, came on to be heard the written application of THOMAS J. WALTHALL, JR. to probate the Will of BOZA BECCICA, Deceased, and for letters of testamentary. In support of the application filed on April 18th, 2008, there was presented in open court the original Will filed with the Court on April 18th, 2008.

The Court, having heard the evidence and having reviewed the Will and the other papers on file in this Cause, finds that all of the statements and allegations contained in the Application are true.

The Court further finds that citation and notice as required by law were issued, served, and returned in the manner and for the length of time required by law.

The Court further finds that it has jurisdiction and venue over this estate.

The Court further finds that at the time of executing the Will dated May 23, 1983, the Decedent was of sound mind and was at least 18 years of age, and that the instrument was executed with the formalities and solemnities and under the circumstances required by law to make it a valid Will, and was self-proved in accordance with the Texas Probate Code, and that no objection to or contest of the probate of the Will has been filed.

CERTIFICATE
The page to which this certificate is affixed may have been altered to render confidential personal information but is otherwise a full, true and correct copy of the original on file and of record in my office. ATTESTED: *[Signature]*

 GERARD PICKHOFF
COUNTY CLERK
BEXAR COUNTY, TEXAS

VOL 0808 PG 2711



The Court further finds that BOZA BECCICA died at the age of ninety-six (96) years on February 4, 2008, in San Antonio, Bexar County, Texas, that the Will was not revoked by the Decedent, that four years have not elapsed since the death of the Decedent, that no child was born to or adopted by the decedent after the making of the Will, and that the Decedent was not divorced after the making of the Will.

The Court further finds that the San Antonio Public Library of San Antonio, Bexar County, Texas, charitable organization was named in the Will as a devisee.

The Court further finds that THOMAS J. WALTHALL, JR. whose address is 745 E. Mulberry, Suite 100, San Antonio, Texas 78212, was named as Independent Executor in the Will, and is not disqualified to serve as Independent Executor under the Will.

The Court further finds that the Will is entitled to be admitted to probate and that the co-executors are entitled to the issuance of letters testamentary.

The Court further finds that the Will provides that no bond is required of the Executor and that no action be had in the Probate Court with respect to the estate of BOZA BECCICA, Deceased, except to probate the Will and return and cause to be filed and approved an Inventory, Appraisalment, and List of Claims.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Will of BOZA BECCICA, Deceased, dated February 4, 2008, and on file with the Court, be and it is hereby admitted to probate and recorded as the last Will of BOZA BECCICA, Deceased, and that the original Will, together with the Application for probate and the testimony given in these proceedings, be recorded in the minutes of this Court.

CERTIFICATE
This page to which this certificate is
affixed may have been altered to reflect
confidential personal information
but is otherwise a full, true and correct
copy of the original on file and of record
in my office. ATTESTED: *12/26/08*

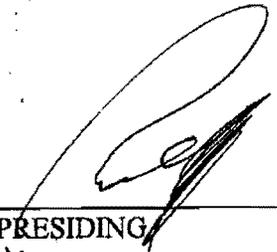


GERARD RICKHOFF
COUNTY CLERK
BEXAR COUNTY, TEXAS

IT IS FURTHER ORDERED that THOMAS J. WALTHALL, JR. be and is hereby appointed as Independent Executor of the estate of BOZA BECCICA, Deceased, and that Letters Testamentary issue on his taking the Oath required by law, without the posting of any bond.

IT IS FURTHER ORDERED that there is no necessity for the appointment of appraisers of this estate.

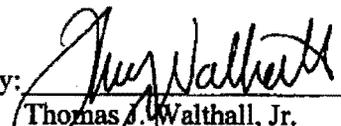
SIGNED this 12 day of May, 2008.



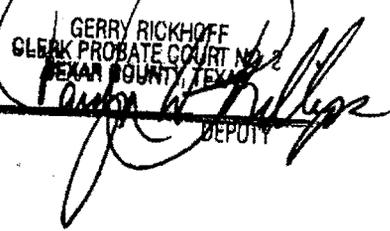
JUDGE PRESIDING
MSC O.K.

APPROVED AS TO FORM:

THE GARDNER LAW FIRM
A Professional Corporation
745 E. Mulberry, Suite 100
San Antonio, Texas 78212
(210)733-8191 - Office
(210)733-5538 - Facsimile

By: 

Thomas J. Walthall, Jr.
State Bar No. 20821600
ATTORNEY/APPLICANT

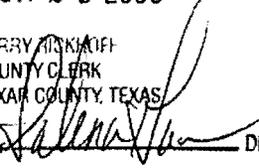
FILED
MAY 12 2007
GERRY RICKHOFF
CLERK PROBATE COURT NO. 2
BEXAR COUNTY, TEXAS
BY 

DEPUTY

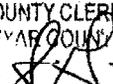
CERTIFIED COPY CERTIFICATE
STATE OF TEXAS COUNTY OF BEXAR
The above is a full, true and correct photographic copy of the original record now in my lawful custody and possession as the same is recorded in the Official Public Records of Probate Courts in my office and Preserved on Microfilm and having Microfilm identically stamped signatures thereon. I hereby certify on

JUN 26 2008



GERRY RICKHOFF
COUNTY CLERK
BEXAR COUNTY, TEXAS
BY 

DEPUTY

CERTIFICATE
no page to which this certificate is affixed may have been altered to contain confidential personal information. It is otherwise a full, true and correct copy of the original on file and of record in my office. ATTESTED: 6/26/08
GERARD RICKHOFF
COUNTY CLERK
BEXAR COUNTY, TEXAS




VOL 0808 PG 2713

2008PC1240

FILED
IN MATTERS PROBATE

2008 APR 18 AM 11:31

GERARD RICHGOTT
CLERK PROBATE COURTS
BEXAR COUNTY, TEXAS.

BY _____
DEPUTY

STATE OF TEXAS)
COUNTY OF BEXAR)

LAST WILL AND TESTAMENT

May 23, 1983

KNOW ALL MEN BY THESE PRESENTS:

THAT I, BOZA BECICA, a resident of Bexar County, San Antonio, Texas, being in good health and of sound and disposing mind, do make, publish and declare this to be my LAST WILL AND TESTAMENT, hereby revoking all wills by me at any time heretofore made.

I.

IDENTITY OF TESTATRIX' FAMILY:

I declare that I am not now married and have no children. Although I have a brother now living in Arizona, I have not had contact of any substantial nature with him for several years.

II.

TAXES, DEBTS AND EXPENSES:

I direct that all taxes (including any interest and penalties thereon) which may be payable by reason of my death, and all of my just debts, funeral expenses, and the expenses of administering my estate, shall be paid out of my estate by my Executor, hereinafter named, in such order and out of such of the assets of my estate (including the income of my estate) as my Executor may deem best.

III.

BEQUESTS AND DEVISES:

After payment, or provision has been made for payment, of the debts referred to in Section II. above, I give, devise, and bequeath the residue of my entire estate, to the SAN ANTONIO PUBLIC LIBRARY of San Antonio, Bexar County, Texas; I direct that this gift shall be placed in the SAN ANTONIO PUBLIC LIBRARY GIFT AND MEMORIAL FUND ACCOUNT, or similar account hereafter existing, and my gift shall be used and

expended to purchase new books for said Library.

IV.

APPOINTMENT OF EXECUTOR:

I hereby appoint THOMAS J. WALTHALL, JR., as Independent Executor under this Will and of my estate. Should he, for any reason, fail or cease to act as Executor, I appoint TIMOTHY A. WATT, as Substitute or Successor Independent Executor.

No bond or other security shall be required of any Executor. My Executor shall be independent of the supervision and direction of all courts to the full extent permitted by law. I direct that no action shall be had in any Texas court of probate jurisdiction in connection with this Will, or in the administration and settlement of my estate, other than the probating and recording of this Will, and the return of an Inventory, Appraisement and List of Claims of my estate. All references to the Executor herein shall refer to the Executor then acting under any of the above appointments.

V.

COMPENSATION OF EXECUTOR:

The Executor shall be entitled to receive reasonable fees for services actually rendered to my estate, such fees to be commensurate with the duties and responsibilities of the Executor, taking into account the value and nature of my estate and the time and work involved, including extraordinary services, if any, actually rendered to my estate.

VI.

LIABILITY OF EXECUTOR:

This instrument shall always be construed in favor of the validity of any act or omission by or of any Executor appointed hereunder; and no Executor shall be liable for any act or omission except in the case of gross negligence, bad

faith, or fraud. Any successor Executor accepting hereunder shall be responsible only for property actually received upon such acceptance, and he shall not be obligated to require an accounting from any predecessor Executor; and shall incur no liability of any kind whatsoever for any act or omission to act of any predecessor Executor occurring prior to such acceptance.

VII.

DISTRIBUTIONS DURING ADMINISTRATION:

Prior to final distribution of my estate (which shall not be unreasonably postponed by my Executor), partial distributions may be made in the sole discretion of the Executor. Any distribution may be made subject to any indebtedness or liabilities of my estate.

VIII.

POWERS OF INDEPENDENT EXECUTOR:

I vest my Executor, appointed herein, with full power and authority to sell, lease, encumber, or otherwise dispose of or convert any or all of my estate in such manner as the Executor may see fit, it being my desire that, subject only to the terms of this Will, my Independent Executor shall have full power and authority to do all things reasonably necessary for the settlement of my estate.

IX.

FORFEITURE:

If any person and/or entity shall contest the probate or validity of this, my Last Will, or any provision thereof (regardless of whether or not such proceedings are instituted in good faith, and with reasonable cause), then all benefits provided hereunder for such person and/or entity are revoked, and such person and/or entity shall be deemed for all purposes hereunder to have predeceased me and/or ceased to exist prior to my death.

X.

WORD USAGE:

Words used herein in the singular shall include the plural, the conjunctive shall include the disjunctive, and the masculine shall include the feminine and neuter, and vice-versa, unless clearly otherwise indicated.

IN TESTIMONY WHEREOF, I make and publish this as my Last Will and Testament, hereunto signing my name at San Antonio, Bexar County, Texas, in the presence of the three undersigned disinterested witnesses, who attest the same at my request and in my presence, on this 23rd day of May, 1983.

Boza Becica
BOZA BECICA Testatrix

The foregoing instrument, consisting of this and three preceding pages, was now here signed, published and declared by BOZA BECICA, the Testatrix, to be her Last Will and Testament, in our presence, and we, at her request, and in her presence, and in the presence of each other, have hereunto subscribed our names as witnesses, this 23rd day of May, 1983.

Residing at: Linda P. Weyne
WITNESS
7600 Blanco #2006, S.A. Texas 78216

Residing at: Mary W. Howard
WITNESS
3243 Nacogdoches #602, S.A. Tex. 78217

Residing at: M. H. Fowler
WITNESS
412 Canterbury Hill, S.A. Tex, 78209

STATE OF TEXAS)
)
COUNTY OF BEXAR)

BEFORE ME, the undersigned authority, on this day personally appeared BOZA BECICA and LINDA P. HEYNE, MARY W. HOWARD, and W. W. FOWLKES, known to me to be the Testatrix and the witnesses, respectively, whose names are subscribed to the annexed and foregoing instrument in their respective capacities; and, all of said persons being by me duly sworn, the said BOZA BECICA, Testatrix, declared to me and to the said witnesses, in my presence, that the said instrument is her Last Will and Testament and that she willingly made and executed it as her free act and deed for the purposes therein expressed; and the said witnesses, each on his or her oath, stated to me, in the presence and hearing of said Testatrix, that the said Testatrix had declared to them that said instrument is her Last Will and Testament and that she executed same as such and wanted each of them to sign it as a witness; and, upon their oaths, each witness stated further that they did sign the same as witnesses in the presence of the said Testatrix and at her request; that she was at that time nineteen years of age or over and was of sound mind; and that each of said witnesses was then fourteen years of age or over.

Boza Becica
BOZA BECICA, Testatrix
Linda P. Heyne
WITNESS
Mary W. Howard
WITNESS
W. W. Fowlkes
WITNESS

SUBSCRIBED AND ACKNOWLEDGED BEFORE ME by the said BOZA BECICA, Testatrix, and subscribed and sworn to before me by the said LINDA P. HEYNE, MARY W. HOWARD, and W. W. FOWLKES, on this 23rd day of May, 1983.

Susan G. Nelson
[Susan G. Nelson]
Notary Public in and for Bexar County,
T e x a s.

My Commission Expires:

October 30, 1985.

[SEAL]