

# CRITERIA FOR APPLICATION AND USE OF CITY OF PRESCOTT'S ACKER TRUST ASSETS

The Superior Court Decree of Distribution dated August 7, 1959, which settled the Estate of J.S. Acker and established what is now known as the Acker Trust, is the controlling legal document for conduct of the Trust. It states the Trust is for *"purposes of improving and perpetually maintaining parks and for the purpose of promoting music, all for the use and benefit of the public."*

Some further guidance as to Mr. Acker's intent can be found in his Will of March 25, 1949. After describing two tracts of land he left specifically for parks, Mr. Acker states, *"I give to the City of Prescott... for the use of our people, the children in particular."*

Paragraph six of his Will states: *"All the residue of my estate, after payments as above set forth, together with expenses incident thereto and administrators fees, I give to the City of Prescott, to be used for parks and for promotion of music particularly for children."*

His instructions to his Administrators further state, *"As funds are realized from the Estate, you can apportion and spend such moneys for the improvement of said parks and for the promotion of music in the City Schools or otherwise in advancement of musical culture in the community."*

Opinions of three past City Attorneys indicate that funds are restricted to use by residents of the City of Prescott. Funds for parks are limited to capital expenditures and maintenance of those items purchased with Acker Trust funds, while funds for promotion of music are not limited to capital expenditures.