

**THE JAMES G. SIMMONDS FELLOWSHIP IN APPLIED MECHANICS
AND APPLIED MATHEMATICS RESEARCH
FUND AGREEMENT**

I, MAREK-JERZY PINDERA, of Charlottesville, Virginia, hereby give to THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA (the "University of Virginia") the assets listed on the schedule attached hereto as Appendix A for the purpose of creating with the University of Virginia an endowment fund to be known as the JAMES G. SIMMONDS FELLOWSHIP IN APPLIED MECHANICS AND APPLIED MATHEMATICS RESEARCH FUND (the "Fund"), which shall be administered according to the following provisions:

1. Investment. The assets of the Fund may be merged for investment and investment management purposes with the general endowment and other investment assets of the University of Virginia in accordance with University policy, but shall be entered on the books and records of the University of Virginia as the "James G. Simmonds Fellowship in Applied Mechanics and Applied Mathematics Research Fund." Guidelines established by the Finance Committee of the Board of Visitors determine the investment, distribution (hereinafter, "income"), and any reasonable fees associated with securing and administrating such funds.

2. Purpose. This Fund is established to recognize and honor the seminal contributions of Professor James G. Simmonds to the fields of Applied Mechanics and Applied Mathematics, as well as his dedication to the teaching of these subjects at the University of Virginia over the past 30 years. This Fund also recognizes Professor Simmonds' dedicated service to the promotion of Jeffersonian ideals at the School of Engineering and Applied Science (the "SEAS" or the "School") and at the University through his tireless mentoring of students. Professor Simmonds is widely recognized by colleagues as someone who epitomizes the aspirations of the University's Founder and, even in retirement, continues to serve as the School's ambassador in promoting the interests of our academic community.

The income of the Fund shall be used to provide fellowships to graduate students who have demonstrated academic excellence as well as the ability to engage in cutting-edge research in the broad areas of Applied Mechanics and Applied Mathematics. It is hoped that at least half of each year's fellowship recipients will be enrolled in the Graduate Program in the Department of Civil Engineering in the SEAS; however, graduate students in other departments in the SEAS, or in graduate programs in appropriate other University departments (e.g., Mathematics, Chemistry, Physics), may also be considered to receive fellowship support from this Fund. Fellowship recipients shall be selected by a committee appointed by the Dean of the SEAS and comprised of four senior SEAS faculty members with nationally and internationally recognized contributions in the areas of Applied Mechanics and Applied Mathematics.

It is intended that this Fund qualify for the Virginia Graduate and Undergraduate Assistance Program and that the income from the Fund, to the extent that it is used for payment of charges for tuition, fees, room, board, or other educational expenses, be matched by state

**THE JAMES G. SIMMONDS FELLOWSHIP IN APPLIED MECHANICS
AND APPLIED MATHEMATICS RESEARCH FUND**

2

appropriation when and if such funds are provided by the Commonwealth of Virginia for such purposes.

3. Naming. When fully funded, the fellowship shall be named the *James G. Simmonds Fellowship in Applied Mechanics and Applied Mathematics Research*.

4. Unexpended Income. Any unexpended income in any given year may be added to principal in continuing support of the Fund purpose; however, once the fellowship has been formally established by The Rector and Visitors of the University of Virginia, income on capitalized income may not be eligible for matching by state appropriation.

5. Additions. Any individual, corporation, foundation, trust, estate, or other legal entity may make additions to the Fund and such additions shall be subject to the provisions of this agreement. I understand that my gift will initiate the Fund and a systematic effort is underway through volunteers and donors to add additional gifts to this Fund.

6. Amendment. By mutual consent of The Rector and Visitors of the University of Virginia and me, or my designated representative or legally appointed guardian, any provision of this agreement relating to the administration of the Fund or manner in which the Fund is to be used may be amended, modified or deleted and new provisions added. Any such changes, deletions or additions shall be recorded in written signed addenda, which shall form part of this agreement.

7. Intent. I hereby provide the first gift to this Fund to honor Dr. Simmonds and intend to make regular contributions to the Fund for the duration of my tenure at the University of Virginia. Additional gifts will be solicited from among Dr. Simmonds' many colleagues, former students, and others. While it is the goal to fully fund this Fund within the next five years, nothing herein shall be construed in any way as obligating me or my estate, legally or otherwise, actually to provide such funding.

8. Inadequate Funding. If, five years after the date of this agreement, the value of the Fund is less than the \$100,000 minimum required by the University as of the date of this agreement for the establishment and continuing support of a named endowed fellowship fund, the Fund may be transferred to and merged with an existing endowment fund at the School of Engineering and Applied Science approved by the University whose purpose will most nearly accomplish my intention as evidenced by the purpose described above.

9. Future Changed Circumstances. If, in the opinion of The Rector and Visitors of the University of Virginia, all or part of the income of this endowment fund cannot at some time in

**THE JAMES G. SIMMONDS FELLOWSHIP IN APPLIED MECHANICS
AND APPLIED MATHEMATICS RESEARCH FUND**

the future be usefully applied to the above purpose, it may be used for any related purposes which in the opinion of The Rector and Visitors and the Dean of the School of Engineering and Applied Science will most nearly accomplish my wishes. It is understood, however, that only the income of the Fund that is used for the purposes of the Virginia Graduate and Undergraduate Assistance Program will be eligible for matching by state appropriation.

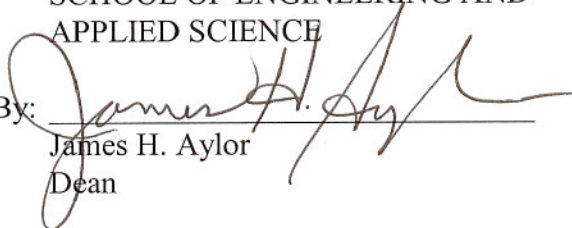
IN WITNESS WHEREOF, I have executed this Agreement this 23rd day of March, 2007.


Marek-Jerzy Pindera

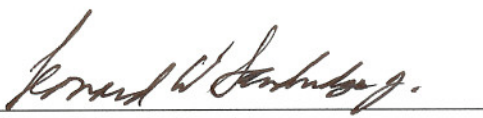
The University of Virginia agrees to administer the JAMES G. SIMMONDS FELLOWSHIP IN APPLIED MECHANICS AND APPLIED MATHEMATICS RESEARCH FUND pursuant to the terms and conditions set out in the foregoing Agreement.

DATED as of the year and day hereinabove written.

THE UNIVERSITY OF VIRGINIA
SCHOOL OF ENGINEERING AND
APPLIED SCIENCE

By: 
James H. Aylor
Dean

THE RECTOR AND VISITORS OF
THE UNIVERSITY OF VIRGINIA

By: 
Leonard W. Sandridge, Jr.
Executive Vice President and
Chief Operating Officer