

BANKFAST TRUST COMPANY
19 S. Main Street
Rochester, NH 03867

COOPER, HALL & WALKER
ATTORNEYS AT LAW

ROCHESTER REALTY BUILDING
ROCHESTER, N. H. 03867

BURT R. COOPER (NH 101)
RICHARD F. COOPER
FRED W. HALL, JR.
GONALD F. WHITMAN
D. RUSSELL SHILLABEAR
WALCOLN R. AGRELL, JR.

BRANCH OFFICE
WOLFEBORO, N. H.

TELEPHONE 603 332 3000

October 13, 1972

Rochester Public Library
c/o David Pheasant, Chairman of the Board
21 Madison Avenue
Rochester, N.H.

Gentlemen:

When Charles G. Jenness died on February 22, 1952, his will provided that after the death of his wife, Elizabeth, which occurred on May 13, 1968, two trusts would be created to be handled by the Rochester Savings Bank and Trust Company as trustee. One of these trusts which was funded with \$10,000.00 and to be known as the "Donation Fund", provided for the payment of income on or about the 10th day of February of each year in equal shares to 8 named charitable beneficiaries one of which is your organization.

The balance of his estate then remaining passed to the Rochester Savings Bank and Trust Company in trust to be known as the "Charles G. Jenness Boys' Club House Trust Fund" which was to be payable at any time within 10 years after the setting aside of the trust fund (October 1, 1968) subject to certain conditions for a boys' club house in the City of Rochester. A boys' club was organized in Rochester in 1970 and has within the past year become active. The several conditions set forth in the Jenness will have raised questions which require answers. Mr. Jenness provided that upon the failure of the boys' club to meet the conditions in his will that \$8,000.00 would be paid over to the "Donation Fund" and the balance would be used for the benefit of the Gafney Home for the Aged here in Rochester.

Enclosed you will find a copy of the bill-in-equity which has been filed with the Stratford County Superior Court together with the order of notice attached as issued by the clerk of that court notifying you that such a petition has been filed and that the return date on that petition is the first Tuesday of November 1972. The enclosed petition pretty much speaks for itself inasmuch as it raises the several questions and requests that the court issue some orders which would permit the trustee to make payments to the Boys' Club of Rochester. Because of the large number of parties involved and the geographical distribution we would ask that the President or Treasurer or other similarly authorized officer of your organization sign the enclosed acceptance of service and thus save us the expense of having a sheriff, wherever you may be, come around and make a service upon your proper officer. By accepting service on the enclosed form and returning it to me for filing with the court you do not prejudice your rights in any way.

Date February 14, 1985

By the will of the late Charles G. Jenness of Rochester, N. H., there was left, in trust, for the establishment of "The Charles G. Jenness Donation Fund", the sum of Ten Thousand Dollars, the interest of which, after deducting costs of administration, is to be given yearly, in February, in equal shares, to the eight charitable entities named below, with instructions for the use of the bequest, as follows:

(a) SUNDAY SCHOOL OF THE ADVENT CHRISTIAN CHURCH, Rochester, N. H., its proportionate share, to be expended yearly, as voted by the officers of the Sunday School and the pastor of its Church, for its work among the young people of said School.

(b) THE GAFNEY HOME FOR THE AGED, Rochester, N. H., its proportionate share to be expended yearly in providing special meals of fruit, candy or ice cream, with the hope that it may produce a bit of added comfort and happiness to the aged people who spend their declining years in this worthy institution.

(c) GUYDEN BULLOCK FARM FOR BOYS, Tilton, N. H., its proportionate share to be expended yearly, in February - perhaps on Washington's Birthday - in providing fruit, candy, ice cream, or something special for a dinner for the boys of said home.

(d) SUNDAY SCHOOL OF THE FIRST METHODIST CHURCH, Rochester, N. H., its proportionate share to be expended yearly, as voted by the officers of the Sunday School and the pastor of the Church, for its work among the young people of said School.

(e) NEW HARTSHORNE ORPHANS' HOME, Franklin, N. H., its proportionate share to be expended yearly to help provide a dinner on Washington's Birthday for the children of the home - a chicken dinner, as I have done for many years.

(f) SAINT CHARLES ORPHANS' HOME, Rochester, N. H., its proportionate share to be expended yearly, in February or during the month of spring, in providing candy, ice cream, fruit, or something special for a dinner for the children and sisters of said home.

(g) THE SALVATION ARMY, Rochester, N. H., its proportionate share to be expended yearly for its local work among the young people of Rochester, where, in the opinion, it is most needed, with the hope that it will help to develop a better grade of boys and girls, and thus help to make better citizens.

(h) ROCHESTER PUBLIC LIBRARY, Rochester, N. H., its proportionate share to be expended yearly, by purchase of such so-called "picture books", or books of special interest to the boys and girls, inasmuch as, inasmuch as the reaching of which is deemed to be of great importance, and of great interest to the glorious outdoor world, and help in the foundation of habits of doing that to fit our dumb creatures.

A check for your proportionate share is enclosed.

This Fund was established, in quite from Mr. Jenness' will, in loving memory of an excellent leader, Sarah Freeman Jenness, a friend to the poor and friendless, a doer of good, a sincere Christian and one whose worthy deeds I have tried in some measure to reflect.

* Now Spaulding Youth Center

JUN 22 1990

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS.

SUPERIOR COURT

No. 90-B-020

BANKFAST TRUST COMPANY, TRUSTEE
OF THE CHARLES G. JENNESS DONATION FUND

v.

SUNDAY SCHOOL OF THE ADVENT CHRISTIAN CHURCH,
GAFNEY HOME FOR THE AGED, SPAULDING YOUTH CENTER
FOUNDATION, SUNDAY SCHOOL OF THE FIRST METHODIST
CHURCH, ST. CHARLES CHILDREN'S HOME, SALVATION ARMY,
ROCHESTER PUBLIC LIBRARY, STRAFFORD COUNTY YMCA and
WILLIAM B. CULLINORE, DIRECTOR OF CHARITABLE TRUSTS

DECREE

Upon hearing, there being no objection, the Court finds it impracticable to continue the Charles G. Jenness Donation Fund charitable trust (hereafter "the Trust") because of its small size, the continuing cost of its administration, and the limited income benefit provided to each beneficiary; and therefore

IT IS ORDERED

(1) The trust is terminated pursuant to RSA 498:4-e upon the following terms and conditions:

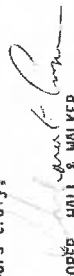
(a) The trustee shall forthwith distribute the principal and income of the Trust in equal shares to the defendants, being all the beneficiaries of said Trust or their successors in interest under the will of Charles G. Jenness filed with the Strafford County Probate Court, File #A5998(b). The principal and income so distributed shall be subject to the same restrictions as to use in the hands of the beneficiaries as were imposed upon the trustee under said will.

We have already discussed the enclosed petition with Attorney Wells Anderson who is the Director of Register of Charitable Trusts in the office of the Attorney General here in New Hampshire and he has written us that "If the other charities do not object we can stipulate to a decree along the lines indicated in your petition".

The Boys' Club of Rochester is providing a long overdue and much needed resource for not only boys, but girls in this community. I would hope that you would not only accept the service of this petition, but when we have a proposed decree which is approved by the Director of the Register of Charitable Trust (whose duty it is to protect the interest of all charitable beneficiaries in this state) that you would have your proper officer consent to such a proposed decree that would be submitted to the presiding justice of the Superior Court for approval.

If you have any questions about either the contents of the petition or the procedure to be followed, I'll be glad to answer your inquiry either by mail or by phone.

Yours truly,


COOPER, HALL & WALKER

RFC:cv

Michael Jones and Wexsley
Attorneys at Law
Roxbury, New Hampshire
03067

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Dauphin J. Wexsley
Philip S. Ranker
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Stephen O. Wallace (1937-1968)
42 Whitehall Street
P.O. Box 1200
Telephones 603 572-2449
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July 5, 1990

Donald D. Goodnow, Clerk
Stafford County Superior Court
County Farm Road
Dover, New Hampshire 03820

Re: BankEast Trust Company, Trustee of the Charles G. Jenness
Donation Fund vs. Rochester Public Library, et als
#90-E-020

Dear Mr. Goodnow:

Enclosed herewith please find the Consent of the Defendant,
Rochester Public Library, to the entry of a Decree in the above-
captioned matter.

I hereby certify that a copy of the within Consent has this
date been forwarded to Fred W. Hall, Jr., Esq., counsel for the
Plaintiff, and to William B. Cullimore, Director of Charitable
Trusts for the State of New Hampshire.

If you have any questions, or if I may be of any assistance,
please do not hesitate to contact me.

Sincerely yours,

Michael Jones & Wexsley
MICHAEL JONES & WEXSLEY

DJW/pjs
Enclosure

CC: Fred W. Hall, Jr., Esq.
CC: William B. Cullimore, Director of
Charitable Trusts
CC: Reynold Ferry, City Manager
CC: Tedine Roos, Library Director

(b) The cost of this proceeding, including reasonable
attorneys' fees to be approved by the Court shall be allowed as a
charge against the Fund.

(c) The plaintiff is ordered to file an accounting with the
Court showing the payment of final expenses, distribution to the
beneficiaries, and acknowledgment by the beneficiaries of the
restrictions to which each distributed share is subject.

SO ORDERED,

Presiding Justice

DATED:

Consented to:

BankEast Trust Company, Trustee
of the Charles G. Jenness
Donation Fund

By: Fred W. Hall, Jr., its Attorney
JOHN P. ARNOLD,
Attorney General

By: William B. Cullimore
Director of Charitable Trusts

CERTIFICATE OF SERVICE

I, Danford J. Wensley, hereby certify that a copy of the within Consent has this date been forwarded to Fred W. Hall, Jr., Esq., counsel for the Plaintiff, and to William B. Cullimore, Director of Charitable Trusts.


Danford J. Wensley, Esq.

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

JUNE TERM, 1990

STRAFFORD, SS.

Docket #90-E-020

BankEast Trust Company, Trustee
of the Charles G. Jenness Donation Fund

VS.

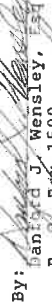
Sunday School of the Advent Christian Church,
Gafney Home of the Aged, Spaulding Youth Center
Foundation, Sunday School of the First Methodist
Church, St. Charles Children's Home, Salvation Army,
Rochester Public Library, Strafford County YMCA and
William B. Cullimore, Director of Charitable Trusts

CONSENT OF DEFENDANT, ROCHESTER PUBLIC LIBRARY, TO DECREE

NOW COMES the Rochester Public Library, Defendant in the above-captioned matter, by and through its attorneys, Michael, Jones and Wensley, and hereby consents to the entry of a Decree being entered in the above-captioned matter in the form consented to by BankEast Trust Company, Trustee of the Charles G. Jenness Donation Fund, and William B. Cullimore, Director of Charitable Trusts, providing for termination of the Charles G. Jenness Donation Fund and the distribution of the principal and income of said trust, in equal shares, to the Defendants in the above-captioned matter.

Dated:  Respectfully submitted,
ROCHESTER PUBLIC LIBRARY

By Its Attorneys
MICHAEL, JONES & WENSLEY

By: 
Danford J. Wensley, Esq.
P. O. Box 1500
Rochester, NH 03867
(603) 332-2442