

THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
<http://www.courts.state.nh.us>

Court Name: 7th Circuit - Probate Division - Dover

Case Name: Trust of William W. Evans

Case Number: 1999-0328  
(if known)

RECEIPT

1. RECEIVED FROM GLENN M. LEPENE, serving as:

- ☐ Executor ☐ Administrator  
☐ Ancillary Executor or Administrator ☐ Special Administrator  
☐ Administrator With Will Annexed ☐ Administrator De Bonis Non  
☐ Guardian ☐ Conservator ☒ Trustee

2. The amount of money and/or personal property at inventory value:

\$ 320,426.87, in ☒ full ☐ partial satisfaction of the following:

- ☐ Distribution(s) according to terms of trust  
☒ Distributive share upon termination of trust  
☐ Balance upon termination of guardianship  
☐ Balance upon termination of conservatorship  
☐ Distributive share of decedent's estate  
☐ Residuary share under decedent's will  
☐ Money bequeathed under decedent's will  
☐ Personal property bequeathed under decedent's will (specify)

☐ Other (specify) \_\_\_\_\_

Date

2/7/17

Recipient

Charter Trust Company

by Candace L Howard

Print Name of Recipient Administrative Officer

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
NH CIRCUIT COURT**

7th Circuit - Probate Division - Dover  
259 County Farm Road, Suite 203  
Dover NH 03820

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

**NOTICE OF DECISION**

**DIRECTOR OF CHARITABLE TRUSTS  
NH DEPARTMENT OF JUSTICE  
33 CAPITOL STREET  
CONCORD NH 03301**

**RECEIVED**

**OCT 21 2016**

**CHARITABLE TRUSTS UNIT**

Case Name: **Trust u/w/o William W. Evans**  
Case Number: **319-1999-TU-00328**

On October 17, 2016, Judge Barbara A. Maloney issued orders relative to:

Assented to Motion to Terminate Trust - Granted, Prayers A, B, & C

Explanation Regarding No Charitable Disbtributions - Granted

Any Motion for Reconsideration must be filed with this court by October 28, 2016. Any appeals to the Supreme Court must be filed by November 17, 2016.

October 18, 2016

Cheryll-Ann Andrews  
Clerk of Court

C: Glenn M Lepene; Michael J. Bolduc, ESQ

<http://www.courts.state.nh.us>

Case Number: 319-1999-TU-00328  
(if known)

**Assented to Motion to Terminate Trust** \_\_\_\_\_ and request that it be allowed.

July 22, 2016

WRITE SIGNATURE ON LINE

**Charitable Trusts Unit, Office of the Atty General**  
**33 Capitol Street, Concord, NH 03301**



**Wyskiel,  
Boc,  
Tillinghast  
& Bolduc, P.A.**  
Attorneys at Law

\*Christopher A. Wyskiel  
William E. Boc  
\*\*D. Lance Tillinghast  
\*Michael J. Bolduc  
Thomas G. Ferrini  
\*William R. Phipps  
\*Laurie A. Smith

\* also admitted in Maine  
\*\*also admitted in MA, ME & VT

July 6, 2016

RECEIVED

JUL 11 2016

CHARITABLE TRUSTS UNIT

Terry M. Knowles  
Assistant Director - Charitable Trusts Unit  
Dept. of Attorney General  
33 Capitol Street  
Concord, NH 03301

Re: Trust u/w/o William W. Evans

Dear Terry:

Enclosed please find a copy of an Assented to Motion to Terminate Trust for the Trust u/w/o William W. Evans which I have filed in the 7th Circuit - Probate Division - Dover.

Also enclosed is an Assent form. Please return the signed Assent form to my office in the self-addressed, postage paid envelope provided.

If you have any questions, please do not hesitate to give me a call.

Sincerely,

  
Michael J. Bolduc

MJB/cab  
Enclosures

cc: Glenn M. Lepene, Trustee  
carol\doc\probate\evans trust, william\charitable trusts unit letter



Wyskiel,  
Boc,  
Tillinghast  
& Bolduc, P.A.  
Attorneys at Law

COPY

\*Christopher A. Wyskiel  
William E. Boc  
\*\*D. Lance Tillinghast  
\*Michael J. Bolduc  
Thomas G. Ferrini  
\*William R. Phipps  
\*Laurie A. Smith

\* also admitted in Maine  
\*\* also admitted in MA, ME & VT

July 6, 2016

Cheryll-Ann Andrews, Clerk  
7th Circuit - Probate Division - Dover  
259 County Farm Road, Suite 203  
Dover, NH 03820

Re: Trust u/w/o William W. Evans  
Case Number: 319-1999-TU-00328

Dear Ms. Andrews:

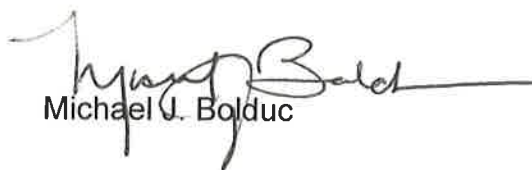
Enclosed please find the following documents for filing in the Trust u/w/o William W. Evans:

- 1) My Appearance as attorney for Glenn M. Lepene, Trustee; and
- 2) Assented to Motion to Terminate Trust.

The Assent from the Office of the Attorney General Charitable Trusts Unit will be filed shortly.

Thank you for your cooperation in this matter.

Sincerely,

  
Michael J. Bolduc

MJB/cab  
Enclosures

cc: Glenn M. Lepene, Trustee  
Charitable Trusts Unit, Office of the Attorney General

carol\doc\probate\evans trust, william\court letter

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH**

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Court Name: 7th Circuit - Probate Division - Dover

Case Name: Trust u/w/o William W. Evans

Case Number: 319-1999-TU-00328  
(if known)

**APPEARANCE or WITHDRAWAL**

Complete this form for either an appearance or a withdrawal.

<p style="text-align: center;"><b>APPEARANCE</b></p> <p>Please enter my appearance as:</p> <p><input checked="" type="checkbox"/> Attorney for <u>Glenn M. Lepenc</u> <small>Enter name(s) of party(ies) you represent.</small></p> <hr/> <p><input type="checkbox"/> <i>Pro se</i> (appearing for one's self)</p> <p>Check the capacity of <i>pro se</i> party or party represented by attorney:</p> <p><input checked="" type="checkbox"/> fiduciary <input type="checkbox"/> creditor <input type="checkbox"/> heir <input type="checkbox"/> beneficiary/legatee <input type="checkbox"/> other _____</p>	<p style="text-align: center;"><b>MOTION FOR WITHDRAWAL</b> <small>(attorney only)</small></p> <p>Please withdraw my appearance as:</p> <p>Attorney for _____ <small>Enter name(s) of party(ies) you represent.</small></p> <p>Reason for withdrawal: _____</p> <hr/> <p style="text-align: center;"><b>WITHDRAWAL</b> <small>(other than attorney)</small></p> <p>Please withdraw my appearance in my capacity as:</p> <p><input type="checkbox"/> fiduciary <input type="checkbox"/> creditor <input type="checkbox"/> heir <input type="checkbox"/> beneficiary/legatee <input type="checkbox"/> other _____</p>
--	---

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION. ALL NOTICES FROM THE COURT WILL BE SENT TO THE ATTORNEY OR *PRO SE* PARTY NAMED BELOW.

Attorney or *pro se* name Michael J. Bolduc, Esquire NH Bar ID# 11247

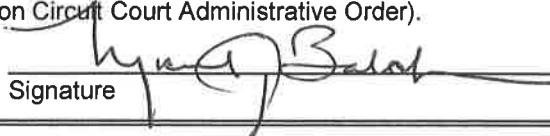
Name of law firm (if applicable) Wyskiel, Boc, Tillinghast & Bolduc, P.A.

Mailing address 561 Central Avenue, Dover, NH 03820

Telephone number (603) 742-5222 Email Address (optional) mjbalduc@wbtblaw.com

I certify that on this date I provided this document(s) to the parties who have filed an appearance for this case or who are otherwise interested parties by: ☐ Hand-delivery OR ☒ US Mail OR ☐ Email (E-mail only by prior agreement of the parties based on Circuit Court Administrative Order).

Date 7-10-16

Signature 

**ORDER**

☐ Motion for withdrawal granted.  
☐ Motion for withdrawal denied.

Date \_\_\_\_\_

Judge \_\_\_\_\_

# The State of New Hampshire

7TH CIRCUIT

PROBATE DIVISION - DOVER

IN RE: TRUST U/W/O WILLIAM W. EVANS

CASE NUMBER: 319-1999-TU-00328

## ASSENTED TO MOTION TO TERMINATE TRUST

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF STRAFFORD:

**NOW COMES** Glenn M. Lepene, Trustee of the Trust u/w/o William W. Evans (the "Trust"), and moves for this Court to terminate the Trust, and in support thereof states as follows:

1. This Trust was established under the following provision in Article Fourth of the Last Will and Testament of William W. Evans dated November 1, 1933, on the following terms:

"...I direct my said trustee...to hold said property in trust, for and on behalf of the New Hampshire Tuberculosis Association or such other charitable association as he may select, directing my said trustee to pay to it or to them such part or the whole of the income from said trust as my said trustee may deem necessary to assist it or them in the carrying on of the work of said Association or associations, said fund to be known as the "William W. Evans Charitable Trust."

2. This Trust was funded in 1937 and has been administered through the Strafford County Probate Court (now the 7th Circuit - Probate Division - Dover) since that time.

3. On April 27, 1999, this Court appointed Glenn M. Lepene as Trustee under the Will of William W. Evans.

4. As of May 31, 2016, the Trust consists of the following:

TD Ameritrade Investment Account	\$304,652.43
Citizens Bank Account	<u>\$ 6,270.29</u>
Total	\$310,922.72

5. The Trustee is authorized to use "...such part or the whole of the income..." for or on behalf of such charitable association as the Trustee may select.

6. For Tax Year 2014, the Trust reported a total income of \$9,046.66, and distributed \$8,370.00 to various charitable associations in or around the City of Rochester, New Hampshire.

7. New Hampshire RSA 564-B:4-413 provides that "upon petition by the trustee...the court may apply cy pres to modify or terminate the trust by directing that the trust property be applied or distributed, in whole or in part, to a charitable purpose which is useful to the community and which fulfills as nearly as possible the general charitable intent of the settlor."

8. The Trustee believes that the relatively small amount of income of the Trust makes it uneconomical to continue the administration of the Trust as a separate Trust, and the testator's charitable purpose that the funds benefit charitable organizations can best be achieved by transferring the Trust assets to the Trustees of the Trust Fund for the City of Rochester.

9. Counsel for the Trustee has consulted with the administrator for the Trustees of the Trust Fund for the City of Rochester.

10. Counsel for the Trustee has consulted with the Attorney General's Office, Office of Charitable Trusts, Attorney Terry Knowles, who assents to the termination of the Trust and the distribution of funds to the Trustees of the Trust Fund for the City of Rochester, New Hampshire, so long as the Trustees of the Trust Fund are limited to use the income from the Trust assets for the benefit of the charitable organizations.

11. In the event this Court grants this Motion, the Trustees of the Trust Fund will need to seek approval from the City Council of the City of Rochester, New Hampshire to accept the funds, and establish a policy for distribution of the funds to be approved by the New Hampshire Attorney General's Office of Charitable Trusts, to include a limitation for the use of income only.

**WHEREFORE**, your Petitioner prays that this Honorable Court:

A. Order that the Trust under the Will of William W. Evans be terminated in accord with New Hampshire RSA 564-B:4-413;

B. Allow ninety (90) days to obtain the approvals outlined in Paragraph 11;

C. Order that a Final Account be filed within thirty (30) days of obtaining the approvals outlined in Paragraph 11; and

D. Grant such further relief as may be just and equitable.

**DATED** on JUNE 27, 2016. Respectfully submitted,


**TRUST U/W/O WILLIAM W. EVANS**

By 

Glenn M. Lepene, Trustee



**WYSKIEL, BOC, TILLINGHAST &  
BOLDUC, P.A.**

By   
Michael J. Bolduc, Esquire  
NH Bar No. 11247  
561 Central Avenue  
Dover, NH 03820  
(603) 742-5222

**7TH CIRCUIT**

**PROBATE DIVISION - DOVER**

At a Court of Probate held at Dover in said County on the \_\_\_\_ day of \_\_\_\_\_, 2016,  
upon due consideration of the foregoing motion, it is decreed that the prayer thereof be granted and  
that

\_\_\_\_\_  
Judge of Probate

\_\_\_\_\_  
Wyskiel, Boc, Tillinghast & Bolduc, P.A.  
561 Central Avenue, Dover, NH 03820/Telephone: (603) 742-5222

That the City of Rochester Department of Public Works is authorized to apply for two United States Environmental Protection Agency Brownfields Cleanup Grants in an amount up to Two Hundred Thousand Dollars (\$200,000.00) each to be used for soil decontamination efforts on City owned properties located at 10 Wallace Street and 16 Wallace Street. Said grants require a Twenty Percent (20%) cost share. **CC FY 17 AB 81**

Councilor Lachapelle **MOVED** to **ADOPT** the resolution and refer the matter to a Public Hearing at the Public Works Committee. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**13.7. Resolution Authorizing Acceptance of Donation from the Trust under the Will of William W. Evans (Evans Trust) [AB 67] *first reading and adoption***

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the first time by title only as follows:

**RESOLUTION AUTHORIZING ACCEPTANCE OF DONATION FROM THE TRUST UNDER THE WILL OF WILLIAM W. EVANS (EVANS TRUST)**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:**

**WHEREAS**, that upon dissolution of the Evans Trust, the 7th Circuit Court-Probate Division approved the donation of the remaining Evans Trust funds to the City of Rochester to be administered by the Trustees of the Trust Funds;

**THEREFORE**, the donation of the remaining Evans Trust funds is hereby accepted by the City of Rochester;

**FURTHER**, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to work with the Trustees of the Trust Funds to identify, designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY 17 AB 67**

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**14. Other**



assessments that may be levied thereon.

But should my said beloved wife Emma Evans cease to occupy our homestead place and to use the contents thereof, together with my automobile or such other personal property as she may have selected, and permanently abandon the use of the same, then I direct my said trustee to sell and dispose of the same to such persons, for such sums, and at such times as he in his judgment may believe to be for the best interest of my said trust estate, without first obtaining from any Court a license so to do, and direct that the proceeds derived therefrom shall form and become a part of this trust estate.

I further direct my said trustee that on the death of my said beloved wife, Emma Evans, that my said home place and its contents be sold and converted into cash, authorizing him to sell the same, together with all other property not heretofore disposed of, both real and personal, to such persons, for such sums, and at such times as he in his judgment may believe to be for the best interest of my said estate, without first obtaining from any Court a license so to do, the proceeds therefrom to be added to the trust herein-after to be established for and on behalf of the New Hampshire Tuberculosis Association, of New Hampshire, or such other charitable institution as my said trustee may select.

From and after the death of my said beloved wife Emma Evans I direct my said trustee Guy Smart to hold said property in trust, for and on behalf of the New Hampshire Tuberculosis Association or such other charitable association as he may select, directing my said trustee to pay to it or to them such part or the whole of the income from said trust as my said trustee may deem necessary to assist it or them in the carrying on of the work of said Association or associations, said fund to be known as the "William W. Evans Charitable Trust."