

**DEVINE  
MILLIMET**

ATTORNEYS AT LAW

**RECEIVED**

SEP 30 2020

CHARITABLE TRUSTS UNIT

September 28, 2020

AMANDA L. CASELLA  
T 603.695.8688  
F 603-669-8547  
ACASELLA@DEVINEMILLIMET.COM

**VIA UPS OVERNIGHT**  
Sharon Richardson, Circuit Clerk  
6<sup>th</sup> Circuit Probate Division  
2 Charles Doe Drive, Suite 1  
Concord, NH 03301

**Re: Trust of Ida M. Redington  
Case No.: 317-1944-TU-00004**

Ms. Richardson,

Enclosed for filing in the above-referenced matter, please find the following:

1. Assented to Motion to Terminate Trust;
2. Signed Assents; and
3. Certification of Copies to Parties.

Please do not hesitate to contact me if you have any questions or need additional information.

Very truly yours,

*Amanda L. Casella*

Amanda L. Casella  
Trust and Estate Paralegal

Enclosure

cc: All Interested Parties  
Joyce M. Hillis, Esquire

THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH

6<sup>th</sup> CIRCUIT – PROBATE DIVISION – CONCORD

Trust of Ida M. Redington

Case No. 317-1944-TU-00004

**ASSENTED TO MOTION TO TERMINATE TRUST**

NOW COMES the TD Bank, N.A., as Trustee of the Trust u/w/o Ida M. Redington, by and through its attorneys, Devine, Millimet & Branch, Professional Association, and respectfully seeks to terminate the aforementioned Trust on the following grounds:

1. TD Bank, N.A., is serving as the Trustee (“Trustee”) of the Trust created under the will of Ida M. Redington, as amended by Final Decree as ordered by the Superior Court of New Hampshire, Merrimack, in 1955 (“Trust”).
2. Ida M. Redington died in 1944 testate with a final will dated October 9, 1930.
3. The Trust was established upon her death and has been under the supervision of this Court for the past fifty years.
4. The Trustees of the Trust are to pay the income generated from the Trust assets in set percentages ten named beneficiaries on an annual basis. The distribution to each beneficiary is between \$300 and \$1,000 annually. By of example, in 2019, the Trustee’s 50<sup>th</sup> Accounting as allowed by this Court on May 8, 2020, reported ten distributions between \$71.85 and \$943.50 amounting to a total distribution amount of \$2,755.46.

5. As outlined in the Report and Recommendation of the Director of Charitable Trusts as filed with this Court on or about February 7, 2020, the expenses of the Trust exceeded the payments to the beneficiaries and the Director of Charitable Trusts recommended that the Trust be terminated pursuant to RSA 564-B:4-414 and that the Trustee distribute the Trust property to the beneficiaries in proportionate amounts consistent with the terms of the Trust.

6. New Hampshire RSA 564-B:4-414(b) provides, in sum, that the Court may terminate an uneconomic trust.

7. In the event of termination under RSA 564-B:4-414, the “trustee shall distribute the trust property in a manner consistent with the purposes of the trust.” See NH RSA 564-B:4-414(c).

8. The Trustee concurs with the Director of Charitable Trusts that the Trust is uneconomic where the annual cost of administration of the Trust exceeds the annual distributions to the beneficiaries, and that the termination and distribution of the Trust property in the same allocation as directed by Ms. Redington under the terms of the Trust will be more consistent with her intent.

9. The Trustee hereby files this Assented to Motion seeking the Court’s approval to terminate the Trust and to direct that the balance of the Trust be distributed as follows:

(a) 8.62% to the Town of Warner to be allocated to the Poor and Needy Christmas Fund;

(b) 8.62% to the Town of Warner to be allocated to the care and maintenance of the Redington Family burial lot in the Warner cemetery for the purpose of the repair and replacement of the monuments and stones;

- (c) 2.59% to the Town of Goshen to be allocated to the care and maintenance of the cemetery plots of Lemuel Blood and Able Blood in the North Goshen Cemetery;
- (d) 2.59% to the Town of Bradford to be allocated to the care and maintenance of the cemetery plots of A.B. Blood in the Bradford Cemetery;
- (e) 34.48% to the New Hampshire Conference United Church of Christ which is to pay to the United Church of Warner
- i. 8.62% of the total distribution of trust property for repairs to the church; and
  - ii. 25.86% of the total distribution of trust property for the minister's salary;
- (f) 4.31% to the South Newbury Union Church to be allocated to repairs to the church;
- (g) 4.31% to the Trustees of Trust Funds of Bradford to be allocated to Bradford Pond Cemetery for making repairs to the property;
- (h) 4.31% to the Center Meeting House-Newbury to be allocated to repairs to the church;
- (i) 8.62% to United Baptist Church of Warner to be allocated to repairs to the church;
- (j) 4.31% to the Trustees of the Baptist Church of Bradford to be allocated to the Ministers Salary;

- (k) 8.62% to the Trustees of the Baptist Church of Bradford to be allocated to repairs to the church; and
- (l) 8.62% to the Pillsbury Free Library-Warner to be allocated to the purchase of books for library.

10. The Beneficiaries of the Trust, the Trustee, and the Director of the Charitable Trust Unit of the Office of New Hampshire Attorney General assents to the relief sought in this Petition to terminate the trust and distribution the trust property as outlined under Paragraph 9 above. (See Assents obtained to date attached as Exhibit A. The remaining three assents are beneficiaries via town offices and we understand there has been a delay in returning the original assents due to COVID closures. However, the Trustee has discussed the termination with each Beneficiary and all have verbally assented.)

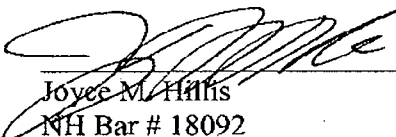
WHEREFORE, TD Bank, N.A., Trustee of the Trust of Ida M. Redington, respectfully request that this Honorable Court:

- (a) Grant this Assented to Motion to Terminate Trust; and
- (b) Grant such other and further relief as the Court deems just and equitable.

**TD Bank, N.A., Trustee**

By its Attorneys  
DEVINE MILLIMET & BRANCH, PROFESSIONAL  
ASSOCIATION

Date: 9/28, 2020

  
Joyce M. Hillis  
NH Bar # 18092  
111 Amherst Street  
Manchester, NH 03101  
(603) 669-1000

THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH

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

Court Name: 6th Circuit - Probate Division - Concord

Case Name: Trust of Ida M. Redington

Case Number: 317-1944-TU-00004  
(if known)

ASSENT

The undersigned, being all the persons interested, assent to the  
Motion to Terminate Trust and request that it be allowed.

DATE	PRINT NAME BELOW LINE WRITE SIGNATURE ON LINE	ADDRESS
		<u>Trustee of the Trust Funds of Warner</u> <u>PO Box 265, Warner, NH 03278</u>
		<u>Trustee of the Trust Funds of Goshen</u> <u>PO Box 68, Goshen, NH 03752</u>
		<u>Trustee of the Trust Funds of Bradford</u> <u>PO Box 202, Bradford, NH 03221</u>
<u>9/22/2020</u>	<u>Lydia E. Frasca</u> <u>Lydia E. FRASCA, Finance Officer</u>	<u>NH Conference United Church of Christ</u> <u>140 Sheep Davis Road, Pembroke, NH 03275-3711</u>
		<u>South Newbury Union Church</u> <u>PO Box 37, Newbury, NH 03255</u>
		<u>Center Meeting House - Newbury</u> <u>PO Box 50, Newbury NH, 03255-0050</u>
		<u>American Baptist Churches of VT and NH</u> <u>93 South Main Street, Ste. 201, West Lebanon, NH 03784</u>
		<u>Trustees of the Bradford Community Church</u> <u>PO Box 57, Bradford, NH 03221</u>
		<u>Pillsbury Free Library - Warner</u> <u>PO Box 299, Warner, NH 03278</u>

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	<i>Nancy L. Nichols</i> Nancy L. Nichols	<u>South Newbury Union Church</u> <u>PO Box 37, Newbury, NH 03255</u>
		<u>Center Meeting House - Newbury</u> <u>PO Box 50, Newbury NH, 03255-0050</u>
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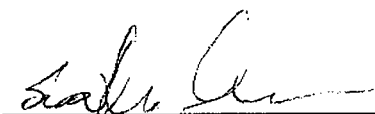
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		<u>South Newbury Union Church</u> <u>PO Box 37, Newbury, NH 03255</u>
<u>9/21/20</u>	<u></u> <u>SUSAN M. AZODI-K.</u>	<u>Center Meeting House - Newbury</u> <u>PO Box 50, Newbury NH, 03255-0050</u>
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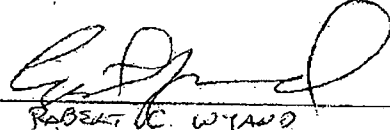
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<u>9/28/2020</u>	 <u>ROBERT C. WYAND</u>	<u>American Baptist Churches of VT and NH</u> <u>93 South Main Street, Ste. 201, West Lebanon, NH 03784</u>
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		<u>American Baptist Churches of VT and NH</u> <u>93 South Main Street, Ste. 201, West Lebanon, NH 03784</u>
<u>9/23/2020</u>	<u>Bruce R Barton</u>	<u>Trustees of the Bradford Community Church</u> <u>PO Box 57, Bradford, NH 03221</u>
		<u>Pillsbury Free Library - Warner</u> <u>PO Box 299, Warner, NH 03278</u>

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Court Name: 6th Circuit - Probate Division - Concord

Case Name: Trust of Ida M. Redington

Case Number: 317-1944-TJ-00004  
(if known)

**CERTIFICATION OF COPIES TO PARTIES**

I certify that on this date I provided this document(s) Assented to Motion to Terminate Trust & Assents 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

9/28/20

Signature

