

## *E The Cy Pres Doctrine State Law And Dissolution Of*

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## **E The Cy Pres Doctrine**

The cy pres doctrine is a principle of law that courts use to save a charitable trust from failing when a charitable objective is originally or later becomes impossible or impracticable to fulfill. In such a case, the court may substitute another charitable object which is believed to approach the original charitable purpose as closely as possible.

### **E. THE CY PRES DOCTRINE: STATE LAW AND DISSOLUTION OF ...**

The cy-près doctrine (/ , s i : ' p r eɪ / SEE-PRAY) is a legal doctrine that first arose in courts of equity. The legal French term literally means "so near/close" and can be translated as "as near as possible" or "as near as may be".

### **Cy-près doctrine - Wikipedia**

The cy pres doctrine is traditionally stated as follows: 691, 749-56 (1987) ("The cy pres doctrine should not be so distorted by the adoption of subjective. 3 (1988) ("[T]he judicial cy pres doctrine may be resorted to, not to defeat the donor's intention, but to effectuate it" (quoting School Dist.

### **Cy pres doctrine legal definition of cy pres doctrine**

Most courts recognize the Cy Pres doctrine. See, e.g., *Dunbar v. Bd. of Trustees of George W. Clayton College*, 461 P.2d 28, 30 (Colo. 1969) ("Where, as here, it is evident to the trial court that the operation of the trust has failed to fulfill the general charitable intention of the settlor, and the only possibility is that the situation ...

### **Charitable Trusts and the Cy Pres Doctrine: An Overview ...**

In *Dunbar*, for instance, the Colorado Supreme Court held that, in light of changed conditions, the court could employ the Cy Pres doctrine to modify an 1899 charitable trust to provide for care of orphans aged 6 to 18, rather than just 6 to 10. *Id.* at 32. Additionally, both the UTC and the Restatement have adopted the Cy Pres doctrine.

### **Charitable Trusts and Cy Pres Doctrine: Overview | The ...**

The cy pres doctrine is a flexible approach to wills and trusts designed to honor the testator's intent. The court will first determine that the flexible approach will not conflict with the testator's intent before applying the cy pres doctrine.

### **Trusts, wills and the cy pres doctrine | Solomon, Steiner ...**

In those instances, the court will step in to modify the trust under the cy pres doctrine. Under cy pres, the court will apply the funds in a manner "as nearly like" as possible to the settlor's original charitable purpose so the funds are still productive. To invoke cy pres, the court must find the following:

### **Modification of Charitable Trusts—The Cy Pres Doctrine ...**

The cy-pres doctrine is usually invoked before the court in proceedings commenced by a petition brought by the executor/trustee under of the Rules of Court. Pursuant to Rule 10 the petitioner requests the court to interpret the will and to give directions.

### **The Cy-Pres Doctrine - Disinherited**

Cy pres doctrine is a legal concept that gives courts the power to interpret the terms of a will, gift, or charitable trust. This doctrine will become active if the intended wishes or conditions of the original document cannot be carried out, be legitimately interpreted literally, or legally performed.

### **Cy Pres Doctrine Definition - Investopedia**

The cy-pres doctrine in English law is an element of trusts law dealing with charitable trusts. The doctrine provides that when such a trust has failed because its purposes are either impossible or cannot be fulfilled, the High Court of Justice or Charity Commission can make an order redirecting the trust's funds to the nearest possible purpose.

### **Cy-près doctrine in English law - Wikipedia**

Abney, perhaps the most famous case regarding the cy pres doctrine, a trust created by a late senator created a public park that was segregated by race. Once such segregation became illegal, the court was forced to determine whether it could employ the cy pres doctrine to strike the illegal elements from the trust, and thus keep the park open for everyone.

### **The Cy Pres Doctrine Lawyers | LegalMatch**

whether federal cy pres doctrine is derived from Rule 23(e) or is a product of federal judge-made common law. Based on the Court's Erie line of cases, as this Note discusses in Part III, it is likely that courts will determine that judge-made common law controls cy pres doctrine. Thus,

### **CLASS ACTION SETTLEMENTS, CY PRES AWARDS, AND THE ERIE ...**

1998] CY PRES DOCTRINE IN THE UNITED STATES 473 studies commissioned in England. 7 In Part I, the author illustrates how the United States jurisdictions differ from England in the requirement for charitable intent. Earlier cases reveal the United States, unlike England, has resisted relaxation of the

### **The Cy Pres Doctrine in the United States: From Extreme ...**

The roots of the doctrine of cy pres are found in cases in England from the Middle Ages, and cy pres cases became relatively numerous after the dissolution of the monasteries under King Henry VIII and the accompanying need to find new purposes for hundreds of charitable trusts ("chantries") whose original charitable purpose (the saying of certain Roman Catholic masses) had become illegal in Reformation England. 1 The classic cy pres analysis involved both a finding that the donor had a general intent (beyond the specific charitable purpose that had become illegal or, in some cases, impossible to fulfill) and the identification of an alternative purpose that would, "as nearly as possible," effectuate the failed charitable purpose.

### **Changing Donor-Imposed Restrictions: Cy Pres and Equitable ...**

Cy pres—pronounced "sigh pray" (although some people pronounce it "see pray")—is an abbreviated version of the French legal phrase cy près comme possible, which translates to "as near as possible." When applied to a class action lawsuit, the doctrine allows for residual funds

### **Understanding California's Cy Pres Doctrine**

CY PRES DOCTRINE IN OHIO JOHN E. SULLIVAN\* In the field of charitable trusts the courts are confronted with very few construction problems which involve large foundations and the community trusts. The charters of these institutions are generally care-

### **Cy Pres Doctrine in Ohio - Ohio State University**

Translated from French, cy pres means "as near as possible." It is an ancient legal doctrine historically used in trust cases where the final beneficiary was unavailable to receive a distribution.

### **What is Cy Pres | Ohio Lawyers Give Back | Dworken ...**

cy pres doctrine. n. (see-pray doctrine) from French, meaning "as close as possible." When a gift is made by will or trust (usually for charitable or educational purposes), and the named recipient of the gift does not exist, has dissolved or no longer conducts the activity for which the gift is made, then the estate or trustee must make the gift to an organization which comes closest to ...

### **Cy Pres Doctrine - Law.com Legal Dictionary**

cy-pres could apply in a case where a trustor set up a charitable trust to fund a special event each year in a city, but fifty years later, the city bans that type of event. A court could determine to apply the cy-pres doctrine to allow the trust to fund a different, legal type of event to benefit the city.

### **What is the cy-pres doctrine? | Curley Law Firm LLP**

Subsection 13(1)(e)(iii) of the Charities Act 1960,18 is indicative. It permitted variation cy-pres where purposes have: ceased in any other way to provide a suitable and effective method of using

the property available by virtue of the gift, regard being had to the spirit of the gift.

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