

THE STATE OF NEW HAMPSHIRE  
6<sup>TH</sup> CIRCUIT - PROBATE DIVISION - CONCORD

MERRIMACK, SS

CASE NO. 317-1910-TU-00001

TRUST OF MARY BAKER EDDY (CLAUSE VI & VIII)

**REPLY TO DIRECTOR OF CHARITABLE TRUSTS' OBJECTION TO  
SECOND CHURCH OF CHRIST, SCIENTIST, MELBOURNE'S  
MOTION FOR LEAVE TO FILE *AMICUS CURIAE* RESPONSE**


NOW COMES the Second Church of Christ, Scientist, Melbourne, by and through its attorneys, Fernald, Taft, Falby & Little, P.A., and replies to the Director of Charitable Trusts' Objection to the undersigned's Motion for Leave to File an *Amicus Curiae* Response:

1. Second Church recognizes it does not have standing to file pleadings in this case. However, this Court has established a process by which Second Church can move for leave to file documents *amicus curiae* when it believes it will help the Court to broaden "its perspective on the issues raised and facilitate informed judicial consideration." The Supreme Court has ruled that Second Church should "when appropriate, seek to file as *amicus curiae* with the trial court." In Re Trust of Mary Baker Eddy, 172 N.H. 266, 284 (2019).
2. The stance of the Director of Charitable Trusts on this issue turns entirely on the Director's conclusion that the proceeds from the sale of the 400 Beacon Street Property are simply "a Massachusetts charitable asset" (see paragraph 4 of the Director's Objection), and are not held in trust. Second Church urges this Court to look at the historical record, which clearly shows that Mrs. Eddy transferred the 400 Beacon Street Property into her 1907 Trust, and the Trustees of the 1907 Trust transferred the Property to the First Church of Christ, Scientist, Boston "as part of the Trust Fund under the provisions of the Will of the said Mary Baker G. Eddy, upon the Trust set forth in the residuary clause of said Will" (the Clause VIII Trust). The proceeds from the sale of the 400 Beacon Street Property are not "a Massachusetts charitable asset," they are part of her testamentary trust, as Mrs. Eddy intended.
3. It is true that the 400 Beacon Street Property was not accounted for in the accountings filed with this Court. The logical explanation is that the 400 Beacon Street Property generated no income, so there was nothing to report. Once the 400 Beacon Street Property was sold, the proceeds should have been accounted

for, but were not. This Court has jurisdiction over the Clause VIII Trust, and is the only Court that has the authority to bring the Mother Church to account.

Respectfully submitted  
Second Church of Christ, Scientist, Melbourne  
by and through its attorneys,  
Fernald, Taft, Falby & Little, P.A.

May 1, 2020

By:   
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#### CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was mailed this day, postage prepaid, to the following parties who have filed an appearance in this case or who are otherwise interested parties.

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