

THE STATE OF NEW HAMPSHIRE
6TH CIRCUIT - PROBATE DIVISION - CONCORD

TRUST DOCKET – CONCORD

TRUST OF MARY BAKER EDDY (CLAUSE VIII)

317-1910-TU-00001

DIRECTOR OF CHARITABLE TRUSTS' OBJECTION TO SECOND CHURCH OF CHRIST,
SCIENTIST, MELBOURNE'S MOTION FOR LEAVE TO FILE AN *AMICUS CURIAE* RESPONSE
TO THE REPORT FIELD BY THE DIRECTOR OF CHARITABLE TRUSTS

NOW COMES the Attorney General, Director of Charitable Trusts, and objects to the Second Church of Christ, Melbourne's Motion for Leave to File an *Amicus Curiae* Response to his Report says, and states as follows:

1. New counsel for Second Church of Christ Scientist, Melbourne (Australia) (Second Church) has filed a Motion for Leave to File an *Amicus Curiae* Response to a Report the Director filed with this Court dated March 3, 2020. The Motion includes a substantive response to the Report, and requests a hearing before the Court as to whether the proceeds from the 2006 sale of property at 400 Beacon Street, Newton, Massachusetts, which property had been conveyed back in 1913 to the First Church of Christ Scientist in Boston, Massachusetts (Mother Church), should now for the first time become subject to this Court's ongoing jurisdiction over the Mary Baker Eddy Clause VIII Trust.

2. As Second Church well knows, it has no standing to bring this Motion. The New Hampshire Supreme Court in *In re Trust of Mary Baker Eddy*, 172 N.H. 266 (2019) ruled against Second Church and held that special interest standing is not available under circumstances such as these to potential beneficiaries of a trust, such as Second Church. The ruling noted that the Director has been "active and involved" with respect to the oversight of this very Trust. 172 N.H. at 281.

3. That “active and involved” oversight continues. Following that opinion, and following this Court’s observation about 400 Beacon Street in footnote 1 of its June 11, 2019 order in this matter, the Director requested information on the topic both from the trustees of the Clause VIII Trust and from Second Church. After reviewing the information received from both parties, the Director wrote a letter to Second Church’s other counsel dated March 3, 2020, concluding that New Hampshire had no jurisdiction over the proceeds from the sale of 400 Beacon Street. The Director forwarded that letter in a report to this Court that same day. The letter reflects the Director’s independent review of the matter, and his conclusions do not wholly adopt the arguments of either the Trustees or Second Church.

4. If Second Church wishes to complain about the Mother Church’s administration of the proceeds from the sale of 400 Beacon Street, it should contact the Non-Profit Organizations and Charities Division of the Massachusetts Attorney General’s Office. Second Church’s complaint relates to the administration of a Massachusetts charitable asset, and so that State’s charities bureau has jurisdiction.

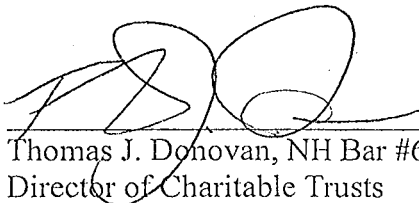
WHEREFORE, the Director of Charitable Trusts respectfully requests that this Honorable Court:

- (A) Deny Second Church’s Motion for Leave; and
- (B) Grant such further relief as may be deemed just and proper.

Respectfully submitted,

ATTORNEY GENERAL,
DIRECTOR OF CHARITABLE TRUSTS

Date: April 16, 2020



Thomas J. Donovan, NH Bar #664
Director of Charitable Trusts
33 Capitol Street
Concord, NH 03301-6397
(603) 271-3591

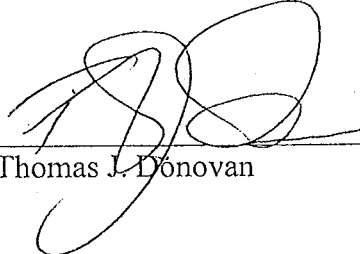
I hereby certify that a copy of the foregoing was mailed this day, postage prepaid, to the following parties:

James F. Raymond, Esquire
Michael P. Courtney, Esquire
Russell F. Hilliard, Esquire
Upton & Hatfield LLP
PO Box 1090
Concord, NH 03302-1090

Theodore E. Dinsmoor, Esquire
128 Great Plain Avenue
Wellesley, MA 02482

Mark D. Fernald, Esquire
Fernald, Taft, Falby & Little, PA
PO Box 270, 14 Grove Street
Peterborough, NH 03458

Richard D. Judkins, Esquire
Office of General Counsel
The First Church of Christ, Scientist
210 Massachusetts Avenue # P0910
Boston, MA 02115-3195



Thomas J. Donovan