

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)

**MOTION FOR RECONSIDERATION**

NOW COMES the Second Church of Christ, Scientist, Melbourne, (“Second Church”) by and through its attorneys, Fernald, Taft, Falby & Little, P.A., and moves for reconsideration of the Court’s Order dated June 4, 2020. In support of this Motion, the Second Church states as follows:

1. On April 8, 2020, the Second Church filed a Response to the Report of the Director of Charitable Trusts concerning 400 Beacon Street (“Response”). In the Response, the Second Church raised two legal questions.
2. The first legal question was whether the property at 400 Beacon Street was part of the Clause VIII Trust. The Response detailed the various documents which clearly show that the property at 400 Beacon Street was conveyed to the Mother Church “upon the trust set forth in the residuary clause” of Mrs. Eddy’s Will.
3. The second question posed in the Response was whether the proceeds realized from the sale of the 400 Beacon Street property are also in the Clause VIII Trust, and therefore should be part of the accountings filed with this Court.
4. The Response was filed consistent with the Supreme Court’s Order In Re: Trust of Mary Baker Eddy, 172 N.H. 266 (2019) “that Second Church is encouraged to share its perspectives and concerns with the DCT, and, when appropriate, seek to file as *amicus curiae* with the trial court.” The Response was also consistent with this Court’s Order that filings *amicus curiae* would help the Court to broaden “its perspective on the issues raised and facilitate and inform judicial consideration.”
5. Second Church filed its Response to bring to the Court’s attention the legal issues described in paragraph’s 2. and 3. above. In its Order, this Court ruled that Second Church could file its Response as *amicus curiae*, but the Court did not address the substance of Second Church’s Response. Instead, the Court stated that Second Church lacks standing. As a result, this Court never reached the issues raised in the Response. The completely eviscerates the purpose for allowing *amicus curiae* filings. Why file any documents *amicus curiae* if the legal issues raised will never be reached by the Court for lack of standing?

6. The question that Second Church has presented to the Court is this: should the proceeds from the sale of the 400 Beacon Street property be part of the accountings of the Clause VIII Trust filed with this Court, given that the Mother Church admits that it holds those proceeds in trust under Clause VIII of Mrs. Eddy's will, those proceeds are not accounted for to any authority in Massachusetts, and there is no separate administration of the Clause VIII Trust in Massachusetts? Second Church requests the Court to answer this question, rather than simply reject Second Church's Response for lack of standing.

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

June 15, 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 for this case or who are otherwise interested parties.

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June 15, 2020

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