

QUESTION

I am searching for precedents where Library Trustees have attempted to revise old trusts when the grantor's intentions are no longer reasonable or possible to meet. I did not find any precedent on the NHLTA website. Do you have any knowledge in this area or a good individual to contact?

ANSWER

You are referring to the doctrine of CY Pres, when a particular charitable purpose becomes impossible, impracticable, illegal, obsolete, ineffective or prejudicial to the public interest to achieve. This is referenced in NH RSA 564-B:4-413. An interested person can petition the court (usually probate court) to modify the trust to a charitable purpose that is useful to the community and fulfills as nearly as possible the intent of the settlor of the trust.

The NH Charitable Trusts Unit, at the Dept. of Justice, and its director Atty Tom Donovan, would be a good place for you to have an initial discussion to get their thoughts and recommendations on whether and how to proceed. They may be able to tell you if there are other NH library trusts that have gone through this experience. They might well be copied in such a proceeding. Their phone no is 271-3591.

As to particular library trusts that might have gone through this process, I will email our Board members to see if they know of any. If I do hear of any, I will let you know. You could also reach out to NHLTA member trustees through our list serve and see if the membership has any specific experiences that they can share with you. The list serve is on the front page of our website to the right, under "Get Connected."