81st Annual Conference November 16–17, 2022



Municipal Trustees: Meet the Charitable Trusts Unit

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New Hampshire Department of Justice



To protect the public's interest in the organizations and assets committed to charitable purposes in **New Hampshire**

Education Registration Enforcement



Common law authority

Established by NH statute in 1943

First in the nation

CHAPTER 181 the provisions of this act are hereby suspended as to licensees hereunder during the effective dates of this act.

Effective Dates. This act shall take effect June 1, 1943,

and be effective during the period of the present war and for

CHAPTER 181.

AN ACT ESTABLISHING A REGISTER OF PUBLIC TRUSTS.

Be it enacted by the Senate and House of Representatives in

1. Office of the Attorney General. Amend chapter 24 of

the Revised Laws by inserting after section 13 the following

Register of Public Trusts

13-a. Register Authorized. In addition to his common law

and statutory powers the attorney general shall have the

authority to prepare and maintain a register of all public

trusts heretofore or hereafter established or active in the

13-b. Definition. The words "public trust" as used in this.

subdivision shall mean any fiduciary relationship with respect

to property arising as a result of a manifestation of an in-

tention to create it and subjecting the person by whom the

property is held to equitable duties to deal with the property

for charitable or community purposes; provided, however, that such trusts managed by persons not appointed by a court

shall not be considered public trusts within the meaning of

13-c. Rules and Regulations. The attorney general shall

make such rules and regulations as may be reasonable or

necessary to secure records and other information for the

operation of the register and for the supervision, investiga-

13-d. Inspection of Register. The register hereby estab-

lished shall be open to the inspection of any person at such

reasonable times and for such legitimate purposes as the

attorney general may determine, provided, however, that the

tion and enforcement of public trusts.

thirty days thereafter.

new subdivision:

this subdivision.

[Approved May 11, 1943.]

General Court convened:

259

CHAPTER 181

he attorney general may investigate or the purpose of determining and are administered in accordance and purposes thereof. For the tion the attorney general may rustee, fiduciary, beneficiary, inration or political agency adan interest therein, or the state house at such time

regulation provide that any in-[1943 sts made hereafter shall not be so

19437

y act, transaction, matter or thing conath, after claiming his privilege, he ittorney general have testified or prostees of Public Trusts, Any fiduciary may designate then and there to equitable duties to deal with such of the attorney general any or community purposes, excepting whatever kind, documents by a court, shall annually, on or beor liabilities which may control of such person, institution, association, to furnish such other trust as the attorney

the attorney general such person, agent, association, corpoon, agent, trustee, ore the date fixed rustee, fiduciary, tion or political

berwise directed by the attorney generwise airected by the attorney gen-en report for the last preceding fiscal en report for the last preceding fiscal sing the property so held and ad. nd expenditures in connection there. asses of the beneficiaries thereof and he may require; provided, that if by law or court order to file annually ecount or report containing the inthe attorney general shall accept the report herein required, Failure he report nereau required, range file such a report shall constitute attorney general shall take such e to compel compliance herewith. Register of Probate, Each rush such copies of papers and records and files in his office ree attorney general may require. mit an examination of the files office by representatives of the pose of establishing and maine trusts, A refusal or neglect send such copies or refuse such to the probate records relating ch of his official bond. register of probate for copies

CHAPTER 181

Privilege. No person shall be excused

om producing any book or paper in any

in producing any book or paper in any iny by or upon any hearing before the

in ordered to do so by the attorney gen-

that the testimony or evidence, book or

him may tend to incriminate him or

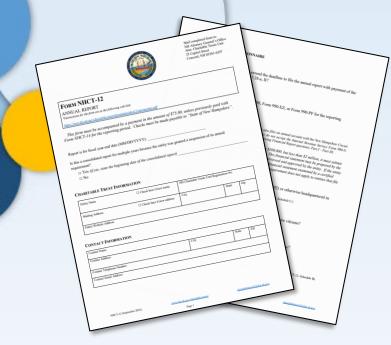
and may read to incriminate min or ay or forefeiture; but no person shall be

subjected to any penalty or forfeiture

the preceding section, and place when such same to be delivered ion, corporation or

nd or to remain r the purposes produce such documents of furnish such I be liable to

ecovered by use of the



About 12,000 annual reports from registered charitable organizations and trusts

About 255 MS-9 and MS-10 annual reports from municipalities



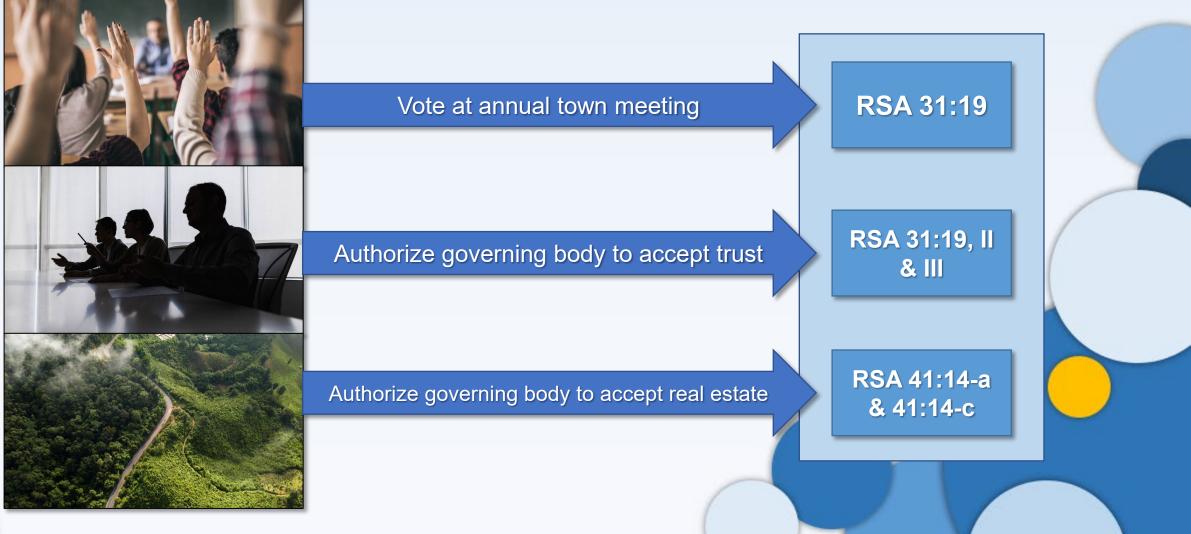


About 65 annual financial reports from municipal libraries

Roles of Municipal Trustees



Paths to Acceptance of Gifts





Unanticipated funds

Trustees of Trust Funds

3 trustees, unless increased to 5 or reduced to 1 by town vote in accordance with RSA 31:22 and 31:21.

1 bookkeeper elected by trustees Expenses included in municipal budget, not taken from trust funds

Records open to the public and retained in accordance with RSA 33a:3-a, CXXXVIII





Town trust funds

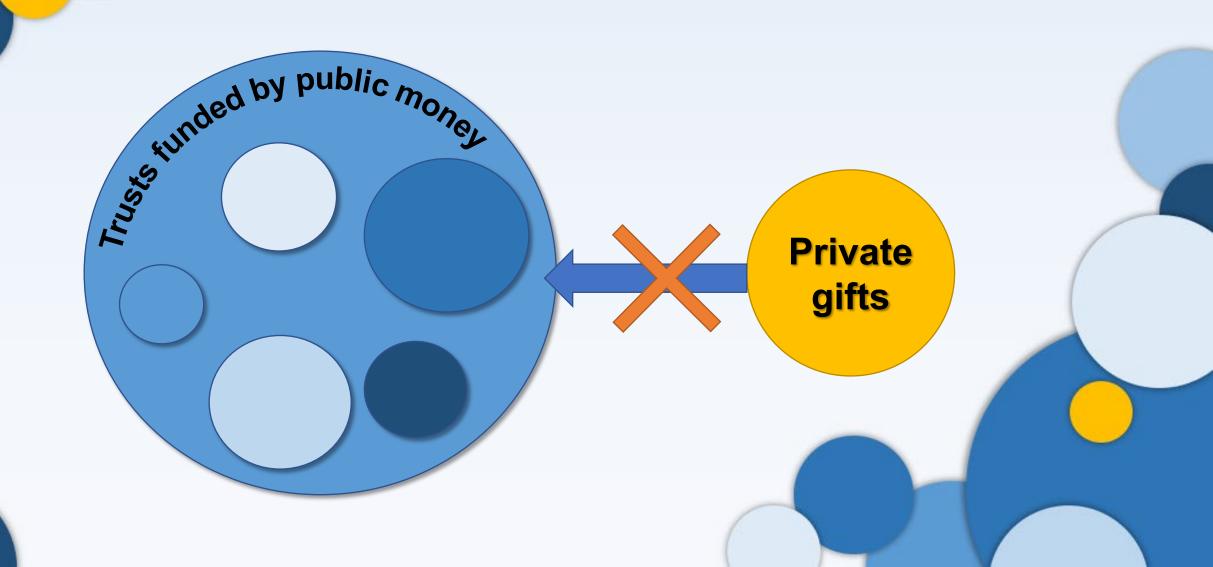
Library funds



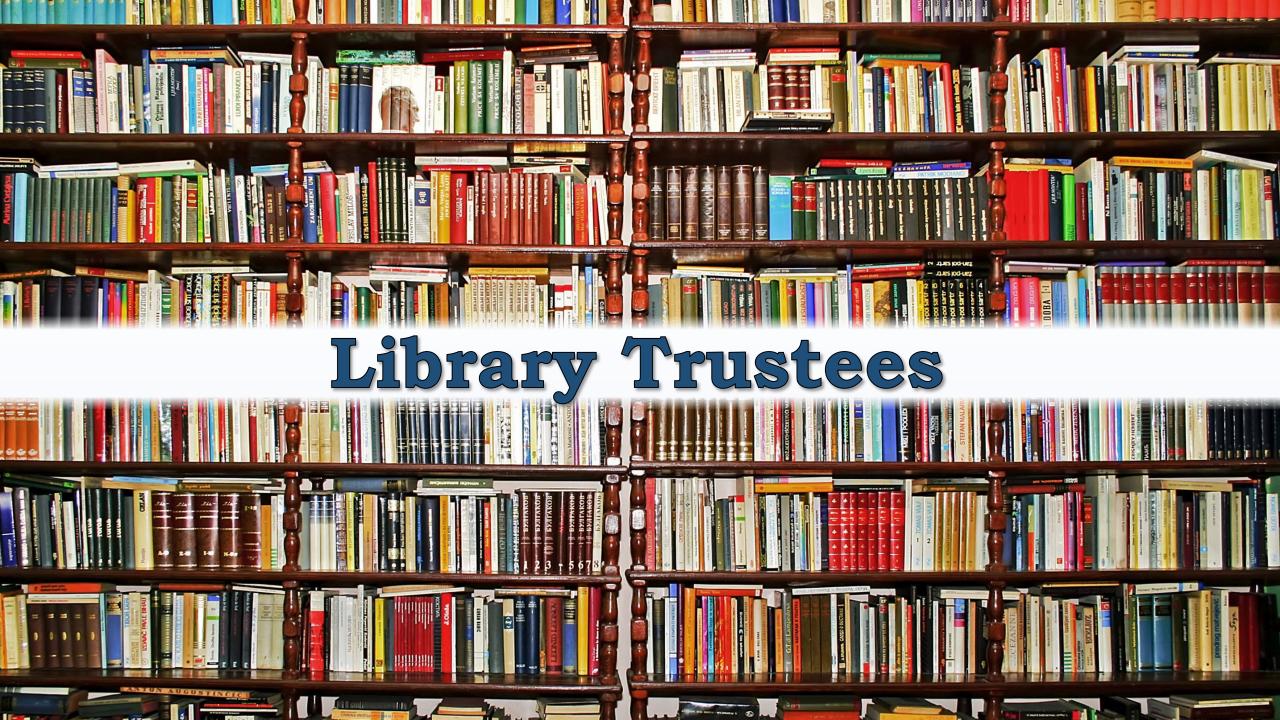
School district funds

Trust Fund and Taxpayer Fund Investment

Comingling Funds

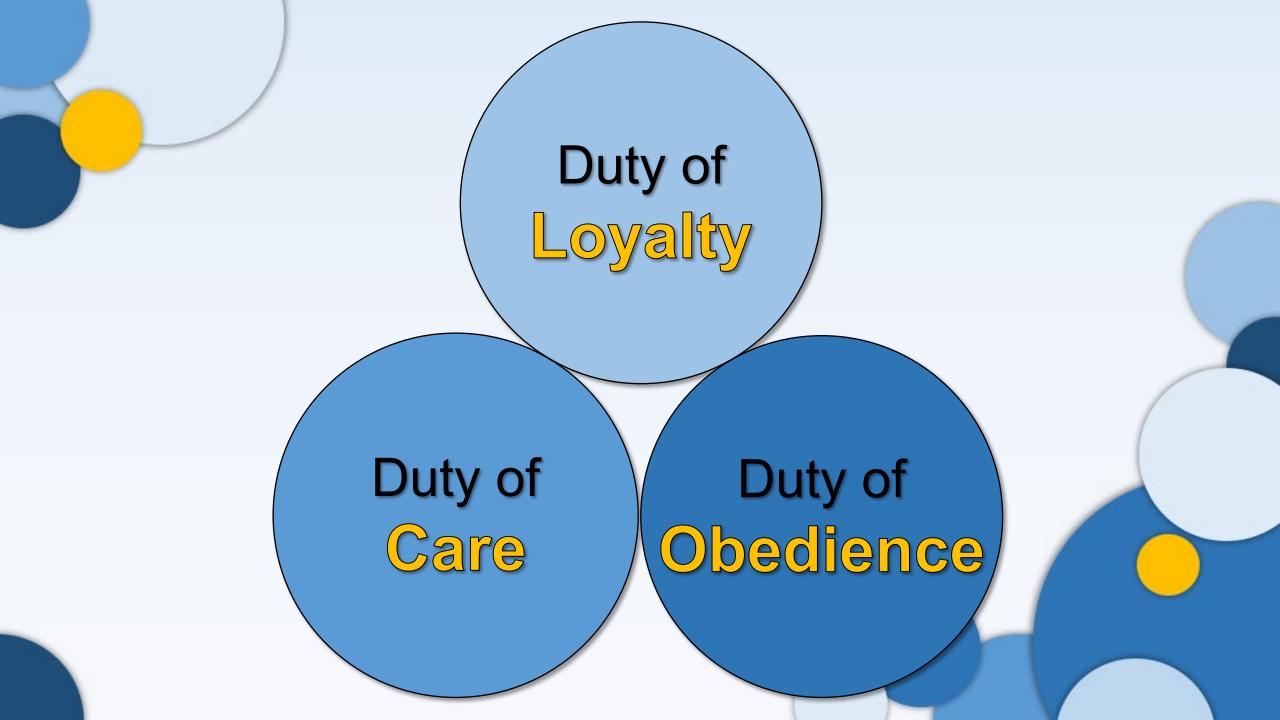






Cemetery Trustees

Fiduciary Duties of Municipal Trustees

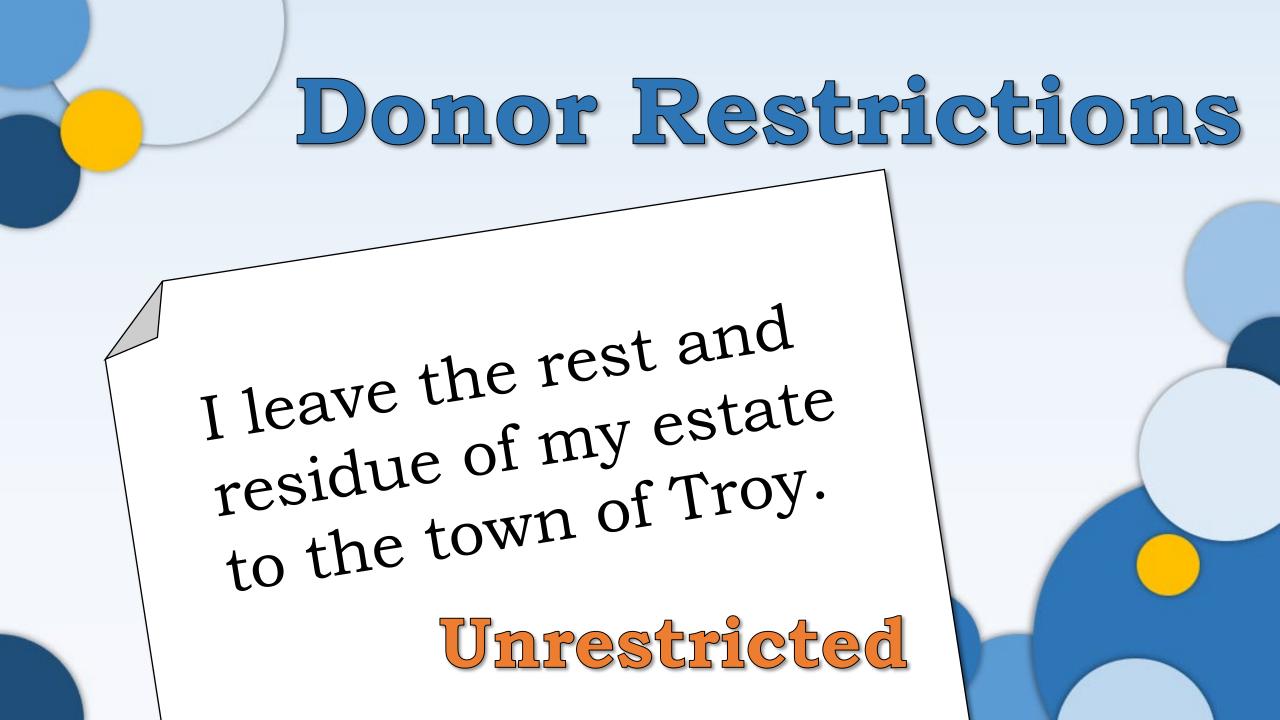


Duty of Loyalty

Duty of Care

Duty of Obedience

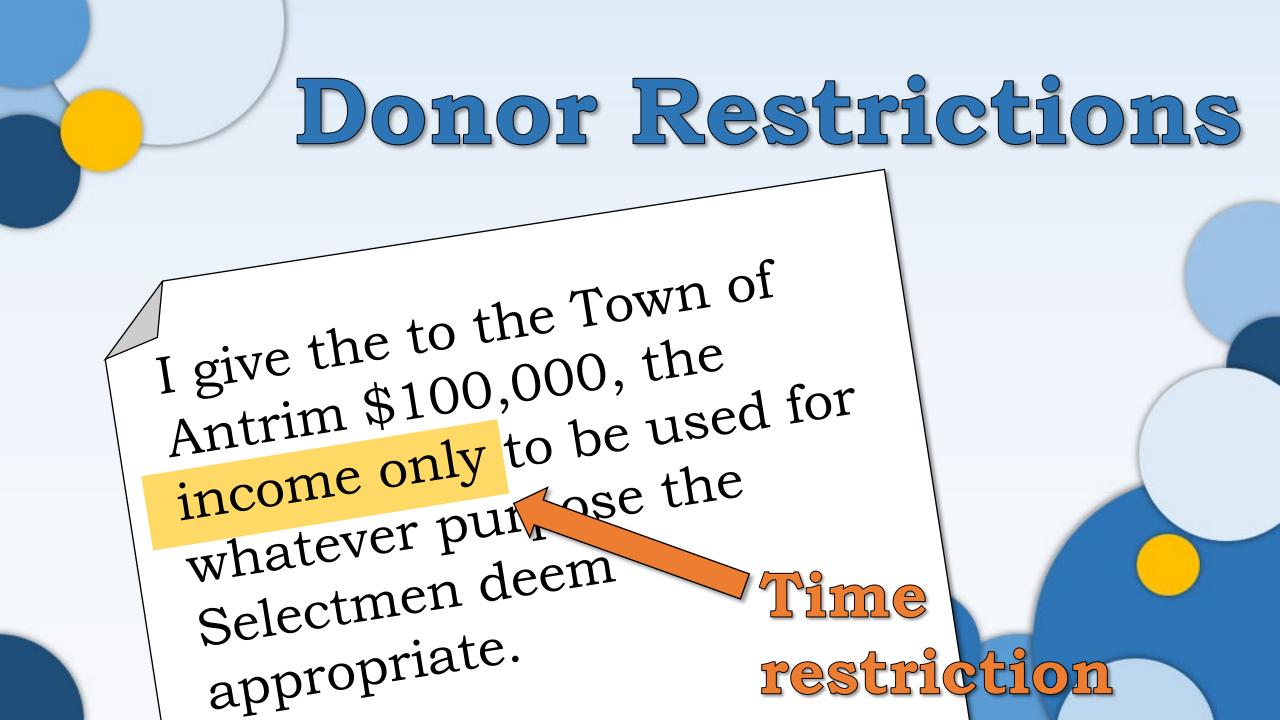
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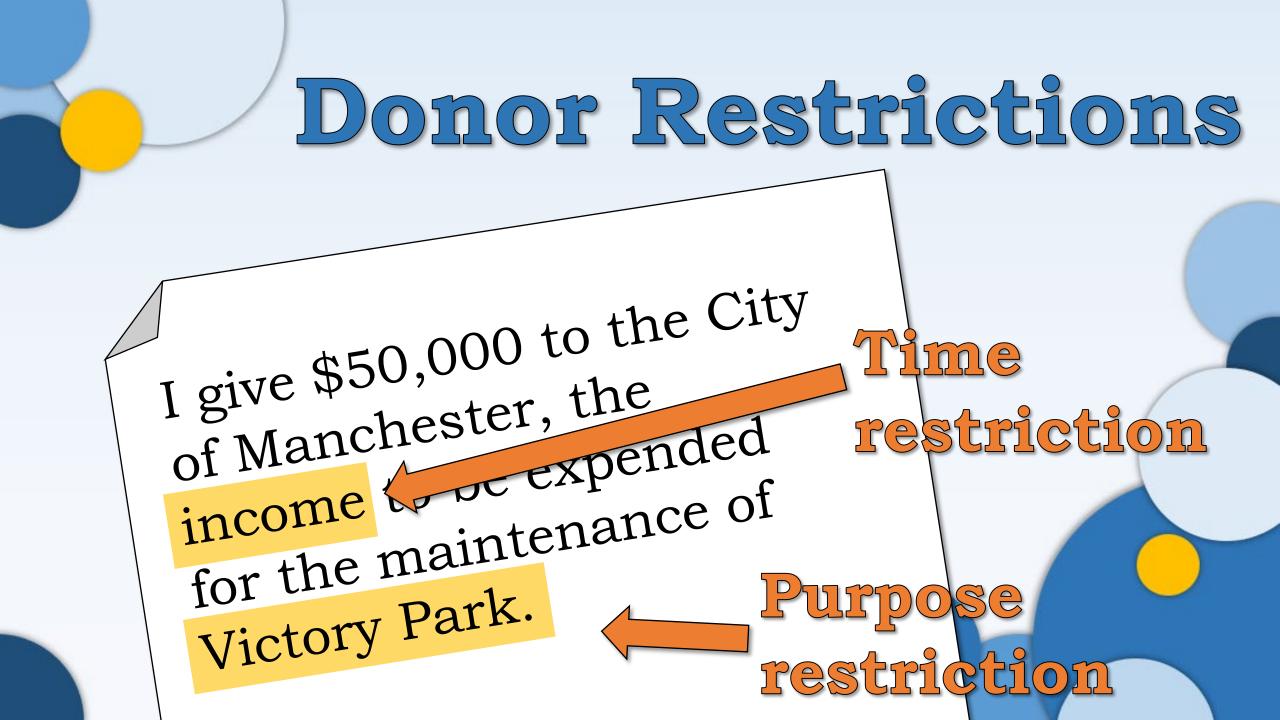


Donor Restrictions

restri

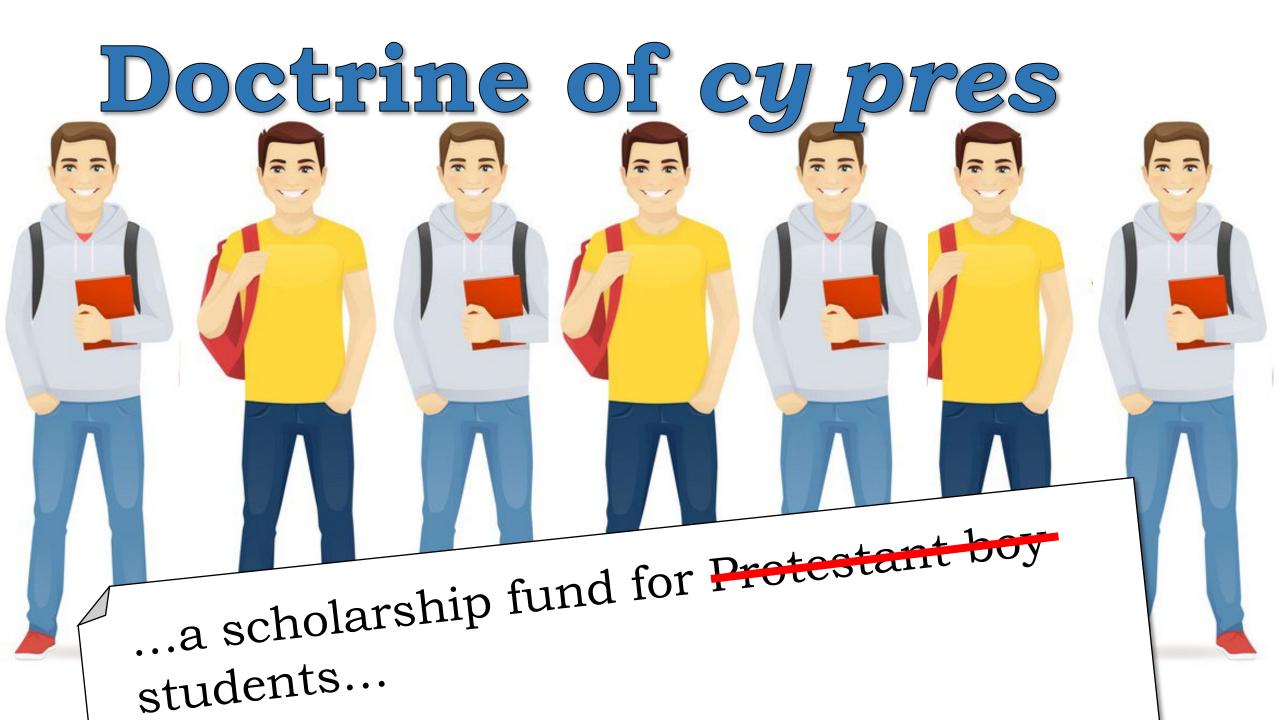
I give, devise, and bequeath to the Town of Merrimack the sum of \$50,000 to be used for the benefit of the Fire Department. Purp





Changing a Restriction

NIL N



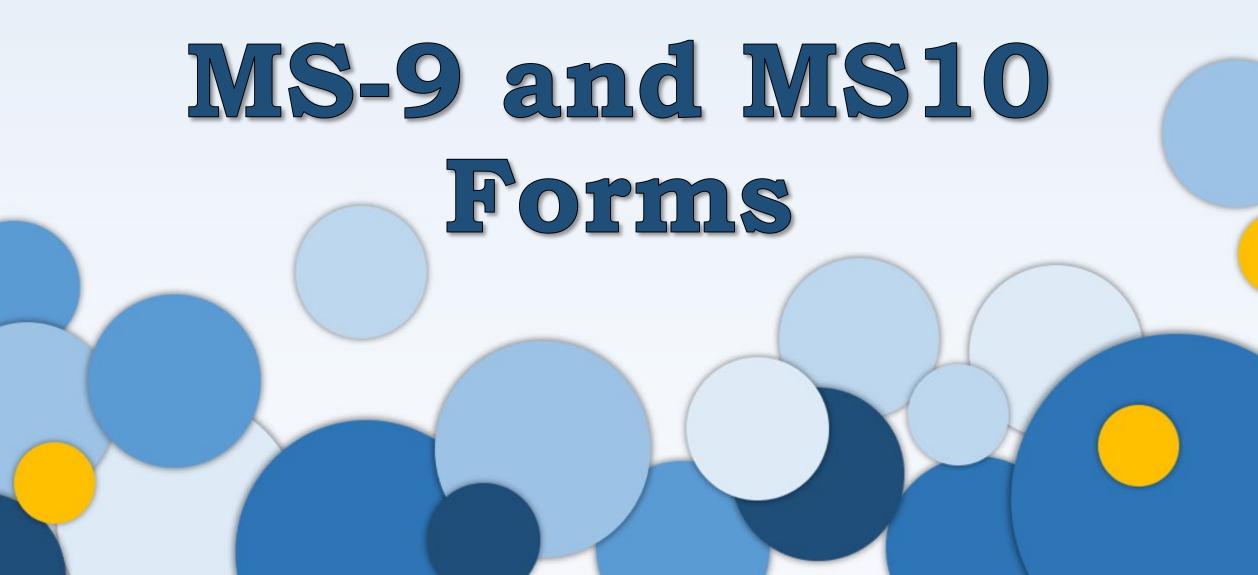
Doctrine of Deviation

SCHOOL

Other Changes



Nonjudicial Settlement Agreement



MS9 - Report of Trust Funds

Trust JONES, EBEN W Library \$268,833.70									
Instruments									
Principal									
BOY Principal Balance	New Funds (+)	Unrealized Gains (+)	Realized Gains (+)	Cap Gains Distributions (+)	Principal Withdrawals (-)				
\$515,755.92	\$0.00	\$0.00	\$32,561.06	\$0.00	\$280,000.00				
Income BOY Income Balance \$805.33	Income Earned (+) \$6,460.76	Income Expended (-) \$6,749.37			EOY Fair Value (=) \$268,316.98				
		EOY Income Balance (=) \$516.72							





MS10 - Report of Common Investments

Bank of America Corp Floating 4% (Library) Bond 200.00	\$4,367.34
Bank of Nova Scotia/The 1.35% 24 Jun 2026 (Common Funds) Bond 30,000.00	\$29,784.00
Bank of NY Mellon Corp 3.00% 2/24/25 (i) (Common Funds) Bond 50,000.00	\$49,748.00
Bar Harbor Bank & Trust Inst Money Market (Common Funds) Money Market 318,776.94	\$318,776.94
Berkshire Hathaway Inc (Common Funds) Stock 112.00	\$24,542.16
Berkshire Hathaway Inc (Library) Stock 24.00	\$5,259.04
Blackrock Inc (Common Funds) Stock 0.00	\$0.00
Booking Holdings Inc (Common Funds) Stock 9.00	\$21,405.37
Booking Holdings Inc (Library) Stock 1.00	\$2,378.38
Caterpillar Financial Services Corp 2.15% 08 Nov 2024 (Common Funds) Bond 50,000.00	\$50,066.98

Ledger Total: \$4,953,619.8

MS10 - Report of Common Investments

CN - Bristol Myers Squibb Co - (Income) Stock 655.00										
Principal BOY Balance \$36,353.30	Purchases	\$0.00	Cash Capital Gains	\$0.00	Sale Proceeds (\$2,692.78)	Sale Gain/Loss \$225.98	EOY Balance	\$33,886.50		
Income BOY Balance \$0.0 0					Income \$1,368.90	Expended \$1,368.90	EOY Balance	\$0.00		
Principal Only BOY Fair Value \$46,439.90	1				Unrealized Gains \$3,995.10		EOY Fair Value	\$50,435.00		



Resources

www.doj.nh.gov/charitable-trusts/municipalities.htm

www.nhmunicipal.org/events-training

www.revenue.nh.gov/mun-prop/municipal

www.nhcemetery.org

www.nhlta.com

Contact Us

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