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MEMORANDUM

TO: PASTORS, ADMINISTRATORS AND BUSINESS MANAGERS

FROM: FRAN O'CONNOR

RE: TRUSTS AND ESTATES

DATE: June 23, 2021

Dear Pastors, Administrators and Business Managers,

I am sending out this Memorandum as a reminder notification to all Parishes of the process for the handling of trusts and estates. Parishes have been blessed and fortunate from time to time to be named as a beneficiary of a will or of a trust. A Parish may be entitled to a specific bequest of personal items and/or monetary distributions or a residuary/remainder bequest which leaves a percentage of the estate or trust to the Parish. Parishes may also be the beneficiaries of a simple gift, an insurance policy or retirement account (IRA). The probate and administration of trusts and estates (regardless of the complexity) involves a legal process which requires close scrutiny in order to ensure that the Parish is protected and receives the bequest to which it may be entitled to. It also requires adherence to both Civil and Canon Law to assure that the wishes and intent of the donor are fulfilled in all respects.

Trusts and estates have been a recurring topic area for either misappropriation of funds or negligent administration by executors, administrators and attorneys. Careful review of these matters has often disclosed various concerns which can directly affect the intended benefit to a Parish. On other occasions, estate and trust matters become subject to adversarial proceedings such as a contested will where a Parish, acting without proper guidance, can unwittingly waive its rights to a benefit.

His Eminence, Cardinal O'Malley, has an established process to monitor and obtain all distributions from trusts and estates on behalf of every Parish. Upon receipt by the Parish of any legal correspondence or notification regarding a trust or an estate, please forward the same to me (Francis O'Connor, General Counsel, Archdiocese of Boston, 66 Brooks Drive, Braintree, MA 02184). You may also email such documents directly to me at francis_oconnor@rcab.org or to my Executive Administrative Assistant, Ann Issner, at ann_issner@rcab.org. Once received,

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direct contact will be made to the designated representative of the trust or estate or with the financial institution if it involves an IRA or insurance policy. You will be kept informed throughout the process. Receipt of any funds will be held solely for the benefit of the Parish in accordance with the terms and conditions established by the donor. Any assents, receipts or approvals of any matters relative to a trust or an estate will be reviewed and signed by me on behalf of the Parish. Pastors, Administrators and Business Managers should not sign any documents regarding trusts and estates unless specifically asked to do so by my office.

A great part of the success to date with properly handling trusts and estates is attributable to you. Without the participation, cooperation and assistance of every Parish we would not be able to adequately and effectively monitor trusts and estates for the benefit of, and to protect the interests of, each Parish that is a beneficiary.

If you have any questions or concerns, please do not hesitate to call me to discuss them.