



KOPELMAN AND PAIGE, P.C.

Attorneys at Law

101 Arch Street
Boston, MA 02110
T: 617.556.0007
F: 617.654.1735
www.k-plaw.com

July 30, 2009

Mary L. Giorgio
mgiorgio@k-plaw.com

Middlesex Probate & Family Court
208 Cambridge Street
P.O. Box 410480
Cambridge, MA 02141-0005

Re: Cy Pres Petition
Town of Groton v. Martha
Coakley, as she is the
Attorney General of Massachusetts

Dear Sir/Madam:

Enclosed please find a copy of the cy pres petition that was filed in April, 2009. We had been advised that the Probate Court would likely act on the petition without a hearing. However, if a hearing is required, please schedule one at the Court's earliest convenience.

Thank you for your assistance. If you have any questions, please contact me or my associate, Attorney Alexis Weber, of this office.

Very truly yours,

Mary L. Giorgio

MLG/sjm

Enc.

cc: Board of Selectmen, Town of Groton
379413/GROT/0112

COMMONWEALTH OF MASSACHUSETTS
The Trial Court
Probate and Family Court Department

MIDDLESEX, SS.

NO. 09E0051GC

TOWN OF GROTON,

Plaintiff

v.

MARTHA COAKLEY, AS SHE IS THE
ATTORNEY GENERAL OF THE
COMMONWEALTH OF
MASSACHUSETTS,

Defendant

Judgment
~~ORDER~~

After review and consideration of the complaint seeking the application of the doctrine of cy pres brought forth before this Court and seeking the removal of a restriction as to a gift of land devised to the inhabitants of the Town of Groton under the will of Andrew Robbins, late of Groton, Massachusetts, such restriction limiting the use of said land for the purposes of schools or for other educational purposes connected therewith and acknowledging the Assent of the Attorney General to the relief requested, this Court hereby finds and orders:

1. That the will of Andrew Robbins manifested a general charitable intent as to the inhabitants of the Town of Groton, Massachusetts;
2. That it is impracticable for the Town to continue to comply with the restriction imposed upon the use of the bequeathed land, but that it is nonetheless

possible to fulfill the testator's broader purpose of conferring a public benefit to the Town's inhabitants by allowing the land and the improvements thereon (the "Property") to be used as a site for affordable housing, mixed use and for the administrative offices of the Groton-Dunstable Regional School District;

3. That permitting the Town to disregard the restriction in the will of Andrew Robbins which limits the use of the Property only for purposes of a school or for other educational purposes is an appropriate application of the doctrine of cy pres; and

4. That the provisions of G.L. c. 214, §10B have been met and no further notice is required to be given to any person.


WHEREFORE:

It is hereby ORDERED that:

1. The Town of Groton is authorized to expand the use of the Property to include, not only public educational uses, but also, the development and operation of affordable housing and mixed uses;

2. Any and all profits from the sale or rent of private mixed use on the Property shall be used exclusively to develop and operate affordable housing at the Property.

9/3/09


Randy J. Kaplan, Justice
Middlesex Probate and Family Court

370778/GROT/0112