

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
AL	Alabama Statute, § 35-4-251 (re: charitable trusts) (enacted by Code of 1940, effective May 31, 1941, last amend. 1975)	1975	"General intent" is not mentioned in the statute and no cases interpret whether statute requires it	Impracticable, or too indefinite to admit enforcement, or ceases to admit of practicable enforcement
AL	Alabama Case Law (cy pres was not part of Alabama common law until the cy pres statute passed; see Henderson v. Troy Bank & Trust Co., 250 Ala. 456, 34 So.2d 835 (1948)) Doctrine of equitable approximation was part of Alabama common law; see Heustess v. Huntington College, 242 Ala. 272, 5 So.2d 777 (1942) (allowed sale of land, useless by itself, to provide funds to promote charitable purposes of trust)	1948/ 1942		
AL	Baxley v. Birmingham Trust National Bank, 334 So.2d 848 (Ala. 1976) (cy pres applicable only to charitable trusts)	1976		
AK	Alaska Statute (no cy pres statute)			
AK	Alaska Case Law (no cy pres cases)			
AZ	Arizona Statute (no cy pres statute)			
AZ	Matter of Estate of Craig, 174 Ariz. 228, 848 P.2d 313 (Ct. App. 1992) (declines to decide whether cy pres should be adopted in state)	1992		
AZ	State ex rel. Goddard v. Coerver, 100 Ariz. 135, 412 P.2d 259 (1966) (reserving question whether cy pres applies in state)	1966		
AR	Arkansas Statute §28-73-413 (effective 9/1/2005) (incorporates verbatim Section 413 of Uniform Trust Code, except that 21 years in Section b(2) is altered to 30)	2005	No/Assumed	Illegal, impracticable, impossible, wasteful
AR	Lowery v. Jones, 272 Ark. 55, 611 S.W.2d	1981	Not discussed; but court	Impossible, or

**APPENDIX 1  
CY PRES DOCTRINE**

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	759 (1981) (applied cy pres to construe bequest to "Shriner's Hospital for Crippled Children, Little Rock, Arkansas" (not in existence) to "Shriners Hospital for Crippled Children, a National Organization"; expands cy pres to bequests, not just trusts)		cites Trevathan, among other cases, for the cy pres doctrine	impracticable
AR	Trevathan v. Ringgold-Noland Foundation, Inc., 241 Ark. 758, 410 S.W.2d 132 (1967) (authorizing directors of charitable corporation to sell corporate property and apply proceeds to addition to county library; applying cy pres to property of charitable corporation)	1967	Yes - quoting with approval from Bogert § 431; citing a line of Arkansas cases applying cy pres (some of these quote from other jurisdictions that require general intent, see McCarroll v. Grand Lodge, 154 Ark. 376, 243 S.W. 870 (1922))	Impossible or impracticable of fulfillment
CA	California Statute (no cy pres statute)			
CA	Estate of Buck, 29 Cal. App. 4 <sup>th</sup> 1846, 35 Cal. Rptr. 2d 442 (1994) (case litigating collateral attack on the original probate court case, but it does give a history of the facts and issues in the probate court case)	1994		
CA	In re Estate of Klinkner, 85 Cal. App. 3d 942, 151 Cal. Rptr. 20 (1978) (declined to apply cy pres where gift-over provision provided that in the event that the original bequest should fail, the funds should be applied to another designated charity) [cites 53 Chicago-Kent L. Rev. 659 (1977), and noting trend is to apply cy pres liberally to save charitable trusts]	1978	Yes	Impossible or impracticable of fulfillment
CA	Estate of Mabury, 54 Cal. App. 3d 969,	1976	Yes	Impossible, impracticable,

**APPENDIX 1  
CY PRES DOCTRINE**

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	127 Cal. Rptr. 233 (1976) (trust instrument required accumulation of assets until Christian Science Church published a particular book or 21 years after death of certain persons named; trustee wanted to make distributions prior to the happening of either of these events to prevent paying IRC 4942 taxes; trial court allowed trustee to make distributions, but appeals court reversed)			or illegal (interpreted to mean permanent impossibility or impracticability)
CA	In re Estate of Gatlin, 16 Cal. App. 3d 644, 94 Cal. Rptr. 295 (Cal. Ct. App. (1971) (applying cy pres to distribute bequest to charities where will left bequest to institutions that could not be identified with certainty)	1971	Yes - inferred from evidence that testator left bulk of his property to organizations with similar charitable purposes	Impossible, or impracticable
CA	In re Estate of Lamb, 19 Cal. App. 3d 859, 97 Cal. Rptr. 46 (1971) (court found evidence that testator had general intent to provide relief from osteosclerosis even though charity benefiting from bequest was not yet in existence at testator's death)	1971	Yes - absence of gift over and presence of in terrorem clause are evidence of general intent	Impossible, or impracticable
CA	Lynch v. Spilman, 62 Cal. Rptr. 12, 431 P.2d 636 (1967) (all assets of a charitable corporation are deemed to be held in trust)	1967		
CO	Colorado Statute (no cy pres statute)			
CO	In re Estate of Vallery, 883 P.2d 24, 28 (Colo. 1993) (applies cy pres to bequests, not just trusts; bequest creating hospitalization fund for members of a fraternal organization was reformed to permit use of income to defray costs of other health care	1993	Yes	Impossible or impracticable (impracticable means "reasonable difficulty" in accomplishing the general charitable intent of the donor, as opposed to

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
	services provided by hospital for members of fraternity)			"physical impossibility")
CO	Dunbar v. Board of Trustees of George W. Clayton College, 170 Colo. 327, 461 P.2d 28 (1969) (trust left to establish college for boys in 1899 for care and training of poor, white, male orphans was reformed by extending admission to children regardless of color and between ages 6 and 18 yrs of age)	1969	Yes - looks at will	Impossible or impracticable
CT	Connecticut Statute, § 45a-520 (re: termination of charitable trusts with assets less than \$150,000) (enacted 1958; 1982, 1984, 1986, 1996 amendments raised asset limit)	1996		Continuation of trust is uneconomic
CT	Connecticut Statute, § 47-2 (enacted 1949, derived from 1902 statute) (re: "All estates granted for the maintenance of the ministry of the gospel, or of schools of learning, or for the relief of the poor, or for the preservation, care and maintenance of any cemetery, cemetery lot or monuments thereon, or for any other public and charitable use, shall forever remain to the uses to which they were granted, according to the true intent and meaning of the grantor, and to no other use whatever.") (statute is under Title pertaining to Land and Land Titles)	1949		
CT	Shawmut Bank, Connecticut N.A. v. Yale-New Haven Hosp., Inc., 1997 WL 35814 (Super. Ct. 1997) (bequest left for building and maintaining facility for nursing school was reformed, where the original entity named in will closed and corporate successor hospital did not	1997	Yes - bulk of estate left for charitable purpose is evidence of general intent (even if left to a particular entity); absence of gift over is evidence of	Impossible, impracticable, or illegal

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
	operate a training school for nurses, to provide scholarship funds for students at hospital's academic affiliate)		general intent	
CT	Smith Memorial Home, Inc. v. Riddle, 1990 WL 275833 (Super. Ct. 1990) (applies cy pres to will leaving bequest to residence for indigent and elderly women that, due to near exhaustion of funds, wants to sell its real and personal property to provide grants for other similar charities)	1990	Yes - presence of general residuary clause to charities is evidence of general intent	Impracticable
CT	MacCurdy-Salisbury Educational Fund v. Killian, 30 Conn. Supp. 203, 309 A.2d 11 (1973) (cy pres is applicable to charitable corporations)	1973		
CT	Duncan v. Higgins, 129 Conn. 136, 26 A.2d 849 (1942) (cy pres not applied where society designated to received gift dissolved and court found no general intent)	1942	Yes	Impossible
DE	Delaware Statute, tit. 12, § 3541 (re: charitable trusts) (reenacted 2000)	2000	Eliminated	Unlawful, impracticable, impossible to achieve or wasteful
DE	In re Estate of Schaefer, 1998 WL 939708 (Del. Ch. 1998) [cy pres applicable to outright gifts]	1998	Yes	Impossible or impracticable
DE	In re Estate of du Pont, 663 A.2d 470 (Del. Ch. 1994) (cy pres not applied as court held that proposed use of funds to operate rehabilitation center at another location did not satisfy grantor's central intention of creating living monument to his family at site of family home; court is looking at what alternative use would most closely resemble the donor's original intent)	1994	Yes - assumed without deciding (doesn't decide whether state statute eliminates general intent requirement)	Impossible or impracticable

**APPENDIX 1  
CY PRES DOCTRINE**

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	[interpreting statute]			
DC	District of Columbia Statute (no cy pres statute)			
DC	Connecticut College v. U.S., 276 F.2d 491 (C.A.D.C. 1960) (bequest left by will in trust for building meeting place and lodging for West Point graduates on a particular lot; West Point's desire to build on a different lot and the fact that the bequest would not cover the entire cost of construction did not make the donor's intent impossible or impracticable to carry out, and hence cy pres not applicable)	1960	Yes	Impossible or impracticable
FL	Florida Statute (no cy pres statute)			
FL	Jewish Guild for the Blind v. First National Bank in St. Petersburg, 226 So.2d 414 (Fla. 1969) (cy pres inapplicable where provision of will which set up trust to be used by beneficiary for purpose of acquiring or constructing separate building for use for blind children could not be construed to allow use of trust for installation of facilities on one floor of beneficiary's new building even though trust principal was inadequate to construct or acquire separate building and trust instrument provided for alternative beneficiary if gift fails)	1969	Yes	not discussed
FL	Sheldon v. Powell, 99 Fla. 782, 128 So. 258 (1930) (executor of testator's estate refused to release funds testator left to library unless library execute a bond for his protection; court discusses cy pres, but sees no reason to apply it; the court simply orders executor to	1930	Yes	"If such intention cannot be executed in accordance with the terms of the will"

**APPENDIX 1  
CY PRES DOCTRINE**

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	release funds) [cites Lewis v. Gaillard, 61 Fla. 819, 56 So. 281 (1911) as authority for recognition of the cy pres rule in Florida]			
GA	Georgia Statute, § 53-12-113 (re: charitable bequest, trust, or gift) (enacted 1981)	1981	"General intent" not mentioned in statute	Cannot be executed in the exact manner provided
GA	Crisp Area YMCA v. Nationsbank, 272 Ga. 182, 526 S.E.2d 63 (2000) (case of first impression: cy pres is not applicable to inactive, but extant, organization) [citing statute]	2000	Presumed (see Trammell v. Elliott)	Legal or practical impossibility
GA	Trammell v. Elliott, 199 S.E.2d 194 (1973) (court applies cy pres to remove racially restrictive term in scholarship fund) [citing to current statute's predecessor]	1973	Yes - general intent is presumed if the trust is established for any legitimate charitable purpose (unless contrary intention demonstrated); absence of reverter clause or gift over is also evidence of general intent	Impracticable or illegal
HI	Hawai'i Statute (no cy pres statute)			
HI	In re Estate of Chun Quan Yee Hop, 469 P.2d 183 (1970) (cy pres applied to a non-charitable testamentary trust in violation of Rule Against Perpetuities) [cites Restatement (2d) of Trusts § 399] [cy pres doctrine judicially affirmed in dictum]	1970		
ID	Idaho Statute, § 68-1204 (enacted 1994) (re: charitable trust) [this section also includes provision for small trusts (continuation is impractical), which is not defined]	1994	"General intent" is not mentioned in text	"Impractical because of changed circumstances adversely impacting its purpose or purposes"
ID	Idaho Case Law (no cy pres cases) [cy			

**APPENDIX 1  
CY PRES DOCTRINE**

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	pres was not judicially recognized prior to statute]			
IL	Illinois Statute, ch. 760, § 55/15.5 (re: charitable trusts) (effective 1997)	1997	Yes	Continued administration of a trust has become impractical because of trust's small size (defined as expenses exceed 25% of trust income) or because of changed circumstances (defined as illegal, unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the community) that adversely affect the charitable purpose
IL	In re Estate of Lind, 734 N.E.2d 47 (Ill. App. 2000) (applying cy pres to gift made to dental school that no longer operated independently of university) [the court does not discuss the specifics of cy pres]	2000	Not discussed	Not discussed
IL	First National Bank of Chicago v. Canton Council of Campfire Girls, Inc., 85 Ill. 2d 507, 426 N.E.2d 1198 (1981) (held that trial court improperly applied cy pres to award bequest made to the "Girl Scouts of Canton, Illinois" (ceased to exist) to another girls' organization in the city, where settlor provided for gift over	1981	Yes	Not discussed
IL	Burr v. Brooks, 83 Ill.2d 488, 416 N.E.2d 231 (1981) (remanded to trial court to make determination how cy pres should be applied where testator	1981	Yes	Inexpedient or impracticable



**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
	provided that funds were to be given to city for construction of hospital, but city wanted to use funds to provide health care assistance for those unable to pay and to establish family care and diagnostic center)			
IL	In re Estate of Tomlinson, 65 Ill. 2d 382, 359 N.E.2d 109 (1976) (court applied cy pres by interpreting clause providing for bequest to "Cancer Research Fund" (nonexistent organization) as evidencing a general intent to benefit cancer research which assumed would properly be carried out by giving bequest to American Cancer Society)	1976	Yes - absence of gift over or a reversion is evidence of a general charitable intent	Not discussed
IL	Bertram v. Berger, 1 Ill. App. 3d 743, 274 N.E.2d 667 (1971); Riverton Area Fire Protection District v. Riverton Volunteer Fire Department, 208 Ill. App. 3d 944, 566 N.E.2d 1015 (1991) (applied cy pres to fire department)	1971		
IN	Indiana Statute, § 30-4-3-27 (re: charitable trusts) (enacted 1971, amended 2000 and 2005) This statute contained a reworded version of part A of Section 413 of the UTC. <u>2005 Amendment</u> :(effective 7/1/05) incorporates verbatim part B of Section 413 of the Uniform Trust Code, and adds "wasteful" to the standards, but does not alter the reworded version of part A of Section 413 of the UTC previously found in the statute.	2005	No/Assumed - but "a living heir of the settlor or a living beneficiary named in the original trust agreement may present evidence to the court of the heir's or beneficiary's opinion of the settlor's intent and the heir's or beneficiary's wishes regarding the property given in trust"	Impossible, impracticable, illegal, and (as of July 1, 2005) wasteful.
IN	Quinn v. Peoples Trust & Sav. Co., 223 Ind. 317, 60 N.E.2d 281 (1945) (applying	1945	Yes	Impossible or impracticable

**APPENDIX 1  
CY PRES DOCTRINE**

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	common law cy pres to charitable trust)			
IA	Iowa Statute, § 633.5102 (re: charitable trusts) (enacted 1999, effective 2000)	2000	Yes - see also Martin D. Begleiter, 49 Drake L. Rev. 165 (2001); no case law interpreting statute	Impracticable, unlawful, impossible to fulfill
IA	Iowa Case Law (general intent is required, Hodge v. Wellman, 191 Iowa 877, 179 N.W. 534 (1920) (applying common law cy pres); Simmons v. Parson College, 256 N.W. 225 (Iowa 1977) (applying common law cy pres))	1920/ 1977	Yes	Impossible or impracticable
IA	In re Staab, 173 N.W.2d 866 (Iowa 1970) (outright bequest and devise to charitable corporation)	1970		
KS	Kansas Statute, § 59-22a01 (re: charitable trusts, devise, or bequest) (enacted 1988, amended 1991)	1991	Yes	Illegal, impossible, or impracticable of fulfillment
KS	In re Estate of Crawshaw, 249 Kan. 388, 819 P.2d 613 (1991) (when college ceased operation for which trust was established to provide loans to students, court applied cy pres to permit substitution of beneficiary) [interpreting statute: holding that statute does not broaden common law cy pres doctrine]	1991	Yes - follows Coleman	Illegal, impossible, or impracticable
KS	In re Estate of Coleman, 2 Kan. App. 2d 567, 584 P.2d 1255 (1978) (declines to apply cy pres where general intent cannot be found)	1978	Yes - refuses to presume general intent where there is a valid charitable gift (as Georgia cases do), but does consider bulk of property left to charity, no gift over, no reverter cl. as evidence of general	Illegal, impossible, or impracticable

**APPENDIX 1  
CY PRES DOCTRINE**

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			intent	
KY	Kentucky Statute			
KY	Hampton v. O'Rear, 309 Ky. 1, 215 S.W.2d 539 (1948); Citizens Fidelity Bank & Trust Co. v. Isaac W. Bernheim Foundation, 305 Ky. 802, 205 S.W.2d 1003 (1947) [both cases discuss cy pres and its history in Kentucky, which was adopted by courts in 1834]	1947	Yes	Impossible or impracticable
KY	Kentucky Childrens Home, Lyndon v. Woods, 289 Ky. 20, 157 S.W.2d 473 (1941) (bequest to corporation)	1941		
LA	Louisiana Statute, § 9:2331 (re: charitable trusts and conditional bequests) (enacted 1954, amended 1970 to apply to conditional donations inter vivos when the donor is deceased)	1970	"General intent" is not mentioned in the statute	Impracticable, Impossible or illegal a literal compliance
LA	Ada C. Pollock-Blundon Assoc., Inc. v. Heirs of Evans, 273 So.2d 552 (1973) (where donation of realty was made subject to condition that property be farmed by black children, where there was no longer great value in agricultural training and farm could not be operated profitably, and where highest and best use of the property was for residential purposes, court applied cy pres) [citing statute]	1973	Not discussed	Impracticable, impossible or illegal (note court's reference to "highest and best use")
ME	18-B.M.R.S § 413 (effective as of 7/1/05) (incorporates Section 413 of the Uniform Trust Code, except that Section b(2) requires 50, not the standard 21, years to have passed before the court may prevail over provisions in the trust directing distribution of assets to a noncharitable beneficiary)	2005	No/assumed	Illegal, Impracticable, Impossible, Wasteful

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
ME	Estate of Champlin, 684 A.2d 798 (Me. 1996) (holding that cy pres is not applicable, and gift fails, where city had not built school stipulated in trust during nearly 40 years after death of income beneficiaries and trust provided for gift over)	1996	Not discussed	Not discussed
ME	In re Thompson's Estate, 414 A.2d 881 (Me. 1980) (remand case to probate court to apply cy pres to trust with insufficient funds to establish Children's Outing Home as required by the trust)	1980	Yes - to be discovered within the four corners of the instrument, read in light of the surrounding applicable circumstances; absence of reverter or gift over, disposition of estate mostly or solely for charity are evidence of general intent	Impossible or impracticable
ME	State v. Rand, 366 A.2d 183 (Me. 1976) (following award for taking of land for interstate highway purposes that included land left to city for public park at a unique site, court applied cy pres to hold that condemnation award should not go to heirs, but should go to city to build a new park at a new location)	1976	Yes - ascertainment of the presence, or absence, of "general charitable intent" requires an ad hoc scrutiny of the settlor's intent in specific relation to the fact that the gift made has failed; absence of reverter is indicative of general intent	Not discussed
MD	Maryland Statute, 14-302 (re: charitable trusts) (enacted 1957) (Uniform Charitable Trusts Administration Act)	1957	Yes	Illegal, or impossible or impracticable of enforcement
MD	Maryland Statute, 5-209 (re: disposition of property of charitable or religious corporation upon dissolution) (enacted 1957, amended 1997, 1998)	1998	Yes	Impracticable or inexpedient

**APPENDIX 1  
CY PRES DOCTRINE**

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MD	National Society of the Daughters of the American Revolution [DAR] v. Goodman, 128 Md. Spec. App. 232, 736 A.2d 1205 (1999) (testator left 80% of estate to Gallaudet University and 20% to DAR's nursing home, but upon learning that DAR did not operate a nursing home, testator told her attorney to leave all to Gallaudet, but this request was not formalized; court holds that testator lacked general intent and cy pres won't be applied in DAR's favor) [citing statute]	1999	Yes - but consider extrinsic evidence	Impossible, illegal, or impractical
MD	Gallaudet v. Daughters of the American Revolution, 117 Md. App. 171, 699 A.2d 531 (1997) (reversible error for court to decide question of general intent by looking solely at will and rejecting extrinsic evidence (post-execution conversation with attorney)) [citing statute]	1997	Yes - but consider extrinsic evidence even if language of will is not ambiguous (follows minority approach, as opposed to the majority "four-corners approach")	Impossible, illegal, or impracticable
MD	Miller v. Mercantile-Safe Deposit & Trust Co., 224 Md. 380, 168 A.2d 184 (1961) (applied cy pres to distribute portion of funds left to a fourth charity which ceased functioning among the other three charities; absolute bequest to a charitable corporation) [citing predecessor to current statute]	1961	Yes - almost all estate left to charity, all of residue left to charity, and absence of gift over are indications of general intent	Impossible or impracticable
MA	Massachusetts Statute, ch. 214, § 10B (re: charitable gifts) (enacted 1974) (ch. 12, § 8K supersedes this section)	1974		Impossible or impracticable of fulfillment
MA	Massachusetts Statute, ch. 12, § 8K (re: charitable gifts) (enacted 1979) (there is no case law interpreting this section)	1979	No/Presumed, unless otherwise provided in a written instrument of gift	
MA	Attorney General v. Hahnemann Hosp., 494	1986		

**APPENDIX 1**  
**CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
	N.E.2d 1011 (1986) (applying cy pres to nonprofit corporation); Smith v. Livermore, 298 Mass. 223, 10 N.E.2d 117 (1937)			
MI	Michigan Statute (no cy pres statute)			
MI	In re Rood's Estate, 41 Mich. App. 405, 200 N.W.2d 728 (1972) (applying cy pres and holding that trust funds for the benefit of named colleges to teach settlor's conservative political theory could be used by colleges to teach courses dealing with conservative political theory without teaching the settlor's specific political theory as required by the trust) [court discusses history of cy pres in Michigan: first mentioned in dictum in a 1924 case and a 1927 case stated that the statute authorizing charitable trusts clearly intended the application of the cy pres doctrine]	1972	Yes - court favors trying to find general intent; general intent may be implied where bulk of testator's property is given for charitable purpose; absence of a reverter clause or gift over is evidence of general intent	Impossibility, illegality, or impracticability
MI	In re Estate of Karp, 108 Mich. App. 129, 310 N.W.2d 299 (1981) (cy pres applicable to trusts only)	1981		
MN	Minnesota Statute, § 501B.31 (re: charitable trusts) (enacted in 1989; original statute enacted 1927)	1989	"Accomplish the general purposes of the instrument and the object and intention of the donor"	Impracticable, inexpedient, or impossible of literal compliance
MN	Matter of Hill, 509 N.W.2d 168 (Minn. App. Ct. 1993) (re: modification of trust administration) [citing statute]	1993	Not discussed	Not discussed
MN	In re Munson's Estate, 238 Minn. 358, 57 N.W.2d 22 (1953) (holding that trust does not fail for failing to designate trustee) [interpreting § 501B.31's	1953	Yes	Not discussed

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
	predecessor (501.12)]			
MN	Gethsemane Lutheran Church v. Zacho, 258 Minn. 438, 104 N.W.2d 645 (1960) (holding that under state nonprofit corporation statute corporation has authority to sell real property provided that property is not diverted from its intended use - notes that statute is similar to cy pres statute)	1960		
MS	Mississippi Statute (no cy pres statute)			
MS	Tinnin v. First United Bank of Mississippi, 502 So.2d 659 (1987) (applying cy pres to racially restrictive scholarship trust) [court gives a good history of cy pres in Mississippi]	1987	Yes - given that the racially restrictive clause is unenforceable, the court holds that the will is ambiguous and therefore extrinsic evidence is admissible to determine general intent	Impossible, or impracticable
MS	Estate of Bunch v. Heirs of Bunch, 485 So.2d 284 (1986) (charitable bequest not so vague or indefinite as to fail) [court gives history of cy pres, and states the following rule applicable in state, where the will shows the testator's general intention that his or her property be applied to a given charitable purpose, the court can and generally must make such supplementary and administrative provisions as may be necessary to effect the testator's purpose]	1986		
MO	Missouri § 456.4-413 (effective 1/1/05) (incorporates verbatim Section 413 of the Uniform Trust Code)	2005	No/Assumed	Illegal, impracticable, impossible, wasteful
MO	Levings v. Danforth, 512 S.W.2d 207 (Mo.	1974	Yes	Impossible or

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
	App. Ct. 1974) (applying cy pres: trustees were to continue to operate trust until sufficient funds were accumulated to provide medical facilities at the town as specified by trust)			impracticable
MO	Voelker v. St. Louis Mercantile Library Assoc., 359 S.W.2d 689 (Mo. 1962) (library formed as corporation treated as trust; quoting Scott § 348.1 and Restatement (2d) § 348)	1962		
MT	Montana Statute, § 72-33-504 (re: charitable trusts) (enacted 1989) (comments to statute state that statute was adopted from the Indiana cy pres statute)	1989	Yes	Impossible, impracticable, or illegal
MT	Montana Case Law (no cy pres cases)			
NE	Nebraska §30-3089 (effective as of 1/1/2005) (incorporates verbatim Section 413 of the Uniform Trust Code)	2005	No/Assumed	Illegal, impracticable, impossible, or wasteful.
NE	In re Last Will and Testament of Teeters, 205 Neb. 576, 288 N.W.2d 735 (1980) (where trust was established to benefit school of nursing and its students and hospital employees became impossible to carry out because hospital ceased to operate nursing school, applies cy pres to benefit nurses and hospital employees who might thereafter reside in nursing school established by hospital)	1980	Yes - looks at will; absence of gift over or reverter is evidence of general intent	Impossible, impracticable, or illegal
NE	In re Harrington's Estate, 151 Neb. 81, 36 N.W.2d 577 (1949) (bequest to a charitable corporation without restrictions is gift for charitable purposes not to corporation itself)	1949		



**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
NV	Nevada Statute (no cy pres statute)			
NV	Nevada Case Law Su Lee v. Peck, 40 Nev. 20, 160 P. 18 (1916) (holding that an unincorporated religious society can take title to real estate) [court approves of cy pres doctrine in dictum]	1916	Undecided	Undecided
NH	New Hampshire Statute, § 564-B:4-413 (effective 10/1/2004) (Incorporates Section 413 of the Uniform Trust Code with a modification of the standard. This statute coexists with other statutes governing trusts and is not to affect other similar acts.)	2004	No/Assumed	Illegal, impossible, impracticable, obsolete, ineffective or prejudicial to the public interest
NH	New Hampshire Statute, § 547:3-d (re: charitable trusts) (enacted 1992, effective 1993); § 498:4-a (re: charitable trusts) (enacted 1971, effective 1971) [both statutes are exactly the same, they are just located in different sections of the statutes: 547:3-d is in probate ct. jurisdiction, 498:4-a is in courts's equity powers] New Hampshire Statute, § 564:2-a to 564:2-c (enacted 1955) (re: small charitable trusts)	1993	Yes	Impossible or impracticable or illegal or obsolete or ineffective or prejudicial to the public interest to carry out  For §564:2-a: practical difficulties or the unreasonable expense tend to defeat its purpose
NH	In re Certain Scholarship Funds, 133 N.H. 227, 575 A.2d 1325 (1990) (applies cy pres to reform terms of educational trust which discriminated on basis of gender and religion) [citing statute]	1990	Yes	Illegal or obsolete or ineffective or prejudicial to the public interest to carry out
NJ	New Jersey Statute (no cy pres statute)			
NJ	Sharpless v. Medford Monthly Meeting of Religious Soc. of Friends, 228 N.J.	1988	Yes - inferred from circumstances	Impossible, illegal, or impracticable

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
	Super. 68, 548 A.2d 1157 (1988) (applies cy pres to permit religious organization to use excess graveyard funds for general organizational purposes)			
NJ	Montclair National Bank & Trust Co. v. Seton Hall College of Medicine & Dentistry, 90 N.J. Super. 419, 217 A.2d 897 (Ch. Div. 1966) (applies cy pres to bequest left to college of medicine and dentistry which was in the process of dissolution so that bequest would be used merely to pay corporate debt); chancery court's ruling was reversed on other grounds by the appellate division, 96 N.J. Super. 428, 233 A.2d 195 (1967)	1966	Yes - gift to a particular institution, without restrictions for use, may be considered evidence of general intent	Not discussed
NM	New Mexico Statute § 46A-4-413 (effective 7/1/2003) (incorporates Section 413 of the Uniform Trust Code with the addition that AG as parens patriae is a necessary party to any cy pres proceeding)	2003	No/assumed	Illegal, Impracticable, Impossible, Wasteful
NM	Gartley v. Ricketts, 107 N.M. 451, 760 P.2d 143 (1988) (affirming cy pres, but not applying)	1988		
NY	New York Statute, § 8-1.1(j) (re: funds received by voluntary association by public subscription) (enacted 1911)	1911	"General intent" not mentioned in statute	Literal compliance with terms of the subscription becomes impracticable
NY	New York Statute, § 8-1.1(c)(1) (re: charitable trusts) (enacted 1966, amended in 1967, 1971, 1981, 1985) [the current NY cy pres statute is derived from the 1893 "Tilden Act"]	1985	"General intent" not mentioned in statute; requires donor consent if living	Impracticable, or impossible a literal compliance with the terms of such disposition
NY	New York Statute, § 8-1.1(c)(2)(i) (re: charitable trusts with market value of \$100,000 or less) (enacted with the 1985 amendment)	1985	"General intent" not mentioned in statute; requires donor consent if living	Economically impracticable or is not in the best interests of the beneficiaries

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
NY	In re Mary Holbrook Russell Memorial Scholarship Fund, 189 Misc. 2d 198, 730 N.Y.S.2d 702 (Surr. 2001) (court applied cy pres where school designated to receive scholarships closed and directed trustees to submit alternate plan consistent with trust purpose to promote education of female students at an institution affiliated with Episcopal Church)	2001	Yes	Impossible or impracticable
NY	In re Estate of Othmer, 710 N.Y.S.2d 848 (Surr. 2000) (court found general charitable intent where donors had "bequeathed all but an infinitesimal amount of their vast millions to numerous other charities" and applied cy pres where nonprofit hospital sought to use principal of restricted gifts to secure financing for recovery plan) [interpreting statute]	2000	Yes - most of property left to charities and absence of gift over are evidence of general intent	Impossible or impracticable
NY	Museum of Am. Indian v. Huntington Library, 197 A.D.2d 64, 610 N.Y.S.2d 488 (1994) (trustees wanted to move museum's library to alternate location because it was not being used or funded at its current location; but the court held that cy pres may not be applied merely to implement a more efficacious way of achieving the benefactor's purpose) [citing statute]	1994	Not discussed	Impossible or impracticable ("Cy pres does not authorize judicial alteration of a charitable disposition simply because there may be some even more efficacious way of achieving the dispositional purposes. The unsettling effect of such a promiscuous resort to cy pres power can hardly be overstated; courts would be constantly involved in the redeployment of charitable

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
				assets, sanctioning their transfer from institution to institution upon the merest showing that the assets might be more usefully situated.")
NY	Application of Abrams, 151 Misc. 2d 1056, 574 N.Y.S.2d 651 (1991) (trustees may not, because of declining enrollment and financial deficits which caused the merger of the separate beneficiary boys and girls schools at one campus in 1990, continue to carry out the donor's intent by closing the merged school and leasing a building on one campus to a nearby university for use as a dormitory with voluntary or optional chaplain services) [citing statute]	1991	Yes	Impossible or impracticable ("The court's task is to determine whether changed circumstances have rendered it impracticable or impossible to strictly carry out the donor's intent, and how to "most effectively accomplish" the general purpose of the donor.")
NY	In re Kraetzer, 119 Misc. 2d 436, 462 N.Y.S.2d 1009 (1983) (court held that general gift to hospital corporation was for purpose of providing acute patient care services, and not a gift to the particular corporation named, so that hospital's filing for bankruptcy caused gift to fail and cy pres would be applied to apply gift to similar charitable purposes) [statute not cited; applies cy pres as it existed in 1940 when donee died]	1983	Yes	Impossible or impracticable
NY	In re Estate of Wilson, 87 A.D.2d 98, 451 N.Y.S.2d 891 (1982) (school district voluntarily refused to disclose high school candidates with highest grades who would be eligible to receive scholarships from charitable trust that made awards only to males, the court	1982	Yes	Impossibility or impracticability

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
	applied cy pres to eliminate certification requirement as required by trust) [citing statute]			
NY	Alco Gravure, Inc. v. Knapp Found., 479 N.E.2d 752 (N.Y. 1985) (applying quasi cy-pres principles to nonprofit corporation); see NY non-for-profit statute, 513; Sherman v. Richmond Hose Co., 230 N.Y. 462, 130 N.E.2d 613 (1921); Matter of Brundrett, 87 N.Y.S.2d 851 (1940) (cy pres applicable where a gift is made for a charitable purpose)	1985		
NC	North Carolina Statute, § 36C-4-413 (effective 1/1/2006) (incorporates Uniform Trust Code, but only incorporates Section 413(a) of UTC)	2006	No/assumed	Illegal, or impossible or impracticable, wasteful
NC	Trustees of L.C. Wagner Trust v. Barium Springs Home for Children, Inc., 102 N.C. App. 136, 401 S.E.2d 807 (1991) (testator's will clearly reflected only specific intent to aid particular hospital, and did not evidence general intent to aid sick, injured and suffering, and thus, where hospital ceased to exist, trial court erred in applying cy pres to award trust income to nursing schools rather than to alternate beneficiary) [citing statute]	1991	Yes - looks at will only	Impossible or impracticable
NC	Board of Trustees of University of N.C. at Chapel Hill v. Unknown and Unascertained Heirs of Prince, 311 N.C. 644, 319 S.E.2d 239 (1984) (applies cy pres where evidence of circumstances surrounding trust funds left to university to build theater building warranted conclusion that testator had general intent to benefit university and	1984	Yes - looks to four corners of will; leaving great portion of estate to charity, multiple charitable bequests for similar purposes, absence of gift over or reverter are evidence of general intent	Impossible, illegal, or impracticable

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
	need for funds for theater were eliminated by state appropriation to build theater) [citing statute]			
ND	North Dakota Statute (no cy pres statute)			
ND	Mercy Hosp. Of Williston v. Stillwell, 358 N.W.2d 506 (1984) (declines to decide whether cy pres should be adopted in state)	1984	Undecided	Undecided
OH	Ohio Statute, § 109.25 (effective 1975) (re: service of process)	1975		
OH	Daloia v. Franciscan Health System of Central Ohio, Inc., 79 Ohio St. 3d 98, 679 N.E.2d 1084 (1997) (not applying but discussing cy pres; quoting from Scott §399, Bogert §431, and Restatement (2d) of Trusts §399)	1997	Yes	Impossible, impracticable, or inexpedient ("inexpedient" comes from Scott § 399)
OH	Runser v. Lippi, 105 Ohio App. 3d 752, 664 N.E.2d 1355 (1995) (where will created educational assistance foundation contained clause giving preference for assistance to testator's nieces/nephews, probate court struck preferential clause, but appeals court reversed holding that probate court improperly used extrinsic evidence to determine testator's general intent and improperly struck preference direction)	1995	Yes	Not discussed
OH	Hess v. Sommers, 4 Ohio App. 3d 281, 448 N.E.2d 494 (1982) (applying cy pres to will bequeathing residue to particular church for "building fund" where building had been completed)	1982	Yes	Not discussed
OH	McIntire's Adm'rs. v. Zanesville, 17 Ohio St. 352, 1867 WL 21 (1867) (discussing general intent) [case cited	1867	Yes - ("We must look deeper than the mere words of this donation,	Not discussed

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
	by Rice v. Stanley, 42 Ohio St.2d 209, 327 N.E.2d 774 (1975)]		and, through them, see its spirit. We must inquire what the donor himself would now direct, had he lived to witness the present altered circumstances of the case.")	
OK	Oklahoma Statute, tit. 60, § 602 (re: charitable trusts, devises, bequests) (enacted 1965)	1965	Yes	Illegal or impossible or impracticable of fulfillment
OK	Matter of Estate of Shaw, 620 P.2d 483 (Okla. App. 1980) (cy pres statute applied to carry out will of testator by distribution of residue to named corporation, even though named corporation was not yet in existence at time of death, but was incorporated afterwards) [interpreting statute]	1980	Yes - confine search to four corners of will, and only consider extrinsic evidence if language of will is inconclusive	Impossible, inexpedient, impracticable
OR	Oregon Statute § 348-33 (effective 1/1/2006) (incorporates Section 413 of the Uniform Trust Code; changes standard 21 years of Section b(2) to 50 years)	2006	No/assumed	Illegal, impracticable, impossible, wasteful
OR	Good Samaritan Hospital and Medical Center v. U.S. Nat. Bank, 425 P.2d 541 (1967) (applies cy pres to carry out alternate charitable gift provided for in will)	1967	Yes - looking at express terms of will	Impossible, or impracticable
OR	In re Miller, 67 Ore. App. 212, 677 P.2d 745 (1984) (doesn't apply cy pres because, inter alia, bequest to corporation was not in trust)	1984		
PA	Pennsylvania Statute, tit., 20, § 6110(A) (re: outright conveyances, testamentary or inter vivos trusts) (enacted 1947, amended 1982, 1994) (the	1994	No - expressly eliminated	Indefinite or impossible or impracticable of fulfillment

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
	general intent requirement was eliminated in 1947; see Will of Porter, 301 Pa. Super. 299, 447 A.2d 977 (1982))			
PA	Pennsylvania Statute, tit. 20, § 6110(C) (re: judicial termination of charitable trust where administrative expense or other burdens are unreasonably out of proportion to the charitable benefits) (enacted by 1982 amendment)	1982	General intent not mentioned in statute	Administrative expense or other burdens are unreasonably out of proportion to the charitable benefits
PA	Pennsylvania Statute, tit. 20, § 6110(B) (re: charitable trust with assets not exceeding \$10,000 may be terminated by trustee with consent of AG and beneficiaries) (enacted by 1982 amendment) [citing statute]	1982	General intent not mentioned in statute	Consent by AG and beneficiaries
PA	Pennsylvania Statute, tit. 15, § 5547 (re: nondiversion property committed to charitable purposes held by charitable corporation) (enacted 1972)	1972		
PA	In re Barnes Foundation, 449 Pa. Super. 81, 672 A.2d 1364 (1996) (court-approved tour of artworks to generate revenue during renovations of foundation organized as trust)	1996	No	Impossible or impracticable
RI	Rhode Island, § 18-4-1 (re: charitable gifts by will or deed) (enacted 1956, reenacted 1988) (statute goes back to 1896)	1988	General intent not mentioned in statute	Purposes of the donor cannot be literally carried into effect
RI	Rhode Island, § 18-9-16 (re: charitable trust with assets of less than \$100,000 may be terminated with consent of AG and beneficiaries) (enacted 1973, amended 1988, 1996, reenacted 2000)	2000	General intent not mentioned in statute	Consent of AG and beneficiary
RI	In re Estate of Emma Conca, 1995 WL 941524 (R.I. Super. 1995) (refuses to grant summary judgment motion on issue	1995	Yes - use extrinsic evidence; distribution of all or a large part	Impossible, or impracticable



**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
	of settlor's general intent where will left property to five charities but one dissolved before distribution) [citing statute]		of the residuary estate is evidence of a general intent	
RI	Industrial Nat. Bank of R.I. v. Guiteras, 107 R.I.379, 267 A.2d 706 (1970) (applies cy pres where trust created for the maintenance of public library and hospital in Cuba was no longer possible because of government take-over of libraries)	1970	Yes - use extrinsic evidence	Impossible
SC	SC § 62-7-413 (effective 1/1/2006) (incorporates Section 413 of the Uniform Trust Code, but renames cy pres "equitable deviation")	2006	No/assumed	Illegal, impracticable, impossible, wasteful
SC	South Carolina Case Law [Colin McK. Grant Home v. Medlock, 349 S.E.2d 655 (S.C. App. Ct. 1986) (rejects cy pres, but does recognize and apply deviation); South Carolina Natl. Bank v. Bonds, 260 S.C. 327, 195 S.E.2d 835 (1973) (SC increasingly liberal in applying deviation and in reaching results that are usually reached under cy pres - Scott 399.2 n.3)	1986		
SD	South Dakota Statute, § 55-9-4 (re: charitable trusts) (enacted 1955, amended 1960)	1960	"General intent" is not mentioned in statute; requires donor consent if living and mentally competent	Impracticable, impossible, inexpedient or unlawful
SD	South Dakota Case Law (no cy pres cases)			
TN	Tennessee Statute §35-15-413 (effective 7/1/2004) (incorporates verbatim Section 413 of Uniform Trust Code)	2004	No/assumed	Illegal, impossible, impracticable, wasteful
TN	Cowden v. Sovran Bank/Central South, 816 S.W.2d 741 (1991) (testator did not	1991	Not discussed	Not discussed

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
	intend charitable trust to terminate upon merger of original-named beneficiary into successor charitable institution that carried on same work as named beneficiary)			
TN	Third National Bank in Nashville v. First American National Bank of Nashville, 596 S.W.2d 824 (1980) (charitable beneficiary was entitled to continue to benefit from trust established for its benefit even though it moved to another location outside of county because continued operation by charitable organization of convalescent home or hospital for crippled children at another location was within terms of instrument) [cy pres is not adopted in state, but courts have exercised their equitable powers to uphold charitable trusts in situations where the circumstances surrounding a trust have changed substantially, see this case; Cowden v. Sovran Bank/Central South, 1990 WL 96269, n.6 (Tenn. Ct. App. 1990)]	1980	Not discussed	Not discussed
TN	Hardin v. Independent Order of Odd Fellows of Tennessee, 51 Tenn. App. 586, 370 S.W.2d 844 (1963) (will leaving property left at death of testator's wife to endowment fund for orphaned children at fraternity's orphanage in specified town entitled fraternity's corporate subsidiary, which no longer kept children there but used funds set aside to keep them at homes in other states, to bequest to be held and administered as trust for benefit of	1963	Not discussed	Impracticable or illegal

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
	orphaned children of fraternity members) [commenting that cy pres as recognized in English law is not adopted in state, but state recognizes "liberal rules of construction of charitable trusts, by courts of equity, which, prior to the Statute of Elizabeth, were applied in chancery, and of which such statute is only confirmatory"]			
TX	Texas Statute § 123.003 (re: notice) (enacted 1987, amend. 1995) § 113.026 (re: authority to designate new charitable beneficiary) (enacted 1999)	1995		
TX	In re Bishop College, 151 B.R. 394 (Bankr. N.D. Tex. 1993) (cy pres applicable and precludes bankruptcy trustee from asserting interest in trust funds established to benefit debtor college which has failed)	1993	Yes - looks at will	Impossible, illegal, or impracticable
TX	Inglis v. Johnson, 42 Tex. Civ. App. 118, 95 S.W. 558 (1906) (applying common law cy pres); Women's Christian Temperance Union of El Paso, 25 S.W.2d 171 (Tex. Civ. App. 1930) (applying common law cy pres); Scott v. Sterrett, 234 S.W.2d 917 (Tex. Civ. App. 1950) (applying common law cy pres);	1906	Yes	Impossible or impracticable
TX	Blocker v. State of Texas, 718 S.W.2d 409 (Tex. App. Ct. 1986) (assets of dissolved charitable corporation were properly impressed with public charitable trust in perpetuity and transferred under doctrine of cy-pres to a similar charitable organization; interpreting nonprofit statute)	1986		

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
UT	Utah Statute §75-7-413 (effective 7/1/2004) (incorporates verbatim Section 413 of the Uniform Trust Code)	2004	No/assumed	Illegal, impracticable, impossible, wasteful
UT	Matter of Gerber, 652 P.2d 937 (Utah 1982) (although church no longer operated children's hospital that was beneficiary of trust, cy pres required that trust money be used to continue to benefit children's hospital)	1982	Yes	Inadequacy or unlawfulness
VT	Vermont Statute, tit. 14, § 2328 (re: charitable trusts, devises, bequests) (enacted 1945, amended 1947, 1985)	1985	Yes	Illegal, impossible or impracticable of enforcement
VT	Application of Jones, 138 Vt. 223, 415 A.2d 202 (1980) (cy pres not applied where trust income became excessive in light of stated limits on expenditure expressed in trust instrument because court finds no general intent and lack of impossibility or impracticability) [citing statute for general intent requirement]	1980	Yes - looks at express terms and also by inference (confine search to four corners of will, and only consider extrinsic evidence if language of will is inconclusive)	Impossible or impracticable
VT	Ball v. Hall, 129 Vt. 200, 274 A.2d 516 (1971) (cy pres applied to trust established for support of "school of learning and education ... and for no other purpose whatever" where local high school that was beneficiary closed; court holds that general intent of settlor was the advancement of higher education of town's young people)	1971	Yes - fact that terms of trust specified primary objective "and for no other purpose" did not preclude more general charitable intention on part of settlor; absence of reverter or of provision in event of forfeiture is evidence of general intent	Impossible or impracticable
VA	VA Statute §55-544.13 (effective 7/1/2006) (VA statutes below are repealed on this date as well) (incorporates verbatim Section 413 of the Uniform Trust Code)	2006	No/assumed	illegal, impracticable, impossible, wasteful

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
VA	Virginia Statute, § 55-31 (re: charitable trusts) Virginia Statute, § 55-31.1 (re: assets of the trust are so slight or fail to become income producing that the trustee is not being or will not be adequately compensated without expenditure of the principal of the trust or that the trust can be more adequately administered for the beneficiaries with modification; and donor's intent will be served by modification or termination)		"General intent" not mentioned in statute	Impossible of performance  assets of the trust are so slight or fail to become income producing that the trustee is not being or will not be adequately compensated without expenditure of the principal of the trust or that the trust can be more adequately administered for the beneficiaries with modification; and donor's intent will be served by modification or termination
VA	U.S., on Behalf of the U.S. Coast Guard v. Cerio, 831 F. Supp. 530 (D.C.E.D. Va. 1993) (cy pres applied to trust which provided scholarship awards to graduate with highest grade point average where award became too high with trust's increase in capital) [citing statute]	1993	Yes - once the charitable nature of a trust is established, all doubts will be resolved in favor of preserving its charitable character (similar to Georgia court's reasoning in Trammell); absence of gift over is also evidence of general intent	Impossible or so impracticable as to become impossible
WA	Washington Statute (no cy pres statute)			
WA	Puget Sound National Bank of Tacoma v. Easterday, 56 Wash. 2d 937, 350 P.2d 444 (1960) (applying cy pres where charitable trust was established for unwed mothers discharged from a home and home ceased to exist) [quoting from	1960	Yes	Impossible

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
	Duncan v. Higgins, 129 Conn. 136, 26 A.2d 849 (1942)]			
WA	Horton v. Board of Education of Methodist Protestant Church, 32 Wash.2d 99, 201 P.2d 163 (1949) (cy pres not applied, but discussed)	1949	Yes	Impossible
WV	West Virginia Statute, § 35-2-2 (re: conveyances, devise, dedications, gifts, grants or bequests for charitable trusts) (enacted 1931)	1931	"General intent" not mentioned in statute	Whenever the objects of any such trust shall be undefined, or be so uncertain as not to admit of specific enforcement, or literal execution
WV	Stockert v. Council on World Service and Finance of Methodist Church, 189 W.Va. 1, 427 S.E.2d 236 (1993) (where charitable bequests were left to two hospitals, but one hospital ceased operations, the remaining hospital should receive defunct hospital's share) [citing statute]	1993	Yes	Illegal, impossible, or impractical
WI	Wisconsin Statute, § 710.10(2)(c) (re: uneconomic and small charitable trusts) (amended in 1993)	1993	"General intent" not mentioned in statute	Becomes uneconomic when principal and probable income, cost of administration and other relevant factors are considered, or in any event if the trust property is valued at less than \$50,000
WI	Wisconsin Statute, § 710.10(2)(a) (re: charitable trusts) (enacted 1969, amended 1971, 1991, 1993) [stating that the purpose of the statute is to broaden the power of the courts to make charitable gifts more effective, and that in any situation not expressly covered the courts shall liberally apply	1993	"General intent" not mentioned in statute	Impracticable, unlawful or impossible

**APPENDIX 1  
CY PRES DOCTRINE**

State	Statute/Case	Year	Requires General Intent	Standard
	the cy pres doctrine]			
WI	Petition of Downer Home, 67 Wis. 2d 55, 226 N.W.2d 444 (1975) (trustee's belief that trust left to benefit retired clergymen, their wives and invalids, would be better used to aid seminars for clergyman did not meet cy pres's requirement that compliance with trust terms be impossible or impracticable) [citing statute]	1975	Not discussed	Impossible, illegal, or impracticable
WI	In re Oshkosh Foundation, 61 Wis. 2d 432, 213 N.W.2d 54 (1973) (trustees believe that it is more useful and desirable to expand geographical limit (set to city limit) set by trust established to provide scholarships, but court holds that trust has not become impracticable to fulfill)	1973	Not discussed	Impossible, illegal, or impracticable (impracticable is not synonymous with unfair)
WI	In re Bletsch's Estate, 25 Wis. 2d 40, 130 N.W.2d 275 (1964) (gifts)	1964		
WY	Wyoming Statute § 4-10-414 (effective 7/1/03) (incorporates part A of Section 413 of the Uniform Trust Code, part B of the UTC is absent)	2003	No/assumed	illegal, impracticable, impossible, wasteful
WY	First National Bank and Trust Company of Wyoming v. Brimmer, 504 P.2d 1367 (Wy. 1973) (where income from trust was to be used to provide scholarships to University of Wyoming and Casper Community College, the court finds no general intent and impracticability to apply cy pres and allow trustees to provide scholarships to students to attend Laramie County Community College)	1973	Yes - looks at instrument	Not discussed