

Charitable Trust Created by the Will of the Late Kenneth Henry Champion

Notice is hereby given that the trustees of a charitable trust created by the will of the **Kenneth Henry Champion**, late of Christchurch, retired, now deceased, have filed an application in the High Court at Christchurch for approval of a scheme, under the provisions of Part III of the Charitable Trusts Act 1957, varying the terms of the will under which the deceased's residuary estate is held.

The application is to be heard in the High Court at Christchurch on 11 February 2019 at 11.45am.

Under the will, the residuary estate is to be held on trust by the trustees in perpetuity to use the income for the benefit of Shirley Boys' High School students in accordance with the following directions:

"(a) I direct that the Shirley Boys' High School and my Trustees follow the following guidelines in administering the Fund and financial assistance is preferably to be given to provide for the promotion of horticulture and similar activities and courses conducted by Shirley Boys' High School. The Fund could also enhance educational resources in the area of horticulture by providing suitable books, computer software and other relevant educational material. The Fund could also be available for payment of course fees, whether at Shirley Boys' High School or elsewhere that may assist and advance the students in horticulture and similar areas of study;

(b) the assistance referred to above may be extended to students who have studied those courses and have gone on to Tertiary education, such assistance to be at the discretion of the Trustees;

(c) on no account should the Trustees make any direct cash payments to Shirley Boys' High School or any students;

...

(e) should the Trustees desire to distribute the capital and any accumulated income at some future date (preferably not before 20 years has elapsed from my death) then it is my wish that the balance of the Fund be paid to The Bone Marrow Transplant Section at Christchurch Hospital or if that is not in existence to a similar Organisation engaged in research into kidney disorders, oncology and prostate cancer."

The application seeks approval of the scheme, substituting the relevant part of original clause 5 with the following:

"... to dispose of the residue presently held in the name of Champion Trust Fund ("the trust fund") as follows...

(i) to pay out of the trust fund the sum of \$80,000.00 to Shirley Boys' High School to establish a prize to be known as the Kenneth Henry Champion Prize for horticulture students ("the prize fund") to be held by the Shirley Boys' High School Board of Trustees ("the Board") in trust upon the following terms:

(a) the prize fund is to be held in perpetuity by the Board and invested in a separate interest bearing term deposit;

(b) the interest on the deposit is to be paid into the bank account of the Board on an annual basis to be used to fund the Kenneth Henry Champion Prize which is to be awarded each year for outstanding achievement in horticulture or a similar subject. Awards are to be made to one or more students in years 11, 12 and 13 for academic achievement, practical ability and diligence. The awards are to be used to finance the advancement of the future studies for the student in question in horticulture, either at Shirley Boys' High School, or, later, at a tertiary education institution; and

(c) any interest not utilised in any year is to be returned and invested in the separate interest bearing term deposit; and

(ii) to pay out of the trust fund the further sum of \$200,000.00 to Shirley Boys' High School ("the Facility fund") to be held by the Board in trust in perpetuity upon the following terms:

(a) the Facility fund is to be used to establish an horticultural facility to be known as the Kenneth Henry Champion Horticultural Facility ("the Facility");

(b) part of the above sum from the Facility fund is to be used to establish a permanent tunnel house, shade house and irrigation system for the propagation and cultivation of horticultural plants, with the intention that these buildings should augment the teaching of horticulture as part of a general science course for year 9 and 10 students and as a stand alone subject for students in years 11, 12 and 13;

(c) the Facility is to be established at the new site of the campus for Shirley Boys' High School, being Orua Paeroa, at the site of the park known as QEII Park; and

(d) the balance of the Facility fund is to be held for the purposes of maintaining the permanent tunnel house, shade house and irrigation system and to provide funds for the acquisition of suitable plants and accessories which are required for the Facility."

(iii) That should any of the trusts referred to in substituted clauses (i) or (ii) be unable to be implemented

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for any of the stated purposes and thereby fail, the funds relating to the trust or trusts which fail are to be used and applied by Shirley Boys' High School for the payment of course fees, whether at Shirley Boys' High School or elsewhere that may assist and advance the students or former students of Shirley Boys' High School in horticulture and similar areas of study, being a purpose specified in clause 5(a) of the will.

(iv) That should the trusts referred to in substituted clause (iii) be unable to be implemented for any of the stated purposes and thereby fail, the funds relating to the trusts are to be used and applied by Shirley Boys' High School for the purpose of assisting or advancing students in other areas of scientific study, if possible, in order to further horticultural endeavours.

(v) To pay out of the trust fund the sum of \$80,000.00 to The Bone Marrow Transplant Section at Christchurch Hospital."

Copies of the scheme and the report of the Attorney-General thereon may be inspected, free of charge, at the office of the Registrar of the High Court at Christchurch, or at the office of the solicitor for the trustees.

Any person desiring to oppose the above scheme must give written notice to the Registrar of the High Court at Christchurch, and the solicitor of the trustees, and the Attorney-General not less than seven clear days before the above-mentioned date of hearing.

The application is filed on behalf of the trustees by Roger Ben Sandford, formerly of Sandford Law and now of MDS Law. Address: 63 Mandeville Street, Riccarton, Christchurch. Phone: (03) 379 1930.

Documents for service on the trustees may be left at the above-mentioned address or may be:

- a. posted to the applicants at PO Box 185, Christchurch 8140; or
- b. transmitted to the applicants by email rogersandford@mdslaw.co.nz.