



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



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June 25, 2018

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the State of New Hampshire to sign the attached Disclaimer of Property Interest by State of New Hampshire, to decline a bequest by the Estate of Robert G. Banfield to the State of New Hampshire of all of his shares of stock of Turnkey Holding (sic) or Turnkey Holdings, Inc., reportedly a Delaware domiciled corporation owning Turnkey Landfill of Danbury, Inc. The Estate estimates the value of the shares to be \$0.00.

EXPLANATION

The Charitable Trust Unit of the Office of the Attorney General has instructed the Department of Environmental Services in the process of declining a gift bequeathed through probate process in Florida. The Office of the Attorney General has provided the attached document for the Secretary of State to sign for filing with the Circuit Court for the Collier County Florida Probate Division. This request is in accordance with those instructions.

Turnkey Landfill of Danbury, Inc. is the owner of record of the property on which a closed unlined landfill is located in Danbury, NH. Pursuant to the facility's solid waste permit issued by the Department of Environmental Services (DES -SW-SP-1975-001) and the New Hampshire Solid Waste Rules (Env-Sw 100 et seq.), the landfill owner is responsible for continuing post-closure monitoring and maintenance of the landfill, which has an ongoing cost.

The State of New Hampshire would receive no benefit from accepting the bequest of shares of Turnkey Holding(s), Inc. that would effectively require the State to become the responsible party liable for ongoing post-closure care of the landfill. The Department of Environmental Services is not budgeted to assume those costs; therefore, does not recommend assuming responsibility for the facility. The Department is requesting the Governor and Council to formally vote to disclaim the gift of the shares in order to notify the estate administrator and the Circuit Court for the Collier County Florida Probate Division of the bequest declination.

Respectfully,

Robert R. Scott
Commissioner

IN THE CIRCUIT COURT FOR
COLLIER COUNTY, FLORIDA
PROBATE DIVISION
File No. 2017CP0019870001/xx

**ESTATE OF ROBERT G. BANFIELD, A/K/A
ROBERT GREALY BANFIELD**

Disclaimer of Property Interest by State of New Hampshire

A Petition for Administration of the Robert G. Banfield Estate was filed with the Collier County, Florida, Probate Court by Eric D. Correira, Attorney for Martha A. Banfield.

The Last Will and Testament of Robert G. Banfield contains the following bequest:

"Article III. Turnkey Holding, Inc. If my brother, Patrick J. Banfield, survives me I give all shares of Turnkey Holding, Inc. which I may own at my death to Turnkey Holding, Inc.

If my brother, Patrick J. Banfield, does not survive me, I give to the State of New Hampshire any and all shares of Turnkey Holding, Inc., which I may hold at my death."

Patrick J. Banfield did not survive Robert G. Banfield.

Pursuant to the provisions of Florida Statute s. 739:104(1) the State of New Hampshire hereby disclaims the bequest made under Article III of the Last Will and Testament of Robert G. Banfield.

The provisions of NH RSA 4:8 Gifts to the State are as follows:

The governor of the State of New Hampshire is authorized to accept in the name of the state gifts of personal property made to the state or for the benefit of its inhabitants, and to execute such instruments as are necessary to carry out the terms and conditions of gifts in trust of personal property for the benefit of the inhabitants of the state.

By vote of the Governor and Executive Council of the State of New Hampshire on the ___ day of _____, 2018, a true copy of which vote is attached hereto, the State of New Hampshire disclaims the bequest of any and all shares of Turnkey Holding, Inc. owned by Robert G. Banfield at the time of his death.

STATE OF NEW HAMPSHIRE

Witness

By: Secretary of State

STATE OF NEW HAMPSHIRE
MERRIMACK, SS.

The foregoing Disclaimer of Property Interest was acknowledged before me this ___ day of January, 2018 by _____ Secretary of State _____ on behalf of the State of New Hampshire. He is personally known to me.

Notary Public