

CAINE, DERWENT HALL

MAROWN

PROBATE FORM No. 1

IN THE HIGH COURT OF JUSTICE OF THE ISLE OF MAN

COMMON LAW DIVISION TESTAMENTARY JURISDICTION

1972

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(a) Name, address, and occupation of Petitioner.

The Petition of (a) ISLE OF MAN BANK LIMITED of 2 Athol Street Douglas Isle of Man

SHEWETH as follows :-

(b) Name, address, and occupation of deceased.

1. (b) DERWENT HALL CAINE of Greeba Castle in the Parish of Marown in the Isle of Man Baronet

died on or about the 2nd day of December 1971 at Princess Margaret Hospital Nassau Bahamas leaving a will, dated the 16th day of October 1969

(c) with Codicil thereto dated (if applicable):

(c) with two Codicils thereto bearing date respectively the 21st day of December 1970 and the 15th day of March 1971

whereof he appointed Your Petitioner to be Executor for the purpose of administering all his real and personal estate other than what is thereafter directed in the said Will to be administered by the deceased's American Executor

2. The deceased was at the time of his death possessed of or entitled to personal estate in the Isle of Man.

WHEREFORE petitioner applies for a grant of Probate of the said Will of the deceased to Your Petitioner

[Signature] Advocate for Petitioner.

GENERAL REGISTRY,
ISLE OF MAN.

.....¹¹..... day of *February* 19*72*.....

The foregoing Petition having been lodged this day, the consideration of the same will be proceeded with on the¹⁶..... day of *February* 19*72*..... at 10.0 a.m.

W. Radcliffe
Chief Registrar.



PROBATUM EST

W. Kennedy
Chief Registrar.

16th February 19 72



IN HER MAJESTY'S HIGH COURT OF JUSTICE OF THE ISLE OF MAN
COMMON LAW DIVISION TESTAMENTARY JURISDICTION

BE IT KNOWN that DERWENT HALL CAINE of Greeba in the Parish of Marown Baronet who died on the 2nd day of December 1971 at Princess Margaret Hospital Nassau Bahamas made and duly executed his Last Will and Testament on the 16th day of October 1969 with two Codicils thereto dated the 21st day of December 1970 and the 15th day of March 1971 (hereto annexed) whereof he appointed Isle of Man Bank Limited Executor to administer all his real and personal estate other than what is directed in his said Will to be administered by his American Executor

AND BE IT FURTHER KNOWN that at the date hereunder written the said Will and two Codicils of the deceased was duly proved and registered in Her Majesty's High Court of Justice of the Isle of Man and that Administration of all the Estate which by law devolves to and vests in the personal representative of the said deceased save and except as aforesaid was granted by the aforesaid Court to ISLE OF MAN BANK LIMITED of 2 Athol Street in the Borough of Douglas the Executor named in the said Will save and except as aforesaid.

Dated at Douglas
this 16th day of February 1972

M. J. Keenmode

Chief Registrar
General Registry



W. C. Caine
A COMMISSIONER FOR OATHS

Alfred
Nominee of Executor

LAST WILL AND TESTAMENT

OF

DERWENT HALL CAINE

V2.

I, DERWENT HALL CAINE of Greeba in the Parish of Marown Baroquet, hereby revoke all testamentary dispositions heretofore made by me and declare this only to be my last Will which I make this Sixteenth day of October, One thousand nine hundred and sixty-nine.

I. I declare that I am domiciled and have my place of permanent residence in the Isle of Man.

II. I appoint ISLE OF MAN BANK LIMITED (hereinafter called "the Bank") to be my Executor and Trustee on the terms and conditions including the right to remuneration and the incidence thereof as set forth in the Bank's Trustee and Executorship Regulations in force at the date of entering on the Trusts and as if such terms and conditions were here set out and the said Bank to administer all my real and personal estate other than what is hereinafter directed to be administered by my American Executor.

III. I appoint DOYLE ROGERS (hereinafter called "my American Executor") of Alley, Maass, Rogers, Lindsay & Chauncey, Attorneys at Law, 321 Royal Poinciana Plaza, Palm Beach, Florida, to be the American Executor and Trustee of this my Will for any portion of the administration of my estate which is necessary in the State of Florida and

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I vest my American Executor in the State of Florida with full power and authority to marshal all assets located within the State and to sell, transfer and convey any property, real or personal, which I may own at the time of my death in Florida as my American Executor may determine and to do every other act or thing necessary or appropriate to assist the Bank to the complete administration of this my Will, specifically including the proper distribution to and receipt for legacies made herein to charitable institutions located within the United States of America, and I direct that my American Executor shall not be required to obtain a bond for the faithful performance of his duties.

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IV. If I die in the United States or the Bahamas, I direct my American Executor upon my death to have my remains placed in Hillcrest Memorial Cemetery, West Palm Beach, Florida, in the lot which I own adjacent to the grave of my deceased wife; however, if I die in any other location, then I direct the Bank to have my remains placed in my family burial plot at Maughold Churchyard.

V. I bequeath the following legacies free of duty:

- (1) TO DEEMSTER SYDNEY JAMES KNEALE the sum of £4000 (FOUR THOUSAND POUNDS);
- (2) TO the VICAR AND WARDENS OF MAUGHOLD the sum of £1000 (ONE THOUSAND POUNDS) UPON TRUST to invest the same in any investment for trust moneys with power to vary

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investments and to stand possessed of such legacy and the investments for the time being representing the same UPON TRUST to apply the annual income thereof for the general purposes of the Vicar and Wardens so long as the Vicar and Wardens shall provide for the putting and keeping in due order and proper repair the grave and monument at Maughold with its enclosure of my late father, SIR HALL CAINE, and my late mother, LADY HALL CAINE;

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- (4) TO my nephew, DEREK HALL CAINE, of Round Hill Road, Greenwich, Connecticut, the sum of £2000 (TWO THOUSAND POUNDS);
 - (5) TO my friend, DOYLE ROGERS, of Palm Beach, Florida, who was also a friend of my deceased wife, the sum of £2000 (TWO THOUSAND POUNDS);
 - (6) TO my niece, MARY COURTNEY BURR of Gnodhill Road, Wilton, Connecticut, the sum of £2000 (TWO THOUSAND POUNDS);
 - (7) TO my friends, MR. AND MRS. DESMOND NAISMITH of 108 Delmar Avenue, Costa Mesa, California, the sum of £1000 (ONE THOUSAND POUNDS) each;
 - (8) TO my friend, MISS JULIETTE NAISMITH, and her sister, MRS. JILL SCHUBERT SMITH, the sum of £500 (FIVE HUNDRED POUNDS) each;
 - (9) TO my friend, MRS. ELINE GILL of Greeba Towers, Isle of Man, the sum of £5000 (FIVE THOUSAND POUNDS);
 - (10) TO my friend, MR. NICK MELNECHUK of Nassau, N. P., Bahamas, the sum of £3000 (THREE THOUSAND POUNDS);

(10) TO my nephew, MR. MICHAEL APOSTOL of
1165 5th Avenue, New York, New York,
the sum of £750 (SEVEN HUNDRED FIFTY
POUNDS).

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VI. I bequeath to my nephew, DEREK HALL CAINE,
my gold watch and chain which formerly belonged to my late
father, SIR HALL CAINE.

VII. I bequeath unto THE TRUSTEES OF THE MANX
MUSEUM AND NATIONAL TRUST the original manuscripts of my
late father Sir Hall Caine's books and such interesting
letters to my late father from famous men of the past and
other similar papers of my father that are in my possession
and the same shall be used by the said Trustees for public
display in the Manx Museum Douglas under suitable protection.

VIII. I instruct the Bank to commission a sculptor
to create a bronze bust of my late father, SIR HALL CAINE,
to be placed at an appropriate location on the Promenade of
Douglas, Isle of Man. The Bank is authorized and directed
to spend such sum required for the commission not exceeding
£5000 (FIVE THOUSAND POUNDS).

IX. In memory of my beloved wife, YVONNE, who
now has predeceased me, I devise and bequeath the net
proceeds from the sale of my real estate property located
on Marlborough Street and George Street, Nassau, Bahamas,
also known as the French Building, to the following legatees
in equal shares:

A. St. Mary's Hospital, Inc., 900-49th Street,
West Palm Beach, Florida, U.S.A. for a

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project, building, department or other
appropriate facility which will bear the
title "In memory of Yvonne Hall Caine"

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B. American Cancer Society, Inc., 219 East
42nd Street, New York, New York, for
research in the causes, prevention and
treatment of cancer and such research
projects shall be entitled "In memory of
Yvonne Hall Caine".

In selling such property as aforesaid, the Bank
with the assistance of my American Executor shall undertake
to realize the maximum proceeds therefrom. It is not my
wish that this real property be liquidated as expeditiously
as possible if so doing would result in receiving less than
the fair market value for the property. I therefore
authorize the Bank to retain and manage such property for
a period of time not exceeding three (3) years following my
death in order to enable it to sell said property at its
reasonable fair market value, and during such period, the
Bank shall retain any and all income from said property
for the required expenses and proper maintenance of such
property and for the payment of any general expenses of my
estate.

X. I devise and bequeath all the rest and residue
of my real and personal estate (including any property in
respect of which I may have a general testamentary power of
appointment) other than what is hereinbefore specifically
directed to be distributed to certain legatees unto the Bank

UPON TRUST that the Bank shall sell the said real estate (including chattels real) and call in sell and convert into money such part of my personal estate as does not consist of money with power to postpone such sale and conversion for such period as the Bank without being liable to account may think proper. The Bank shall out of all money arising from the sale and conversion of my real and personal estate hereinbefore devised and bequeathed to them and out of my ready money and of all money remitted to it by my American Executor as aforesaid pay my funeral and testamentary expenses and my debts and shall also pay or provide for the legacies hereby bequeathed free of duty shall be paid primarily out of my personal estate. The Bank shall stand possessed of the residue of the said money UPON TRUST to pay the same unto such Isle of Man charitable institutions or such other Isle of Man Charities and if more than one of such institutions or charities in such proportions as the Bank (after seeking the advice of my old friend Deemster Sydney James Kneale, or if he predeceases me or is unable to act, then Mr. Cashin, Manager, Isle of Man Bank) may in its absolute discretion select and think proper and I declare that the receipt of the Treasurer or other proper officer for the time being of any such charity shall be an effectual discharge to the Bank in respect of any sum so allocated hereunder.

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IN WITNESS WHEREOF, I have hereunto set my hand

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and seal this the day, month and year first before written.

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Derwent Hall Caine (SEAL)
Derwent Hall Caine

SIGNED, SEALED, PUBLISHED and DECLARED by
DERWENT HALL CAINE, the above named Testator, as and for
his Last Will and Testament, and in our presence, and we,
at his request, in his presence, and in the presence of
each other have hereunto subscribed our names as witnesses
this 16th day of October, 1969.

Harold K. Stuenkel, Jr. residing at Palm Beach, Florida
W. H. Coughlin residing at Ocean Ridge, Florida
Sumner H. Miller residing at West Palm Beach, Fla.