

<b>PLANNED GIVING POLICIES AND GUIDELINES</b>
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**CHURCH OF THE PALMS – PRESBYTERIAN (U.S.A.), INC.**

**AND**

**THE FOUNDATION FOR THE CHURCH OF THE PALMS – PRESBYTERIAN (U.S.A.), INC.**

**PURPOSE**

The purposes for establishing the Planned Giving Policies and Guidelines for Church of the Palms - Presbyterian (USA), Inc. ("Church") and/or The Foundation for the Church of the Palms-Presbyterian (USA), Inc. (The Foundation"), are:

- To provide prospective donors with a clearer understanding of planned gifts, their values, purposes, and advantages; and
- To provide adequate guidelines for Church volunteers and staff who work in the Planned Giving area.

**POLICIES**

**Definition of Planned Giving**

“Planned Giving” is any gift arrangement created during the lifetime of a donor that provides benefits to the Church and/or The Foundation that are deferred until a future time, usually after the death of the donor and/or other income beneficiaries of the gift.

**Administration of Planned Gifts**

An undesignated (general purpose) Planned Gift of less than \$100,000 that is left to the Church by name will be administered and used by the Church as it deems prudent. Such undesignated Planned Gift, together with any earnings generated thereon will become part of the general operating funds of the Church. A Planned Gift to the Church (of any amount) for a designated purpose will be set aside as a designated fund on the Church financial records, to be administered and used by the Church for the charitable purpose designated by the donor. If a donor wants the Church, and not The Foundation, to receive and manage the entirety of an undesignated Planned Gift in excess of \$100,000.00, the Church must specifically be designated as the recipient and administrator of that undesignated Planned Gift.

Planned Gifts that are left to The Foundation (including that portion of an undesignated Planned Gift left to the Church that exceeds \$100,000) will be administered and invested by The Foundation. Such Planned Gifts, together with other donations and any earnings generated thereon will be invested and used for the purposes set forth in the Articles of Incorporation of The Foundation.

Generally, Planned Gifts to The Foundation are used to:

- Support mission benevolences,
- Fund capital improvements for the Church and its related facilities,
- Administer funds for other charitable purposes designated by donors related to the activities of the Church.

It is highly recommended to donors that Planned Giving to the Church or The Foundation be made without designations or restrictions as to the use of the funds. Factors influencing the acceptance of a Planned Gift may include, but are not limited to, the following: the nature of any restrictions or designations, the permanency of the gift, the administrative costs of managing the assets, the potential for actual or perceived conflict of interest, and consistency with mission, bylaws and policies of the Church and The Foundation.

It is the policy of the Church and The Foundation to promptly convert all gifts to cash. The Foundation will reinvest the cash it receives according to its current Investment Policy. If assets offered to either the Church or The Foundation are illiquid and cannot readily be sold, acceptance of the gift may depend on whether, in the judgment of the Church or The Foundation, a buyer is likely to be found within a reasonable time.

## **GUIDELINES**

### **GUIDELINE 1**

#### **Priority of the Donor's Interest/Conflict of Interest**

In all matters involving donors or prospective donors, the interests of the donor shall come before that of the Church or The Foundation. No program, trust agreement or commitment shall be urged upon any donor or prospective donor that shall knowingly benefit the Church or The Foundation at the expense of the donor's interest.

### **GUIDELINE 2**

#### **Confidentiality**

If requested by the donor, all information concerning the prospective donor or prospective donors, including names, names of beneficiaries, the amount of gifts, size of estates, and related matters, shall be kept confidential by the Church and The Foundation and their personnel unless permission is obtained in writing from the donor to release such information, or unless disclosure is required by law or court order.

If requested by the donor, any agreement presented to the Church or The Foundation for pre-approval of a Planned Gift will not contain the name of the donor or other beneficiaries.

If requested by the donor, any report of a Planned Gift will not disclose the name of the donor without the donor's approval, until the corpus of the Planned Gift is received.

### GUIDELINE 3

#### **Avoidance of Sales Pressure**

The Church and The Foundation shall exercise due caution against the use of any pressure sales techniques when meeting with prospective donors. The task of all personnel shall be to inform, serve, guide, or otherwise assist donors in fulfilling their philanthropic wishes, but never, under any circumstances, to pressure or unduly persuade.

Any compensated personnel employed by the Church and/or The Foundation to administer or promote Planned Giving shall be paid a salary or hourly wage, and not receive a commission.

### GUIDELINE 4

#### **Use of Legal and Tax Counsel**

When it deems appropriate, the Church and/or The Foundation may seek the advice of legal and/or accounting counsel in matters pertaining to any Planned Giving proposal.

Each prospective donor is strongly advised to seek the advice of independent legal and/or accounting counsel as to any and all aspects (particularly as to tax consequences) of the donor's Planned Giving Proposal.

### GUIDELINE 5

#### **Planned Giving Committee**

The Session of the Church, in coordination with The Foundation, shall annually nominate members of a Planned Giving Committee ("PG Committee"). Members of the PG Committee shall be knowledgeable about Planned Giving, and may have expertise in the area of estate planning, and/or in the following specialty areas including but not limited to: accounting, real estate, life insurance and annuities

### GUIDELINE 6

#### **When The Foundation is named as Trustee**

A Planned Gift may take the form of an irrevocable trust, of which there are many varieties. The trustee of the trust is named by the donor. The donor may wish to name The Foundation as a present or successor trustee. In such instances, the trust agreement and provisions must be approved by The Foundation before its execution. The Foundation may decline to serve as a trustee. If The Foundation serves as a trustee, it shall serve without compensation. If The Foundation serves as trustee, it may, but shall not be required to, engage the services of an agent, such as a bank, trust company, or investment firm for the administration and investment of such trust. Such agents are entitled to compensation. The Foundation will not serve as a trustee of a trust until the trust has become irrevocable.

## GUIDELINE 7

### **Deposit Agreements, Retirement Funds, Life Insurance, and Life Estate Gifts.**

If a donor creates a Planned Gift in the form of a financial account “in trust” for the Church or The Foundation (such as a Totten trust, “pay on death” account or “transfer on death account”), the donor retains the right to close the account at any time during the donor’s lifetime. Such a Planned Gift is not considered to be completed until the death of the donor.

If a donor creates a Planned Gift by naming the Church or The Foundation as the beneficiary of an insurance policy or retirement account (such as a 401K, IRA, or pension plan), the donor retains the right to close the account at any time during the donor’s lifetime. Such a Planned Gift is not considered to be completed until the death of the donor.

The naming of the Church or The Foundation as a beneficiary of an insurance program implies no obligations on the part of the Church or The Foundation

Subject to prior acceptance by The Foundation, a donor may transfer a remainder interest in real estate to The Foundation as a Planned Gift. The donor shall retain all responsibility for the real estate, including upkeep, real estate taxes and insurance, during the donor’s lifetime. No obligations shall rest upon The Foundation until after The Foundation receives fee simple title to the real estate.

### **Review and Amendment of These Policies and Guidelines**

The PG Committee will review these Policies and Guidelines annually. Amendments may be made by joint agreement of the Church and The Foundation.

Planned Giving Committee approved on July 16, 2013  
Administration & Finance approved on August 14, 2013  
Session approved on August 26, 2013  
COP Foundation approved on September 10, 2013

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