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Accompanying this manual are prototype materials formatted in Microsoft Word and PowerPoint for Windows, along with PDF files containing annual filing materials for certain states as referenced in Chapter 14. (For users of the print version of this manual, the materials are on a separate CD-ROM.) The Word and PowerPoint materials may be adapted, personalized, and reproduced for use by your institution. They are made available to you with the understanding that the authors are not engaged in the practice of law, nor in rendering legal or other professional advice. Accordingly, you are advised to have your own legal counsel review and approve the documents, including any modifications, before using them.

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Sample Resolution Establishing a Gift Annuity Program	resolution to establish.doc	5.23
Sample Charitable Gift Annuity Policies*	policies.doc	5.25
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Addendum to Annuity Agreement when Donor Accepts a Lower Rate	lower rate addendum.doc	5.43
Sample Letter Directing that Annuity Payments Be Made to a Revocable Living Trust	payments to RLT.doc	5.45
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Directory

Annuity Agreements File

The annuity agreements file (agreements-base.doc) contained among the prototype materials (which are on a separate CD-ROM for those using the print version of this manual) is formatted with each agreement as a new section. The easiest way to go to a particular agreement within the file is by use of the section number, a complete list of which is set out below. In Microsoft Word, click Edit, then Go To, then select Section and enter the applicable number.

If you wish to print a particular agreement, click File, then Print, then under Page Range select Pages and enter the applicable section number(s) you wish to print (e.g., s1, s5). You may also highlight a particular section for printing (or copying as a new document). When doing this, be sure to highlight through the ending section break, or the footers will not appear.

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ACKNOWLEDGMENTS

This manual has evolved over many years of concentration on gift annuities. Much of the material accrued from our practice of starting gift annuity programs, speaking at conferences, assisting charities in complying with state regulations, and responding to numerous donor situations.

The production of this 2011 updated and revised manual was truly a team effort of various individuals at PG Calc.

J. William Zook, Jr. researched and organized the often arcane state regulations pertaining to restrictions on the investment of gift annuity reserves, and he compiled forms for state reports and explained those reports in general. He also took primary responsibility for the chapters dealing with transferring various kinds of assets, meeting disclosure requirements, and providing tax information to donors. “Bill” has been our editor-in-chief, and his attention to detail and constructive suggestions for revisions have greatly improved the text.

Edith Matulka regularly helps charities comply with state regulations, which means becoming certified in some states and qualifying for an exemption in others. The chapters in the manual that describe state regulations regarding the issuance of gift annuities and state requirements for gift annuity agreements are largely her work. “Edie” has also been responsible for compiling a complete set of gift annuity agreements for practically every possible variation. She has contributed significantly to the chapter on marketing gift annuities.

Kathleen Goodfellow applied her computer knowledge, good judgment, and superb organizational skills to prepare this update of the manual. In addition to handling various layout and production details, she was responsible for all of the logistics pertaining to printing and production.

Besides the staff of PG Calc’s Seattle Office, I want to acknowledge in particular three persons who were technical reviewers of either the entire manual or sections of it during the year we first produced it.

David Newman of Mitchell Silberberg & Knupp in Los Angeles was given the daunting task of conducting a technical review of the entire manual. He and his associates did the review systematically and thoroughly, and they suggested a number of clarifications and technical corrections that have been incorporated in the text. I always marvel at the lucidity of David’s mind, and he is a friend from whom I continue to learn. David regularly responds to questions about updates of the manual.

Terry Simmons of Thompson & Knight in Dallas has been a valued friend and colleague in this field for a quarter century. Terry, more than anyone else, saved gift annuities for the charitable community. When they were seriously threatened by the class action lawsuit, it was Terry who led the successful effort to enact legislation that formed the basis for the dismissal of the lawsuit. Without his total commitment and political astuteness, gift annuity programs might have been so damaged that there would have been no cause to write this book. I am also indebted to Terry for his wise counsel on a number of technical issues discussed in the book.

Emil Kallina of Kallina and Associates, LLC in Baltimore combines an encyclopedic knowledge of the Code and Regulations with an in-depth understanding of the mathematics of planned giving. I asked him to review some of the more technical sections, and he did not stop with the citations but also checked the numbers. His quantitative mind is accompanied by a caring soul. I am grateful for his insightful comments.

In addition to the three reviewers, I want to thank the following four other persons who agreed to look at the manual before it was initially completed and comment on the work as a whole. Although these persons have not been asked to review or comment on updates, their initial review was most helpful.

André Donikian of Pentera, Inc., a close friend for the entire 34 years I have been in this business, whose generosity of spirit knows no bounds, and who has allowed me to expose his seminar participants to my thoughts on gift annuities through the years.

Conrad Teitell of the Philanthropy Tax Institute, who deserves the title, “Man of the Century in Planned Giving,” who has been mentor to thousands of us, and who not only teaches us but also helps us to see the humor in our work.

Tal Roberts formerly with the Baptist Foundation of Texas, who led the American Council on Gift Annuities with distinction for more than a decade, who guided the Council through its darkest days, who is a true friend, and always a gentleman.

Robert F. Sharpe, Jr. of the Robert F. Sharpe Company, one of the most influential leaders in the planned giving field, an innovator and strategic thinker who helps us see trends and how to respond to them.

I am indebted to these friends and associates. They have clearly improved the quality of the manual and made my work more fulfilling.

Finally, I want to acknowledge the many other readers of the manual, friends, and associates who have made helpful suggestions and asked questions that caused us to deal with new issues. During the course of the year we file your questions and suggestions and then respond to them in the next update. We appreciate the role you have played in contributing to the evolution of the manual, and we continue to welcome your feedback.

Frank Minton
Senior Advisor
PG Calc

FOREWORD

Some books need to be written, some books were meant to be written, and others fall in both categories. Such is the case with this manual.

Charitable gift annuities constitute one of the simplest and most popular planned giving techniques in use by American charities today. Whether large or small, once a charity has a bequest program in place, charitable gift annuities are almost invariably the next step in building a planned giving program. However, until now, comprehensive information on gift annuities—how to market them, how to break them into their component parts, how to illustrate them, how to apply the United States and Canadian income, gift and estate tax laws to them, how they are regulated by the various states, how to comply with that regulation and how to draft agreements to put gifts in place—has never been compiled in one place. Now, with this manual, that guidance is here in one volume. With this manual in hand, a charity can have an exceptional gift annuity program.

That such a comprehensive and practical manual would be prepared by Frank Minton is no surprise. Frank is the true renaissance man: he is mountain climber with a Ph.D. from the University of Chicago. He is a theologian, a philosopher, and a keen observer of human nature, and a friend to everyone who knows him.

I have known and worked with Frank Minton for almost 20 years. It is a great privilege to count him as one of my closest friends, and I can think of no one whom I respect more. His accomplishments exceed most people's career dreams. His distinguished career in institutional development started at Northwestern University and concluded at the University of Washington where he served as both Director of Planned Giving and as Executive Director of Development. But indefatigable Frank Minton could not stop. He then established his own one-person consulting firm, which has now grown to include a staff of five including two attorneys. He has become a consultant and advisor to charities across the country, and is in demand as a speaker on a wide range of topics.

In his spare time, Frank has played a major role in planned giving in Canada. Along with Lorna Somers, he is the author of *Planned Giving for Canadians*, the seminal book on planned gifts and their tax treatment under Canadian tax law. He has worked with Revenue Canada (Canada's version of the Internal Revenue Service), and for nine years has been director of a comprehensive planned and major gifts course for Canadian fund-raising professionals.

Frank continues to give his time without limit to planned giving. He literally went from the security of his salaried position at the University of Washington to the entrepreneurial world of planned giving advisor in the same year that he gave of himself wholeheartedly to serving as President of the National Committee on Planned Giving. Subsequent to that,

he wrote the Syllabus of Learning for the Planned Giving Professional promulgated by the National Committee on Planned Giving, has continued to serve as a Board member of the American Council on Gift Annuities, has done numerous research projects and surveys for both organizations, has chaired a national conference for each organization, and currently chairs the Ethics Committee of the National Committee on Planned Giving. During his tenure as president of that organization, he was instrumental in helping draft and then secure the adoption of the Model Standards of Practice for the Charitable Gift Planner.

Recently, he spearheaded the philanthropic community's efforts to work amicably with the National Association of Insurance Commissioners in promulgating model gift annuity regulation and model deregulation acts for consideration by the various state legislatures. The negotiations, which he conducted on behalf of all of us over a period of years, resulted in proposed legislation which, as the Acts are adopted by the various states, will substantially relieve the burdens of administration of gift annuity programs.

Frank is a gift planner, an academician, a teacher, an author, a mountaineer, and an adventurer. But more than anything, he has mastered the fine art of true friendship. If I metaphorically think of myself as dangling over one of the bottomless crevasses of life, there is no one that I would rather have holding the rope for me than Frank Minton. More often than we can count, and more times than most people know, he has held the rope for all of us in the charitable world. We owe him a debt of gratitude for all that he has done, and a new debt for this incredibly useful manual which he has produced for all of us.

Terry L. Simmons
Dallas, Texas
October 1999