CONTENTS AT A GLANCE

Detailed Table of Contents		
List of Figures		
Contents of Prototype Materials		
Acknowledgments		
Foreword		
Gift Annuities Overview Chapter 1: The American Council on Gift Annuities Chapter 2: Description & Tax Aspects Chapter 3: Gift Annuity Rates Chapter 4: Deduction Calculation & Payment Taxation		
Program Operation Chapter 5: Establishment & Administration of Program Chapter 6: Annuity Agreements Chapter 7: Transferring Assets & Executing Agreements Chapter 8: Disclosure Requirements Chapter 9: Tax Information for Donors Chapter 10: Reinsurance		
State Regulations —		
Chapter 11: Regulations Regarding Issuance of Gift Annuities Chapter 12: Agreement Requirements Chapter 13: Reserve Investment Regulations Chapter 14: Annual Filings		
Marketing —		
Chapter 15: Marketing Gift Annuities		
Applications Chapter 16: Possible Funding Assets Chapter 17: Gift Annuity Funded with Remainder Interest in a Residence Chapter 18: Flexible Deferred Annuities & Step Annuities Chapter 19: Commuted Annuities Chapter 20: Special Situations Chapter 21: Cross-border Annuities — Particularly from Canadian Donors Chapter 22: Best Practices		
Index		
Afterword		

DETAILED SUMMARY OF CONTENTS

List of Figures	XX
Contents of Prototype Materials	xxiv
Acknowledgments	xxviii
Foreword	xxxi
Gift Annuities Overview	
Chapter 1: The American Council on Gift Annuities	
History	
Purpose	2
Gift Annuity Rates	2
Lawsuit	2
Organization	3
Additional Information	3
Appendix 1: Charitable Gift Annuity Antitrust Relief Act of 1995	5
Appendix 2: Charitable Donation Antitrust Immunity Act of 1997	7
Chapter 2: Description & Tax Aspects	
Description of a Gift Annuity	
Immediate Gift Annuity	
Deferred Gift Annuity	2
Flexible Deferred Gift Annuity	4
Tax Aspects of Gift Annuities	4
Allowance of Charitable Deduction	4
Determination of the Charitable Deduction for Immediate Annuities	4
Determination of the Charitable Deduction for Deferred Annuities	5
Gifts Resulting in a Reduced Deduction	5
Taxation of Annuity Payments	6
Contribution of Cash	6
Contribution of Long-term Capital Gain Property	8
Choosing to Report Taxable Gain Immediately Rather than Ratably	9
Applicable Tax Rates	
Contribution of Ordinary Income Property	
Contribution of Mortgaged Property	12
Contribution of Depreciated Property	
Requirements to Qualify for Tax Exemption	
Assignment of Annuity Interest	
Gift and Estate Tax Implications	
Single-life Annuity; Donor Is the Annuitant	

Single-life Annuity; Donor Is Not the Annuitant	15
Two-life Annuity; Donor Is the First Annuitant,	47
Non-spouse Is the Successor Annuitant	16
Two-life Annuity; Non-spouse Is the First Annuitant, Donor Is the Successor Annuitant	16
Two-life Annuity; Donor Contributes His/Her Separate Property,	
Donor and Spouse Are Consecutive Annuitants	17
Joint and Survivor Annuity; Husband and Wife Contribute	
Jointly-owned or Community Property	18
Husband and Wife Contribute Jointly-owned or Community Property, But Only One Spouse Is the Annuitant	18
Joint and Survivor Annuity; Non-spouse Annuitants Contribute Jointly-owned Property	18
Joint and Survivor Annuity; One Spouse Is the Donor	
Two-life Annuity with Successive Annuitants; Donor Is Not One of the Annuitants	
When the Power of Revocation Should Be Exercisable	
Testamentary Gift Annuity	
Note Regarding Alien Spouses	
Revocation Language in Gift Annuity Agreements	
One Life; Donor Is Not the Annuitant, Immediate and Deferred	
Two Donor Annuitants; Joint and Survivor, Immediate and Deferred	
·	
Two Successive Annuitants; Donor Is the First Annuitant, Immediate and Deferred	
Two Successive Annuitants; Donor Is Not an Annuitant, Immediate and Deferred	
Income Tax Deduction When Power to Revoke Is Exercised	
Quick Guide for Inclusion of Revocation Language	
Same-sex Married Couples	
Appendix 1: How the CMFR Affects the Charitable Deduction	
Appendix 2: Taxation of Capital Gain Under Different Donor-Annuitant Combinations	
Appendix 3: Examples Showing Taxation Of Gift Annuity Payments In Different Situation	
Appendix 4: Revocation of Right to Gift Annuity Payments	39
Chapter 3: Gift Annuity Rates	
Assumptions Underlying ACGA Suggested Rates	1
Residuum	1
Life Expectancies	2
Other Actuarial Tables Affecting Gift Annuities	3
Expenses	4
Total Annual Returns	4
Returns on Gift Annuity Reserves	5
Reason for Assumed Return on the Investment of Gift Annuity Reserves	5
Lower Cap on Gift Annuity Rates	
Approval of a New Schedule of Gift Annuity Rates	
Good News from New York	

How Charities Actually Invest Gift Annuity Assets	7
Marketing Gift Annuities After the Recent Rate Increase	8
Comparison of Gift Annuity and Commercial Rates	
Gift Annuity Rates Are Gender Neutral	10
Recent Adjustments in Gift Annuity Rates	11
Analysis of Risk if a Charity Follows the ACGA Rates	12
Risk of Exceeding ACGA Rates	12
Effect of Timing of Returns on Projections	12
Value of a Gift Annuity to the Charity	14
Appendix 1: Life Expectancies Based on 2012 IAR Table as of 2023	21
Appendix 2: American Council on Gift Annuities ("ACGA") Suggested Gift Annuity Rates .	23
Appendix 3: Historical Assumed Total Returns—Immediate Gift Annuities	29
Appendix 4: Historical Gift Annuity Rates—Immediate Gift Annuities	31
Chapter 4: Deduction Calculation & Payment Taxation	
Immediate Charitable Gift Annuity, One Life—Completed Calculation	2
Immediate Charitable Gift Annuity, Two Lives—Completed Calculation	5
Explanation of Calculations for Immediate Charitable	
Gift Annuities—One Life and Two Lives	
Deferred Charitable Gift Annuity, One Life—Completed Calculation	
Deferred Charitable Gift Annuity, Two Lives—Completed Calculation	13
Explanation of Calculations for Deferred Charitable Gift Annuities—One Life and Two Lives	16
Program Operation ————————————————————————————————————	
Chapter 5: Establishment & Administration of Program	
Establishment of a Gift Annuity Program	1
Deciding Whether to Start a Gift Annuity Program	2
Financial Strength	2
Significant Donor Base	2
Staff Person(s) Assigned to Gift Annuity Program	2
Actions by the Board of the Charity	3
Actions by the Development Office of the Charity	4
Administration of a Gift Annuity Program	4
Execution of Documents	5
Signature Options	5
Recommendation	5
Multiple Donors	
Variance from Annuity Rate Schedule	
Disclosure of Information to Donor	7
Before the Gift Is Completed	
After the Gift Is Completed	8

information Provided to Administrator	
Payments to Annuitants	8
When to Send	8
Joint-and-Survivor Annuities	8
Revocable Living Trust Issues	9
Allowing the Charity to Keep the Payments	9
Delaying First Payment Until New Calendar Year	9
Prorating Final Payment	10
Payment of Incorrect Amount	10
Recommendation	11
Taxation of Payments	11
Annuities with an Annuity Starting Date in 1987 or after	11
Annuities with an Annuity Starting Date before 1987	12
Deferred Gift Annuities	12
Reporting Capital Gain When the Annuitant Is Someone Other Than the Donor	12
Withholding	13
Divorcing Annuitants	13
Missing Annuitants	14
Tax Reporting Requirements	14
State Reporting Requirements	16
Accounting Standards for Gift Annuities Recommended by the Financial Accounting	
Standards Board (FASB)	17
Investment of Gift Annuity Assets	20
State Requirements Regarding Investment of Reserves	21
Death of Annuitant	22
Notification	
Death of Sole Annuitant	22
Death of Annuitant Survived by a Successor Annuitant	22
Death of the Final Annuitant	22
Return of One or More Payments	22
Information Provided to the Donor's Personal Representative	23
Death Prior to End of Life Expectancy	23
Revising and Maintaining Records	24
Expenditure of Annuity Contributions	24
Making Payments When an Annuity Runs Dry	25
Possible solutions when a specific annuity runs dry	25
Possible solutions to implement before any annuities run dry	25
Appendix 1: Sample Resolution Establishing a Gift Annuity Program	27
Appendix 2: Sample Charitable Gift Annuity Policies	29
Appendix 3: Agreement Signed by Charity Only	31
Appendix 4: Gift Annuity Application Form	35
Appendix 5: Agreement Signed by Both Charity and Donor	37

Accepts a Lower Rate	. 71
Be Made to a Revocable Living Trust	43
Appendix 8: Sample Letter Regarding Funding a Gift Annuity with	
Assets in the Donor's Revocable Living Trust	45
Appendix 9: Sample Letter Instructing Charity to Retain Annuity Payments	47
Appendix 10: Sample Letter Regarding First Payment Deferral	49
Appendix 11: Sample Letter Alerting Annuitant(s) to Upcoming Change In Taxation of Annuity Payments	. 51
Appendix 12: Sample Letter Accompanying IRS Form 1099-R	53
Appendix 13: IRS Form 1099-R	55
Appendix 14: IRS Form 1096	59
Appendix 15: Sample Letter to Personal Representative Regarding Additional Deduction for Unrecovered Investment in Contract	. 61
Chapter 6: Annuity Agreements	
One Life—Donor is Annuitant	. 3
One Life—Donor is Annuitant (Payments are Deferred)	. 6
One Life—One of the Donors is the Annuitant, Funded with	
Jointly-owned or Community Property (Immediate Payments)	. 9
One Life—One of the Donors is the Annuitant, Funded with	40
Jointly-owned or Community Property (Payments are Deferred)	
One Life—Donor is Not the Annuitant (Immediate Payments)	
One Life—Donor is Not the Annuitant (Payments are Deferred)	. 18
One Life—Neither Donor is Annuitant, Funded with Jointly-owned	21
or Community Property (Immediate Payments)	. ∠ I
or Community Property (Payments are Deferred)	24
Two Lives—Joint and Survivor, Funded with Jointly-owned or	
Community Property (Immediate Payments)	27
Two Lives—Joint and Survivor, Funded with Jointly-owned or	
Community Property (Payments are Deferred)	31
Two Lives—Joint and Survivor, Funded with Donor's	
Separate Property (Immediate Payments)	35
Two Lives—Joint and Survivor, Funded with Donor's Separate Property	
(Payments are Deferred)	
Two Lives—Joint and Survivor, Donor is Not an Annuitant (Immediate Payments)	
Two Lives—Joint and Survivor, Donor is Not an Annuitant (Payments are Deferred)	.44
Two Lives—Joint and Survivor, Funded with Jointly-owned or Community Property, Donors are Not the Annuitants (Immediate Payments)	⊿7
Two Lives—Joint and Survivor, Funded with Jointly-owned or Community Property,	· -+ /
Donors are Not the Annuitants (Payments are Deferred)	51
Two Lives—Successive Interests, Donor is the First Annuitant (Immediate Payments)	

Iwo Lives—Successive Interests, Donor is the First Annuitant (Payments are Deferred)	58
Two Lives—Successive Interests, Donor is Not an Annuitant (Immediate Payments)	61
Two Lives—Successive Interests, Donor is Not an Annuitant (Payments are Deferred)	65
Two Lives—Successive Interests, Funded with Jointly-owned or	
Community Property, Both Donors are Annuitants (Immediate Payments)	69
Two Lives—Successive Interests, Funded with Jointly-owned or	
Community Property, Both Donors are Annuitants (Payments are Deferred)	73
Two Lives—Successive Interests, Funded with Jointly-owned or	
Community Property, One of the Donors is the First Annuitant.	
The Second Annuitant is a Non-Donor (Immediate Payments)	77
Two Lives—Successive Interests, Funded with Jointly-owned or Community Property,	
One of the Donors is the First Annuitant. The Second Annuitant is a Non-Donor. (Payments are Deferred)	01
Two Lives—Successive Interests, Funded with Jointly-owned or Community Property,	01
Neither Donor is an Annuitant (Immediate Payments)	85
Two Lives—Successive Interests, Funded with Jointly-owned or Community Property,	
Neither Donor is an Annuitant (Payments are Deferred)	90
Chapter 7: Transferring Assets & Executing Agreements	
Transferring Assets	1
Cash	1
Publicly-traded Securities	3
Restricted Securities	7
Closely Held Stock	8
Real Estate	8
Tangible Personal Property	9
Commercial Annuities	9
Savings Bonds	10
Retirement Funds	10
Life Insurance	11
Cryptocurrency	11
Executing Agreements	12
Who Signs What When	12
Electronic signatures	13
Donor Dies Before Agreement is Signed	13
When to Prepare the Agreement	14
What to Do If Assets Are Transferred on Two or More Different Days	14
Chapter 8: Disclosure Requirements	
State-imposed Requirements	
The Philanthropy Protection Act of 1995	1
Possible Additional Disclosure Requirements Attributable to the	
Gramm-Leach-Bliley Act	2

Privacy Laws	3
Appendix 1: Sample Gift Annuity Disclosure Statement	5
Appendix 2: Philanthropy Protection Act of 1995	7
Chapter 9: Tax Information for Donors	
Appendix 1: Cover Letter to Donor after Completion of Gift Annuity	
Appendix 2: Summary of Accounting and Tax Information	
Appendix 3: Applicable Federal Midterm Rate Election	
Appendix 4: Completed Summary of Accounting and Tax Information	
Chapter 10: Reinsurance	
Comparison of Benefits of Self-insuring and Reinsuring	
Assumptions	
Comments on Comparison Charts	
Advantages and Disadvantages of Reinsurance	
Advantages and Disadvantages of Self-insurance	
Cost of Reinsurance	
Selective Reinsurance	
Tax Implications of Reinsurance	
Reinsurance Contract with a Term-certain Option	
Effect of Reinsurance on Disclosure Requirements	
Effect of Reinsurance on Reserve Requirements	
Arkansas	
California	
Florida	
Hawaii	
Maryland	
New Hampshire	
New Jersey	
New York	
North Dakota	18
Oklahoma	18
Oregon	18
Pennsylvania	19
Tennessee	19
Washington	19
Administration of Reinsured Gift Annuities	19
Gift Annuity Agreement for Reinsured Gift Annuity	20
Marketing Reinsured Gift Annuities	20
Unbundling Gift Annuities	20
Reinsured Gift Annuity Combined with Life Insurance	21
Appendix: Gift Annuity Agreement with Reinsurance Paragraph	23

State Regulations -

Chapter 11: Regulations Regarding Issuance of Gift Annuities

Filing Required	1
Filing Not Required	1
When a Charity Must Comply with the Regulations of a Particular State	2
Potential Regulation of Gift Annuities Under Securities Law	3
Alabama	3
Alaska	5
Arizona	5
Arkansas	6
California	7
Colorado	8
Connecticut	8
Delaware	9
District of Columbia	9
Florida	9
Georgia	10
Hawaii	11
Idaho	12
Illinois	12
Indiana	12
lowa	
Kansas	13
Kentucky	13
Louisiana	
Maine	14
Maryland	14
Massachusetts	
Michigan	15
Minnesota	
Mississippi	
Missouri	16
Montana	16
Nebraska	
Nevada	17
New Hampshire	17
New Jersey	
New Mexico	19
New York	
North Carolina	
North Dakota	22

	Ohio	.22
	Oklahoma	.23
	Oregon	.23
	Pennsylvania	. 24
	Rhode Island	. 26
	South Carolina	. 26
	South Dakota	. 26
	Tennessee	. 26
	Texas	. 27
	Utah	. 28
	Vermont	. 28
	Virginia	. 29
	Washington	. 29
	West Virginia	
	Wisconsin	
	Wyoming	. 31
	Appendix 1: State Regulatory Categories	. 33
	Appendix 2: States by Regulatory Categories	. 35
	Appendix 3: Alabama Gift Annuity Disclosure Statement	
	Appendix 4: Arizona Gift Annuity Disclosure Statement	
LI	hapter 12: Agreement Requirements	
	Filing Agreements with the States	
	Requirements Incorporated in Base Agreements	
	Property Transferred—Payment Interval	
	Payment of Annuity	
	Age(s) and Sex of Annuitant(s)	
	Termination	
	Governing Law	
	Donor Signature	
	Signature Date Line	
	Form and Serial Numbers	
	Requirements Included Only in Specific State Agreements	
	Property Transferred	
	Payment Correction	4
	Reasonable Value of Benefits	
	Revocation Language	5
	Uses and Purposes of Gifts	
	State Specific Disclosure Language	6

Addendum—Variance from Annuity Rate Schedule	7
Jointly-owned or Community Property	7
Tax Credit—Montana and North Dakota	7
Appendix 1: State Agreement Requirements	11
Appendix 2: Form Numbers	15
Chapter 13: Reserve Investment Regulations	
Arkansas	3
California	
Investment Rules for Required Reserves	
Possible Exemption from Investment Restrictions	
Withdrawal of Money from the California Gift Annuity Trust Account	
Florida	
Hawaii	6
Maryland	7
New Hampshire	7
New Jersey	7
New York	7
Tennessee	8
Washington	8
Chapter 14: Annual Filings	
General Overview of State Requirements	
Non-gift annuity registrations	
Audits	3
State-by-State Requirements	
Alabama	3
Arkansas	3
California	4
Florida	5
Georgia	5
Hawaii	6
Maryland	6
New Hampshire	6
New Jersey	7
New York	7
North Dakota	8
Oklahoma	8
Tennessee	
Washington	9
Appendix: Arkansas Certification Form	

Marketing —

Chapter 15: Marketing Gift Annuities

Introduction	1
Value Proposition	2
Support for the program	2
How to Create an Effective Marketing Program	3
Establish the Objectives	3
Example Objectives	4
Tips for Developing Objectives	4
Considerations	5
Define the Strategy	6
The Gift Annuity Audience	
Immediate Gift Annuity Audience	7
Older Individuals Who Want the Security of Predictable Payments	7
Individuals of Any Age Who Want to Provide for Someone Else Who	is Older7
Individuals Who Want to Live in Their Home and Receive Life Payme	ents 8
Donors Interested in Establishing a "Virtual Endowment"	_
During Their Lifetimes	
Deferred Gift Annuity Audience	
Individuals Who Want to Establish a Supplemental Retirement Plan	9
Retired Individuals Who Want a Deduction Now But Do Not Need Payments until Later	9
Flexible Gift Annuity Audience	10
Individuals Who Want to Establish a Supplemental Retirement Plan But Are Unsure When They Will Retire	10
Commuted Gift Annuity Audience	10
Individuals Near or at Retirement Who Want to Fill a Gap in Income	·10
Individuals Who Would Like to Assist a Family Member with College	Expenses11
Messaging	
Messaging Themes	
Testimonials	
Lead Generation	12
Prospecting via data mining	13
Referrals	13
Execute the Tactics	13
The Four Ps of Marketing	
Marketing Techniques	
Execution Recommendations	

Marketing Strategies for an ACGA Rate Change	23
Strategies for communicating the rate changes	23
ACGA Rate Increase Self-Mailer Announcement	24
Communicating with existing CGA donors	25
Prospecting for gift annuitants	25
The bigger impact of a rate change	25
Marketing Gift Annuities After the Recent Rate Increase	25
Marketing Reinsured Gift Annuities	25
Using Gift Annuities in Blended Gifts	25
Gift Annuity Marketing Examples	28
Postcards	28
Print Newsletter	36
Self-Mailers	41
Letter Package - Personalized Illustration	48
Advertisements in an Organization's own Publications	49
Mailer Inserts	52
Email	54
Measure, Report, Refine	57
Measure	57
Report	57
Refine	59
Appendix 1: Inquiry Form	61
Appendix 2: Comparison of the Markets for Gift Annuities and	
Charitable Remainder Annuity Trusts	
Appendix 3: Comparison of the Markets for Gift Annuities and Pooled Income Funds	
Appendix 4: Emphasis on the Gift	67
Applications —	
Chapter 16: Possible Funding Assets	
Gift Annuity Funded with Real Estate	2
Strategies to Minimize Risk	2
Summary of Options	7
Other Risk Considerations	7
Excise Tax	7
Gift Annuity Funded with Mortgaged Real Estate	10
Gift Annuity Funded with Depreciated Real Estate	10
Other Payments for Property	14
Gift Annuity Funded with Tangible Personal Property	14

	Gift Annuity Funded with Gold and Silver	17
	Tax Implications of Contributing Gold and Silver Investments	17
	Gift Annuity Funded with a Life Insurance Policy	18
	Non-charitable Dispositions	18
	Charitable Gift	18
	Rev. Rul. 2020-5	20
	Alternative to Giving Policy	20
	Gift Annuity Funded with a Commercial Annuity	20
	Gift Annuity Funded with Savings Bonds	22
	Gift Annuity Funded with Retirement Plan Assets	23
	Lifetime Gift Annuity Funded with IRA Assets	23
	Other Ways to Make Lifetime Gifts Using Retirement Plan Assets	27
	Testamentary Gift Annuity Funded with Remaining IRA Assets	27
	Procedure	30
	Testamentary Gift Annuity Funded with Other Retirement Assets	30
	Gift Annuity as the Equivalent of a Stretch IRA	
	Gift Annuity in Connection with a Roth IRA Conversion	31
	Gift Annuity Funded with Closely-held Stock	31
	Gift Annuity Funded with a Partnership or LLC Interest	32
	Gift Annuity Funded with Assets Needed by the Charity	34
	Gift Annuity Funded with a Conservation Easement	34
	Gift Annuity Funded with Cryptocurrency	34
	Taxation of gifts of Cryptocurrencies	34
	Managing Risk to the Charity	36
	Gift Annuities Funded with Other Commodities, such as Crops	36
	Gift Annuity Funded with Assets in a Donor Advised Fund	37
	What to Report on Form 8282	37
	Appendix 1: Gift Annuity Agreement Funded with a QCD	39
	Appendix 2: Tax Info Summary	51
	Appendix 3: Private Letter Ruling 200230018	53
	Appendix 4: Sample Agreement for Testamentary Gift Annuity	
	Funded with IRA Assets	59
Ch	napter 17: Gift Annuity Funded with Remainder Interest in a Residence	
	Determination of Annuity Payments	1
	Determination of Income Tax Deduction	
	Taxation of Annuity Payments	
	Contribution Ceiling	
	Documentation Necessary to Complete Gift	
	Reasons for Caution	
	Gift Annuity Funded with a Portion of the Remainder Interest in a Personal Residence	

Preserving Flexibility	9
Using a Retained Life Estate to Fund a Gift Annuity	9
Appendix: Life Estate Contract for a Personal Residence	11
Chapter 18: Flexible Deferred Annuities & Step Annuities	
Flexible Deferred Annuities	1
Private Letter Ruling	2
Maximizing Flexibility	4
Who Can Elect the Payment Commencement Date?	5
Flexible Deferred Annuity as a Bequest Substitute	5
Step Annuities	6
How a Step Annuity Might Compare to a Charitable Remainder Unitrust	7
Documentation for the Step Annuity	9
Appendix 1: Promotional Article	11
Appendix 2: Sample Illustration	13
Appendix 3: Completed Gift Annuity Agreement	17
Appendix 4: Completed Summary of Accounting and Tax Information	23
Appendix 5: Sample Letter Prompting an Annuitant of a Flexible Deferred Annuity to Consider Whether He or She Is Ready to Have Payments Begin	25
Appendix 6: Sample Letter for Use by Annuitant When Electing Commencement Date	
Appendix 7: Specimen Flexible Deferred Annuity Agreements	29
One Life—Donor is the Annuitant	30
One Life—Donor is Not the Annuitant	34
Two Lives—Joint and Survivor, Funded with Jointly-owned or Community Property	38
Two Lives—Successive Interests, Donor is an Annuitant	
Two Lives—Successive Interests, Donor is Not an Annuitant	48
Appendix 8: Private Letter Ruling 9743054	53
Appendix 9: Tables Submitted with PLR Request in 1997	
Chapter 19: Commuted Annuities	
Description	1
Analysis	1
Effect of the CMFR on the Size of the Payments	2
Commuted Annuity for College Expenses	2
Advantages and Disadvantages	2
Generation-Skipping Transfer Tax	3
Annuity Payments to an Education Trust	3
Charitable Alternative to the College Annuity	
Description of a NIMCRUT	5
Defining Trust Accounting Income to Include Realized Capital Gain	5
Features of NIMCRUT Used for College Education	5

Comparison of College Annuity and College NIMCRUT	8
Advantages of College Annuity	8
Advantages of College NIMCRUT	8
Kiddie Tax	8
Commuted Annuity for Other Purposes	8
Term-of-Years Gift Annuity	10
Commuted Payment Gift Annuity vs. Term-Certain Charitable Remainder Annuity Trust.	10
Reasons for Caution	10
Appendix 1: Specimen Commuted Annuity Agreement	13
Appendix 2: Commutation Letter	19
Appendix 3: Completed Summary of Accounting and Tax Information	21
Chapter 20: Special Situations	
Deduction When the Sole or Last Annuitant Dies Prior to End of Life Expectancy	1
Determining the Deduction Amount	1
A Contrary Position	2
Deduction in the Case of Very Highly-appreciated Stock	2
Calculating the Deduction	2
Claiming the Deduction	5
Changing the Frequency of Annuity Payments	6
Less Frequent Payments	6
More Frequent Payments	6
Timing of Payments	7
Taxation of Payments	8
Contributing the Right to Annuity Payments to the Charity	8
The Amount of the Gift	
The Amount of the Charitable Deduction	10
Pre-1987 Gift Annuities	10
Contribution Limitation	12
Assignment of the Annuity Interest of a Flexible Deferred Gift Annuity	13
Cash-out of a Gift Annuity	14
Contributing the Income Interest in a Charitable Remainder Trust for a Gift Annuity	16
Private Letter Ruling Authorizing the Exchange	16
Determination of the Gift Annuity Payments	16
Choosing the Annuity Rate	16
Allowance of an Income Tax Deduction	17
Allowance of a Gift Tax Deduction	17
Recognition of Capital Gain	17
Taxation of Annuity Payments	17
Procedure	
Multiple Trust Beneficiaries	18
Contributing the Income Interest in a Pooled Income Fund for a Gift Annuity	21

	Assigning an Annuity Interest to the Charity in Exchange for a New Annuity	21
	Testamentary Gift Annuity	22
	Immediate Annuity Funded with a Specific Sum or with the Residuary Estate	22
	Immediate Annuity, Payments of a Specific Amount	25
	Date the Obligation to Make Payments Begins	25
	Distribution in Kind	
	Deferred Annuity Funded with a Specific Sum or with the Residuary Estate	26
	Determination of Charitable Deduction	26
	Testamentary Gift Annuity Funded with IRA Assets	26
	Gift Annuity to Benefit More than One Charity	26
	Gift Annuity Issued by One Charity to Benefit Another	27
	Assigning Liability for Existing Annuities to Another Charity	
	Contribution of Both Appreciated and Depreciated Securities	
	Contribution of Appreciated Securities and Cash	
	Gift Annuity to Benefit an Employee	
	Effect of a Gift Annuity on Medicaid Eligibility	
	Payments from a Gift Annuity to a Special Needs Trust	
	Qualifying a Gift Annuity for Matching Funds	
	Gift Annuity Combined with Outright Gifts — Variation One	
	Gift Annuity Combined with Outright Gifts — Variation Two	
	Gift Annuity Combined with a Charitable Remainder Unitrust	
	Divorcing Annuitants	38
	Gift Annuity in Lieu of a Bequest	39
	Appendix 1: IRS Form 1040 Schedule A	41
	Appendix 2: IRS Form 1040 Schedule A, Line 16 Instructions	43
	Appendix 3: Publication 529 Excerpt—Unrecovered Investment in Annuity	45
	Appendix 4: Assigning an Annuity Interest to the Charity	47
	Appendix 5: Sample Letter: Cashing Out a Gift Annuity	49
C	anton 21. Cross borden Annuities - Deuticularly Even Canadian Denove	
CI	napter 21: Cross-border Annuities — Particularly From Canadian Donors	
	Rules Regarding Gift Annuities	
	Canadian Gift Annuity Rates	
	Donation Receipt	
	Obtaining Premium Quotations	
	Taxation of Payments	
	Life Expectancies	
	Deferred Annuities	
	Taxable Gifts	
	Testamentary Gift Annuities	
	Contributions by Canadians to American Charities for Gift Annuities	
	Allowance of Tax Credit in General	
	Donation Receipt Issued by an American Charity	7

Authority and Tax Consequences	0
Reporting and Withholding	9
Canadian as Successor Annuitant	10
Gift Annuity Agreement and Currency	10
Contribution of Appreciated Assets	10
U.S. Citizen Who Is a Resident of Canada	
Gifts of Canadian Property Owned by Americans	12
Annuity 2000 Mortality Tables Life Expectancies	12
Gift Annuities for Donors from a U.S. Territory	
Gift Annuities for Donors from Other Countries	
Possible Applicability of the USA PATRIOT Act	13
Appendix 1: Donation Receipt	
Appendix 2: CRA Form T4A	
Appendix 3: IRS Form 1042	
Appendix 4: IRS Form 1042-S	
Appendix 5: IRS Form 1042-T	
Appendix 6: IRS Form W-8BEN	
Appendix 7: Annuity 2000 Tables Life Expectancies - Male and Female	
Appendix 8: Annuity 2000 Tables Life Expectancies—Two Lives, Ages 60-90	29
Chapter 22: Best Practices	
Best Practices When Issuing a Gift Annuity	1
Pre-Gift Planning	
Policies Governing the Gift Annuity Program	
Compliance with Applicable State Regulatory Requirements	
Communicate Roles and Responsibilities with Other Departments	
Obtain Software, or a Third-party Provider, to Generate Gift Annuity Illustrations	
and Agreements	3
Prepare Prototype Documents	
Securing the Gift	
Disclosure of Information to Donor	
Preparing the Gift Annuity Agreement	
When to Prepare the Agreement	
Gift Date	
Gift Amount	5
Donor/Annuitant Biographical information	5
Annuity Rate	6
Proof of Annuitant's Age	6
Determining the Donor(s)	6
Annuitant is not the Donor	7
Gift Tax	7
Capital Gains Tax	7

CMFR Choice	7
Obtaining Cost Basis	7
Payment Frequency and First Payment Date	8
How Will the Residuum be Used?	8
Signing the Agreement and Acknowledging the Gift	8
Stewarding the Gift	9
Make the Process Seamless	
Make Accurate, On-time Payments	9
Send Accurate, On-time 1099-R Tax Forms	9
Maintain Contact with Annuitants	9
Best Practices in Mitigating Risk	10
Gift Annuity Rates	11
Meeting the Assumptions	11
Impact of Exceeding ACGA Rates	12
Policies Regarding Annuitant Age and Contribution Amount	12
Investment Returns/Expenses	
Marketing Gift Annuities Consistently	15
Tracking Individual Market Values	
Evaluating a Gift Annuity Program	17
Measuring the Profitability of a Gift Annuity Program	17
Projecting Distributions from Existing Gift Annuities	18
Constant-Net-Return Model	18
Monte Carlo Model	19
The Value of Using Multiple Models	19
Appendix: Gift Annuity Administration Tasks Calendar	

Index

Afterword

LIST OF FIGURES

Chapter 1: The American Council on Gift Annuities	
None	
Chapter 2: Description & Tax Aspects	
Figure 2.1: Charitable Gift Annuity Description	2
Figure 2.2: Determining Future Payments from a Deferred Gift Annuity	
Figure 2.3: Gift Resulting in a Reduced Deduction	
Figure 2.4: Contribution of Cash	
Figure 2.5: Contribution of Capital Gain Property	
Figure 2.6: Contribution of Mortgaged Property	
Figure 2.7: Quick Guide for Inclusion of Revocation Language2	6
Chapter 3: Gift Annuity Rates	
Figure 3.1: Compare After-tax Cash Flow from Gift Annuity v. Fixed-Income Investment	9
Figure 3.2: Comparison of ACGA Rates and Commercial Rates in 2020 and 2021	C
Figure 3.3: Table comparing ACGA Rates and Commercial Rates	
Figure 3.4: Graph comparing ACGA Rates and Commercial Rates	
Figure 3.5: Changes in ACGA Single-Life Annuity Rates, 2010 - 2021	
Figure 3.6: Changes in ACGA Two-Life Annuity Rates, 2010 - 2021	
Figure 3.7: Analysis of Risk (Immediate Annuities)	
Figure 3.9: Effect of Timing on Projected Residuum Remaining for Charity	
Figure 3.10: Hypothetical Projected Residua for Annuitants of Differing Ages	
Chapter 4: Deduction Calculation & Payment Taxations None	
Chapter 5: Establishment & Administration of Program	
Figure 5.1: Sample Accounting Entries for a Particular Gift Annuity	ç
Chapter 6: Annuity Agreements None	
Chapter 7: Transferring assets & Executing Agreements None	
Chapter 8: Disclosure Requirements None	
Chapter 9: Tax Information for Donors None	

Chapter 10: Reinsurance	
Figure 10.1: Investment Performance Over the Past Four Years per 2017 ACGA Survey	3
Figure 10.2: Investment Performance Over the Past Ten Years per 2017 ACGA Survey	3
Figure 10.3: Projected Residuum, Reinsurance v. Self-insurance,	
Male Annuitant, Age 65	5
Figure 10.4: Projected Residuum, Reinsurance v. Self-insurance,	
Female Annuitant, Age 65	6
Figure 10.5: Projected Residuum, Reinsurance v. Self-insurance,	_
Male Annuitant, Age 75	/
Figure 10.6: Projected Residuum, Reinsurance v. Self-insurance,	o
Female Annuitant, Age 75.	0
Figure 10.7: Projected Residuum, Reinsurance v. Self-insurance, Male Annuitant, Age 85	q
Figure 10.8: Projected Residuum, Reinsurance v. Self-insurance,	/
Female Annuitant, Age 85	10
Figure 10.9: Cost of Reinsurance 2022	
Figure 10.10: Cost of Reinsurance 2023	
Figure 10.11: Tax Implications of Reinsurance	
Chapter 11: Regulations Regarding Issuance of Gift Annuities	
None	
Chapter 12: Agreement Requirements	
None	
Chapter 13: Pecerya Investment Populations	
Chapter 13: Reserve Investment Regulations	2
Figure 13.1: Overview of AR, CA, and FL Gift Annuity Reserve Fund Investment Criteria .	2
Chapter 14: Annual Filings	
Figure 14.1: Summary of State Gift Annuity Annual Filing Requirements	2
Chapter 15: Marketing Gift Annuities	
	,
Figure 15.1: Gift Annuity Profile from 2017 and 2021 ACGA Surveys	0
Chapter 16: Possible Funding Assets	
Figure 16.1: Gift Annuity Funded with Real Estate	8
Figure 16.2: Gift Annuity Funded with Mortgaged Real Estate	11
Figure 16.3: Gift Annuity Funded with Depreciated Real Estate	15
Figure 16.4: Gift Annuity Funded with Tangible Personal Property	16
Figure 16.5: Gift Annuity Funded with ETF Shares	19
Figure 16.6: Gift Annuity Funded with a Life Insurance Policy	21
Figure 16.7: Gift Annuity Funded with a Life Insurance Policy with a Loan Outstanding	23
Figure 16.8: Gift Annuity Funded with a Commercial Annuity	24
Figure 16.9: Gift Annuity Funded with Savings Bonds	25
Figure 16.10: Lifetime Gift Annuity Funded with IRA Assets	28

	Figure 16.11: Testamentary Gift Annuity Funded with IRA Assets	
	Figure 16.12: Gift Annuity Funded with S Corporation Stock	
		. 33
Chap	ter 17: Gift Annuity Funded with Remainder Interest in a Residence	
	Figure 17.1: Risk to the Charity When It Issues a Gift Annuity in Exchange for the Remainde	
	Interest in a Personal Residence	
	Figure 17.2: Contributing a Remainder Interest in a Residence for a Gift Annuity	ɔ
	Figure 17.3: Flexible Deferred Gift Annuity Funded with the Remainder Interest in a Personal Residence	10
CI		
Chap	ter 18: Flexible Deferred Annuities & Step Annuities	
	Figure 18.1: Flexible Deferred Gift Annuity	
	Figure 18.2: Step Annuity	
	Figure 18.3: Super Flexible Deferred Gift Annuity	8
Chap	ter 19: Commuted Annuities	
	Figure 19.1: Commuted Gift Annuity for College Expenses	4
	Figure 19.2: College NIMCRUT	6
	Figure 19.3: Commuted Gift Annuity for Older Donor/Annuitant	9
Chap	ter 20: Special Situations	
•	Figure 20.1: Determining the Deduction Amount When Death Occurs Before Investment in t	he
	Contract Fully Returned	
	Figure 20.2: Analysis If Final Payment Occurs in the Year during Which Return of the	
	Investment in the Contract Is Completed	
	Figure 20.3: Agreement Wording for Changing to Less Frequent Payments	6
	Figure 20.4: Methodology for Calculating Annuity Amount When Payment Frequency Changes	7
	Figure 20.5: Agreement Wording for Changing to More Frequent Payments	
	Figure 20.6: Effect of Change of Payment Frequency on Taxation of Payments	
	Figure 20.7: Calculating the Deduction When an Annuity Interest Is Assigned	
	Figure 20.8: Gift Annuity Cash-out — One Annuitant	
	Figure 20.9: Gift Annuity Funded with Income Interest from an	
	Underperforming NIMCRUT	. 19
	Figure 20.10: Possible Solutions when Unitrust is Shrinking Because Payout Rate	
	Is Too High	
	Figure 20.11: Conversion of Pooled Income Fund Interest to a Gift Annuity	
	Figure 20.12: Exchanging One Gift Annuity for Another	
	Figure 20.13: Gift Annuity Funded With Capital Gain and Capital Loss Stock	
	Figure 20.14: Gift Annuity Funded With Both Appreciated Stock and Cash	
	Figure 20.15: Gift Annuity to Benefit an Employee	. 33 36
	FIGURE AT ID ATHLETY FOR A MALEHOUSE	10

Chapter 21:Cross-border Annuities — Particularly From Canadian Donors	
Figure 21.1: Determination of Age	2
Figure 21.2: Calculation of Donation Receipt—Contrasting Methodologies	3
Figure 21.3: Calculation of Donation Receipt and Taxation of Payments—One Life	5
Figure 21.4: Calculation of Donation Receipt and Taxation of Payments—Two Lives	6
Figure 21.5: Taxation of Gain When Appreciated, Listed Securities are Contributed	
for a Gift Annuity	11
Chapter 22: Best Practices	
None	

CONTENTS OF PROTOTYPE MATERIALS

Accompanying this manual are prototype materials formatted in Microsoft Word 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, a link to the prototype materials appears in the Update Summary and Instructions sheet included with each update.) 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.

Document		hapter & ge Number
Directory to Annuity Agreements	agreements-directory.docx	xxvi
Deduction Calculation Worksheets	deduction calculations.docx	4.2 & 4.11
Sample Resolution Establishing a Gift Annuity Program	resolution to establish.docx	5.27
Sample Charitable Gift Annuity Policies	policies.docx	5.29
Gift Annuity Application Form	application form.docx	5.35
Addendum to Annuity Agreement when Donor Accepts a Lower Rate	lower rate addendum.docx	5.41
Sample Letter Directing that Annuity Payments Be Made to a Revocable Living Trust	payments to RLT.docx	5.43
Sample Letter Regarding Funding a Gift Annuity with Assets in the Donor's Revocable Living Trust	CGA funded via RLT.docx	5.45
Sample Letter Instructing Charity to Retain Annuity Payments	payments to charity.docx	5.47
Sample Letter Regarding First Payment Deferral	first payment deferral.docx	5.49
Sample Letter Alerting Annuitant(s) to Upcoming Change in Taxation of Annuity Payments	annuity becoming taxable.doc	x 5.51
Sample Letter Accompanying IRS Form 1099-R	1099-R letter.docx	5.53
Sample Letter to Personal Representative Regarding Additional Deduction for Unrecovered Investment in Contract	unrecovered inv in contract letter.docx	5.61
Gift Annuity Agreements – Immediate & Deferred	agreements-base.docx	6.3
Sample Gift Annuity Disclosure Statement	disclosure statement.docx	8.5
Tax Information for Donors		
Cover Letter to Donor after Completion of Gift Annuity	tax-cover letter.docx	9.3
Summary of Accounting and Tax Information	tax-info summary.docx	9.5

Document		apter & e Number
Tax Information for Donors (continued)		
Applicable Federal Midterm Rate Election	tax-CMFR election.docx	9.11
Other Documents		
Gift Annuity Agreement with Reinsurance Paragraph	agreement-reinsurance.docx	10.23
State Specific Disclosure Language	disclosure-states.docx	11.4
Alabama Gift Annuity Disclosure Statement	AL-disclosure.docx	11.37
Arizona Gift Annuity Disclosure Statement	AZ-disclosure.docx	11.39
Arkansas Investment Certification	AR-certification.docx	14.11
Inquiry Form	inquiry form - cga.docx	15.61
Gift Annuity Funded with Retirement Assets		
Gift Annuity Agreements - Funded with a QCD	QCD agreements.docx	16.39
Summary of Accounting and Tax Information	tax-info summary.QCD.docx	16.51
Sample Agreement for Testamentary Gift Annuity Funded with IRA Assets	agreement-IRA.docx	16.59
Flexible Deferred Annuity		
Promotional Article	flex-article.docx	18.11
Sample Letter Prompting an Annuitant of a Flexible Deferred Annuity to Consider Whether He or She Is Ready to Have Payments Begin	flex dga-check-in letter.docx	18.25
Sample Letter for Use by Annuitant When		
Electing Commencement Date	flex dga-election letter.docx	18.27
Flexible Deferred Annuity Agreements	flex dga-agreements.docx	18.30
Commuted Annuity		
Commuted Annuity Agreement	commuted-ann-agreement.doc	ex 19.13
Commutation Letter – Commuted Annuity	commuted-ann-commutation.c	locx 19.19
Early Termination of Annuity		
Assigning an Annuity Interest to Charity	Assignment-CGA interest.doc	x 20.47
Cashing out a CGA	Cash out-CGA interest.docx	20.49

Directory

Annuity Agreements File

The annuity agreements (agreements-base.docx), New York annuity agreements (NY agreements.docx), flexible deferred annuity agreements (flex dga-agreements.docx), and New York flexible deferred annuity agreements (NY flex dga-agreements.docx) files contained among the prototype materials are 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 Find, then Go To, then select Section and enter the applicable number.

If you wish to print a particular agreement, click File, then Print, then in the Pages field 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.

	Section
One Life – Donor is the Annuitant	1
One Life – Donor is the Annuitant (Payments are Deferred)	2
One Life – One of the Donors is an Annuitant, Funded with Jointly-owned or Community Property	3
One Life – One of the Donors is an Annuitant, Funded with Jointly-owned or Community Property (Payments are Deferred)	4
One Life – Donor is Not the Annuitant	5
One Life – Donor is Not the Annuitant (Payments are Deferred)	6
One Life — Neither Donor is an Annuitant, Funded with Jointly-owned or Community Property	7
One Life – Neither Donor is an Annuitant, Funded with Jointly-owned or Community Property (Payments are Deferred)	8
Two Lives — Joint and Survivor, Funded with Jointly-owned or Community Property	9
Two Lives — Joint and Survivor, Funded with Jointly-owned or Community Property (Payments are Deferred)	10
Two Lives – Joint and Survivor, Funded with Donor's Separate Property	11
Two Lives — Joint and Survivor, Funded with Donor's Separate Property (Payments are Deferred)	12
Two Lives – Joint and Survivor, Donor is Not an Annuitant	13
Two Lives — Joint and Survivor, Donor is Not an Annuitant (Payments are Deferred)	14

	Section
Two Lives – Joint and Survivor, Funded with Jointly-owned or Community Property, Donors are Not the Annuitants	15
Two Lives – Joint and Survivor, Funded with Jointly-owned or Community Property, Donors are Not the Annuitants (Payments are Deferred)	16
Two Lives – Successive Interests, Donor is the First Annuitant	17
Two Lives — Successive Interests, Donor is the First Annuitant (Payments are Deferred)	18
Two Lives – Successive Interests, Donor is Not an Annuitant	19
Two Lives — Successive Interests, Donor is Not an Annuitant (Payments are Deferred)	20
Two Lives – Successive Interests, Funded with Jointly-owned or Community Property, Both Donors are Annuitants	21
Two Lives — Successive Interests, Funded with Jointly-owned or Community Property, Both Donors are Annuitants (Payments are Deferred)	22
Two Lives — Successive Interests, Funded with Jointly-owned or Community Property, One of the Donors is the First Annuitant, the Second Annuitant is a Non-Donor.	23
Two Lives — Successive Interests, Funded with Jointly-owned or Community Property, One of the Donors is the First Annuitant, the Second Annuitant is a Non-Donor (Payments are Deferred)	24
Two Lives – Successive Interests, Funded with Jointly-owned or Community Property, Neither Donor is an Annuitant	25
Two Lives – Successive Interests, Funded with Jointly-owned or Community Property, Neither Donor is an Annuitant (Payments are Deferred)	26