

THE STEWARDSHIP INSTITUTE

Family Foundation Workshop Guide Book



The Journey...

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BUILDING FOUNDATIONS FOR FAMILIES



Notes:

*"We make a living by what we get,
but we make a life by what we give."*

-Winston Churchill



Preface

Everyone can be great, because everyone can serve.

– Martin Luther King, Jr.

T

he opportunity to serve is an honor and a privilege. It provides an individual with unprecedented opportunity to bring leadership and knowledge to the family and community at large. The Stewardship Institute's educational program is a fundamental tool in helping a family realize its potential through a Foundation. This educational program was developed with the intent to provide accurate instruction and guidance on the basics of establishing a Family Foundation.

W.K KELLOGG FOUNDATION

The untapped potential of America's families to further address community needs is astounding.

–William Richardson Chairman and CEO

In providing this information it is proper to say that in nearly every instance the information touching on education, administration and legality of the family foundation have been taken from official publications and references including the Internal Revenue Code. In this day and age, the topic private

Family Foundation is particularly timely. There is projected over the next two decades an immense intergenerational transfer of wealth. This transfer of wealth has been estimated to be anywhere from 10 to 15 trillion dollars. Many families are concerned as to how this transfer will affect them and their posterity. Answers to these and other concerns will be addressed.

Estate planning is typically divided into three areas; ***Financial independence, legacy and social capital***. Each of these areas is a step toward an overall estate plan. We will look at accomplishing all three steps simultaneously for maximum results.

In this workshop today:

- You will discover and identify your family's values, convictions and objectives as they relate to wealth.
 - You will be able to express those values and objectives in a clearly written mission statement for the family and the foundation.
 - You will learn how to use the mission statement to direct the planning, growth and future of the family foundation.
 - You will learn a proven process for wealth building through the understanding of stewardship and social capital and therein
-

"Doing Well"...by "Doing Good"

- You will establish and create the documents necessary for creation and exempt status.

Your challenge will be to embrace this inspiring opportunity Thinking about how your Family Foundation will begin its journey of giving. There's no telling how far you and your family will journey in *leaving a lasting legacy*.

The Stewardship Institute

Rick Scott, Trustee

The Challenge



*To _____ to a place where
once _____ arrive it is
well _____ the trip.*

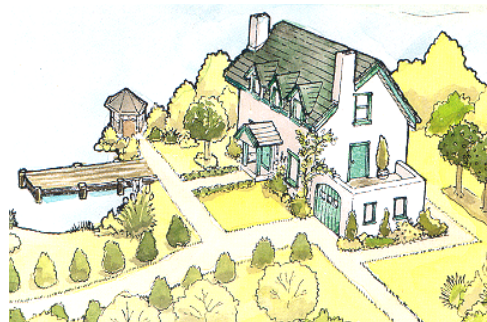
Notes:

*"If you are active and prosperous
or young or in good health,*

*it may be easier for you
to augment your means
than to diminish your wants.
But if you are wise,
you will do both at the same time,
young or old, rich or poor, sick or well;
and if you are wise you will do both
in such a way as to augment the
general happiness of society."*

- Benjamin Franklin

The Opportunity



_____ *are the*
_____ *underlying* _____
_____ *in* _____ *area.*

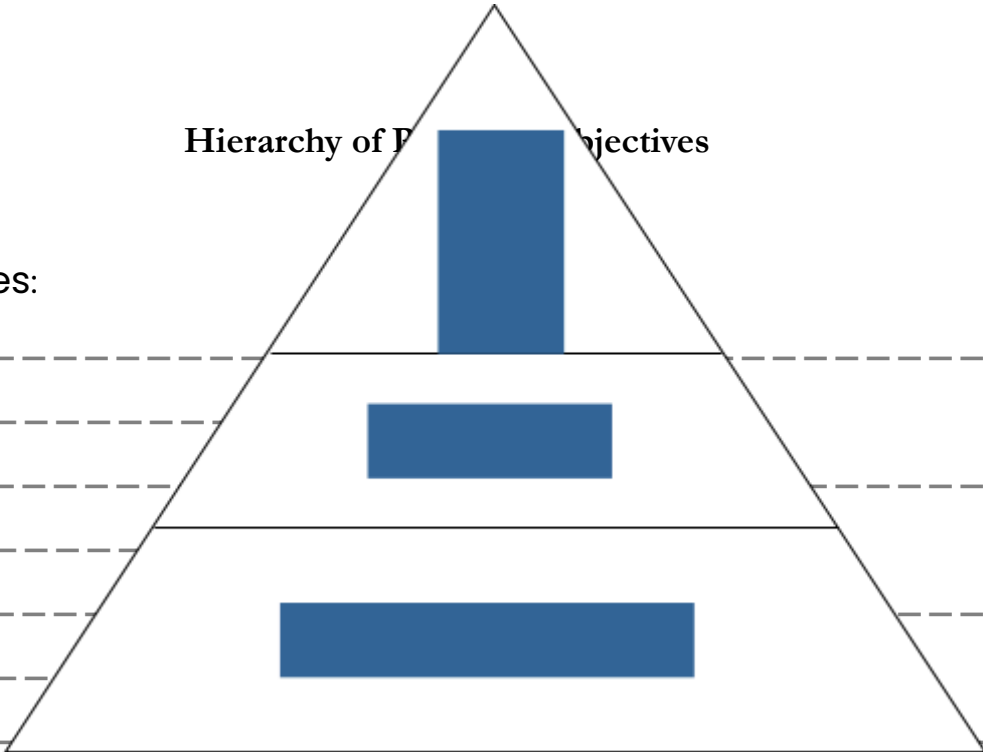
To go somewhere _____
you must do some things _____.

Notes:

Charting your Course...

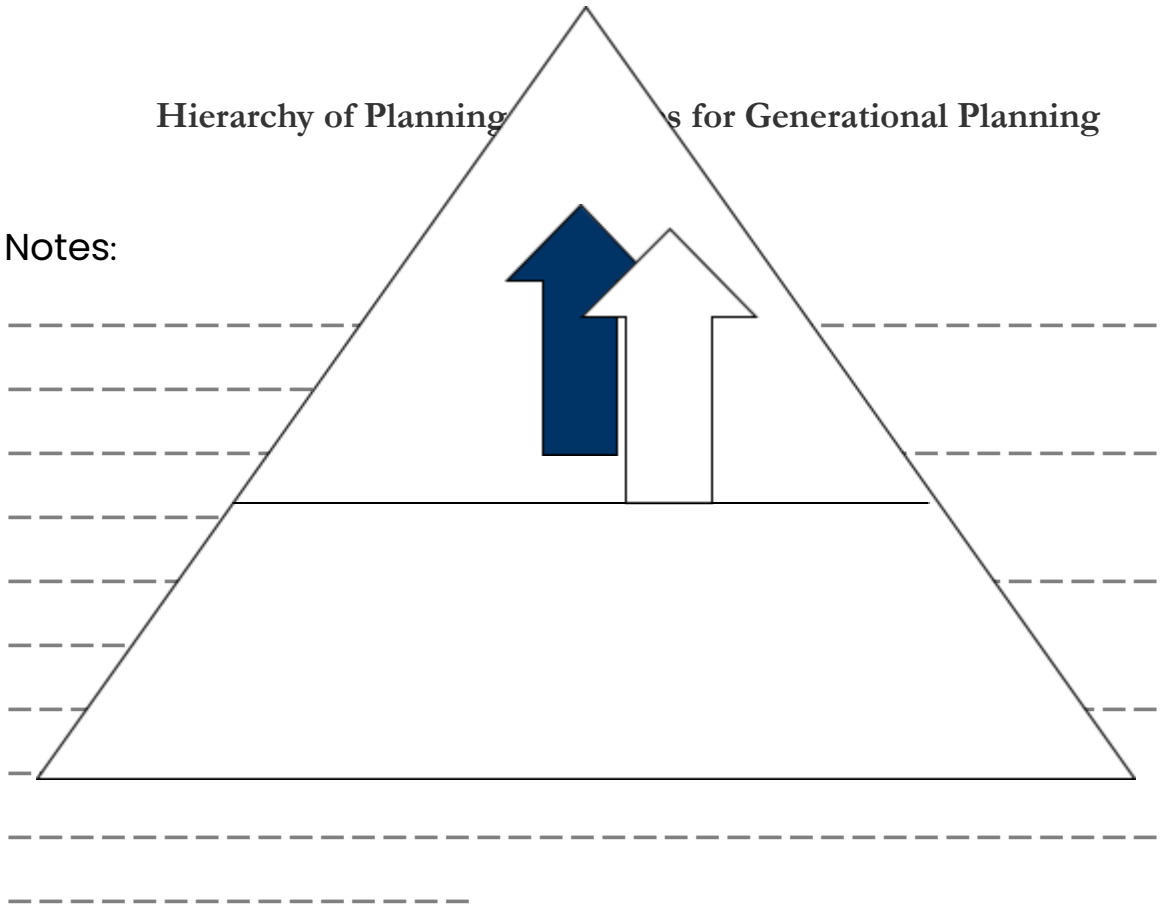
Hierarchy of Family Objectives

Notes:



Notes:

Charting a New Course...



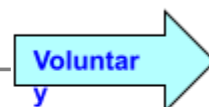
Notes:

Social Capital

Notes:



Involuntary or Voluntary



Gifts to Charity

If you made a gift and got a benefit for it, see page A-4.

- 15** Gifts by cash or check. If you made any gift of \$250 or more, see page A-4
- 16** Other than by cash or check. If any gift of \$250 or more, see page A-4. You **must** attach Form 8283 if over \$500
- 17** Carryover from prior year
- 18** Add lines 15 through 17

15			
16			
17			
			18

BUILDING FOUNDATIONS FOR FAMILIES

This worksheet will enable you to immediately see the financial benefits of Charitable Giving on your U.S. Individual Income Tax Return Form 1040 Schedule A. Follow the steps below.

STEP ONE: List your charitable contributions made during the year to your Family Foundation.

1. List and total your contributions to the Family Foundation. (do not include capital gain property)

TOTAL CONTRIBUTION FOR THE YEAR: \$ _____
\$10,000

Example:

2. List and total your contributions "for the use of" the Family Foundation.

TOTAL CONTRIBUTION FOR THE YEAR: \$ _____
\$2,000

Example:

3. Total lines 1 and 2.

TOTAL CONTRIBUTION FOR THE YEAR: \$ _____
\$10,000

Example:

+	_____	+ \$2,000
=	_____	\$12,000

4. List and total your contribution of **Capital Gain Property** to or for the use of the Family Foundation.

(do not include any amounts listed and totaled in lines 1 and 2)

TOTAL CONTRIBUTION FOR THE YEAR: \$ _____
\$10,000

Example:

STEP TWO: Figure out your deduction for this year and your carryover (if any) for the next year.

5. Enter your Adjusted Gross Income : \$ _____
\$100,000

Example:

CONTRIBUTIONS TO THE FAMILY FOUNDATION

6. Enter the total of Line 3: \$ _____

Example: \$12,000

7. Multiply line 5 by 30%.

This is the maximum amount you can contribute AND deduct from your current year taxes.

\$	_____	
x	0.30	
=	_____	

Example: \$100,000

x	30%
=	\$ 30,000

8. List the smaller of line 6 or 7. \$ _____

Example: \$12,000

9. Subtract line 8 from line 6.

This total is the amount that can be carried over to the next year

\$	_____	
-	_____	
=	_____	

Example: \$12,000

-	\$12,000
=	\$0

10. Subtract total of line 8 from line 7.

This total represents the amount of unused contribution which results in a financial lost opportunity.

\$	_____	
-	_____	
=	_____	

Example: \$30,000

-	\$12,000
=	\$18,000

CONTRIBUTIONS OF CAPITAL GAIN PROPERTY TO OR FOR THE USE OF THE FAMILY FOUNDATION

11. Multiply line 5 by 20%

This is the maximum amount you can contribute AND deduct from your

\$	_____	
x	0.20	

Example: \$100,000

x	20%
---	-----

BUILDING FOUNDATIONS FOR FAMILIES

current year tax return. = _____

\$ 20,000

12. List the smaller of line 4, 10, or 11 \$ _____
\$10,000

Example:

13. Subtract line 12 from line 4.

This total is the amount that can \$ _____

Example: \$10,000

be carried over to the next year - _____

- \$10,000

= _____

\$0

STEP THREE: Summarize your deductions and carryovers.

14. List and total lines 8 and 12. Enter this total on Schedule A (Form 1040)

\$ _____

Example: \$12,000

+ _____

+ \$10,000

= _____

\$22,000

15. List and total lines 9 and 13. Carry this forward to Schedule A (Form 1040) NEXT YEAR

\$ _____

Example: \$ 0

+ _____

+ \$ 0

= _____

\$ 0

STEP FOUR: Determine what impact your donations will make to your tax refund.

16. After all credits & deductions, estimate your final Taxable Income. (or line 42 on the 2004 Form 1040)

\$ _____

Example: \$62,000

17. Find the amount on Line 16 on the chart below and enter the corresponding tax rate.

(be sure to choose the correct filing status) _____%

Example: 25%

18. Enter the total of Line 14 and multiply by Line 17.

This is the approximate amount of \$ _____

Example: \$22,000

additional refund your donations x 0.25

Example: 25%

gained you this year. = _____

\$5,500

Example	Single	Married Filing Joint	Example	Single	Married Filing Joint
15%	\$ 8,025 – 31,850	\$ 16,050 - 65,100	33%	\$200,300 - 349,700	\$195,850 - 349,700
25%	\$ 32,550 - 78,850	\$ 65,100 - 131,450	35%	\$357,700 and up	\$349,700 and up
28%	\$ 78,851 - 164,550	\$131,450 - 200,300			

Ownership or Stewardship?

Ownership or Stewardship as defined by these specific professions:

From the Legal Perspective – An appointment in the place or stead of another. An important responsibility or trust of general management of all forensic matters connected with the properties of which a steward is accountable.

The Tax Perspective – A position of special confidence, a trust, especially trusteeship, guardianship, receivership, conservatorship. In this position, the steward holds legal title to property, and is responsible for managing the assets on behalf of others.

Management Perspective – A delegation of responsibility.
A trust. An accountability of desired results.

Religious Perspective – Designation of consecrated property to a trustee, an agent or a steward.
A wise and faithful accounting.

A _____

R _____

T _____

*Accountability, Responsibility, and Trust are
the essential elements of*

_____.

Navigating the Stewardship



*The _____ is a _____ tool
to make your _____
a reality.*

Foundation Fact Sheet

FACT 1: Of the more than 45,000 private foundations in the United States, 39,208 have been characterized as Family Foundations. (*as of 1996*) *Council on Foundations, Washington D. C.*

FACT 2: Of these 39,208 Family Foundations, less than 7 percent have assets of more than \$1 million. *Council on Foundations, Washington D. C.*

FACT 3: Family Foundations range in asset size from a few thousand dollars to hundreds of millions of dollars. Most are small, with less than \$1 million in assets. *Foundation News*

FACT 4: Family Foundations hold an estimated \$524 billion in assets and make grants of around \$27.6 billion per year. *Family Foundations and the Law*

FACT 5: Family Foundations are proven to be one of the most effective ways to instill a feeling of value and satisfaction. *Foundation News and Commentary*

FACT 6: The Family Foundation unites family members around a purposeful mission. *Foundation Management Series*

FACT 7: Family Foundations are an effective way in which to perpetuate a certain viewpoint or philosophy. *Washington Update*

FACT 8: By giving, a Family Foundation can memorialize a friend or loved one. *Establishing the Family Foundation*

FACT 9: The tax advantages can be considerable. *Family Foundations and the Law*

FACT 10: The Family Foundation leaves a lasting imprint on society while making a significant difference. *Family Matters Quarterly*

FACT 11: The Family Foundation is an effective way to return something to the communities that have nurtured us or in which we have earned our wealth. *Council on Foundations Columns*

FACT 12: Most Family Foundations concentrate their giving locally in their communities. They provide the sustaining force for local nonprofits because they give consistently and understand the community problems that the nonprofits seek to solve. *Council on Foundations Governance Series*

FACT 13: Ninety-two percent of Family Foundations say that their foundations remain true to the original donor's intent. *Council on Foundations Management Series*

Foundation Facts

FACT 14: The U.S. is facing the largest transfer of intergenerational wealth in its history. People reaching retirement age over the next two decades will be handing down an estimated \$10 to \$15 trillion to their children and grandchildren. *Washington Update*

FACT 15: Family Foundations present an unrivaled educational training ground for parents and children to develop their valuable skills. *Council on Foundations Family Foundations: Governance, Management and Grant Making Series*

FACT 16: Donors who want to ensure that the mission of the foundation is maintained

BUILDING FOUNDATIONS FOR FAMILIES

are counseled to set it up as a trust. *Family Foundations and the Law* John Edie

FACT 17: Family Foundations promote and pass on to children and future generations a tradition of commitment to charitable efforts. *Family Foundations and the Law*

FACT 18: A Family Foundation provides an organized, systematic vehicle for charitable giving. *Council on Foundations Grant Making Series*

FACT 19: A Family Foundation created in trust form, is a completed legal entity when the trust agreement is signed. *Family Foundations and the Law John Edie*

Notes:

This image shows a full page of white paper with horizontal dashed lines, typical of primary school handwriting practice paper. The lines are evenly spaced and run across the entire width of the page. There are no margins, text, or other markings present.

Notes:

IRS Codes & Regulations Regarding Private Foundations

- Sec. 170 – income tax charitable contribution deduction
 - Sec. 170(b)(1)(A)(vi) – publicly supported organizations
 - Sec. 170(b)(1)(E)ii – conduit foundations
 - Sec. 170(e)(5) – income tax deduction for gifts of certain securities
 - Sec. 386(c) – certain control rules
 - Sec. 501(a) – source of tax exemption for most exempt organizations
 - Sec. 501(c)(3) – tax exemption for religious, scientific, charitable, educational, and similar organizations
 - Sec. 507 – termination taxes
 - Sec. 507(d)(2)(A) – definition of substantial contributor
 - Sec. 508 – special rules for charitable organizations, including private foundation presumption
 - Sec. 509 – definition of public and private charities
 - Sec. 509(a)(1) – various types of institutional public charities and publicly supported charities
 - Sec. 509(a)(2) – service provider publicly supported charities
 - Sec. 509(a)(3) – supporting organizations
 - Sec. 509(a)(4) – public safety organizations
 - Sec. 511 – tax on unrelated business income
 - Sec. 512, 513 – unrelated business income rules
 - Sec. 514 – unrelated debt financed income rules
 - Sec. 2005 – estate tax charitable contribution deduction
 - Sec. 2522 – gift tax charitable contribution deduction
 - Sec. 4911 – public charity lobbying rules
 - Sec. 4940(d) – exempt operating foundations
 - **Sec. 4941 – self-dealing rules**
 - **Sec. 4942 – mandatory payout rules**
 - **Sec. 4943 – jeopardy investment rules**
 - **Sec. 4944(c) – program-related investment**
 - **Sec. 4945 – taxable expenditure rules**
 - Sec. 4946 – definition of disqualified persons
 - Sec. 4947 – application of private foundation rules to split interest trusts and certain other trusts
 - Sec. 4948 – foreign private foundations
 - Sec. 4955 – public charity political campaign activity rules
 - Sec. 4958 – excess benefit transaction rules applicable to public charities
 - Sec. 4962 – abatement of certain private foundation taxes
 - Sec. 6033 – annual information return requirements
 - Sec. 6050L – reporting for disposition of gift property
-

- Sec. 6115 – charitable contributions substantiation rules
- Sec. 6714 – penalty for failure to comply with gift substantiation rules

Foundation Four Do's & Don'ts

FOUR DO'S

1. Do _____ donations to the Foundation
2. Do _____ the assets of the Foundation
3. Do _____ the 5% payout rule
4. Do _____ with all filing requirements

FOUR DON'TS

1. Don't _____
2. Don't make _____ investments

3. Don't create or maintain _____
business holdings

4. Don't make any " _____ "
expenditures

Notes:

DEFINITION OF SELF-DEALING

In general, the federal tax law prohibits acts of self-dealing between a private foundation and a disqualified person. The phraseology is also in the definition of excess benefit transaction. The definition of an excess benefit transaction is based on the contract law concept of consideration. It generally is any transaction in which an economic benefit is provided by an applicable tax-exempt organization directly or indirectly to or for the use of any disqualified person, if the value of the economic benefit provided by the exempt organization exceeds the value of the consideration received for providing the benefit.

The Law of Tax-Exempt Organizations
John Hopkins

DEFINITION OF THE 5% PAYOUT RULE

The basic rule is simply stated: Each year every family foundation must make eligible charitable expenditures that equal or exceed approximately 5% of the value of its endowment. The word "payout" – while convenient – is somewhat misleading and is not used in the Tax Code section that creates the rule. The word "payout" suggests grants or contributions paid out to other charities. Although these grants normally make up more than 93% of the expenditures of most foundations, many other expenses also qualify for meeting the minimum payout requirement. In short, the 5% payout rules need not be satisfied solely with grants.

Grants
Administrative expenses

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- Payments made to acquire charitable assets
- Set asides
- Program related investments

Family Foundations & the Law by John Edie

DEFINITION OF JEOPARDY INVESTMENTS

The private foundation cannot invest any amount – income or principal – in a manner that would jeopardize the carrying out of any of its tax-exempt purposes. Managers must exercise ordinary business care and prudence.

Family Foundations & the Law by John Edie

DEFINITION OF EXCESS BUSINESS HOLDINGS

Generally the limit is 20 % of shares outstanding. A private foundation is permitted to hold no more than 20% of a corporation's voting stock or other interest in a business enterprise; these are permitted holdings. If effective control can be shown elsewhere, a 35 % limit may be substituted for the 20% limit. Exceptions:

- If 95% or more of the gross income is derived from passive sources.
- Holdings in a functionally related business
- Program related investments.

Family Foundations & the Law by John Edie

DEFINITION OF TAXABLE EXPENDITURES

These rules pertain to matters such as legislative activities, electioneering, grants to individuals, grants to non-charitable organizations, and grants to non-charitable purposes. Improper and, in effect, prohibited expenditures are termed taxable expenditures. Exceptions:

- Expenditure responsibility.

Family Foundations & the Law by John Edie

PROGRAM-RELATED INVESTMENT

A loan or other investment made by a private foundation to a profit-making or nonprofit organization for a project related to the foundation's stated purpose and interests. Program related investments are an exception to the general rule barring jeopardy investments. Often, program related investments are made from a revolving fund; the foundation generally expects to receive its money back with limited, or below-market, interest, which then will provide additional funds to other organizations. A program related investment may involve loan guarantees, purchases of stock or other kinds of financial support.

Council on Foundations

Notes:



*“Stewardship is an ongoing
journey of discovery, excitement
and growth for everyone involved.
A journey directed by the
application of a deeper way of living
and following the compass
of a clearly defined purpose”*

- Rick Scott

Memorable Person

--	--

In this exercise, take a few moments to recall a person who was incredibly memorable to you, and whose actions or words may have changed your life. Write a short story illustrating who they were and what they stood for. If you can, summarize what they stood for in as few words as possible.

Experience:

This image shows a full page of handwriting practice paper. It features multiple sets of horizontal dashed lines spaced evenly down the page, providing a guide for letter height and placement. The background is white, and the lines are light gray. There is no text or other markings on the page.

BUILDING FOUNDATIONS FOR FAMILIES

A large rectangular box with a solid black border, containing ten horizontal dashed lines for writing. The lines are evenly spaced and extend across the width of the box.

Mapping Out Your Stewardship



There is something distinctive and precious about family foundations that suggests they should remain as they are- a unique opportunity for families to make and leave their mark on the society around them, to share with others the fortunes they have enjoyed, and the creative energies they so often possess. *(Family Business Review, 1990)*

Mission Statement

“A good mission statement will be inspiring, exciting, clear, true and engaging.”

The Formula for Your Mission Statement is: $M = v^3 + cv + t$

ARTICULATING MISSION AND VISION

One of the primary reasons for creating a strategic plan is to establish a common understanding of, and an ambition for, an organization's work. The most succinct reflection of this shared understanding lies in the organization's mission and vision statements – declaration of intentions, hopes and expectations.

WHY DO WE NEED A MISSION STATEMENT?

“Who are you, as an organization? Why do you exist? What do you do? Whom do you serve?” Anyone coming into contact with your organization has these questions. A mission statement should provide the answers. In just a few sentences, a mission statement should be able to communicate the essence of an organization to the public.

In *Profiles of Excellence* by E.B. Knauff, Renee Berger, and Sandra Gray, is a book about the best practices of nonprofit organization, published by the Independent Sector, the researchers stress that a “clear agreed-upon mission statement” is one of the four primary characteristics of successful nonprofit organizations (the other three are a strong, competent executive director, a dynamic board of directors, and an organization-wide commitment to grant-making).

WRITE YOUR MISSION STATEMENT

A mission statement should include:

- **Purpose.** One sentence that describes the end result an organization seeks to accomplish (and for whom)
- **Business.** A description of the primary means (program, action, services, etc.) used to accomplish the purpose

- **Values.** A list of values and beliefs or guiding principles shared by members of an organization and practiced in their work

– Michael Allison and Jude Kaye, Strategic Planning for Nonprofit Organization

Mission Statement – Word Help List

ACTIONS

accomplish acquire adopt advance affect affirm alleviate amplify appreciate ascend associate believe bestow brighten build call cause choose claim collect combine command communicate compel compete complete compliment compose conceive confirm connect consider construct contact continue counsel create decide defend delight deliver demonstrate devise direct discover discuss distribute draft dream drive educate elect embrace encourage endow engage engineer enhance enlighten enlist entertain enthuse envision evaluate excite explore express extend facilitate finance forgive foster further gather generate give grant heal hold host identify illuminate implement improve inspire integrate involve keep know labor launch lead master mature measure mediate model mold motivate move negotiate nurture open organize participate pass perform persuade play possess practice prepare present praise produce progress promise promote provide realize receive reclaim reduce refine reflect reform regard relate relax release rely remember renew resonate respect restore return revise sacrifice safeguard satisfy save sell serve share speak stand summon support surrender sustain take tap team touch trade translate travel understand uphold use utilize validate value venture verbalize volunteer work worship write yield

CORE VALUES

truth integrity honesty freedom trust faith justice wholeness honor self-worth dignity respect inner peace love positive attitude hope joy charity safety relationships kindness service equality excellence nobility humility simplicity

EXAMPLES

...Our mission is to foster innovation, enhance cooperation and create prosperity for all whom we serve

...Our mission is to provide information and financing for service projects that serve the environment...

...Our mission is to contribute to the revitalization of our constitutional legacy in America...

...Our mission is to enliven, encourage and re-inspire the love of music for children in public schools...

...Our mission is to help people find their missions...

...Our mission is to create, nurture and maintain an environment of growth, challenge and unlimited potential for all those around us...

-Laurie Beth Jones, The Path

Your Mission Statement Worksheet

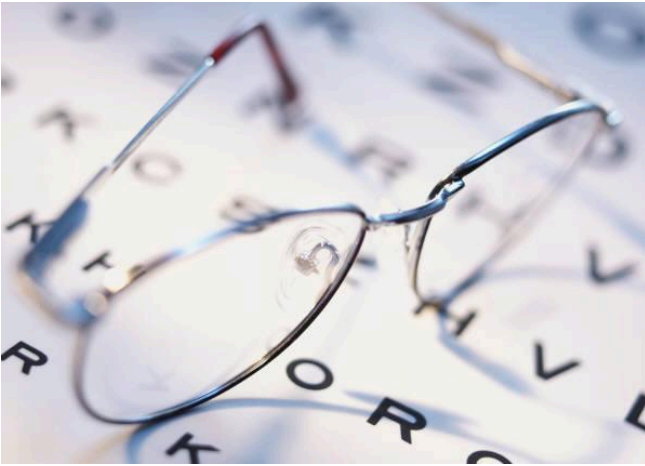
Our Mission is to:

_____ ' _____'
and _____
(*Your three verbs*)

(Your core value or values)

to, for or with

(the group or cause which most moves or excites you)



**Get clear on who you
really want to serve,
be around, inspire,
learn from,
and impact.**

Eight Minutes

A large rectangular box containing 15 horizontal dashed lines, intended for writing or drawing.

THE HARVARD COLLEGE “PRUDENT MAN RULE”

In Harvard College v. Amory, the supreme Judicial Court of Massachusetts set forth the following rule:

All that can be required of a trustee to invest, is, that he shall conduct himself faithfully and exercise a sound discretion. He is to observe how men of prudence, discretion and intelligence manage their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income, as well as the probable safety of the capital to be invested.

Ask Yourself: **What would a Wise Steward do?**



Family Foundation Terms

TRUST

----- (16&19)

CONTRACT

----- (19)

FOUNDER

----- (13)

TRUSTEE

----- (15&18)

BENEFICIARY

----- (18,4& 10)

ENDOWMENT

STEWARDSHIP _____
_____ (18, 15, 12, 10)

SOCIAL
CAPITAL _____
_____ (9,10, 14)

Notes:



Preparatory Documents

- Trust Agreement
- SS-4 Form
- 1023 Form
- 990 PF


*If _____ don't take _____ then
someone else will and they will
charge a _____ for doing it.*

*Your Point of Power is when _____ decided
to turn _____ mission
statement into _____.*

*“It is not enough in life to know
which things matter most or even
choosing to identify yourself with them.
One must have the will to courageously, faithfully and loyally do that
which he knows is good to do”*

- Marion D. Hanks (1921)



 *hy can't the _____
establish a family culture so principled, so
independent, that it becomes a model of
constancy and security to all those who come into*

*contact with the _____
Foundation.*

*A true legacy that provides a lighted path for all
that follow. Be an anchor – not a victim of change
- but a beneficiary of change.”*

Signed

Signed

Signed

Page for notes.

BUILDING FOUNDATIONS FOR FAMILIES

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