Scripps Heritage Planner

An Income, Estate and Gift Tax Newsletter for Professionals
from the Office of Gift Planning at Scripps Health Foundation

Summer 2013

ONE-HIT WONDERS: THE UNIQUE CHARITABE GIFT

IN THIS ISSUE:

Scripps

scrippsheritage.org

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Upcoming Gift Planning Seminars

"Of Sound Mind": Testamentary Capacity
Wednesday, October 2, 2013

Ordinary People Can Leave Extraordinary Legacies
Wednesday, November 6, 2013

Strategic Use of Life Insurance for Estate and Charitable Planning
Wednesday, December 4, 2013

January 2014 Topic to be Announced
Wednesday, January 8, 2014

All presentations will take place from noon to 1:30 pm at the Founder's Room, Schaetzel Center for Health Education

Scripps Memorial Hospital La Jolla
9888 Genesee Avenue
La Jolla, CA 92037

See back cover for further information about these educational opportunities.

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One-Hit Wonders: The Unique Charitable Gift

Do you remember Sir Richard Harris' hit *MacArthur Park*? How about The Knack's *My Sharona*…Barry McGuire's *Eve of Destruction*…Dexys Midnight Runners' *Come on Eileen*…the ubiquitous 90's anthem *Who Let the Dogs Out* by the Baha Men? If not all of these songs or artists are familiar, that is not necessarily a surprise—each was the only hit song the artist had.[1]

Most of the time, the gifts charities accept fall into familiar categories—cash, appreciated stock, real estate, etc. But, every so often, there is an unusual gift that attracts notice. Much like the one-hit wonder of the musical world, the unique charitable gift presents a distinct opportunity that may never happen again—which makes the correct handling of such a gift even more important.

In this issue of the *Scripps Heritage Planner*, we "chart" examples of unusual gifts and situations. This hit parade will take a look at the circumstances that led to the gift, examine whether or not the gift is deductible, and draw lessons that remind us how more mundane gifts to charity should be completed.

Somebody's Knockin': Should a Charity Let in a Donor Wanting Too Much Control?

In 1980, Terri Gibbs had her only hit with the song *Somebody's Knockin'*, which addressed a woman's concern about opening up to a person who might break her heart. A charity might "feel" the same sort of reluctance as it deals with a donor who wants to make an astounding gift that comes with a number of restrictions. So all involved parties need to ask: Will these restrictions eventually lead to "heartache"?

Donations from private art collections are a necessity for most museums. Many philanthropists have generously given some or all of their art collection to a particular museum. Some have donated the exhibition space as well. When making such a personal donation, donors often hesitate to give up control of the works, and end up placing restrictions on the gift. However, retaining too much control of the property may jeopardize the tax classification of the transaction as a gift. The courts have consistently held that an essential element of the charitable gift is that the donor must relinquish "dominion and control of the subject matter of the gift."[2] A failure to balance this control can lead to a loss of the tax deduction for the donor, and increased costs for the charity.

In 1932, philanthropist Michael Friedsam donated his 926 piece collection to the Brooklyn Museum.[3] As the pieces were reviewed and examined over the next few decades, the museum discovered that approximately a quarter of the donated items were either fakes or not of museum quality. Parts of the collection the museum happily accepted years before have turned into an expensive storage burden. Why not simply sell them or give them away? A condition of the bequest was that the museum must obtain approval from one of Friedsam's executors before "deaccessioning" any item—and, unfortunately, the last executor died in 1962. Here, an element of donor control is having a significant negative impact on the museum, leading to the filing for a modification with the Manhattan Surrogate's court. The case is currently being litigated.

The philanthropist Albert C. Barnes went one step further: he donated the art, the gallery space, an endowment to fund the museum, and specific instructions about how the museum should operate, right down to the placement of the art on the walls.

The Barnes Foundation opened its doors to visitors on a very limited basis in Merion, Pennsylvania, in 1925. By 2002, the endowment was dwindling and visitors were still few. In order to carry on its mission by boosting the number of visitors and attracting larger donations to save the museum, the Foundation announced its intention to move the collection to Philadelphia.[4] However, the trust indenture did not provide for a change of location. As plans moved forward, the foundation trustees sought modifications to the trust, while other groups sued to prevent any changes to the trust terms. Ultimately, the state Supreme Court permitted the transfer to sort out the competing claims. In May 2012, the new building was opened to the public with an exact replica of the original installation, plus modern amenities and additional exhibit space.

The controversy surrounding situations like the Barnes Foundation and Friedsam raise a number of questions:

- What degree of donor control is actually possible, especially when a gift is meant to last forever?
- When problems arise, must the charity honor the donor's exact specifications?
- When it comes to ultimately preserving the gift, can the charity make a practical decision that contravenes the donor's instructions?

State law generally dictates how the interested parties (often including the state attorney general) are to resolve questions of donor intent. But there is also the question under IRC Sec. 170 about how much donor control is permitted over a charitable gift that qualifies for a tax deduction. While each gift situation is unique, there are threshold questions that must be addressed. For the charity, is the donor's restriction something the charity can live with? For the donor, is the desired restriction likely to have a detrimental effect on the charity in the future?

A donor with very specific ideas about creating a philanthropic legacy and the charity interested in accepting such a gift should insist on a carefully reviewed gift agreement. This legally binding contract between the donor and the charity should cover the donor's intentions and outline the terms of implementing the gift without falling into the control trap like Friedsam and Barnes. Such an agreement may help prevent future problems through the collaborative effort of the donor and the charity.

Here is a non-exclusive list of precepts often included in a gift agreement:

- A clear statement of the donor's intentions
- Specific restrictions on the use of the contribution (as long as the chance that the "transfer will not become effective is so remote as to be negligible")[5]
- Realistic benchmarks for measuring the success of the restricted gift
- Flexibility for use of the contributed funds over time in order to preserve the donor's intentions
- Provisions for dispute resolution between the charity and the donor (and/or representatives of the donor)
- If advisable, a reverter clause or other exit strategy that allows both the donor and charity to end the relationship in the best manner possible[6]

Going for the Gold

A gold record award recognizes an album that sells over 500,000 copies. Artists value a gold record for the accomplishment it represents, not the value of precious metal itself. But someone who gives a gold coin to charity must make that distinction: Is this a gift of currency or a collectible? The answer can make a big difference in how the donor deducts the contribution.

If the coin is considered currency, the (cash) contribution is deducted up to 50% of the donor's adjusted gross income.[7] Non-rare gold coins such as Krugerrands, Canadian Maple Leaf and American Eagle gold coins can be considered currency rather than something to be judged on aesthetic value and/or rarity.[8]

If the coin is considered a collectible, the deduction could be limited in two ways:

1. The collectible is considered a gift of property, so its value can only be deducted up to 30% of the donor's AGI.[9]
2. If the collectible cannot be put to a related use by the charity, the donor has to reduce the contribution amount by what would be considered gain if it were sold at fair market value (i.e., the deduction is limited to the donor's income tax basis).[10]

An "unrelated use" would be one unrelated to the purpose or function constituting the basis of the charitable organization's exemption under IRC Sec. 501.[12] To illustrate: A donor contributes the Mona Lisa to an art school. If the school displays the painting in its gallery to be sketched by the students, the use is related to the charity's mission, so the donor can smile and rest easy. But if the charity sells the painting, the use is unrelated, even if the school uses the proceeds to promote its educational mission.

So how can a donor be sure the gift of a collectible is related to the exempt purpose of the charity? According to the regulations, a taxpayer has two choices:

1. Establish that the property is not in fact put to an unrelated use by the charity, or
2. Show that the donor has a reasonable expectation the property will not be put to an unrelated use at the time the contribution is made. In particular, a donor's expectation that a gift of property to a museum that is typical of artifacts normally retained by that museum or others like it will be considered a reasonable assumption (unless the donor has actual knowledge otherwise). And this holds whether or not the object is later sold or exchanged by the museum.[12]

So what if a charity does sell or otherwise dispose of a collectible at a later point in time? If that happens within three years of the time of the contribution, and the collectible is worth more than $5,000, the charity has to file an information return with the IRS.[13] Under IRC Sec. 170(e), this action raises the presumption that the use was unrelated at the time of the gift and, therefore, the donor's deduction should be appropriately reduced. However, a representative of the charity can save the donor's full deduction if he provides a written statement to certify the use was related at the time of the gift, or its intended use became impossible or infeasible to implement.[14]

Also, there are rules on donating tangible personal property in particular planned giving situations. For example, a donor who funds a charitable remainder trust with a collectible cannot take an income tax deduction for the contribution until either the trustee sells the item or the trust term ends.[15]

We're Not Going to Take It: Charitable Contribution of a Building to a Fire Department

The rise of "hair bands" in the 1980s gave (or inflicted, depending on your musical tastes) the world songs like *We're Not Going to Take It*. However, what happens when the IRS suddenly says "you're not going to take it," and they're referring to your charitable deduction? Taxpayers, including sports media figures such as Kirk Herbsteit, planned to enjoy taking an income tax deduction for contributing a building to a fire department for training purposes.[16] However, after nearly 30 years, the IRS has changed its philosophy about allowing the deduction.

In *Scharf v. Commissioner*, the petitioners allowed the volunteer fire department to burn a building to the ground in 1968 and took a charitable deduction for the fair market value of the building.[17] The court permitted the deduction because the demolition of the building had only an incidental benefit to the homeowner that was outweighed by the great benefit to the public.[18] This case set the standard for charitable deductions for buildings donated to fire departments for training purposes.

However, this standard changed in the 2000s, culminating in the 2010 Tax Court case *Rolfs v. Commissioner*. In *Rolfs*, the Tax Court disallowed the deduction for a similar gift because the public benefit standard applied in *Scharf* no longer applied.[19] Instead, the Tax Court noted that the quid pro quo standard established by the Supreme Court in *U.S. v. Am. Bar Endowment* meant that *Scharf* no longer had "vitality."[20] In *Rolfs*, the Tax Court found that the donor did not prove that the value of the gift exceeded the value of the benefit received.[21]

The IRS and the courts are not interested in divining noble intent (or lack thereof) in a particular charitable gift, but also do not intend for donors receiving a benefit to take advantage of the charitable deduction. The Seventh Circuit affirmed the Tax Court and in the opinion referred to the quid pro quo standard, noting:

> The Tax Court found instead that when the transaction was properly evaluated, the Rolfs (a) received a substantial benefit in exchange for the donated property and (b) did not show that the value of the donated property exceeded the value of the benefit they received. We also agree with these findings. There was no net deductible value in this donation in light of the return benefit to the Rolfs.

As a result of the cases following *Scharf*, donors are forewarned they must have a qualified appraisal documenting both the value of the home and the estimated cost of destroying the home (which will be a benefit to the donor).[22] Of course, the general principle of quid pro quo applies to all charitable gifts—the value of what is given must exceed what the donor receives in return (except in the case of token benefits the charity awards to donors).[23] Donors should also obtain the signature of a member of the recipient fire department on the return indicating the donation did take place, and should make sure to have clear evidence that the donation went as claimed—perhaps video, photographs or even related newspaper articles about the event.

Does This Belong to You? Ownership of Oklahoma City Bombing Trial Materials

During his time as lead counsel representing Timothy McVeigh, Leslie Stephen Jones collected discovery materials provided by the prosecution in preparation for the Oklahoma City bombing trial. After McVeigh was convicted in 1997, Jones donated the discovery material to the Center for American History at the University of Texas. Jones deducted the appraised amount of $294,877 over tax years 1997 through 2001. In 2004, the IRS denied the deduction amounts for 2000 and 2001. Jones appealed the denial.

In *Jones v. Commissioner*, the tax court established that under Oklahoma law, the client McVeigh owned the discovery materials, and that Jones held the materials in trust.[24] Additionally, the tax court found that even if Jones could establish ownership in the material, since it is not a capital asset and Jones' tax basis in the property is zero, Jones has no amount to deduct. The Tenth Circuit Court of Appeals upheld the tax court as to the denial of the charitable deduction because the discovery material is not a capital asset.[25]

Although the Tenth Circuit did not address the issue, the Tax Court's question regarding donor ownership of the property intended as a charitable contribution seems to be a threshold question. As with Jones' gift of the discovery materials, there are other situations where another's intervening right or interest, though not readily apparent to the primary owner, would prevent a charitable gift. For instance, under ERISA rules, the owner of a 401(k) account could not name a charity as the beneficiary without first obtaining a waiver from the spouse.

The donor and the charity both have an interest in the successful completion of the charitable donation, and the donor would almost always have a great interest in securing the charitable tax deduction. With this common interest in mind, a cooperative effort to show clear legal title before making the donation seems a natural step to add to the process in charitable gift planning.

Don't Forget the Obvious: Deduction Formalities

In 1971, the Hillside Singers had a chart-topping hit with *I'd Like to Teach the World to Sing*. Since both the song and the group were creations of the Coca-Cola Company, nearly everyone has heard the song. Within the realm of charitable giving, the ubiquitous tax concept that all charitable deductions must be substantiated would probably be just as well known as the Coke song.[26] But just because people know it, that does not mean everyone is always willing to "sing along."

In March 2012, the Tax Court issued a decision in *Villareale v. Commissioner* on substantiating deductions.[28] Villareale was a founder and the president of the nonprofit animal rescue organization NDM Ferret Rescue & Sanctuary, Inc. Villareale made 44 contributions to NDM during 2006—27 donations for less than $250 and 17 donations of more than $250. She made the contributions by electronic transfer or through directions to the bank manager over the phone. The IRS did not dispute that Villareale made the contributions, or that NDM was a legitimate charity. The only challenge the IRS made was that those donations exceeding $250 were not deductible "because none is substantiated by a contemporaneous written acknowledgment."[28]

Villareale argued that her bank statements and the bank's records should be enough of a record to substantiate the deductions, but the Tax Court disagreed, noting that the plain language of the statute required written acknowledgement.[29] The Tax court noted that "the bank statements do not qualify as contemporaneous written acknowledgments because they do not state whether petitioner received any goods or services in exchange for her contributions."[30]

The court also stated that Villareale's status as both donor and president did not matter:

> We find it immaterial that petitioner was on both sides of the transaction and reject her contention that as the president of NDM, "it would have been futile to issue herself a statement that expressly provided that no goods or services were provided in exchange for her contributions." As the Court has previously recognized: "The essential statutory purpose of the contemporaneous written acknowledgment required by section 170(f)(8) is to assist taxpayers in determining the deductible amounts of their charitable contributions and to assist the Internal Revenue Service in processing tax returns on which charitable contribution deductions are claimed." *Durden v. Commissioner*, T.C. Memo. 2012-140. Although petitioner may not have needed a contemporaneous written acknowledgment to assist her in determining the deductible amounts of her charitable contributions, the IRS still needed it to assist in determining whether petitioner was entitled to the charitable contribution deduction she claimed.[31]

As the founder and president of the charity, Villareale likely knew about the statutory requirement on written acknowledgements. Even though Villareale could have easily written a receipt for herself, she did not, and the plain language of the statute led to the denial of the charitable deduction. Knowing what is required and following through with the requirements of the law are two different things. This case serves as a good reminder to always follow the legal formalities.

Let the Eagle Soar: An Artwork That Can't Be Sold Has a High Price Tag

If you recognize the song *Gonna Fly Now* by Maynard Ferguson, you are either a fan of jazz trumpeters or enjoy musical scores from boxing movies. *Gonna Fly Now* is commonly known as "Rocky's Theme" from the series of movies about fictional boxer Rocky Balboa. Yet, in all the Rocky movies, the iconic boxer never faced an opponent as tenacious as the federal government when the tax issue involved a certain protected avian species.

In 1959, the artist Robert Rauschenberg completed *Canyon*, a mixed-media assemblage that is considered a seminal work of post-war American art. On the lower half of the canvas, Rauschenberg affixed a stuffed bald eagle… and that poses a problem because federal law provides for civil and criminal penalties for any person who acts to "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import" a bald eagle.[32]

Famed gallery owner and collector Illena Sonnabend owned *Canyon*. Under a permit with the Fish and Wildlife Department, she could continue to own the work, but only if it were publicly displayed on loan to a museum.[33]

When she died in 2007, Mrs. Sonnabend owned art worth hundreds of millions of dollars, meaning that a good deal of the estate settlement involved negotiating the value of her art collection. A dispute arose over *Canyon* that can be summarized as follows:

- The estate argued that since the work could not be legally sold, its value was $0 for estate tax purposes.
- The IRS disagreed and assigned a value of $65 million to the artwork, then added an undervaluation penalty and interest to the estate tax bill.[34]

How could something that could not be sold be worth so much? According to an attorney for the estate, the IRS initially "suggested" the work was worth around $15 million, and once that was refused, the IRS issued the formal notice of deficiency for the $65 million.[35] It begs the question of the valuation. Did the IRS have a hypothetical buyer in mind—someone without scruples, but with millions of dollars to spend on modern art—or was this an unofficial settlement offer? The IRS has long held that there is a market for illegal or contraband art, and, therefore, value ascribed to the artwork.[36]

Rather than continue to litigate the issue, the estate chose to donate *Canyon* to the Museum of Modern Art in New York City.[37]

The controversy over *Canyon* is a reminder of the importance of a qualified written appraisal for property gifts such as collectibles, real estate, etc. (though not publicly traded securities) worth more than $5,000.[38] The appraisal must come from a qualified, independent appraiser.[39] While the valuation rules are specific and the attendant costs might seem onerous, a reasonable appraisal can protect the donor (unless the contribution is literally a priceless artwork). Failing to obtain such an appraisal may leave the donor "flat on the canvas."

CHARITY'S GIFT ACCEPTANCE POLICIES

Before opening a discussion about a gift of property (unusual or otherwise), it is important to check the charity's gift acceptance

policy and find out what types of property gifts the charity is willing to take and under what circumstances. For instance, a charity may not be in a position to accept livestock, but would be willing to take a horse. Or perhaps the charity will accept gifts of life insurance but would like the discretion to immediately cash in the policies.

Key items to remember about gift acceptance policies:

- Charities encourage giving but are not able to accept every gift
- A charity will not accept any gift that goes against their mission (for example, the temperance society will not accept a wine collection)
- A charity may not accept a gift that is costly to maintain or requires an undue amount of oversight
- A charity may not accept a gift that carries a risk of financial loss or UBTI

Be sure to reach out to the development office to discuss the nature of the gift—they are natural facilitators for philanthropy.

BUCKNER & GARCIA Have Left the Building, But Are Beloved For What They Gave

While artists like the Beatles, Johnny Cash and Etta James had many hits, others have only one chart-topping song – like the immortal song *Pacman Fever* by Buckner & Garcia. In much the same way, most charitable gifts are straightforward philanthropic transactions. When the gift is less common, additional care and planning is needed. However, that does not mean the unusual gift will be any less welcome.

All gifts great and small have two primary things in common: one is donative intent (the donor's wish to make a difference through the charity) and the second is that the tax deduction is subject to rules outlined in the Internal Revenue Code. Obviously, what makes a gift unusual is not necessarily what defines it—whether it is one in a long line or a one-hit wonder—but how it helps.

Endnotes

1 Information on the one-hit wonders in this issue was taken from:

> One Hit Wonders @ http://toponehitwonders.com/
> One Hit Wonder Central @ http://www.onehitwondercentral.com/index.cfm

2 *Edson v. Lucas*, 40 F.2d 398, 404 (8th Cir. 1930). The Eighth Circuit Court of Appeals noted:

> As was pointed out by this court in *Adams v. Hagerott*, 34 F.(2d) 899, there is not complete harmony in the decisions as to the requirements necessary to constitute a valid gift inter vivos, but certain of the essential elements are not disputed. There must be a donor competent to make the gift, a clear and unmistakable intention on his part to make it, a donee capable of taking the gift, a conveyance, assignment, or transfer sufficient to vest the legal title in the donee, without power of revocation at the will of the donor, and a relinquishment of dominion and control of the subject matter of the gift.

3 *NY Times*, "Brooklyn Museum Finds Some Problematic Gifts Cannot Be Returned" January 15, 2013. http://www.nytimes.com/2013/01/16/arts/design/brooklyn-museum-finds-some-problematic-gifts-cant-be-returned.html?buffer_share=fec12&_r=0

4 In fact, the Probate Lawyer Blog notes that Barnes was vehemently opposed to a move. For more information visit: http://www.probatelawyerblog.com/2010/08/the-barnes-art-collection-controversy.html

5 Reg. 1.170A-1(e).

6 But keeping in mind Treas. Reg. § 20.2055-2(b)(1) which provides that the "possibility of occurrence" of the condition or power burdening the transfer must "be so remote as to be negligible" at the time of the decedent's death for the deduction to be allowed.

7 IRC Sec. 170(b)(1)(A).

8 Rev. Rul 69-63, 1969-1 CB 63.

9 IRC Sec. 170(b)(1)(B).

10 IRC Sec. 170(e)(1)(B)(i).

11 Reg. Sec. 1.170A-4(b)(3)(i).

12 Reg. Sec. 1.170A-4(b)(3)(ii).

13 IRC Sec. 6050L.

14 IRC Sec. 170(e)(7)(B) and (D).

15 IRC Sec. 170(a)(3); Reg. Sec. 1.170A-5(a)(1).

16 Kathy Lynn Gray, "Herbsteit Fire Puts the Focus on IRS Dispute" *The Columbus Dispatch*, http://www.dispatch.com/content/stories/local/2009/07/23/IRSburn.ART_ART_07-23-09_A1_DDEIB64.html

17 *Scharf v. Commissioner*, T.C. Memo 1973-265 (T.C. 1973).

18 Id at 20.

19 *Rolfs v. Comm'r*, 135 T.C. 471 (T.C. 2010), aff'd, 668 F.3d 888 (7th Cir. 2012).

20 Id. at 487. See also: *United States v. Am. Bar Endowment*, 477 U.S. 105 (U.S. 1986).

21 Id. at 495.

22 IRC Sec. 170(f)(11)(C) and see IRS Form 8283.

23 Rev. Proc. 90-12, 1990-1 C.B. 471 provides guidelines for, charities offering certain small items or other benefits of token value. The charities may treat the items or benefits as having insubstantial value so that they may advise contributors that contributions are fully deductible under IRC Sec. 170.

24 *Jones v. Comm'r*, 129 T.C. 146, 2007 U.S. Tax Ct. LEXIS 34 (2007).

25 *Jones v. Comm'r*, 560 F.3d 1196, 1199 (10th Cir. 2009).

26 IRC Sec. 6001.

27 *Villareale v. Comm'r,* T.C. Memo 2013-74, P3 (T.C. 2013).

28 Id. at 5.

29 Id.

30 Id.

31 *Goodman v. Comm'r*, T.C. Memo 1970-122; 1970 Tax Ct. Memo LEXIS 238; 29 T.C.M. (CCH) 528; T.C.M.(RIA) 70122.

32 16 U.S.C. Sec. 668.

33 Patricia Cohen, "Art's Sale Value? Zero. The Tax Bill? $29 Million" *New York Times*, July 22, 2012.

34 Eileen Kinsella, "Rauschenberg Eagle Ruffles Feathers" ARTNEWS, May 1, 2012. http://www.artnews.com/2012/05/01/rauschenberg-eagle-ruffles-feathers/

35 Janet Novak, "Even Rich Heirs Deserve a Fair Shake From the IRS" *Forbes*, February 23, 2012. http://www.forbes.com/sites/janetnovack/2012/02/23/even-rich-heirs-deserve-a-fair-shake-from-the-irs/

36 PLR 9152005 (I.R.S. 1991). This PLR was based upon Joe Meador's theft of art in WWII which he bequeathed to family members. In this PLR the IRS stated:

> In this case, because the art objects that are includible in the Decedent's gross estate were stolen and, thus, would, under most circumstances, have been transferrable only in an illicit market, the appropriate market for establishing the fair market value, on the date of the Decedent's death, includes the discreet retail markets of the international network of traffickers in stolen art as well as the legitimate retail art markets consisting of international auction firms, advertised displays in antiques publications, and legitimate art and antiques dealers.

37 Press Release, "Family of Ileana Sonnabend Donates Robert Rauschenberg's Canyon to the Museum of Modern Art," November 28, 2012.

38 IRC Sec. 170(f)(11)(C).

39 Reg. Sec. 1.170A-13(c)(5).

Upcoming Gift Planning Seminars

Complimentary lunch and validated self-parking are provided. MCLE credit is offered and available for those who qualify.

All presentations will take place at: Founder's Room, Schaetzel Center for Health Education

Scripps Memorial Hospital La Jolla • 9888 Genesee Avenue • La Jolla, CA 92037

To make a reservation: email giftplanning@scrippshealth.org or call 858-678-7120

"Of Sound Mind": Testamentary Capacity

Wednesday, October 2, 2013 Noon - 1:30 pm

Presented by: Kristen Caverly, Partner, Henderson, Caverly, Pum, & Charney, LLP

As a professional advisor, you work with your clients to create plans that will help them achieve their goals for the long term. How can you build their plans to serve their needs in the event that capacity issues arise? How can you serve your client or prospective client after capacity issues have arisen? Based on her experience, our speaker will discuss the issue of testamentary capacity, including how capacity is defined and determined, the implications of lacking capacity, and dealing with capacity concerns when drafting and advising clients.

By Reservation Only – Deadline: Friday, September 27, 2013

Ordinary People Can Leave Extraordinary Legacies

Wednesday, November 6, 2013 Noon - 1:30 pm

Presented by: Kevin Gordon, Attorney, Gordon, APC;
and David E. Williams, Senior Director of Gift Planning, Scripps Health Foundation

Have you ever heard the lament, "I wish I could do more for my favorite charity."? Learn how "everyday" people can leave wonderful charitable legacies. Gift planning offers the opportunity to do so. Our speakers will draw from their experiences in estate and charitable gift planning to discuss strategies and techniques that have proven to be particularly helpful. They will also share stories based on real-life occasions of how these gifts have made a lasting impact at Scripps Health and other organizations, and how they allowed the donors to experience the joy of satisfying their philanthropic goals.

By Reservation Only – Deadline: Friday, November 1, 2013

Strategic Use of Life Insurance for Estate and Charitable Planning

Wednesday, December 4, 2013 Noon - 1:30 pm

Presented by: David Archambault and George Alexander, Partners, Showley, Archambault, and Alexander

Although often poorly understood, life insurance can play a significant role in a client's estate and charitable planning. As an advisor, what do you need to know in order to serve your clients well? How should considerations about wealth replacement trusts and long-term care insurance factor in these decisions? What are some areas where these matters are commonly misunderstood? Using case studies drawn from their client experiences, our speakers will share their perspectives on these subjects.

By Reservation Only – Deadline: Friday, November 29, 2013

January 2014 Topic to be Announced

Wednesday, January 8, 2014 Noon - 1:30 pm

By Reservation Only – Deadline: Friday, January 3, 2013

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Please visit us online at **scrippsheritage.org** where you will find many helpful tools and links to tax laws and articles.
If you are not already receiving our weekly eNewsletter, you may sign up easily on our web site.