



# Greater Lynchburg Community Foundation

1100 Commerce Street, Lynchburg, VA 24504 · (434) 845-6500 · Fax (434) 845-6530  
www.lynchburgfoundation.org

## **Form Creating a Donor Advised Fund through GLCF, Inc. a Subsidiary Corporation**

\_\_\_\_\_ hereby transfers as an irrevocable gift to the Greater Lynchburg Community Foundation the sum of \_\_\_\_\_, or the property described in Exhibit A attached hereto and incorporated as part of this document, for the purpose of establishing a donor advised fund.

Net income alone shall be available for charitable purposes, subject to the schedule of fees adopted by the Foundation for investing and administering the fund.

The name of this fund shall be \_\_\_\_\_.

The advisor(s) to the fund shall be \_\_\_\_\_ whose address is \_\_\_\_\_.

Gifts may be added to the fund at any time by the donor or others. The Board of Directors of the Foundation shall have full authority and discretion as to investment and reinvestment of the assets of the fund.

It is understood and agreed that the fund and all funds therein are administered by the Foundation subject to its "Amended and Restated Resolution and Declaration of Trust" including the power contained therein for the Board of Directors of the Foundation to modify any restrictions or conditions if in their sole judgment such restriction becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable needs served by the Foundation.

Thus, the accumulated funds will be available for only 501(c)(3) agencies that are approved by the Foundation. Distributions from donor advised funds may not be used to fulfill a legally binding pledge of the donor; to secure benefits from the distribution recipient for the donors, advisors or related parties; as grants to an individual; or to receive grants, loans, compensation or similar payments for donors, advisors or related parties. If the donor and/or the advisor(s) become unable to make recommendations for their fund for any reason, the fund, as exclusive property of the Foundation, will be utilized in the best judgment of the Greater Lynchburg Community Foundation.





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## Guidelines for Donor Advised Funds

Donor advised funds are created so that the donor can remain involved in the grant making process from the fund. The following guidelines have been established by the Distribution Committee and the Board of Directors of the Greater Lynchburg Community Foundation (“GLCF”) to assist in the administration of these funds.

- 1. Establishment** - If the donor wishes to maintain maximum flexibility in their charitable giving, the donor can elect to establish a donor advised fund. Donor Advised funds are permanent funds meaning that income on the fund may be paid out during the year according to the spending policy adopted by the Distribution Committee and Board of Directors from time to time. Upon completion of a written instrument between the donor and GLCF, a gift of \$10,000.00 or more can be used to establish a fund at the Greater Lynchburg Community Foundation. Smaller gifts to “acorn funds” can be accumulated under the Foundation’s procedures and used to establish a fund after the total aggregate gift attains \$10,000.00.
- 2. Ownership and Control** – Establishment of a donor advised fund represents an irrevocable gift to GLCF. This fund becomes the property of GLCF, over which the Foundation has full authority and control. The fund and its income therein are administered by GLCF subject to its “Amended and Restated Resolution and Declaration of Trust” including the power contained therein for the Board of Directors of the Foundation to modify any restrictions or conditions if in their sole judgment such restriction becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable needs served by the Foundation. The Board of Directors of the Foundation shall have full authority and discretion as to investment and reinvestment of the assets of the fund following its normal policies and procedures, including the employment of investment agents and advisors.
- 3. Donor Recommendations** – The donor or their designated advisor(s) may submit recommendations regarding the distribution of income from the donor advised fund. Because the fund is owned and administered by the Foundation, and to protect the charitable deduction for tax purposes, such specification or recommendation constitutes a suggestion only and is not binding upon the Foundation, however, such recommendations are given great consideration and usually carried out.

- a) For individual donors, the ability to make recommendations regarding distributions from the donor advised fund will be limited to the lifetimes of the donor and the donor's spouse. If the donor in the written instrument establishing the fund designates another advisor(s), this privilege is extended for the lifetime of the designee.
  - b) For other non-individual donors, the ability to make recommendations regarding distributions from the donor advised fund will continue as long as the entity is doing business in the Greater Lynchburg area. These non-individual donors may designate in writing an individual who has authority to make recommendations on behalf of the entity.
4. **Granting Procedures** – The donor or the designated advisor(s) may donate available funds during either/or both grant cycles: September 15 and March 15. GLCT will notify all donor advised funds during each cycle which approved agencies have requested funding and how much is available for granting from the fund based on GLCF's approved spending policy. Donors will notify GLCF in writing their wishes as to the distribution of the available amount. A donor may choose any of the agencies OR may ask about another agency of his/her choice and donate to an approved agency that has not submitted a grant request. If this is an agency that has not made a request, GLCF will notify the agency and request the necessary information on the Short Form to be sure that there are no problems in granting the wishes of the donor and in accordance with federal guidelines. The accumulated funds will be available for only 501(c)(3) agencies that are approved by the Foundation.
5. **Limitations** – Distributions from donor advised funds may not be used for the following purposes:
- a) To fulfill a legally binding pledge of the donors, advisors or related parties.
  - b) To secure benefits from the distribution recipient for the donors, advisors or related parties. These benefits may include membership dues, attending a fundraising event, etc.
  - c) Grants to an individual. This includes checks written directly to an individual or checks written to an entity for the benefit of a specified individual.
  - d) To receive grants, loans, compensation or similar payments for donors, advisors or related parties.

6. **Notification** – Unless otherwise requested by the donor, GLCF will identify the name of the donor advised fund to a grantee that receives a distribution from these funds. At least once a year, or upon request, GLCF will provide an annual statement to the donor or designated advisor(s).
  
7. **Termination** – If the donor and/or the advisor(s) become unable to advise their fund for any reason, the fund shall become an unrestricted fund unless the donor has specified a charitable purpose or agency at the time the fund was established, in which case it becomes a field-of-interest or designated fund. The fund will continue to carry the name given by the donor.