



YOUR  
PARTNER  
IN PLANNED  
GIVING  
SUCCESS



## Bequest Administration and a Little Beyond



Date: October 24, 2019

Time: 1:00 – 2:30 Eastern

Presenter: Beth Ridout  
Director of Estate Administration  
The Nature Conservancy



## Flip Your Switch!

### When you change your hat, FLIP YOUR SWITCH!



Estate administration requires a **different perspective** than you may have in your other roles.

Fundraiser or Planned Giving Officer : Primary Concern = Living Donor

Estate/Trust Administrator : Primary Concern = Deceased Donor's INTENT and accuracy of incoming gift

**BE THE (nice) BAD COP FOR THE DONOR AND YOUR ORGANIZATION**





## Make the Most of the Time You Have



### MAKE THE MOST OF THE TIME YOU HAVE AVAILABLE FOR THIS WORK

- **What** to ask for and **when**
- What to do if your request is ignored
- How to **spot problems** on accountings
- what to do if something goes **wrong**
  - » Accidental mistakes & not so “accidental” mistakes
  - » Litigation
- **Non-probate assets**



## Your Three Best Friends

**While not your ONLY friends, they are  
YOUR THREE BEST FRIENDS..**

Help you know if things are being done **correctly**

Make sure you're "in it" **proactively** – which helps when you don't have much time later on..

**Know early** is something is wrong or needs to be monitored





## The Essential Initial Letter

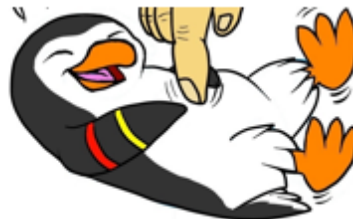
# The **ESSENTIAL** Initial Letter

### Why?



- It provides notice of what you'll need & expect of the fiduciary
- It lets them know who you are & that you understand the process
- It ensures they know you are grateful and want to honor the donor's intent

**SEND THEN  
TICKLE..**



**6 MONTHS**



## The Basics

### The **Basics** (aka: what works for us..)

Offer condolences and **PROVIDE** a main contact name, title and address where everything needs to be sent.

**REASSURE** that the donor's intent, according to document language, will be followed.

**ASK** for thank you information.

**REQUEST** document, inventory and accounting.

**STATE** your preference for cash, if possible, and note anything about special assets (ie: The Nature Conservancy & real estate).

**BE CLEAR** about a desire for liquidation of assets.

**ATTACH** your W-9 and Tax Letter





## The Document Copy

### The **DOCUMENT** Copy



A copy of the paragraph of the Will or Trust (or beneficiary designation form) which mentions your organization.

### WHY?

This is the **only** way to know, from the **DONOR**, what she or he wanted to happen after death

**Flip the switch** – everything else is just an **OPINION**



## A Quick Aside . . .

Looking at language during the donor's planning stage is the best gift you can give your future self:

Is it **doable**?

Is it **flexible**?

Is it **precatory**?

Is it a **good gift**?







## The Accounting and Inventory

### The **ACCOUNTING** & maybe even an inventory..

A detailed listing of everything that went in and out of the estate or trust since the donor's death



### **WHY DO WE NEED THIS?**

It's the holistic picture of everything that was done and allows you to see, and either agree or disagree, with the fiduciary's actions...basically,  
**ARE YOU GETTING WHAT YOU'RE SUPPOSED TO?**



## What If They Say “No!”

*You asked (nicely!)  
and they said..*



**This is the “manna from heaven” argument. Remember your switch!**



You might **BE** the only one asking for this information but that only means you’re doing the right thing for the donor and your organization.

**HANG IN THERE!**

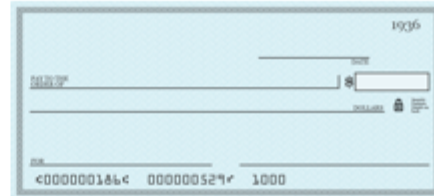


# Use Leverage!

**Use Leverage!**



**UNBANKED CHECK**



**WAIVER OF ACCOUNTING**

**RECEIPT FOR DISTRIBUTION**





## Reviewing an Accounting



### **Now that you have it:** **(quickly) Reviewing an Accounting**

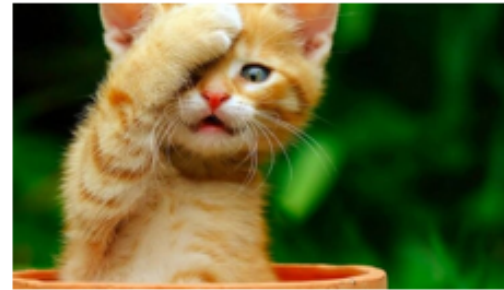
#### **Pay Attention To:**

- **Fees and costs** – executor/trustee and professional  
What's 'reasonable'?
- **Duplicative work** – who's doing what..  
Is everyone doing a separate piece?
- **Assets and liquidation** – what was owned at DOD & what happened to it along the way
- **Timeframe** – how long since the donor died?



## Errors, Scofflaws, and Other Headaches

- If you think something's not right, **ASK!**
- The family **wants the money back** or asks you to give up your share:  
The Private Inurement Problem
- The **estate/trust attorney wants the money back** because he or she cannot add, subtract and/or read properly:  
Documentation needed  
Is there room for negotiation (around fees)
- Just **plain old malfeasance** (because you're a charity and you won't notice!) or **unwillingness to fix things:**  
Ask for the funds to be made whole; however that needs to be  
Or, after you've been willing to work with them but they won't...





## Ah . . . Litigation



- Assessing your risk – what’s our chance to win?
- Joining forces with others
- Don’t be an ostrich and pretend it didn’t happen
- Be **BOLD** and flip that switch! – almost everything is negotiable – the donor intent “wildcard”



## Non-Probate Assets

**So much easier to plan for than collect . . .**

- **Lack of proactivity on institutional's part**
- **When you're stuck in no man's land**
- **Avoiding tax withholding**
- **The "privacy" claim and designation forms**







## Questions?

- To ask a question:
  - Send a message via chat box.





## Still Have a Question?

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