


PG Calc 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

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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



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Make the Most of the Time You Have

GOAL

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**

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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



INITIAL LETTER
ACCOUNTING
DOCUMENT

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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**

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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

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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**

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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**?



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The Accounting and Inventory

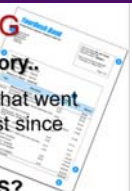
The ACCOUNTING & maybe even an inventory..

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?



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What If They Say "No!"

You asked (nicely!) and they said..

NO!
Everyone else took their money and was **GRATEFUL!**

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!

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Use Leverage!

Use Leverage! →

UNBANKED CHECK

WAIVER OF ACCOUNTING

RECEIPT FOR DISTRIBUTION

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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?


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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...



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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"

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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


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Questions?

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



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Still Have a Question?

Contact: Beth Ridout
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