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## Fundamentals of Planned Giving Part 3: Assets Used for Charitable Contributions



Date: July 30, 2014  
Time: 1:00 – 2:30 Eastern Time  
Presenter: Craig C. Wruck  
Vice President, Advancement  
Humboldt State University




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## Agenda

- Review income tax aspects of non-cash gifts
- Securities – investments including stocks, bonds, and mutual funds
- Fair market value and appraisals
- Real Property – real estate of all types
- Personal Property – tangible objects and intangible rights

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## Amount of Deduction

- Publicly traded securities: average between high and low prices on date of gift
- Other non-cash gifts: “fair market value” – price arrived at between willing buyer and a willing seller ...
- More than \$5,000 – qualified appraisal required to determine value

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## Capital Gains Tax

- Capital gain: profit on sale of an investment
- Long term capital gain: held more than a year
  - Taxed at preferential rates: 15% or 20%
- Short-term capital gain: held year or less
  - Taxed at ordinary income rates
- Capital gain tax is avoided on transfer of long term capital gain property to charity

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## After-tax Cost of a Gift

Assume a donor in the 28% tax bracket is considering a contribution of \$10,000 either in cash or in appreciated securities with a cost basis of \$2,000 (\$8,000 gain).

	Cash	Securities
Contribution	\$10,000	\$10,000
Income taxes saved	2,800	2,800
Capital gains taxes avoided	--	1,600
After-tax cost of gift	\$7,200	\$5,600

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## Securities: Stock

- Equity ownership
  - Share value varies with value of the enterprise
  - May pay dividends or distribute income
- Many types – Common, preferred, S-corp
- Contributions
  - Custody account – street name, DTC, book entry
  - Physical certificates
  - Special concerns for S-corp stock

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### Securities: Bonds

- Debt obligation – an IOU
  - Price varies inversely with interest rates
- Many types – Corporate, municipal, U.S. government, zero coupon, U.S. Savings
  - Savings bonds do not make good lifetime gifts
- Contribution mechanics

Page 4

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### Securities: Bond Prices

What would an investor pay for a bond that promises to pay \$600 per year and \$10,000 when the bond matures some years in the future?

Interest Rate	Bond Value	
6%	\$10,000	\$600 is 6% of \$10,000
8%	\$7,500	\$600 is 8% of \$7,500
4%	\$15,000	\$600 is 4% of \$15,000

Bond values change inversely to interest rates.

Page 5

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### Securities: Mutual Funds

- Pooled investment funds
  - More than 14,000 funds worth \$15 trillion
  - More than 23% of household personal wealth
- Dividend reinvestment programs
- Transfer complexity
- Beware: short-term = limited deduction

Page 5

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### Depreciated Securities

**“Friends don’t let friends give when depreciated.”**

- Securities that are *now worth less* than the donor paid generally do not make tax-wise charitable gifts
- Charitable deduction will be for current fair market value – less than the donor paid
- Selling might make better sense

Page 6

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### Gift of Depreciated Property

Assume a donor in the 28% tax bracket is considering a contribution of securities now worth \$10,000 that cost \$15,000 (\$5,000 loss).

	Gift of Securities	Sell and Give Cash
Contribution	\$10,000	\$10,000
Income taxes saved	2,800	2,800
<b>After-tax cost of gift</b>	<b>\$7,200</b>	<b>\$7,200</b>
Capital loss (potentially used to off-set other capital gains)	-0-	\$5,000

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### Fair Market Value and Appraisals

- The price that would be arrived at between a willing buyer and a willing seller
- Deduction up to \$500 – estimate value and enter on Schedule A
- \$501 up to \$5,000 – estimate value, explain, and file form 8283
- More than \$5,000 – qualified appraisal value, charity acknowledges receipt on form 8283

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**Part IV Donee Acknowledgment**— To be completed by the charitable organization.

This charitable organization acknowledges that it is a qualified organization under section 170(c) and that it received the donated property as described in Section B, Part I, above on the following date: \_\_\_\_\_

Furthermore, this organization affirms that in the event it sells, exchanges, or otherwise disposes of the property described in Section B, Part I (or any portion thereof) within 2 years after the date of receipt, it will file Form 6252, Donee Information Return, with the IRS and give the donor a copy of that form. This acknowledgment does not represent agreement with the claimed fair market value.

Does the organization intend to use the property for an unrelated use?  Yes  No

Name of charitable organization (please print)	Employer identification number
Address (number, street, and room or suite no.)	City or town, state, and ZIP code
Authorized signature	Title
	Date

Form 8283 (Rev. 12-2013)

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## Other Pitfalls

- Section B: "items (or groups of similar items)"
- Qualified Appraisal:
  1. Specific education or professional designation
  2. Regularly prepares appraisals for pay
  3. Demonstrates verifiable expertise
  4. Fee is not based upon appraised value
- Form 8282

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## Real Property

- Cautious evaluation of risks and rewards
  - Marketability
  - Holding costs
  - Environmental liability
- Other considerations
  - Debt encumbrance
  - Crops and timber
  - The dreaded timeshare

Pages 6-9

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### Personal Property

- Special considerations
  - Marketability at a fair price
  - Expenses while being held
  - Restrictions, reservations and other limitations
  - Alignment with organizations needs and goals
- “Related use” rule
  - Outright gifts
  - Caveats for certain life income gifts

Pages 10-11

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### Related Use Rule

- Contribution of a Bridgeport Milling Machine
  - Current Fair Market Value: \$17,500
  - Book Value (after depreciation): \$5,000




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### Notes on Non-cash Gifts

- Gifts of services – generally not deductible
- Gifts of art from the artist
- Donors should transfer the non-cash item itself, not the proceeds from the sale
- Helpful donors: pre-arranged sale

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## Still Have a Question?

**Contact:** Craig Wruck

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