

# SAMPLE PLANNED GIVING DOCUMENTS

The Vestry of [name of parish]

[Address]

## RESOLUTION

In deep gratitude for our lives at [name of parish], for the gifts which God has given to us, and for the heritage we have received from our predecessors; and believing that we bear a responsibility toward the future generations of our Christian community,

We, the Vestry of [name of parish] in [City], [ST], approve and support the planned giving ministry for our parish and acknowledge that it is made up entirely of resources given by God and used to do exclusively the work of His kingdom.

THEREFORE BE IT RESOLVED, that [name of parish], through action of its Vestry, establishes a new and separate fund to be known as The Legacy Fund of [name of parish and address]. The Legacy Fund will enable [name of parish] to more completely fulfill its mission by developing its ministries beyond what is possible through its annual operating funds. Distributions from The Legacy Fund shall be limited to:

### SAMPLE LANGUAGE :

- 1) *Capital needs of [name of parish]*
- 2) *Outreach ministries and grants*
- 3) *Seed money for new ministries and special one-time projects*
- 4) *Such other purposes as are specifically designated by donors to [name of parish] whose gifts are included in The Legacy Fund.*

*Distributions from The Legacy Fund shall not be made to the operating budget of [name of parish].*

It is the desire of this parish to encourage, receive and administer gifts in a manner faithful to the loyalty and devotion to God expressed by the donors, and in accordance with the Canons of the Episcopal Church and the Canons of the Diocese of Georgia, and with the policies of this parish. The COMMITTEE of the Legacy Fund of [name of parish], as defined in the Plan of Operation (attached hereto and made a part hereof as Exhibit A) shall be the custodian of The Legacy Fund; and will administer and manage the Fund in accordance with that Plan of Operation.

We commit to reviewing our individual estate plans with the intention of supporting or increasing our support of *[name of parish]* Legacy Fund. We encourage every member of the parish to do the same.

Passed by the Vestry of *[name of parish]*, on the \_\_\_\_ day of 20\_\_\_\_.

*[Name of parish]*

\_\_\_\_\_  
Name of Senior Warden

\_\_\_\_\_  
Signature of Senior Warden

**Attest:**

\_\_\_\_\_  
Name of Secretary [or Clerk] of the Vestry

\_\_\_\_\_  
Signature of Secretary [or Clerk] of the Vestry

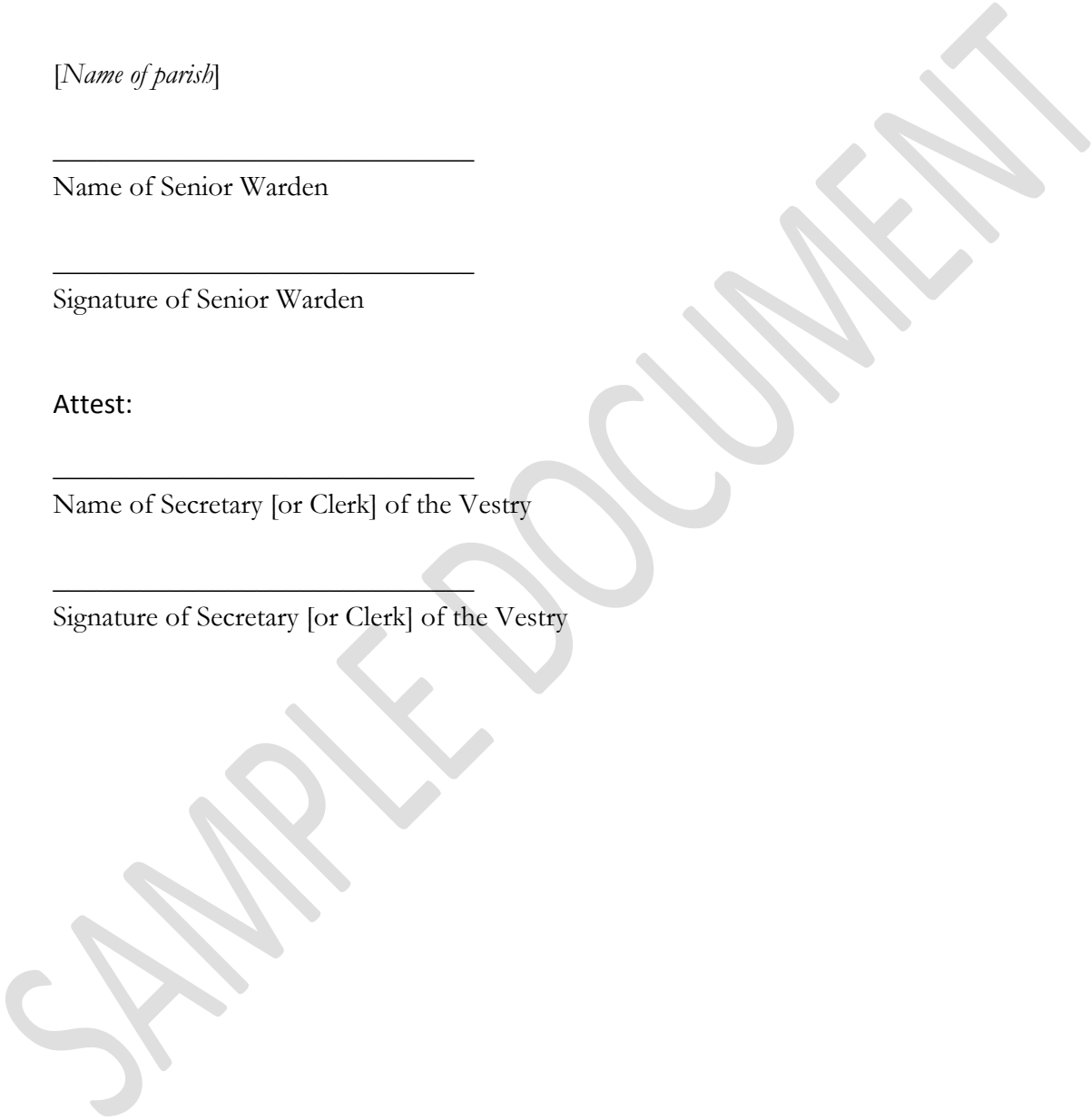


EXHIBIT A

PLAN OF OPERATION

**1. The Legacy Fund Committee**

The Legacy Fund Committee (herein called the "COMMITTEE") shall consist of five (5) members, all of whom shall be members in good standing of *[name of parish]* (herein called "PARISH"); they shall be appointed by the Rector, Wardens, and Vestry of PARISH (herein called "VESTRY"). The Rector and Senior Warden shall be ex-officio members of the COMMITTEE. Except as herein limited, the term of each member shall be three (3) years. Upon adoption of this Plan of Operation, at least (1) member shall be appointed for a term of three (3) years; one (1) for a term of two (2) years, and one (1) member for a term of one (1) year. Thereafter, on an annual basis, the VESTRY shall appoint the necessary number for a term of three (3) years. No member shall serve more than two consecutive three-year terms. After a lapse of one (1) year, former COMMITTEE members may be appointed. In the event of a vacancy on the COMMITTEE, the VESTRY shall appoint a member to complete the unfulfilled term, upon the completion of which that person would be eligible for reappointment to a normal three-year term.

The COMMITTEE shall meet at least quarterly or more frequently as deemed by it in the best interest of the FUND.

A quorum shall consist of four (4) voting members. The affirmative vote of four (4) members shall be necessary to carry any motion or resolution.

The COMMITTEE shall elect from its membership a chairperson and a secretary. The chairperson, or member designated by the chairperson, shall preside at all COMMITTEE meetings.

The secretary shall maintain complete and accurate minutes of all meetings of the COMMITTEE and supply a copy thereof to each member of the COMMITTEE. Each member shall keep a complete set of minutes to be delivered to his or her successor. The secretary shall also supply a copy of the minutes to the VESTRY in a timely manner.

The Treasurer of the parish shall maintain complete and accurate books of account for the FUND and will assure an audit in compliance with the Diocesan and Episcopal Church Canons.

Consistent with canonical requirements, the books will be included in the annual parish audit prepared by a certified public accountant or other qualified person. Such person cannot be a member of the COMMITTEE.

The COMMITTEE shall report on a quarterly basis to the VESTRY and, at each annual meeting of the congregation, shall render a full and complete account of the administration of the FUND during the preceding year.

The COMMITTEE, at the expense of the FUND, may choose to recommend to the VESTRY for approval an investment manager for the FUND. Furthermore, the COMMITTEE, at the expense of the FUND, may provide for professional counseling on legal, accounting and/or tax matters as it deems to be in the best interest of the FUND.

Members of the COMMITTEE shall be liable for any acts or omissions committed by them (including losses that may be incurred upon the investments of the assets of the FUND) only to the extent that such acts or omissions were not in good faith or involved intentional misconduct. Each member shall be liable only for his/her own intentional misconduct or for his/her own acts or omissions not in good faith and shall not be liable for the acts or omissions of any other members. No member shall engage in any self-dealing or transactions with the FUND in which the member has direct or indirect financial interest and shall at all times refrain from any conduct in which his personal interest would conflict with the interest of the FUND.

All assets are to be held in the name of THE LEGACY FUND OF [*name of parish*]. Actions to hold, sell, exchange, rent, lease, transfer, convert, invest, reinvest, and in all other respects to manage and control the assets of the FUND, including stocks, bonds, debentures, mortgages, notes, warrants, of other securities, as in their judgment and discretion they deem wise and prudent, are to be made by a designated member of the COMMITTEE.

## **2. Acceptance of gifts to the FUND**

In the absence of a Gift Acceptance Policy of the PARISH, the COMMITTEE will establish a Gift Acceptance Policy through which decisions are made as to whether gifts to the FUND shall be accepted. This policy will incorporate the provision that, if a gift of property other than cash or publicly traded securities is offered to the parish, a careful review will be conducted to determine whether the best interests of the congregation are served by accepting or declining the gift.

Guidelines for conducting such a review shall be incorporated in the Gift Acceptance Policy of the FUND.

## **3. Distributions from the FUND**

It is the intent of this plan that the FUND shall be managed in a manner so that the purchasing power of the long-term assets is maintained while, at the same time, fund growth is periodically

distributed. The COMMITTEE shall formulate a policy defining the spending guidelines and protocols, with the approval of the VESTRY, that will provide for the withdrawal and use of funds consistent with the stated purposes of the FUND as defined in the Vestry Resolution.

**4. Amendment of this plan**

Any amendment of this plan shall be adopted by a vote of at least two-thirds (2/3) of the membership of the VESTRY at a regularly scheduled meeting or at a special meeting called specifically for the purpose of amending this plan.

**5. Disposition or transfer of FUND**

In the event the PARISH ceases to exist, whether through merger, dissolution or some other event, the assets thereof shall first be applied in liquidation of bona fide indebtedness, if any, and the remaining assets shall be turned over to the Episcopal Diocese of Georgia, 611 East Bay Street, Savannah, GA, 31401 to use in furtherance of its religious and charitable purposes.

The foregoing Plan of Operation is hereby adopted by the VESTRY of [*name of parish*] this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[*Name of parish*]

\_\_\_\_\_  
Name of Senior Warden

\_\_\_\_\_  
Signature of Senior Warden

**Attest:**

\_\_\_\_\_  
Name of Secretary [or Clerk] of the Vestry

\_\_\_\_\_  
Signature of Secretary [or Clerk] of the Vestry

**THE LEGACY FUND COMMITTEE  
OF  
[name of parish]**

**POLICY REGARDING SUB-FUNDS**

A separate and designated sub-fund of the Legacy Fund of [name of parish] (herein called the “FUND”) may be established for restricted gifts in the amount of \$\_\_\_\_\_ or more. These assets are merged with other assets of the FUND for investment purposes, but the identity and designated purpose of each fund is preserved individually.

The sub-fund is established effective the last day of the quarter, if not before, in which the gift is received. The value is determined either by the actual value, if received by the FUND in cash, or the market value of the assets determined on the date the sub-fund is established.

Income, realized gains or losses and unrealized gains or losses are allocated quarterly to each sub-fund based on its market value relative to the total market value of the FUND at the end of the previous quarter. New gifts are then added and withdrawals are subtracted to arrive at the new value of the designated sub-fund on, or no later than, the last day of the quarter.

The amount of funds made available for expenditure out of a restricted fund is dictated by the formula defined in the Spending Guidelines and is limited to the purposes specified in the respective restricted fund or sub-fund. Funds restricted by the donor, by the Rector, Wardens and Vestry, or by the Legacy Fund Committee of the [name of parish] (herein referred to as “COMMITTEE”), and any available but unspent funds are held in the fund and are available for expenditure in subsequent years, as stipulated in the Spending Guidelines. These unspent funds increase the total market value of the designated fund and continue to accrue earnings until expended.

The COMMITTEE may agree to establish an individual sub-fund with an amount less than \$\_\_\_\_\_, with the assurance of the donor(s) that the sub-fund will be added to over time and the \$\_\_\_\_\_ minimum level will be reached in a reasonable time. Until such time as the minimum level is reached, and a designated sub-fund is established, no earnings will be available for expenditure. The portion of the earnings attributed to that sub-fund will be accrued and become a part of the corpus to more readily move the sub-fund to the \$\_\_\_\_\_ minimum level.

Adopted by action of the COMMITTEE this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Name of parish]

\_\_\_\_\_  
Name of Chair of COMMITTEE

\_\_\_\_\_  
Signature of Chair of COMMITTEE

**Attest:**

\_\_\_\_\_  
Name of Secretary of COMMITTEE

\_\_\_\_\_  
Signature of Secretary of COMMITTEE

SAMPLE DOCUMENT

**THE LEGACY FUND COMMITTEE**  
**[name of parish]**

**INVESTMENT GUIDELINES FOR THE LEGACY FUND**

The Legacy Fund Committee (herein called the “COMMITTEE”) will administer the portfolio of the Legacy Fund of [name of parish] (herein called the “FUND”) in accordance with these guidelines, as adopted and amended from time to time. These guidelines shall be reviewed at least annually by the COMMITTEE to determine whether they shall be amended or remain unchanged.

**Objectives**

The assets of the FUND are to be invested with the same care, skill and diligence that a “prudent person” would exercise under similar circumstances considering the purposes, terms, distribution requirements and other details of the investments. The primary objective is to achieve a reasonable total return on the assets, while limiting the risk exposure to ensure the preservation of capital.

**Policies**

The COMMITTEE will make investment decisions in accordance with the objectives stated above. The “prudent person rule” shall be the governing policy in making investments. These guidelines are not intended to restrict or impede the efforts of the COMMITTEE to attain the FUND objectives nor is it intended to exclude the COMMITTEE from taking advantage of appropriate opportunities as they arise. The COMMITTEE shall have discretion and flexibility to implement the objectives, policies and goals herein set forth.

The COMMITTEE shall not invest in private placement, letter stock, futures transactions, arbitrage and other uncovered options and shall not engage in short sales, margin transactions, or other similar specialized investment activities.

**Asset Allocation**

Because the securities markets may vary greatly throughout a market cycle, the COMMITTEE may change the asset mix of the FUND as long as that mix meets the overall objectives of and is consistent with the policy guidelines herein set forth. The FUND shall be allocated between appropriate asset classes as necessary to meet the primary objectives of the fund.



The target allocation among asset classes shall be determined periodically, and at least annually, by the COMMITTEE, in consultation with the investment manager(s), if there be any, to reflect a prudent response to current market conditions.

**Investment Goals for the FUND**

While maintaining the asset mix within the above guidelines, the COMMITTEE accepts a risk level for the FUND’S overall investment program that is intended to produce a total annual return adequate to cover these components: 1) expenditures from the FUND, 2) inflation, 3) growth of the FUND. Currently, The FUND’s management will seek to achieve the following specific goals:

- Allocating a percentage of the FUND as “available for expenditures,” as delineated in the Policy on Spending Guidelines
- Retaining a portion of the FUND equal to the average rate of inflation
- Retaining a portion of the FUND to provide for additional growth of the FUND
- Combining these elements, implying a target total return on the FUND’s assets

Generally, the investment performance will be measured over a 3- to 5-year period. Further, it is recognized that the rates assigned to the goals outlined above are subject to modification from time to time. The COMMITTEE shall review the assigned rates annually, but with due regard to the 3 to 5-year measurement period.

Adopted by action of the COMMITTEE this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Name of parish]*

\_\_\_\_\_  
Name of Chair of COMMITTEE

\_\_\_\_\_  
Signature of Chair of COMMITTEE

**Attest:**

\_\_\_\_\_  
Name of Secretary of COMMITTEE

\_\_\_\_\_  
Signature of Secretary of COMMITTEE

## THE LEGACY FUND COMMITTEE

[*name of parish*]

### SPENDING GUIDELINES

The Legacy Fund Committee of [*name of parish*] (herein called “COMMITTEE”) will administer the portfolio of the Legacy Fund of [*name of parish*], (herein called the “FUND”) in accordance with these guidelines, as adopted and amended from time to time. These guidelines shall be reviewed at least annually by the COMMITTEE to determine whether they shall be amended or remain unchanged. The COMMITTEE may choose to employ an outside investment manager.

Allocations of funds available for distribution will be made in two general ways:

1. Upon written request of the VESTRY, and with the approval of the COMMITTEE (which approval shall not be unreasonably withheld), funds may be transferred to the Treasurer of [*name of parish*] for those uses that conform to the purposes and restrictions incorporated in the Plan of Operation adopted by the VESTRY on \_\_\_\_\_, 20\_\_\_, as may have been amended from time to time.
2. As set forth in the Plan of Operation, the COMMITTEE may obligate monies for general expenses incident to the management and administration of the FUND. Extraordinary initiatives contemplated by the COMMITTEE to be undertaken for the FUND development will be approved by the VESTRY before implementation.

It is the goal of the COMMITTEE to provide for a reasonable and consistent level of expendable funds to be made available for the purposes established for those funds. At the same time, the COMMITTEE is committed to providing for the long-term growth of the FUND, at least at a level commensurate with inflation.

Expendable funds will be determined as follows:

Expendable funds from the permanently restricted funds will be determined on the basis of a total-return principle and will not be dependent upon income generated through interest or dividends. The funds available for distribution during any one year will be limited to \_\_\_ % of the market value of the corpus, which value is determined by computing a \_\_\_\_-year rolling average, with measures taken at the end of each calendar year on a specified date. The market values for this purpose will be taken net of the fees for investment management.

All other expenditures, from unrestricted or temporarily restricted funds, will be in accordance with donor restrictions or the Legacy Fund authorizing resolution.

Adopted by action of the COMMITTEE this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

[Name of parish]

\_\_\_\_\_  
Name of Chair of the COMMITTEE

\_\_\_\_\_  
Signature of Chair of the COMMITTEE

**Attest:**

\_\_\_\_\_  
Name of Secretary of the COMMITTEE

\_\_\_\_\_  
Signature of Secretary of the COMMITTEE

