



OUR SAVIOR'S LUTHERAN CHURCH GIFT POLICY

Our Savior's Lutheran Church Topeka. KS

*Note: The **ELCA Foundation** is mentioned throughout this document. It is not intended to be an endorsement of the Foundation by Our Savior's Lutheran Church as an exclusive financial planning professional. The reference is intended to highlight for the reader that the ELCA Foundation is available to offer gift planning services at no charge to Our Savior's Lutheran Church and its donors.*

PURPOSE

This policy governs the acceptance of gifts by Our Savior's Lutheran Church and provides guidance to prospective donors and their advisors when making gifts to Our Savior's Lutheran Church where all are invited to support our mission and ministry. The provisions of this policy apply to all gifts to Our Savior's Lutheran Church over and above regular giving, offering, or pledges, or specific campaign or initiative contributions. Gifts will be accepted when they support the mission, purpose, and procedures of Our Savior's Lutheran Church. Donors are encouraged to bless Our Savior's Lutheran Church with gifts free of restrictions. All gifts will be considered based on the type of asset, gift transfer costs, donor restrictions, potential liabilities, mission, current needs, and other applicable factors. Our Savior's Lutheran Church shall accept only such gifts as are legal and consistent with the Our Savior's Lutheran Church Gift Policy, and applicable Bylaws and Constitution. Our Savior's Lutheran Church does not provide tax advice; however a reasonable effort will be made to assist donors in complying with the intents and purposes of the Internal Revenue Service (IRS) for allowing charitable tax benefits.

STEWARDSHIP AND FINANCE COMMITTEE GUIDELINES

The Stewardship and Finance Committee is charged with the responsibility of reviewing gifts offered to Our Savior's Lutheran Church and shall form recommendations to the Executive Council regarding gift acceptance and use according to this Gift Policy Section

Our Savior's Lutheran Church will accept unrestricted gifts and donor restricted gifts for specified programs and purposes, provided that such gifts are consistent with the mission, purpose, and procedures of Our Savior's Lutheran Church. Our Savior's Lutheran Church will not accept gifts that would result in losing its status as a US Internal Revenue Code Section 501(c)(3) nonprofit organization; are deemed by the Stewardship and Finance Committee too difficult or too expensive to administer; or be a liability, in relation to the gift value; would result in unacceptable consequences; or are for purposes outside the mission of Our Savior's Lutheran Church.

Our Savior's Lutheran Church, as a general rule, will convert all gifts to cash. Records of gift acceptance or decline and of gift use shall be audited within Our Savior's Lutheran Church's standard compliance review procedures.

The Stewardship and Finance Committee shall complete a Gift Worksheet (see Exhibit A) to record the gift acceptance and use decisions.

The Stewardship and Finance Committee shall acknowledge and offer appreciation for every donor's generosity, regardless of the decision to accept or decline the gift. Often that acknowledgement and appreciation will begin with a verbal conversation with the donor or donor's estate but will be formalized through written notice sent by US Mail, or email with read receipt requested, and signed by a current Stewardship and Finance Committee chair or their designee.

Recognition of the donor should not be a condition of the gift. The decision to provide acknowledgement and recognition for the gift will be the decision of the Stewardship and Finance Committee taking into consideration the desire of the donor and keeping with the standards and culture for the practice of appropriate gratitude for this congregation.

If there are questions or concerns regarding any gift including the offer, acceptance, or use thereof, whether defined in this policy or not, the donor and/or the Stewardship and Finance Committee members are always encouraged to consult with the ELCA Foundation's Regional Gift Planner and Foundation staff or other related professional.

I. TYPES OF GIFTS CONSIDERED

The following examples are intended to facilitate donation and acceptance of gifts offered, albeit not intended to represent an exclusive list of potential gifts nor review criteria.

A. **Potential Gifts.** A variety of gifts can be shared with Our Savior's Lutheran Church and donors are encouraged to inform the Stewardship and Finance Committee of such gift plans whenever possible. Some gifts will be accepted outright, and other gifts will be reviewed on a case-by-case basis according to the procedures of this gift policy. The Stewardship and Finance Committee may seek advice from attorneys, accountants, and other professionals in evaluating potential gifts. General categories of gifts include, but are not limited to:

- a. **Cash.** Gifts of cash will be accepted and are welcomed.
- b. **Beneficiary Designations.** Gifts of assets that transfer through beneficiary designation will be accepted. Types of beneficiary designation assets include, but are not limited to:
 - i. Bank and credit union accounts
 - ii. Bank accounts and investments of qualified or non-qualified status, including, but not limited to, annuities, mutual funds, and securities
 - iii. Charitable Gift Annuities
 - iv. Charitable Remainder Trusts
 - v. Charitable Lead Trusts
 - vi. Distribution Agreements
 - vii. Donor Advised Funds
 - viii. Endowments
 - ix. Life insurance policies

NOTE: Sample beneficiary designation language... "Our Savior's Lutheran

Church, a nonprofit organization located at address, Federal Tax ID #48-0785832, for general use and purpose.”

- c. **Marketable Securities.** Gifts of marketable securities will be accepted when transferred electronically to Our Savior’s Lutheran Church-owned brokerage account; or delivered physically with the transferor’s endorsement or signed stock power (with appropriate signature guarantees) attached; or transferred through the ELCA Foundation. All marketable securities will be sold promptly upon receipt unless otherwise directed. In some cases, marketable securities may be restricted by applicable securities laws, the terms of the proposed gift, or other stipulations. Types of publicly and non-publicly traded marketable securities include, but are not limited to:
- i. Bonds
 - ii. Master Limited Partnerships (MLP)
 - iii. Mutual Funds
 - iv. Real Estate Investment Trusts (REIT)
 - v. Stocks
 - vi. Unit Investment Trusts (UIT)

NOTE: Sample language when securities are transferred through the ELCA Foundation... “For Benefit Of: Our Savior’s Lutheran Church, a nonprofit organization located at address, Federal Tax ID #48-0785832.”

- d. **Life Insurance.** Gifts of life insurance will be accepted when Our Savior’s Lutheran Church is the sole owner of the insurance policy, and an agreement is reached regarding the responsibility for payment of current and future premiums due. If the premium payments are not paid, Our Savior’s Lutheran Church, as policy owner, reserves the right to surrender the policy in exchange for the cash value to avoid loan balance accruals.

NOTE: Sample life insurance transfer of ownership language... “I transfer sole ownership of life insurance contract (contract #) to: Our Savior’s Lutheran Church, a nonprofit organization located at 2021 SW 29th St, Topeka, KS 66611, Federal Tax ID #48-0785832.”

- e. **Bequests.** Gifts in the form of a bequest will be considered on a case-by-case basis. Types of bequests include, but are not limited to:
- i. Charitable Lead Trusts (CLT) or Charitable Remainder Trusts (CRT)
 - ii. Irrevocable Life Insurance Trusts (ILIT)
 - iii. Living or Revocable Trusts
 - iv. Testamentary Trusts or ‘trust under will’
 - v. Wills

NOTE: Sample bequest language... “I hereby give, devise and bequeath ten percent (10 %) of my total estate, to Our Savior’s Lutheran Church, a nonprofit organization located at 2021 SW 29th St, Topeka, KS 66611, Federal

Tax ID #48-0785832, for general use and purpose.”

- f. **Real Estate.** Gifts of real estate will be considered on a case-by-case basis. The donor shall be required to present an appraisal to Our Savior’s Lutheran Church no more than 60 days prior to the real estate transfer (Ref. IRS Publication 561, under “Qualified Appraisal”). Prior to acceptance of any gift of real estate, Our Savior’s Lutheran Church may require an initial environmental review, a title search, and any other inspection. In the event that the environmental review warrants additional investigation, Our Savior’s Lutheran Church may retain a qualified firm to conduct a comprehensive environmental audit. The donor shall be responsible for the costs of the appraisal, title search, other inspections and/or any environmental studies required as a result of the environmental review and/or audit. Types of real estate include, but are not limited to:
- i. Agricultural
 - ii. Commercial
 - iii. Residential
 - iv. Undeveloped real estate
- g. **Remainder Interests in Property.** Gifts of a remainder interest in a personal residence, farm/ranch, or vacation property (excluding time share interests) will be considered on a case-by-case basis and shall be subject to the real estate provisions in this Gift Policy Section III.f. The donor or other occupants may continue to occupy the real property for the duration of their stated life or lives. Upon termination of the life interest, Our Savior’s Lutheran Church may use the property or reduce it to cash. Where Our Savior’s Lutheran Church receives a gift of a remainder interest, expenses for maintenance, real estate taxes, and any property indebtedness are to be paid by the donor or life tenant(s). Types of remainder interests include, but are not limited to:
- i. Beneficiary Deeds
 - ii. Enhanced Life Estate Deeds (aka Lady Bird deeds)
 - iii. Life Estate Deeds
 - iv. Transfer on Death Deeds

NOTE: Availability and types of remainder interests in property are defined by current state law.

- h. **Closely held business interests.** Gifts of closely held business interests will be considered on a case-by-case basis and shall be subject to the real estate provisions in this Gift Policy Section III.f. Types of closely held business interests include, but are not limited to:
- i. Limited Liability type organizations (LLC, LLP, etc.)
 - ii. Partnerships
 - iii. S-Corporations or shares
 - iv. C-Corporations or shares
 - v. Business options/warrants

- i. **Oil, Gas, and Mineral Interests and Royalties.** Gifts of oil, gas, or mineral interests and/or royalties will be considered on a case-by-case basis and shall be subject to the real estate provisions in this Gift Policy Section III.f.

NOTE: A working interest shall not be accepted.

- j. **Agricultural Commodities.** Gifts of commodities from cash basis farmers (excluding crop share landlords), including gifts of grain (e.g. soybeans, corn, wheat, et al.), will be considered on a case-by-case basis and shall be subject to the real estate provisions in this Gift Policy Section III.f., provided the gift is from unsold crop inventory with no sale commitment made prior to the gift. The donor must give up “dominion and control” of the commodity and cannot sell the grain and order the proceeds to be sent to Our Savior’s Lutheran Church. Our Savior’s Lutheran Church assumes risk after the transfer to include storage, transportation, and marketing costs as well as price risk. The transaction must be well documented to show Our Savior’s Lutheran Church as the owner (i.e., commodity is delivered and a warehouse receipt is executed to the Our Savior’s Lutheran Church, or a notarized letter of transfer for crops stored on the farm).
- k. **Intellectual Property.** Gifts of intellectual property will be considered on a case- by-case basis. The donor and Our Savior’s Lutheran Church are encouraged to consult with an estate attorney/legal counsel before offering and/or accepting this gift. Types of intellectual property include, but are not limited to:
 - i. Copyrights
 - ii. Patents
 - iii. Trademarks
- l. **Tangible Personal Property.** Gifts of tangible personal property will be considered on a case-by-case basis. The Stewardship and Finance Committee may refer to IRS Publication 561 for guidelines in the valuation of different kinds of personal property.
IRS publication 561 “*Determining the Value of Donated Property*”.
- m. **In-Kind Donations.** Gifts of in-kind goods or services given by a business or business owner, or a donor willing to pay for such goods or services on behalf of Our Savior’s Lutheran Church, will be considered on a case-by-case basis. In- Kind donations will be acknowledged in writing by Our Savior’s Lutheran Church, but as per Internal Revenue Service (IRS) Guidelines, will not be valued by, nor provided a receipt for charitable contribution by Our Savior’s Lutheran Church. It is the donor’s responsibility to complete and file IRS Form 8283 for any and each noncash contribution more than \$500. (Ref. IRS Publication 561 “*Determining the Value of Donated Property*”.

B. Gift Review Criteria

- Does the gift further the mission or help fulfill the purpose of Our Savior's Lutheran Church?
- Is the gift easy to convert to cash, readily marketable, or are there restrictions on the use, display, or sale of the gift?
- Are there covenants, conditions, restrictions, reservations, easements, encumbrance, or other limitations associated with the gift?
- Are there any carrying costs (e.g. insurance, property or other taxes, mortgages, or notes), or maintenance expenses that outweigh the benefit of the gift?
- Does the environmental review or audit reflect that the property warrants additional investigation or otherwise requires remediation?
- Does the property have liabilities or other considerations that make receipt of the gift inappropriate?
- Any other criteria determined to be applicable by the Stewardship and Finance Committee.

II. GIFT VALUATION

Gift Valuation. For gifts of real estate and personal property valued at more than \$5,000, acquiring an independent assessment or appraisal shall be the responsibility of the donor or donor's estate. Appraisal of all non-cash gifts must take place within 60 days (Ref. IRS Publication 561 "Determining the Value of Donated Property" under "Qualified Appraisal").

NOTE: The ELCA Foundation can be a resource to help determine the necessary appraisal information.

III. USE OF UNRESTRICTED GIFTS

An unrestricted gift is given without any stipulation for its use and is accepted to support the mission and ministry of Our Savior's Lutheran Church. OSLC may use the unrestricted gift(s) in the following manner:

- Within the programs of Our Savior's Lutheran Church
- Outside organizations that support the mission and goals of Our Savior's Lutheran Church

IV. USE OF RESTRICTED GIFTS AND GUIDELINES

A restricted gift is given with specific stipulations for its use and is accepted to support the mission and ministry of this congregation through the donor-defined restrictions. Gifts with specific donor defined restrictions will be considered on a case-by-case basis with the understanding that the funds are to be used as requested by the donor.

NOTE: Once a gift is accepted, donors may not direct the way a gift is invested or utilized beyond the stipulated restriction(s). In accordance with the Internal Revenue Service, donors cannot claim tax favor or retain control over gifts to charity.

- A. Donors should be aware that programs offered by this congregation may be discontinued, modified, or incorporated into other programs, therefore a donor who makes a restricted gift, whether in the form of a current gift or through an estate plan, is strongly encouraged to complete the ***Restriction and Release Form*** (see Exhibit B). The Stewardship and Finance Committee shall make the *Restriction and Release Form* readily available in the office and through the website of this congregation.
- B. Restricted gifts established prior to the approval of this policy shall be maintained as restricted gifts. After adoption of this policy, gifts received without the accompaniment of a *Restriction and Release Form* shall be reviewed by the Stewardship and Finance Committee, the Council, and potentially this congregation to determine if the gift shall be accepted. This congregation may also consult legal counsel and this state's Attorney General to determine the requirements to lift a donor restriction if necessary.
- C. Donor Restricted Gifts to Our Savior's Lutheran Church: If a donor wishes to establish an endowment, the gift should/shall meet the following requirements:
- Must be valued at Twenty-Five Thousand dollars (\$25,000.00) or greater.
 - Be consistent with the mission and programs of Our Savior's Lutheran Church. Can accept contributions from other donors.
 - Become an asset of this congregation.

NOTE: Donor wishing to establish an endowment, may also be encouraged to contact the ELCA Regional Gift Planner, or other financial professional.

The steps below apply to all restricted gifts:

- Step 1:** Our Savior's Lutheran Church shall apply the full proceeds of the gift to the restriction defined by the donor.
- Step 2:** In the rare event the gift is unable to be used as intended by the donor due to a lack of funding, need, or program; and after a review period of at least twenty-four (24) months; and in alignment with the restriction release requirements of this congregation and this state, the gift may become unrestricted and the balance of the gift (including any accumulated interest) may be utilized as an unrestricted gift as described in the Gift Policy Section III.

V. MEMORIAL AND HONORARY GIFTS

Memorial and honorary gifts include gifts given in memory or honor of loved ones, friends, or others and may be unrestricted or restricted. Memorial and honorary gifts are subject to the same guidelines for gift acceptance, appreciation, valuation, and

use as defined in the Gift Policy Sections III, IV, V and VI. Use of Memorial Funds are overseen by the Memorial Committee pursuant to Our Saviors' Lutheran Church bylaws.

NOTE: Notification shall be provided to the individual, family, or the individual's estate, listing the donors who contributed a memorial or honorary gift.

VI. GIFT POLICY REVIEW

This policy shall be reviewed every three (3) years by The Stewardship and Finance Committee. The initial review will commence in the year two thousand and twenty-five (2025).

VII. RESOURCES

The **ELCA Foundation**, through Regional Gift Planners and support staff, offer gift planning services at no charge to Our Savior's Lutheran Church and its donors. Visit **www.elcafoundation.org** or call **800-638-3522** to connect with the ELCA Foundation Regional Gift Planner, Stephen E. Phelps, that supports Our Savior's Lutheran Church.

Donors are also encouraged to consult with their personal tax advisor, estate attorney and/or financial advisor for specific tax, legal, and investment information. Our Savior's Lutheran Church does not provide any tax, legal, or investment advice.

Date Approved:		Approved by:			
Date Reviewed:		Reviewed by:		Approved by:	



GIFT WORKSHEET

OUR SAVIOR'S LUTHERAN CHURCH
2021 SW 29th ST, TOPEKA, KS 66611

PHONE: 785-266-5313

EMAIL: churchoffice@oslctopeka.org

WEBSITE: <https://oslctopeka.org/>

TAX ID#: 48-0785832

Date: _____ Donor Name(s): _____

Gift Amount: _____ Gift Type: _____

Gift Use: Restricted Unrestricted

Donor Restriction: _____

Restriction Release Form

Gift Status: Rejected

Reason for Rejection: _____

Accepted

Donor Contact By: _____

Date: _____

Example

1.	WORSHIP AND MUSIC FUND (70%)	\$
2.	RESERVE: BUILDING AND MAINTENANCE FUND (20%)	\$
3.	TITHE: CENTRAL STATES SYNOD OF THE ELCA (10%)	\$
4.	OTHER	\$
5.		\$
6.		\$
7.		\$
8.		\$
9.		\$
TOTAL:		\$

Thankyou Letter Sent

Decline Letter Sent

Congregation Council Approval: _____ Date: _____

Gift Distribution Completed By: _____ Date: _____



RESTRICTION AND RELEASE FORM

OUR SAVIOR'S LUTHERAN CHURCH
2021 SW 29th ST, TOPEKA, KS 66611
PHONE: 785-266-5313
EMAIL: churchoffice@oslctopeka.org
WEBSITE: https://oslctopeka.org/
TAX ID#: 48-0785832

Undesignated and unrestricted gifts offer the best opportunities for Our Savior's Lutheran Church (OSLC) to direct your gift to where it is most needed to impact our mission. We have adopted a gift policy that explains how such gifts will be used by OSLC.

Donor/Representative Name(s): _____

Donor/Representative Address: _____

Date: _____ **Amount:** _____

Is this a gift to the/an endowment? Yes No

Donor Restriction:

Donor Release:

In the event a restricted gift to OSLC or part thereof, is unable to be used due to lack of program, need, or funding, as determined by the congregation council, the gift will become unrestricted after a minimum of twenty-four (24) months beyond the restriction(s) useful life, to assure the restriction is no longer applicable. The gift or contribution along with any remainder, unused portion, accumulated interest, or growth will be managed according to the unrestricted gift guidelines in this congregation's Gift Policy.

I/We understand and agree to the terms and conditions defined in Our Savior's Lutheran Church Gift Policy and represented in this release form.

Donor Signature: _____

Date: _____

Donor Signature: _____

Date: _____

Restriction Acceptance:

On behalf of OSLC, this congregation accepts the restriction offered by the Donor(s) and agrees to honor that request as defined by this congregation's Gift Policy and as represented by this release form.

Donor/Representative Name and Title: _____

Donor/Representative Signature: _____

Date: _____