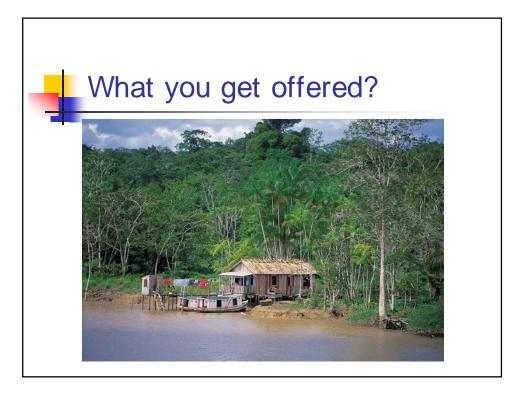


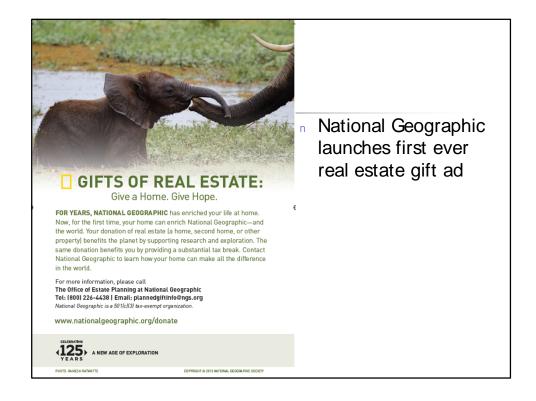


James E. Connell & Associates Charitable Estate and Gift Planning Specialists Box 3335, Pinehurst, North Carolina 28374 Phone 910-295-6800 .... Fax 910-295-6866 "Building Endowments for American Charities"





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### Do you really want to do Real Estate – Board Objections

How do we know what it is worth?

- Real estate values are going down we will get stuck with it!
  - REAL ESTATE The average single-family home nationwide peaked in value on 6/30/07 but has dropped by 17% from that maximum value as of 6/30/12
  - HOUSING VALUES The average home price in the USA dropped by 19.4% (in aggregate, not per year) over the 5-years ending 3/31/12 (source: Office of Federal Housing Enterprise Oversight)
- I know someone who has been trying to sell property for over 4 years, why would we take it?
- It is costly to keep and costly to sell, just get cash instead. Too much unknown liability exposure.
- Lack of qualified staff for the intake, management and sale of property



### Do you really want to do Real Estate – Staff response

- We get many gifts of non-cash assets
- Unlike stocks where we know the value we will have to get at least two appraisals to know the value
- Most real estate gifts will be \$100,000+
  - HOMES The average sales price of an existing home sold in the USA during April 2012 (\$177,400) was +7% greater than the average sales price of an existing home sold in April 2009 (source: National Assoc. of Realtors)
- A charity can hold real estate until the market comes back



### Do you really want to do Real Estate – Staff response

- Opportunity for donor to make a significant gift with an asset no longer needed
  - n Sell
  - Downsize
  - Offload management responsibilities
  - Give outright for deduction to offset other income
- We can use charitable strategies to acquire land around our campus
- A knowledgeable consultant can assist with this gift



### Real Estate Myths



- 1. If offered a real estate gift there must be something wrong with it
- 2. Staff time and expense are not worth it
- 3. Most real estate gifts are deferred so we will not have cash for many years



#### Real Estate Myths



- 4. Most properties have a mortgage
- 5. Owners do not like to have development folks talk about their real estate holding
- 6. Never accept real estate for a gift annuity
  - Source: Debunking Myths about Real Estate Gifts, Dennis Bidwell, www.bidwelladvisors.com



### Why Real Estate?



- Intergenerational transfer of wealth
- 75% of individuals over age 65 own one or more homes
  - Many retired seniors have a mortgage on their real estate. Back in 1989, just a little over a quarter of all households (26.4%) were living as "retired with a mortgage"
  - By 2007, nearly half (46.5%) of all households could be considered as living "retired with a mortgage." This is a 76% increase in just 18 years
- Most seniors have no debt on property
  - 48% of households headed by individuals 65 to 74 had no debt (Source: Federal Reserve 2007 study of consumer finances)
- Personal residences comprise about 10% of all estate assets
- Other real estate comprise about 7% of all estate assets



#### Why Real Estate?

- n Highest percentage of mortgage-free homeowners, 29.3% (Source: Zillow.com)
  - Pittsburgh
  - n Tampa
  - New York
  - Cleveland
  - Miami







#### Discovery Process



- n How property is owned
  - Individual, trust, partnership, corporation
- Existing or potential liens
- Expenses to carry property
  - Electric, water, maintenance, insurance taxes
- Clear title report
- Paperwork process
  - Internal and external
- Parties involved
  - Multiple ownership
- Easements or other restrictions
- Zoning issue



### Steps to Take Before Accepting Real Estate...when you don't have a policy

- n Get an appraisal
- Ask a professional broker to evaluate the appraisal
- Hire a lawyer to review contracts
- "Kick the tires" Inspect and have the property inspected
- Mention/urge donor to pay for environmental evaluation
- Figure out how much income a commercial property could provide



### Steps to Take Before Accepting Real Estate...when you don't have a policy

- Determine monthly costs of keeping the property and project future maintenance costs
- Identify all potential risks owning the property and selling it in the future
- Figure out how to manage the property once it is gifted and purchased
  - Source: Chronicle of Philanthropy, August 2009
- NO TIMESHARES



#### Mortgage on Property



- Reduces equity of fair market value and creates a bargain sale
  - Recourse against the property and the owner
  - Non-recourse solely against the property
- Mortgage removal strategies
  - Pay off
  - Transfer to other property
  - Charity short term low interest loan
  - Charity purchase percentage interest





#### **CERCLA** statue



- Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund Act)
- Any person, or entity in the chain of title (even briefly) can be held liable for environmental cleanup, even if it did not in any way contribute t the hazardous waste
- Solutions:
  - Single Member Charitable LLC
  - Supporting Organization
  - FLIP charitable remainder unitrust

# 4

# Getting the Word Out Marketing Matrix

- Take advantage of all marketing strategies
  - <sub>n</sub> Internal
  - External
  - Web site
  - Personal Visits





#### What is Real Estate Worth?

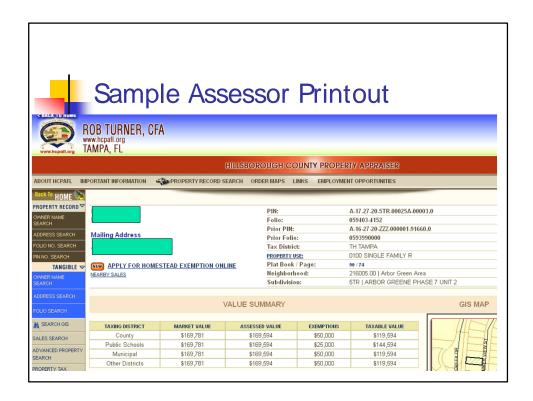
- Assessment date is available on all US properties
- The kind of home a family owns usually reflects its economic status
- Primary source is the assessor for the county or township where the property is located
  - Assessed value
  - Market value

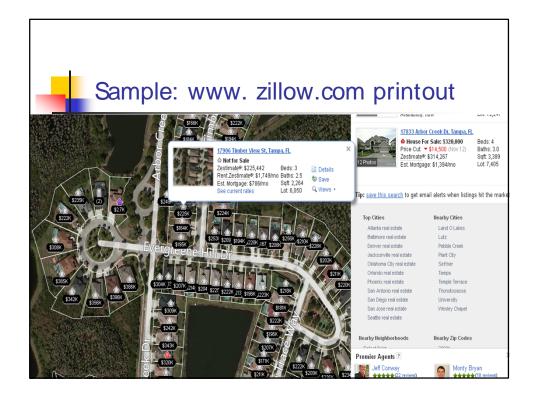


#### What is Real Estate Worth?

- Links to assessor's websites:
  - n www.pulawski.net
  - n <u>www.publicrecoreds.netronline.com</u>
- Rough idea of market value
  - n www.zillow.com
- Spend a little money?
  - www.knowX.com has indexed real estate information from most counties across the country, costs \$7 per record.









# Take my real estate... please!!!!



#### **n** Opportunity

- n charitable motivation
- n donor has excess real estate
- n residence, vacation home, land
- planning estate distribution
- n lifestyle change
- n children have no use for property
- no heirs



### Take my real estate... please!!!!



#### **n** Opportunity

- n sale would mean significant taxes
- n own property without debt
- n desires debt forgiveness
- n desires tax reduction
- desires life simplification
- major \$100k gift opportunities
- may fund a life income plan for self or others



- Personal residence
- Vacation home
  - Non-rental
  - Rental property
- Commercial property
  - Used in taxpayers business
    - Motels, recreational parks
- n Condominium
- Farmland
- n Investment real estate
  - Apartments, office buildings
- Raw land





#### Gift of Real Estate

- Outright or Fractional Interest
- <sub>n</sub> Bargain Sale
- Life Estate
- n Gift Annuity for 85% FMV
- n 18 month Deferred Annuity
- Simultaneous Closing
- n Installment Sale
  - Installment bargain sale
- Unitrust and Sale
- FLIP Unitrust
- Charitable Lead Trust







### Real Estate CGA – Case Study

- Why a gift annuity strategy?
- Donor objectives
- Charity objectives
- Evaluation strategies
- Decision matrix
  - n CEO, CFO, Board, Development
- n IRS requirements
- Detail information in Newsletter at link-
  - www.connellandassoc.com/Newsletters/October20 12issue.htm



#### Why a CGA

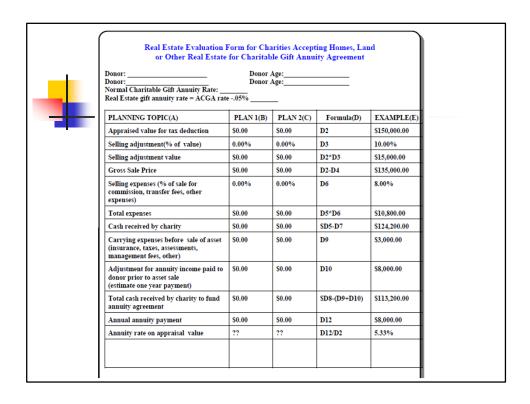


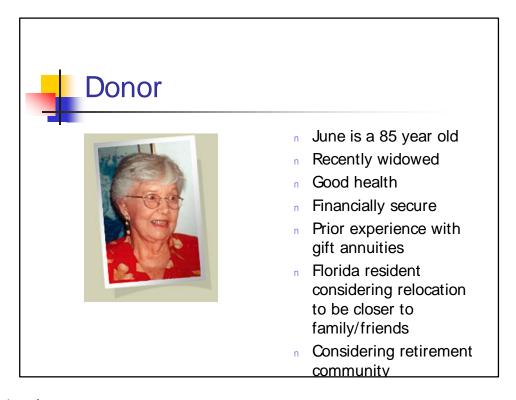
- Most popular life income split interest agreement
- Simple to set up, no trust drafting
- Negotiated with donor and/or advisors
- Convenience factors for donor
- Risk factors for charity
  - Longevity
  - Investment



#### What Does It Take to earn \$1,000

- It took \$24,000 invested in a taxable money market earning +4.18% (the national average yield 5 years ago at Thanksgiving 2007) to generate a yearly return of \$1,000
- It now takes \$5,000,000 invested in a taxable money market earning +0.02% (the national average today) to generate yearly taxable income of \$1,000 (source: BTN Research).
- Commentary: One of the major advantages of a charitable gift annuity for those individuals who have charitable intent is to increase their income and decrease their taxes. Prime candidates for CGAs are those individuals who have remembered your charity in their will.





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#### **Donor Asset**

- <sub>n</sub> Built in 2004
  - <sub>n</sub> 3 bedrooms
  - <sub>n</sub> 2 baths
  - Large lot
- <sub>n</sub> 2,500 square ft
- Appraisal #1
  - n \$180,000
- Appraisal # 2
  - <sub>n</sub> \$185,000
- No mortgage





# Charity: Chapters Health System



- Hospice that took care of deceased husband
- First real estate gift annuity
- Guidelines
  - FMV discount 10-15%
    - Considered outright gift, fully deductible
  - Rate discount -.05% of ACGA rates to max of 7.0%

"Building Endowments for American Charities"



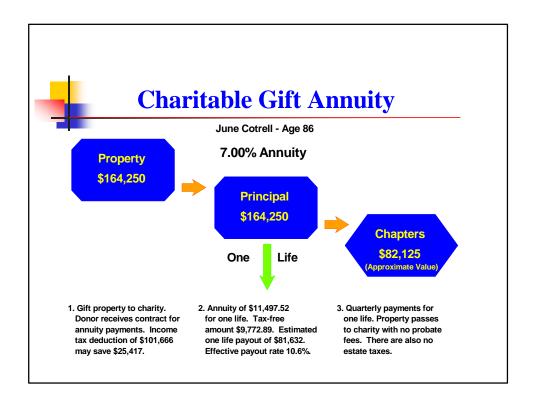
# Proposal and Memorandum of Understanding

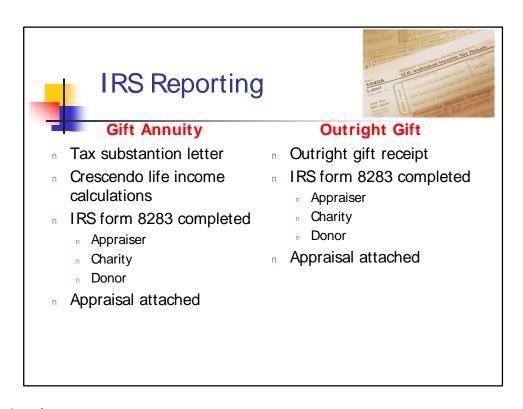
- Rights and responsibilities of each party
- FMV of asset for annuity \$164,250
  - Average value of two appraisal \$182,500
  - n 10% discount = \$18,250
  - Net value \$164,250
- ACGA annuity rate for age 85 = 7.80%
- Maximum rate offered = 7.0%
- Two charitable deductions
  - n One for discount \$18,250
  - One for gift annuity \$101,666
- Skip first short payment



# Proposal and Memorandum of Understanding

- Legal description of property
- Free and clear of all encumbrances
- Draft gift annuity agreement with values and payments
- Responsibility for closing costs, taxes, transfer fees, transfer of utilities
- Final inspection of deeds, documents, property prior to transfer
- Statement of IRS rules on transfer, charitable deduction value and reporting responsibilities



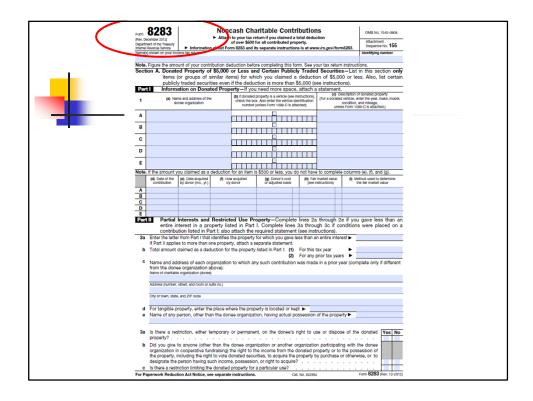


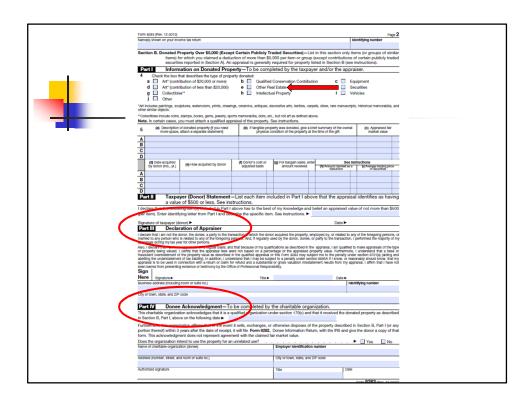


#### What is your real estate worth?

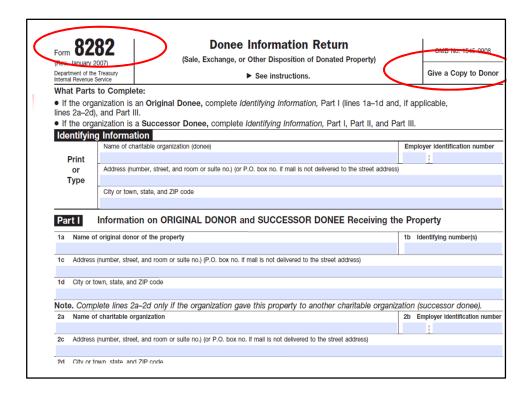


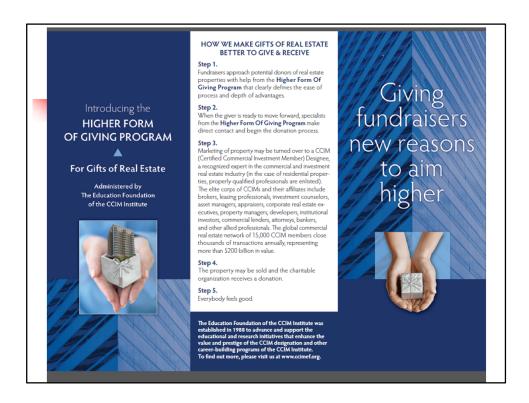
- n IRS 8283 form new for 2012
  - n \$500 or more of property
    - \$5,000 or more signed by appraiser
    - <sup>n</sup> Charity signature to acknowledge receipt of property
- n IRS 8282 form for charity
  - 125 days of sale of property
  - n When sale is within three years of gift date
- Appraisal requirements
  - n 60 day rule or tax filing rule
- n Charity restricted from doing appraisal





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### The all-in-one solution that's good for all

A down economy hasn't been the only roadblock to charitable fundraising. Until recently, the generosity of those wishing to donate real estate to just causes has been threated because of perceived risks to the recipients. In fact, 80% of real estate offered to charity have been turned away due to:

- Fear of drain and scope creep on time and resource challenged staffs;
- Costs of investigation including legal issues,
   Hidden encumbrances, and any or all other due diligence issues;
- Environmental risks;
- Holding costs including maintenance, entitlements and market futures.

Now with the Higher Form Of Giving Program fundraisers may be able to secure the donation of real estate-related assets with less risk and no hands-on involvement. With its best-of-class real estate heritage, the Education Foundation of the CCIM Institute is uniquely qualified to facilitate these problematic real estate donations for any qualified charity.

#### **BUILDING DONATIONS ON**

- The Higher Form Of Giving Program allows the donor to make a charitable donation of real estate to the charity or charities of the donor's choice.
   Everything in between is administered by the non-profit Education Foundation of the CCIM
- Institute, the leader in creating and delivering the commercial real estate industry's highest level of education, technology and research for best transactional and ethical practices, with 15,000 members around the world.

  The Program is run by professional specialists

from all real estate disciplines, from financial to compliance, selected by the Education Foundation of the CCIM Institute for their years of experience and success in the most difficult and obscure transactions of this kind.

#### HIGHER POTENTIAL THROUGH LOWER RISK

Besides an appraisal fee paid by the donor that is later reimbursed from escrow, there is absolutely no financial responsibility for the giver, recipient or transaction agent:

- The Higher Form Of Giving Program takes In enginer room of using program taxes care of all legal and financial aspects of the gift and the process to translate it into cash for the recipient receives even before the property is finally disposed.

  We cover every front-end cost (besides appraisa)
- for investigative, due diligence processes with all parties and the banking relationships that enable

#### **EVERYONE BENEFITS FROM** GIFTS OF REAL ESTATE

- For Fundraisers involved with qualifying foundations, charities and non-profits, the willingness of donors to provide charitable donations of real estate is an avenue for needed funding to help offset reduced donations in ther categories.
- Donors may qualify for a tax benefit based on the current fair market value of the property, not the original purchase price. This type of gift is completely federal tax code compliant and

accepted by the IRS. The advantages of this credible and philanthropic giving of real property may include:

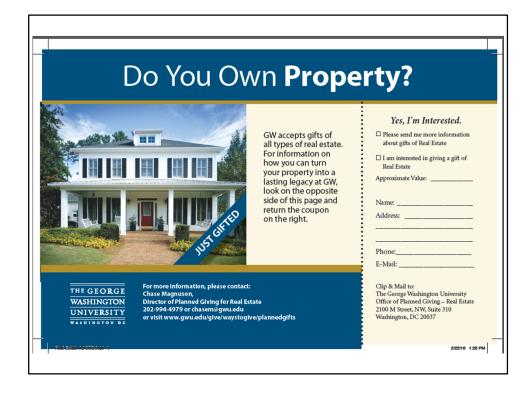
- ~ Satisfaction of helping worthy charitable causes
- ~ Positive public relations opportunities ~ Sizeable charitable deductions for a number
- ~ Reduction or elimination of capital gains taxes with a possible income stream for the donor while directing funds to a charity through a trust
- ~ Freedom from a financially draining
- under performing property
   Elimination of property taxes
   Elimination of property mainte obligations ~ Elimination of liability and insurances
- Individual estate, trust, and tax professionals can now advise on the fiscal advantages of disposing of real estate by making a charitable contribution.

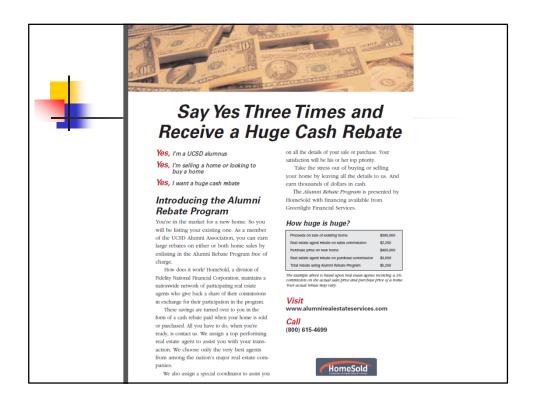
#### LET'S GET MOVING

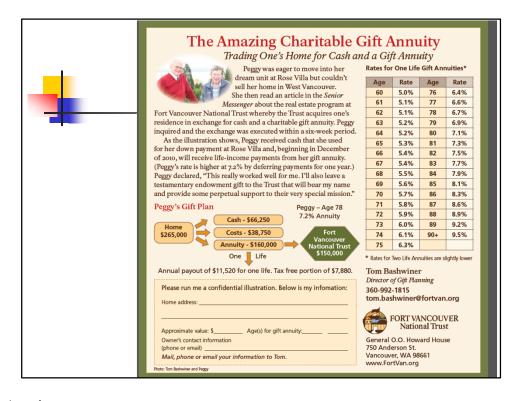
Everyone agrees that charitable fund raising is a challenge and needs a stronger economy to prosper Another avenue for charitable contributions is from the gifting of real est

That's why the **Higher Form Of Giving Program** is the right idea at the right time. To find out how we chelp you get involved, contact:

Doug Strickland Director of Real Estate Gifting (877) CCIMEF1 (224-6331)







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#### Consultants for Real Estate Gifts

- Chase V. Magnuson CCIM, CIPS, SRES Real Estate for Charities www.realestateforcharities.org
- Dennis Bidwell
  Bidwell Advisors,
  19 Forbes Avenue
  Northampton, MA 01060 <a href="https://www.bidwelladvisors.com">www.bidwelladvisors.com</a>

