



Donor Advised Fund Agreement

Thank you for choosing The Peninsula Community Foundation of Virginia, Inc. We are committed to connecting you with the community and to the causes that are important to you. Our staff is available to assist you at any time with a wide variety of services, from creating your fund to ongoing grantmaking and charitable giving services.

Attached to this Agreement, you will find our Procedures for Establishing and Operating Donor Advised Funds. If you have any questions about this agreement or the attached Procedures, please call our office at 757.327.0862 or toll free (866) 412-6540 EST

1 Donor Advisor Information

Donor Advisor 1 *

Preferred Salutation (e.g. Mr. James L. Smith or Jim Smith) Full name (First, Middle, Last)

Home Address City State Zip

Date of Birth Send mailings to my: Home Office

Business or Organization Name Position

Business Address City State Zip

Home Phone Business Phone E-Mail

Donor Advisor 2

Preferred Salutation (e.g. Mr. James L. Smith or Jim Smith) Full name (First, Middle, Last)

Home Address City State Zip

Date of Birth Send mailings to my: Home Office

Business or Organization Name Position

Business Address City State Zip

Home Phone Business Phone E-Mail

How would you like to be addressed? _____
e.g. Mr. and Mrs. John H. Smith; John and Sally

* ALL CORRESPONDENCE WILL BE SENT TO ADVISOR 1, UNLESS OTHERWISE SPECIFIED

2 Name Your Fund

Please choose a name for your fund. Grants made to charities are accompanied by a letter which includes the fund name (e.g. The John H. Smith Family Fund) and the name and address of the donor advisor. However, you may recommend that specific grants be sent anonymously. Your fund name will appear in foundation materials including our annual report and on our web site. If you wish your fund name to be anonymous, please name it accordingly (i.e. ABC Fund). Fund Name: _____

Check one: Endowed Fund Non-Endowed Fund

3 Contributions

The minimum initial contribution is \$5,000 with the intent to grow endowed funds to \$25,000 within 5 years. Additional gifts can be made at any time and in any amounts. If making a contribution of multiple securities or assets, please attach pages as needed.

- | | |
|--|---|
| <input type="checkbox"/> Check for \$ _____ | <input type="checkbox"/> IRA/Retirement Plan/Life Insurance
(Attach copy of your beneficiary designation form) |
| <input type="checkbox"/> Publicly Traded Securities _____
shares of _____ | <input type="checkbox"/> Closely held stock, Partnership or LLC
interest, etc. (Attach detail of asset) |
| <input type="checkbox"/> Real Estate (Attach detail of property) | <input type="checkbox"/> Bequest or other deferred gift |
| <input type="checkbox"/> Other _____ | |

4 Investments

Our investment **philosophy** emphasizes long-term results using a diversified portfolio. Our **objectives** are to obtain investment returns that will:

- provide reasonable funding for charitable distributions;
- increase the value of the corpus at a rate greater than inflation, net of charitable distributions and expenses, and;
- provide necessary funding to meet administrative expenses.

For detailed information about the composition of our investment portfolio, please contact the Foundation.

Donors with funds greater than \$250,000 may recommend an outside investment manager of their choice. If you wish to discuss this option further, please check here.

Please note that requests to change the investment option of your fund must be made to the Foundation in writing.

5 Fees

The annual endowed administrative fees are as follows:

\$50,000 Minimum	2.00%
First \$100,000	1.0
Next \$400,000	.85%
Next \$500,000	.70%
\$ 1 million +	.65%
\$ 5 million +	.50%

The fee is calculated and charged pro-rata at the end of each calendar year. After five years, if a fund's balance does not exceed \$25,000 it will be assessed our minimum fee of \$125 per quarter (\$500 per year).

The non-endowed administrative fee is as follows:

A contribution of 10% of the value of the donation upon receipt to the Foundation will be assessed on all contributions to **non-endowed, temporarily restricted, donor advised, or pass through** funds as an unrestricted gift to support the Foundation's philanthropic activities in accordance with its organizational documents and mission statement. The remaining 90% balance is available as donor advised.

6 Succession Plan

You may request that portions of your fund be administered in any or all of the following ways upon the death or incapacity of the fund's last surviving Donor Advisor. Total of percentages should equal 100.

Transfer advisory privileges of this fund to Successor Advisor(s) as listed later in this agreement

_____ % of fund value

Create an endowed designated fund for the benefit of the organization(s) named below (\$25,000 minimum required)

_____ % of fund value

Transfer the fund's assets to The Peninsula Community Foundation of Virginia's Unrestricted Fund to help meet the greatest needs of the Virginia Peninsula area

_____ % of fund value

Transfer the fund's assets to The Peninsula Community Foundation of Virginia's Unrestricted Fund to help meet the greatest needs of the Virginia Peninsula area in the following fields. *For fields of interest outside our program areas (which are: i) arts & culture, ii) Civic Affairs iii) Environment, iv) Education, v) Health, vi) Social Services, please contact the Foundation office* _____ % of fund value

6 Succession Plan (continued)

Successor Advisors

Donors may designate individuals as Successor Advisor(s), who have privileges to make recommendations appropriate for the fund. A Donor Advisor may change this designation any time by completing the Successor Advisor Form available from the Foundation.

Successor Advisor Information

Successor Advisor(s) have privileges to make recommendations appropriate for the fund. All fund correspondence will be sent to Successor Advisor 1, unless otherwise specified. If more than two advisors are desired, please attach additional information to this form. Furthermore, it is the responsibility of the designated Successor Advisor(s) to contact the Foundation at such time as he/she becomes Advisor(s) to the fund. If we do not hear from the Successor Advisor(s) and are not able to locate him or her within six months of becoming Advisor(s) to the fund, then the fund shall revert to the Foundation's Unrestricted Fund.

Successor Donor Advisor 1

Preferred Salutation (e.g. Mr. James L. Smith or Jim Smith) Full name (First, Middle, Last)			
Home Address	City	State	Zip
Date of Birth	Send mailings to my: Home <input type="checkbox"/> Office <input type="checkbox"/>		
Business or Organization Name	Position		
Business Address	City	State	Zip
Home Phone	Business Phone	E-Mail	

Successor Advisor 2

Preferred Salutation (e.g. Mr. James L. Smith or Jim Smith) Full name (First, Middle, Last)			
Home Address	City	State	Zip
Date of Birth	Send mailings to my: Home <input type="checkbox"/> Office <input type="checkbox"/>		
Business or Organization Name	Position		
Business Address	City	State	Zip
Home Phone	Business Phone	E-Mail	

I/We, as the Donor(s), request that the Successor Advisor(s) named assume this responsibility... (check one)

___ on the following date ___ / ___ / ___ or ___ on the death of the present Advisor(s)

7 Charitable Interests

To help us serve you better please indicate your philanthropic interest. Please check all that apply:

- Arts & Culture
- Civic Affairs
- Community Development Education
- Health Human Services
- Religious/Faith Based Organizations Other
- Check here if you are interested in serving on a grants committee in the area(s) of interest indicated.
- Check here if you would like to learn about funding opportunities in your areas of interest.

8 Professional Advisor

If you are working with a financial, tax or estate planning advisor, please complete the following.

_____ Advisor Name	_____ Firm Name
_____ Mailing Address	_____ City State Zip
_____ Business Phone E-Mail Address	_____ E-mail Address

9 Referral

How did you learn about The Peninsula Community Foundation of Virginia, Inc.
(please list contact)

- Advisor: _____
- Family/friend/donor: _____
- Foundation employee/Board member: _____
- Web site/media: _____
- Other: _____
- Would you be willing to be profiled in Foundation materials, (i.e. annual report, newsletter) ? Yes No

10 Motivation

What motivated you to establish this fund? (Please check all that apply)

- Involve multiple generations in giving
- Benefit the community
- Simplify my annual charitable giving
- Learn about a specific issue
- Memorial/honor someone
- Reduce tax burden
- Other:

11 Signatures

Donor Advisor(s) listed in Section 1 must sign below.

Policies and Procedures

The undersigned have received and reviewed the *Policies and Procedures for Operating a Donor Advised Fund* and agree to its terms and conditions described therein. The undersigned understand that any contribution, once accepted by the Foundation, represents an irrevocable gift to the Foundation and is not refundable. The undersigned hereby certify that all information presented in connection with this application is accurate, and the undersigned will promptly notify the Foundation in writing of any changes.

Service Charges

The Peninsula Community Foundation of Virginia, Inc. will receive as compensation for its services in investing, administering, and distributing the funds hereunder, the service charges customarily applied.

Investments

The undersigned acknowledge and agree that IRS regulations enable Donor Advisor(s) to designate investment preferences but require the Foundation to retain final discretion regarding those preferences. The undersigned understand that investments will be administered in accordance with the policies of The Peninsula Community Foundation of Virginia, Inc. acknowledge that investments are subject to market and interest rate fluctuation risks, and that any gain or loss generated by the above investments will be credited or charged to the fund. The total investment return of each investment vehicle is net of its operating expenses.

Indemnity

In consideration of the Foundation's creating a fund at the request of the individual(s) or entity named and for other good and valuable consideration, the undersigned hereby agrees to indemnify and hold harmless the Foundation, its directors, officers and other representatives, against any liability, cost, or expense which the Foundation may incur by

reason if its acting upon recommendations given to the Foundation by any of the authorized persons named.

Variance Power

It is understood that the fund to be established pursuant to this agreement will be subject to the provisions of the Charter and Bylaws of The Peninsula Community Foundation of Virginia, Inc. including the power reserved by the Board of Directors to modify any condition or restriction on the distribution of funds if in its sole judgment (without the approval of any trustee, custodian or agent), such restriction or condition becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the area served by the Foundation.

Donor Advisor 1

Signature

Name (Please Print)

Date

Donor Advisor 2

Signature

Name (Please Print)

Date

The Peninsula Community Foundation of Virginia, Inc.

By

Title

Date

Procedures for Establishing and Operating Donor Advised Funds

Authorization

The Peninsula Community Foundation of Virginia, Inc. (the "Foundation") a 501 (c) (3) organization authorized to receive and hold charitable funds in accordance with its charter and bylaws. These procedures may be amended from time to time, when deemed necessary or desirable by the Board of Directors.

Characteristics of Donor Advised Funds

Donor Advised Funds may be established by the donation or transfer by any person to, and acceptance by, the Foundation of money or property, whether by contribution, gift, bequest or devise, or by transfer from a charitable or other organization, to further or carry out the charitable purposes of the Foundation, as set forth in its articles of incorporation and bylaws. Contributions to Donor Advised Funds represent irrevocable gifts subject to the legal and fiduciary ownership and control of the Foundation's Board of Directors. A Donor may not impose any material restriction or condition that prevents the Foundation from freely and effectively employing the contributed assets or the income derived there from, in furtherance of a charitable purpose of the Foundation.

Nature and terms of Donor Advised Funds

Each Donor Advised Fund shall be the property of the Foundation, owned by it in its normal corporate capacity. In such capacity, the Foundation shall have the ultimate authority and control of all property in the Fund, and the income derived therefrom, for the charitable purposes of the Foundation. Each Fund may be recorded on the books and records of the Foundation as an identifiable and separate fund and may be given a name or other appropriate designation as requested by the Donor. Anything herein or in the deed of gift or other instrument of transfer creating a Donor Advised Fund to the contrary notwithstanding, each Fund shall be a component part of the Foundation and shall be subject to the governing instruments of the Foundation, including the articles of incorporation and bylaws, as amended from time to time.

Value

The minimum amount to establish a Donor Advised Fund is \$5,000, but the Foundation encourages Donors to build their funds up to a minimum of \$25, 000 over five years. The Foundation will not advise Donors on the value of contributed property.

Procedures for Establishing and Operating Donor Advised Funds (continued)

Role of Donors

The Foundation welcomes the involvement and recommendations of its Donors with respect to distributions from Donor Advised Funds, but such recommendations are advisory only and are in no way binding upon the Foundation. The Foundation honors the charitable intentions of its Donors consistent with community needs and applicable laws and regulations. Donor advice will be considered if offered in writing or by fax or telephone. Because the Foundation's principal geographic area of concern is the greater Virginia Peninsula area, the Foundation's primary focus is to support and improve the charitable organizations of this region, but the Foundation will also consider charitable organizations outside the greater Virginia Peninsula area if the grant will fulfill the broader charitable purposes of the Foundation.

Evaluation of donor recommendations

In evaluating recommendations for distributions from Donor Advised Funds, the Foundation staff investigates all prospective grant recipients to ensure that they are organized and operated for charitable purposes within the meaning of section 501(c)(3) of the Internal Revenue Code or that the grant will be used for a charitable purpose. All distributions from Donor Advised Funds must be ratified by the Foundation's Board of Directors.

Additional advisors

The privilege of making recommendations shall be extended to Donors, their spouses, and their designees. All requests to appoint additional advisors and successor advisors must be communicated to the Foundation in writing by the Donor(s) establishing the fund. A Donor Advisor may change this designation at any time by completing the Successor Advisor Form available from the Foundation. If after six months from the death, resignation, or incapacity of a Donor Advised Fund's Donor(s), the Foundation has not received in writing the names of an additional advisor or successor advisor to the fund, the Fund shall continue as part of the Unrestricted endowment funds of the Foundation.

Investment of assets

The Foundation has the responsibility and authority for the investment of the assets of each Donor Advised Fund. The assets of any Fund may be separately invested or may be commingled with those of other Donor Advised Funds, endowment funds of the Foundation, or may be invested in units of a common investment fund which may be established or utilized by the Foundation. However, the Foundation shall have no obligation either to invest separately or to commingle the assets for investment purposes. Any decisions with respect to the retention, investment or reinvestment of assets and with respect to commingling of assets shall be made by the Board of Directors, in accordance with regular procedures, but only in such investments as are appropriate for a prudent investor.

Procedures for Establishing and Operating Donor Advised Funds (continued)

Variance Power

Donor Advised Funds will be subject to the provisions of the articles of incorporation and bylaws of the Foundation, including the power vested in the Board of Directors to modify any condition or restriction on the distribution of funds if in its sole judgment (without the approval of any trustee, custodian or agent), such restriction or condition becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable purposes and functions of the Foundation.

Spending Policy

The Board of Directors, with the assistance of the Executive Director, may determine specific charitable needs for which distributions from Donor Advised Funds may be made. In determining the annual distribution amount, the Board of Directors may consider the expected total return on the investments of the Foundation's permanent funds, the desirability of maintaining the value of the Foundation's permanent funds, and other factors that the Board of Directors deems relevant. It is the general policy of the Foundation that a substantial part of the Donor Advised Funds shall remain as a permanent endowment of the Foundation.

Distributions

All distributions from Donor Advised Funds are subject to the Foundation's variance power and must be ratified by the Foundation's Board of Directors. The Foundation encourages distributions of at least \$250 from non-endowed Donor Advised Funds and \$500 from endowed Donor Advised Funds. Unless otherwise requested by the Donor of the Fund, any distribution from a Donor Advised Fund shall identify to the grantee organization the name of the Fund from which the distribution is made.

Restrictions on distributions

Distributions from Donor Advised Funds established at the Foundation will be made only if they are consistent with the Foundation's charitable purposes and satisfy community needs identified by the Foundation as deserving of its support. Fund distributions will not be made for any purpose or to any organizations that would provide a tangible benefit to the Donor recommending the distribution. It is the Foundation's policy that distributions from Donor Advised Funds may not be made to any specific individual or to organizations that are not qualified section 501(c)(3) public charities without sufficient due diligence to establish that such distribution fulfills a charitable purpose. Distributions from Donor Advised Funds will not be made to support or promote political or legislative activities or to fulfill a legally binding pledge agreement.

Procedures for Establishing and Operating Donor Advised Funds (continued)

Conflict of terms

In the event of an inconsistency between these procedures and any procedures, terms, or conditions appearing elsewhere in connection with any fund, these procedures, as interpreted by the Foundation, shall govern, and the Foundation reserves the right to take any actions at any time which, in its discretion, it deems reasonably necessary or desirable for the proper administration of any fund or the Foundation.

Fees

Donor Advised Funds are subject to administrative and investment fees, and the Foundation reserves the right to change its fee structure at any time.