

### Wills and Estate Plans

#### **Bequest**

After providing for your loved ones, please consider one final act of generosity through a bequest in your **will or living trust** that provides enduring support for our vital work at Las Trampas. For many of us, this will be the most significant gift we will make – **our gift of a lifetime**.

#### **Types of Bequests**

- **Specific Bequest**: You may leave a specific asset or assets, such as real estate, securities or a specific dollar amount to Las Trampas.
- **Percentage Bequest**: You may leave a specific percentage of your overall estate to Las Trampas.
- **Residuary Bequest**: You may gift the remaining balance of the estate after all specified distributions are made and all obligations have been satisfied to Las Trampas.
- **Contingent Bequest:** A contingent bequest is one that takes effect only if the primary beneficiary or beneficiaries of the bequest are unable to accept the bequest.

## Don't have a will? Visit <u>freewill.com</u>! It takes less than 20 minutes to write or update your legal will, for free.

Too many Americans are unaware that the lack of estate planning may cause assets to be disposed of to unintended parties through probate. Estate planning can prevent families from being subjected to complex legal processes requiring a great deal of time and effort, and can reduce confusion or even animosity among family members upon the death of a loved one. The estate planning process does not only ensure that your wishes are carried out upon death - it also ensures that powers of attorney are in place, both for financial and medical decisions, to identify trusted individuals who can act for you in the event you become incapacitated.

Freewill.com provides a quick, easy, and FREE tool that anyone can use to create these important documents. All estate plans made using FreeWill are 100% legal and specifically tailored to your jurisdiction.

One of the things we love about Freewill.com is that it makes charitable giving especially easy. They believe, as we do, that leaving a bequest to in your will can be an incredibly powerful way to make an impact on the causes you support. We hope you will consider building your legacy of caring and giving by leaving Las Trampas a bequest in your estate plan.





#### **Account Beneficiary Designation**

Perhaps the simplest and easiest planned gift, **giving a financial account after your lifetime is as simple as completing a beneficiary form.** Since the beneficiary form dictates who receives the money or benefits, the asset is not controlled by your will, so there is no expensive set-up or visit to your attorney.

There are several types of financial accounts that are passed according to your beneficiary designations, instead of through your will:

- **Bank accounts**: To gift a checking or savings account, a "POD" or Payable on Death designation transfers the bank account to the "POD" beneficiary. You may wish to consider designating Las Trampas as a POD beneficiary of a bank account not needed by heirs to help continue our important work.
- **Investment or brokerage accounts:** A "TOD" or "Transfer on Death" designation directs your broker to move your designated investment securities to a new owner, Las Trampas if you wish.
- Qualified retirement plans: examples include IRAs, 401(k)s, and 403(b) accounts, which may be worth significantly more if you donate them than if you pass them to a beneficiary (other than a spouse).
- Life insurance policies: If your existing insurance policy is no longer needed, you might simply change your primary beneficiary of the existing policy to be Las Trampas. If your loved ones still need the security of the policy, consider listing Las Trampas as a contingent beneficiary.





#### IRAs

#### IRA Rollovers / Qualified Charitable Distribution (QCD)

A tax-wise giving opportunity for IRA owners: Donors 70 <sup>1</sup>/<sub>2</sub> or older can make a tax-wise gift directly from your IRA to a qualified charitable organization. This gift opportunity is known as the Qualified Charitable Distribution (QCD). This opportunity is appealing to many because the IRA distribution does not come to you the taxpayer, so it avoids unnecessarily increasing your taxable income.

## Are you receiving the annual Required Minimum Distribution (RMD) from your IRA (the annual withdrawal that you are required to take when you reach a specific age)? Do you need to be?

The Basics:

- Donors who are eligible must be age 70  $\frac{1}{2}$  or older on the date of the gift.
- The distribution counts towards your Required Minimum Distributions, which is a distribution that IRA owners must take at age:
  - $\circ$  70 <sup>1</sup>/<sub>2</sub> if you turned this age on or before December 31, 2019.
  - 72 if you turn this age on or after January 1, 2020.
- Gifts up to \$100,000 per individual taxpayer are eligible per tax year.
- Distributions must be made (1) directly from the trustee (2) directly to the qualified charity.
- The gift must be complete by December 31 of the calendar year in which the Qualified Charitable Distribution is being made.

Benefits for you:

- You pay no income taxes on this gift. Since this charitable distribution generates neither taxable income nor a tax deduction, you benefit even if you do not itemize your deductions.
- By lowering your reported annual income, you may find that this helps lower Medicare premiums and may decrease Social Security that is subject to tax.
- The Qualified Charitable Distribution (QCD) qualifies toward the owner's Required Minimum Distribution.





#### Assets

#### **Gifts of Personal Property**

**Do you have prized assets, like a family-owned business, a collection of historic artifacts or art, a boat or a plane?** Giving one of these unique gifts requires a special process, but we can help you along the way.

Benefits for you:

- Generous support to Las Trampas
- Possible income tax deduction
- Avoid capital gains tax for long-term property gifted and used to achieve our mission
- Remove the asset from your estate



#### **Gifts of Securities**

A gift of appreciated securities (securities worth more today than when they were acquired) provides meaningful support for Las Trampas and may offer you benefits of reduced tax liability. When you make a gift of appreciated securities, which you have held for more than 12 months, you may avoid the long-term capital gains tax and may deduct the full fair market value of the securities you give.

Gifts of appreciated securities include **stocks**, **bonds**, **or mutual fund units**. The following are some ways that securities held long-term (more than 12 months) can offer potential tax savings:

- Eliminating the capital gains tax on the appreciation that would have been due had you sold the securities on the open market and then donated the proceeds.
- Claiming a charitable deduction against up to 30% of your adjusted gross income. Deduction amounts exceeding this limit may be carried forward over the next four years.

To achieve these benefits, your securities must be transferred to Las Trampas, not sold, redeemed or exchanged.





#### Gifts of Real Estate

## Do you have real estate, like a second home, that you are not using now or might consider as a gift later?

An outright gift of real estate to Las Trampas can have a dramatic impact on our mission for many years into the future. If the property has appreciated in value and you have held the property for more than 12 months, you may be eligible for a federal income tax deduction, may avoid the capital gains tax on the appreciation, and will remove the property from your taxable estate. Plus you no longer have the burden of property maintenance, property tax, insurance and other aspects of property ownership.

Aside from giving the property "outright" today, there are other ways you might consider making a gift of property:

- **Retained Life Estate:** you can deed your real estate to Las Trampas, receive current tax benefits and still make full personal use of your real estate for the rest of your life. Under this arrangement, you continue responsibility for all maintenance, insurance and taxes until possession transfers to Las Trampas after your lifetime. Your current tax deduction is based on the fair market value of your home minus the present value of the life tenancy you have retained.
- **Charitable Remainder Trust:** your real estate can fund a charitable unitrust that will pay you an income for life.
- **Testamentary:** through your will or trust, you may direct the transfer of your property to Las Trampas. As a testamentary gift, the real estate transfer and any resulting tax benefit occurs after your lifetime; there is no current tax benefit, although some may be realized later. In case your family's circumstances change, you can change your will or trust and direct the real estate where it is needed.





### Charitable Annuities & Trusts

#### **Charitable Gift Annuity**

A charitable gift annuity can provide support for Las Trampas and **income for you**. A charitable gift annuity is established through a simple contract and an irrevocable gift of assets in exchange for a fixed amount (it does not vary with inflation) of income to you (or whomever you designate) for life or for a set term. After the lifetime of the annuitant, the remainder is distributed to Las Trampas.

Benefits for you:

- Income: Payments are distributed for life or a fixed period to you or to whomever you designate.
- **Income payment taxation:** Your annuity payments may be treated as part ordinary income, part capital gains income, and part tax-free for your estimated life expectancy.
- **Immediate tax deduction:** Your initial gift may be eligible for a tax deduction the year the annuity is established and any unused deductions may be used over the next four years as long as you itemize and maximize your available deductions each year.
- Capital gains: You may avoid some capital gains tax when using appreciated securities.
- Your gift: After the lifetime(s) of annuitant(s), the remaining value is distributed as your gift.



#### **Charitable Remainder Trust**

A charitable remainder trust begins with an irrevocable gift of assets into a charitable trust that provides you a fixed or variable income for life or for a set term. At the trust's termination, the trust assets become a generous gift to Las Trampas.

Types of Charitable Remainder Trusts:

- **Unitrust:** The unitrust's income varies on an annual basis. At the establishment of the trust, a reasonable and permissible income percentage rate is determined. Annually, the trust assets are valued, and the established rate is applied to the annual value in order to determine your income. As the trust assets increase or decrease, your income increases or decreases as well. It may be possible to make additional contributions to the trust.
- **Annuity Trust:** The income is predictable and fixed. When you establish the trust, you set a reasonable and permissible fixed annual income based on a percentage of at least 5% of the initial market value of the trust's assets. Even as the value of the trust fluctuates, your income remains the same except in the very unlikely and uncommon event that the trust assets are exhausted.



Benefits for you:

- Income: Payments are distributed for life or a fixed period to you or to whomever you designate.
- **Tax deductions:** You may be eligible for a tax deduction the year the trust is established.
- Capital gains: You may avoid up front capital gains tax.
- **Estate tax:** Trust assets are not a part of your estate.



#### **Charitable Lead Trust**

Establish and fund a trust to provide a substantial recurring annual income to Las Trampas for a set period of years, and then return the trust assets to your family in the future with little or no tax liability. By transferring assets to a CLT it may be effectively removed from your estate and passed to your heirs with little or no tax liability. A gift tax discount arises because of the charitable interest preceding your heir's interest. There are two types of lead trusts: a CLT unitrust pays a fixed amount to Las Trampas, or a CLT annuity trust pays a fixed percentage of the trust's value determined annually to Las Trampas. If you structure your CLT to return assets to you (not your heirs), you may obtain an income tax deduction for the charitable interest.

Benefits for you:

- Significant multi-year support for Las Trampas
- Pass the CLT assets to heirs at a future date
- Maximizes value to heirs by removing the CLT assets from estate tax exposure
- Further maximizes value to heirs by potentially removing the CLT assets from exposure to gift taxes

