



Dear

Thank you for considering a gift of real property to the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints (CPB). Enclosed are five items for your review:

1. **Tender of Gift for Proposed Real Estate Donation** (see page 2)  
Please enclose the items listed on the form. We need these items in order to process your proposed donation.
2. **Guidelines and Instructions** (see pages 3-5)  
This paper provides additional information regarding what is needed to submit a donation and describes the process.
3. **Preliminary Environmental Assessment** (see page 6)  
Please complete items #1 and #2, sign, and return it with your packet.
4. **Tax Effects of Gifts of Appreciated Property** (see page 7)
5. **Affidavit Pursuant to Section 1445 of the Internal Revenue Code – also referred to as Non-foreign Certification** (included as an attachment at the end of the packet)  
This form is required by IRS to certify that you are a U.S. citizen. You will find two copies of the form as Social Security numbers are required for each individual on the title.

If you have any question regarding your donation or the tax consequences resulting from that donation, we strongly urge you to contact your professional advisors.

We encourage you to retain copies of all documents sent in with your donation.

We appreciate your kind assistance and consideration in preparing the necessary documentation and offering your property to the CPB. If you have questions that we can help you with, please call me at

Sincerely,

Encls

**TENDER OF GIFT – FOR COMPLETION BY DONOR**

The undersigned Donor hereby offers to contribute to Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints (hereinafter referred to as “CPB”), for its own account or for the account of a qualified nonprofit affiliate (hereinafter referred to as the “Donee”) of The Church of Jesus Christ of Latter-day Saints (hereinafter referred to as the “Church”), the property described in the attached documents. The Donor intends that CPB shall be entitled to accept this donation at any time hereafter without any further act or approval of the Donor and that, upon acceptance, CPB is to receive immediate title to and possession of the donated property. The Donor further understands that receipt by the CPB of this form, with its accompanying documents, is **not** an acceptance of the donation by CPB or the Donee. CPB and the Donee reserve the right to return the Donor’s contribution in accordance with the Church’s policies regarding donations. (It is anticipated that the maximum expected time period required before final acceptance of the tendered gift property is 90 days after CPB receives all the required documents and information.) The Donor has read and understands “Guidelines and Instructions.” Subject to this understanding and intent, by signing below, the Donor hereby tenders to CPB the property and documents requested.

**The Donor acknowledges that he or she has not relied on any information (written or verbal) received from the Church, CPB or the Donee as to tax and legal matters and that the Church, CPB and the Donee have strongly advised him or her to consult competent tax and legal advisors on this matter.**

**THE DONOR UNDERSTANDS THAT ALL OF THE FOLLOWING DOCUMENTS AND INFORMATION MUST BE PROVIDED BEFORE A DONATION CAN BE CONSIDERED:**

1.  A **description of the property** to be donated including a legal description, directions for locating the property, location map, plat map, **and information regarding water**, mineral and energy rights that are included with or excluded from the donation.
2.  A fully executed, notarized and recordable **Warranty Deed** in favor of the **Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole**. (Contact the Church’s Real Estate Division for different vesting information if the property is located in Virginia or West Virginia.)
3.  A **Donor Statement**, in the form of a letter, detailing any restriction on the use and/or unique nature of the property. This letter should include any **instructions for use of the gift and/or its proceeds**  Church General Fund,  Humanitarian Aid,  BYU,  BYU-Hawaii,  BYU-Idaho,  Missionary Fund,  Tithing,  Fast Offerings,  Perpetual Education Fund,  General use or for \_\_\_\_\_ etc.).
4.  A copy of the most recent **Property Tax Notice**.
5.  Copies of grantors’ substantiation documents if you are not donating as individuals (see paragraph 6 of “Guidelines and Instructions”). (see I.6, page 4)
6.  Tax identification number (for an individual, your Social Security number).
7.  Copy of the paid property tax receipt (if the donation is offered after October 1).
8.  An executed **Preliminary Environmental Assessment** for each parcel of real property tendered. (see page 6)
9.  A signed **Tender of Gift for Proposed Real Estate Donation form** (this form). (see page 2)
10.  A **Non-Foreign Certification**. Sign and date the copy enclosed (see page 7)

Donor Name(s) [printed] \_\_\_\_\_

Signature of Donor(s) \_\_\_\_\_ Date \_\_\_\_\_

Ward \_\_\_\_\_ Stake \_\_\_\_\_

Home Phone Number \_\_\_\_\_ Work Phone Number \_\_\_\_\_

Fax Phone Number \_\_\_\_\_ Cell Phone Number \_\_\_\_\_

Donors’ Social Security or other Tax ID Number(s) \_\_\_\_\_

## GUIDELINES AND INSTRUCTIONS

### I QUALIFICATION FOR ACCEPTANCE OF REAL PROPERTY DONATIONS:

1. Property must be free and clear of any encumbrances, third-party restrictions, and liens, including prior year taxes, any farmland assessment or preferential tax requiring penalty or roll-back payments.

**NOTE:** Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints (“CPB”) will obtain a Preliminary Title Report.

CPB will normally pay the property tax for the year in which the donation is given if all required donation documents have reached the Church before October 1. The donor must pay all taxes on donations submitted after October 1, or on property for which there are pending issues which delay acceptance of the gift.

2. Property must not be subject to any stipulations, conditions, commitment for sale, or use which would bind CPB or the Church if property were accepted.
3. Property must be **readily** marketable (within nine months).
4. Property must be free of environmental hazardous risk.
5. CPB will accept real property donations from individuals, corporations, partnerships, trusts and the like. However, the Church will only give a receipt to the party that conveys the property to CPB. All supporting documents provided must be in the same name as the grantor on the deed. This includes the Tender of Gift, the Non-Foreign Certificate and the Preliminary Environmental Assessment.
6. Donors must provide CPB with appropriate documents to substantiate the ability of the donor to convey the property, if title is not held in fee simple by individuals personally. Examples of the appropriate substantiation documents are: Corporate Resolutions, Copies of Family Trust Agreements or Partnership Agreements.
7. If, during the review of the donor-supplied documents and the Preliminary Title Report, CPB finds any items that render the property unmarketable or unacceptable, the donation will be turned back to the donor who may, at their option, attempt to resolve the problems and resubmit the donation at a later date for CPB consideration.
8. Property must be a legally subdivided parcel before it is submitted for consideration.

### II ALL ACCEPTANCES OF REAL PROPERTY DONATIONS AND TITHING-IN-KIND ARE SUBJECT TO APPROVAL BY THE APPROPRIATE CHURCH COMMITTEES.

### III THE FOLLOWING DOCUMENTS AND INFORMATION MUST BE PROVIDED BEFORE A DONATION CAN BE CONSIDERED:

1. **A description of the property** to be donated including a legal description, directions for locating the property, location map, plat map, **and information regarding water**, mineral, and energy rights that are included with or excluded from the donation.
2. A fully executed and recordable **Warranty Deed** in favor of the **Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole**. (If the property is located in Virginia or West Virginia, different vesting requirements apply.)
3. An executed **Preliminary Environmental Assessment** for each parcel of real property tendered.

4. A **Donor Statement**, in the form of a letter, detailing any restriction on the use and/or unique nature of the property. This letter should include any **instructions for use of the gift and/or its proceeds** (i.e., Missionary Fund, Tithing, BYU, BYU-Hawaii, BYU-Idaho, etc.). (Restrictions on gifts [other than to general funds or particular qualified donees] are disfavored and may adversely affect the tax benefits that a donor may realize as a result of his or her gift.)
5. A copy of the most recent **Property Tax Notice**.
6. A signed **Tender of Gift for Proposed Real Estate Donation** form.
7. A signed and dated **Non-Foreign Certification**.
8. Copies of grantors substantiation documents if you are not donating as individuals. (see I-6 pg 3)
9. Tax identification number (for an individual, his or her Social Security number).
10. Copy of the paid property tax receipt (if the donation is offered after October 1).

IV If you, as Donor, intend to claim a tax benefit on the conveyance of real property for the calendar year in which the donation was made, you are responsible to obtain an independent, third-party qualified appraisal. Such an appraisal is required for you to complete the Internal Revenue Service Form 8283, Non-cash Charitable Contributions. (Form 8283 must be filed with your federal income tax return in most cases where you claim a deduction for a charitable gift of real property.) After CPB finalizes your donation, if it is approved for acceptance, and if you desire, the Church will complete Section IV of the Form 8283, but you must provide the completed Form **along with the other required documents**. The Form will be signed and returned to you following the recording of the deed. Be aware that the appraisal you obtain should reflect a reasonable fair market value, with the property being **readily** marketable. Neither CPB nor the Church will establish or defend your value.

If you wish to file your tax return early in the new year, for a gift given late in the prior year, the packet of required documents proposing the donation must be submitted to the Real Estate Division **before October 1**, of the donation year. Property submitted after October 1 may be in process of approval after the calendar year has ended. Our acknowledgment of acceptance or rejection could be as long as 90 days into the new year and even longer if the property is inaccessible from January through March. It is possible that you may not know if your gift has been accepted or rejected in time for your settlement of tithes or the filing deadlines for your tax return.

**You are solely responsible for determining the proper year in which any charitable contribution deduction for your gift may be claimed for federal or state tax purposes. If CPB's acceptance of your gift or the recording of the deed occurs in a year following the year in which you originally tendered the gift, your deduction may be delayed to the later year.**

**You should not rely on any information (written or verbal) received from CPB, the Church or any of their representatives as to tax and legal matters associated with your gift. The Church strongly advises that you consult with competent, independent professional tax and other advisors of your own choice on this matter.**

If CPB sells the property within two years of the gift (acceptance date, not the tender date), the Church is required to report the sales price to the Internal Revenue Service on IRS Form 8282.

V To avoid possible tax withholding on the gift, the Donor must certify that he is a citizen of the United States. The Church requests that you complete the enclosed Non-Foreign Certification form and return this form with the other documents.

VI If this donation is a Bargain Sale, you must also have a purchase agreement and a Church Bargain Sale Addendum. The Bargain Sale addendum defines the seller's asserted **Fair Market Value**, the **Gift Element**, and the **Purchase Element**. These three values will be noted on the Internal Revenue Service Form 8283, if you

provide it, and it will be sent back to you after the deed has been recorded. Neither CPB, nor the Church will establish or defend the Gift Element. If CPB or the Church discovers prior to or at the time of the closing that the Seller's assertion of the Fair Market Value of the gift is not made in good faith or is intended to mislead tax authorities, CPB may terminate the transaction without further liability to the Donor, and CPB shall be entitled to a return of all its earnest money or other consideration paid.

We appreciate working with you on this proposed donation. We want to help you through the process with as few problems as possible. If you have any questions at any time, please call one of individuals below for help:

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**THIS IS THE PROCESS:**

- **The donor provides a complete set of required documents and information, including the Tender of Gift**
- **The proposed donation documents are reviewed for completeness**
- **The donor is contacted**
- **The CPB will send the signed Receipt of Tender**
- **The property is inspected by the Church Real Estate Representative**
- **Property reports are ordered, including Preliminary Title Report**
- **The gift is presented to the relevant approval committee for acceptance (approval committee meets monthly)**
- **Approved donations are reviewed by closing section for legal adequacy**
- **The donor is notified that the donation has been accepted**
- **A certificate of donation and IRS Form 8283 (if provided by the donor) is sent to the donor**
- **A letter of appreciation is sent to the donor**

**PRELIMINARY ENVIRONMENTAL ASSESSMENT**

**Initial Assessment of Tendered Gifts – To be Completed By Donors**

To assist in evaluating the acceptability to Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints (CPB) of the property described in the attached documents, the donor should answer each of the following questions:

1. Check each of the following, which describe a use of the subject property:

- |   |   |
|---|---|
| <input type="checkbox"/> Raw Land           | <input type="checkbox"/> Processing       |
| <input type="checkbox"/> House              | <input type="checkbox"/> Mine             |
| <input type="checkbox"/> Multiple Residence | <input type="checkbox"/> Storage          |
| <input type="checkbox"/> Farm               | <input type="checkbox"/> Waste Disposal   |
| <input type="checkbox"/> Office             | <input type="checkbox"/> Other Commercial |
| <input type="checkbox"/> Manufacturing      | <input type="checkbox"/> Other use        |
| <input type="checkbox"/> Store              |   |

2. To the best of my knowledge, the following shows all hazardous substances known to have been used, stored, manufactured, generated or disposed of on the property.

Yes	No	Unknown	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Underground storage tanks
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Asbestos
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Electrical transformers or PCBs (Polychlorinated Biphenyls)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Petroleum products
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stored chemicals
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Landfill
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sump pond
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other materials which are known to be hazardous
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other materials which are unidentified and might be hazardous
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hazardous materials on adjacent property

Signature of Donor \_\_\_\_\_ Date \_\_\_\_\_

**Instructions For Execution By an Authorized CPB Representative**

Normally, a CPB representative should make an initial inspection of the property to determine if any of the potential or actual environmental hazards listed above might be present. An actual environmental inspection is not required in those cases where no hazards are indicated above by the donor, and the CPB representative executing this document is sufficiently familiar with the general property and/or neighborhood to feel confident that a personal inspection is not necessary.

I  HAVE /  HAVE NOT (check one) made a personal inspection of the property, and believe that all actual or probable environmental hazards which exist on the property have been indicated above or in an attached explanation.

Authorized CPB Representative \_\_\_\_\_ Date \_\_\_\_\_

# TAX EFFECTS OF GIFTS OF APPRECIATED PROPERTY

The following is a brief summary of certain federal income tax laws relating to donations-in-kind. This information should not be relied upon as a complete statement, nor is this disclosure intended as tax or legal advice. Since each individual circumstance is different, the donor should obtain competent professional assistance from his or her personal tax advisor.

The amount deductible for a charitable contribution of appreciated property depends on its **value** and whether it is **capital gain property** or **ordinary income property**.

**VALUE.** The donor is responsible for the correct valuation of the donated property. The donor should be aware that an over valuation of donated property may result in substantial penalties. To claim a deduction, he or she must generally file IRS Form 8283 with the tax return. For property worth in excess of \$5,000 form 8283 must be signed by an independent appraiser. A CPB signature (when required) on form 8283 does not signify confirmation of the claimed value, but only acknowledges receipt of the gift. If the property is sold within two years, the CPB must report the sale to the IRS. This can cause an audit if the CPB is unable to sell the property for as much as the donor's appraised value on form 8283.

**LONG TERM CAPITAL GAIN PROPERTY.** This includes property held for more than one year on which a long-term capital gain would have been realized if the tax payer had sold the asset for fair market value on the date of the contribution. It does not include inventory or purchased property held for resale in ordinary course business. These gifts are generally deductible at their fair market value on the date of contribution. However, the individual's contribution must be reduced under certain circumstances by the potential long-term gain and may also have an element of ordinary income if any prior depreciation is subject to recapture.

**ORDINARY INCOME PROPERTY** (or property if sold would result in ordinary income by reason of depreciation recapture or the fact that subject property is "Dealer property".) This is property that, if sold at its fair market value on the date of the contribution, would give rise to ordinary income or short-term capital gain. The deduction for such property is the lesser of the fair market value of the property or the donor's basis in the property. Such property includes inventory and stock-in-trade, produced or purchased and held for sale or resale in the ordinary course of business, regardless of the holding period, and any short-term capital assets.

**AFFIDAVIT PURSUANT TO SECTION 1445 OF THE INTERNAL REVENUE CODE**

Property Number: \_\_\_\_\_

Section 1445 of the Internal Revenue Code provides that a transferee of a U.S. real property interest must withhold tax if the transferor is a foreign person. If the transferor is a corporation, trust, partnership or estate, for U.S. tax purposes (including section 1445), the owner of a disregarded entity (which has legal title to a U.S. real property interest under local law) will be the transferor of the property and not the disregarded entity. To inform the transferee that withholding of tax is not required upon transferor's disposition of a U.S. real property interest, the transferor, either personally if selling as an individual, or if a corporation, trust, partnership or estate, through a duly authorized officer, agent or partner undersigned, hereby certifies the following:

1. The transferor is not a foreign person for purpose of U.S. income taxation. If transferor is a corporation, trust, partnership or estate, the transferor is not a foreign corporation, foreign partnership, foreign trust or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations).
2. If transferor is a corporation, trust, partnership or estate, transferor is not a disregarded entity as defined in § 1.1445-2(b)(2)(iii).
3. The transferor's U.S. Social Security number (for each person in title) or employer identification number is \_\_\_\_\_.
4. The transferor's name and address or principal place of business is:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

The transferor understands that this certification may be disclosed to the Internal Revenue Service by the transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalties of perjury I declare (personally if transferor is an individual, or as a duly authorized officer, agent or partner if transferor is a corporation, trust, partnership or estate) that I have examined this certification and to the best of my knowledge and belief, it is true, correct and complete.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature: \_\_\_\_\_

Name (Print): \_\_\_\_\_

Title: \_\_\_\_\_



**AFFIDAVIT PURSUANT TO SECTION 1445 OF THE INTERNAL REVENUE CODE**

Property Number: \_\_\_\_\_

Section 1445 of the Internal Revenue Code provides that a transferee of a U.S. real property interest must withhold tax if the transferor is a foreign person. If the transferor is a corporation, trust, partnership or estate, for U.S. tax purposes (including section 1445), the owner of a disregarded entity (which has legal title to a U.S. real property interest under local law) will be the transferor of the property and not the disregarded entity. To inform the transferee that withholding of tax is not required upon transferor's disposition of a U.S. real property interest, the transferor, either personally if selling as an individual, or if a corporation, trust, partnership or estate, through a duly authorized officer, agent or partner undersigned, hereby certifies the following:

1. The transferor is not a foreign person for purpose of U.S. income taxation. If transferor is a corporation, trust, partnership or estate, the transferor is not a foreign corporation, foreign partnership, foreign trust or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations).
2. If transferor is a corporation, trust, partnership or estate, transferor is not a disregarded entity as defined in § 1.1445-2(b)(2)(iii).
3. The transferor's U.S. Social Security number (for each person in title) or employer identification number is \_\_\_\_\_.
4. The transferor's name and address or principal place of business is:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

The transferor understands that this certification may be disclosed to the Internal Revenue Service by the transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalties of perjury I declare (personally if transferor is an individual, or as a duly authorized officer, agent or partner if transferor is a corporation, trust, partnership or estate) that I have examined this certification and to the best of my knowledge and belief, it is true, correct and complete.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature: \_\_\_\_\_

Name (Print): \_\_\_\_\_

Title: \_\_\_\_\_