



CORPORATE DONOR ADVISED FUND GIFT INSTRUMENT

Section One – Company & Fund Advisor Information

ORGANIZATIONAL DONOR

Organization's Name: _____
 Mailing Address: _____
 City: _____ State: _____ Zip: _____
 Phone Number (main line): _____ Website: _____

PRIMARY CONTACT (Authorized Representative of the Organization)

Name: _____ Title: _____
 Business Phone (direct): _____ e-mail: _____

The fund advisors is/are as follows (choose one):

ADVISOR 1/CHAIRPERSON (This advisor will serve as chair for this fund)

ADVISOR 2

Name: _____
 Title: _____
 Mailing Address: _____
 City: _____ State: _____ Zip: _____
 Business Phone (direct): _____
 Email: _____

Name: _____
 Title: _____
 Mailing Address: _____
 City: _____ State: _____ Zip: _____
 Business Phone (direct): _____
 Email: _____

Please identify which advisor shall serve as the chairperson of the fund and attach additional sheets as necessary to nominate more than two Advisors.

Section Two – Fund Name & Anonymity

The name of the Fund shall be: _____

Every grant made from a fund at the Foundation is coupled with a letter identifying the name of the fund and the name of the donor(s) recommending the grant, unless you request anonymity. Organizational donor(s) and fund names are often listed in our written and electronic publications as well.

- The organization would like to remain anonymous.
- The organization would like grants from the above fund to remain anonymous.
- The organization would like the above fund listed as anonymous in the Foundation's publications.

Section Three – Fund Purpose

The Fund shall be held for general charitable purposes and shall be (choose one):

- Endowed
- Non-Endowed

Note that distributions from the Fund are subject to the Foundation's "Terms and Conditions Applicable to Corporate Donor Advised Fund Gift Instruments".

Section Four – Charitable Gift

I/We will contribute the following assets to establish my/our fund:

(May include cash, marketable securities, real estate, retirement accounts, business and/or partnership interests)

Asset Type & Description	Ownership (Donor 1, Donor 2, Joint)	Current Value (Approx.)
<i>Example: 100 shares of XYZ Company stock, held at ABC Bank</i>	<i>Donor 1</i>	<i>\$100,000</i>
		\$
		\$
		\$
		\$

Schedule of Charitable Gifts attached to this Instrument? **Y** **N**

Section Five – Future Planning

Organization's establishing a Corporate Fund have the option to recommend a future plan for the fund, in the event the company ceases to exist without identifying a successor, or the fund becomes inactive for any other reason. Please select an option below.

The organization prefers that any amount remaining in the Fund shall be held as (choose one)

[an endowment or a non-endowment] as follows (choose one):

- COMMUNITY NEEDS FUND:** Transfer the fund's balance to the unrestricted use of the Foundation to broadly support the improvement of the well-being and vitality of Hawaii and its residents.
- EXISTING FUND:** Transfer the fund's balance as an additional contribution to the _____ Fund in furtherance of the purpose(s) of said fund.
- NEW FUND:** Establish a fund in support of the following community needs:
 - _____% Arts & Culture
 - _____% Education (including scholarships)
 - _____% Environment
 - _____% Health and Human Services
 - _____% Other (please discuss this with a Foundation staff member before completing):
 - _____
 - _____%

If none of the above options is chosen, the fund's balance will be transferred to the Community Needs Fund.

Section Six – Professional Advisor Information

If you are working with a professional advisor, please provide the information requested below.

- Attorney CPA Financial Planner Other

Professional Advisor's Full Name: _____

Company Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Number: _____ Email: _____

- The organization authorizes the Foundation to share information about the gift and fund with this advisor.
- Please keep our advisor's name anonymous.

Section Seven – Acknowledgement & Acceptance

The organization makes this charitable contribution for the purpose of forming a component fund, to be held and administered solely for charitable purposes in accordance with this Instrument and its “Governing Documents” (i.e., the Foundation’s Terms and Conditions Applicable to Donor Advised Fund Gift Instruments (a copy of which has been provided to the organization), Articles of Incorporation and By-Laws), and any amendments to the Governing Documents. I/We expressly and specifically provide(s) that any contribution to the Fund shall not be subject to the Foundation’s Declaration of Trust.

The organization expressly agrees that the Fund and all matters relating to it are subject to the “variance power” provision which authorizes the Foundation to modify any restriction or condition on the distributions of a fund for any specified charitable purpose or organization if, in the sole judgment of the Foundation, such restriction or condition becomes unnecessary, incapable of fulfillment or inconsistent with the charitable needs served by the Foundation. In the event of any conflict between the Governing Documents and this Instrument, the Governing Documents shall control.

The organization expressly agrees that matters involving Fund administration, including but not limited to additional contributions to the Fund, termination of small funds, fees and expenses of the Fund and governing law shall be administered pursuant to the Governing Documents. In the event of any conflict between the Governing Documents and this Instrument, the Governing Documents shall control.

The organization understands and agrees that the Fund created by this Instrument, the initial contribution thereto, and any subsequent contributions, are absolute and irrevocable, and that after the execution of this Instrument, the organization shall have no rights, title or interest in the Fund or any right to alter, amend or terminate this Instrument.

The organization understands that the minimum balance required to direct and/or name a fund is subject to change without prior notice and that any such balance that is then below the minimum requirements will be applied towards the “Community Needs Fund” or similar fund (i.e., for the unrestricted use of the Foundation to broadly support the improvement of the well-being and vitality of Hawaii and its residents).

The Gift Instrument shall be governed by and construed in accordance with the laws of the State of Hawaii. The effective date for purposes of establishing a fund shall be the date on which the last party signs and the required minimum contribution is actually received by the Foundation.

[DONOR ORGANIZATION]

Name:
Its:

DATE

HAWAII COMMUNITY FOUNDATION

Name:
Its:

DATE



HAWAII COMMUNITY FOUNDATION

TERMS AND CONDITIONS APPLICABLE TO CORPORATE DONOR ADVISED FUND GIFT INSTRUMENTS

Corporate Donor Advised Fund Characteristics:

Organization's establishing a corporate donor advised fund ("fund") at the Hawai'i Community Foundation ("Foundation") may have authorized representatives make recommendations regarding distributions from the fund to one or more qualified charitable organizations or for specific charitable purposes. Distribution recommendations from the fund must be consistent with the "Restrictions on Grants from Funds" section below and the Foundation's "Donor Advised Fund Guide," as amended.

Section One - Donor(s) & Fund Advisors

Organizational Donor: The "organizational donor" is the organization which creates the fund by completing the Foundation's gift instrument coupled with an initial contribution to start it. Others who subsequently contribute to the same fund or are advisors to the fund are not "donors" for purposes of deciding the fund parameters. Only the initial "donor" has that privilege.

Appointment of Advisors: All requests to appoint additional advisors to an advised fund must be communicated to the Foundation in writing by an officer or other authorized representative of the company that established the fund.

Donor advised funds established by organizations, rather than by individuals, may have its own process for selecting new advisors. Nonetheless, any changes in advisors to the fund must be made in writing by an officer or duly authorized representative of the organization that established the fund.

In all cases of where two or more advisors are serving at the same time, a chairperson shall be appointed. All communications concerning grant recommendations to the Foundation will be through the chairperson.

In any case where multiple advisors make conflicting recommendations regarding distributions from the fund that cannot be promptly resolved, the Foundation may independently initiate distributions from the fund.

Role of Advisors: The Foundation welcomes the involvement and recommendations of its donors/advisors with respect to distributions from the fund, but such recommendations are advisory only and are in no way binding upon the Foundation. In evaluating

recommendations for distributions from the fund, the Foundation staff investigates all prospective grant recipients to ensure that they are organized and operated for charitable purposes typically as described in Section 170(b)(1)(A) of the Internal Revenue Code; reviews the recommended grantee's financial and program information; and evaluates the advice of donors against the standards and criteria established by the Foundation to ensure that such advice is consistent with specific charitable needs identified by the Foundation as deserving of support and complies with all applicable federal tax requirements.

In addition, if the advisor(s) fails to make a standing distribution recommendation, or fails to make any distribution recommendations for three (3) consecutive years, the Foundation will contact the advisor(s) to discuss this situation (see "Inactive Funds" section for more details).

Section Two - Fund Name & Anonymity

Fund Name: The "fund name" is a special opportunity for the donor to associate the donor's fund with the organization. It could be as easy as the "Jane Aloha Company Fund" or as creative and meaningful as the organization wishes.

Anonymity: *If you request grants from the fund to remain anonymous*, a recipient will not know that the grant is from your fund. *If you request your fund to be listed as anonymous in our written and electronic publications*, this means your fund will not be listed publicly on the Foundation's website and other publications nor will any photos or other media relevant to your fund be released for community recognition purposes.

Section Three - Fund Purpose

Endowed/Non-Endowed Funds: See definitions below.

Section Five - Future Planning

What Happens to Fund at End of Fund Term?: The organization has the option of determining a future plan for its fund (in the event the company ceases to exist without identifying a successor, or the fund becomes inactive for any other reason) in two easy steps:

- First, please choose whether your remaining fund balance shall continue as an *endowed fund* or *non-endowed fund*. We'd encourage you to speak with

our staff in order to assist you in making this decision.

- Second, please select whether you wish the remaining fund balance to go to: (1) the Foundation's Community Needs Fund; (2) an existing fund previously established by you or others; or (3) to a new fund, which you may establish in support of community needs.

Inactive Funds: In order to carry out its policy of consistently distributing charitable dollars to the community, the Foundation will review periodically the grantmaking activity of every fund. If a fund has failed to make distributions commensurate in size with the Foundation's spending policy over a three (3) year period, the Foundation will contact the advisor(s) to discuss this situation. At that time, the advisor(s) will be given the following options to continue the fund:

- *Provide a plan for funding a specific charitable project or organization that requires an accumulation of resources for more than a three-year period.*
- *Resume making ongoing grant recommendations.*

In the event that the advisor(s) cannot be located or is/are unresponsive, the fund will terminate and the fund's balance applied in a manner consistent with the organizational donor's direction as expressed in the gift instrument.

GENERAL TERMS & CONDITIONS APPLICABLE TO ALL FUNDS (IN ALPHABETICAL ORDER)

Distributions: To ensure that each fund is used to actively invest in the community and charitable causes, the Foundation prefers distribution from each fund at least every three years. Donors may, at the time they create a fund, recommend that the fund be managed as a permanent endowment and paid out in accordance with the Foundation's payout policy or paid out as a non-endowed fund over a specified period of time. Donors may also specify that no distributions be made until the fund reaches a certain dollar amount. All distributions from funds are subject to the Foundation's variance power, as noted below.

Endowed Fund: An endowed fund is established to exist in perpetuity. The corpus, or principal, of the initial gift to an endowed fund is left untouched and produces interest income for grantmaking today and beyond a donor's lifetime. Distributions are made in a manner that ensures a permanent endowment and is limited to the amount available for grantmaking in accordance with the Foundation's spending policy.

Fees: Funds established at the Foundation are subject to administrative and investment fees. A list of fees is available upon request. The Foundation reserves the right to change its fee structure at any time without prior notice.

Investment of Assets: All assets contributed to an endowed fund established at the Foundation will be managed in the Foundation's combined investment fund ("CIF").

All assets contributed to a non-endowed fund will be invested in a very conservative manner, such as through a money-market account, *unless* the Foundation has agreed to invest the non-endowed funds as part of the CIF at the written request of the donor, the duly authorized advisors of the fund, or fund committee members. Assets may be managed by an independent trustee, custodian, investment advisor or other fiduciary (an "outside investment manager") apart from the Foundation's CIF as a "specialty account", *provided* that minimum fund values are met and all such assets are managed in accordance with the Foundation's investment policy. All outside investment managers shall be provided with a copy of and must agree to adhere to the Foundation's investment policy as a condition of continued service in such capacity, and the Foundation reserves the right to replace any outside investment manager in its sole discretion. For more information about the requirements for using an outside investment manager, please contact a staff member regarding "specialty accounts".

Non-Endowed Fund: A non-endowed fund is established to allow the entire gift to the fund to be available for grantmaking. Distributions can be made, without limit, over a term of years or upon triggering events as instructed by the donor in the gift instrument or as determined by the Foundation to be appropriate given the circumstances at the time

Payout Policy: Generally, the Foundation anticipates distributions from each endowed fund at least annually of an appropriate percentage of the fund's market value, as determined by the Foundation's Board of Governors ("Board"). In determining the annual distribution amount to be paid from endowed funds, the Board may consider the expected total return on the fund's investments, the desirability of maintaining the value of those funds and any other factors that it deems relevant. The Foundation reserves the right to spend the entire amount of any fund, if by the terms of the gift agreement the gift is subject to the Foundation's "Payout Policy" and the Foundation determines that such expenditures better satisfy the donor's intentions than a limitation on expenditures.

Restrictions on Grants from Funds: Distributions from 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 memberships, pledges, sponsorships, tickets or for any purpose that would otherwise provide a benefit to donors, donor advisors or related parties. Distributions may not involve loans, compensation, expense reimbursements or similar payments to donors, donor advisors or related parties. Distributions from funds may not be made to any specific individual (other than from approved "scholarship funds" or "field of interest funds" with expenditure responsibility oversight) or to participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

Tax Status of Funds: Funds established at the Foundation are component funds of the Foundation, a section 501(c)(3) public charity. All contributions to these funds are treated as gifts to a section 501(c)(3) public charity and are tax deductible to the extent allowed by law.

Variance Power: All funds established at the Foundation are subject to the Foundation's "variance power," as set forth in Section 3.1(1)(d) of its Articles of Incorporation. The variance power provides the Board with the authority to modify any donor restriction or condition on distributions of funds for any specified charitable purpose or to any specified charitable organization if, in the Board's sole judgment, such restriction or condition becomes unnecessary, incapable of fulfillment or inconsistent with the charitable needs of the community.