



THE “*DIRT*” ON CHARITABLE GIFTS OF REAL ESTATE

February 7, 2024

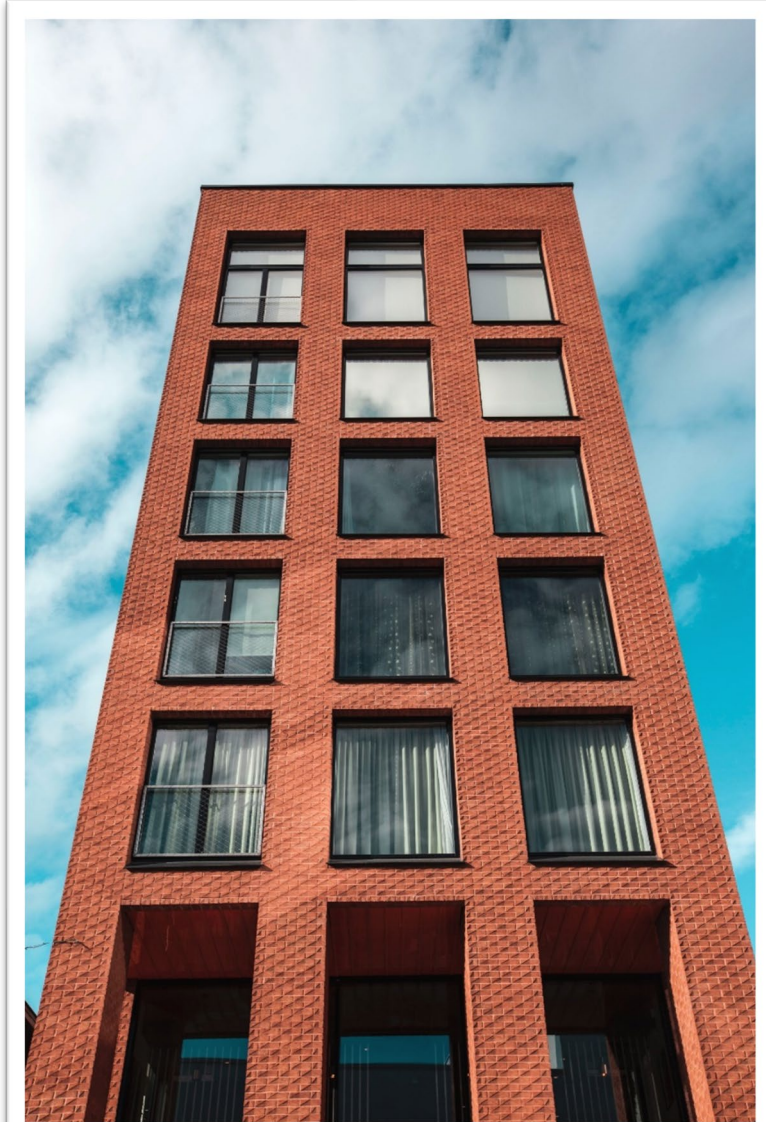
TOP 10 QUESTIONS TO ASK AND EXPECT

1. Description/expected value
2. Ownership
3. Partial or entire interest
4. Debt or other encumbrances
5. Outright, Life-Income or Testamentary



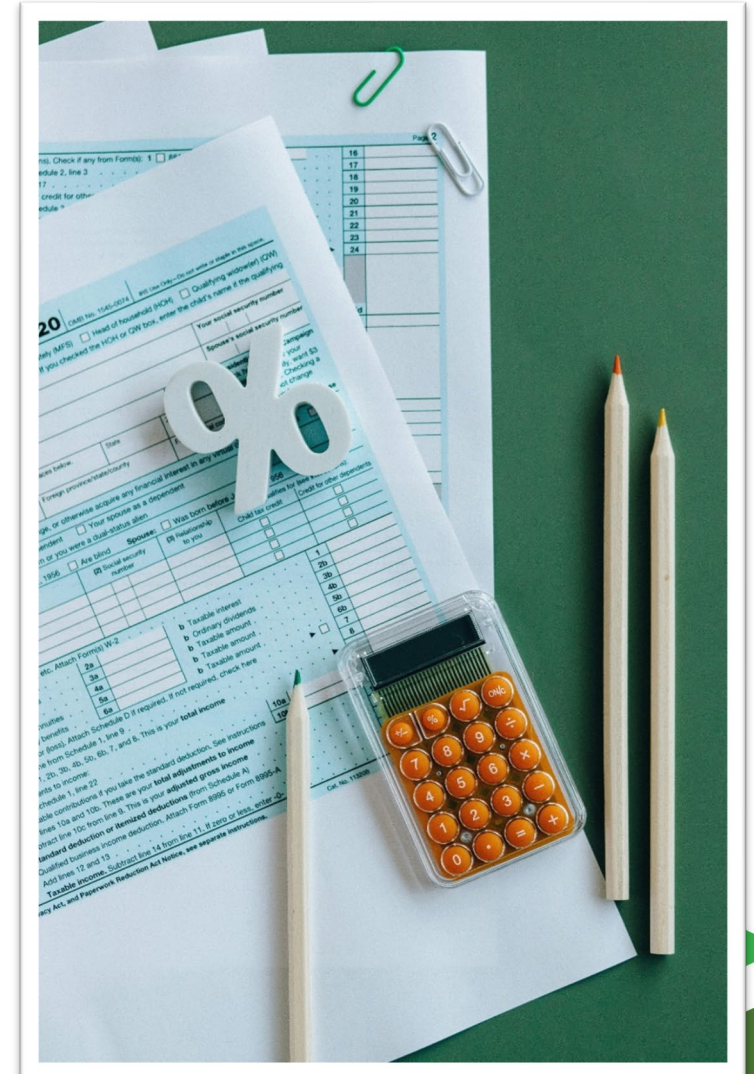
TOP 10 QUESTIONS TO ASK AND EXPECT

6. Capital or ordinary asset
7. Tax implications
8. Potential buyers and offer status
9. Holding period and management issues
10. Transfer timing



THINGS TO CONSIDER (DONORS)

- Publication 526 – Explains how to claim a deduction
- Publication 561 – Helps determine the fair market value of property (other than cash) that is given to qualified organizations
- Form 8283 – Must be attached to your tax return if claim is over \$500



THINGS TO CONSIDER (TAX PROFESSIONALS)

- Appraiser – valuation guidelines
- TD 9836 – final regulations with appraisal requirements for noncash charitable contributions



THINGS TO CONSIDER (CHARITIES)

- File Annual Returns – Schedule M
- Depending on the donated property:
 - ✓ Written acknowledgement
 - ✓ Written disclosure statement
 - ✓ Form 8282





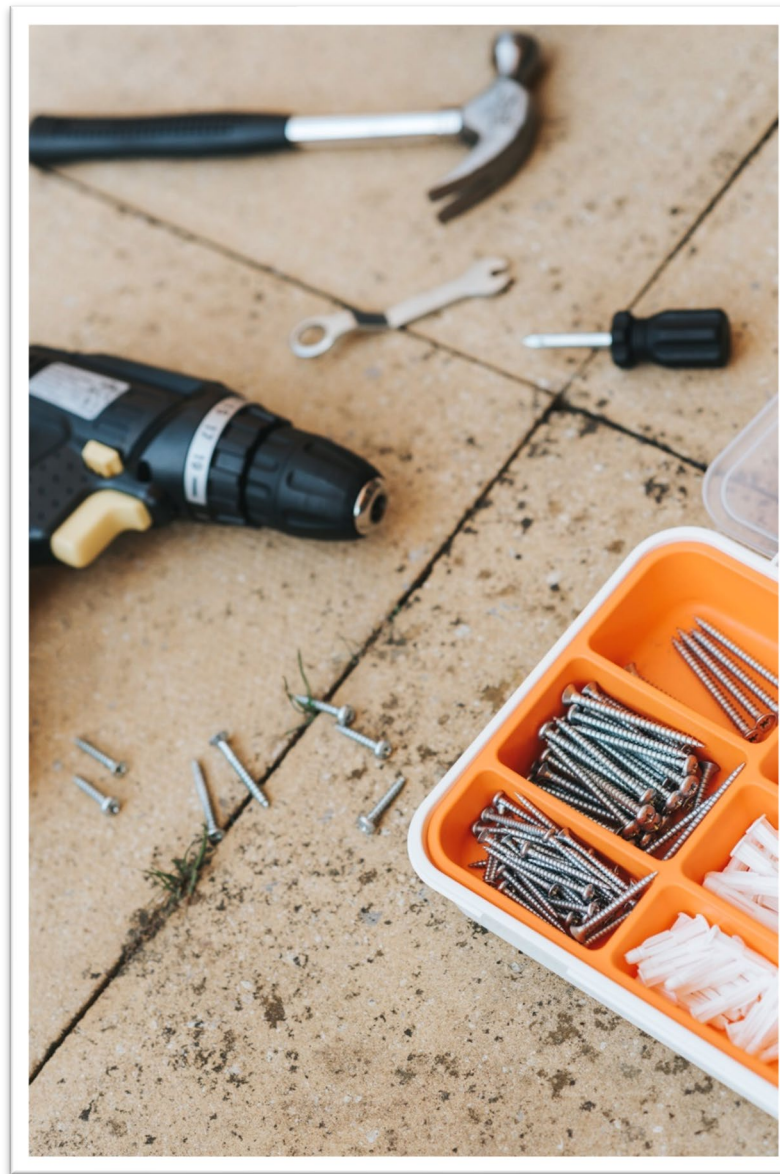
GIFT ACCEPTANCE

- Will the charity want the property? Don't assume!
- Most charities will have a Gift Acceptance Policy
- Single-Member Limited Liability Company (LLC)



TOOLS IN THE TOOLBOX

- Outright Gift
- Bargain Sale
- Retained Life Estate
 - *Personal Residence/Property*
- Delaware Statutory Trust (DST)
 - *Business Property*



TAKEAWAYS

- Include the donor's advisors
- Charitable tools rather than direct donations
- Do you really want to do this?





RESOURCES

Idaho Community Foundation

idahocf.org

Charitable Solutions, LLC

charitablesolutionsllc.com

National Christian Foundation

ncfgiving.com

Realty Gift Fund

realtygiftfund.org



THANK YOU



Kris Kamann, CAP®

Senior Philanthropic Advisor

kris@idahocf.org

208-342-3535 x 14

