

**AGREEMENT BETWEEN
WASHINGTON COUNTY COMMUNITY FOUNDATION, INC.
(hereinafter, “Foundation”)
and
XXXXXXXXXXXXXXXX
(hereinafter, “Creator”)**

1. A fund shall be established on the books of the Foundation which shall be known as the *XXX Fund* (“the Fund”).
2. The Fund is established to benefit (Define Charitable Purpose).
3. In 1976, the Internal Revenue Service issued Treasury Regulations that endorsed and codified the variance power as an essential feature of community foundations. The regulations recognized that a community foundation that is comprised of many separate trusts is a single public charity, rather than treating the trusts as separate private foundations. To qualify for single entity treatment, the community foundation must meet several requirements, including having the power to modify the terms of a component trust or fund. Treasury Reg. §1.170A-9(f)(11)(v)(B)(1) provides that the governing body must have the power to modify a restriction on the use of a fund if a restriction effectively becomes “unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the community or area served.” Accordingly, the Foundation Board shall have the power to modify any restriction or condition on the distribution of funds for any specified charitable purposes or to specified organizations if in the sole judgment of the Board (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 community or area served.
4. The Fund shall include property as detailed in “Schedule A”, such property as has been or as may be, from time to time, transferred to the Foundation by Creator for inclusion in the Fund, such property as may, from time to time, be received by the Foundation from any other source and accepted by it for inclusion in the Fund.
5. The Fund shall be the property of the Foundation held by it in its normal corporate capacity; it shall not be deemed a trust fund held by it in a trustee capacity.
6. The Fund shall be charged an administrative fee of 2% of contributions.
7. The Fund shall not be invested and shall accrue no earnings.
8. It is intended that the Fund shall be a component part of the Foundation and not a separate trust and nothing in this agreement shall affect the status of the Foundation as an organization described in Section 501(c) (3) of the Internal Revenue Code of 1954, and as an organization which is not a private Foundation within the meaning of Section 509(a) of the Code. This agreement shall be interpreted in a manner consistent with the foregoing intention and so as to conform to the requirement of the foregoing provisions of the federal tax laws and regulation issued pursuant thereto. The Foundation is authorized to amend this agreement to conform to the provisions of any applicable law or governing regulation in order to carry out the foregoing intention. References herein to provisions of the Internal Revenue Code of 1954 shall be deemed references to the corresponding provisions of any future Internal Revenue Law.

Accepted by:

XXX, Creator

Date

, Chairman of the Board
Washington County Community Foundation, Inc.

Date

B.R. Trew, President & CEO
Washington County Community Foundation, Inc.

Date

SCHEDULE A

XXX Fund

Description of property donated: Check in the amount of XXX

The Internal Revenue Service requires contemporaneous written receipt for all gifts of \$250 or more. We are required to inform you that the Washington County Community Foundation has exclusive legal control over the contributed assets. Please save this receipt as proof of your charitable gift. The Internal Revenue Service also requires us to confirm that you have received no goods or services from us in exchange for your gift. The official registration and financial information of Washington County Community Foundation may be obtained from the Pennsylvania Department of State by calling toll-free, within Pennsylvania, 1-800-732-0999. Registration does not imply endorsement.