

**AGREEMENT BETWEEN
WASHINGTON COUNTY COMMUNITY FOUNDATION, INC.
(hereinafter, “Foundation”)
and
NAME OF DONORS
(hereinafter, “Donors”)**

1. A permanent fund shall be established on the books of the Foundation which shall be known as the **XXX Cemetery Fund** (hereinafter “Fund”).
2. The Fund is established to primarily benefit quality of life issues in Washington County, Pennsylvania through charitable grants of income to the NAME OF CEMETERY, EIN XX-XXXXXXX.
3. Grants from the Fund shall be used exclusively to provide for the perpetual care of the Cemetery as a whole and may not be used to care for any particular lot or mausoleum crypt. In the event that the Cemetery Association dissolves, grants from the Fund shall be issued to another tax-exempt entity, as selected by the Foundation, to provide perpetual care of the Cemetery as a whole.
4. The Foundation’s sole responsibility shall be to manage the Fund to benefit the Cemetery as outlined in this agreement. Under no circumstances shall the Foundation have any responsibility or duty, directly or indirectly, to maintain the Cemetery in any manner whatsoever.
5. The Foundation has adopted a total return investment policy where income shall mean an amount equal to a percentage, to be specified by the Foundation, of the average fair market value of the Fund’s assets over the preceding three years as of the last business day of each year.
6. 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 Donors 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, and all earnings from the foregoing property.
7. 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.
8. 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.

9. The Foundation will provide accounting and related financial management services associated with the Fund. It is understood that the investment objective be to preserve capital and to increase long-term purchasing power. The Fund may be assessed a reasonable Foundation management fee which is currently calculated as a percentage of Fund principal. The Fund may be charged an investment management fee in accordance with Foundation agreements as negotiated with Foundation investment managers;
10. 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, Donor

Date

xxx, Donor

Date

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

Date

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

Date

SCHEDULE A

Name of Fund

Description of property donated:

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.