

Gift Acceptance Policies and Guidelines

Adopted 08/26/2026

Montrose Botanical Society (MBS), a nonprofit organization exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code and organized under the laws of the State of Colorado, encourages the solicitation and acceptance of gifts to MBS for purposes that will help MBS to further and fulfill its mission. The following policies and guidelines govern acceptance of gifts made to MBS or for the benefit of any of its programs.

I. Purpose of Policies and Guidelines

The Board of Directors of MBS and its members may solicit current and deferred gifts from individuals, corporations and foundations to secure the future growth and mission of MBS. These policies and guidelines govern the acceptance of gifts by MBS and provide guidance to prospective donors and their advisors when making gifts to MBS. The provisions of these policies shall apply to all gifts received by MBS for any of its programs or services, including membership dues.

II. Use of Legal Counsel

When appropriate, MBS shall seek the advice of legal counsel in matters relating to acceptance of gifts when appropriate. Review by counsel is recommended for:

1. Transactions with potential conflict of interest that may invoke IRS sanctions or where the consequences of acceptance of a donation are unclear.
2. Other instances in which use of counsel is deemed appropriate by the Board of Directors of MBS.

III. No Tax Advice

MBS does not provide tax, legal or financial advice to donors. MBS strongly urges all prospective donors to seek the assistance of their own independent legal and financial advisors in matters relating to their gifts and the resulting tax and estate planning consequences. Any information provided by MBS is for informational purposes only and should not be construed as tax, legal or financial advice.

IV. Restriction on Gifts

MBS will accept unrestricted gifts, and gifts for specific programs and purposes, provided that such gifts are not inconsistent with its stated mission, purposes and priorities. MBS will not accept gifts that are overly restrictive in purpose. Gifts that are

overly restrictive are those that violate the terms of the corporate charter, gifts that are too difficult to administer, or gifts that are for purposes outside the mission of MBS. All final decisions on the restrictive nature of a gift, and its acceptance or refusal, will be made by the Board of Directors of MBS.

V. Types of Gifts

1) Outright Gifts

a) **Gifts of cash.** Cash is acceptable in any form. Checks need to be made payable to Montrose Botanical Society.

b) **Securities.** MBS can accept publicly traded securities. MBS will not accept closely held securities.

Publicly traded, marketable securities may be transferred to an account maintained by MBS at one or more brokerage firms or delivered physically to the MBS mailing address with the transferor's signature or stock power attached. As a general rule, all marketable securities will be sold promptly upon receipt unless otherwise determined by the Board of Directors of MBS. In some cases, marketable securities may be restricted by applicable securities laws; in such instances, the final determination on the acceptance of the restricted securities will be made by the Board of Directors of MBS in consultation with legal counsel, and MBS will comply with all applicable federal and state securities laws.

2) Remainder Gifts

a) **Bequests.** Donors and supporters can make bequests to MBS through their wills and trusts.

b) **Retirement plan beneficiary designations.** MBS's donors and supporters may name MBS as beneficiary or contingent beneficiary of their retirement plans.

c) **Life insurance and annuity beneficiary designations.** Donors and supporters of MBS may name MBS as beneficiary or contingent beneficiary of their life insurance or annuity policies.

d) **Any other investment account with beneficiary designations.** Donors and supporters of MBS may name MBS as beneficiary or contingent beneficiary of their other non-qualified investment accounts.

Such bequests or designations, as described above, will not be recorded as gifts to MBS until such time as the gift is irrevocable. When the gift is irrevocable, but is not due until a future date, the present value of that gift may be recorded at the time the gift becomes irrevocable.

3) Life Income Plans

- a) **Charitable remainder trusts.** MBS may accept designation as remainder beneficiary of a charitable remainder trust with the approval of the Board of Directors of MBS. MBS will not accept appointment as trustee of a charitable remainder trust.
- b) **Charitable lead trusts.** MBS may accept a designation as income beneficiary of a charitable lead trust. The Board of MBS will not accept an appointment as trustee of a charitable lead trust.

4) Gifts of Real Estate

- a) **Real estate.** MBS will not accept gifts of real estate of any kind.

5) Other Types of Gifts

Acceptance of financial gifts not outlined above must be approved by the Board of Directors of MBS, in consultation with legal counsel as appropriate. Acceptance of all gifts of physical property must be approved by the Board of Directors of MBS. Items left at the Gardens without prior approval may be sold or disposed of otherwise.

VI. Miscellaneous Provisions

Securing appraisals and legal fees for gifts to MBS. It will be the responsibility of the donor to secure any required qualified appraisal in compliance with IRS regulations and independent legal counsel for all gifts made to MBS. MBS will not pay for appraisals required for the donor's tax purposes. However, MBS reserves the right to obtain its own independent appraisal or legal review at MBS's expense when deemed necessary to evaluate a proposed gift.

Responsibility for IRS Filings upon sale of gift items. The MBS Treasurer is responsible for filing IRS Form 8282 upon the sale or disposition of any asset sold within three (3) years of receipt by MBS when the charitable deduction value of the item is more than \$5,000. MBS must file this form within 125 days of the date of disposition of the asset. Acknowledgement of gifts made to MBS in compliance with current IRS requirements for gift acknowledgment (including IRC Section 170 substantiation requirements) shall be the responsibility of the MBS Treasurer. All gift acknowledgments for contributions of \$250 or more must include the required substantiation language, and acknowledgments for non-cash gifts over \$5,000 must include appropriate statements regarding goods or services provided in exchange.

VII. Changes to Gift Acceptance Policies

These policies and guidelines have been reviewed and approved by the Board of Directors of MBS. The Board shall review these policies at least every three (3) years to ensure continued compliance with applicable laws and regulations.