



**Legacy of Love –
Flexible Plans that Make a Difference**



The Arc.
Westchester Foundation

For people with intellectual and developmental disabilities

Gifts You Can Change

In estate and legacy planning, making decisions about the ultimate distribution of your assets is both joyful and thought-provoking. Yet sometimes, your wish to adequately provide for loved ones *and* support favorite charitable organizations creates uncertainty that leads to inaction.

One way to meet the dual goals of helping heirs and supporting us is to consider planning a gift you can change. There are ways to plan now and give later that will let you arrange a meaningful, personally satisfying gift *and* keep lifetime control of the gift property. This means that you are free to use the property to meet personal needs, and you can change your mind about how you ultimately make your gift if new needs or goals emerge. Fortunately, these gifts are simple and relatively easy to plan. The benefit to you: peace of mind that comes from knowing your assets remain available and under your control.

Sources of gifts you can change are hiding in plain sight all around you. They come from accounts you interact with regularly—in some cases, nearly every day. These simple planning ideas can lead to a highly flexible yet deeply satisfying gift arrangement.

Bank Accounts

Accounts at your bank or credit union can be the source of gifts through a payable on death (POD) designation. By completing a simple form provided by your bank, you can designate that our organization will receive the funds in the account at your death. We have no access or right to the funds during your lifetime, and you can change the designation whenever you like.

A gift through a POD designation is a very easy fit for most estate plans. Often, bank accounts are not the main source of funding for reaching important goals. Consequently, this can be a simple way to make a gift that does not interfere with other estate distribution arrangements or needs.

Stock and Mutual Funds

Can you plan a gift of securities and keep lifetime control of the gift? Yes! Stock and mutual funds may be transferred through transfer on death (TOD) designations similar to the POD designations on bank accounts. This means that you can make a gift of stock (or other securities) by completing a simple TOD registration with your broker or the company issuing the stock. When you die, we become entitled to the stock. During your lifetime, however, we have no rights, and you are free to change the designation.

Leaving appreciated stock to heirs can have important tax benefits that you should consider in your estate planning. Nonetheless, a TOD designation for a particular stock—or perhaps a portion of your stock holdings—can be a satisfying way to make a substantial gift while you retain lifetime control of your portfolio.

Retirement Accounts

A portion of your personal wealth is probably held in some form of retirement account. A distribution from a tax-deferred retirement account is subject to federal income tax during life *and* at death. These distributions are fully taxed when they are received (by you or your heirs) because neither deposits into the account nor earnings were taxed while they accumulated. The government recovers these tax advantages when funds are distributed.

When heirs receive a distribution from your tax-deferred retirement account, it is subject to income tax that reduces the amount they actually keep—an unpleasant “tax surprise” that significantly dilutes the inheritance you intended to leave. Consequently, if you want to make a gift to our organization and provide for loved ones through your estate plan, it makes sense to leave retirement assets to us (since they are never reduced by taxes when we receive them) and designate other assets to heirs (assets that are subject to favorable tax treatment, such as appreciated stock or life insurance policy proceeds).

If we are named the primary beneficiary of the retirement account, we are the first in line to receive the funds. You can also name us the contingent beneficiary, which means we receive the funds only if the primary beneficiary does not. Of course, you can change your beneficiary designations at any time throughout your life if your needs or goals change. Contact us to learn more about why retirement account assets can be a tax-wise gift option as part of your overall estate plan.

Life Insurance

When you purchase a life insurance policy, you name a beneficiary to receive the proceeds in the event of your death. Generally, these beneficiary designations are revocable, which means you can change the designation if you like.

Naming us the beneficiary of a life insurance policy is another easy way to set up a gift. Just ask the insurance company or your agent for the proper forms. As the policy beneficiary, we will receive the proceeds at your death, but we have no rights whatsoever to the policy during your lifetime.

You can name us as a primary beneficiary, contingent beneficiary, or a percentage beneficiary. As a percentage beneficiary, we receive less than the full amount—for example, you might leave 25% of the policy death benefit to us and 75% to a loved one.

Real Estate

Approximately half the states in the U.S. allow transfer on death deeds for passing real estate (such as your house) on to another individual or charity. This means that you can select an individual or charity to receive the property at your death, but you retain all legal rights to the property during your lifetime. The benefit to this arrangement is that the property avoids the costs and potential delays of the probate process.

Setting up a transfer on death deed is a relatively easy thing to do, and there are no tax consequences or liabilities when the deed is created. You can change or revoke the deed at any time. You can also name multiple beneficiaries, as well as a successor beneficiary (or beneficiaries) to receive the property if it cannot pass to the primary beneficiary. The beneficiary who receives the property inherits any mortgage or debt associated with the property.

If your state allows transfer on death deeds for real estate, it can be a satisfying way to make a meaningful gift that helps people and changes lives—perhaps one that is larger than you thought possible. Be sure to consult your advisor and take every measure to make certain the deed is properly executed and a good fit for your estate planning.

Donor Advised Funds

For a growing number of charitably inclined individuals and families, donor advised funds (DAFs) are an important and meaningful way to support organizations like ours. With these funds, you can generally make a contribution (under the terms of the fund) and later choose how and when to make gifts to a qualifying charity like ours.

Donor advised funds also allow you to name a successor to the fund upon your death—similar to naming a beneficiary of a retirement account. If you elect to make us the successor to the fund, we receive the funds at your death. It is also possible to name multiple successors (or beneficiaries) on a percentage basis, allowing you to meet multiple planning needs and goals.

Contributions to a donor advised fund are tax deductible and irrevocable when made. However, you retain the right to change the successor election during your lifetime.

Planning Pointer

The options we have reviewed—payable on death and transfer on death designations, naming us as a beneficiary of a life insurance policy or retirement account, real estate transfer on death deeds, and successor elections for a donor advised fund—are gifts that take place outside your will, meaning these assets pass on to the people/organizations you have designated regardless of the terms of your will. Nonetheless, if there are any inconsistencies, confusion can result. Work with your advisors to avoid conflicts between gift designations and the terms of your will or living trust.

A Word About Your Will or Living Trust

Of course, a gift through your will or living trust is another meaningful way to make a gift you can change. Whether the gift is cash, securities, real estate or other property, you retain lifetime control of the gift asset for your personal use. There are many different ways to make a gift in your will or trust, including leaving us a percentage of your estate or what is left in your estate after all other obligations and goals have been met. Consult your attorney, and please let us know if we can provide additional information.

A Comfortable and Flexible Way to Give

We hope you'll agree that the notion of planning a future gift that you can change is a comfortable concept that helps overcome planning concerns. It can be an ideal way to meet charitable goals while realizing important personal objectives. Please contact us if you feel you can use one of these options to designate a gift. We would like to thank you for your generosity, provide additional information for you and your advisor, and verify any interests or goals you have regarding how your gift is to be used.



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