



2009 Qualified Endowment Credit

15-30-2327 and 15-30-2328, 15-31-161 and 15-31-162, MCA

Name (as it appears on your tax return) _____

Your Social Security Number or Federal Employer Identification Number _____

If this credit was passed through to you from a partnership or S corporation, please indicate the name and FEIN of the partnership or S corporation and your percentage of ownership in the partnership or S corporation.

Name _____ FEIN _____ Percent of Ownership _____ %

1a. Enter the name and address of the tax-exempt Montana organization, qualified under 26 U.S.C. 501(c)(3), that is holding the qualified endowment:

Name _____
Address _____
City, State, Zip _____

1b. Enter the name and address of the trustee that is administering the planned gift:

Name _____
Address _____
City, State, Zip _____

1c. Enter the name and address of the bank or trust company holding the qualified endowment on behalf of a tax-exempt organization:

Name _____
Address _____
City, State, Zip _____

2. Check the appropriate box indicating the type of gift you contributed.

- Charitable remainder unitrust
Charitable remainder annuity trust
Pooled income fund trust
Charitable lead unitrust
Charitable lead annuity trust
Charitable gift annuity
Deferred charitable gift annuity
Charitable life estate agreement
Paid-up life insurance policy
Qualified outright charitable contribution.

3. Enter the date the qualified contribution was made.....3.

4. Enter the present value of the aggregate amount of the charitable gift portion of your planned gift, or your outright charitable contribution (the charitable deduction amount).4.

5. If your gift is a planned gift, multiply line 4 by 40% (0.40) and enter the result here, but not more than \$10,000. If your gift is a qualified outright charitable contribution, multiply line 4 by 20% (0.20) and enter the result here, but not more than \$10,000. This is your qualified endowment credit.....5.

Table with 3 rows for data entry

If you are an individual, transfer the amount on line 5 to Form 2, Schedule V.
If you are a C corporation, transfer the amount on line 5 to Form CLT-4, Schedule C.
If you are an S corporation, transfer the amount on line 5 to Form CLT-4S, Schedule II.
If you are a partnership, transfer the amount on line 5 to Form PR-1, Schedule II.
If you are an estate or trust, transfer the amount on line 5 to Form FID-3, Schedule G.

When you file your Montana income tax return electronically, you represent that you have retained all documents required as a tax record and that you will provide a copy to the department upon request.

Form QEC General Instructions

What is a qualified endowment?

A qualified endowment is a permanent, irrevocable fund that is held by:

- A tax-exempt 501(c)(3) corporation formed under the laws of Montana, or
- A bank or trust company holding an endowment fund on behalf of a Montana or foreign 501(c)(3) organization.

What is a “permanent irrevocable fund”?

A permanent irrevocable fund is defined as a fund comprised of cash, securities, mutual funds or other investment assets established for a specific charitable, religious, educational or eleemosynary (relating to charity) purposes and invested for the production or growth of income, or both, that may either be added to the principal or expended. The term does not include a fund held by or for a tax-exempt organization for the direct expenditure for constructing, renovating or purchasing operational assets such as buildings or equipment.

Who is entitled to the qualified endowment credit and how much is the credit?

If you are an individual, a beneficiary of an estate or trust or a C corporation, or an estate, you are entitled to a credit against your tax liability equal to 40% of the present value of the charitable gift portion of a planned gift.

If you are a C corporation, an S corporation, partnership, trust, estate or a limited liability company, you are entitled to a credit equal to 20% of the outright charitable contribution to a qualified endowment.

The maximum credit that you may claim for contributions made from all sources in the year is \$10,000. If you are married and both spouses gave a qualified gift, each spouse is entitled to a maximum \$10,000 credit. Your credit cannot exceed your tax liability and you cannot carry back or carry forward any unused credit.

If you are an S corporation, partnership, or limited liability company your credit is attributed to your shareholders, partners, members or managers in the same proportion used to report the corporation's, partnership's or limited liability company's income or loss for Montana tax purposes.

What types of planned gifts qualify for this credit?

In order to qualify for the endowment credit, an individual must contribute an irrevocable planned gift with the remainder to a permanent endowment. The types of gifts that qualify for this credit and a description of these gifts are:

- **Charitable remainder unitrust.** This is a trust in which property is transferred and invested by the trustee who each year pays a fixed percent of the unitrust value, revalued annually, to one or more private income beneficiaries for the life of beneficiaries, a term of years, or both, with the remainder interest in the trust transferring to, or for the use of the charity, or retained by the trust for the use of the charity.
- **Charitable remainder annuity trust.** This is a trust in which property is transferred and invested by the trustee who each year pays a fixed dollar amount to one or more private income beneficiaries for the life of the beneficiaries, a term of years, or both, with the remainder interest in the trust then transferring to, or for the use of the charity, or retained by the trust for the use of the charity.
- **Pooled income fund trust.** This is a trust in which property contributed by donors is pooled together with other investors.

All the assets transferred to the fund are added together and invested. This pooled fund creates a diversified portfolio in which all participants receive a share of the earnings.

- **Charitable lead unitrust.** This is a trust in which property is transferred and invested by the trustee who each year pays a fixed percentage of the unitrust value, revalued annually, to the charity for a term of years or during the lives of specified linear descendants, with the remainder interest then transferring to private beneficiaries named by the donor.
- **Charitable lead annuity trust.** This is a trust in which property is transferred and invested by the trustee who each year pays a fixed dollar amount to the charity for a term of years or lifetime(s), with the remainder interest then transferring to private beneficiaries named by the donor.

In order for the following two annuities to qualify for a charitable deduction or the qualified endowment credit, these annuities have to be given to a charitable organization that, at the time the annuity is issued, have:

- a minimum of \$300,000 net worth or a minimum \$100,000 in unrestricted cash, cash equivalent or public traded securities;
- been in business for at least 3 years; and
- one-half of the outstanding annuity is maintained in a separate annuity fund

If the above requirements are not met, the gift annuity must be commercially insured by a licensed insurance company qualified to do business in Montana.

- **Charitable gift annuity.** This is the transfer of cash or property to a charity in exchange for the charity's promise to pay the donor and, if applicable, the surviving annuitant, a lifetime annuity. This type of annuity is considered a bargain sale that results in part taxable gain and a charitable deduction.
- **Deferred charitable gift annuity.** This is an annuity in which payments to the donor do not begin until a future date.
- **Charitable life estate agreement.** This is a gift to a charity of a personal residence that is subject to a reserved life estate.
- **Paid-up life insurance policy.** This is a life insurance policy in which all the premiums have been paid that usually entitle the donor to a current deduction equal to the cost of replacing the policy with a single premium life insurance policy at the donor's current age.

If I claim the qualified endowment credit, can I also take a charitable deduction for the amount of the gift?

No. The amount of your contribution that is used to calculate your qualified endowment credit cannot also be claimed as a charitable contribution on your Montana tax return. You can claim a charitable deduction for that portion of the contribution not used to calculate this credit.

What happens if I recover my charitable gift this year?

If a charitable gift is recovered in the current year, you will have to include as income the amount previously deducted, to the extent it reduced your individual income tax or corporation license tax, and increase the amount of tax due by the amount of the credit previously allowed.

To learn more about the endowments state-wide, visit the Governor's Task Force on Endowed Philanthropy website www.endowmentmontana.org.

Questions? Please call us toll free at (866) 859-2254 (in Helena, 444-6900).