GIFTS OF REAL ESTATE

GIVING BACK TO YOUR COMMUNITY & THE CAUSES YOU CARE ABOUT MOST

What Are Gifts of Real Estate?

▪ A donor may give appreciated real property to a fund at the Chester County Community Foundation.
▪ The year the gift is made, it is considered a charitable contribution. This may result in a substantial charitable income tax deduction.
▪ The Community Foundation becomes the owner of the property. When property is sold, the proceeds are added to the designated endowed fund at the Community Foundation.

Tax Consequences

▪ It is often tax-advantaged to make a gift of real estate to a Community Foundation rather than a private foundation.

Real Estate

▪ Before agreeing upon accepting a charitable real estate gift, the Community Foundation must inspect the property’s physical and environmental conditions, to determine risk, maintenance, and marketability.
▪ Charities such as the Community Foundation are not shielded from liability in gifts of toxic sites. The need for environmental assets must also be considered.
▪ The Community Foundation should always be consulted prior to any commitment to sell a contemplated real estate gift.
▪ The property should not be in binding commitment to sell to a “buyer-in-the-wings”. This may result in the gain on appreciated property being taxed to the donor.
Real Estate Restrictions

- The donor cannot require the Community Foundation to retain the contributed property.
- A donor cannot establish irrevocable relationships for the maintenance or management of assets transferred to the Community Foundation.
- The Community Foundation cannot grant the donor a right of first refusal to purchase the contributed property.
- The Community Foundation cannot assume leases, contractual obligations, pledges or other liabilities of the donor.

Non-Cash Contribution

- Real estate is non-cash property. As with other non-cash contributions, the donor must include form 8283 with their tax return.
- A qualified appraisal is also required. The appraiser must be appropriately certified by the IRS.

To discuss possible Gifts of Real Estate, contact:
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