



The Termination Process for Private Foundations

Internal Revenue Code Section 507 permits termination of a private foundation and the distribution of its assets to a public charity. Adams County Community Foundation qualifies as a public charity into which a private foundation may distribute all of its assets. Such a termination releases the private foundation from the Code reporting requirements, and also terminates the payment of the excise tax imposed on private foundations.

Terminating a Private Foundation into a fund at Adams County Community Foundation

1. Determine whether the foundation has current obligations regarding any of the following:
 - The investment income excise tax, unrelated business income taxes, or private foundation penalty taxes.
 - Outstanding grants that are subject to expenditure responsibility. (see IRS Form 990PF).
 - Fees for accountants, lawyers, investment managers, or other service providers.
 - Filing of IRS Form 990PF and related forms with the IRS and state attorney general.
2. Satisfy all current obligations of the terminating foundation and create a reserve for anticipated expenditures through the completion of the conversion process.
3. Identify all donor-imposed restrictions that apply to the foundation's assets. These might include purpose restrictions, endowment restrictions, or both. Funds subject to narrow purpose restrictions may not be good candidates for conversion, unless the restrictions can be eliminated with the donor's consent or a court order.
4. Work with the Community Foundation to prepare an agreement that will spell out the terms of the new fund. This agreement will name the fund, reflect its purpose and intent.
5. You may choose to submit a letter to the Pennsylvania Attorney General's office requesting a waiver of objections to the transfer of the foundation's assets to the Community Foundation.
6. Grant all of the foundation's assets, except for the reserved amount, to the new fund.
7. Wind up the remaining obligations of the foundation, including the preparation of a final Form 990PF. In a final board meeting of the private foundation, vote to dissolve the corporation, as provided in the foundation's bylaws.

This checklist is not intended to provide legal advice and should not be construed as such. Please consult with legal counsel prior to planning for the termination of private foundation status.