



GIFT ACCEPTANCE POLICY

MOREAU CATHOLIC HIGH SCHOOL

Hayward, CA

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MOREAU
CATHOLIC HIGH SCHOOL
COMPASSIONATE COLLEGE PREP

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PART 1: PHILOSOPHY, GUIDING PRINCIPLES, AND EVENT FUNDRAISING POLICIES

MISSION

Moreau Catholic High School is dedicated to the legacy and values of the Congregation of Holy Cross and its founder, Blessed Basil Moreau. We are a college-preparatory school committed to outstanding achievement. As a community of faith, we prepare our students through academic, social, and spiritual learning experiences that form and transform them as they become responsible citizens of our global community.

VISION

We are committed to excellence and growth. As a community, we have a shared vision to elevate our profile so we are known for excellence in academics, athletics, and the arts; we seek to empower a thriving and distinguished school recognized for our Holy Cross values and care for our students. Our vision includes a focus on growth in our Mariner Family, Mariner Programs and Experiences, Alumni and Donor Engagement, Facilities, and Endowment.

VALUES

We are proud of our Holy Cross values, which are shared with our network across the United States and throughout the world. Our values are Building Respect, Educating Hearts and Minds, Being Family, and Bringing Hope.

BACKGROUND AND PHILOSOPHY

Moreau Catholic High School (MCHS or School) is committed to providing the necessary support to ensure that each student's educational experience is truly reflective of our mission and values. To this end, MCHS encourages philanthropic support from the entire Mariner family and the greater community and seeks to foster a culture of giving. Every donor and gift, no matter the size of the gift, is critical to ensuring that MCHS fulfills its commitment to students both now and in the future.

The following are our guiding principles for fundraising and development work:

- Successful fundraising is the work of many hands, and it is expected that teams of staff and volunteers will be involved in various stages of the process.
- Moreau Catholic seeks to be the “charity of choice” for all current and alumni students, their families, and all those who are and have been associated with the Moreau Catholic mission.
- Volunteers must be cultivated, trained, supported, and recognized.
- Successful fundraising is strategic - preparation precedes action, and cultivation precedes solicitation
- Open, honest sharing of information is one of the most successful forms of cultivation.
- Concern for human dignity should be at the heart of every solicitation and the center of every meeting.
- Major solicitations should be made in person whenever possible. Philanthropy is grounded in relationships.
- Many times major commitments are complex and stem from blended gift plans; working with a donor on a comprehensive plan should take precedence over a single short-term transaction.
- Saying “thank you” is a priority - in person, by phone, by mail, and e-mail.
- While verbal pledges are enforceable, Moreau Catholic counts pledges when they are confirmed in writing.
- Moreau Catholic staff consults legal counsel and our financial advisors regularly regarding gifts.
- Moreau Catholic subscribes to and abides with the NAIS *Principles of Good Practice for Fundraising*, the *Model Standards of Practice for the Charitable Gift Planner*, and also by *The Council for Advancement and Support of Education (CASE)* best practices for development and fundraising.

PART 1: PHILOSOPHY, GUIDING PRINCIPLES, AND EVENT FUNDRAISING POLICIES

DEVELOPMENT AND UPDATING OF THE GIFT ACCEPTANCE POLICY (GAP)

The Gift Acceptance Policy (GAP) was created and approved by the Moreau Catholic High School Board of Trustees (Board) in 2023, with the assistance of the Board’s Advancement, Finance, and Mission Integration Committees and the MCHS Executive Leadership Team (ELT). The Board and ELT are responsible for approving and/or making exceptions to the GAP. The purpose of the GAP, set forth below, is to provide guidance to donors and those individuals at MCHS who are involved with the planning, solicitation, acceptance, and stewardship of philanthropic gifts. In order for MCHS to ensure the highest standards of conduct for fair, accurate, and ethical fundraising and to promote the sustainability and operational vitality of the school for years to come, the GAP applies to all gifts. There will undoubtedly be donor or gift situations that are not contemplated by the GAP, which will require special review by the Advancement Team, ELT, and possibly the Board. We highly encourage donors who are contemplating a gift to MCHS to contact the Advancement Office prior to making the gift. In all circumstances, MCHS will act in a manner that honors its mission and Holy Cross values and meets or exceeds industry practices for proper stewardship and ethical behavior.

While MCHS encourages fundraising activities to support and fulfill its mission, donations must be solicited and reviewed with care to ensure that:

- The purposes of the gifts are aligned with and will promote the advancement of MCHS’ mission;
- The terms, conditions, and restrictions on gifts will not unduly hamper their usefulness, be impractical, or violate MCHS policies; and
- The assets donated will not have excessive costs or liability in comparison to their value.

Decisions about whether to accept a gift will be made after considering all of the circumstances, MCHS’ mission and Holy Cross values, and the proposed gift’s relationship to MCHS’ charitable purposes.

MCHS encourages prospective donors to seek independent legal, accounting, tax, and other professional counsel in all matters relating to their philanthropic giving, including but not limited to issues regarding income or transfer-tax planning. MCHS does not provide such counsel.

This GAP is designed to empower staff and board members who solicit charitable contributions, to protect MCHS by establishing clear guidance for the evaluation and acceptance of charitable gifts, and to manage donor expectations about what is and isn’t possible.

This GAP applies to gifts and grants from individuals, foundations, governments, and businesses and shall be applied to bequests as well as lifetime gifts.

Thank you for your support and commitment to MCHS. If you have any questions about this GAP or giving in general, please contact our Advancement Office at 510.881.4322.

POLICIES CONCERNING FUNDRAISING & EVENTS

MCHS will engage in activities that by purpose and design are designated as fundraisers to enhance the revenues received in support of our mission. Policies concerning fundraisers are based upon ethical and appropriate stewardship of donor dollars and accepted business practices. Among these practices are full disclosures such as use of funds, cost of fundraising, and insurance that solicitations are from volunteers and staff that adhere to the policies and guidelines addressed herein.

I. EVENT FUNDRAISING

- A. Events designed as fundraisers shall adhere to a formula that ensures that no more than 35% of revenues are expended as direct costs of fundraising.
- B. Event fundraisers shall employ multiple streams of revenue to optimize returns such as a combination of sponsorship, ticket sales, underwriting, auction, raffle, and other means.

- C. Event fundraisers shall endeavor to refrain from providing compensation for materials, items, or services that can be acquired through direct donation or underwriting, including consignment trips for auctions.
- D. Event fundraisers shall accept gifts-in-kind only when they can offset expenditures that are planned in the event budget or needed to reach a fundraising goal, such as an item for sale or auction.
- E. Event fundraisers will provide complete access to financials and reporting statements for periodic review within ten business days of the event date.

II. THIRD PARTY FUNDRAISING

- A. In order to ensure that MCHS philanthropy merits the respect and trust of the community at large, all fundraising by any organization/department/athletic team(s) or student/student group requires approval by MCHS Administration, particularly the Vice President of Advancement.
- B. A fundraising request is made by completing a Fundraising Activity Request form available from a faculty advisor/department head or member of the Advancement team. The completed form is submitted to the Vice President of Advancement. Additional approvals may be required from other Leadership Team Administrators and/or the President.
- C. MCHS Advancement staff will maintain an accurate listing of fundraising events on behalf of MCHS to ensure that donors are respected and stewarded, and not disrespected by multiple and untimely requests for support.
- D. All fundraising among the MCHS community will be monitored and encouraged to support MCHS programs and projects first, and not function as a “pass through” for funds to another non-profit organization. However, approval may be granted for disaster relief efforts and other worthy causes on a case-by-case basis subject to the approval of the

Vice President of Advancement and/or the President.

- E. All third-party fundraisers are subject to the MCHS policies and procedures described herein.

III. POLICIES CONCERNING CONFIDENTIALITY

- A. In the course of preparing for and conducting fundraising efforts for MCHS, The Board of Trustees, members of the Advancement Staff, and other employees will, of necessity, have the opportunity to discuss information of a personal, financial, and confidential nature. The following policies are established to affirm the effort’s commitment to protect the dignity and trust of MCHS’s benefactors, friends, and prospective donors:
- B. All fundraising concerning major gift prospects – whether individuals, foundations, or corporations – are to be held in confidence.
- C. All information concerning financial capacity, past giving patterns, specific gifts, and/or personal disclosures about giving interests are to be treated confidentially.
- D. All discussions and/or reports of gifts, endowment, and/or capital campaign commitments made during the course of Advancement Team’s work and/or fundraising committee meetings are to be held in confidence until the donor’s desires concerning publicity or anonymity are expressed in the written confirmation of the pledge or gift.
- E. Policies regarding anonymity and reporting of gifts are consistent with industry best practices and controlled and maintained by the Advancement staff.

PART 2: GIFT ACCEPTANCE POLICIES (GAP)

SECTION 1 - OVERVIEW AND PRINCIPLES REGARDING GIFT ACCEPTANCE

1. The MCHS Board holds the responsibility to adopt the general development policies and specific guidelines outlined in the GAP.
2. A donor is a person, group, or organization (Donor) that makes and/or plans to make a charitable contribution to MCHS.
3. Donors must fulfill any gift commitment made to MCHS.
4. MCHS is responsible for the administration of all gifts in accordance with the GAP.
5. The MCHS Advancement team provides the necessary oversight and review of all gifts to ensure that gifts are made in accordance with the GAP.
6. Any discussion regarding a Donor's gift is confidential.
7. MCHS does not give tax advice to Donors, but advises prospective donors to consult their own advisors regarding the consequences of their contributions.
8. MCHS Board's Investment Subcommittee provides oversight for all investment activities carried out in accordance with the Board's Investment Policy Statement and ensures that MCHS' endowment serves the School's long-term best interests.
9. In the event of a conflict between the current GAP and any prior agreements, documents, communications, or understandings related to a gift, the terms and conditions of the current GAP will govern and control.
10. MCHS may, in its sole discretion, decline any gift or pledge that in any way compromises its reputation, that poses an undue risk, or that does not serve its mission.

AUTHORITY TO ACCEPT OR DECLINE GIFTS

Except as otherwise provided in this GAP, the President is authorized to accept gifts on behalf of MCHS in compliance with this Policy and is authorized to delegate such authority to other staff. Where this Policy requires the President to accept a gift, it is intended that such authority not be delegated.

The President is authorized to decline gifts when, in the President's judgment, such gifts are not in the interests of MCHS or should not be accepted in light of the principles stated in this Policy.

GIFT TERMS, CONDITIONS, AND RESTRICTIONS MUST BE IN WRITING

Any terms, conditions, or agreements with a donor regarding the gift should be documented in writing (ideally by the donor in a gift instrument or gift agreement, but a confirmation letter or email to the donor may be used when a donor expresses his/her intentions verbally). When gifts are given in response to a solicitation for a particular purpose or project, then the solicitation constitutes the written terms of the gift. MCHS can be named as the beneficiary of a life insurance policy, retirement fund, estate, transfer on death deed, or other similar bequest vehicle. Donors should reference MCHS with its full legal name, **Moreau Catholic High School**, and its federal tax ID number: **94-1609000**.

ACCEPTANCE OF ASSET, PURPOSE, AND TERMS

The Sections of this Policy are meant to work together and not in isolation; that is, multiple sections may apply to a particular gift. Gifts may only be accepted if the assets, purpose, and terms have been reviewed and accepted as required by this Policy.

USE OF GIFTS AND DONOR INTENT

Unless subject to an agreement between MCHS and the donor to use the gift for a specific purpose, all gifts are received unconditionally and may be used for such purposes as the organization determines to be most appropriate.

MCHS may elect to decline a current or planned gift if the donor's intent or focus is beyond the scope of

MCHS's mission and/or is not consistent with the school's funding priorities, as determined by the President in consultation with the Board of Trustees and Advancement staff.

ASSETS THAT MAY BE ACCEPTED

GENERALLY ACCEPTABLE TYPES OF ASSETS

MCHS will generally accept outright gifts of money or marketable securities of any value and real, tangible, or intangible gifts in accordance with the policies set forth in this document. MCHS will also generally accept deferred gifts of realized bequests, remainder interests in a charitable trust (for which MCHS does not serve as a trustee), paid-up whole life insurance policies (that name MCHS as the owner and beneficiary and do not require any additional premiums to keep in force), and qualified retirement plan assets or other estate beneficiary designations. Specifics are outlined below.

1. **Money.** Monetary contributions are generally acceptable by check, money order, credit/debit card, or wire. Monetary contributions include qualified charitable distributions from an individual retirement account. MCHS does not accept cash but will accept check and credit card contributions.
2. **Publicly traded securities.** Publicly traded securities are generally acceptable. Publicly traded stock that is subject to any restriction on its disposition or a buy-sell agreement requires additional diligence. See Appendix V.
3. **Cryptocurrency gifts.** Cryptocurrency donations are treated as non-cash gifts, similar to stock gifts. As such, any restrictions on its disposition or a buy-sell agreement requires additional diligence.

ASSETS REQUIRING REVIEW

The following assets must be analyzed prior to acceptance using the criteria below, which should be documented and preserved in the gift file.

- What is the estimated value of the asset?
- How much will it cost MCHS to own the asset, including any taxes?

- How much will it cost MCHS to sell the asset?
- How much staff or volunteer time will be required to own, manage, or sell the asset?
- Will owning the asset, even for a short time, expose MCHS to liability?
- Will it be easy to sell the asset? If MCHS might consider retaining the asset, what cash flow can the asset be expected to generate? Will the asset generate taxable income to MCHS?

MCHS will decline a gift if the time and costs of handling the asset are disproportionate to its expected value, or if the exposure to liability is excessive, or if prospects for realizing cash are distant and disproportionate to the current costs of holding the asset.

1. **Closely-held or Unregistered Stock; LLC Interests; Partnership Interests.** Gifts of these assets can only be accepted with the approval of the President and only based on the recommendation of the CFO and the Investment Committee. See Appendix V.
2. **Real Property.** In addition to the analysis above, if MCHS will own donated real property either outright or as a trustee, the President shall determine on a case-by-case basis whether MCHS should retain a qualified environmental firm to conduct an environmental audit. Gifts of real property can only be accepted with the approval of the President and only based on the recommendation of the Investment Committee.
3. **Tangible Property Other than Vehicles and Boats.** Gifts of physical items should be evaluated in terms of whether MCHS plans to use the donated items in its charitable programs or operations, or sell the items to generate funds. While MCHS does not provide tax advice to donors, those fundraising for MCHS should know that gifts of tangible personal property not used for MCHS' charitable programs are generally deductible only at the donor's basis in the property. Therefore, donors should be advised to consult their own tax advisors prior to making such gifts.

PART 2: GIFT ACCEPTANCE POLICIES (GAP)

- A. Gifts of tangible property that are intended to be used by MCHS to carry out its mission, whether used in administration or in charitable programs (“gifts-in-kind”), can be accepted by the President or designated staff if the estimated value of the property is less than \$1,000; gifts-in-kind worth \$1,000 or more can be accepted by the President in consultation with the CFO. No gift-in-kind shall be accepted unless MCHS has a genuine need or use for the item.
 - B. Gifts of tangible property that will be sold in a scheduled fundraising auction or similar event can be accepted by the President or by designated staff if the estimated value of the property is less than \$1,000; gifts believed to be worth more than \$1,000 can be accepted by the President in consultation with the CFO.
 - C. Gifts of tangible property that are not gifts-in-kind, and that are not accepted for a scheduled auction or similar event, can only be accepted with the approval of the President and only based on the recommendation of the Investment Committee.
4. Vehicles and Boats. MCHS does not ordinarily accept vehicles, including cars, trucks, boats, RV’s motorcycles, heavy equipment, etc. However, MCHS may partner with a California nonprofit public benefit corporation that is tax-exempt and classified as a public charity that receives vehicle donations, liquidates them, and transfers the proceeds less a service fee to MCHS. In addition, MCHS may accept a vehicle donation that will be sold in a scheduled fundraising auction or similar event in accordance with the evaluation procedures listed above.
5. Other Assets. Gifts of any other assets shall be reviewed according to the general criteria above, and may be accepted only with the approval of the President in consultation with the CFO.

ASSETS MCHS GENERALLY WILL NOT ACCEPT

MCHS will generally not accept the following assets because they typically have costs and risks that are disproportionate to their value or are difficult to sell. However, the President in consultation with the Board of Trustees, may make an exception on a case-by-case basis if an evaluation of the factors shows that the gift is likely to provide a significant benefit to MCHS when compared to the time, costs, and risks required to accept it, own it, and liquidate it.

1. Timeshare interests.
2. Livestock or other animals.
3. Life Insurance Policies where payments for premiums are due.
4. Businesses operated as sole proprietorships (not through a corporation, LLC, or business entity).

MCHS will not accept any asset that would jeopardize MCHS’ tax-exempt status under federal tax law, that is illegal to own, sell, or dispose of, or that would otherwise cause reputational harm to MCHS.

APPRAISAL REQUIREMENTS

1. Gifts of property, other than publicly traded securities, must be accompanied by an appraisal if the estimated value exceeds \$5,000. A qualified independent appraiser, who cannot be associated with MCHS or with any of its leadership or with the donor or donor’s family or business, must provide the appraisal. When the gift funds a specific recognition opportunity, donors agree to make up any shortfalls upon conversion to cash and the level of recognition the donation requires.
2. Donors of property gifts must seek their own legal and tax counsel in regards to all property gifts. MCHS reserves the right to refuse gifts of property when it is determined that the donor has not complied with IRS appraisal requirements.
3. Donors of personal property gifts will receive acknowledgment of the gift only when complete transfer has occurred. The acknowledgment will not include any reference to the value of the gift.

4. All costs associated with obtaining a qualified appraisal will be borne by the donor.

SECTION 2: ACCEPTING A GIFT

CURRENT GIFTS

1. CASH GIFTS & PLEDGES

For security purposes, MCHS does not accept gifts of actual cash. Rather, MCHS will accept gifts in the form of check, wire/ach transfer, or credit card. Checks shall only be made payable to MCHS.

A pledge can be made to MCHS by an individual, corporation, or foundation for campaigns approved by the Board of Trustees or as part of the Parent Pledge program supporting the Moreau Fund. Pledges may be made in single or multiple installments and should commit in writing to a specific dollar amount over a specific period of time. Gifts intended to be made over several years should be evidenced in writing, together with a written timetable acknowledging how and when the donor intends to make the gift.

MCHS also recognizes that these commitments represent the donor's genuine intent but that circumstances may interfere with the ability to fulfill that intent according to the timetable initially proposed by the donor. Accordingly, unless MCHS has undertaken an obligation or "advanced" its existing resources in direct anticipation of the fulfillment of the commitment, MCHS recognizes that these commitments carry with them an implicit conditional clause based on the donor's ability to carry out his or her intent.

MCHS encourages matching gifts made by the employer of the donor or his/her spouse/partner to match the donor's own contributions. Unless otherwise directed by the donor, income from matching gifts will be designated for the same purpose as the original gift of the individual donor, i.e. The Moreau Fund to The Moreau Fund or Capital Campaign to Capital Campaign, etc.

2. QUALIFIED CHARITABLE DISTRIBUTIONS FROM IRAS

Current legislation permits a direct tax-free transfer from a qualified IRA to a qualified charity for up to \$100,000 each year by anyone over age 70 ½. MCHS encourages such gifts. If the gift is unrestricted and intended for annual support, the donor will receive Moreau Fund recognition for the gift even though the donor receives no income tax deduction for the transfer. It is the school's understanding that the donor also does not have to recognize the distribution as taxable income, but Donors should consult with their tax preparer to verify this.

3. GIFTS FROM DONOR ADVISED FUNDS

MCHS encourages gifts from a Donor Advised Fund. Since the donor received an income tax deduction for the initial transfer to the DAF, he/she receives no further tax deduction for the transfer to MCHS, but will receive MCHS "credit" in the school's gift reporting.

4. STOCKS AND BONDS

MCHS encourages gifts of publicly traded stock. For acknowledgement and accounting purposes, the value of donated publicly traded securities is determined by the mean of the high and low value of the security on the date of the gift. See Appx. V.

Closely held securities or other non-publicly traded securities may be accepted upon consultation with and the approval of MCHS's Advancement and/or Executive Leadership Team. Such gifts should be subject to due diligence, and a plan of liquidation should be carefully considered (although MCHS refrains from obligating itself to liquidate the stock in a specific way) prior to acceptance.

In most instances, MCHS will instruct its broker to immediately sell gifts of marketable securities. Exceptions may be made when the security in question is traded thinly and/or when an untimely sale of stock in bulk might adversely affect the price, or when the school determines that an alternative course of action is prudent, including but not limited to, holding the security for a period of time.

PART 2: GIFT ACCEPTANCE POLICIES (GAP)

Non-publicly traded securities and other properties should be liquidated at the earliest possible time, keeping in mind market impact as well as other conditions and circumstances relating to such gift. The Advancement Team and President, with the support of the CFO, shall have the ultimate responsibility for instructing its broker to liquidate such assets.

MCHS also recognizes that transferring mutual fund shares is a more complicated process than transferring publicly traded stock, and, therefore, will generally only accept gifts of mutual fund shares that exceed \$5,000 in value.

5. REAL ESTATE

MCHS will consider gifts of real property, both improved and unimproved (e.g., detached single-family residences, condominiums, apartment buildings, rental property, commercial property, farms, acreage, etc.), only after a thorough review as set forth below. These guidelines apply only to gifts of real estate located in the United States. MCHS may consider such gifts located abroad under special circumstances, recognizing that the legal parameters for transferring and owning real estate in countries other than the United States vary considerably.

Prior to accepting a gift of real estate, a representative of MCHS will physically visit and inspect the property. This visit may also include consulting real estate professionals familiar with and knowledgeable about the property in question and the real estate market in the area in which the property is located.

Prior to accepting a gift of real estate, MCHS will conduct an analysis of the gift transaction. The analysis should include the costs of insuring, maintaining, and liquidating the property, as well as the potential revenue stream or sale proceeds derived from the property. This analysis should also determine the maximum exposure MCHS might incur and the level of risk which is associated with the receipt, ownership, and eventual sale of the property. See the Real Estate Checklist for specifics (Appendix 3).

Under normal circumstances, MCHS will not accept outright gifts of real property with a present fair market value of less than \$50,000.

6. TANGIBLE PERSONAL PROPERTY, INCLUDING GIFTS OF ART

MCHS will not accept tangible personal property unless its staff determines the property can be quickly disposed of or used by MCHS for its charitable purpose.

Even in rare instances in which the school decides to accept a gift of tangible personal property, MCHS will only accept gifts of tangible personal property (with the exception of donations for auction) that have a value in excess of \$5,000, as determined by a qualified appraisal; and, under no circumstances, will MCHS accept tangible personal property with conditions that require MCHS to hold it in perpetuity, display it in any manner that imposes a financial, legal, or logistical burden on MCHS, or otherwise carries a burden.

MCHS recognizes that gifts of tangible personal property must be held for at least three years from the date of the gift and used in some way related to the tax-exempt purpose of the organization in order for the donor to receive a tax deduction for the full market value of the asset; if MCHS sells the asset within that three year period, it must report such sale to the IRS and the donor is allowed a deduction only for the donor's cost basis in the asset. Tangible property will not be loaned back to the donor or his/her designee. Before MCHS accepts the gift, MCHS has the right to require the donor to provide proof of ownership or evidence of the provenance of the tangible property to be given.

Gifts of artwork are subject to a series of specific rules governing the tax deductibility for the donor. Thus, MCHS will generally not accept gifts of art. Should the MCHS Advancement Team agree to accept a work of art, it will reference the attached Checklist on Gifts of Art (see Appendix 4).

7. INTANGIBLE PROPERTY OR INTERESTS

MCHS may accept gifts consisting of ownership of, rights in, or income derived from intangible assets, such as copyrighted works, trademarks, patents or other legal rights of exclusivity, mortgages, notes, royalties, easements, whether real or personal, so long as:

- a. MCHS shall not become responsible for managing the underlying asset or liable for any associated obligation, and;
- b. MCHS determines the underlying asset to be consistent with the core values and mission of MCHS.

8. BARGAIN SALES

Bargain sales, which represent a purchase of an asset (usually real property or tangible property) at less than its market value, either as a single transaction or on an installment basis, can be an excellent gift for MCHS.

The President in consultation with the Board of Trustees should review all bargain sale opportunities before proceeding, assessing whether the financial benefit to MCHS merits consideration of the transaction and the liquidation process is clear prior to any agreement.

DEFERRED GIFTS

MCHS encourages and welcomes estate and planned gifts. In working with donors who have an interest in a planned giving vehicle, MCHS may use a planned giving consultant for advice, direction, and help in preparing the necessary samples and proposals to encourage the donor to make the gift.

At all times, however, donors are expected to engage their own advisors and legal counsel to ensure the vehicle matches their personal, estate, and philanthropic intent. All donors who choose to honor MCHS in this way are recognized through MCHS's planned giving recognition club and in various publications and at certain special events.

1. BEQUESTS

- a. Bequests of all kinds (fixed or percentage, residual, contingent, or testamentary trusts) are welcome, though MCHS may decline gifts from the estates of deceased donors if the gift is not acceptable for any reason.
- b. MCHS staff members will attempt to identify bequest expectancies whenever possible in order to avoid gift arrangements that do not conform to these policy guidelines, as well as to identify any desired restrictions from the donor on the use of funds. MCHS reserves the right to refuse bequeathed gifts if they do not conform to these policy guidelines for outright gifts.
- c. Representatives of MCHS will not prepare wills for donors, but can provide a list of qualified estate attorneys in the area.
- d. Any property given to MCHS via bequest will be liquidated following settlement of the estate. Unrestricted bequests will be placed in MCHS's endowment, unless otherwise directed by the Advancement Team, the CFO, and the President.

2. LIFE INCOME PLANS (CHARITABLE REMAINDER ANNUITY TRUSTS, CHARITABLE REMAINDER UNITRUSTS, AND CHARITABLE LEAD TRUSTS)

- a. The MCHS Business office may be able to provide calculations of tax consequences, projected income, and projected remainder value of trusts, but these calculations are only for informational purposes. All donors need to seek the advice of their legal and tax advisors.
- b. The donor must choose the trustee of any charitable trust, which cannot be MCHS, and must pay any expenses related to the trust.
- c. MCHS encourages the following planned gifts:

PART 2: GIFT ACCEPTANCE POLICIES (GAP)

- i. Charitable Remainder Unitrusts (CRUT): These trusts must pay income to beneficiaries on a fixed percentage of trust assets, revalued each year, based on the trust's fair market value (no less than and most commonly 5%).
 - ii. Charitable Remainder Annuity Trusts (CRAT): These trusts make the same dollar payment year in and year out. The fixed dollar payment is initially determined as a percentage of the value of the assets contributed. Once established, more assets cannot be contributed.
 - iii. Charitable Lead Trusts (CLT): This trust arrangement provides an income payment to MCHS at some designated rate for the donor's life or over a pre-established term of years. At the conclusion of the payment period, the assets are returned either to the donor or to someone designated by the donor. Tax consequences differ depending on the designation of income. MCHS will not serve as a trustee of a CLT.
- c. Any beneficiary designation is subject to the terms of the particular plan and the prevailing tax laws. Qualified plans and IRA's are subject to an array of tax and non-tax rules unlike other assets and MCHS encourages donors who might consider such gifts to consult with their tax and financial advisors. MCHS also retains the right to consult with a prospect's financial advisors in consideration of a gift of this type.

5. OTHER ESTATE GIFTS (PODS, REVOCABLE LIVING TRUSTS, ETC.):

MCHS encourages its donors to make the MCHS a beneficiary of other estate planning instruments as available. MCHS recognizes that estate plans are subject to various state-based regulations and statutes and that each donor's situation is unique and encourages its donors to consult with their own estate planning counsel in making such plans.

6. MCHS WILL NOT ACT AS AN EXECUTOR OR PERSONAL REPRESENTATIVE OF A DONOR'S ESTATE.

3. LIFE INSURANCE: MCHS ENCOURAGES GIFTS OF PAID-UP WHOLE LIFE INSURANCE POLICIES.

4. GIFTS OF QUALIFIED RETIREMENT PLANS:

- a. MCHS encourages gifts of qualified retirement plans. Examples of such a plan might be an individual retirement account (IRA), 401(k), 403(b), simplified employer pension plan (SEP), or a profit-sharing plan.
- b. MCHS recognizes that, under current law, qualified plans and IRAs are more frequently used and may produce more attractive tax benefits as a gift at the death of the owner of the plan than as an inter vivos gift. This type of gift is most often made by naming MCHS as the beneficiary (or partial beneficiary) of the plan or IRA. In this way, the beneficial ownership of the plan or IRA passes from the participant to MCHS at the participant's death. Under current tax laws, MCHS is tax-exempt; therefore, no income tax is payable on the distribution.

SECTION 3: VALUING A GIFT

A. CURRENCY

In cases where gifts are made via check, credit card, or ach/wire transfer, the valuation is the amount of the money received.

B. PUBLICLY TRADED SECURITIES

Gifts of securities will be valued at the average market value (as determined by the mean of the high and low valuations of the security) on the date the full interest in the transferred property is transmitted or postmark date if mailed.

C. PRIVATELY HELD SECURITIES

Gifts of closely held stock will be valued by a qualified independent appraisal at the time of transfer. Generally, gifts of privately held securities will be accepted only when a liquidation plan is in place.

D. REAL PROPERTY

Gifts of real property will be reported based on the appraised value as of the date of the gift as determined by a qualified independent appraiser within 60 days prior to the date of transfer or before the donor files a tax return for the year in which the gift occurs.

E. LIFE INSURANCE

Gifts of life insurance will be valued for recognition purposes, based on the interpolated terminal reserve (roughly the surrender value) as determined by an independent appraiser at the time of transfer.

F. GIFTS-IN-KIND

Gifts-in-kind are tangible gifts other than money, marketable or privately held securities or real property. Gifts valued at more than \$5,000 require an independent appraisal to document value. Gifts-in-kind of an undetermined value will be recorded at zero dollars (\$.00) and acknowledged as received with no value stated.

G. GIFTS OF SERVICE

Gifts of service are contributions of actual, billable service directly related to the business or profession of the provider/donor. Gifts of service will be recognized at the level of actual expenses invoiced but not paid. Evidence of a gift of service will be the voided or canceled invoice stating the date, type of service rendered, quantity cost, total cost, and amount to be contributed or forgiven. Donors should be notified that gifts of services are not tax-deductible.

NOTE: All valuations should be based upon IRS Rules & Regulations in effect at the time of the gift.

OTHER GIFT TERMS

A. NAMINGS AND DONOR RECOGNITION

MCHS encourages gifts to honor donors and the legacies they wish to leave.

Donor Recognition. MCHS may establish donor recognition programs to honor those who support our work. Participation by donors will be voluntary and they may recognize (or honor others) as they prefer. In any case where recognition is dependent on a certain gift amount, MCHS will be transparent with donors about how the gift amount is calculated (i.e., based on MCHS' book value, or the deduction value, or the present value of a deferred gift).

1. Donor will be recognized for the total value of all gifts, including third-party entity gifts made on behalf of Donor, that have been received by MCHS during the fiscal year in which the gifts were given.
2. Donor will be recognized for the full amount of all gifts and pledges made during a campaign period. Any donor recognition signage for named physical spaces must conform to MCHS design standards.
3. If a named physical space is rebuilt, renovated, or demolished as part of on-campus construction less than 25 years after the date the space was named, a comparable space will be provided to Donor for naming.

PART 2: GIFT ACCEPTANCE POLICIES (GAP)

4. A named physical space that is demolished or destroyed by natural disaster or fire less than 25 years after the date the space was named, the rebuilt space will be provided to Donor for naming.
5. Donor will be recognized for the face value of irrevocable or revocable planned gifts as long as the Donor or Donor's estate provides MCHS with appropriate documentation (e.g., fully-executed copy of the School's bequest form, beneficiary designation form, current asset statement, etc.).
6. Donor and honoree will be recognized for any memorial or honorary gifts.
7. MCHS has full discretion to determine the manner in which the Donor and/or honoree is honored (e.g., name plate in a book, communication in a magazine, etc.)
8. Anonymous gifts will be recognized as "anonymous" in donor reports under the appropriate giving category.

Naming Rights. In all instances of a naming right (other than the naming of an endowment fund), MCHS will require a variance power contained in the gift agreement to allow MCHS to change the naming right in the event that at any point in the future, being associated with a particular donor would cause reputational damage to MCHS. In addition, if the naming right involves a capital asset, such as a building, MCHS may require the power in the gift agreement to terminate the naming right if the asset is destroyed or severely damaged and the replacement cost is not covered by insurance, if the asset is significantly renovated, upgraded, or modified, or if the asset is transferred or conveyed.

B. RETURN BENEFITS.

MCHS may engage in fundraising campaigns

or events in which donors are provided return benefits (e.g., event tickets) in consideration for their gifts. Such promotions shall be approved by the President or designated staff, and will generally be available to all qualifying donors.

Any agreement or understanding to provide a return benefit to a donor that is outside an approved fundraising campaign or promotion, shall be approved by the President.

Private Foundations, Donor Advised Funds, IRA Distributions. Return benefits that are more than incidental (i.e., those that would reduce the donor's tax deduction) shall not be provided in consideration for any gift from a private foundation, donor-advised fund, or qualified distribution from an individual retirement account.

C. DESIGNATED AND UNDESIGNATED GIFTS

1. A designated gift is a gift designated by the Donor to be used for one or more of the School's funding priorities.
2. Gifts designated to a discrete program (e.g., robotics, global studies, athletics, music, etc.) will be used to off-set the current fiscal year budget for that specific program. If the gift amount is in excess of the program's current fiscal year budget, then the additional monies will be allocated according to the greatest needs of MCHS.
3. Gifts designated to the endowment will be invested in accordance with the school's investment policy. Investment earnings, appreciation, or interest earned on gifts, even if accrued during a fundraising campaign period, will not be counted for gift recognition purposes nor used towards a Donor's outstanding pledge commitment.
4. An undesignated gift is a gift that has not been designated by the Donor for one or more of the School's funding priorities.
5. An undesignated gift, except for a planned gift, will be used at the Board's discretion.

6. MCHS strongly discourages gift-designation changes. A gift-designation change will only be accommodated within the fiscal year the gift is donated. The President must approve all gift-designation changes.

D. ADDITIONAL PROVISIONS

1. **Calling Legal or Tax Counsel.** The President is authorized to engage legal or tax counsel for advice on any gift in the ordinary course of the President's general management of MCHS' affairs. The President should engage legal or tax counsel for the following types of gifts:
 2. Gifts of complex assets, such as partnership interests or securities subject to restrictions on disposition or buy-sell agreements
 3. Any gift agreement in which the donor retains a right to redirect a gift to another charity
 4. A charitable remainder trust where MCHS will serve as trustee prior to the sale of the funding asset and the funding asset is something other than money or marketable securities.
 5. A charitable remainder trust where there is more than one donor and the donors are not a married couple.
 - a. **Gifts from Insiders.** When an officer, director, or key employee of MCHS proposes to make a gift, MCHS should consult its Conflict of Interest Policy in addition to this GAP if the proposed gift involves return benefits or encumbered property.
 - b. **Return of Gifts.** All gifts to MCHS are irrevocably dedicated to charitable purposes, and once a gift is made, it cannot be returned. In rare circumstances, it may be determined that a donor made a gift in error or based on a mistaken understanding regarding how the gift would be used, or legal circumstances may exist to rescind the gift. Any decision to return a gift will be made after consultation with legal counsel by the President.

- c. **Changing Gift Purpose.** Once a gift is made, the donor(s) cannot unilaterally change the gift's purpose. However, MCHS can modify the purpose with the donor's written consent. This is both a legal and donor relationship question. Any proposal to modify the purpose or terms of a previous gift must be approved by the Board of Trustees.

E. EXCEPTIONS AND AMENDMENTS

1. **Exceptions.** Exceptions to this Policy can be approved in an appropriate case by the President in consultation with the MCHS Board of Trustees. Any exceptions made shall be reported to the Board of Trustees.
2. **Amendments to this Policy.** This Policy may be modified from time to time by the Board of Trustees.

APPENDIX I

DONOR BILL OF RIGHTS

Philanthropy is based on voluntary action for the common good. It is a tradition of giving and sharing that is primary to the quality of life. To assure that philanthropy merits the respect and trust of the general public, and that donors and prospective donors can have full confidence in the not-for-profit organizations and causes they are asked to support, MCHS joins nonprofits throughout the nation to declare that all donors have these rights:

- To be informed of the organization’s mission, of the way the organization intends to use donated resources, and of its capacity to use donations effectively for their intended purposes.
- To be informed of the identity of those serving on the organization’s governing board, and to expect the board to exercise prudent judgment in its stewardship responsibilities.
- To have access to the organization’s most recent financial statements.
- To be assured their gifts will be used for the purposes for which they were given.
- To receive appropriate acknowledgment and recognition.
- To be assured that information about their donations is handled with respect and with confidentiality to the extent provided by law.
- To expect that all relationships with individuals representing organizations of interest to the donor will be professional in nature.
- To be informed whether those seeking donations are volunteers, employees of the organization or hired solicitors.
- To have the opportunity for their names to be deleted from mailing lists that an organization may intend to share.
- To feel free to ask questions when making a donation and to receive prompt, truthful and forthright answers.

The text of this statement in its entirety was developed by the American Association of Fund-Raising Counsel (AAFRC), Association for Healthcare Philanthropy (AHP), Council for Advancement and Support of Education (CASE), and the Association of Fundraising Professionals (AFP), and originally adopted in November 1993 and recently revised.

APPENDIX II

DEFINITIONS

GIFT – A gift is personal property (money, securities, books, equipment, etc.) and real property provided by a donor without expectation of tangible economic (except tax) benefit. The transfer of the gift to the School or a School Associated Entity implies no responsibility to provide the donor a product, service, technical or scientific report, or intellectual property rights. Providing the donor with the names of recipients of scholarships, awards, etc. or providing a report of how the funds were expended, do not necessarily prevent the contribution from being considered a gift. The donor may specify the general use of the fund, or it may be an unrestricted gift for use in meeting needs identified by the School, college, or related support organization. For scholarship gifts, the donor may not participate in the selection of the recipient but may designate specific criteria for the selection of recipients.

GRANT – A grant, unlike a gift, is normally a written agreement to carry out a specified project that may entail a tangible product, usually a proprietary report. A grant that requires performance on the part of the School must be processed through established School procedures. A grant from a nongovernmental source that does not require proprietary reporting and has no provisions for intellectual property and/or publication rights may, in the name of the School, be counted as a campaign contribution. Government funds will be excluded.

LEGAL (HARD) CREDIT – The donor's giving record is credited with the actual amount that is deposited into the account for gifts of money and securities according to the gift transmittal form filed on the gift. For irrevocable planned gifts such as charitable remainder trusts, charitable gift annuities, and retained life estates, the donor's giving record is legal credited with the charitable deduction allowed by the Internal Revenue Service (IRS) and reflected on the gift transmittal form. For gifts of real estate, life insurance, and other gifts of property, the donor's giving record is given proper credit with the allowable charitable deduction.

RECOGNITION (SOFT) CREDIT – The donor's giving record is soft credited when his or her direct actions result in a gift, but he or she is not entitled to a charitable deduction for the gift. Examples include soft crediting an individual for a gift from a charitable gift fund or a community foundation, or a gift that is made by his or her spouse/partner or his or her company if he or she is the principal owner, and any employer matching funds that MCHS receives because of the individual's gift.

APPENDIX III

REAL ESTATE GIFT CHECKLIST

OWNERSHIP:

How is the real estate owned? _____

Whose name(s) are on the deed? _____

When was the property purchased? _____

LOCATION:

What is the official address/location of the property? _____

TYPE:

Describe the type of real estate:

Single family _____ Duplex _____ Townhouse _____ Condo _____ Mobile Home _____ Farm _____

Vacant Land _____ Commercial _____ Apartment Bldg _____

PERCENT:

What percent of the property is being given?

100% _____ Less than 100% _____ If less than 100%, who will own the remaining part and how will ownership be divided? _____

IMPROVEMENTS:

List improvements on the property, date built, condition and square footage:

OCCUPATION:

If the property includes improvements (buildings), are the building(s) occupied? If so, by whom and under what legal obligation? Is there a continuing lease that flows with the property?

ZONING:

What is the current zoning on the property? _____

Is there potential for zoning change? _____

If the zoning might change, what time frame is projected for that change?

OWNER DATA:

When did the current owners purchase or acquire the property? _____

How did they acquire the property (i.e., purchase, gift, inheritance. etc.) _____

What is the owners' cost basis in the property? _____

Have the current owners depreciated the property for tax purposes? _____

If so, what was the nature of the depreciation? Straight line? _____ Accelerated? _____

If accelerated, what was the amount of the depreciation taken above the amount that would have been taken under a straight-line process? (i.e., how much will have to be recaptured upon sale?) _____

VALUE:

What is the current appraised value? _____

Who conducted the appraisal? _____

When was the appraisal conducted? _____

Has the property been on the market in recent years? _____

If so, what was the asking price? _____

Have there been any offers to buy the property within the last three years? _____

TAXES AND LIENS:

What are the annual real estate taxes on the property? _____

Are there any liens on the property? _____

Mortgages? _____ Other Liens? _____

Will the current owners pay down the current mortgage/lien obligations prior to the gift? _____

CARRYING COSTS:

What on-going carrying costs are associated with the property? _____

Condo fees? _____ Utilities? _____ Insurance? _____

Taxes? _____ Maintenance? _____ Other costs? _____

INCOME:

Is there any regular income associated with the property? _____

If so, what are the terms? _____

ENVIRONMENTAL CONCERNS:

Has the property ever been used as a dumping site? _____

Have any hazardous materials ever been stored on the property? _____

APPENDIX III

Are there any storage tanks (either above or below ground) on the property? _____

If the property was used as an active farm, were there fertilizer dumps or animal waste dumps on the property?

If so, have these been removed? _____

Has a Level One Environment Study been conducted on the property? _____

Is there any evidence of asbestos or lead in property buildings? _____

INSURANCE:

Is the property covered by liability insurance? _____ By which company? _____

Does the charity have a copy of the policy? _____

REALTOR INFORMATION:

What are the names and contact information for several knowledgeable realtors in the area?

DOCUMENTS NEEDED:

___ Deed

___ Appraisal

___ Title Insurance

___ Liability Insurance

___ Survey

___ Tax Statement

___ Environmental Review

___ Income/Expense Statement

APPENDIX IV

GIFTS OF ART

OWNERSHIP AND ACQUISITION:

Is the donor the artist? _____

Did the donor acquire the work directly from the artist? _____

Is the donor a collector or a dealer? _____

Has the donor owned the artwork for more than twelve months? _____

When did the donor acquire the piece? _____

Did the donor inherit the piece? _____

What is the donor's cost basis in the piece? _____

VALUE:

Has the piece been appraised by an independent appraiser? _____

Does the appraiser have any personal, family, or business relationship with either the donor or the donee?

When did the most recent appraisal take place? _____

What was the value determined by the appraisal? _____

PARTIAL INTEREST:

Is the donor giving the entire interest in the piece? _____

If not, is the donor giving an undivided partial interest? _____

Does the donor intend to contribute the remaining interest in the piece over time? _____

APPENDIX V

GIFT OF STOCK

Thank you for considering a gift of long-term appreciated marketable securities to Moreau Catholic High School! If your investment portfolio includes stocks, bonds and/or mutual funds that have realized significant appreciation over time, we would love the opportunity to discuss this easy, tax-smart way to give back and invest in Moreau Catholic High School. In addition to amplifying our mission and supporting us in the transformational work of educating hearts and minds, you benefit as you give through potential advantages including an income tax charitable deduction, elimination of capital gains tax, and reduction to exposure of state taxes.

Any long-term appreciated securities with unrealized gains (meaning they were purchased over a year ago and have a current value greater than their original cost) may be donated to Moreau Catholic, and a tax deduction taken for the full fair-market value of the securities.

When making a gift of securities through electronic transfer, it is important that you arrange for a direct transfer from your broker to UBS, the broker for Moreau Catholic High School, and not sell them yourself. Please refer to our Stock Gift Transmittal form for details.

Since our Moreau Catholic High School gift policy requires us to sell gifted securities immediately, we cannot accept gifts of non-marketable securities, shares in closely held or privately held corporations, partnership interests, or restricted securities without further evaluation from our Advancement Team and Business Office.

Please contact the Advancement Department at advancement@moreaucatholic.org or 510-881-4322.

STOCK GIFT TRANSMITTAL FORM

When making a gift of stock, please alert Moreau Catholic High School in advance so that your gift will be appropriately credited when received and we may provide an accurate and timely gift acknowledgment.

This form is to help you in facilitating your gift of stock to **MOREAU CATHOLIC HIGH SCHOOL**. Please share the following information to assist in processing your stock gift. For any additional assistance, please contact the Advancement Department at advancement@moreaucatholic.org or 510-881-4322.

Date: _____

Donor Name(s): _____

Address: _____

Phone: _____ Email: _____

Purpose of Gift (e.g. Moreau Fund): _____

Name of stock to be transferred: _____

Stock symbol: _____ Number of shares: _____

Stock brokerage firm: _____

Stockbroker's name and phone number: _____

Stockbroker's name and email: _____

Stocks to be transferred to Moreau Catholic through your broker to:

Moreau Catholic High School's brokerage account at UBS

DTC#: 0221 | Account #: U802520

APPENDIX VI

ESTABLISHMENT OF A NAMED ENDOWMENT

- 1. Purpose of the Fund:** The fund's purpose must be submitted in writing, describing the area of school life to be supported. If the fund supports a scholarship, the specifications of that scholarship must be enumerated, including the grade of the student(s) supported and the scholarship criteria. The Donor and the School must agree on the purpose of the fund.
- 2. Source of the Fund:** New endowments are established with a gift of \$50,000. The Donor or any interested individual, corporation, or foundation may make additional gifts to the Fund at any time. The original gift, plus any additional future gifts, will constitute the Fund's corpus.
- 3. Duration of the Fund:** All realized and unrealized capital appreciation and depreciation generated by the Fund will exist in perpetuity, with the accumulated earnings (the "spendable portion") being made available through annual distributions to support the Purpose of the Fund as agreed on by the Donor and the School. Distributions from the spendable portion will be based upon an established percentage of the Fund's fair market value as determined by Moreau's endowment spending policy (currently 4% of the three-year average market value). Funds cannot be distributed until this average is established. Distributions from the Fund will be solely for the benefit of the Purpose of the Fund. At no time will distributions be made from the Fund's corpus.
- 4. Investment Authority:** The Fund shall be invested in accordance with Moreau Catholic's investment policies, which are established from time to time by Moreau's Investment Sub-Committee and Board of Trustees ("Board"). For purposes of investment only, the monies of this Fund may be pooled/commingled with other endowment funds held by the school. The Fund shall always be separately accounted for in Moreau Catholic's books and records.
- 5. Administration of the Fund:** The Fund will be administered by Moreau Catholic, acting in accordance with the policies established by the Board. Additionally, any distributions to be made from the Fund will be made so long as they do not violate this agreement, any rules, policies, or procedures promulgated by Moreau Catholic and its Board from time to time, nor any of the laws of the State of California and/or the United States of America. If any payment required of Moreau Catholic hereunder would violate the same, Moreau Catholic may refrain from said action and may take other action to accomplish the Donor's intent.
- 6. Contingent Use of the Fund:** Should it become apparent in future years that the above-stated purpose for this Fund is no longer necessary, practical, desirable, or possible to perform, Moreau Catholic shall, after consultation with the Donor, if the Donor is still living, designate the Fund for a substitute purpose that is reasonably consistent with and similar to the original intention of the Donor at the time this Agreement was executed. In any such alternate application of the spendable portion of the Fund, the funding source shall be clearly identified as the Fund. If Moreau Catholic High School shall cease to exist and/or shall no longer qualify as an organization entitled to exemption under Section 501(c)(3) of the Internal Revenue Code or any subsequent amendments of such Code, then the corpus and all accrued income of the fund shall be transferred to another Catholic high school within the county of Alameda and in consultation with the Donor.

7. **Modification of Agreement:** The terms and conditions of this Agreement may not be orally amended, modified, or altered but may be amended, modified, or altered only in writing, signed by the Donor and Moreau Catholic.
8. **Representatives and Successors Bound:** All endowment agreements shall be binding upon and inure to the benefit of the parties listed in the agreement and their lawful successors.
9. **Governing Law:** All endowment agreements shall be governed by and interpreted in accordance with the laws of the State of California.



MOREAU
CATHOLIC HIGH SCHOOL

COMPASSIONATE COLLEGE PREP

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