GIFT AGREEMENT FOR A SCHOLARSHIP FUND

THE STATE OF TEXAS

COUNTY OF TOM GREEN

This agreement made effective the ___ day of _______, 20___, by and between SAN ANGELO AREA FOUNDATION, a Texas nonprofit corporation having its principal place of business in Tom Green County, Texas hereinafter called "the Foundation" and ____________, herein called "Donor", acting individually, [or by its duly authorized officers] shall be as follows:

WITNESSETH:

ARTICLE ONE

Section 1. The Donor hereby gives, assigns, transfers and conveys to the Foundation a gift of $_______________ [or detailed in attached schedule] as an irrevocable gift from the Donor to the Foundation. This gift and any additions thereto, shall be known as the ________________ Scholarship Fund (hereinafter called "the Fund") and will be administered as further detailed in this Agreement.

Section 2. Articles of Incorporation and By-laws of the Foundation as they exist from time to time are incorporated herein by reference and made a part hereof. Together they constitute the governing instrument of the Foundation and reference to that term shall be deemed to refer to both documents. The Donor hereby agrees that the Fund will be administered by the Foundation subject to its governing instruments. As set forth in tax regulations, 1.170A-9(e)(11)(V)(B), (C), and (D) and Section 1(g) of Article VIII of the Foundation’s by-laws, the board of directors of the Foundation shall have the power to modify any restriction or condition on the distribution of funds for any specified charitable purposes or to specified organizations if in the sole judgment of the board such restriction or condition becomes, in effect, unnecessary, incapable of fulfillment or inconsistent with the charitable needs of the community or area served.

Section 3. From time to time the Donor or other donors may continue to make gifts to or for the use of the Fund by naming or otherwise identifying ________________ Scholarship Fund. Such gifts will be held and administered as part of the Fund in accordance with this Agreement.

ARTICLE TWO

The Fund and all earnings in addition thereto will be held for the benefit of the ________________ Scholarship Fund. The assets of the Fund shall be held and administered by the Foundation, acting by and through its duly authorized Board of Directors, officers, and agents. Assets of the Fund may be kept separate from other Foundation assets, or alternatively, may be commingled with other Foundation assets. However, the Foundation shall at all time keep accurate records showing the proportions of the assets to be included within the Fund, both as to principal and earnings. The assets of the Fund may be invested and reinvested from time to time in any securities, obligations, common stock equity, bonds, or other property of
ARTICLE THREE

[non-endowed or quasi endowed section option]

Section 1. It is the intent of the Donors that the Fund will be managed as a quasi-endowed fund and will use the total net investment return of the Fund as well as principal to provide scholarships grants as detailed by the method and criteria described in Exhibit ‘A’.

[endowed section option]

Section 1. The Donors intend for this Fund to be permanently endowed. Each year the Foundation will determine the amount allowed for distributions by applying its spending policy for endowed funds to assets in the fund to provide grants as further detailed to provide scholarship(s) by the method and criteria described in Exhibit ‘A’.

ARTICLE FOUR

Should the procedures described in Exhibit ‘A’ cease to be capable of execution, or become impractical or not appropriate as determined by the Foundation, the Foundation may distribute the Fund as scholarships, and establish new procedures for distribution. The Foundation will consider the original purpose of the gift and those individuals, groups, and causes which the Donor sought to benefit in making such distribution.

ARTICLE FIVE

The Fund will be assessed fees by the Foundation in accordance with the fee schedule set by the Board of Directors as defined in the Financial Administration Policy of the Foundation as they exist and may be amended from time to time. The Foundation may also assess the fund to cover any unusual expenses incurred in connection with the contributed assets, including the cost of disposing of them, and in the administration of the Fund.

Executed this ____ day of ________, 20____

SAN ANGELO AREA FOUNDATION

By: Matt Lewis – President & CEO

______________________________

DONOR

______________________________
EXHIBIT ‘A’

Procedures for the Determination of the Recipients of Scholarships

This scholarship shall always be known as the _____________________ Scholarship Fund. Starting in the year 20__, The Fund shall award scholarship(s) annually to recipient(s) chosen by the procedures set out herein according the Distribution Policy and Scholarship Policy of the Foundation. Scholarship awards may increase in size and number, if the Fund balance continues to grow through gifts and appreciation.

The scholarship will be limited to a student who:
- Has completed the application for scholarship from the Foundation
- Has not received a full scholarship
- Will be enrolled as full-time (12 hours per long-semester) student at an accredited College, University or trade school

Preference for this scholarship will be given to a student who [examples below]:
- Residency requirements
- School currently attended
- Level of study to be supported (undergraduate, graduate, etc.)
- Requirement for field or fields of study and/or career guidelines
- Need based and/or merit-based requirements
- Requirement for attendance at specific institution(s) or within geographic boundary

Criteria delineated in the Preference Section must be objective, non-discriminatory, and reasonably related to the purpose of the scholarship.

[optional if the fund reaches at least $100,000] The scholarship is renewable if:
- The student maintains at least a cumulative 2.5 GPA (on a 4.0 GPS scale)
- The student is enrolled full time (as defined above)

Selection process:
- Applications for the scholarship will be reviewed by a committee chosen by the Foundation.
- [optional] The Foundation may establish an advisory committee for this Fund. The committee will consist of ____ members, all of whom must be appointed by the Foundation. Up to ____ [must be less than a majority] members may be the donor, persons related to the donor, or persons the donor appoint. The committee will operate in accordance with the Foundation’s Policies and Procedures for Scholarship Funds.
- This committee will advise the board of directors of the San Angelo Area Foundation of their recommendation of award recipient(s) by April 15 and the board of directors will vote on the recipient at its next board meeting.
- Scholarship payment will be made during the following semester to the college or university to the benefit of the recipient, after the recipient has provided substantiation of enrollment to said college or university.