

Overnight Productions Gift Acceptance Policy

Approved by the board of directors 07/18/2021

General

Overnight Productions (OP) solicits and accepts gifts for purposes that will help the organization further and fulfill its mission. OP urges all prospective donors to seek assistance of personal legal and financial advisors in matters relating to their gifts, including the resulting tax and estate planning consequences. The following policies and guidelines govern the acceptance of gifts made to OP for the benefit of any of its operations, programs or services.

Use of Legal Counsel – OP will seek the advice of legal counsel in matters relating to acceptance of gifts when appropriate. Review by counsel is recommended for:

- Gifts of securities that are subject to restrictions or buy-sell agreements.
- Documents naming OP as trustee or requiring OP to act in any fiduciary capacity.
- Gifts requiring OP to assume financial or other obligations.
- Transactions with potential conflicts of interest.
- Gifts of property which may be subject to environmental or other regulatory restrictions.

Restrictions on Gifts

OP will not accept gifts that (a) would result in OP violating its corporate charter, (b) would result in OP losing its status as an IRS 501 (c)(3) not-for-profit organization, (c) are too difficult or too expensive to administer in relation to their value, (d) would result in any unacceptable consequences for OP, or (e) are for purposes outside of OP's mission, which include but is not limited to proceeds of military contractors, armament sources, producers and distributors of alcoholic beverages, tobacco, or any entity with a record of actions, promotions, or participation in activities that are counter to OP's dedication to the welfare, civil rights and truthful portrayal of any group defined by anatomy, gender or sexual orientation variations . Decisions on the restrictive nature of a gift, and its acceptance or refusal, shall be made

by the OP Board of Directors in conjunction with Overnight Productions (inc.) executive staff.

Gifts Generally Accepted Without Review

- *Cash gifts* are acceptable in any form, including check, money order, credit card, or on-line. Donors wishing to make a gift by credit card must provide the card type (e.g., Visa, MasterCard), card number, expiration date, and name of the card holder as it appears on the credit card.
- *Acceptance of Marketable Securities* are subject to the Restrictions noted above under ‘Restrictions’ above.
- *Marketable Securities* may be transferred electronically to an account maintained at one or more brokerage firms or delivered physically with the transferor’s endorsement or signed stock power (with appropriate signature guarantees) attached. All marketable securities will be sold promptly upon receipt unless otherwise directed by OP’s Board of Directors. In some cases, marketable securities may be restricted, for example, by applicable securities laws or terms of the proposed gift; in such instances the decision whether to accept the restricted securities shall be made by the Board of Directors.
- *Bequests and Beneficiary Designation under Revocable Trusts, Life Insurance Policies, Commercial Annuities and Retirement Plans.* Donors are encouraged to make bequests to OP under their will, and to name Overnight Productions as the beneficiary under trusts, life insurance policies, commercial annuities and retirement plans.
- *Charitable Remainder Trusts.* OP will accept designation as a remainder beneficiary of charitable remainder trusts.
- *Charitable Lead Trusts.* OP will accept designation as an income beneficiary of charitable leads trusts.

Gifts Accepted to Prior Review

Certain forms of gifts or donated properties may be subject to review prior to acceptance. Examples of gifts subject to prior review include, but are not

limited to:

- *Tangible Personal Property.* The Board of Directors shall review and determine whether to accept any gift of tangible personal property in light of the following considerations: does the property further the organization's mission? Is the property marketable? Are there any unacceptable restrictions imposed on the property? Are there any carrying costs for the property which the organization may be responsible? Is the title/provenance of the property clear?
- *Life Insurance:* OP will accept gifts of life insurance where OP is named as both beneficiary and irrevocable owner of the insurance policy. The donor must agree to pay, before due, any future premium payments owed on the policy.
- *Real Estate.* All gifts of real estate other than a personal residence, OP and Family Services shall require an initial environmental review by a qualified environmental firm. In the event that the initial review reveals a potential problem, the organization may retain a qualified environmental firm to conduct an environmental audit. Criteria for acceptance of gifts of real estate include: Is the property useful for the organization's purposes? Is the property readily marketable? Are there covenants, conditions, restrictions, reservations, easements, encumbrances, liens or other limitations associated with the property? Are there carrying costs (including insurance, property taxes, mortgages, notes, homeowner's association dues, or the like) or maintenance expenses associated with the property? Does the environmental review or audit reflect that the property is damaged or other required remediation?
- *Liquidation:* in general, donors should understand that donations of motor vehicles, real property, or any other valuable asset will by default be accepted with an intention to liquidate that asset at the highest price possible for OP's benefit. This default policy may be overridden by a majority vote of the board.

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