

A man and a woman are walking along a rocky, uneven path that leads down towards a body of water. The man is in the foreground, wearing a grey jacket and dark pants, with a backpack. The woman is slightly behind him, wearing a purple jacket and dark shorts. They are both looking towards the right. The background features a calm sea, distant hills, and a warm, golden sunset sky. On the left side of the path, there are some dark, gnarled trees and dry grass.

Auckland  
Founda+ion

# Creating your legacy.

**AUCKLAND FOUNDATION BEQUEST PACK.**

Everything you need to know including a case study,  
example clauses and Auckland Foundation's policy on bequests.



# Marc and Helen have lived a good life in Auckland.

Nothing flashy, just an everyday great Kiwi life. They appreciate that the city has been good to them. They've had lots of opportunities and turned them into successes. Time out on Auckland's Hauraki Gulf with its beaches has played a big part of their weekends and holidays.

In their 60s now, fit and healthy, they travel a lot and recently turned their minds to their Wills, and what they will do with the bounty from a good life. Marc and Helen had heard about the Auckland Foundation and liked their model. It appealed to them in its simplicity and as the ideal place for them to leave a specific gift from their estate. Marc and Helen want that gift to go towards ensuring children of future generations get to know the Gulf, care for it and enjoy it as they have.

With busy lives, Marc and Helen truly appreciated how little of their time it took to set up their bequest with Auckland Foundation. They're off travelling now, knowing that this is all taken care of, and that they have left something for their community that will make a difference for many years to come.

# The gift that keeps on giving.

There are many people like Marc and Helen who have chosen to leave a gift for the Auckland Foundation. The reasons they make this choice are many and varied.

Some people aren't able to give during their lifetime, because of carefully balanced priorities and demands on their income. But in their Will, they can. And it's a relatively simple act that anyone can do – one of the easiest ways to give.

You can specify a specific gift – be that money, property, or other assets and investments. Some people choose to leave their whole estate for their community, others a specified portion such as 15% of the remaining value of the estate when all other bequests have been made to family and friends.

Naming Auckland Foundation in your Will is easy. We do recommend you seek advice from a solicitor and you may just be able to add a codicil or amendment instead of making a whole new Will.

## Why Auckland Foundation?

Some people say that leaving a gift to the community is like leaving a gift to an extra child – they don't know what the child is going to need as it grows but they want to provide for a good future.

Our Auckland community can be your 'extra child.' You can look after that child's future health, housing, welfare, cultural or sporting needs; their enjoyment of the arts; access to specialised equipment and care – even provide buildings or libraries.

As your community's Foundation, we are the only provider that offers a simple way to ensure your gift will continue to deliver benefits forever.

Our endowment model means your chosen causes or charities will be able to rely on a steady stream of income forever – not feast then famine. We don't seek to profit from our donors' gifts, we are a registered charity.

We invest wisely – watch your gift grow, and when the time is right and where the need is greatest – your gift will make a difference in someone's life.

## Making it happen is simple.

You are welcome to contact us directly and talk about what you want to achieve with a gift in your Will. It is hugely rewarding to know you've made a positive difference to the future of Auckland.

# Making it happen.

Below are sample clauses that may be used to make bequests to the Auckland Foundation. The clauses are intended to assist in drafting, although they should not be relied on and used without considering the specific needs of the testator, including the testator's family situation and the ownership status of the assets (including the jurisdiction in which they are owned).

## 1. Clause for use in making a bequest to a donor-directed fund.

Each of the clauses is drafted using the alternative of a sum of money or a percentage of estate assets, whichever is greater. If this is not wanted, then one or other of the alternatives can be used. Note that for (a) and (b) below a donor-directed sub-fund should be established at the time of the will so that it can be referred to by name and by reference to the sub-fund deed. Otherwise, there is a risk that the bequest will fail if there is no sub-fund as at the testator's death. If the testator does not wish to establish a sub-fund yet, but wants to cover the possibility of death prior to doing so, then the wording used in (c) below should be used instead.

### a) If a bequest is to be made after all other gifts and as a charge on the testator's residuary estate:

*I give the greater of the sum of \$[ ] ([ ] dollars) or [ ]% ([ ] percent) of the value of my residuary estate, to my donor-directed sub-fund with the Auckland Foundation (Charity number CC44648) ("the Foundation") known as the [ ] Fund ("my Fund"), to be applied in accordance with the sub-fund deed dated [ ] by which my Fund is governed from time to time, and taking account of any letter of wishes or similar guidance I have provided to the Foundation relating to my Fund.*

### b) If the bequest is to be made before the application of the residuary estate is provided for, but after any other gifts provided for in the will have been taken into account:

*I give the greater of the sum of \$[ ] (\_\_\_ dollars) or \_\_\_% (\_\_\_ percent) of the value of my estate after taking account of prior gifts provided for under my will (but before the calculation and application of my residuary estate), to my donor-directed sub-fund with the Auckland Foundation (Charity number CC44648) ("the Foundation") known as the [ ] Fund ("my Fund"), to be applied in accordance with the sub-fund deed dated [ ] by which my Fund is governed from time to time, and taking account of any letter of wishes or similar guidance I have provided to the Foundation relating to my Fund.*

### c) If the donor-directed sub-fund has not yet been established:

*I give the greater of the sum of \$[ ] ([ ] dollars) or [ ]% ([ ] percent) of the value of my residuary estate, to any donor-directed sub-fund with the Auckland Foundation (Charity number CC44648) ("the Foundation") established by me prior to my death ("my Fund"), to be applied in accordance with the sub-fund deed dated [ ] by which my Fund is governed from time to time, and taking account of any letter of wishes or similar guidance I have provided to the Foundation relating to my Fund. Failing the establishment before my death of my Fund, I give to the Foundation the sum or percentage that would have gone to my Fund, had it been established before my death, to be held by the Foundation as an addition to the Foundation's general Auckland endowment fund, to be applied towards the Foundation's charitable purposes in such manner and at such time as the Foundation determines in its discretion.*

## 2. Clauses for use in making a bequest to the general funds of Auckland Foundation.

A donor may not wish to establish a donor-advised fund but to leave a bequest to the general endowment fund of the Foundation. If this applies, then the same approach applies as above to determine how to calculate the gift to the general fund of the foundation. Sample clauses are provided below.

**a) If a bequest is to be made after all other gifts and as a charge on the testator's residuary estate:**

*I give the greater of the sum of \$[\_\_\_] ([\_\_\_] dollars) or [\_\_\_]% ([\_\_\_] percent) of the value of my residuary estate, to the Auckland Foundation (Charity number CC44648) ("the Foundation") to be held by the Foundation as an addition to the Foundation's general Auckland endowment fund, to be applied towards the Foundation's charitable purposes in such manner and at such time as the Foundation determines in its discretion.*

**b) If the bequest is to be made before the application of the residuary estate is provided for, but after any other gifts provided for in the will have been taken into account:**

*I give the greater of the sum of \$[\_\_\_] ([\_\_\_] dollars) or [\_\_\_]% ([\_\_\_] percent) of the value of my estate after taking account of prior gifts provided for under my will (but before the calculation and application of my residuary estate), to the Auckland Foundation (Charity number CC44648) ("the Foundation") to be held by the Foundation as an addition to the Foundation's general Auckland endowment fund, to be applied towards the Foundation's charitable purposes in such manner and at such time as the Foundation determines in its discretion.*

**c) If the gift is to be made with a request (but not obligation) for the funds to be used for a particular purpose:**

*I give the greater of the sum of \$[\_\_\_] ([\_\_\_] dollars) or [\_\_\_]% ([\_\_\_] percent) of the value of my residuary estate, to the Auckland Foundation (Charity number CC44648) ("the Foundation") to be held by the Foundation as an addition to the Foundation's general Auckland endowment fund, to be applied towards the Foundation's charitable purposes in such manner and at such time as the Foundation determines in its discretion, however I request (without creating binding obligation) that the Foundation applies my gift to [\_\_\_].*

### 3. Gift of the entire estate or specific assets.

The clauses below cover the situation where a donor wishes to give their entire estate or specific assets to the Foundation. Where specific assets are being given, particular attention should be given to the ownership status of the assets to ensure the gift does not fail. For some types of assets it may be preferable to provide for the sale of the assets with the proceeds being gifted to the Foundation.

#### a) Gift of the entire estate:

*I give my residuary estate, after paying all my debts, funeral, graveyard and testamentary expenses and all taxes payable on my estate, to my donor-directed sub-fund with the Auckland Foundation (Charity number CC44648) ("the Foundation") known as the [ ] Fund ("my Fund"), to be applied in accordance with the sub-fund deed dated [ ] by which my Fund is governed from time to time, and taking account of any letter of wishes or similar guidance I have provided to the Foundation relating to my Fund.*

**OR**

*I give my residuary estate, after paying all my debts, funeral, graveyard and testamentary expenses and all taxes payable on my estate, to the Auckland Foundation (Charity number CC44648) ("the Foundation") to be held by the Foundation as an addition to the Foundation's general Auckland endowment fund, to be applied towards the Foundation's charitable purposes in such manner and at such time as the Foundation determines in its discretion.*

#### b) Gift of specific assets:

*I give [list specific assets, e.g. "my investment portfolio managed by ..."], to my donor-directed sub-fund with the Auckland Foundation (Charity number CC44648) ("the Foundation") known as the [ ] Fund ("my Fund"), to be applied in accordance with the sub-fund deed dated [ ] by which my Fund is governed from time to time, and taking account of any letter of wishes or similar guidance I have provided to the Foundation relating to my Fund.*

**OR**

*I give [list specific assets, e.g. "my investment portfolio managed by ..."], to the Auckland Foundation (Charity number CC44648) ("the Foundation") to be held by the Foundation as an addition to the Foundation's general Auckland endowment fund, to be applied towards the Foundation's charitable purposes in such manner and at such time as the Foundation determines in its discretion.*

#### 4. Creation of a life interest, with a gift of the reversionary interest to the Auckland Foundation.

A donor may wish to provide for their surviving husband/wife (or other family member) during their lifetime, with the capital being gifted to the Foundation on the death of the husband/wife. The creation of a life interest requires detailed consideration of the testator's personal circumstances. The clause below is provided as an example only.

*I direct my trustee to hold the residue of my estate to pay or apply the net annual income during the lifetime of [husband/wife] towards the maintenance or benefit of [husband/wife].*

*My trustee may in their absolute discretion augment the said income from capital to such extent as they may consider proper in any year or years in which the income is in their opinion insufficient for the proper maintenance of [husband/wife]. After the death of [husband/wife] (or at such earlier date as my Trustees decide with the consent of [husband/wife]) to apply the capital or the remaining capital to the Auckland Foundation (Charity number CC44648) ("the Foundation") to be held by the Foundation as an addition to the Foundation's general Auckland endowment fund, to be applied towards the Foundation's charitable purposes in such manner and at such time as the Foundation determines in its discretion.*

#### 5. Discharge clause.

In all cases a discharge clause should be added stating:

*A charity receipt issued by the Foundation to my executors and trustees shall be a sufficient and complete discharge to my executors and trustees as to the due receipt and application of my gift to the Foundation.*

# Bequest Policy.

Bequests are welcomed from anyone with a desire to create a positive impact for today and for future generations.

## **1. Anyone can make a bequest to Auckland Foundation.**

- You can request a Fund is established in your name with the gift, providing the gift is more than \$50,000. This should be supported with a letter of wishes outlining any preferred areas of interest and nominating a contact person. The nominated contact person will be required to sign an acknowledgement form relating to the Fund.
- If the bequest is for less than \$50,000 then the amount it will be added to the Auckland Endowment Fund, which supports vital projects to progress major challenges and opportunities to enable positive societal change in Auckland.
- You can also contribute to this essential Auckland Endowment fund regardless of the amount you are gifting.

## **2. If you are an existing Auckland Foundation fund holder.**

- You can leave a gift to your named Fund
- Or to another existing Auckland Foundation named Fund.
- Or to the Auckland Endowment Fund which supports projects to progress major challenges and opportunities to enable positive societal change in Auckland.

Gifts left to Auckland Foundation without any specific guidance, will be allocated to the Auckland Endowment Fund.

**Contact Auckland Foundation at [info@aucklandfoundation.org.nz](mailto:info@aucklandfoundation.org.nz).**