

SECTION B – BOARD OF DIRECTORS – APPENDIX

501(c)(3) EXEMPTION LETTER

INTERNAL REVENUE SERVICE
P.O. BOX 2508
CINCINNATI, OHIO 45201

DEPARTMENT OF THE TREASURY

Date: July 16, 2002

Employer Identification Number:
54-1747021

DLN:
17053035140022

Mary Washington ElderStudy
c/o Ellen Mayo
1301 College Avenue
Fredericksburg, Virginia 22401

Contact Person:
Michael G. McCormack ID# 11032

Contact Telephone Number:
(877) 829-5500

Accounting Period Ending:
August 31

Form 990 Required:
Yes

Addendum Applies:
Yes

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, if you are involved in an excess benefit transaction, that transaction might be

subject to the excise taxes of section 4958. Additionally, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please contact your key district office.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of Code sections 2055, 2106, and 2522.

Contribution deductions are allowable to donors only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. See Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, which sets forth guidelines regarding the deductibility, as charitable contributions, of payments made by taxpayers for admission to or other participation in fundraising activities for charity.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding \$1,000,000 in any year, the penalty is \$100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding \$1,000,000 shall not exceed \$50,000. This penalty may also be charged if a return is not complete, so be sure your return is complete before you file it.

You are required to make your annual information return, Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

This determination is based on evidence that your funds are dedicated to the purposes listed in section 501(c)(3) of the Code. To assure your continued exemption, you should keep records to show that funds are expended only for those purposes. If you distribute funds to other organizations, your records should show whether they are exempt under section 501(c)(3). In cases where the recipient organization is not exempt under section 501(c)(3), there should be evidence that the funds will remain dedicated to the required purposes and that they will be used for those purposes by the recipient.

If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter

Sincerely yours,
Signed
Lois G. Lerner
Director, Exempt Organizations

Enclosure(s):

Addendum (on file)

ANNUAL IRS REPORTING REQUIREMENTS

INTERNAL REVENUE SERVICE
OGDEN, UTAH 84409-0016

DEPARTMENT OF THE TREASURY

Mary Washington ElderStudy
c/o Ellen Mayo
1301 College Avenue
Fredericksburg, Virginia 22401

Date of this notice: July 16, 2007
Notice Number: CP-299
Taxpayer Identification Number:
54-1747021
Tax Form: 990
Tax Period:

For assistance, call;
1-877-829-5500

2008 Annual Electronic Notice Filing Requirement

Why Are You Getting This Notice?

Our records indicate that you did not file an information return last year because you normally have gross receipts of \$25,000 or less. However, your filing requirements may have changed. Because of legislative changes, you may be required to file an annual electronic notice for tax periods beginning after December 31, 2006.

New Notification Requirement for Organizations With Gross Receipts of \$25,000 or less

The Pension Protection Act of 2006 requires you to file an annual electronic notice for tax periods beginning after December 31, 2006. If you are not required to file Form 990 (or 990-EZ), *Return of Organization Exempt From Income Tax*, because your gross receipts are normally \$25,000 or less.

If you are a section 509(a)(3) supporting organization, generally, you must file a paper or electronic Form 990 (or Form 990-EZ) even if your gross receipts are normally \$25,000 or less. However, if you are a supporting organization of a religious organization and your gross receipts are normally \$5,000 or less you may file an annual electronic notice instead of Form 990 (or Form 990-EZ).

The annual electronic notice is due by the 15th day of the fifth month after the close of your tax period. For example, if your tax period ends on December 31, 2007, the annual electronic notice is due May 15, 2008. **(NOTE: For ElderStudy, filing of notice must be completed by January 15.)**

What Information Will the Annual Electronic Notice Include?

The notice will require you to provide the following information:

- Organization's legal name,
- Any other names your organization uses,
- Organization's mailing address,

- Organization’s website address (if applicable),
- Organization’s employer identification number (EIN),
- Name and address of a principal officer of your organization,
- Organization’s annual tax period,
- Verify that your organization’s annual gross receipts are still normally \$25,000 or less, and
- Indicate if your organization has terminated (is no longer in business).

How Does the Organization File the Annual Electronic Notice?

The IRS, through its E-Postcard initiative, is developing a filing system for the annual electronic notice and will be publicizing filing procedures upon completion of the filing system. For the latest information about filing the annual electronic notice, you can:

- Sign up for Exempt Organization’s EO Update, a regular e-mail newsletter that highlights new information posted on the charities pages of irs.gov. To subscribe go to www.irs.gov/eo and click on “EO Newsletter.”
- Check our website at www.irs.gov/eo

What Happens if the Organization Fails to File the Annual Electronic Notice or Return?

If you fail to file the annual electronic notice or Form 990 or Form 990-EZ for three consecutive years, your tax-exempt status is revoked as of the filing due date of the third year. Similarly, if an organization is required to file an information return under Internal Revenue Code section 6033(a) (for example Form 990, Form 990-PF, or Form 990-EZ), and fails to file for three consecutive years, its tax-exempt status is revoked as of the filing due date of the third year.

Can an Organization Have its Tax-Exempt Status Reinstated if it Was Revoked for Failing to File for Three Consecutive Years?

If your tax-exempt status is revoked for failing to file the annual electronic notice or information return, such as Form 990, Form 990-EZ, or Form 990-PF, for three consecutive years, you must apply (or reapply) for exemption using Form 1023, *Application for Recognition of Exemption* or Form 1024, *Application for Exemption Under Section 501(a)*, and pay the appropriate user fee. Reinstatement of tax-exempt status may be retroactive if you can show that you had reasonable cause for not filing the annual electronic notices or information returns.

Keep This Letter for Your Records

Be sure to keep a copy of this letter for your records and provide a copy to future officers. This letter contains information in the heading (your organization’s EIN and annual tax period) that you will need when filing the annual electronic notice. In addition, it will serve as a reminder of your filing requirement.

(NOTE: ElderStudy is exempt under Section 501(a) as described in Section 501(c)(3). Annual electronic notice filing is required.)

DISTRIBUTION OF ELECTION MATERIALS

The Board of Directors Secretary has the responsibility to “prepare election materials to be sent to the membership and receive returned ballots” (Bylaws Part 4.b(3)(e)). He/she should coordinate with the Membership Committee Chairperson (or designee) regarding deadlines for the publication of the February newsletter and distribution of election materials. These materials include:

- Explanation of the election process and distribution of ballots; and
- Ballot listing the names of candidates for the Board of Directors.

When more than one ElderStudy member lives at the same address, each member must receive a ballot and return at his or her discretion.

The Secretary should write an article for the February newsletter discussing the election process and how members will receive their election materials.

The following time line is provided for reference only, assuming the General Membership Meeting is held the third Wednesday in March. If the meeting is scheduled on a different day, adjust the timeline if necessary.

- Assuming a commercial source is used, the February newsletter should go to the printer/distributor approximately the third Monday in February. This allows approximately two weeks for processing and mailing using non-profit postage.
- Approximately ten days are allocated for returning the completed ballots to the Secretary at the University by U.S. Postal Service. Completed ballots may also be brought to the General Membership Meeting.
- General Membership Meeting – third Wednesday of March, or other date approved by the Board of Directors.

SAMPLE BALLOT

Here is your ballot for the March xx election of three members to the Board of Directors to replace those whose three-year terms of service are expiring. Please return your completed ballot one of two ways:

- mail it to ElderStudy (Attn: Board Secretary), University of Mary Washington, 1301 College Avenue, Fredericksburg, VA, 22401-5358; or
- bring it to the General Membership Meeting on March xx

Ballots must be received by the Board Secretary prior to the President calling the March xx meeting to order. Ballots will remain sealed until then.

CANDIDATES FOR THREE-YEAR TERM

(Listed in Alphabetical Order – Vote for no more than three)

_____ Name

_____ Name

_____ Name

_____ Name

_____ Name

**TERMS OF AGREEMENT
SCHOLARSHIP FOR BACHELOR OF LIBERAL STUDIES STUDENT(S)**

The Mary Washington ElderStudy organization wishes to establish a scholarship to be awarded on an annual basis to a student enrolled in the Bachelor of Liberal Studies (BLS) program at the University of Mary Washington.

A. Selection of Recipient

1. The recipient shall be a student in the Bachelor of Liberal Studies program at the University of Mary Washington.
2. The recipient must have financial need as demonstrated through the Free Application for Federal Student Assistance (FAFSA) needs analysis.
3. The selection of the recipient will be the responsibility of the Associate Dean for Financial Aid in consultation with the Bachelor of Liberal Studies Office.

B. Fund Management

In establishing the award, funds were provided in November 1995 for two \$500 scholarships, with the first recipients to be selected in the spring of 1996 and the funds to be utilized by the recipients during the 1996 - 1997 academic year. The donors on an annual basis will decide upon continued funding of the scholarship, its monetary value, and the number of recipients.

signed

President, Mary Washington ElderStudy

signed

President, University of Mary Washington

Date: _____

Date: _____

Memorandum of Understanding

Scholarship for BLS Students: The Institute will establish a scholarship to be awarded on an annual basis to a student enrolled in the Bachelor of Liberal Studies (BLS) program at the University of Mary Washington. The recipient must have financial need as demonstrated through the Free Application for Federal Student Assistance (FAFSA) needs analysis. The selection of the recipient will be the responsibility of the Associate Dean for Financial Aid in consultation with the Bachelor of Liberal Studies

Office. The Institute, on an annual basis, will decide upon continued funding of the scholarship and its monetary value.

SAMPLE LETTER CONVEYING BLS SCHOLARSHIP CHECK

**Mary Washington ElderStudy
University of Mary Washington
1301 College Avenue
Fredericksburg, VA 22401-5358**

January 25, 2010

Mr. Torre Meringolo
University of Mary Washington
Senior Vice President for Advancement/University Affairs
Jepson Alumni Executive Center 309
1119 Hanover Street
Fredericksburg, Virginia 22401

Dear Mr. Meringolo,

The University of Mary Washington, Mary Washington ElderStudy is pleased to again provide funds for a \$1,000 scholarship to be awarded for the 2010-2011 Academic Year to an eligible student enrolled in the Bachelor of Liberal Studies (BLS) program.

The funds are provided pursuant to our Memorandum of Understanding with the University and in accordance with the "Terms of Agreement - the Mary Washington ElderStudy Scholarship for BLS Students". These documents state in part that – *"The recipient must have financial need as demonstrated through the Free Application for Federal Student Assistance (FAFSA) needs analysis. The selection of the recipient will be the responsibility of the Associate Dean for Financial Aid in consultation with the Bachelor of Liberal Studies Office."*

Again, it is our privilege to be able to continue this annual tradition.

President, Board of Directors

Copy to:

Office of the President, University of Mary Washington
The BLS Program Director (insert specific name and title)
The MOU Representative (insert specific name and title)

Treasurer, Mary Washington ElderStudy (file copy)