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비영리 단체 - 자선기금 비용공제를 위한 자료의 관리

Not-for-Profit : Charitable contribution substantiation Information required



본 보고서의 내용은 CKP 회계단체의 공식적 입장을 표명한 것이 아니며, 개별 내용에 대해서는 전문가의 자문을 구하여야 합니다. 보고서와 관련 문의 사항 및 관련 업무 진행에 대한 문의는 윤형식 회계사에게 hyongsikyoon@ckpcpas.com 으로 연락 주시기 바랍니다.

자선기금을 비용공제 하려면 어떻게 자료를 보관해야 하나요?

보통 사람들은 하나의 목적에 하나의 방법을 사용합니다. 자료를 보관하는 것도 마찬가지로요. 자선기금 비용공제를 위해서는 자선기금의 금액과 타입에 따라 십수가지의 자료처리 방법이 있습니다.

A. \$250 이하의 현금 (1 년간 한 자선단체에 낸 총액)

자선단체의 증명서나 결제된 개인수표, 은행기록이면 충분합니다.

B. \$250 이상의 현금

각 자선기금별로 자선단체의 증명서 (Written Acknowledgment).

C. \$250 이하의 현물 (1 년간 한 자선단체에 낸 예상 총액)

자선단체의 증명서나 믿을 수 있는 증명서 (Receipt).

D. \$250 ~ \$500 현물 (1 년간 한 자선단체에 낸 예상 총액)

자선단체의 시의 적절한 증명서 (Contemporaneous Written Acknowledgment). IRS 가 사용하는 contemporaneous 이라는 용어는 IRS 감사가 2~3 년 정도 늦는 것을 감안하면, 연말 결산 후 3~6 개월 정도 늦는 것은 괜찮다고 여겨집니다.

E. \$500 ~ \$5,000 현물 (1 년간 한 자선단체에 낸 예상 총액)

자선단체의 증명서 (Written Acknowledgment). 또 Form 8283 Noncash Charitable Contributions 를 화일해야 합니다.

F. \$5,000 이상의 현물 (1 년간 한 자선단체에 낸 예상 총액)

권위있는 감정서류를 Form 8283 와 함께 화일해야 합니다.

G. 주식시장에서 거래되고 있는 주식

자선기부한 날의 주식가액 (Wall Street Journal 등) 으로 계산하고 Form 8283 를 화일해야 합니다.

H. \$20,000 이상의 미술품

사진과 서명된 권위있는 감정서류를 Form 8283 와 함께 화일해야 합니다.



I. \$5,000 ~ \$10,000 어치의 주식시장에서 거래되고 있지 않은 주식
부분적으로 완성된 감정서류를 Form 8283 와 함께 화일해야 합니다.

J. \$10,000 이상의 주식시장에서 거래되고 있지 않은 주식
권위있는 감정서류를 Form 8283 와 함께 화일해야 합니다.

K. 차량, 보트 및 비행기

예전에는 자선단체의 증명서 (Written Acknowledgment) 로 \$5,000 이상을 공제했었으나, IRS 에서 규정을 강화하여 \$500 이상을 공제하기 위해서는 비영리 단체에서 1098-C 를 발행하여 공정한 시장가를 예상하게 하고, 또 1098-C 를 발행하기 전에 차량 등이 팔리면 판매가를 적도록 하였습니다. 이 료를 피하기 위하여 연말에 기부하는 사람들을/자선단체를 겨냥하여서, 기부받은 후 2년 이내에 판매를 하고 판매가가 1098-C 에 기재되어 있는 공제가 보다 현저히 낮은 경우에는 Form 8282 Donee Information Return 을 IRS 에 화일하고 기부자에게도 주어 이전 세금보고를 다시 하도록 (Amended return) 하고 있습니다.

L. 기부약정(Pledges)

보통 교회나 비영리 단체에서 기부자들에게 1년 혹은 장기간 기부할 금액을 정하고 주기적으로 돈을 내도록 요청하기도 합니다. 이러한 요청서에는 보통 기부약정 (Pledges) 한 금액과 이제까지 기부한 금액, 금년 (Calendar year) 에 기부한 금액 등이 기재되어 있는데, 어떤 분들은 기부약정 (Pledges) 한 금액은 이미 자기에게는 부채가 되니 다 공제해 달라는 요구를 하시는 경우가 있습니다. 이러한 경우에 IRS 는 분명히 돈을 지불하지 않은 기부약정 (Pledges) 한 금액은 공제할 수 없다하고 있습니다.

M. 신탁자산의 기부 (Charitable Lead Trust, Charitable Remainder Trust, etc)

신탁자산의 일부를 기부하면 현가를 계산하여 설립한 때에 세금공제를 받을 수 있는 경우도 있습니다.

다음 회에는 세금보고시 필요한 자료에 대해서 논의해 보겠습니다.



CHARITABLE CONTRIBUTION SUBSTANTIATION INFORMATION REQUIRED

Charitable contributions whether money or property are deductible only if they are made to qualified Not-for-profit organizations with the qualified purpose of the contribution. As we discussed before, money or property given to Civic leagues (501(c)(4)), social and sports clubs (501(c)(7), (8), and (10)), labor unions (501(c)(5)) and chambers of commerce (501(c)(6)), etc is not deductible unless the done organization intends to use, and use the charitable donation for charitable and educational purposes and has a separate system from its own accounting system to keep track of the charitable donations received. No deduction is allowed unless the taxpayer has either (1) bank records (i.e. a cancelled check or account statement) or (2) written acknowledgement from the charity documenting the contribution's amount and date. IRS requires more stringent substantiation document for many cases.

CASH DONATIONS OF \$250 OR LESS

As we discussed above, taxpayers should keep either (1) bank records or (2) written acknowledgement from the charity documenting the contribution's amount and date. This means that donors who give cash will need to get written acknowledgement for the charity to claim a deduction.

CASH DONATIONS OF MORE THAN \$250

IRS believes that a cancelled check is not sufficient to support the deduction. The acknowledgement letter must be received by the earlier of the date the tax return is filed for the contribution year or the extended due date for filing, including extension. In some cases, taxpayers ask their payroll processor (usually an employer) to deduct a certain amount from their paychecks, and donate to specified charities (i.e. Unitedway, Redcross, YMCA). In these cases, taxpayers should keep pledge card and pay stub, W-2 wage statement or other document from employer showing payroll deduction made since no one will issue the statements.

NONCASH DONATIONS OF LESS THAN \$250

Receipt from done or reliable records is preferable. A receipt is not required where it is impractical to get one, but taxpayers document the name and address of charitable organization, date and location of contribution, reasonable detailed description of contributed property, and fair market value.

NONCASH DONATIONS OF MORE THAN \$250 TO \$500

Written acknowledgement from the charitable organization is required. The acknowledgment must contain the name and address of charitable organization, date and location of contribution, reasonable detailed description



of contributed property, fair market value, and it must also state whether any goods or services were provided to the donor in return for the contributions and the FMV of such goods or services.

NONCASH DONATIONS OF MORE THAN \$500

Written acknowledgement from the charitable organization is required. The acknowledgment must contain the name and address of charitable organization, date and location of contribution, reasonable detailed description of contributed property, fair market value and method of valuing the property, how the property was acquired and when, cost or other basis of the property, and it must also state whether any goods or services were provided to the donor in return for the contributions and the FMV of such goods or services. If the taxpayer is unable to provide the basis of the property or the date of acquisition, an explanation should be attached to the tax return. In addition, Form 8283, Noncash Charitable Contributions must be filed with the tax return.

NONCASH DONATIONS OF MORE THAN \$5,000 (excluding arts and autos)

Written acknowledgement from the charitable organization is required. The acknowledgment must contain the name and address of charitable organization, date and location of contribution, reasonable detailed description of contributed property, fair market value and method of valuing the property, how the property was acquired and when, cost or other basis of the property, and it must also state whether any goods or services were provided to the donor in return for the contributions and the FMV of such goods or services. Most contributions over \$5,000 require a written appraisal. Form 8283, Noncash Charitable Contributions must be filed with the tax return.

NONCASH DONATIONS OF MORE THAN \$20,000 OF ARTS

Written acknowledgement from the charitable organization is required. The acknowledgment must contain the name and address of charitable organization, date and location of contribution, reasonable detailed description of contributed property, fair market value and method of valuing the property, how the property was acquired and when, cost or other basis of the property, and it must also state whether any goods or services were provided to the donor in return for the contributions and the FMV of such goods or services. Signed appraisal should be attached with Form 8283, Noncash Charitable Contributions when the tax return is filed.

STOCK OF PUBLICLY TRADED CORPORATION

No appraisal required if as of date of the contribution market quotations are readily available on an established securities market.



STOCK OF NONPUBLICLY TRADED CORPORATION GREATER THAN \$5,000 TO \$10,000

A partially completed appraisal summary is required. Also, the recipient organization must file Form 8282 Donee Information Return if it disposes of the property within two years of receipt.

STOCK OF NONPUBLICLY TRADED CORPORATION GREATER THAN \$10,000

Qualified appraisal should be attached with Form 8283, Noncash Charitable Contributions when the tax return is filed.

CARS, BOATS AND AIRPLANES

For charitable contributions of motor vehicles in excess of \$500, the deduction amount depends on how the donated vehicle is used by the charitable organization. If the organization sells the vehicle without using it significantly for charitable purposes or making material improvements, the deduction is generally limited to the gross proceeds from the sale. The gross sale proceeds amount is reported on line 4c of the Form 1098-C, Contributions of Motor Vehicles, Boats, and Airplanes, provided to the donor (and to the IRS) by the charity. The taxpayer cannot claim any deduction above \$500 for a donated vehicle unless the recipient charity provides an acknowledgement on Form 1098-C. The Form 1098-C must be provided within 30 days of the sale. Also, the recipient organization must file Form 8282 Donee Information Return if it disposes of the property within two years of receipt.

PLEDGES TO GIVE

Donations to Charity are tax deductible, but a pledge or promise to donate is not deductible until it is actually made.

GIFTS OF REMAINDER INTERESTS

A remainder interest is the legal right to own property at the end of a fixed period of time or at the death of another person. Because transfers to Charitable Lead Trust or Charitable Remainder Trust are irrevocable, a charitable deduction is allowed in the year of the transfer even though the charity does not receive the property until a later time. The amount of the deduction is generally the present value of the remainder interest on the date of the gift.

We will discuss about the tax return and the information necessary to prepare it in detail in next issue.