



The L'Enfant Trust

DONATION PROCEDURES AND CHECKLIST

We are delighted that you are considering a conservation easement donation on your property to The L'Enfant Trust. Before applying you should seek professional advice to determine the particular legal and tax consequences of your easement donation. The Trust generally requires the use of our standard Deed of Gift. Review the Trust's deed with your counsel so that you fully understand the property rights being donated to the Trust.

We are happy to help you complete the donation yourself or you can hire a processor to complete the paperwork for you. *Be sure to consult the Trust for information on recognized processors.*

1. Eligibility

Generally, a property either listed on the National Register or granted Part I Certification (greater than 50 years old & in a registered historic district) is accepted. The Trust makes final determination on acceptance of all proposed donations.

2. Part I Certification – the Blue Form

This certification is what makes your property a “certified historic structure” and qualifies your easement donation for a charitable deduction under the IRS Code. This process may take up to 2 months. As instructed by the blue form you must:

Complete sections 1 through 7.

- ▶ In section 1 check “Registered Historic District.”
- ▶ In section 2 check the second box “for a charitable contribution for conservation purposes.”
- ▶ To complete answers to sections 5 & 6 you should include a description of your property's appearance, history and significance.
- ▶ For section 7 provide color photos of the whole façade, one of the interior, and one of the rear and each of the visible sides of the property – preferably printed on 8 ½ x 11 paper.

Send 2 copies of the completed Part I application and supporting documents to the:

DC Office of Planning – Historic Preservation Office
1100 4th Street, SW, Suite E650
Washington, D.C., 20024
Tel: 202-442-8800

The HPO forwards your application to the Department of Interior and the Interior will send its findings directly to you or your processor.

3. Subordination

The IRS requires that the mortgage lenders subordinate their rights to the rights of the Trust so that we may effectively enforce the conservation easement in perpetuity. You should send to the holders of any mortgages on your property the Trust's standard deed so they may sign page 6, the “Lender Acknowledgment.” If you encounter difficulty, please contact the Trust as we may be able to help.



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4. Appraisal

In order to determine the value* of your donation for federal tax purposes you should contact a real estate appraiser familiar with historic property appraisals. A specialized appraisal report is required by the Internal Revenue Code. Per Federal tax regulations your donation must be completed within *60 days* of the date of the appraisal. The appraiser will provide you with a signed 8283 Tax Form reflecting the value of your gift.

** You are advised to consult your counsel or financial advisor to ascertain whether your appraiser and appraisal report meet current IRS requirements for deductibility.*

5. Notary

The property owner's signature must be notarized on the Deed of Gift, page 5.

6. Legal Description

In order to record your gift, you must provide the Trust with a blank page containing the complete legal description of your property. You can find the description on the title to your property at the Recorder of Deeds Office or purchase it on the Internet at: <https://gov.propertyinfo.com/dc-washington/>.

7. Application

Donor(s) must complete and sign The L'Enfant Trust application.

8. Digital Photography* and Map

You must submit to the Trust photography of the entire property's façade (all surfaces) and the surrounding open space that *"establishes the condition of the property at the time of the gift"* and a map showing the location of the property. You should submit to the Trust your digital photography in *jpeg format* on a disc or flash drive. Typically, 4-5 separate images will suffice.

**In addition to other requirements, all donors after August 17, 2006, must include with their tax returns "photographs of the building's entire exterior." Please consult your counsel or financial advisor for additional IRS requirements.*

9. Statement of Understanding

Donor(s) must sign the Donor Statement of Understanding.

10. Fair Share Contribution

Fair Share Contribution Donors are asked to make a cash Fair Share Contribution equal to 0.50% of the Appraised FMV of the property. Late Donations (received after December 21 and accepted by Special Petition only) equal to 0.60% of the Appraised FMV of the property. This money is used to support the Trust's Easement Enforcement Fund and the Trust's operating expenses.

11. Closing Procedures

Donors should compile their requisite documents listed below as they are completed. Once you have all documents assembled, please deliver them to the Trust for review and closing.



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Document Checklist

- Application and Agreement Form Signed
- Statement of Understanding Form Signed
- Deed: Signed and Notarized contains Legal Description and Subordination
- Part I Certification
- Appraisal Report and 8283 signed by your Appraiser
- Digital Photography and Map
- Fair Share Contribution

A Gift of Significance

Your donation of a conservation easement to The L'Enfant Trust is a treasured gift to the streets of Washington and will help to preserve our city's historic and cultural heritage for future generations to enjoy. We appreciate your contribution and encourage you, throughout the easement donation process, to consult with The L'Enfant Trust. We want to work together in preserving your property. Our staff will gladly assist you.