

CT-12S

For Split-Interest Trusts

Charitable Activities Section Oregon Department of Justice

1515 SW 5th Avenue, Suite 410
Portland, OR 97201-5451
E-Mail: charitable.activities@doj.state.or.us
Web site: <http://www.doj.state.or.us>

VOICE (971) 673-1880
TTY (800) 735-2900
FAX (971) 673-1882

2009

Section I. General Information

1. Cross Through Incorrect Items and Correct Here:
(See instructions for change of name or accounting period.)

Registration #:

Organization Name:

Address:

City, State, Zip:

Phone: _____ Fax: _____ Amended Report?

Email: _____

Period Beginning: / / Period Ending: / /

2. Did a certified public accountant audit your financial records? - If yes, attach a copy of the auditor's report, financial statements, accompanying notes, schedules, or other documents supplementing the report or financial statements. Yes No
3. Has the trust or any of its officers, directors, trustees, or key employees ever signed a voluntary agreement with any government agency, such as a state attorney general, or secretary of state, or local district attorney, or been a party to legal action in any court regarding charitable solicitation, administration, management, or fiduciary practices? If yes, attach explanation of each such agreement or action. See instructions. Yes No
4. During this reporting period, did the trust amend any trust documents OR did the trust receive a determination letter from the Internal Revenue Service indicating a new or amended tax-exempt status? If yes, attach a copy of the amended document or letter. Yes No
5. Is the trust ceasing operations and is this the final report? (If yes, see instructions on how to close your registration.) Yes No
6. Provide contact information for the person responsible for retaining the trust's records.

Name	Position	Phone	Mailing Address & Email Address

7. List of Officers, Directors, Trustees and Key Employees – List each person who held one of these positions at any time during the year even if they did not receive compensation. Attach additional sheets if necessary. If an attached IRS form includes substantially the same compensation information, the phrase "See IRS Form" may be entered in lieu of completing that section.

(A) Name, mailing address, daytime phone number and email address		(B) Title & average weekly hours devoted to position	(C) Compensation (enter \$0 if position unpaid)
Name:	-----		
Address:	-----		
Phone:	() -----		
Email:	-----		
Name:	-----		
Address:	-----		
Phone:	() -----		
Email:	-----		
Name:	-----		
Address:	-----		
Phone:	() -----		
Email:	-----		



2009 Form CT-12S Instructions

General Instructions

Purpose

Oregon law charges the Attorney General with the duty and responsibility to represent the public's interest in connection with assets held for charitable purposes. The Attorney General carries out this responsibility by requiring organizations holding such assets to register and file periodic financial reports.

Once submitted, this Form and all attachments become a part of the public record. Any interested person may examine or obtain a copy of an annual report of a charitable organization by contacting the Charitable Activities Section.

Who Must File

All corporations and trusts registered with the Charitable Activities Section of the Oregon Department of Justice must annually file Form CT-12, CT-12F, or CT-12S unless the Attorney General has specifically exempted the organization from the reporting requirements.

What Form to File

File Form CT-12 if the organization is incorporated in Oregon.

File Form CT-12F if the organization is incorporated outside of Oregon. The Charitable Activities Section does not accept multi-state annual report forms in lieu of a completed Form CT-12F.

File Form CT-12S if the organization is a split-interest trust that holds assets for the benefit of both charitable and non-charitable beneficiaries.

If the organization does not fit within any of the above categories, file Form CT-12.

The Form year should match the starting year of the fiscal period covered by the report.

Due Date

The Form, all required attachments and schedules, and payment of fees are due in the Charitable Activities Section's office no later than 4 months and 15 days after the end of the organization's fiscal year. If the due date falls on a weekend or legal holiday, the due date is the next business day.

The Charitable Activities Section does not use the postmark date to determine whether an organization has filed timely. Instead, filings are considered to have been made timely if they are physically received 5 or less business days after the due date. All filings received more than 5 days after the due date will be assessed a late charge. See Instruction 12 Late Fees

Extensions for Filing and Paying Fees

A trust may apply for an extension of time to file. Extension requests must be received on or before the due date of the report to avoid a late fee. The maximum available extension period is 180 days. An extension to file is also an extension to pay any associated fees. Therefore, estimated payments should not be included with extension requests.

Extensions may be requested through the Department of Justice web site at <http://www.doj.state.or.us/charigroup/howtoexte nd.shtml>. Follow the instructions carefully to ensure that the Charitable Activities Section receives your request. Please contact our office if you have any questions about the on-line extension process or are experiencing difficulties with your on-line request.

The trust may also submit a written extension request **so long as the Charitable Activities Section receives the request on or before the due date of the report.** The trust should include the reason why additional time is necessary in the written request. Sending the Charitable Activities Section a copy of the trust's federal extension request on Form 8868 is also sufficient to obtain an extension for the period covered by the Form. The trust's 4 or 5-digit registration number should be noted on the top of all extension requests. If you would like acknowledgement that your extension request has been received, you should enclose an additional copy of the request and a self-addressed, stamped envelope.

The Charitable Activities Section will not provide formal notice that the trust's extension request has been approved. Instead, the trust should assume that its extension request has been granted unless you hear otherwise from our office. In the event your request is denied, to avoid a late fee, the annual report must be submitted by the later of the due date or within 10 days after the trust receives notice of denial of the requested extension.

Important Note - An extension request filed with the IRS or the Oregon Department of Revenue does NOT act as an extension with

the Charitable Activities Section unless a copy is submitted to the Charitable Activities Section by the due date.

Record Keeping

Please retain a copy of this report and all supporting documentation for at least five years after the due date.

Rounding and Blank Lines

Round all amounts on the report to the nearest whole dollar. Drop amounts under 50 cents and increase amounts from 50 to 99 cents to the next whole dollar.

Do not leave any line blank. Write "N/A," "\$0," or "none" where appropriate.

Recent Changes and Updates

Important information regarding Social Security numbers (SSNs) – Forms submitted to this office become a public record. In order to protect the privacy of named individuals, you should redact any SSNs (if used) from copies of any IRS forms submitted.

A minimum late fee of \$20 will be charged for reports or payments not received by their due date. However, the late fee may be more than \$20 depending on how long the report or payment is overdue. See Instruction 15 for additional details.

How to Contact the Charitable Activities Section

To obtain blank forms, technical assistance or information about a charitable organization, contact the Charitable Activities Section or visit our web site at:

Charitable Activities Section
Oregon Department of Justice
1515 SW 5th Ave, Suite 410
Portland, OR 97201-5451
Phone: (971)673-1880
TTY: (800)735-2900
Fax: (971)673-1882
E-Mail: charitable.activities@doj.state.or.us
Web site: <http://www.doj.state.or.us>

Where to File

Send completed Forms and any corresponding payment of fees to the above address. The Charitable Activities Section does not accept the electronic filing of Forms.

Line Instructions

Section I.

General Information

1. Missing or Incorrect Information

The Charitable Activities Section sends a Form preprinted with name, address contact information and registration number to all registered trusts. If the trust has received one of these preprinted Forms, provide any missing or corrected information. If the organization is completing a blank Form, provide requested information in this section.

Name Changes

If applicable, write the trust's new legal name. Attach a copy of the trust document that changed the trust name.

Address and Phone Number Changes

If applicable, write the new address where mail for the trust should be directed in the future. If applicable, write the new daytime phone number and fax machine number for the trust.

Accounting Year Changes

If applicable, write the trust's new or short reporting period. Preprinted forms will note the subsequent accounting period to that reported in the prior year. If the trust has changed its fiscal year or is filing a final report for a period less than 12 months, the shortened period covered by the report must be noted here.

Important Note—If the trust is filing a final report, see the instructions for line 5 for dissolution requirements.

Important Note—If the trust is filing a shortened report due to a change in fiscal year, see the instructions for line 11 for calculation of prorated Net Assets fee.

Amended Reports

If amending previously submitted information for the same accounting period, check the amended report box. Either complete a blank form that includes the amended information or provide a copy of the previously submitted form that clearly shows what information is being amended. Submit any additional fee due with the

amended report. The Charitable Activities Section will mail any refund within 60 days from the receipt of an amended report. A \$25 refund processing fee will be assessed.

2. Independent Audit

Check yes if the organization had an independent audit of its financial records performed by a certified public accountant. **Attach a copy of the auditor's report, the financial statements, the accompanying notes, schedules, or other documents supplementing the report or financial statements.**

If instead of an audit, the trust had its financial records either reviewed or compiled by a certified public accountant there is no requirement to submit a copy of the related reports. However, the Charitable Activities Section encourages voluntary submission of review and compilation reports which will be maintained in our files that are available for public inspection.

3. Disclosure of Legal Action

Check yes if the trust or any of its officers, directors, trustees or key employees ever signed a voluntary agreement with any government agency, such as a state attorney general, or secretary of state, or local district attorney, or been a party to legal action in any court regarding charitable solicitation, administration, management, or fiduciary practices. This includes assurances of voluntary compliance or discontinuance involving the trust or any other proceeding in which the trust or any current officer, director, trustee, or key employee is subject to any injunction, order, or pending action relating to the solicitation of contributions, or administration of charitable assets. **Attach a written explanation of each such action or agreement, including the agency involved and the allegations. Also, attach a copy of any agreements or actions that occurred in the current reporting period.**

4. Amendments to Trust Documents

Check yes if during the reporting period the trust amended the documents that created the trust or if the IRS issued a tax-exempt status ruling for the trust.

Important Note—Attach signed and dated copies of amended trust documents and/or IRS determination letters.

5. Final Report

Check yes if this is the final report for the trust. The trust should contact the Charitable Activities Section for specific instructions and requirements relating to closing procedures.

A final report must reflect the financial transactions of the trust from the day after the

close of its last accounting period to the date of the disposition of all remaining assets, and it must be filed within four months and 15 days after such termination.

6. Who Keeps the Books?

Indicate the person to be contacted if the trust's books need to be accessed for information or review. Either a business or personal phone number and mailing address are acceptable.

7. Officers, Directors, Trustees, and Other Key Employees

List each person who was an officer, director, trustee, or key employee (defined below) of the trust at any time during the year even if they are a volunteer and do not receive any compensation from the organization. Give the daytime phone number and preferred mailing address at which officers, etc., want the Charitable Activities Section to contact them. Use an attachment if there are more persons to list than there are lines available.

A failure to fully complete this part can subject the trust to penalties for filing an incomplete Form.

A "key employee" is any person having responsibilities or powers similar to those of officers, directors, or trustees. The term includes the chief management and administrative officials of a trust (such as executive director) but does not include the heads of separate departments or smaller units within a trust.

A chief financial officer and the officer in charge of administration or program operations are both key employees if they have the authority to control the trust's activities, its finances, or both. The "heads of separate departments" reference applies to persons such as the head of the radiology department or coronary care unit of a hospital or the head of the chemistry or history or English department at a college. These persons are managers within their specific areas but not for the trust as a whole and, therefore, are not key employees.

Column (C)

If an IRS form is attached that includes complete and accurate compensation information the phrase "See IRS Form" may be entered in lieu of completing this section.

Otherwise, for each person listed, report the total amount of compensation paid or deferred for payment to a later date, including salary, fees, bonuses, benefits, taxable allowances or reimbursements, the value of noncash compensation, and severance payments.

Enter a zero in column (C) if the person was a volunteer and was not paid or did not accrue any compensation during the reporting year.

The trust may provide an attachment to explain the entire compensation package for any person listed in this part, including whether the compensation includes the payment of amounts previously deferred.

Section II.

Fee Calculation

8. Charitable Distribution

The charitable distribution represents the total amount paid to charitable organizations. For Charitable Remainder trusts there will generally be no charitable distributions until the final year when the trust terminates. If no charitable distributions were made during the report year, enter zero on line 8, otherwise if IRS Form 5227 was filed, add the amounts on lines 32 and 36. If IRS Form 1041-A was filed, add the amounts on lines 18 and 24.

9. Charitable Distribution Fee

Use the charitable distribution figure from line 8 to calculate the charitable distribution fee according to the following schedule.

Charitable Distribution Fee Schedule

Amount on Line 8		Charitable Distribution Fee
\$ 0	-	\$ 24,999
25,000	-	49,999
50,000	-	99,999
100,000	-	249,999
250,000	-	499,999
500,000	-	749,999
750,000	-	999,999
1,000,000	or	more
		\$ 10
		25
		45
		75
		100
		135
		170
		200

The maximum amount subject to the charitable distribution fee is \$1,000,000. The maximum charitable distribution fee is \$200. The minimum charitable distribution fee is \$10.

10. Net Assets at the End of the Reporting Period

The Charitable Activities Section has adopted the definition for "Net Assets" used by the Internal Revenue Service. If the trust completed one of the following IRS Forms for this reporting period, the Net Assets figure should come from the line number listed:

- IRS Form 1041-A, Part IV, line 45b
- IRS Form 5227, Part IV, line 59b

If the trust was not required to complete one of these IRS Forms a summary of what constitutes Net Assets is provided within these instructions. A more detailed definition can be found in the IRS instructions for the listed Forms.

Net Assets refer to the trust's assets minus liabilities.

"Assets" are items of value to the trust, such as cash, receivables less any allowance for doubtful accounts, inventory, prepaid expenses, investments, land, buildings & equipment less any accumulated depreciation if the trust records depreciation.

"Liabilities" are the amount of debts and obligations owed by the trust, such as accounts payable, accrued expenses, deferred revenue, loans, and mortgages.

Important Note—If the trust disposed of all or substantially all of the trust's assets during this reporting period, attach a letter listing a description of the asset and the name, address, phone number, and contact person of each entity which received the trust's assets, unless the assets were transferred in the usual and regular course of business.

11. Net Assets Fee

Multiply the amount subject to a Net Assets fee from line 10 by .0001 and enter this figure on line 11. Round to the nearest whole dollar. If the result is less than \$5 enter \$0. If the result is more than \$1,000 enter \$1,000.

Important Note—If the trust is filing a short report of less than one year due to a change in accounting periods, the amount entered on line 11 should be prorated by the number of months covered by the report. To determine the prorated amount, divide the amount determined above by 12 and multiply by the number of months covered by the short report. No similar proration should be made if the short report is due to the initial or final reporting period.

12. Late Fees

If the report is not filed or the fee is not paid by the due date (or the extended due date), an initial late fee of \$20 will be due. If the report or payment remains outstanding more than 13 months past the end of the fiscal year covered by the report, the late fee will increase to \$50. If the delinquency is not corrected within 16 months of the end of the fiscal year covered by the report, the late fee increases to \$100.

Late Fee Schedule

Fiscal Year End Dates	Late Report Received Before This Date	Late Report Received Between These Dates	Late Report Received After This Date
Late Fee:	\$20	\$50	\$100
12/31/09	2/1/11	2/1/11-4/30/11	4/30/11
1/31/10	3/1/11	3/1/11-5/31/11	5/31/11
2/29/10	4/1/11	4/1/11-6/30/11	6/30/11
3/31/10	5/1/11	5/1/11-7/31/11	7/31/11
4/30/10	6/1/11	6/1/11-8/31/11	8/31/11

5/31/10	7/1/11	7/1/11-9/30/11	9/30/11
6/30/10	8/1/11	8/1/11-10/31/11	10/31/11
7/31/10	9/1/11	9/1/11-11/30/11	11/30/11
8/31/10	10/1/11	10/1/11-12/31/11	12/31/11
9/30/10	11/1/11	11/1/11-1/31/12	1/31/12
10/31/10	12/1/11	12/1/11-2/28/12	2/28/12
11/30/10	1/1/12	1/1/12-3/31/12	3/31/12

The above late fees apply automatically. The Department has the authority to obtain additional civil penalties against the organization and its officers and directors or take other administrative action in connection with the failure to file timely reports.

13. Total Amount Due

Add lines 9, 11, and 12. This is the total amount due. Make check or money order payable to the "Oregon Department of Justice". Do not send cash. Mail payment together with the report to:

**Charitable Activities Section
Oregon Department of Justice
1515 SW 5th Avenue, Suite 410
Portland, Oregon 97201-5451**

Important Note—Indicate on the check the trust's 4 or 5-digit Oregon Department of Justice registration number. The registration number is located on line 1 of the preprinted Form CT-12S or can be obtained by contacting the Charitable Activities Section.

14. IRS Forms, Schedules, and Attachments

All trusts must attach a complete copy of all Forms, supporting schedules, and attachments filed with the IRS. This may include IRS Form 1041-A and/or IRS Form 5227.

Important Note for CPA's/Paid Preparers/Beneficiaries—Forms submitted to this office become a public record. In order to protect the privacy of named individuals, you should redact Social Security Numbers (if used) from the copy of the IRS Form 990/990-EZ/990-PF/5227/1041-A (Schedule K) submitted to this office.

Signature Block

To make the return complete, a receiver, trustee, or assignee must sign any return he or she files for the trust. Signature stamps and labels are not acceptable.

In the paid preparer's information section, include the name, daytime phone number, and address of any person who was paid by the trust to complete this report.

Contact the Following Agencies for Assistance

Charitable Activities Section

Oregon Department of Justice
1515 SW 5th Avenue, Suite 410
Portland, Oregon 97201-5451
phone: (971)673-1880
TTY: (800)735-2900
fax: (971)673-1882
e-mail: charitable.activities@doj.state.or.us
web site: <http://www.doj.state.or.us>

Issues

- Questions about annual reports for charitable organizations-Forms CT-12, CT-12F, and CT-12S
- Registration of charitable corporations or trusts
- Merging nonprofit organizations
- Dissolving nonprofit organizations
- Reporting illegal activity by nonprofit organizations
- Serving as a board member of a nonprofit organization
- Information about charitable organizations and copies of annual reports

Forms

- RF-C, Registration Form for Charitable Corporations
- RF-T, Registration Form for Trusts
- CT-12, Annual Report Form for Domestic Operating Charities
- CT-12F, Annual Report Form for Foreign Charities
- CT-12S, Annual Report Form for Domestic Trusts with Non-Charitable Beneficiaries
- Closing Form

Publications

- Oregon Wise Giving Guide
- Oregon Business Giving Guide
- A Guide to Non-Profit Board Service in Oregon

Oregon Revised Statutes

- Chapter #65, Nonprofit Corporations
- Chapter #128, Trusts; Charitable Activities
- Chapter #130, Uniform Trust Code
- Chapter #464, Games
- Chapter #646, Trade Practices & Antitrust Regulations

Oregon Administrative Rules

- Chapter #137-010-0005 *et seq.*

Internal Revenue Service

phone: (877)829-5500
web site: <http://www.irs.gov>

Issues

- Obtaining federal tax-exempt status
- Completing federal tax forms

Forms

- 990, Return of Organization Exempt From Income Tax
- 990-EZ, Short Form - Return of Organization Exempt From Income Tax
- Schedule A, for Form 990 and 990-EZ
- 990-PF, Return of Private Foundation
- 990-T, Exempt Organization Business Income Tax Return
- 1023, Application for Recognition of Exemption Under §501(c)(3)
- 1024, Application for Recognition of Exemption Under §501(a)
- 1041, U.S. Income Tax Return for Estates and Trusts
- 1041-A, U.S. Information Return - Trust Accumulation of Charitable Amounts
- 1128, Application to Adopt, Change, or Retain a Tax Year
- 4720, Return of Certain Excise Taxes on Charities and Other Persons
- 5227, Split-Interest Trust Return
- 5768, Election/Revocation of Election by an Eligible Section 501(c)(3) Organization to Make Expenditures to Influence Legislation
- 8822, Change of Address
- 8868, Application for Extension of Time to File an Exempt Organization Return

Publications

- Pub. 526, Charitable Contributions
- Pub. 538, Accounting Periods and Methods
- Pub. 557, Tax-Exempt Status for Your Organization
- Pub. 583, Starting a Business and Keeping Records
- Pub. 598, Tax on Unrelated Business Income of Exempt Organizations
- Pub. 3079, Gaming Publication for Tax-Exempt Organizations

Veterans' Services

If you are or know a veteran and would like more information about benefits, please see the Outreach Form available through the Department of Justice's web site at: <http://www.doj.state.or.us>

Secretary of State Corporation Division

Public Service Building
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327
phone: (503)986-2200
fax: (503)378-4381
web site: <http://www.filinginoregon.com>

Issues

- Forming a new corporation
- Obtaining state and federal tax identification numbers
- Merging nonprofit corporations
- Dissolving nonprofit corporations
- Amending articles of incorporation
- Obtaining copies of filed articles of incorporation and amendments

Forms

- Articles of Incorporation
- Assumed Business Name Registration
- Articles of Amendment
- Restated Articles
- Articles of Dissolution
- Revocation of Dissolution

Publications

- Oregon Business Guide

Oregon Department of Revenue

Revenue Building
955 Center St. NE
Salem, OR 97301
phone: (503)378-4988 and (800)356-4222
TTY: (503)945-8617 and (800) 886-7204
web site: <http://www.oregon.gov/DOR>

Issues

State taxation and filing requirements

Forms

20, Oregon Corporation Excise Tax Return
41, Oregon Fiduciary Income Tax Return

State of Oregon

web site: <http://www.oregon.gov>