

Audited Financial Statements

Years ended April 30, 2022 and 2021 with Report of Independent Auditors

Audited Financial Statements

Years ended April 30, 2022 and 2021

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Report of Independent Auditors

Board of Directors
The American College of Trust and Estate Counsel Foundation

Opinion

We have audited the financial statements of The American College of Trust and Estate Counsel Foundation (the Foundation), which comprise the statements of financial position as of April 30, 2022 and 2021, and the related statements of activities, and cash flows for the years then ended, and the related notes to the financial statements.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Foundation as of April 30, 2022 and 2021, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Foundation and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Foundation's ability to continue as a going concern for one year after the date that the financial statements are available to be issued.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

Shuson Jambert LLP

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit
 procedures that are appropriate in the circumstances, but not for the purpose of expressing an
 opinion on the effectiveness of the Foundation's internal control. Accordingly, no such opinion is
 expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Foundation's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control–related matters that we identified during the audit.

Vienna, Virginia

September 29, 2022

Statements of Financial Position

As of April 30, 2022 and 2021

		2022		2021
Assets Cash and cash equivalents Investments Accounts receivables Amount due from ACTEC Prepaid expenses	\$	181,994 2,313,852 4,050 - 3,780	\$	137,816 2,513,014 1,450 2,093 3,780
Total assets	<u>\$</u>	2,503,676	\$	2,658,153
Liabilities and Net Assets Liabilities Accounts payable and accrued expenses Grants payable Amount due to ACTEC	\$	1,297 199,555 4,733	\$	9,448 164,032 3,090
Total liabilities		205,585		176,570
Net Assets Without donor restrictions With donor restrictions Total net assets		1,895,980 402,111 2,298,091		2,044,926 436,657 2,481,583
Total liabilities and net assets	\$	2,503,676	\$	2,658,153

Statements of Activities

Years ended April 30, 2022 and 2021

	 2022		2021
Activities without donor restrictions			
Support: Contributions In-kind contributions	\$ 151,005 245,199	\$	168,632 231,811
Total support	396,204		400,443
Expenses: Program service: Grants and honorariums	123,350		101,714
Supporting services: General and administrative Fundraising Total supporting services	 249,884 6,102 255,986		231,389 6,924 238,313
Total expenses	379,336		340,027
Change in net assets without donor restrictions from operations Investment return	16,868 (165,814)		60,416 497,821
Change in net assets without donor restrictions	 (148,946)		558,237
Activities with donor restrictions: Investment return	 (34,546)		109,201
Change in net assets with donor restrictions	 (34,546)		109,201
Change in net assets	(183,492)		667,438
Net assets: Beginning Ending	\$ 2,481,583 2,298,091	\$	1,814,145 2,481,583

Statements of Cash Flows

As of April 30, 2022 and 2021

	2022		 2021
Cash flow from operating activities			
Net change in net assets	\$	(183,492)	\$ 667,438
Adjustments to reconcile change in net assets to net cash			
provided by operating activities:			
Net unrealized loss (gain) on investments		349,918	(413,165)
Amortization of software		-	3,061
Changes in operating assets and liabilities:			
Accounts receivables		(2,600)	(1,450)
Amount due from ACTEC		2,093	5,907
Accounts payable		(8,151)	6,427
Amount due to ACTEC		1,643	(3,562)
Grants payable		35,523	 (12,575)
Net cash flows from operating activities		194,934	252,081
Cash flow from investing activities			
Proceeds from sales or maturities of investments		596,107	610,692
Purchases and donations of investments		(746,863)	(805,572)
Net cash flows from investing activities		(150,756)	 (194,880)
Net change in cash and cash equivalents		44,178	57,201
Cash and cash equivalents, beginning of year		137,816	 80,615
Cash and cash equivalents, end of year	\$	181,994	\$ 137,816
Schedule of noncash investing activities:			
Donated securities	\$	1,199	\$ 1,023

Notes to Financial Statements

Years ended April 30, 2022 and 2021

Note 1 - Nature of Activities and Significant Accounting Policies

Organization

The American College of Trust and Estate Counsel Foundation (the Foundation) was originally formed in 1982 and is incorporated in the state of Delaware. The Foundation promotes: (a) scholarship and education in trust, estate, tax and related areas of the law by supporting scholarship to improve the law and by encouraging teaching, careers and life-long learning in the area; and (b) civic engagement of individual Fellows of the American College of Trust and Estate Counsel (ACTEC) through programs and activities that serve the general community, including those who are at risk and underserved.

Program services include the following activities:

Grants and honorariums

The Foundation promotes scholarship and education in trust, estate and tax related areas by supporting and encouraging teaching careers and life-long learning.

Supporting services include the following activities:

General and administrative

The general and administrative function includes activities necessary for the administrative processes of the Foundation, such as managing its operating, governance and financial responsibilities.

Fundraising

The fundraising function includes activities that encourage and secure financial support for the Foundation.

A summary of the Foundation's significant accounting policies follows:

Basis of accounting

The financial statements of the Foundation are presented on the accrual basis of accounting. Accordingly, unconditional support is recorded when received and expenses are recognized when incurred.

Basis of presentation

The Foundation follows the accounting requirements of the Not-for-Profit Entities topic of the Financial Accounting Standards Board (FASB) Accounting Standards Codification (ASC). Under the FASB ASC, the Foundation is required to report information regarding its net assets and its activities according to two categories: 1) net assets without donor restrictions, and 2) net assets with donor restrictions.

Notes to Financial Statements (Continued)

Note 1 - Nature of Activities and Significant Accounting Policies (Continued)

Without donor restrictions

Net assets without donor restrictions include those net assets whose use is not restricted by donors, even though their use may be limited in other respects, such as by Board designation. However, the Foundation has no board-designated net assets.

With donor restrictions

Net assets with donor restrictions include those net assets whose use is subject to donor-imposed restrictions. Donor restrictions may be for a specified time or purpose limitation or the donor may specify that the corpus of their original and certain subsequent gifts be maintained in perpetuity. Donor-imposed restrictions are released when a restriction expires, that is, when the stipulated time has elapsed, when the stipulated purpose for which the resource was restricted has been fulfilled, or both.

Use of estimates

The preparation of the financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual results could differ from those estimates.

Income taxes

The Foundation is exempt from the payment of income taxes on its exempt activities under Section 501(c)(3) of the Internal Revenue Code and was originally classified as other than a private foundation within the meaning of Section 509(a)(2) of the Internal Revenue Code.

Cash and cash equivalents

For financial statement purposes, the Foundation classifies a bank deposit account as cash and cash equivalents. Money market funds held within the investment portfolio are classified as investments.

Investments

Investments with readily determinable fair values are reflected at fair value. To adjust the carrying value of these investments, the change in fair value is charged or credited to net investment return.

Risks and uncertainties

The Foundation maintains a demand deposit with a large commercial bank and a money market fund with a major financial institution. The Federal Deposit Insurance Corporation (FDIC) insures amounts on deposit with each financial institution up to limits as prescribed by law. The Foundation may hold funds with financial institutions in excess of the FDIC insured amounts; however, the Foundation has not experienced any losses in such accounts and management believes it is not exposed to any significant credit risk.

Notes to Financial Statements (Continued)

Note 1 - Nature of Activities and Significant Accounting Policies (Continued)

Risks and uncertainties (continued)

The Foundation also invests in a professionally managed portfolio of marketable fixed income and equity securities. Such investments are exposed to market and credit risks and may be subject to fluctuations in fair value. As a result, the investment balances reported in the accompanying financial statements may not be reflective of the portfolio's value during subsequent periods.

The ongoing COVID-19 coronavirus pandemic (COVID-19) continues to have a global impact creating uncertainty, volatility, and disruption across economies and financial markets. The Foundation's operational and financial performance will depend on certain developments, including the duration and spread of COVID-19 and its impact on the Foundation and its donors, employees and vendors. As such, COVID-19 could have a material adverse effect on the Foundation's financial position in the future including contributions and fair value of the Foundation's investments. The ultimate duration and impact of the COVID-19 outbreak on the Foundation's financial position cannot be reasonably estimated at this time.

Grants payable

Unconditional grants are recognized as expenses in the year they are approved by the Board of Directors. Unconditional grants which have not been disbursed during the year of approval are included in grants payable. Grants awarded in prior years are periodically forfeited by the recipients. In such cases, grants payable and grant expenses are reduced.

Contributions

Contributions are recognized when unconditionally promised to, or received by, the Foundation. Contributions are classified as support with donor restrictions or without donor restrictions depending upon the existence and/or nature of any donor restrictions. Contributions that are restricted by the donor, or that have an implied time restriction, are reported as increases in net assets with donor restrictions. Within net assets with donor restrictions, amounts are reclassified to net assets without donor restrictions upon satisfaction of the donor's purpose restriction or when time restrictions expire.

In-kind contributions

Contributed (donated) services are recognized in the statements of activities as contributions at estimated fair value and at cost for contributed personnel and expenses in equal amounts in accordance with U.S generally accepted accounting principles (GAAP) when the services: (a) create or enhance non-financial assets, or (b) require specialized skills, are performed by people with those skills and would otherwise be purchased by the Foundation.

Notes to Financial Statements (Continued)

Note 1 - Nature of Activities and Significant Accounting Policies (Continued)

Functional allocation of expenses

The costs of providing the various program and supporting services activities have been summarized on a functional basis in the accompanying financial statements. Costs related to a specific functional activity are charged directly to that activity. However, other indirect costs are allocated among the program and supporting services benefited based on management's best estimates. In particular, personnel along with other shared costs, such as facilities and other costs, are allocated based on the proportional share of the personnel costs of each program or supporting function which benefited from the shared costs.

Measure of operations

The Foundation does not include investment return in the change in net assets without donor restrictions from operations.

Subsequent events

Subsequent events have been evaluated through September 29, 2022, the date on which these financial statements were available to be issued.

Note 2 - Investments and Fair Value Measurements

The Foundation follows the accounting standards topic regarding fair value measurements, which established a framework for measuring fair value in accordance with GAAP and expands disclosures about fair value measurements. This standard uses the following prioritized input levels to measure fair value. The input levels used for valuing investments are not necessarily an indication of risk.

Level 1 – Inputs to the valuation methodology are quoted prices (unadjusted) for identical assets or liabilities traded in active markets that the Foundation has the ability to access.

Level 2 – Includes inputs other than Level 1 inputs that are directly or indirectly observable in the marketplace, such as yield curves or other market data.

Level 3 – Unobservable inputs which reflect the reporting entity's assessment of the assumptions that market participants would use in pricing the assets or liability including assumptions about risk, such as bid/ask spreads and liquidity discounts.

Investments presented at fair value using Level 1 inputs include equity securities, which were valued based on quoted prices for identical assets in active markets.

Investments presented at fair value using Level 2 inputs include fixed income securities, the values for which are provided by pricing vendors using outside data. In determining the fair value of the investments, the pricing vendors use a market approach and pricing spreads based on the credit risk of the issuer, maturity, current yield, and other terms and conditions of each security.

Notes to Financial Statements (Continued)

Note 2 - Investments and Fair Value Measurements (Continued)

Management believes the fair values of investments to be a reasonable approximation of their exit price. Investments presented at cost, which approximates fair value, include money market funds.

The Foundation's investments include the Lloyd Leva Plaine Memorial Fund as described in Note 6.

Investments consisted of the following at April 30, 2022:

<u>Investments, at fair value</u>	 (Level 1)	(Level 2)	 (Level 3)	Total
Fixed income securities:				
U.S. Government agencies	\$ -	\$ 17,593	\$ -	\$ 17,593
Corporate securities	-	405,150	-	405,150
Municipal securities	-	97,631	-	97,631
International securities	-	49,560	-	49,560
Equity securities:				
Consumer discretionary	168,090	-	-	168,090
Consumer staples	119,512	-	-	119,512
Energy	145,452	-	-	145,452
Financials	183,925	-	-	183,925
Health care	209,030	-	-	209,030
Industrials	119,657	-	-	119,657
Information technology	270,622	-	-	270,622
Materials	83,062	-	-	83,062
Real estate	54,150	-	-	54,150
Communication services	123,047	-	-	123,047
Utilities	49,669	-	-	49,669
Mutual funds - fixed income	107,517	-	-	107,517
Money market fund	 110,185	 	 	 110,185
	\$ 1,743,918	\$ 569,934	\$ 	\$ 2,313,852

Notes to Financial Statements (Continued)

Note 2 - Investments and Fair Value Measurements (Continued)

Investments consisted of the following at April 30, 2021:

Investments, at fair value	 (Level 1)		(Level 2)	 (Level 3)	Total
Fixed income securities:					
U.S. Government agencies	\$ -	\$	17,008	\$ -	\$ 17,008
Corporate securities	-		465,906	-	465,906
Municipal securities	-		112,093	-	112,093
International securities	-		68,761	-	68,761
Equity securities:					
Consumer discretionary	182,168		-	-	182,168
Consumer staples	132,917		-	-	132,917
Energy	100,234		-	-	100,234
Financials	220,304		-	-	220,304
Health care	241,840		-	-	241,840
Industrials	121,129		-	-	121,129
Information technology	263,205		-	-	263,205
Materials	67,225		-	-	67,225
Real estate	69,717		-	-	69,717
Communication services	134,300		-	-	134,300
Utilities	39,684		-	-	39,684
Mutual funds - fixed income	116,939		-	-	116,939
Mutual funds - equity	43,811		-	-	43,811
Money market fund	 115,773	_		 	115,773
	\$ 1,849,246	\$	663,768	\$ 	\$ 2,513,014

Investment return consisted of the following for the years ended April 30, 2022 and 2021:

		2022	2021
Interest and dividends	\$	36,237	\$ 36,126
Net gain on investments		(210,708)	593,981
Investment fees		(25,889)	(23,085)
	<u>\$</u>	(200,360)	\$ 607,022

Note 3 - Liquidity and Availability of Resources

The Foundation manages is financial assets to be available as its operating expenditures, liabilities, and other obligations become due. The Foundation reviews its cash flow needs throughout the year by comparing bank balances to forecasted cash disbursements. The Board of Directors reviews and approves all grants. The Foundation has no restricted cash balances.

Notes to Financial Statements (Continued)

Note 3 - Liquidity and Availability of Resources (Continued)

Financial assets available for general expenditure, that is, without donor or other restrictions limiting their use, within one year of the date of the statement of financial position, comprise the following:

	2022		 2021
Cash and cash equivalents	\$	181,994	\$ 137,816
Investments		2,313,852	2,513,014
Amount due from ACTEC		-	2,093
Accounts receivable		4,050	 1,450
		2,499,896	2,654,373
Less: amounts not available for general expenditures within one year:			
Net assets with donor restrictions		(402,111)	(436,657)
	\$	2,097,785	\$ 2,217,716

Note 4 - Related Party Transactions

ACTEC is a nonprofit association of lawyers and law professors skilled and experienced in the preparation of wills and trusts; estate planning, and probate procedure and administration of trusts and estates.

Transactions between ACTEC and the Foundation are described below:

Amount due from ACTEC: ACTEC periodically receives funds on behalf of the Foundation. As a result of the transactions, the amount due from ACTEC totaled \$0 and \$2,093 at April 30, 2022 and 2021, respectively.

Amount due to ACTEC: ACTEC periodically pays certain invoices on behalf of the Foundation. As a result of these transactions, the amount due to ACTEC totaled \$4,733 and \$3,090 as April 30, 2022 and 2021, respectively.

In-kind contributions: The fair value of service and facilities ACTEC provided the Foundation totaled \$245,199 and \$231,811 for the years ended April 30, 2022 and 2021, respectively. However, since equal amounts of in-kind contributions and related expenses are recorded, net assets and the changes in net assets were not affected as of and for the years ended April 30, 2022 and 2021.

In-kind contributions were allocated among the following functional expense categories for the year ended April 30, 2022 and 2021:

Notes to Financial Statements (Continued)

Note 4 - Related Party Transactions (Continued)

	2022		2021		
General and administration	\$	204,524	\$	192,577	
Grants		34,574		32,310	
Fundraising		6,101		6,924	
	<u>\$</u>	245,199	\$	231,811	

In addition, in-kind contributions included the following natural expense categories for the years ended April 30, 2022 and 2021:

	2022		2021		
Salaries and benefits	\$	182,226	\$	174,123	
Other		34,106		33,816	
Facilities		28,867		23,872	
	\$	245,199	\$	231,811	

Note 5 - Grants

Grants payable are unconditional and are expected to be paid within two years. Grants payable consisted of the following at April 30, 2022 and 2021:

	2022	 2021
Dennis I. Belcher Young Leaders Program	\$ 78,843	\$ 68,315
University of New Mexico	40,000	40,000
Hofstra University	10,000	20,000
ACTEC Estate Planning Guide	24,458	9,142
Mary Moers Wenig	12,500	12,500
Commentaries	9,650	10,000
Tulane University School of Law	20,000	-
Diversity and Inequity Grant	 4,104	4,075
	\$ 199,555	\$ 164,032

Notes to Financial Statements (Continued)

Note 5 - Grants (Continued)

Grant expenses consisted of the following for the years ended April 30, 2022 and 2021:

	 2022	 2021
Dennis I. Belcher Young Leaders Program	\$ 27,500	\$ 27,500
Commons Law Center	-	23,000
Diversity, Equity, & Inclusivity	7,000	7,000
Mary Moers Wenig	12,500	12,500
ACTEC Estate Planning Guide	35,000	-
Tulane University School of Law	20,000	-
Legal Scholarship Network	3,580	3,409
Forfeited grants	 (16,804)	 (4,005)
	\$ 88,776	\$ 69,404

Note 6 - Endowment

The Foundation's endowment consists entirely of the Lloyd Leva Plaine Memorial Fund, which is a donor-restricted endowment fund.

Interpretation of relevant law

The Foundation follows the State of Delaware's version of the Uniform Prudent Management of Institutional Funds Act (UPMIFA). Therefore, the Foundation classifies as net assets with donor restrictions to be maintained in perpetuity: (a) gifts donated to the permanent endowment, (b) subsequent gifts to the permanent endowment, and (c) accumulations to the permanent endowment. The remaining portion of the donor-restricted endowment fund that is not to be maintained in perpetuity, if any, is classified as purpose-restricted until those amounts are appropriated for expenditure by the Foundation in a manner consistent with the standard of prudence prescribed by relevant law.

Return objectives and risk parameters

The Foundation's Board of Directors has adopted an investment policy for endowment assets that attempts to provide a predictable stream of funding to the program supported by the endowment while seeking to maintain the purchasing power of the endowment assets. Under the policy, as approved by the Board of Directors, endowment assets are invested in a manner that is intended to produce returns higher than specified market indices while assuming a moderate level of risk.

Notes to Financial Statements (Continued)

Note 6 - Endowment (Continued)

Strategies employed for achieving objectives

To satisfy its long-term return objectives, the Foundation relies on a total return strategy in which investment returns are achieved through both capital appreciation (realized and unrealized) and current yield (interest and dividends). The Foundation targets a diversified asset allocation that places a greater emphasis on equity-based investments to achieve its long-term return objectives within prudent risk constraints.

Spending policy and how the investment objectives relate to spending policy

The Foundation may appropriate for distribution certain amounts to support a memorial lecture series when approved by the Board of Directors. Before approving appropriations, the Foundation will consider the long-term expected return on its endowment. This is consistent with the Foundation's objective to maintain the purchasing power of the endowment assets held in perpetuity as well as to provide additional real growth through new gifts and future investment returns.

Funds with deficiencies

From time to time, the fair value of assets associated with individual donor- restricted endowment funds may fall below the level that the donors originally contributed as an endowment fund to the Foundation due to fluctuations in market value and appropriations from the endowment fund. There were no such deficiencies as of April 30, 2022 and 2021.

Changes in endowment net assets consisted of the following as of and for the year ended April 30, 2022:

	_Ap	preciation	Corpus	<u> </u>		
Balance at May 1, 2021	\$	162,434	\$ 274,223		436,657	
Net investment return		(34,546)	-		(34,546)	
Less: appropriations		-	 			
Balance at April 20, 2022	\$	127,888	\$ 274,223	\$	402,111	

Changes in endowment net assets consisted of the following as of and for the year ended April 30, 2021:

	_Ap	preciation	 Corpus	<u> </u>		
Balance at May 1, 2020	\$	53,233	\$ 274,223		327,456	
Net investment return		109,201	-		109,201	
Less: appropriations			 			
Balance at April 20, 2021	\$	162,434	\$ 274,223	\$	436,657	

Notes to Financial Statements (Continued)

Note 7 - Functional Expenses

Functional expenses, including natural classifications, consisted of the following for the year ended April 30, 2022:

	Grants		General and			
	 Program	<u>Administrative</u>		<u>Fundraising</u>		Total
Personnel	\$ 25,815	\$	151,803	\$	4,556	\$ 182,174
Other	4,670		74,025		824	79,519
Grant and honorarium						
payments	88,775		-		-	88,775
Facilities	 4,090		24,056		722	 28,868
	\$ 123,350	\$	249,884	\$	6,102	\$ 379,336

Functional expenses, including natural classifications, consisted of the following for the year ended April 30, 2021:

	!	Grants Program		General and Administrative		Fundraising		Total
Personnel	\$	24,377	\$	144,522	\$	5,224	\$	174,123
Other		4,591		67,053		984		72,628
Grant and honorarium								
payments		69,404		-		-		69,404
Facilities		3,342		19,814		716		23,872
	\$	101,714	\$	231,389	\$	6,924	\$	340,027