**Case Study #1**

Maggie and her late husband, Martin, are alumni and donors to the University foundation. Maggie and Martin were lifelong donors to the University foundation and prior to Martin’s death, had notified the University that they had included a bequest to the University in their estate plans. When the second of them passes, a specific bequest of $100,000 will come to the University. They subsequently signed a Gift Use Agreement with the University describing the bequest and their wishes for its use, including the name of the endowment. Maggie is 90 years old and her three adult children have hired a caregiver to live with her. Maggie’s son is her attorney-in-fact through a Durable Power of Attorney. He received a call from the bank informing him of an unusually large transaction on his mother’s account. When he arrived to discuss this matter with Maggie, he noticed the caregiver’s new car in the driveway. He later ran into the University’s Planned Giving Officer and mentioned his concerns.

**Discussion Question:**

1. What should the Planned Giving Officer do?

The University’s Planned Giving Officer receives a call from Maggie’s caregiver asking that Maggie’s name be removed from their call list and that she no longer receive any type of communication from the University.

**Discussion Questions:**

1. What should the Planned Giving Officer do?
2. What if the call came from one of Maggie’s children rather than the caregiver?

Maggie later called the Planned Giving Officer with instructions to change the name of the endowment established in the Gift Use Agreement from the Martin and Maggie Endowment to the Maggie and Children Endowment.

1. Should the Planned Giving Officer make the change?

Several months later, the University sees Maggie’s obituary in the newspaper but six months pass and the University has not received a notification of probate.

**Discussion Questions:**

1. What should the Planned Giving Officer do?
2. What if it is learned that Maggie had executed a new Will, without the bequest to the University, leaving everything to the children instead?
3. What if it left everything to the caregiver?
4. Would it make a difference to your answer if the new Will was prepared by the same attorney that prepared Martin’s and Maggie’s Wills that had included the bequest to the University? What if the new Will was prepared by a new attorney who has done legal work for one or all of Maggie’s children?
5. What if the new Will was prepared by a new attorney who has done legal work for Maggie’s caregiver?

Assume the original Will was probated with the intended bequest going to the University, but the children attempted to change the gift use from that contained in the signed Gift Use Agreement on file with the University.

**Discussion Questions:**

1. Can the children make that change?
2. If the original Gift Use Agreement had not included clear instructions to endow the fund, could the children later change the fund to an endowment?