

INTERNAL REVENUE SERVICE
District Director

DEPARTMENT OF THE TREASURY
1100 Commerce St., Dallas, TX 75242

Albuquerque Community Foundation
Po Box 36960
Albuquerque, New Mexico 87176-6960

Person to Contact:
Barbara Mitchell

Telephone Number:
(214)767-6023

Refer Reply to:
Mail Code 4940 DAL

Date:
January 23, 1996

EIN:
85-0295444

Dear Sir or Madam:

Our records show that Albuquerque Community Foundation is exempt from Federal Income Tax under section 501(c)(3) of the Internal Revenue Code. This exemption was granted on November 1983 remains in full force and effect. Contributions to your organization are deductible in manners and to the extent provided by section 170 of the code.

We have classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Internal Revenue Code. Your organization is described in section 170(b)(1)(A)(vi) of the code.

If gross receipts for your organization reach \$25,000 or more, in any one year, the organization will be required to file Form 990, Return of Organizations Exempt From Income Tax.

This letter may be used to verify your tax-exempt status.

If we may be of further assistance, please contact the person whose name and telephone number are shown above.

Sincerely,

Barbara Mitchell

EP/EO Correspondence Examiner
Customer Service Section

Application for Recognition of Exemption

Under Section 501(c)(3) of the Internal Revenue Code

For Paperwork Reduction Act Notice, see page 1 of the instructions.

OMB No. 1545-0056

Expires May 31, 1984

To be filed in the key district for the area in which the organization has its principal office or place of business.

This application, when properly completed, constitutes the notice required under section 508(a) of the Internal Revenue Code so that an applicant may be treated as described in section 501(c)(3) of the Code, and the notice required under section 508(b) for an organization claiming not to be a private foundation within the meaning of section 509(a). (Read the instructions for each part carefully before making any entries.) The organization must have an organizing instrument (see Part II) before this application may be filed.

Part I—Identification

1 Full name of organization Albuquerque Community Foundation		2 Employer identification number (If none, attach Form SS-4) Form SS-4 Attached	
3(a) Address (number and street) c/o Steven K. Moise, Post Office Box 1945		Check here if applying under section: <input type="checkbox"/> 501(e) <input type="checkbox"/> 501(f)	
3(b) City or town, State, and ZIP code Albuquerque, New Mexico 87103		4 Name and phone number of person to be contacted R. E. Zimmer (505) 247-4281	
5 Month the annual accounting period ends June	6 Date incorporated or formed March 31, 1981	7 Activity codes 903 602	

8(a) Has the organization filed Federal income tax returns? Yes No
If "Yes," state the form number(s), year(s) filed, and Internal Revenue office where filed ▶

8(b) Has the organization filed exempt organization information returns? Yes No
If "Yes," state the form number(s), year(s) filed, and Internal Revenue office where filed ▶

Part II.—Type of Entity and Organizational Documents (see instructions)

Check the applicable entity box below and attach a conformed copy of the organization's organizing and operational documents as indicated for each entity.

Corporation—Articles of incorporation, bylaws. Trust—Trust indenture. Other—Constitution or articles, bylaws.

Part III.—Activities and Operational Information

1 What are or will be the organization's sources of financial support? List in order of magnitude. If a part of the receipts is or will be derived from the earnings of patents, copyrights, or other assets (excluding stock, bonds, etc.), identify the item as a separate source of receipts. Attach representative copies of solicitations for financial support.

The Foundation plans to solicit gifts from other foundations and business firms, and gifts and bequests from individuals.

Prepared by
Peat, Marwick, Mitchell & Co. 13-5565207
Suite 501, First Plaza
Albuquerque, New Mexico 87103

2 Describe the organization's fund-raising program, both actual and planned, and explain to what extent it has been put into effect. (Include details of fund-raising activities such as selective mailings, formation of fund-raising committees, use of professional fund raisers, etc.) The Foundation plans to solicit \$200,000 in seed money to cover operating expenses for a three-year period and to establish an endowment fund. It is anticipated that additional gifts and bequests will increase the endowment fund to the point that income from the fund will 1) cover operating expenses after the three-year period and 2) allow the start of a grant program. Informal pledges amounting to approximately \$50,000 have already been obtained from several banks and other businesses. After an executive director is hired, an educational program will be initiated to explain charitable giving and the plans of the Foundation, and personal visits to selected business firms and individuals. Bequests as well as current gifts will be solicited. Some mailings will also be used, but to a lesser degree than personal contacts. The use of professional fund raisers is not anticipated.

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and I have examined this application, including the accompanying statements, and to the best of my knowledge it is true, correct, and complete.

RE Zimmer (Signature) V-P (Title or authority of signer) 11/25/81 (Date)

Original mailed to IRS, Dallas, 11/25/81

Part III.—Activities and Operational Information (Continued)

- 3 Give a narrative description of the activities presently carried on by the organization, and those that will be carried on. If the organization is not fully operational, explain what stage of development its activities have reached, what further steps remain for the organization to become fully operational, and when such further steps will take place. The narrative should specifically identify the services performed or to be performed by the organization. (Do not state the purposes of the organization in general terms or repeat the language of the organizational documents.) If the organization is a school, hospital, or medical research organization, include enough information in your description to clearly show that the organization meets the definition of that particular activity that is contained in the instructions for Part VII-A.

See attached Exhibit 3 - "Albuquerque Community Foundation Goals". The Foundation has been legally organized, has received two small contributions, and is beginning solicitation of pledges for seed money from local businesses, foundation. Its immediate plans are to employ an executive director and a secretary, open an office and proceed with its planned solicitation of gifts and the investment of such funds to produce income to be used for charitable, educational, etc. purposes in the community. These steps to make the Foundation fully operational are expected to be completed within the coming year.

4 The membership of the organization's governing body is:

(a) Names, addresses, and duties of officers, directors, trustees, etc.	(b) Specialized knowledge, training, expertise, or particular qualifications
Laura Threet, Albuquerque, New Mexico Director and President	Member, Albuquerque Board of Education
R. E. Zimmer, Albuquerque, New Mexico Director and Vice President	C.P.A.
Steven K. Moise, Albuquerque, New Mexico Director and Secretary-Treasurer	Attorney
For duties, see Article III of By-laws	

Part III.—Activities and Operational Information (Continued)

4 (c) Do any of the above persons serve as members of the governing body by reason of being public officials or being appointed by public officials? Yes No
If "Yes," name those persons and explain the basis of their selection or appointment.

(d) Are any members of the organization's governing body "disqualified persons" with respect to the organization (other than by reason of being a member of the governing body) or do any of the members have either a business or family relationship with "disqualified persons?" (See specific instruction 4(d).) Yes No
If "Yes," explain.

(e) Have any members of the organization's governing body assigned income or assets to the organization? Yes No
If "Yes," attach a copy of assignment(s) and a list of items assigned.

(f) Is it anticipated that any current or future member of the organization's governing body will assign income or assets to the organization? Yes No
If "Yes," explain fully on an attached sheet.

5 Does the organization control or is it controlled by any other organization? Yes No
Is the organization the outgrowth of another organization, or does it have a special relationship to another organization by reason of interlocking directorates or other factors? Yes No
If either of these questions is answered "Yes," explain.

6 Is the organization financially accountable to any other organization? Yes No
If "Yes," explain and identify the other organization. Include details concerning accountability or attach copies of reports if any have been submitted.

7 (a) What assets does the organization have that are used in the performance of its exempt function? (Do not include property producing investment income.) If any assets are not fully operational, explain their status, what additional steps remain to be completed, and when such final steps will be taken.

None

(b) To what extent have you used, or do you plan to use contributions as an endowment fund, i.e., hold contributions to produce income for the support of your exempt activities? The Foundation's intention is to use all contributions received, in excess of operating expenses, as an endowment fund.

8 (a) What benefits, services, or products will the organization provide that are related to its exempt function?
The Foundation plans to make grants from its investment income to other exempt organizations in Albuquerque for human service, cultural, health or educational purposes.

Part III.—Activities and Operational Information (Continued)

8 (b) Have the recipients been required or will they be required to pay for the organization's benefits, services, or products? Yes No
If "Yes," explain and show how the charges are determined.

9 Does or will the organization limit its benefits, services, or products to specific classes of individuals? . . . Yes No
If "Yes," explain how the recipients or beneficiaries are or will be selected. Grants will be made only to other charitable, educational, etc. tax-exempt organizations. The Board of Directors will approve all grants, giving consideration to community needs.

10 Is the organization a membership organization? Yes No
If "Yes," complete the following:

(a) Describe the organization's membership requirements and attach a schedule of membership fees and dues.

A member will be any person or entity so elected by unanimous vote of all members. There will be no fees or dues.

(b) Describe your present and proposed efforts to attract members, and attach a copy of any descriptive literature or promotional material used for this purpose.

No effort will be made to attract "members" as such.

(c) Are benefits, services, or products limited to members? Yes No

If "No," explain. Grants will be made to charitable, educational, etc. tax-exempt organizations on the basis of community needs; no consideration will be given to whether or not such organizations are "members".

11 Does or will the organization engage in activities tending to influence legislation or intervene in any way in political campaigns? Yes No

If "Yes," explain. (Note: You may wish to file Form 5768, Election/Revocation of Election by an Eligible Section 501(c)(3) Organization to Make Expenditures to Influence Legislation.)

12 Does the organization have a pension plan for employees? Yes No

13 (a) Are you filing Form 1023 within 15 months from the end of the month in which you were created or formed as required by section 508(a) and the related Regulations? (See general instructions.) . . Yes No

(b) If you answer "No," to 13(a) and you claim that you fit an exception to the notice requirements under section 508(a), attach an explanation of your basis for the claimed exception.

(c) If you answer "No," to 13(a) and section 508(a) does apply to you, you may be eligible for relief under section 1.9100 of the Income Tax Regulations from the application of section 508(a). Do you wish to request relief? Yes No

(d) If you answer "Yes," to 13(c) attach a detailed statement that satisfies the requirements of Rev. Proc. 79-63.

(e) If you answer "No," to both 13(a) and 13(c) and section 508(a) does apply to you, your exemption can be recognized only from the date this application is filed with your key District Director. Therefore, do you want us to consider your application as a request for recognition of exemption from the date the application is received and not retroactively to the date you were formed? Yes No

Part IV.—Statement as to Private Foundation Status

1 Is the organization a private foundation? Yes No

2 If you answer "Yes," to question 1 and the organization claims to be a private operating foundation, check here and complete Part VIII.

3 If you answer "No," to question 1 indicate the type of ruling you are requesting regarding the organization's status under section 509 by checking the box(es) that apply below:

(a) Definitive ruling under section 509(a)(1), (2), (3), or (4) . Complete Part VII.

(b) Advance ruling under section 170(b)(1)(A)(vi) or 509(a)(2)—see instructions.

(c) Extended advance ruling under section 170(b)(1)(A)(vi) or 509(a)(2)—see instructions.

(Note: If you want an extended advance ruling you must check the appropriate boxes for both 3(b) and 3(c).)

Statement of Support, Revenue, and Expenses for period ending _____, 19_____.

Support and Revenue	1	Gross contributions, gifts, grants, and similar amounts received	1	
	2	Gross dues and assessments of members	2	
	3	(a) Gross amounts derived from activities related to organization's exempt purpose	3	
		(b) Minus cost of sales		
	4	(a) Gross amounts from unrelated business activities	4	
		(b) Minus cost of sales		
	5	(a) Gross amount received from sale of assets, excluding inventory items (attach schedule)	5	
	(b) Minus cost or other basis and sales expenses of assets sold			
	6	Investment income (see instructions)	6	
	7	Total support and revenue	7	
Expenses	8	Fund raising expenses	8	
	9	Contributions, gifts, grants, and similar amounts paid (attach schedule)	9	
	10	Disbursements to or for benefit of members (attach schedule)	10	
	11	Compensation of officers, directors, and trustees (attach schedule)	11	
	12	Other salaries and wages	12	
	13	Interest	13	
	14	Rent	14	
	15	Depreciation and depletion	15	
	16	Other (attach schedule)	16	
	17	Total expenses	17	
	18	Excess of support and revenue over expenses (line 7 minus line 17)	18	

Balance Sheets		Enter dates ▶	Beginning date	Ending date
Assets				
19	Cash (a) Interest bearing accounts			
	(b) Other	19		
20	Accounts receivable, net	20		
21	Inventories	21		
22	Bonds and notes (attach schedule)	22		
23	Corporate stocks (attach schedule)	23		
24	Mortgage loans (attach schedule)	24		
25	Other investments (attach schedule)	25		
26	Depreciable and depletable assets (attach schedule)	26		
27	Land	27		
28	Other assets (attach schedule)	28		
29	Total assets	29		
Liabilities				
30	Accounts payable	30		
31	Contributions, gifts, grants, etc., payable	31		
32	Mortgages and notes payable (attach schedule)	32		
33	Other liabilities (attach schedules)	33		
34	Total liabilities	34		
Fund Balances or Net Worth				
35	Total fund balances or net worth	35		
36	Total liabilities and fund balances or net worth (line 34 plus line 35)	36		

Has there been any substantial change in any aspect of your financial activities since the period ending date shown above? Yes No
If "Yes," attach a detailed explanation.

Part VI.—Required Schedules for Special Activities

	If "Yes," check here;	And, complete schedule—
1	Is the organization, or any part of it, a school?	A
2	Does the organization provide or administer any scholarship benefits, student aid, etc.?	B
3	Has the organization taken over, or will it take over, the facilities of a "for profit" institution?	C
4	Is the organization, or any part of it, a hospital or a medical research organization?	D
5	Is the organization, or any part of it, a home for the aged?	E
6	Is the organization, or any part of it, a litigating organization (public interest law firm or similar organization)?	F
7	Is the organization, or any part of it, formed to promote amateur sports competition?	G

Part VII.—Non-Private Foundation Status (Definitive ruling only)

A.—Basis for Non-Private Foundation Status

The organization is not a private foundation because it qualifies as:

	✓	Kind of organization	Within the meaning of	Complete
1		a church	Sections 509(a)(1) and 170(b)(1)(A)(i)	
2		a school	Sections 509(a)(1) and 170(b)(1)(A)(ii)	
3		a hospital	Sections 509(a)(1) and 170(b)(1)(A)(iii)	
4		a medical research organization operated in conjunction with a hospital	Sections 509(a)(1) and 170(b)(1)(A)(iii)	
5		being organized and operated exclusively for testing for public safety	Section 509(a)(4)	
6		being operated for the benefit of a college or university which is owned or operated by a governmental unit	Sections 509(a)(1) and 170(b)(1)(A)(iv)	Part VII.—B
7		normally receiving a substantial part of its support from a governmental unit or from the general public	Sections 509(a)(1) and 170(b)(1)(A)(vi)	Part VII.—B
8		normally receiving not more than one-third of its support from gross investment income and more than one-third of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions (subject to certain exceptions)	Section 509(a)(2)	Part VII.—B
9		being operated solely for the benefit of or in connection with one or more of the organizations described in 1 through 4, or 6, 7, and 8 above	Section 509(a)(3)	Part VII.—C

B.—Analysis of Financial Support

	(a) Most recent tax year	(Years next preceding most recent tax year)			(e) Total
	19.....	(b) 19.....	(c) 19.....	(d) 19.....	
1 Gifts, grants, and contributions received					
2 Membership fees received					
3 Gross receipts from admissions, sales of merchandise or services, or furnishing of facilities in any activity which is not an unrelated business within the meaning of section 513					
4 Gross investment income (see instructions for definition)					
5 Net income from organization's unrelated business activities not included on line 4					
6 Tax revenues levied for and either paid to or spent on behalf of the organization					
7 Value of services or facilities furnished by a governmental unit to the organization without charge (not including the value of services or facilities generally furnished the public without charge)					
8 Other income (not including gain or loss from sale of capital assets)—attach schedule					
9 Total of lines 1 through 8					
10 Line 9 minus line 3					
11 Enter 2% of line 10, column (e) only					

12 If the organization has received any unusual grants during any of the above tax years, attach a list for each year showing the name of the contributor, the date and amount of grant, and a brief description of the nature of such grant. Do not include such grants on line 1 above—(See instructions).

Part VII.—Non-Private Foundation Status (Definitive ruling only) (Continued)

B.—Analysis of Financial Support (Continued)

13 If the organization's non-private foundation status is based on:

(a) Sections 509(a)(1) and 170(b)(1)(A)(iv) or (vi).—Attach a list showing the name and amount contributed by each person (other than a governmental unit or "publicly supported" organization) whose total gifts for the entire period were more than the amount shown on line 11.

(b) Section 509(a)(2).—For each of the years included on lines 1, 2, and 3, attach a list showing the name of and amount received from each person who is a "disqualified person."

For each of the years on line 3, attach a list showing the name of and amount received from each payor (other than a "disqualified person") whose payments to the organization were more than \$5,000. For this purpose, "payor" includes but is not limited to, any organization described in sections 170(b)(1)(A)(i) through (vi) and any government agency or bureau.

C.—Supplemental Information Concerning Organizations Claiming Non-Private Foundation Status Under Section 509(a)(3)

1 Organizations supported by applicant organization:

Name and address of supported organization	Has the supported organization received a ruling or determination letter that it is not a private foundation by reason of section 509(a)(1) or (2)?
-----	<input type="checkbox"/> Yes <input type="checkbox"/> No
-----	<input type="checkbox"/> Yes <input type="checkbox"/> No
-----	<input type="checkbox"/> Yes <input type="checkbox"/> No
-----	<input type="checkbox"/> Yes <input type="checkbox"/> No
-----	<input type="checkbox"/> Yes <input type="checkbox"/> No

2 To what extent are the members of your governing board elected or appointed by the supported organization(s)?

3 What is the extent of common supervision or control that you and the supported organization(s) share?

4 To what extent do(es) the supported organization(s) have a significant voice in your investment policies, the making and timing of grants, and in otherwise directing the use of your income or assets?

5 Does the mentioning of the supported organization(s) in your governing instrument make you a trust that the supported organization(s) can enforce under State law and compel to make an accounting? Yes No
If "Yes," explain.

6 What portion of your income do you pay to each supported organization and how significant is the support to each?

7 To what extent do you conduct activities which would otherwise be carried out by the supported organization(s)? Explain why these activities would otherwise be carried on by the supported organization(s).

8 Is the applicant organization controlled directly or indirectly by one or more "disqualified persons" (other than one who is a disqualified person solely because he or she is a manager) or by an organization which is not described in section 509(a)(1) or (2)? Yes No
If "Yes," explain.

Part VIII.—Basis for Status as a Private Operating Foundation

If the organization—

- (a) bases its claim to private operating foundation status on normal and regular operations over a period of years; or
(b) is newly created, set up as a private operating foundation, and has at least one year's experience;

provide the information under the income test and under one of the three supplemental tests (assets, endowment, or support). If the organization does not have at least one year's experience, complete line 21. If the organization's private operating foundation status depends on its normal and regular operations as described in (a) above, attach a schedule similar to the one below showing the data in tabular form for the three years next preceding the most recent tax year.

Income Test
1 Adjusted net income, as defined in section 4942(f)
2 Qualifying distributions:
(a) Amounts (including administrative expenses) paid directly for the active conduct of the activities for which organized and operated under section 501(c)(3) (attach schedule)
(b) Amounts paid to acquire assets to be used (or held for use) directly in carrying out purposes described in sections 170(c)(1) or 170(c)(2)(B) (attach schedule)
(c) Amounts set aside for specific projects which are for purposes described in section 170(c)(1) or 170(c)(2)(B) (attach schedule)
(d) Total qualifying distributions (add lines 2(a), (b), and (c))
3 Percentage of qualifying distributions to adjusted net income (divide line 2(d) by line 1—percentage must be at least 85%)
Assets Test
4 Value of organization's assets used in activities that directly carry out the exempt purposes. Do not include assets held merely for investment or production of income (attach schedule)
5 Value of any stock of a corporation that is controlled by applicant organization and carries out its exempt purposes (attach statement describing corporation)
6 Value of all qualifying assets (add lines 4 and 5)
7 Value of applicant organization's total assets
8 Percentage of qualifying assets to total assets (divide line 6 by line 7—percentage must exceed 65%)
Endowment Test
9 Value of assets not used (or held for use) directly in carrying out exempt purposes:
(a) Monthly average of investment securities at fair market value
(b) Monthly average of cash balances
(c) Fair market value of all other investment property (attach schedule)
(d) Total (add lines 9(a), (b), and (c))
10 Subtract acquisition indebtedness related to line 9 items (attach schedule)
11 Balance (subtract line 10 from line 9(d))
12 For years beginning on or after January 1, 1976, multiply line 11 by a factor of 3 1/3% (2/3 of the applicable percentage for the minimum investment return computation under section 4942(e)). Line 2(d) above must equal or exceed the result of this computation.
Support Test
13 Applicant organization's support as defined in section 509(d)
14 Subtract amount of gross investment income as defined in section 509(e)
15 Support for purposes of section 4942(j)(3)(B)(iii) (subtract line 14 from line 13)
16 Support received from the general public, five or more exempt organizations, or a combination of these sources (attach schedule)
17 For persons (other than exempt organizations) contributing more than 1% of line 15, enter the total amounts that are more than 1% of line 15
18 Subtract line 17 from line 16
19 Percentage of total support (divide line 18 by line 15—must be at least 85%)
20 Does line 16 include support from an exempt organization that is more than 25% of the amount on line 15?
21 Newly created organizations with less than one year's experience: Attach a statement explaining how the organization is planning to satisfy the requirements of section 4942(j)(3) for the income test and one of the supplemental tests during its first year's operation. Include a description of plans and arrangements, press clippings, public announcements, solicitations for funds, etc.