

THAKUR FAMILY FOUNDATION, INC.

AFFIDAVIT PACKET

FOR NON-UNITED STATES GRANT APPLICANTS

This packet includes:

- **INTRODUCTION, EXPLANATION and INSTRUCTIONS**
- **AFFIDAVIT FOR NON-UNITED STATES GRANT APPLICANTS**
- **AFFIDAVIT UPDATE FOR NON- UNITED STATES GRANT APPLICANTS**
- **FINANCIAL SUPPORT ADDENDUM (if applicable):**
 - **PUBLIC SUPPORT SCHEDULE**
 - **MAJOR DONOR SUPPORT FORM**

Thakur Family Foundation, Inc. (the “**Foundation**”) is classified as an organization exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended (the “**Code**”), and, more specifically, a “private foundation.” As a result of this classification, the Foundation is required to follow certain rules and procedures when it makes grants to charitable organizations located outside the United States. These rules and procedures are established by the United States Internal Revenue Service (the “**IRS**”) which exercises oversight over the Foundation.

The Foundation has decided to make grants to organizations located outside of the United States only if the Foundation determines such organizations are organizations under Section 501(c)(3) of the Code and are the equivalent of a United States “public charity” under Section 509(a)(1) or (a)(2) of the Code. Moreover, the Foundation has decided to only make grants to organizations it has determined are the equivalent of United States “public charities” by virtue of their status as a school under Sections 509(a)(1) and 170(b)(1)(A)(ii) of the Code; an organization that receives a substantial part of its financial support in the form of contributions from publicly supported organizations, a governmental unit, or the general public under Sections 509(a)(1) and 170(b)(1)(A)(vi) of the Code; or an organization that normally receives more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions, and no more than 33 1/3% of its support from gross investment income and income unrelated to exempt activities under Section 509(a)(2) of the Code.

Accordingly, the Foundation must determine that your organization would qualify as one of these particular types of “public charities” were it to be located in the U.S. The Foundation

makes this determination based on a document referred to as the “Affidavit For Non-United States Grant Applicants” (the “**Affidavit**”) which is attached.

Please note the following:

The first part of this packet includes the Affidavit which must be completed and signed. The Affidavit is a very important document and should be taken very seriously. The Affidavit is a voluntary written declaration confirmed by the oath or affirmation of the party making it, taken before a person having the authority to administer such oath or affirmation. By filling out the Affidavit you will explain your organizational structure, charitable purpose or activities, and other information and you will include governing documents. The Affidavit will help the Foundation determine whether your organization would be considered an organization under Section 501(c)(3) of the Code.

The second part of this packet includes three financial support forms – the Public Support Schedule, the Major Donor Support Form, and the Gross Receipts Form. Please note that you do not need to fill out these forms if you are representing that your organization is the equivalent of a “school” as set forth above. These forms are only necessary if you are representing that your organization is the equivalent of an organization that receives a substantial part of its financial support in the form of contributions from publicly supported organizations, a governmental unit, or the general public as set forth above, or in the form of membership fees, and gross receipts from activities related to its exempt functions as set forth above. These forms help the Foundation determine whether your organization would satisfy the “public support test” administered by the IRS.

It is very important that you **provide all information requested and all supporting documentation in English.** If translation poses a major problem or constraint to your organization, please contact the Local Representative.

If you have any problems or questions, please contact the Foundation.

AFFIDAVIT INSTRUCTIONS

Please fill in the complete legal name of your organization at the top of the Affidavit. Please type or print your answers clearly.

Section 1. Principal officer or director. Enter the name and title of the person that will be signing the Affidavit.

Section 2. Organization information. Enter the date, location, and legal authority under which your organization was created. Check one or more boxes that identify the purposes of your organization.

Section 3. School. Identify whether your organization is a school and check the boxes to answer the questions.

Section 4. Activities. Provide a brief description of your organization's past, current, and future programs and activities.

Section 5. Governing documents. It is essential that you include copies **in English** of your founding charter, bylaws, and other documents that your organization uses to govern itself. Native language copies of your governing documents are also required.

Sections 6, 7, 8, and 9. Limits on activities. These questions ask you to confirm that you have placed certain restrictions or limitations on your organization's operations and activities.

Section 10. Dissolution provisions. The terms "dissolved" and "liquidated" refer to the possibility that your organization winds-up its activities, liquidates its assets, and ceases to exist. Attach an **English** translation of the document that controls the distribution of your assets upon such liquidation unless such document was already provided under Section 5 of the Affidavit. Native language copies of such documents are also required. The IRS states that an adequate dissolution provision would read as follows:

"In the event that [your organization] were to be liquidated or dissolved, ... all its assets would be distributed to another not-for-profit organization for charitable, religious, scientific, literary, or educational purposes, or to a government instrumentality."

The Foundation may also need an English translation of your country's statute governing dissolution of nonprofit organizations.

Section 11. Control by other organizations. Explain any formal relationship your organization has with another organization. Describe only those organizations that control your organization, or are legally connected to your organization. List the complete legal name of the organization and describe the relationship.

Section 12. Financial Support. Answer the questions to help the Foundation understand how your organization is supported. You may be required to complete the Financial Support Addendum.

Sign and date the Affidavit. Your organization's principal officer or director authorized to represent your organization must sign and date the Affidavit.

PUBLIC SUPPORT SCHEDULE INSTRUCTIONS

The Public Support Schedule will allow the Foundation to determine whether or not your organization meets the IRS's definition for a publicly supported charity under Sections 509(a)(1) and 170(b)(1)(A)(vi) or 509(a)(2) of the Code. Under these Code provisions, a charitable organization is considered to be publicly supported if it meets the "public support test." A charitable organization's **public support** must be at least one-third (33.3%) of its **total support**.

In completing the form, please use actual fiscal year figures from the most recently **completed** five-year period, not projected figures. If your organization is less than five years old, provide actual figures for all the years of its existence. Please write the year at the top of each column.

The Public Support Schedule divides your sources of revenues into six categories, which are described below. Enter the appropriate amounts for the last five years.

Line 1. Gifts, grants, and contributions. These are voluntary payments or donations to your organization for which no material products or services are given to the contributor (this does not restrict your organization from providing services to others, such as the general public). Examples include: grants such as the one you are applying for from the Foundation; a contribution from a corporation or individual; and a grant from the government to support your organization's purposes or programs. You should also include on line 1 "in-kind" gifts other than cash (such as free rent, equipment, materials, or supplies) at the fair market value at the time the items were donated to you. However, non-cash "in-kind" gifts from a governmental agency should not be included in Line 1. Those gifts should be entered on Line 6. The value of volunteer services should not be included.

Line 2. Membership dues or fees. Line 2 is only applicable if your organization has members. If your organization assesses membership dues or fees, those membership dues or fees should be reported on Line 2. If your members receive something of value or receive a material or substantial benefit, the amount of that value must be subtracted from the amount you report as membership dues or fees.

Line 3. Governmental services and facilities. Include the fair market value on the date you received services or facilities given to you, free of charge, by the government or a governmental agency. Do not include services or facilities that are also available at no charge to the general public.

Line 4. Program service revenue. Line 4 asks for revenue substantially related to your charitable purpose and activities. For example, program service revenue would include:

- All payments received from admissions to events such as educational conferences, seminars, and workshops.
- Fees for services related to your charitable purpose. For example, if your organization's purpose is to provide health counseling services to low-income people for a significantly discounted fee, that fee is considered program service revenue.
- Interest income and rental income that are related to your charitable purposes.

Line 5. Interest, dividends, rents, and royalties. Include any interest, dividends, rents, and royalties that are not directly related to your charitable purpose. For example, if your organization has a bank account that earns interest, that income should be recorded here.

Line 6. Income unrelated to your charitable purposes. Include all net income from activities you regularly perform which are a trade or business and not substantially related to furthering your charitable purpose. Net income is total income minus directly related expenses of producing that income. For example, if you operated a gift store whose operations and sale items were not considered to further your charitable purpose, the net income would be included here.

Columns (f). For Lines 1 through 6, add columns (a) through (e) and enter the total where indicated. *(Note: In the Excel version of the form, all calculations will be done automatically.)*

Line 7. Totals. Calculate the total for each column, (a) through (h).

Line 8. Public Support (method 1). Public support will be calculated under two methods. This first method excludes the income associated with program service revenue while the second method includes this income. Add boxes 1(f), 2(f), and 3(f).

Line 9. Total Support (method 1). Total support will be calculated under two methods. This first method excludes the income associated with program service revenue while the second method includes this income. Add boxes 1(f), 2(f), 3(f), 5(f), and 6(f).

Line 10. Public Support (method 2). Add boxes 1(f), 2(f), 3(f), and 4(f).

Line 11. Total Support (method 2). Add boxes 1(f), 2(f), 3(f), 4(f), 5(f), and 6(f).

Line 12. Calculate 2% of the amount in box 7(f) and enter it here and also at the top of the Major Donor Support Form.

Line 13. Calculate 1% of the amount in box 7(f) and enter it here and also at the top of the Gross Receipts Form only if the amount in box 4(f) is more than 0. If Line 4(f) is 0, you do not need to complete the Gross Receipts Form.

Leave lines 14-19 blank. The Foundation will complete them. *(Note: In the Excel version of the form, some of these lines may autofill.)*

MAJOR DONOR SUPPORT FORM INSTRUCTIONS

Enter the 2% figure from Line 12(f) of the Public Support Schedule at the top of the Major Donor Support Form. Complete this form for all contributions your organization received from one source which are over this 2% figure for the five-year period.

Donor and type of support. List the complete name of the donor in the first column. In the next column, identify what type of organization or individual made the contribution. A key is provided at the top of the form to help you classify the donor. All donors must be assigned a number between 1 and 6 based on this key. Number 5, “publicly supported organizations,” refers to contributions to your organization by churches, schools, medical institutions, or organizations that can show that a significant portion of their revenues comes from gifts,

grants or contributions from a wide cross-section of the general public, rather than from one person, one company, or one family.

Columns (a) through (e). For each donor, enter the amount of support for each of the last five years.

Column (f). For each row, add columns (a) through (e) and enter the total here. **(Note: In the Excel version of the form, all calculations will be done automatically.)**

Leave columns (g) and (h) blank. The Foundation will complete them.

GROSS RECEIPTS FORM INSTRUCTIONS

This form should be completed only if the total in box 4(f) of the Public Support Schedule is more than 0.

Enter the 1% figure from Line 13(f) of the Public Support Schedule at the top of the Gross Receipts Form. Complete this form for all amounts your organization received from one source which is a disqualified person or which are over the greater of this 2% figure or \$5,000 for the five-year period. A disqualified person is a person who is in a position to exercise substantial influence over the affairs of the organization or such person's family or entity. A disqualified person may include an officer or director of the organization.

Columns (a) through (e). For each individual, enter the amount received for each of the last five years.

Column (f). For each row, add columns (a) through (e) and enter the total here. **(Note: In the Excel version of the form, all calculations will be done automatically.)**

Leave columns (g) and (h) blank. The Foundation will complete them.