

IN THE CIRCUIT COURT
OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

IN RE:

CASE NO.:

LILLIAN STUMP
SHANDS AT STARKE FUND

PETITION TO MODIFY RESTRICTIONS ON USE OF FUND

The University of Florida Foundation, Inc. (Foundation), a Florida non-profit corporation, petitions this Court to exercise its statutory authority to modify the purpose and name of a fund so that the fund may be used consistent with the charitable purposes expressed in the gift instrument:

1. This Court has jurisdiction of this matter pursuant to Section 617.2104(6)(e), *Fla. Stat.* (2016).
2. Venue for this action is pursuant to Section 617.2104(6)(e), *Fla. Stat.* (2016).
3. The Foundation is a Florida non-profit corporation and a 501(c)(3) charitable organization established pursuant to Section 1004.28, *Fla. Stat.* (2016) to raise and manage all gift monies for the benefit of the University of Florida (University).
4. The subject matter of this petition is a gift from Lillian Stump (Donor) and five other donors to the Foundation on behalf and for the benefit of the University.
5. In 2001, the Donor, the Foundation, the University, and Shands at Starke executed a gift agreement setting forth the terms of the Donor's gift. The gift agreement stated that the



Donor's gift would be used to establish an endowment fund to be known as the "Lillian Stump Shands at Starke Fund" (Fund). The purpose of the Fund was described as follows:

The income of the Fund will be used to support teaching, research and programs at Shands at Starke.

6. At the time, Shands at Starke was a hospital facility in Starke, Florida, operated by Shands HealthCare and affiliated with the University since 1996. The University conducted teaching, research, and programs at the facility.

7. After the Donor executed the gift agreement and made her gift, five other donors contributed to the Fund. Of the total amount contributed to the Fund, the Donor gave 99 percent and the five other donors gave 1 percent.

8. The Fund is an endowment fund and, as such, it is invested according to Foundation policies to support its purpose in perpetuity. Spendable income from the Fund is transferred quarterly to the University, in accordance with Foundation policies.

9. As directed by the gift agreement, the annual spendable income was made available to support teaching, research and programs at Shands at Starke. However, in 2010, the facility known as Shands at Starke was purchased by a third party, and the University no longer conducts activities at the facility. As a result, the Fund has become impossible to administer in accordance with the gift agreement.

10. As of October 2016, the market value of the principal balance was \$117,387.81 and the spendable income balance was \$25,684.15. Under Foundation policies, under current conditions, an estimated \$4,410.67 would be available to the University annually, if the University were able to use the funds.

11. To best accomplish the Donor's charitable purpose, to fulfill the Foundation's fiduciary obligations to the Donor and to the University, and to have the University benefit from

the gift as intended by the Donor, it is necessary that the purpose and name of the Fund be modified pursuant to Section 617.2104(6)(e), *Fla. Stat.* (2016).

12. From 2011 to the present, University and Foundation staff have attempted to contact the Donor multiple times by mail and telephone to discuss modifying the restrictions associated with her gift. The Donor has not responded, yet mail has not been returned. The Donor is unmarried and has no children.

13. The five other contributions were made by four individuals and one organization. Two individuals are deceased, and the organization (the former hospital auxiliary) no longer exists. On November 10, 2016, the Foundation mailed letters to the two living donors to inform them of the Foundation's intent to file this Petition (see Exhibit 1¹). No responses were received.

14. The Foundation requests that the name of the Fund be modified from "Lillian Stump Shands at Starke Fund" to "Lillian Stump Professional Nursing Education Fund."

15. The Foundation requests that the purpose of the Fund be modified from "...support teaching, research and programs at Shands at Starke" to "...support continuing professional education for nurses working at UF Health Shands facilities."

16. The Foundation believes that these modifications are consistent with the Donor's charitable intent because the Donor was a nurse and a member of the hospital auxiliary, and she established a scholarship for nursing students at Santa Fe College.

17. The Foundation provided notice of this petition to the Attorney General of the State of Florida as required by Section 617.2104(6)(e), *Fla. Stat.* (2016). The Office of the Attorney General provided a letter of no objection. (See Exhibit 2.)

¹ The names and addresses of the donors have been redacted to protect their identities from being revealed in a public document. Section 1004.28(5), Florida Statutes, makes most of the Foundation's records confidential and exempt from Section 119.07(1), Florida Statutes.

18. The Foundation will continue to hold, manage, and invest the Fund to be used for the benefit of the University, in accordance with Foundation policies and the Donor's wishes as modified by the Court.

WHEREFORE, the Foundation requests this Court to enter an Order modifying the purpose and name of the Fund to serve the intent of the Donor to benefit the University of Florida.

Respectfully submitted,

UNIVERSITY OF FLORIDA
FOUNDATION, INC.

By: Tara Boonstra
Tara Boonstra
Attorney for Foundation
Florida Bar No. 506974
2012 W. University Avenue
Gainesville, FL 32603
(352) 392-8418
tboonstra@uff.ufl.edu



November 10, 2016

[REDACTED]
Lawtey, FL 32058

Re: Your contribution to the Lillian Stump Shands at Starke Fund

Dear [REDACTED]

In 2004, you contributed to the Lillian Stump Shands at Starke Fund for the benefit of the University of Florida. We are contacting you about a proposed modification to the name and purpose of the fund.

As you may recall, the fund was established to support teaching, research and programs at Shands at Starke. However, the University of Florida is no longer affiliated with the facility in Starke (the facility retains a similar name but is now owned by a corporation). As a result, it has become impossible to administer the fund as originally intended.

The fund was established at and continues to be held by the University of Florida Foundation, Inc., which is a 501(c)(3) charitable organization and a direct-support organization that raises and manages gift monies for the University of Florida. When a charitable organization is unable to use gift monies as intended, a petition may be filed with a court asking for a modification. In this case, the Foundation intends to file a petition that requests that the name of the fund become the Lillian Stump Professional Nursing Education Fund and that the purpose of the fund become "...to support continuing professional education for nurses working at UF Health Shands facilities." We believe that this modification is consistent with Ms. Stump's dedication to the nursing field.

If you have any concerns about this modification, would you please contact me by November 30, 2016, at tboonstra@uff.ufl.edu or 352-392-8418? I am a staff attorney providing legal support to the Foundation.

Thank you for your support of the endowment fund, and for your consideration of this proposed modification.

Sincerely,

A handwritten signature in cursive script that reads 'Tara Boonstra'.

Tara Boonstra
Assistant Legal Counsel



November 10, 2016

[REDACTED]
Starke, FL 32091

Re: Your contribution to the Lillian Stump Shands at Starke Fund

Dear [REDACTED]

In 2004, you contributed to the Lillian Stump Shands at Starke Fund for the benefit of the University of Florida. We are contacting you about a proposed modification to the name and purpose of the fund.

As you may recall, the fund was established to support teaching, research and programs at Shands at Starke. However, the University of Florida is no longer affiliated with the facility in Starke (the facility retains a similar name but is now owned by a corporation). As a result, it has become impossible to administer the fund as originally intended.

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If you have any concerns about this modification, would you please contact me by November 30, 2016, at tboonstra@uff.ufl.edu or 352-392-8418? I am a staff attorney providing legal support to the Foundation.

Thank you for your support of the endowment fund, and for your consideration of this proposed modification.

Sincerely,


Tara Boonstra
Assistant Legal Counsel

November 15, 2016

The Honorable Pam Bondi
Attorney General of the State of Florida
Office of the Attorney General
By email to Blaine.Winship@myfloridalegal.com

RE: Notice of Petition to Modify Restrictions on Use of Fund

Dear Attorney General Bondi:

Section 617.2104(6)(e), Florida Statutes, requires that the Attorney General be notified of a request to a circuit court to modify the charitable purpose contained in a gift instrument. Toward that end, we enclose a copy of a Petition to Modify Restrictions on Use of Fund that we intend to file.

The gift instrument is a gift agreement executed in 2001. The document states that the gift monies will be used to support activities at a facility that is no longer affiliated with the University of Florida, thereby making the gift impossible to administer as set forth in the gift instrument. As far as we know, the donor is living, but unfortunately she has not responded to multiple communication attempts over 5 years. The donor is unmarried and had no children. We intend to request that the purpose and name be modified in a manner that we believe is consistent with the donor's interests and intent.

With respect to the enclosed petition, we note that Section 1004.28, Florida Statutes, protects donor identities and makes most of our records confidential and exempt from Section 119.07(1), Florida Statutes.

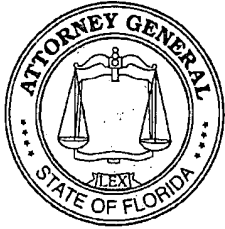
If you or your staff have questions or concerns, please feel free to contact me at (352) 392-8418 or tboonstra@uff.ufl.edu. In the past, Blaine Winship has provided a letter of no objection on behalf of your office, and if appropriate in this case, we would appreciate receiving such a letter to be included with the petition. Thank you for your consideration of this matter.

Sincerely,



Tara Boonstra
Assistant Legal Counsel

Enclosure



PAM BONDI
ATTORNEY GENERAL
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL
General Civil Litigation -State Programs Section

BLAINE H. WINSHIP
Special Counsel

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November 21, 2016

VIA U.S. MAIL AND EMAIL

Tara Boonstra, Esq.
2012 W. University Avenue
Gainesville, FL 32603

Re: *In re: Lillian Stump Shands at Starke Fund* (Fla. Cir. Ct. 8th Jud. Cir.)

Dear Ms. Boonstra:

I have received your email to me of November 15, 2016, and the attached "Petition to Modify Restrictions on Use of Funds" in the above-referenced matter. Based upon my review of these materials, and today's email from you to me indicating that the purchaser of the Shands at Starke facility was a for-profit entity, please be advised that the Attorney General of Florida does not object to the requested modification of the Lillian Stump Shands at Starke Fund.

Very truly yours,

Blaine H. Winship

Blaine H. Winship
Special Counsel