

INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
401 W. PEACHTREE ST. NW  
ATLANTA, GA 30365

DEPARTMENT OF THE TREASURY

IRS  
501(c)(3)

Date: APR 14 1994

CHRISTMAS IN APRIL \* MONTGOMERY,  
INC.  
PO BOX 4731  
MONTGOMERY, AL 36103

Employer Identification Number:  
63-1108865  
Case Number:  
584061094  
Contact Person:  
ROBERTA VAN METER  
Contact Telephone Number:  
(404) 331-0185  
Accounting Period Ending:  
December 31  
Foundation Status Classification:  
509(a)(1)  
Advance Ruling Period Begins:  
December 10, 1993  
Advance Ruling Period Ends:  
December 31, 1997  
Addendum Applies:  
Yes

Dear Applicant:

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make a final determination of your foundation status.

If we publish a notice in the Internal Revenue Bulletin stating that we

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will no longer treat you as a publicly supported organization; grantors and contributors may not rely on this determination after the date we publish the notice. In addition; if you lose your status as a publicly supported organization; and a grantor or contributor was responsible for, or was aware of, the act or failure to act; that resulted in your loss of such status; that person may not rely on this determination from the date of the act or failure to act. Also; if a grantor or contributor learned that we had given notice that you would be removed from classification as a publicly supported organization; then that person may not rely on this determination as of the date he or she acquired such knowledge.

If you change your sources of support; your purposes; character; or method of operation; please let us know so we can consider the effect of the change on your exempt status and foundation status. If you amend your organizational document or bylaws; please send us a copy of the amended document or bylaws. Also; let us know all changes in your name or address.

As of January 1, 1984; you are liable for social securities taxes under the Federal Insurance Contributions Act on amounts of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the private foundation excise taxes under Chapter 42 of the Internal Revenue Code. However; you are not automatically exempt from other federal excise taxes. If you have any questions about excise; employment; or other federal taxes; please let us know.

Donors may deduct contributions to you as provided in section 170 of the Internal Revenue Code. Bequests; legacies; devises; transfers; or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055; 2106; and 2522 of the Code.

Donors may deduct contributions to you only to the extent that their contributions are gifts; with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions; depending on the circumstances. Revenue Ruling 67-246; published in Cumulative Bulletin 1967-2; on page 104; gives guidelines regarding when taxpayers may deduct payments for admission to; or other participation in; fundraising activities for charity.

You are not required to file Form 990; Return of Organization Exempt From Income Tax; if your gross receipts each year are normally \$25;000 or less. If you receive a Form 990 package in the mail; simply attach the label provided; check the box in the heading to indicate that your annual gross receipts are normally \$25;000 or less; and sign the return.

If you are required to file a return you must file it by the 15th day of the fifth month after the end of your annual accounting period. We charge a penalty of \$10 a day when a return is filed late; unless there is reasonable

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cause for the delay. However, the maximum penalty we charge cannot exceed \$5,000 or 5 percent of your gross receipts for the year, whichever is less. We may also charge this penalty if a return is not complete. So, please be sure your return is complete before you file it.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.


You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, we will assign a number to you and advise you of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

If we said in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help us resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

  
Nelson A. Brooke  
District Director

Enclosure(s):  
Addendum  
Form 872-C

CHRISTMAS IN APRIL \* MONTGOMERY,

You are required to make your annual return available for public inspection for three years after the return is due. You are also required to make available a copy of your exemption application, and supporting documents, and this exemption letter. Failure to make these documents available for public inspection may subject you to a penalty of \$10 per day for each day there is failure to comply (up to a maximum of \$5,000 in the case of an annual return). See Internal Revenue Service Notice 88-120, 1988-2 C.B. 454, for additional information.

If your organization conducts fund-raising events such as benefit dinners, auctions, membership drives, etc., where something of value is received in return for contributions, you can help your donors avoid difficulties with their income tax returns by assisting them in determining the proper tax treatment of their contributions. To do this you should, in advance of the event, determine the fair market value of the benefit received and state it in your fund-raising materials such as solicitations, tickets, and receipts in such a way that your donors can determine how much is deductible and how much is not. To assist you in this, the Service has issued Publication 1391, Deductibility of Payments Made to Charities Conducting Fund-Raising Events. You may obtain copies of Publication 1391 from your local IRS Office. Guidelines for deductible amounts are also set forth in Revenue Ruling 67-246, 1967-2 C.B. 104 and Revenue Procedure 90-12, 1990-1 C.B. 471 and Revenue Procedure 92-49, 1992-26 I.R.B. 18.

The value of time or personal services contributed to your organization by volunteers is not deductible by those volunteers as a charitable contribution for Federal income tax purposes. You should advise your volunteers to this effect.

**Consent Fixing Period of Limitation Upon Assessment of Tax Under Section 4940 of the Internal Revenue Code**

(Rev. July 1993)

Department of the Treasury  
Internal Revenue Service

(See instructions on reverse side.)

To be used with  
Form 1023. Submit  
in duplicate.

Under section 6501(c)(4) of the Internal Revenue Code, and as part of a request filed with Form 1023 that the organization named below be treated as a publicly supported organization under section 170(b)(1)(A)(vi) or section 509(a)(2) during an advance ruling period,

.....  
Christmas in April\* Montgomery, Inc.  
.....  
*(Exact legal name of organization as shown in organizing document)*

.....  
P.O. Box 4731, Montgomery, AL 36103  
.....  
*(Number, street, city or town, state, and ZIP code)*

} and the  
District Director of  
Internal Revenue, or  
Assistant  
Commissioner  
(Employee Plans and  
Exempt Organizations)

Consent and agree that the period for assessing tax (imposed under section 4940 of the Code) for any of the 5 tax years in the advance ruling period will extend 8 years, 4 months, and 15 days beyond the end of the first tax year.

However, if a notice of deficiency in tax for any of these years is sent to the organization before the period expires, the time for making an assessment will be further extended by the number of days the assessment is prohibited, plus 60 days.

Ending date of first tax year ..... December 31, 1993  
.....  
*(Month, day, and year)*

Name of organization (as shown in organizing document)	Date
Christmas in April* Montgomery, Inc.	2/11/94
Officer or trustee having authority to sign	
Signature ▶ <i>[Handwritten Signature]</i>	Title ▶ PRESIDENT

**For IRS use only**

District Director or Assistant Commissioner (Employee Plans and Exempt Organizations)	Date
Nelson A. Brooke	4/14/94

By ▶ *[Handwritten Signature]* EO Reviewer