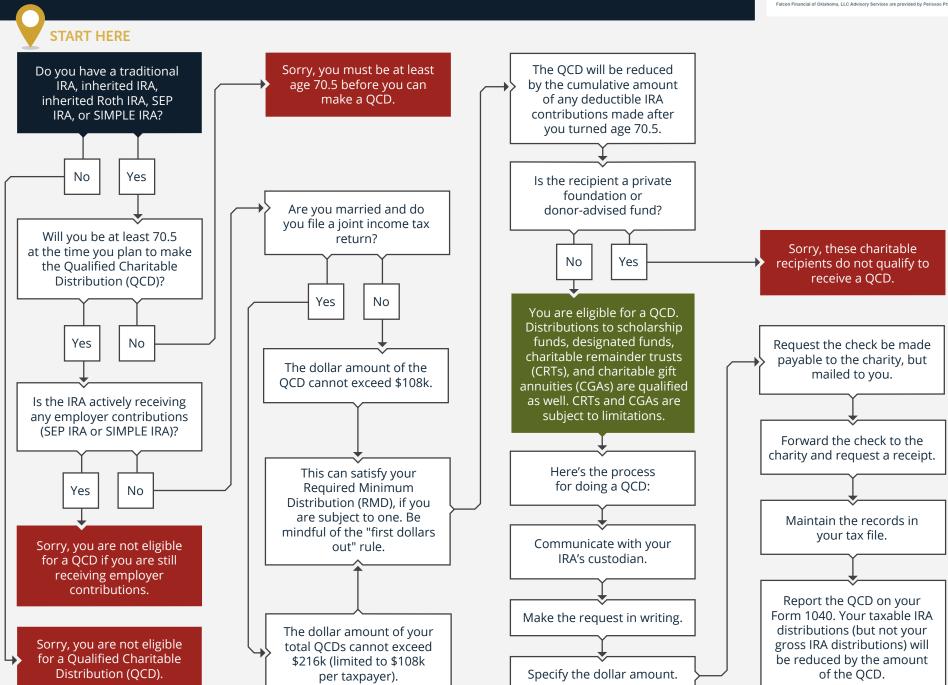
2025 · CAN I DO A QUALIFIED CHARITABLE DISTRIBUTION FROM MY IRA?







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Christi Powell, Founder/Principal

2025 · COMMON CHARITABLE GIVING VEHICLES



| | DONOR ADVISED FUND (DAF) | CHARITABLE LEAD TRUST (CLT) ¹ | CHARITABLE REMAINDER TRUST (CRT) ¹ | POOLED INCOME FUND (PIF) | CHARITABLE GIFT ANNUITY (CGA) |
|--|--|---|---|---|---|
| VEHICLE TYPE | Dedicated Charitable Fund | Irrevocable Trust | Irrevocable Trust | Irrevocable Trust | Lifelong Annuity Contract |
| WHAT DOES THIS VEHICLE DO? | A DAF gives donors full control over when and how much they distribute to a charity, while also providing a tax deduction | A CLT pays a stream of income to a charity for a defined period, leaves a death benefit to a person, and provides a tax deduction | A CRT pays a stream of income to a person for a defined period, leaves a death benefit to a charity, and provides a tax deduction | A PIF pays a stream of income to a person for a defined period, leaves a death benefit to a charity, and provides a tax deduction | A CGA pays a stream of income to a person for a defined period, leaves a death benefit to a charity, and provides a tax deduction |
| WHY MIGHT SOMEONE CONSIDER CHOOSING THIS VEHICLE? | Can keep assets invested with your custodian/advisor while maintaining control over the timing and amount of distributions | Removes assets from being subject to the estate tax while preserving/growing a legacy value to heirs (for nongrantor trusts only) | More privacy and control over the management of the trust (when compared to a PIF) | Potential for higher income (though less predictable), and allows for younger income beneficiaries | Actuarially derived income calculation, which may be suitable to those with good health and longevity |
| WHO RECEIVES THE INCOME/DISTRIBUTIONS? | The charity | The charity | The donor, family, or heirs | The donor, family, or heirs | The donor, family, or heirs |
| WHO RECEIVES THE DEATH BENEFIT? | The charity | The donor, family, or heirs | The charity | The charity | The charity |
| WHO RECEIVES THE TAX DEDUCTION? | The donor | Grantor: The donor Nongrantor: The trust | The donor | The donor | The donor |
| ARE ADDITIONAL DEDUCTIBLE CONTRIBUTIONS ALLOWED? | Yes | CLUT: Yes CLAT: No | CRUT: Yes CRAT: No | Yes | No |
| CAN IT BE FUNDED WITH A QCD? | No | No | Yes, subject to limitations | No | Yes, subject to limitations |
| DO I HAVE CONTROL OVER THE UNDERLYING INVESTMENTS? | Yes | Yes | Yes | No | No |
| DO I HAVE CONTROL OVER THE TIMING/AMOUNT OF DISTRIBUTIONS? | Yes | CLUT: Yes CLAT: No | CRUT: Yes CRAT: No | No | No |
| IS THE INCOME FIXED, FLEXIBLE, OR VARIABLE? | Flexible | CLUT: Variable CLAT: Fixed | CRUT: Variable CRAT: Fixed | Variable | Fixed |

2025 · COMMON CHARITABLE GIVING VEHICLES



| | DONOR ADVISED FUND (DAF) | CHARITABLE LEAD TRUST (CLT) ¹ | CHARITABLE REMAINDER TRUST (CRT) ¹ | POOLED INCOME FUND (PIF) | CHARITABLE GIFT ANNUITY (CGA) |
|---|-----------------------------|---|--|--|--|
| IS THERE A REQUIRED MINIMUM AGE FOR INCOME BENEFICIARIES? | N/A | N/A | Yes | No | Yes |
| WHO SETS THIS VEHICLE UP? | A custodian | An attorney | An attorney | A nonprofit organization | A nonprofit organization |
| IS A SEPARATE TAX RETURN REQUIRED? | No | Yes | Yes | Yes ² | No |
| WHAT IS THE AMOUNT OF THE TAX DEDUCTION? | The contribution amount | Grantor: The present value of the charitable interest Nongrantor: The gross income distributed each year | The present value of the remainder interest | Calculated based on several variables ³ | The contribution less the present value of the payments that will be made to the annuitant |
| WHEN DOES INCOME/ DISTRIBUTIONS BEGIN? | Flexible | Immediately | Immediately | Immediately | Immediately or Deferred |
| IS THE INCOME/ DISTRIBUTION TAXABLE? | No | "Excess income" generated is taxable to the trust | Yes | Yes | Yes |
| HOW IS THE INCOME TAXED? | N/A | Taxable at trust rates | Variable and complex taxation rules ⁴ | Fully taxable as ordinary income | Pro rata taxation until basis is recovered, then fully taxable ⁵ |
| HOW MUCH INCOME IS PAID OUT? | Flexible | Fixed percentage of the FMV CRUT: Valued annually CLAT: Valued at inception | 5–50% of the FMV CRUT: Valued annually CRAT: Valued at inception | The PIF pays out all income generated anually | Determined actuarially (e.g., age, sex, single, joint, etc.) |
| HOW LONG DOES THE INCOME LAST? | Flexible | (1) Over the lifetime of an individual (or individuals) (2) A set period of years | (1) Lifetime (single or joint) (2) Fixed term (1–20 years) | Over the lifetime of an individuals) | Lifetime (single or joint) |
| IS THE DEATH BENEFIT TAXED? | No | Grantor: Yes, estate tax Nongrantor: No | No | No | No |

¹In general, a charitable unitrust (e.g., CRUT, CLUT) may give one more control and flexibility, while an annuity trust (e.g., CRAT, CLAT) may give one more predictability toward a specific desired outcome. However, the factors behind such a decision are complex and may require the assistance of a professional (i.e., an attorney).

²While a PIF does require an annual tax return to be filed, this is generally handled by the charity that is running the PIF.

³The tax deduction amount for a PIF is determined by several factors (e.g., FMV of gift, IRS-determined rate of return, number of income beneficiaries, ages of beneficiaries, etc.).

⁴The taxation of CRT distributions follows a complex hierarchy that first taxes certain types of income before taxing other types of income (e.g., ordinary income, capital gains, tax-free, principal, etc.).

⁵Income from a CGA is derived via annuitization and consists of gains (taxed as ordinary income) and basis (nontaxable). It becomes fully taxable as ordinary income once the basis is recovered.



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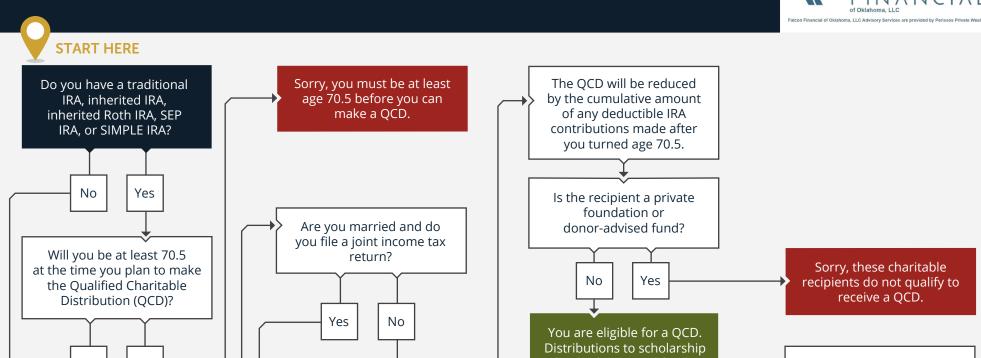
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Christi Powell, Founder/Principal

2025 · CAN I DO A QUALIFIED CHARITABLE DISTRIBUTION FROM MY IRA?





Request the check be made payable to the charity, but mailed to you. subject to limitations.

> Maintain the records in your tax file.

> > Report the QCD on your Form 1040. Your taxable IRA distributions (but not your gross IRA distributions) will be reduced by the amount of the QCD.

funds, designated funds, No Yes charitable remainder trusts The dollar amount of the (CRTs), and charitable gift OCD cannot exceed \$108k. annuities (CGAs) are qualified as well. CRTs and CGAs are Is the IRA actively receiving any employer contributions (SEP IRA or SIMPLE IRA)? Forward the check to the charity and request a receipt. Here's the process This can satisfy your Required Minimum for doing a QCD: Yes No Distribution (RMD), if you are subject to one. Be mindful of the "first dollars Communicate with your Sorry, you are not eligible out" rule. IRA's custodian. for a QCD if you are still receiving employer contributions. Make the request in writing. The dollar amount of your Sorry, you are not eligible total QCDs cannot exceed for a Oualified Charitable \$216k (limited to \$108k Specify the dollar amount. Distribution (QCD). per taxpayer).



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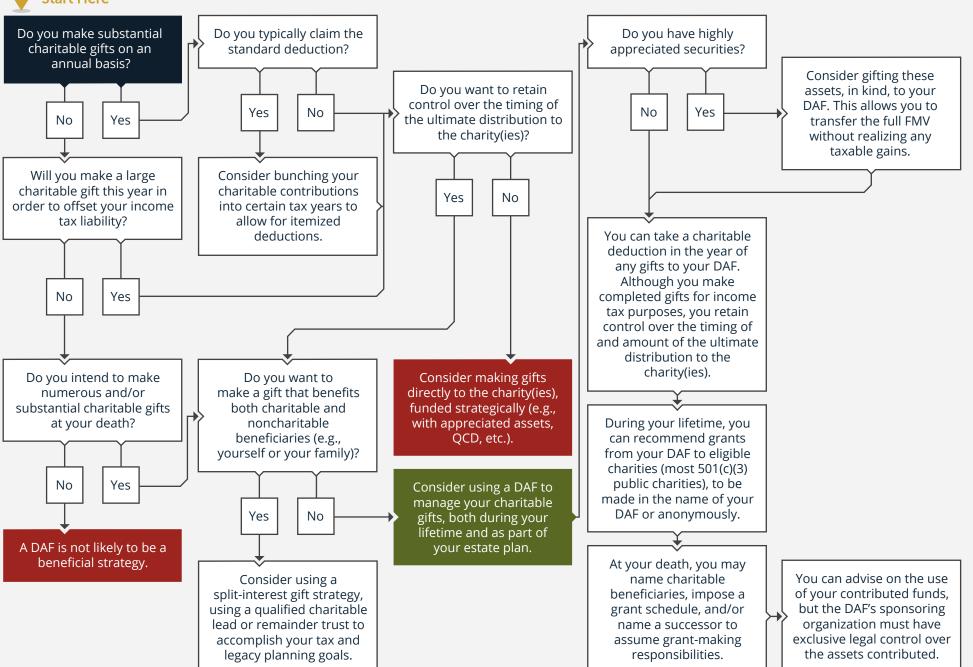
Christi Powell, Founder/Principal

2025 · SHOULD I USE A DONOR ADVISED FUND (DAF) WHEN GIVING TO PUBLIC CHARITIES?





Start Here





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Christi Powell, Founder/Principal

Testamentary CRT's Post-SECURE Act

"InSECURE": A Solution to Maintain Lifetime Payouts from an IRA Left to Loved Ones

Introduction

The SECURE Act, which was signed into law on December 20, 2019, significantly changes the rules that apply to distributions from IRAs, 401(k)s, and similar accounts after the passing of a plan participant. The new law eliminates most lifetime stretch distributions and requires most beneficiaries to withdraw the full account balance within ten years.

The economic loss to these beneficiaries is significant because the average age most people inherit IRAs is between ages 50-55 and they are already at their peak income-earning years. Therefore they'd ideally "stretch" the inherited IRA payments over their lives, but they no longer can do so.

Naming a charitable remainder trust may increase the tax savings for beneficiaries compared to using the new ten-year rule for distributions. Individuals who leave a surviving spouse have most, but not all, of the same "stretch IRA" options they had before 2020. The surviving spouse is still able to roll the IRA over to his or her own IRA and not take distributions until age 72.

Eligible Designated Beneficiaries

In addition to the above, there is still much to consider because, after the death of the surviving spouse, the payout to or for children or other beneficiaries will typically have to be distributed within ten years for "designated beneficiaries" if things are set up correctly, or within five years if not done correctly. There are certain recipients who can still stretch the inherited retirement plan over their lifetimes. The exceptions to the ten-year rule include the following:

- Individuals who are less than ten years younger than the deceased participant.
- A disabled or chronically ill individual.
- A child until she reaches the age of majority.
- A surviving spouse.

No Creditor Protection When IRA is Left Directly to Loved Ones

In 2014 the Supreme Court's decision of <u>Clark v. Rameker</u> acknowledged that while the bankruptcy code is intended to protect the retirement accounts of debtors, it is *not* meant to protect the inherited IRAs. Because inherited IRAs do not allow for contributions, or do not have early withdrawal penalties

associated with them, the unanimous Supreme Court decision acknowledged that inherited IRAs are "freely consumable" by the beneficiary, and thus are available to the creditors of the beneficiary as well.

This Supreme Court decision will now leave those who are expecting to have creditor protection exposed. From a proactive planning perspective, the *Clark* decision made it more appealing to leave inherited retirement accounts to loved ones in trust, than directly. The challenge now in 2020 is that the SECURE Act reduced the creditor protection that traditional trusts have offered retirement assets. (More on "conduit" trusts below).

Traditional Trust Planning with Retirement Assets

Because retirement assets are typically the largest asset in an individual's estate, special planning is required to ensure the beneficiaries inherit these assets in the most optimal way, customized for each beneficiary. Before 2020, retirement assets could be payable to a "see-through" trust. These IRA trusts are known as either "conduit" trusts or "accumulation" (or discretionary) trusts.

Under the old rules, if the IRA trust qualified as a see-through trust, the trust beneficiaries were treated as if they were named directly, and the stretch payout was permitted. With a <u>conduit trust</u>, RMDs are paid from the inherited IRA to the trust and distributed to the trust beneficiaries annually. With a <u>conduit trust</u>, the beneficiaries paid tax on the RMDs at the beneficiary's own tax rate.

With an <u>accumulation trust</u>, the trustee has the discretion to decide whether to pay out the RMDs immediately to the trust beneficiaries or instead retain the assets in the trust to preserve the funds. Unfortunately, when the RMD funds are kept in the <u>accumulation trust</u>, they are taxed to the trust at the high trust tax rates, instead of being taxed to the beneficiaries directly.

In 2020 and beyond, the problem with the <u>conduit trust</u> is there are zero RMDs and at the end of the ten years, the entire balance in the inherited IRA would be paid out to the beneficiaries. This results in no funds remaining protected in the trust after the ten years and leaves recipients with a mega tax bill.

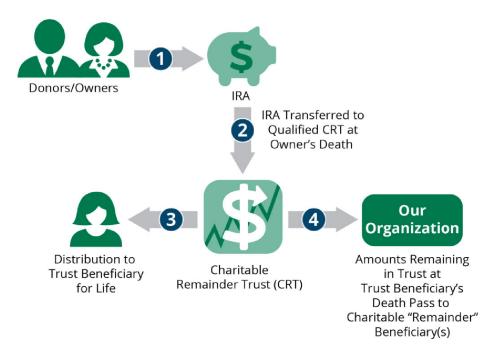
If an <u>accumulation trust</u> is a beneficiary, then again, all of the inherited IRA funds would have to be paid to the trust by the end of the ten years. Since this is an <u>accumulation trust</u>, the trustee does not have to pay out all of the funds to the trust beneficiaries, so the funds could remain in the trust and be protected, but at a cost. After those 10 years, the entire trust would be taxed at federal trust tax rates, which are taxed at 37% over just \$12,950 of income in 2020.

Testamentary Charitable Remainder Trusts

For donors who wish to provide for charity with an estate gift and establish a reliable income stream to one or more heirs, using retirement plan assets to fund a testamentary charitable remainder trust (TCRT) can be an effective way to accomplish both goals. In a series of positive private letter rulings, the IRS determined this transfer would not trigger federal income tax on the entire balance.^[1] Instead the income tax is applied only as this income is distributed individually to the income beneficiaries of the CRT.

At the passing of the IRA owner, all the money leaves the IRA to the CRT and no income tax is paid, and now the charity is going to receive the IRA but before it does, the donors loved ones will get income

for the rest of their life based on the entire 100% of the value of the IRA instead of rather than only 60% after taxes are paid.



Example

In 2020 Vivian Smith, age 80 is revising her estate plans for her son Tom, age 45. Unfortunately, Tom is going through a divorce at this time and has been between jobs. Vivian's largest asset is her IRA and named her son Tom as the IRA's only designated beneficiary. In 2025, at the time of Vivian's death, Tom is age 50. The value of Tom's inherited IRA is \$500,000. Let's look at three potential outcomes that Vivian can control as she reviews her estate plans in 2020.

Assume first that Tom is not the most financially sophisticated and In 2025 immediately withdraws the IRA account and pays income taxes at an effective rate of, say, 45% (federal and state combined), his net after-tax value is \$275,000. Even worse, imagine that Tom has serious debts From his divorce and his creditors are able to take the entire retirement plan before he receives any benefit.

Second, assume the Tom clears up his creditor problems on his own (By 2035) and is also wise enough to maximize his deferral so he instead waits ten years and then withdraws the entire account. Also assuming that the rate of investment return inside the inherited IRA is 7% and that Toms's after-tax rate of return is 3.9%, his after-tax net present value is \$370,771, which is certainly an improvement of \$95,771 compared to the first outcome.



Vivian Smith initially didn't have any intention of leaving any of her IRA to charity but is pleased that she will support her church. Vivian will also provide a lifetime "stretch" of payments to Tom and protect the asset from any creditor issues he has.

Finally, assume that Back in 2020 Vivian back establishes and names as the IRA's beneficiary a testamentary charitable remainder unitrust (CRUT), paying Tom 5% of the trust's value each year (5% unitrust) for life, assuming that the CRUT earns an annual return on investment of 7% and makes payments to Tom at the end of each year.

Vivian decides that she wants the trustee to have the "sprinkling" authority to allocate the income between the beneficiaries. So she makes both Tom and her church income beneficiaries. If Tom makes poor life choices the trustee can decide to allocate income to the church instead of Tom. However if Tom remains employed, and passing random drug tests, Tom can expect to continue to get the full 5% of the payments each year of his life. [2]

Tom lives to age 87, and the present value of his income payments from the time, when the CRUT is funded, is \$668,811. This result is a significant improvement of \$393,811 over the first outcome if Tom takes an immediate lump sum. Additionally, the present value of the charity's remainder interest is \$81,132 (7% discount rate assumed because neither the CRUT nor the charity pays income taxes).

Conclusion

For those who are willing to "pledge" part of their retirement assets to charity, they can still provide the "stretch IRA" experience for their adult children and also leave a charitable legacy. For affluent families large enough to owe federal estate tax, a transfer of retirement plan assets into a charitable remainder trust is eligible for an estate tax deduction in addition to the income tax deferral for beneficiaries to "stretch" the payments over their lifetimes.

When someone has designated a trust as the beneficiary of their retirement accounts, they should review the drafting of that trust with an estate planning attorney to understand the implications of the SECURE Act. With careful attention by your estate planning attorney, a trust can be designed to hold an IRA that need not distribute all IRA withdrawals within 10 years and may instead accumulate those withdrawals (but at higher trust income tax rates). For those with some charitable intent, they can establish a trust that can pay income for the lifetime of their children, or other loved ones, at their own (likely lower) income tax rates.

 $^{[1]}$ See PLR 9237020 and PLR 9253038 which address IRA's and 401k assets

^[2]This clause should not disqualify the trust [IRC §674(c), Rev. Rul. 77-73, PLR 9052038], although naming a charity as an income beneficiary does not increase the donor's income tax charitable deduction Reg. §1.664-3(d).

Our online tools make it very simple for planned giving officers and professional advisors to draft a comprehensive Testamentary CRT document to be funding with retirement benefits, for more information get in touch with us.

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2025 · WHAT ISSUES SHOULD I CONSIDER WHEN ESTABLISHING MY CHARITABLE GIVING STRATEGY?



| FOUNDATIONAL ISSUES | YES | NO |
|---|-----|----|
| Have you identified what motivates you to give? Do you need to confirm that your giving is matched to your values? | | |
| > Do you need to establish a giving plan? If so, consider creating a plan to help you decide rationally, make impactful gifts, and respond when solicited for support. | | |
| Do you need to conduct due diligence on a charity? If so, consider the following: Review the charity's mission, leadership, financial health, results, etc. Understand how your gift would be used (e.g., overhead, general fund, specific causes). | | |

| CASH FLOW ISSUES | YES | NO |
|--|-------------------------------------|----|
| Do you need to quantify how much you can afford to give | ? 🗆 | |
| Is your income fluctuating this year? If so, consider how this impacts your tax incentives and ability to make (or forego male deductible charitable gifts. | I . | |
| Do you want to make a substantial gift to a charity during lifetime, but also want an income stream for yourself or another noncharitable beneficiary? If so, consider the followall of the charity you wish to benefit offers a charitable gift annual (CGA), you can give cash, securities, and possibly other asse exchange for a fixed stream of income from the charity for you lifetime. (Note the gift tax consequences if the noncharitable annuitant is not yourself.) A charitable remainder annuity trust (CRAT) can make annual payments of a fixed amount of the trust's assets to you or a noncharitable beneficiary for a term of years (not to exceed or lifetime(s), with the remainder passing to the charitable beneficiaries. (continue on next column) | wing: uity ts in your e | |

| CASH FLOW ISSUES (CONTINUED) | YES | NO |
|---|-----|----|
| A charitable remainder unitrust (CRUT) can make annual payments of a fixed percentage of the trust's assets, revalued each year, to you or a noncharitable beneficiary for a term of years (not to exceed 20) or lifetime(s), with the remainder passing to the charitable beneficiaries. | | |
| Do you want to make a substantial gift to benefit a charity for a term of years, but ultimately retain the assets for yourself or your heirs? If so, consider the following: A charitable lead annuity trust (CLAT) can make payments of a fixed amount for a term of years, lifetime(s), or a combination thereof, with the remainder passing to noncharitable beneficiaries of your choice (e.g., your heirs). A charitable lead unitrust (CLUT) can make payments of a fixed percentage of the trust's assets, valued annually, for a term of years, lifetime(s), or a combination thereof, with the remainder passing to noncharitable beneficiaries of your choice | | |
| (e.g., your heirs). | | |
| (e.g., your heirs). ASSET ISSUES | YES | NO |
| | YES | NO |

2025 · WHAT ISSUES SHOULD I CONSIDER WHEN ESTABLISHING MY CHARITABLE GIVING STRATEGY?



| ASSET ISSUES (CONTINUED) | YES | NO |
|--|-----|----|
| Do you have a traditional IRA, and are you over age 70.5? If so, consider making a Qualified Charitable Contribution (QCD) of up to \$108,000 (per tax year), which would be excluded from taxable income. If you are subject to taking RMDs, a QCD can count toward satisfying your RMD. Note the "first dollars out" rule. | | |
| Do you have time and/or skills that you can contribute? If so, you may not take a deduction for the value of your services; however, you may be able to deduct unreimbursed expenses that you incur as a direct result of services you perform. | | |
| TAX ISSUES | YES | NO |
| Did/will you make charitable gifts this year? If so, consider the following: Any cash gift must be substantiated by financial statements or written confirmation from the charity. Cash gifts of \$250 or more must be supported by a contemporaneous written acknowledgment (CWA) from the charity. Generally, noncash gifts of more than \$500 require the filing of Form 8283 (in addition to a CWA for noncash gifts of more than \$250). Noncash gifts of more than \$5,000 must also be supported by a qualified appraisal (unless an exception applies, e.g., for publicly traded securities, vehicles, etc.). For noncash gifts exceeding \$500,000, the qualified appraisal must be filed with your 1040. | | |
| Did you receive anything of value in exchange for a charitable gift? If so, you may take a deduction to the extent that your gift exceeds the FMV of the goods or services you received in return. A charity must provide to you a written disclosure if you make a quid pro quo gift of \$75 or more. | | |
| Do you want to make completed gifts for income tax purposes this year, but delay/spread the distributions to charities over multiple years? If so, consider the following: ■ A donor advised fund (DAF) allows you to make a gift and take an immediate charitable deduction while delaying delivery of the funds to the charities of your choosing. (continue on next column) | | |

| TAX ISSUES (CONTINUED) | YES | NO |
|---|-----|----|
| ■ You can use a DAF to "bunch" several years of gifts in one tax year, taking advantage of the itemized charitable deduction when your gifts might have otherwise been covered by the standard deduction. You can then spread the grants from your DAF over future years to smooth the impact to the charities. | | |
| Do you need help determining the deductibility of your gift(s)? If so, consider the following: Charitable gifts are itemized deductions (deductible to the extent that they exceed the standard deduction). If your charitable gifts are less than 20% of your AGI, you can generally take a full deduction. Above this threshold, there are several deduction limitation categories, including 60%, 50%, and 30% of your AGI, which may apply depending upon the nature of the charitable gift and beneficiary. Excess deductions can be carried forward for five years. | | |
| Does your taxable estate exceed your unused federal estate and gift tax exclusion amount (maximum \$13.99 million or \$27.98 million if you are married)? If so, consider incorporating charitable gifts in your estate plan to reduce your federal estate tax liability. | | |
| | | |
| OTHER ISSUES | YES | NO |
| Do you wish to remain anonymous? | | |
| Do you need to review your gifting history and impact? | | |
| Do you want to impose restrictions on the use of gifted assets? If so, consider earmarking your funds for a specific use, cause, or initiative (provided that you don't jeopardize the gift's deductibility). | | |
| Have you signed a pledge agreement under which you are | | |

fulfilling annual promises? If so, consider funding (or pre-funding)

your pledges when the market is up.



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Christi Powell, Founder/Principal

2025 · WHAT ISSUES SHOULD I CONSIDER WHEN REVIEWING MY BENEFICIARIES?



| BENEFICIARY ISSUES | | YES | NO |
|--|--|-----|----|
| Do you need to review your bendup to date? If so, consider whether your benefined reflect your overall estate wishes, a factors that may affect your heirs' marketability, taxable vs. non-taxal investments, etc.). | iciary designations accurately and be cognizant of different outcomes (e.g., illiquidity, lack of | | |
| Are your named beneficiaries di trust dictates should happen? If so, consider whether your accou desire. Remember that beneficiari or will. | nt will transfer in the way you | | |
| If you are charitably inclined, do investments you intend to leave If so, consider assets that are bette such as assets that do not receive non-qualified annuities) and/or assincome (e.g., pre-tax qualified according to the control of the control | e to charity? er suited for charitable giving, a step-up in basis (e.g., sets that are taxed as ordinary | | |
| Do you need to review the plant and non-qualified accounts bein If so, consider the tax implications (which generally receive a step-up (which are fully taxed as ordinary i Roth accounts) on your heirs. Be coassets, as some heirs may be left v | g left to your heirs? of non-qualified accounts in basis) and qualified accounts ncome, with the exception of ognizant of how you divide these | | |
| Po you have your "estate" listed If so, remember that assets left to probate. Consider updating your b accurately reflect your wishes. (cor | your estate will be subject to eneficiary if this does not | | |

| BENEFICIARY ISSUES (CONTINUED) | YES | NO |
|--|-----|----|
| Do any of your accounts have a trust listed as the beneficiary? If so, consider reviewing the trust provisions to ensure the trust is still up to date and relevant to your situation/wishes. If the account is an annuity, consider any potential challenges and limitations (e.g., potential loss of preferential tax treatment, potential forced liquidation over the 5-Year Rule, etc.) that may affect your situation. | | |
| Are you concerned about your heirs being subject to unfavorable RMD rules from an inherited IRA? If so, consider strategies that may mitigate the impact of RMDs on your heirs. | | |
| Are you concerned about an estate tax liability? If so, consider ways you might remove assets from your estate (or freeze them). Review your existing beneficiaries, and determine whether you can mitigate any potential estate tax issues. | | |



Focused On Helping Clients Flourish Financially and Personally

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Christi Powell, Founder/Principal