

**The American Legion  
Department of Nebraska**

**RESOLUTION**

Resolution No. 122

Subject: Bequests

Submitted by: Finance Committee, D3, D9, D11

Referred to:  
(1) DEC

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WHEREAS, The American Legion, Department of Nebraska, Bylaws state in Article XII, "Section 1. The American Legion, Department of Nebraska, is empowered to accept and receive gifts, devises or bequests of funds, chattels, money or real estate, or the income there from.

Section 2. The property shall be administered by trustees hereinafter designated as hereinafter provided. All funds received by the said trustees shall be held in trust for The American Legion, Department of Nebraska, and all moneys, securities, or other chattel property shall be deposited by the Department Finance Officer of The American Legion, Department of Nebraska, in a suitable and responsible depository; and the bond of said Department Finance Officer shall cover said trust fund deposits.

Section 3. The trustees shall use due diligence to invest promptly and keep invested any and all moneys belonging to the principal of said trust in interest bearing bonds or obligations of the United States of America, or of a state or any political subdivision thereof; or in first mortgages on improved Nebraska real estate, in an amount not over 40% of the appraised value thereof.

Section 4. The trustees shall make an annual report to the Department Convention of The American Legion each year of the receipts and expenditures of all sums and items of property; and shall, at the request of the Department Executive Committee of The American Legion, Department of Nebraska, make such special reports to said committee as it shall request.

Section 5. In instances where the donor or donors of any gifts, devises or bequests shall expressly direct the purpose for which the same shall be used, or the manner of the use thereof, such directions shall be followed by the trustees. In all other instances the Department Executive Committee of The American Legion, Department of Nebraska, shall by resolution provide for the use of such moneys.

Section 6. The trustees shall be the Department Finance Committee as now existing and their successors in office.

Section 7. The title of all property of the trust hereby created shall be vested in said trustees or their successors, and in case of property, real or personal, the trustees shall have the power to sell, lease, transfer or exchange all or any part of said property; and to execute as trustees, good and sufficient deeds of conveyance thereof, unless alienation of said property is restricted by the original gift or devise.

Section 8. The trustees shall serve without compensation and only the necessary expense of administering said trust shall be deducted therefrom.”; now, therefore, be it

**RESOLVED, By The American Legion, Department of Nebraska, in regular convention assembled in Columbus, Nebraska, on June 23, 24, 25, 26, 2022, That the Bylaws Article XII be changed effective June 26, 2022, to read:**

**“Section 1. The American Legion, Department of Nebraska, is empowered to accept and receive gifts, devises or bequests of funds, chattels, money or real estate, or the income there from.**

**Section 2. The property shall be administered by trustees ~~the Department Finance Committee (DFC) hereinafter designated as hereinafter provided and their successors in office.~~ All funds received by the said trustees **DFC** shall be held in trust for The American Legion, Department of Nebraska, and all moneys, securities, or other chattel property shall be deposited by the Department Finance Officer of ~~The American Legion, Department of Nebraska,~~ in a suitable and responsible depository; ~~and the bond of said Department Finance Officer shall cover said trust fund deposits.~~**

**Section 3. The trustees **DFC** shall use due diligence to invest promptly and keep invested any and all moneys belonging to the principal of said trust in interest bearing bonds or obligations of the United States of America, or of a state or any political subdivision thereof; or in first mortgages on improved Nebraska real estate, in an amount not over 40% of the appraised value thereof **all bequests including renewing, extending, surrendering or reinvesting as the DFC shall direct.****

**Section 4. The trustees **DFC** shall make an annual report to the Department Convention of The American Legion each year of the receipts and expenditures of all sums and items of property; and shall, at the request of the Department Executive Committee of The American Legion, Department of Nebraska, make such special reports to said committee as it shall request.**

**Section 5. In instances where the donor or donors of any gifts, devises or bequests shall expressly direct the purpose for which the same shall be used, or the manner of the use thereof, such directions shall be followed by the trustees**

**DFC.** In all other instances the Department Executive Committee of The American Legion, Department of Nebraska, shall by resolution **majority vote**, provide for the use of such moneys.

~~Section 6. The trustees shall be the Department Finance Committee as now existing and their successors in office.~~

~~Section 7. The title of all property of the trust hereby created shall be vested in said trustees or their successors, and in case of property, real or personal, the trustees shall have the power to sell, lease, transfer or exchange all or any part of said property; and to execute as trustees, good and sufficient deeds of conveyance thereof, unless alienation of said property is restricted by the original gift or devise.~~

~~Section 8-6. The trustees **DFC** shall serve without compensation and only the necessary expense of administering said trust **Bequest Fund(s)** shall be deducted therefrom."~~