



**KEEPERS & CHUCKERS:
Organizing Land Records to Assure
Permanent Protection for Your Land**

**GUIDANCE DOCUMENTS
AND SAMPLE MATERIALS**

November 7, 2015

XX LAND TRUST
EASEMENT FILE COVER SHEET

Name of Property:

Date of Acquisition:

Transaction Type (e.g., purchase, donation, bargain sale, mitigation/regulatory, co-hold, other):

Easement Agreement/Contracts/Legal (all which are applicable)

- Easement Agreement
- Option agreement/Memorandum of Understanding/Purchase and Sale Agreement
- Title Report
- Title Insurance Policy
- Property appraisal(s)
- Environmental assessment
- Mortgage subordination documents
- Donor substantiation (Acknowledgement)/Tax Letter
- IRS 8283 and Summary attachment
- Amendments

Stewardship

- Baseline Documentation Report
- Stewardship Monitoring Reports
- Enforcement documentation
- Other stewardship documentation

Maps

- Survey
- Aerial Map
- Topographic Map
- Other map(s) _____

Board Documentation and Correspondence

- Board of Directors meeting minutes at which the project was approved
- Board of Directors meeting minutes at which a Stewardship funding plan was approved, if applicable
- All relevant correspondence, including emails

Historical Information

LT Publicity/Outreach

ACTIONS

Destroy all drafts/ambiguous Documents

Scan/copy/file all documents into each file (archive, office, field, digital)

FILE ARCHITECTURE & NAMES
XX LAND TRUST
EASEMENT FILE COVER SHEET

HANGING/DESKTOP FOLDER

Name of Property:

Date of Acquisition:

MANILA/FOLDER

Easement Agreement/Contracts/Legal (all which are applicable) **EASEMENT & LEGAL**

- Easement Agreement **[Property Name]EASEMENT[Date]**
- Option agreement/Memorandum of Understanding/Purchase and Sale Agreement **[Property Name]PURCHASE AGREEMENT[Date]**
- Title Report **[Property Name]TITLE REPORT[Date]**
- Title Insurance Policy **[Property Name]TITLE POLICY[Date]**
- Property appraisal(s) **[Property Name]APPRAISAL[Date]**
- Environmental hazard assessment **[Property Name]EHA[Date]**
- Mortgage subordination documents **[Property Name]MORTGAGE[Date]**
- Donor substantiation (Acknowledgement)/Tax Letter **[Property Name]DONOR LETTER[Date]**
- IRS 8283 and Summary attachment **[Property Name]8283[Date]**
- Amendments **[Property Name]AMENDMENTS[Date]**

MANILA/FOLDER

Stewardship **STEWARDSHIP**

- Baseline Documentation Report **[Property Name]BDR**
- Stewardship Monitoring Reports **[Property Name]MONITORING REPORT[Date]**
- Enforcement documentation **[Property Name]ENFORCEMENT[Date]**
- Other stewardship documentation

MANILA/FOLDER

Maps

- **[Property Name]Survey**
- **[Property Name]Aerial Map**
- **[Property Name]Topographic Map**

MANILA/FOLDER

Board Documentation and Correspondence **BOARD DOCS**

- Board of Directors meeting minutes at which the project was approved **MINUTES [DATE]**
- Board of Directors meeting minutes at which a Stewardship funding plan was approved, if applicable **MINUTES [DATE]**
- All relevant correspondence, including emails **CORRESPONDENCE re [Property Name]**

MANILA/FOLDER

Historical Information **HISTORICAL re [Property Name]**

MANILA/FOLDER

LT Publicity/Outreach **OUTREACH re [Property Name]**

ACTIONS

Destroy all drafts/ambiguous Documents

Scan/copy/file all documents into each file (archive, office, field, digital)

XX LAND TRUST
FEE/PRESERVE FILE COVER SHEET

Name of Property:

Date of Acquisition:

Transaction Type (e.g., purchase, donation, bargain sale, mitigation/regulatory, co-hold, other):

Deed/Contracts/Legal (all which are applicable)

- Warranty Deed/Quitclaim Deed
- Option agreement/Memorandum of Understanding/Purchase and Sale Agreement
- Title Report
- Title Insurance Policy
- Property appraisal(s)
- Environmental assessment
- Mortgage subordination documents
- Donor substantiation (Acknowledgement)/Tax Letter
- IRS 8283 and Summary attachment

Stewardship

- Management Plan
- Stewardship Monitoring Reports
- Enforcement documentation
- Other stewardship documentation

Maps

- Survey
- Aerial Map
- Topographic Map
- Other map(s) _____

Board Documentation and Correspondence

- Board of Directors meeting minutes at which the project was approved
- Board of Directors meeting minutes at which a Stewardship funding plan was approved, if applicable
- All relevant correspondence, including emails

Historical Information

LT Publicity/Outreach

ACTIONS

Destroy all drafts/ambiguous Documents

Scan/copy/file all documents into each file (archive, office, field, digital)

FILE ARCHITECTURE & NAMES
XX LAND TRUST
FEE/PRESERVE FILE COVER SHEET

HANGING/DESKTOP FOLDER

Name of Property:

Date of Acquisition:

MANILA/FOLDER

Deed/Contracts/Legal (all which are applicable) **DEED & LEGAL**

- Warranty Deed/Quitclaim Deed **[Property Name] DEED [Date]**
- Option agreement/Memorandum of Understanding/Purchase and Sale Agreement **[Property Name] PURCHASE AGREEMENT [Date]**
- Title Report **[Property Name] TITLE REPORT [Date]**
- Title Insurance Policy **[Property Name] TITLE POLICY[Date]**
- Property appraisal(s) **[Property Name] APPRAISAL [Date]**
- Environmental hazard assessment **[Property Name] EHA [Date]**
- Mortgage subordination documents **[Property Name] MORTGAGE[Date]**
- Donor substantiation (Acknowledgement)/Tax Letter **[Property Name] DONOR LETTER [Date]**
- IRS 8283 and Summary attachment **[Property Name] 8283 [Date]**

MANILA/FOLDER

Stewardship **STEWARDSHIP**

- Management Plan **[Property Name] MP[Date]**
- Stewardship Monitoring Reports **[Property Name] MONITORING REPORT [Date]**
- Enforcement documentation **[Property Name] ENFORCEMENT [Date]**
- Other stewardship documentation

MANILA/FOLDER

Maps

- **[Property Name] Survey**
- **[Property Name] Aerial Map**
- **[Property Name] Topographic Map**

MANILA/FOLDER

Board Documentation and Correspondence **BOARD DOCS**

- Board of Directors meeting minutes at which the project was approved **MINUTES [DATE]**
- Board of Directors meeting minutes at which a Stewardship funding plan was approved, if applicable **MINUTES [DATE]**
- All relevant correspondence, including emails **CORRESPONDENCE re [Property Name]**

MANILA/FOLDER

Historical Information **HISTORICAL re [Property Name]**

MANILA/FOLDER

LT Publicity/Outreach **OUTREACH re [Property Name]**

ACTIONS

Destroy all drafts/ambiguous Documents

Scan/copy/file all documents into each file (archive, office, field, digital)

Online Backup and Storage Options for Land Trust Records

Box

Use Box to store, manage and share your files securely in the cloud. Access your content anywhere you might need it: web, tablet or phone. Plus, you can share large files with a simple link and work on projects with your friends, family or colleagues from anywhere.

Box with Total Community Manager (TCM) Support

This option provides you with unlimited data storage through the Business Version of Box and technical support from TCM. Pricing - \$180 annually with one time \$25 set up fee. Land Trust Alliance currently holds two Business license versions for land trusts interested in paying for the Business version.

<https://www.box.com/pricing/>

JustCloud

Fully automated backups, unlimited storage, secure data encryption, 100% compatibility and no file type restrictions – these are the many reasons why it pays to consider getting the services of JustCloud. Whether you have one personal computer or ten business computers whose data needs to be backed up, rest assured that JustCloud can fulfill its main purpose of helping store, backup and secure data.

<http://www.justcloud.com/features>

Drop Box

Put your stuff in Dropbox and get to it from your computers, phones, or tablets. Edit docs, automatically add photos, and show off videos from anywhere. Share with confidence. Work with your team like you're using a single computer. Everything's automatically private, so you control who sees what. Safe and secure. Even if your phone goes for a swim, your stuff is always safe in Dropbox and can be restored in a snap. Dropbox secures your files with 256-bit AES encryption and two-step verification.

<https://www.dropbox.com/>

Google Drive

Google Drive is a cloud storage service that allows you to store your documents, photos, videos, and more online. From Drive, you can also use Google Docs, Google Sheets, and other applications to create and edit various types of files.

<https://support.google.com/drive/answer/2424384?hl=en>

Carbonite

Your files are backed up automatically and continually, as long as you're connected to the Internet. Encrypted copies of your files are transmitted to a data center, safe from computer glitches, hurricanes and everything in between. With the cloud, your files go where you go, so you can access them anytime, anywhere. Airports, libraries, coffee shops - you name it. Make the most of your subscription by downloading our Sync & Share app, exclusively for our customers. If disaster (or spilled coffee) strikes, you can recover files from the cloud, in just a few clicks. Carbonite's designed to be easy, but if you ever get stuck our U.S.-based customer support team is ready to help. No file sharing capabilities.

<http://www.carbonite.com/backup/pricing-plans/personal-plans>

Creating a Land Trust Records Policy

Keep in Mind

Not all land trusts are the same. In creating a records policy, a land trust must reflect its own situation. Every land trust's records policy will be influenced by a number of factors including:

- Nature of the land trust's mission and work
- Age and maturity of the organization
- Size of the staff and budget
- Complexity of its finances
- Number and types of real estate projects it completes (if any)

A records policy will also recognize that all records are not created equally. Different types of records require different policies and procedures. Take time to review the sample policies. Pick a land trust that has a similar size and capacity as your own to use as a model. Remember, however, that each land trust's policy reflects its own unique situation, so "cutting and pasting" its language into your policy without considering all the steps in this exercise may well produce a document that is unsuitable for your organization. With this in mind, the following are general guidelines to consider.

Beginning the Process

Purpose or philosophy of recordkeeping. To start, a land trust must identify why it is keeping records. This purpose or philosophy will guide policy details.

Document and data creation and collection. Key to a records policy is identifying what information the land trust needs to create or collect. You should ask and the policy should answer questions such as:

- What are your key documents and records?
- How much information is enough? How much is too much?
- What documents need to be signed and by whom?
- When do you need originals and when copies, and how many?
- Will you create and keep documents as paper or computer files or both?

Document retention and storage. Records policies and procedures should also address how information should be kept and organized and where:

- How will files or records be organized?
- Where will records be located?
- How will they be protected from loss, fire and other hazards?
- Who is the custodian of records?
- Who can have access to the records and files?
- When will you archive? What? Where? How?

Document destruction. Your records policy should also address how long you keep records, as well as when and how you should destroy them.

Recordkeeping responsibility. The records policy should assign record creation, maintenance and destruction responsibilities to designated staff or volunteers. Responsibilities can be spread among various personnel, but assignments should be clear.

Policy review. The records policy should be reviewed and updated periodically to ensure that it complies with current law and meets the land trust's needs.

**SAMPLE
RECORDS POLICY
ABC LAND TRUST, INC.**

Adopted by Board of Directors on:

Amended:

- 1) **Purpose.** Maintenance of consistent, complete, secure, and authentic records is central to fulfilling the mission of the ABC Land Trust. This policy concerning Records (hereinafter the “Policy”) is developed to establish confidence in the ABC Trusts’s recordkeeping practices among its supporters, to document the conservation values of protected lands and their stewardship, and to protect the ABC Trust’s status as a private non-profit corporation. All such Records are the property of the Trust and for the organization's exclusive use unless determined otherwise by a vote of the Board.

- 2) **Definitions.**
 - a) “Records” shall be defined as documents, letters, memoranda, reports and notes, maps, photographs, including both informal materials, such as handwritten notes, as well as formal documents, such as executed contracts, recorded deeds or easements. Records shall include electronic files such as e-mails, database files and images, but shall not include voice mail messages, text messages, or similar informal digital correspondence, unless deemed critical correspondence by the person receiving the information.
 - b) “Offsite” shall be defined as a reasonable secure location other than [where first set office copies are kept]. Offsite backup of records may be by physical or electronic means unless specified otherwise by this Policy.

- 3) **Corporate Records.** The [person resp] will create and maintain files containing originals of the following corporate records, which will be stored in a fireproof filing cabinet and backed up offsite:
 - a) Articles of Incorporation, with amendments
 - b) Bylaws, with amendments
 - c) State of [] Annual Reports for most recent 7 years
 - d) IRS Form 1023 Application for 501(c)(3) Status
 - e) IRS 501(c)(3) Determination Letter
 - f) IRS Form 990’s for most recent 7 years
 - g) Financial Audits, Reviews or Compilations for most recent 7 years, if in existence
 - h) Financial Books for the most recent 7 years

In addition, the Trust [] will create and maintain files containing public relations records such as brochures, newsletters, newspaper articles, etc. These files will be maintained in the [], and will be backed up offsite.

The [] will annually inspect all Corporate Records and backups to ensure that they are accurately and fully maintained.

- 4) **Project Records.** The [] will create and maintain files relating to all aspects of land acquisition and easement projects, as follows, and will store them as described.
 - a) During the period of negotiating a new project (e.g., easement or fee simple title), documents exchanged and notes of discussions with land owners and their representatives will be held in a “Preliminary Project File” in a filing cabinet.

- b) Upon execution of a written agreement by the Trust and the relevant landowner(s) concerning a project (such as an option agreement; purchase and sale agreement; letter of intent; conservation plan; or delivery of the easement, license or deed that completes acquisition), the Preliminary Project File shall be converted to a Permanent Project File, which shall contain the following, as applicable:
 - i) Critical correspondence with landowner and other parties
 - ii) Written agreements such as option, purchase and sale agreement, letter of intent, etc.
 - iii) Baseline documentation
 - iv) Ecological inventories
 - v) Boundary surveys or plans
 - vi) Appraisals or appraisal summaries
 - vii) Deeds
 - viii) Title reports and policies
 - ix) Management plans
 - c) As new essential and irreplaceable documents regarding the project are produced, these documents will be added periodically to the Permanent Project File. Such documents include, as applicable:
 - i) Stewardship monitoring reports
 - ii) Notices of exercise of reserved rights
 - iii) Waivers and subordinations
 - d) All Permanent Project Files shall be stored in a fireproof filing cabinet dedicated to project and stewardship records. All other project-related documents not specified above in Section 4(b), including non-critical correspondence and drafts of easements, deeds or other legal documents, shall be destroyed in accordance with Section 10(a)(iv) below.
 - e) Complete copies of the Permanent Project File will be stored in two separate locations in such a way that at least one set will survive a calamity such as a fire or flood that destroys records in the other location. Digital files may replace hard copies for all documents.
 - f) The [] will annually audit the original and copied records of all completed acquisitions to ensure that documentation is complete and properly organized, and to be sure that documentary evidence, including photographic records and original documentation is not deteriorating beyond the point of usefulness. Copied records stored offsite will be tested for recoverability at reasonable intervals.
- 5) **Financial and Donation Records.** The [] will create and maintain accurate financial records kept in accordance with Generally Accepted Accounting Principles, and donation records concerning all grant awards and donations of funds. The donation records will include at minimum the name and contact information for the source of the funds, the amount of the funds received by the Trust and the date of receipt, the purpose to which the funds are to be applied, documentation of acknowledgement of receipt of the donation (as appropriate) and the bank account into which the funds were deposited. Original documents related to donations and grants (donor envelopes, grant applications, grant awards, etc.) will be maintained in files in a standard filing cabinet as appropriate. Financial and donation records will be maintained in the following electronic formats:
- a) Donor Database-The [] will create and maintain records of all financial transactions of the Trust, including income from all sources and expenses.
- 6) **Meeting Records.** The [] will maintain binders of the minutes of all meetings of the Board and any additional meetings of any Committee at which authority delegated by the board is exercised. These binders will be stored in the []. In addition, backup copies of the minutes will be stored offsite.

- 7) **Emails.** Emails material to Corporate Records, Financial and Donation Records, or Meeting Records, and emails material to any aspect of Project Records will be maintained and backed up offsite according to the appropriate procedures outlined above.
- 8) **Audits.** Every three years, the [] will complete an audit of Corporate, Project, Financial and Donation and Meeting records. Upon completion of this audit, a task list of any necessary or recommended improvements in maintenance of the records will be provided to the [] with a scheduled date for implementation of such improvements. The records audit of the financial records shall not serve as a customary financial audit, and shall only determine if financial records are being maintained in accordance with this Records Policy.
- 9) **Retention and Disposal of Records and Documents.**
- a) Retention Schedule. All of the above-described records will be retained according to the following retention schedule:
- i) Permanent:
- (1) Articles of Incorporation, with amendments
 - (2) Bylaws, with amendments
 - (3) IRS Form 1023 Application for 501(c)(3) Status
 - (4) IRS 501(c)(3) Determination Letter
 - (5) Meeting minutes
 - (6) Board policies
 - (7) Original public relations materials (brochures, etc.)
 - (8) Original deeds, surveys, licenses, mortgages, etc.
 - (9) Year-end financial statements
 - (10) Financial audit and review reports
 - (11) Completed IRS Form 990's
 - (12) Permanent Project File Records (unless the Trust no longer owns any property interest, in which case 7 years)
- ii) Seven Years:
- (1) Tax records other than completed Form 990's
 - (2) Insurance records
 - (3) Financial accounts records
 - (4) Donation and grant records (from later of the date of donation or com
 - (5) Correspondence (non-Project-related)
 - (6) Website files (updated quarterly)
 - (7) Conflict of interest disclosures
 - (8) All records not specified in another category
- iii) Three Years:
- (1) Periodic internal financial statements
 - (2) Bank statements, deposit slips, petty cash records
- iv) Immediate Destruction or Upon Completion of Project or Event:
- (1) Non-critical emails, text messages, instant messages, letters, cover pages, and other forms of correspondence

- (2) Draft documents
 - (3) Notes or jottings of any kind, including notes from phone conversations, meetings, monitoring visits.
- b) Confidential Records. Documents or copies of documents that show donor information, financial information, or any other information confidential to the Trust will be destroyed.
- c) Litigation Records. Notwithstanding the foregoing retention schedule, members of the board will consult with legal counsel before destroying any records relevant to any threatened, pending or actual litigation or government investigation.
- 10) **Not a Contract**. This Policy serves as a guide to the Trust Board in determining how to establish and maintain its Records. The Trust expressly reserves the right to make exceptions or additions to this policy on a case-by-case basis, and this policy is not intended to be construed as a contract among any directors, officers, or donors, of the Trust, or owners of land subject to a conservation easement.

SLT Record Management Policy - Retention and Destruction Table

| Program | | Off-site storage | Paper (secure) | Original in Fireproof Safe | Original in Fireproof Cabinet | Electronic | Paper (unsecure) | Retention Period |
|---------|---|------------------|----------------|----------------------------|-------------------------------|------------|------------------|---------------------------|
| Admin | Expired insurance policies | | | | | | X | 3 years |
| Admin | Employment applications | | X | | | | X | 3 years |
| Admin | Employment personnel records (after termination) | | X | | | | X | 3 years |
| Admin | Internal reports (survey results, program reports, organizational studies) | | | | | X | X | 3 years |
| Admin | Invoices (utilities, rent, office equipment, professional services, etc.) | | X | | | X | X | 5 years |
| Admin | Accident reports and claims for settled cases | | | X | | | | 7 years |
| Admin | Payroll and related records | | | | | | X | 7 years |
| Admin | Employee W-4 forms | | X | | | | | 7 years |
| Admin | Contracts and leases | | | | | X | X | 7 years after termination |
| Admin | Current insurance policies | | | | | X | | Permanent |
| Admin | Bills of sale and personal property and vehicle titles | | | | | X | | Permanent |
| Admin | Digital back-ups of computer records | | | | | X | | Permanent |
| Admin | General correspondence of historical significance | | | | | X | X | Permanent |
| Admin | Board meeting materials and minute books | | | | | X | X | Permanent |
| Admin | Articles of Incorporation & by-laws | | X | | | X | X | Permanent |
| Finance | Bank statements | | | | | X | X | 5 years |
| Finance | CB reconciliations | | | | | X | X | 5 years |
| Finance | Deposit slips | | | | | X | X | 5 years |
| Finance | Pledges (fulfilled) | | | | | X | X | 5 years |
| Finance | Biannual financial reports to the Board | | X | | | X | X | 5 years |
| Finance | Operating budgets | | X | | | X | X | 5 years |
| Finance | Accounts payable and receivable ledgers - Quickbooks | | X | | | X | X | 7 years |
| Finance | Pledges (outstanding notes receivable) | | | | | X | X | 7 years |
| Finance | Check stubs from major project or operating donations | | | | | X | X | 7 years |
| Finance | Brokerage statements & transaction reports | | | | | X | X | 10 years |
| Finance | Accountant audit reports & 990 tax return | | | X | | | | Permanent |
| Finance | Chart of accounts - Quickbooks | | X | | | X | | Permanent |
| Finance | Finance & Investment Policy and Procedures | | X | | | X | | Permanent |
| Fund | Donor remittance slips (except those accompanying large donations) | | | | | X | X | Current year |
| Fund | Tickets, receipts, etc prnts received in connection with fundraising events | | | | | X | X | 3 years |
| Fund | Samples of advertising copy of events | | X | | | X | X | 10 years |
| Fund | Samples of fundraising solicitations | | | | | X | X | 10 years |
| Fund | Database of donor contributions | | X | | | X | | Permanent |
| Fund | Acknowledgements for donations larger than \$5,000 | | X | | | X | | Permanent |
| Land | Non-critical correspondence | | X | | | X | X | Until project closing |
| Land | Invoices (fee and conservation easement management) | | X | | | X | X | 5 years |
| Land | Expired option records | | X | | | X | X | 7 years |
| Land | Corporate resolutions | | X | | | X | X | Permanent |

SLT Record Management Policy - Retention and Destruction Table

| Program | | Off-site storage | Paper (secure) | Original in Fireproof Safe | Original in Fireproof Cabinet | Electronic | Paper (unsecure) | Retention Period |
|---------|--|------------------|----------------|----------------------------|-------------------------------|------------|------------------|------------------|
| Land | Baseline reports, photo documentation, and baseline addendums | X | | X | X | X | X | Permanent |
| Land | Deeds, mortgages, option agreements, ROW, easements | X | X | | X | X | X | Permanent |
| Land | Property appraisals | | | | | X | X | Permanent |
| Land | Critical correspondence | X | | | X | X | X | Permanent |
| Land | Final title policy | X | | | X | X | X | Permanent |
| Land | Conservation easement amendments | X | X | | X | X | X | Permanent |
| Land | Subordination agreements | X | X | | X | X | X | Permanent |
| Land | Form 8283 | X | | | X | X | X | Permanent |
| Land | Annual monitoring reports | X | | | X | X | X | Permanent |
| Land | Contact records | X | | | X | X | X | Permanent |
| Land | Fee land management plans (current) | X | | | X | X | X | Permanent |
| Land | Property tax payment records | | | | | X | X | Permanent |
| Land | Reserved rights documentation | X | | | X | X | X | Permanent |
| Land | Stewardship project files and photo documentation | X | | | X | X | X | Permanent |
| Land | Grant letters and related documents | X | | | X | X | X | Permanent |
| Land | Grant reports | X | | | X | X | X | Permanent |
| Land | Closing checklist | | | | | X | X | Permanent |
| Land | Project evaluation | X | | | X | X | X | Permanent |
| Land | Project budgets | X | | | X | X | X | Permanent |
| Land | HUD statements | X | X | | X | X | X | Permanent |
| Land | Surveys | X | | | X | X | X | Permanent |
| Land | Conservation plan maps | X | | | X | X | X | Permanent |
| Land | Permits | X | | | X | X | X | Permanent |
| Land | Title work - title certificate, commitment & all docs in chain sent to SLT | X | | | X | X | X | Permanent |
| Land | Property transfer tax returns | X | | X | X | X | X | Permanent |
| Comm | Press releases | X | | | X | X | X | 10 years |
| Comm | Publications (newsletters, annual reports and brochures) (1 copy) | X | | | X | X | X | Permanent |
| Comm | Newspaper articles | | | | X | X | X | Permanent |