

**Application for Recognition of Exemption
 Under Section 501(c)(3) of the Internal Revenue Code**

Read the instructions for each Part carefully.
A User Fee must be attached to this application.
 If the required information and appropriate documents are not submitted along with Form 8718 (with payment of the appropriate user fee), the application may be returned to you.
Complete the Procedural Checklist on page 8 of the instructions.

Part I Identification of Applicant

1a Full name of organization (as shown in organizing document) Tri-M Foundation	2 Employer identification number (EIN) (If none, see page 3 of the Specific Instructions). 47 : 0943697
1b c/o Name (if applicable) Eric Mund	3 Name and telephone number of person to be contacted if additional information is needed (512) 396-8990 Eric Mund
1c Address (number and street) Room/Suite 1303 Columbia Ave.	4 Month the annual accounting period ends <p align="center">December</p> 5 Date incorporated or formed <p align="center">July 30, 2004</p>
1d City, town, or post office, state, and ZIP + 4. If you have a foreign address, see Specific Instructions for Part I, page 3. San Marcos, TX 78666	6 Check here if applying under section: a <input type="checkbox"/> 501(e) b <input type="checkbox"/> 501(f) c <input type="checkbox"/> 501(k) d <input type="checkbox"/> 501(n)
1e Web site address www.tri-mfoundation.org	7 Did the organization previously apply for recognition of exemption under this Code section or under any other section of the Code? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," attach an explanation.
8 Is the organization required to file Form 990 (or Form 990-EZ)? <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "No," attach an explanation (see page 3 of the Specific Instructions).	9 Has the organization filed Federal income tax returns or exempt organization information returns? . . . <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," state the form numbers, years filed, and Internal Revenue office where filed.

10 Check the box for the type of organization. ATTACH A CONFORMED COPY OF THE CORRESPONDING ORGANIZING DOCUMENTS TO THE APPLICATION BEFORE MAILING. (See **Specific Instructions** for Part I, Line 10, on page 3.) See also Pub. 557 for examples of organizational documents.)

a **Corporation**—Attach a copy of the Articles of Incorporation (including amendments and restatements) showing approval by the appropriate state official; also include a copy of the bylaws.

b **Trust**— Attach a copy of the Trust Indenture or Agreement, including all appropriate signatures and dates.

c **Association**— Attach a copy of the Articles of Association, Constitution, or other creating document, with a declaration (see instructions) or other evidence the organization was formed by adoption of the document by more than one person; also include a copy of the bylaws.

If the organization is a corporation or an unincorporated association that has not yet adopted bylaws, check here

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.

Please Sign Here _____ **Eric Mund, President** _____ **12-17-04**
 (Signature) (Type or print name and title or authority of signer) (Date)

Part II Activities and Operational Information

- 1 Provide a detailed narrative description of all the activities of the organization—past, present, and planned. **Do not merely refer to or repeat the language in the organizational document.** List each activity separately in the order of importance based on the relative time and other resources devoted to the activity. Indicate the percentage of time for each activity. Each description should include, as a minimum, the following: (a) a detailed description of the activity including its purpose and how each activity furthers your exempt purpose; (b) when the activity was or will be initiated; and (c) where and by whom the activity will be conducted.

See Attached

- 2 What are or will be the organization's sources of financial support? List in order of size.

The Tri-M Foundation intends to develop about 50% of its funding from public support, philanthropic contributions from corporate and individual donors. As we develop individual projects, another 10% of our funds will come from civic groups and governments as our projects might appeal to local interests, and fund-raising events (such as concerts, dances, competitions) will provide about 15% to fund specific projects. Another 20% of our funds will come from nominal admissions to performances and finally about 5% will come from concession items (such as T-shirts)

- 3 Describe the organization's fundraising program, both actual and planned, and explain to what extent it has been put into effect. Include details of fundraising activities such as selective mailings, formation of fundraising committees, use of volunteers or professional fundraisers, etc. Attach representative copies of solicitations for financial support.

Although our fundraising plan has yet to be put into effect careful planning has been given to how the Tri-M Foundation will begin raising funds. Due to our smaller size the Foundation would begin by face to face solicitations and selective mailings, these initial solicitations would be followed up by phone calls, or more mailings. Fundraising will depend heavily on contacts of the board of directors, and the fundraising committee. The Fundraising committee would consist of volunteers and would be chaired by a board member.

Part II Activities and Operational Information (Continued)

4 Give the following information about the organization's governing body:

a Names, addresses, and titles of officers, directors, trustees, etc.	b Annual compensation
<p>John Hood 1130 Spruce Street Lockhart, TX 78644</p> <p>Eric Mund 1303 Columbia Ave. San Marcos TX 78666</p> <p>Chad P. Muska 1518 Ranch Road 12 #1604 San Marcos, TX 78666</p>	<p>none</p>

c Do any of the above persons serve as members of the governing body by reason of being public officials or being appointed by public officials? Yes No
If "Yes," name those persons and explain the basis of their selection or appointment.

d Are any members of the organization's governing body "disqualified persons" with respect to the organization (other than by reason of being a member of the governing body) or do any of the members have either a business or family relationship with "disqualified persons"? (See **Specific Instructions** for Part II, Line 4d, on page 3.) Yes No
If "Yes," explain.

5 Does the organization control or is it controlled by any other organization? Yes No
Is the organization the outgrowth of (or successor to) another organization, or does it have a special relationship with another organization by reason of interlocking directorates or other factors? Yes No
If either of these questions is answered "Yes," explain.

6 Does or will the organization directly or indirectly engage in any of the following transactions with any political organization or other exempt organization (other than a 501(c)(3) organization): (a) grants; (b) purchases or sales of assets; (c) rental of facilities or equipment; (d) loans or loan guarantees; (e) reimbursement arrangements; (f) performance of services, membership, or fundraising solicitations; or (g) sharing of facilities, equipment, mailing lists or other assets, or paid employees? Yes No
If "Yes," explain fully and identify the other organizations involved.
We do plan to solicit grants from non-profit foundations, like the Texas Commission for the Arts and the National Endowment for the Arts.

7 Is the organization financially accountable to any other organization? Yes No
If "Yes," explain and identify the other organization. Include details concerning accountability or attach copies of reports if any have been submitted.

Part II Activities and Operational Information (Continued)

8 What assets does the organization have that are used in the performance of its exempt function? (Do not include property producing investment income.) If any assets are not fully operational, explain their status, what additional steps remain to be completed, and when such final steps will be taken. If none, indicate "N/A."

Good will of the board members in establishing and promoting education and cultural projects.

9 Will the organization be the beneficiary of tax-exempt bond financing within the next 2 years? Yes No

10a Will any of the organization's facilities or operations be managed by another organization or individual under a contractual agreement? Yes No

b Is the organization a party to any leases? Yes No

If either of these questions is answered "Yes," attach a copy of the contracts and explain the relationship between the applicant and the other parties.

11 Is the organization a membership organization? Yes No
If "Yes," complete the following:

a Describe the organization's membership requirements and attach a schedule of membership fees and dues.

b Describe the organization's present and proposed efforts to attract members and attach a copy of any descriptive literature or promotional material used for this purpose.

c What benefits do (or will) the members receive in exchange for their payment of dues?

12a If the organization provides benefits, services, or products, are the recipients required, or will they be required, to pay for them? N/A Yes No
If "Yes," explain how the charges are determined and attach a copy of the current fee schedule.

For public activities not underwritten we will charge a nominal admission, and concessions products such as t-shirts will be sold.

b Does or will the organization limit its benefits, services, or products to specific individuals or classes of individuals? N/A Yes No
If "Yes," explain how the recipients or beneficiaries are or will be selected.

13 Does or will the organization attempt to influence legislation? Yes No
If "Yes," explain. Also, give an estimate of the percentage of the organization's time and funds that it devotes or plans to devote to this activity.

14 Does or will the organization intervene in any way in political campaigns, including the publication or distribution of statements? Yes No
If "Yes," explain fully.

Part III Technical Requirements

1 Are you filing Form 1023 within 15 months from the end of the month in which your organization was created or formed? Yes No
If you answer "Yes," do not answer questions on lines 2 through 6 below.

2 If one of the exceptions to the 15-month filing requirement shown below applies, check the appropriate box and proceed to question 7.

Exceptions—You are not required to file an exemption application within 15 months if the organization:

- a Is a church, interchurch organization of local units of a church, a convention or association of churches, or an integrated auxiliary of a church. See **Specific Instructions**, Line 2a, on page 4;
- b Is not a private foundation and normally has gross receipts of not more than \$5,000 in each tax year; or
- c Is a subordinate organization covered by a group exemption letter, but only if the parent or supervisory organization timely submitted a notice covering the subordinate.

3 If the organization does not meet any of the exceptions on line 2 above, are you filing Form 1023 within 27 months from the end of the month in which the organization was created or formed? Yes No

If "Yes," your organization qualifies under Regulation section 301.9100-2, for an automatic 12-month extension of the 15-month filing requirement. Do not answer questions 4 through 6.

If "No," answer question 4.

4 If you answer "No" to question 3, does the organization wish to request an extension of time to apply under the "reasonable action and good faith" and the "no prejudice to the interest of the government" requirements of Regulations section 301.9100-3? Yes No

If "Yes," give the reasons for not filing this application within the 27-month period described in question 3. See **Specific Instructions**, Part III, Line 4, before completing this item. Do not answer questions 5 and 6.

If "No," answer questions 5 and 6.

5 If you answer "No" to question 4, your organization's qualification as a section 501(c)(3) organization can be recognized only from the date this application is filed. Therefore, do you want us to consider the application as a request for recognition of exemption as a section 501(c)(3) organization from the date the application is received and not retroactively to the date the organization was created or formed? . . . Yes No

6 If you answer "Yes" to question 5 above and wish to request recognition of section 501(c)(4) status for the period beginning with the date the organization was formed and ending with the date the Form 1023 application was received (the effective date of the organization's section 501(c)(3) status), check here and attach a completed page 1 of Form 1024 to this application.

Part III Technical Requirements (Continued)

7 Is the organization a private foundation?

- Yes (Answer question 8.)
 No (Answer question 9 and proceed as instructed.)

8 If you answer "Yes" to question 7, does the organization claim to be a private operating foundation?

- Yes (Complete Schedule E.)
 No

After answering question 8 on this line, go to line 14 on page 7.

9 If you answer "No" to question 7, indicate the public charity classification the organization is requesting by checking the box below that most appropriately applies:

THE ORGANIZATION IS NOT A PRIVATE FOUNDATION BECAUSE IT QUALIFIES:

- | | | |
|---|--|--|
| a | <input type="checkbox"/> As a church or a convention or association of churches (CHURCHES MUST COMPLETE SCHEDULE A.) | Sections 509(a)(1) and 170(b)(1)(A)(i) |
| b | <input type="checkbox"/> As a school (MUST COMPLETE SCHEDULE B.) | Sections 509(a)(1) and 170(b)(1)(A)(ii) |
| c | <input type="checkbox"/> As a hospital or a cooperative hospital service organization, or a medical research organization operated in conjunction with a hospital (These organizations, except for hospital service organizations, MUST COMPLETE SCHEDULE C.) | Sections 509(a)(1) and 170(b)(1)(A)(iii) |
| d | <input type="checkbox"/> As a governmental unit described in section 170(c)(1). | Sections 509(a)(1) and 170(b)(1)(A)(v) |
| e | <input type="checkbox"/> As being operated solely for the benefit of, or in connection with, one or more of the organizations described in a through d, g, h, or i (MUST COMPLETE SCHEDULE D.) | Section 509(a)(3) |
| f | <input type="checkbox"/> As being organized and operated exclusively for testing for public safety. | Section 509(a)(4) |
| g | <input type="checkbox"/> As being operated for the benefit of a college or university that is owned or operated by a governmental unit. | Sections 509(a)(1) and 170(b)(1)(A)(iv) |
| h | <input type="checkbox"/> As receiving a substantial part of its support in the form of contributions from publicly supported organizations, from a governmental unit, or from the general public. | Sections 509(a)(1) and 170(b)(1)(A)(vi) |
| i | <input type="checkbox"/> As normally receiving not more than one-third of its support from gross investment income and more than one-third of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions (subject to certain exceptions). | Section 509(a)(2) |
| j | <input checked="" type="checkbox"/> The organization is a publicly supported organization but is not sure whether it meets the public support test of h or i. The organization would like the IRS to decide the proper classification. | Sections 509(a)(1) and 170(b)(1)(A)(vi) or Section 509(a)(2) |

If you checked one of the boxes a through f in question 9, go to question 14. If you checked box g in question 9, go to questions 11 and 12. If you checked box h, i, or j, in question 9, go to question 10.

Part III Technical Requirements (Continued)

- 10** If you checked box **h**, **i**, or **j** in question 9, has the organization completed a tax year of at least 8 months?
 Yes—Indicate whether you are requesting:
 A definitive ruling. (Answer questions 11 through 14.)
 An advance ruling. (Answer questions 11 and 14 and attach two Forms 872-C completed and signed.)
 No—You must request an advance ruling by completing and signing two Forms 872-C and attaching them to the Form 1023.

- 11** If the organization received any unusual grants during any of the tax years shown in Part IV-A, **Statement of Revenue and Expenses**, attach a list for each year showing the name of the contributor; the date and the amount of the grant; and a brief description of the nature of the grant.

none

- 12** If you are requesting a definitive ruling under section 170(b)(1)(A)(iv) or (vi), check here and:

- a** Enter 2% of line 8, column (e), Total, of Part IV-A _____
b Attach a list showing the name and amount contributed by each person (other than a governmental unit or "publicly supported" organization) whose total gifts, grants, contributions, etc., were more than the amount entered on line **12a** above.

- 13** If you are requesting a definitive ruling under section 509(a)(2), check here and:

- a** For each of the years included on lines 1, 2, and 9 of Part IV-A, attach a list showing the name of and amount received from each "disqualified person." (For a definition of "disqualified person," see **Specific Instructions**, Part II, Line 4d, on page 3.)
b For each of the years included on line 9 of Part IV-A, attach a list showing the name of and amount received from each payer (other than a "disqualified person") whose payments to the organization were more than \$5,000. For this purpose, "payer" includes, but is not limited to, any organization described in sections 170(b)(1)(A)(i) through (vi) and any governmental agency or bureau.

- 14** Indicate if your organization is one of the following. If so, complete the required schedule. (Submit only those schedules that apply to your organization. **Do not submit blank schedules.**)

	Yes	No	If "Yes," complete Schedule:
Is the organization a church?		✓	A
Is the organization, or any part of it, a school?		✓	B
Is the organization, or any part of it, a hospital or medical research organization?		✓	C
Is the organization a section 509(a)(3) supporting organization?		✓	D
Is the organization a private operating foundation?		✓	E
Is the organization, or any part of it, a home for the aged or handicapped?		✓	F
Is the organization, or any part of it, a child care organization?		✓	G
Does the organization provide or administer any scholarship benefits, student aid, etc.?	✓		H
Has the organization taken over, or will it take over, the facilities of a "for profit" institution? . . .		✓	I

Part IV Financial Data

Complete the financial statements for the current year and for each of the 3 years immediately before it. If in existence less than 4 years, complete the statements for each year in existence. If in existence less than 1 year, also provide proposed budgets for the 2 years following the current year.

A. Statement of Revenue and Expenses

	Current tax year	3 prior tax years or proposed budget for 2 years			(e) TOTAL	
		(a) From <u>7/30/04</u> to <u>12/31/04</u>	(b) <u>1/1/2005</u> to <u>12/31/05</u>	(c) <u>1/1/2006</u> to <u>12/31/06</u>		(d) <u>1/1/2007</u> to <u>12/31/07</u>
Revenue	1 Gifts, grants, and contributions received (not including unusual grants—see page 6 of the instructions).	0	2000	3000	4000	9000
	2 Membership fees received	0	0	0	0	
	3 Gross investment income (see instructions for definition)	0	0	0	0	0
	4 Net income from organization's unrelated business activities not included on line 3.	0	0	0	0	0
	5 Tax revenues levied for and either paid to or spent on behalf of the organization	0	0	0	0	0
	6 Value of services or facilities furnished by a governmental unit to the organization without charge (not including the value of services or facilities generally furnished the public without charge)	0	200	400	600	1200
	7 Other income (not including gain or loss from sale of capital assets) (attach schedule)	0	0	0	0	0
	8 Total (add lines 1 through 7)	0	2200	3400	4600	10200
	9 Gross receipts from admissions, sales of merchandise or services, or furnishing of facilities in any activity that is not an unrelated business within the meaning of section 513. Include related cost of sales on line 22	0	0	1000	2000	3000
	10 Total (add lines 8 and 9)	0	2200	4800	7200	14200
	11 Gain or loss from sale of capital assets (attach schedule)	0	0	0	0	0
	12 Unusual grants.	0	0	0	0	0
	13 Total revenue (add lines 10 through 12)	0	2200	5800	9200	17200
Expenses	14 Fundraising expenses	0	500	1000	2000	
	15 Contributions, gifts, grants, and similar amounts paid (attach schedule)	0	0	0	0	
	16 Disbursements to or for benefit of members (attach schedule)	0	0	0	0	
	17 Compensation of officers, directors, and trustees (attach schedule)	0	0	0	0	
	18 Other salaries and wages	0	0	2000	3700	
	19 Interest	0	0	0	0	
	20 Occupancy (rent, utilities, etc.)	0	0	800	1000	
	21 Depreciation and depletion	0	0	0	0	
	22 Other (attach schedule)	0	1700	2000	2500	
	23 Total expenses (add lines 14 through 22)	0	2200	5800	9200	
	24 Excess of revenue over expenses (line 13 minus line 23)	0	0	0	0	

Part IV Financial Data (Continued)

B. Balance Sheet (at the end of the period shown)		Current tax year Date <u>2004</u>
Assets		
1	Cash	1000
2	Accounts receivable, net	0
3	Inventories	0
4	Bonds and notes receivable (attach schedule)	0
5	Corporate stocks (attach schedule)	0
6	Mortgage loans (attach schedule)	0
7	Other investments (attach schedule)	0
8	Depreciable and depletable assets (attach schedule)	0
9	Land	0
10	Other assets (attach schedule)	0
11	Total assets (add lines 1 through 10)	1000
Liabilities		
12	Accounts payable	0
13	Contributions, gifts, grants, etc., payable	0
14	Mortgages and notes payable (attach schedule)	1000
15	Other liabilities (attach schedule)	0
16	Total liabilities (add lines 12 through 15)	0
Fund Balances or Net Assets		
17	Total fund balances or net assets	1000
18	Total liabilities and fund balances or net assets (add line 16 and line 17)	1000

If there has been any substantial change in any aspect of the organization's financial activities since the end of the period shown above, check the box and attach a detailed explanation

Attachment page 1

Part I Line 8

Explanation- The Tri-M Foundation is not required to file a 990 according to the Instructions for form 990 Section B line 15 "An organization whose annual gross receipts are normally \$25,000 or less"



Office of the Secretary of State

**CERTIFICATE OF INCORPORATION
OF**

TRI-M FOUNDATION
Filing Number: 800371777

The undersigned, as Secretary of State of Texas, hereby certifies that Articles of Incorporation for the above named corporation have been received in this office and have been found to conform to law.

Accordingly, the undersigned, as Secretary of State, and by virtue of the authority vested in the Secretary by law, hereby issues this Certificate of Incorporation.

Issuance of this Certificate of Incorporation does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 07/30/2004

Effective: 07/30/2004



A handwritten signature in black ink, appearing to read "G. Connor".

Geoffrey S. Connor
Secretary of State

JUL 30 2004

Corporations Section

ARTICLES OF INCORPORATION
for the
TRI-M FOUNDATION

We, the undersigned natural persons, of the age of eighteen (18) years or more, acting as an initial Board of Directors of a non-profit corporation, hereinafter referred to as the "Corporation", under the Texas Non-Profit Corporation Act, hereby adopt the following Articles of Incorporation for such corporation and authorize the designated incorporator to file these Articles with the Texas Secretary of State:

ARTICLE I

Corporation name:

The name of the Corporation is TRI-M FOUNDATION.

ARTICLE II

Filing status:

The Corporation is a non-profit corporation.

ARTICLE III

Duration:

The period of its duration is perpetual.

ARTICLE IV

Registered agent:

The registered agent is Eric Mund, at 1303 Columbia Ave, San Marcos, TX 78666.

ARTICLE V

Purpose:

The Corporation is organized to pursue cultural, charitable, and educational purposes in media and performing arts, particularly in the central region of the State of Texas; activities and missions of the Corporation related to these purposes are:

1. To promote, encourage, and facilitate the production and presentation of media and performing arts;
2. To educate and provide training opportunities in these arts for students of all ages and cultures, including workshops and presentations for K-12 schools;
3. To encourage and extend affordable opportunities in the performing arts to students, artists, and audiences;
4. To promote emerging artists and encourage presentation of their works;
5. To receive, hold, exchange, and disburse funds, personal property, and real property as permitted by law, subject to the restrictions and limitations hereinafter set forth:
 - a. The whole or any part of the principal and income thereof shall be used exclusively for charitable and educational purposes, including but not limited to making gifts and contributions to other organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code;
 - 1) This use of principal and income is not intended to prohibit investment in properties and ventures that would reasonably be expected to produce income for the use of the Corporation in its charitable and educational purposes;
 - 2) This use of principal and income is not intended to prohibit the remuneration of persons or entities engaged in furthering the operation of the Corporation;
 - b. Under all circumstances, and notwithstanding merger, consolidation, reorganization, termination, dissolution, or winding up of this Corporation, the following provisions apply:
 - 1) The Corporation shall not have any power to take actions that would prevent it from qualifying as a corporation described in Section 501(c)(3), of the Internal Revenue Code. The Corporation shall conform with all regulations that would allow it to solicit contributions that are deductible for federal income tax purposes;
 - 2) No substantial activities of the Corporation shall consist of propaganda, or otherwise attempting to influence legislation; the Corporation shall not participate in, or intervene in,

- (including the publishing or distribution of statements), any political campaign, on behalf of or in opposition to any candidate for public office;
- 3) The Corporation shall not be operated for the primary purpose of carrying on a trade or business for profit;
 - 4) No part of the net earnings of the Corporation shall inure to the benefit of any Director or Officer of the Corporation (except that a reasonable allowance may be paid for the reimbursement of actual expenditures made on behalf of the Corporation);
- c. The Corporation is authorized to engage employees and contract for services as required to pursue these purposes:
- 1) If services or employment is considered for a person serving as a Director or an Officer of the Corporation, such engagement is allowable only if:
 - a) duties and services are distinctly separate from the fiduciary and regular duties of a person serving on the Board of Directors or as an Officer of the Corporation;
 - b) if the relationship is specifically determined to be at or below market costs and in the best interests of the Corporation;
 - c) if the relationship is contractually defined and gives priority to Board or Officer duties;
 - d) if negotiations for such an engagement are conducted at arms-length, and can be terminated without penalty to the Corporation should a conflict of interest arise.
6. Subject to the provisions of Paragraph 1 of this Article, as an amplification of the charitable and educational purposes of this Corporation and without limiting the generality of the same or the discretion of the Board of Directors, the Corporation may solicit, invest, earn, raise, and distribute funds:
- a. To advance education in the media and performing arts;
 - b. To found, establish, and maintain, in whole or in part, charitable and educational agencies, institutions and corporations, and aid established and existing agencies, institutions and corporations for such purposes;
 - c. To stimulate and finance research and experimental work in the performing arts and to make the results thereof available to the public on a non-discriminatory basis;
 - d. To encourage, aid, or finance any corporation or persons in the conduct of research, performance, or experimental work in media or performing arts.
 - e. To individuals, provided that such distributions are made in furtherance of the educational or charitable purposes for which this corporation is organized.

ARTICLE VI
Registered office

The street address of the initial registered office of the Corporation is
1303 Columbia Ave
San Marcos, TX 78666
and the name of the registered agent for the Corporation at that address is Eric Mund.

ARTICLE VII
Directors:

1. The corporation shall be governed by a Board of Directors (also called Trustees); management is vested in this Board through corporate Officers elected from the Board.
2. The number of Directors constituting the initial Board of Directors of the Corporation is four, and the names and addresses of the persons who are to serve as the initial Directors are:

John Hood	Robert Moreno	Eric Mund	Chad P. Muska
1130 Spruce Street	1400 Clarewood, #201	1303 Columbia Ave	1518 Ranch Road 12,
Lockhart, TX 78644	San Marcos, TX 78666	San Marcos, TX 78666	#1604
			San Marcos, TX 78666

ARTICLE VIII
Incorporator:

The name and street address of the incorporator is:
Eric Mund
1303 Columbia Ave
San Marcos, TX 78666

ARTICLE IX

Distribution of assets:

Upon the dissolution of the Corporation, the Board of Directors shall, after making provisions for the payment of all the liabilities of the Corporation, dispose of all of the assets of the Corporation exclusively for the purposes of the Corporation in such manner as the Board of Directors shall determine, but limited to such organizations that qualify as exempt organizations under Section 501 (c) (3) of the Internal Revenue Code. Assets may be sold and the converted funds transferred to qualifying organizations. Any assets not appropriately distributed by the Board of Directors shall be disposed of by a court of appropriate jurisdiction to such exempt organizations.

ARTICLE X

Members:

The corporation is to have no members.

ARTICLE XI

Authority:

All matters of internal governance and management of the Corporation, not mandated or prohibited by these Articles and by applicable law, shall be determined by the Board of Directors in accordance with By-Laws of the Corporation as adopted by the Board of Directors.

ARTICLE XII

Indemnification:

The Corporation shall indemnify all Directors, Officers, and other persons including agents, employees, and volunteers authorized to act for the Corporation, as provided in the Texas Non-Profit Corporation Code. This indemnification shall extend to any action brought against persons who have previously served as directors or agents of the Corporation.

IN WITNESS THEREOF, the initial Board of Directors has adopted these Articles of Incorporation

John Hood 7/29/04
Date

Robert Moreno 7/29/04
Date

Eric Mund 7-30-04
Date

Chad P. Muska 7-30-04
Date

IN WITNESS THEREOF, the above named Incorporator has executed this instrument:

Eric Mund 7-30-04
Date

Tri-M Foundation

A Texas non-profit corporation in support of the media and performing arts



1303 Columbia Ave
San Marcos, TX 78666
512-396-8990

Tri-M Foundation A Non-Profit Corporation BYLAWS

*Unanimously adopted at a special meeting of the Board of Directors on December 16, 2004
at the residence of Chad Muska in San Marcos, Texas, with all directors in attendance.*

Eric Mund, President, Tri-M Foundation

ARTICLE I NAME AND IDENTIFICATION

The name of the Corporation is the Tri-M Foundation, organized as a Non-Profit Corporation in the State of Texas. The Certificate of Incorporation, filing Number 8700371777, was issued by the Texas Secretary of State on July 30, 2004.

ARTICLE II MISSION AND PURPOSES

- 2.00 The Tri-M Foundation is organized and operated for cultural, charitable, and educational purposes in media and performing arts, particularly in the central region of the State of Texas. Activities and missions of the Corporation related to these purposes are:
 - 2.01 To promote, encourage, and facilitate the production and presentation of media and performing arts;
 - 2.02 To educate and provide training opportunities in these arts for students of all ages and cultures, including workshops and presentations for K-12 schools;
 - 2.03 To encourage and extend affordable opportunities in the performing arts to students, artists, and audiences;
 - 2.04 To promote emerging artists and encourage presentations of their works;
 - 2.10 As an amplification of the charitable and educational purposes, the Corporation may solicit, invest, earn, raise, and distribute funds;
 - 2.11 To advance education in the media and performing arts through gifts, grants, and scholarships;
 - 2.12 To found and maintain, in whole or in part, charitable and educational agencies, institutions and corporations, and aid established and existing agencies, institutions and corporations for purposes as outlined in 2.01 - 2.04 above;
 - 2.121 To stimulate and finance research and experimental work in the performing arts and to make the results thereof available to the public on a non-discriminatory basis;
 - 2.122 To encourage, aid, or finance the conduct of research, education, performance, and experimental work in media or performing arts by making gifts, grants, and contributions to other organizations that qualify as exempt organizations under Section 501(c) (3) of the Internal Revenue Code;
 - 2.123 To encourage, aid, or finance the conduct of research, education, performance, and experimental work in media or performing arts by providing grants, internships, and scholarships to qualified individuals either directly or through other organization.

ARTICLE III
OFFICES

- 3.01 Registered Office. The registered and principal office of the Corporation shall be located in Texas, and may be moved as convenient to the Officers and Board Members of the Corporation.
- 3.02 Other Offices. The Corporation may locate other offices within or without the State of Texas as appropriate to the conduct of the operation of the Corporation.

ARTICLE IV
GOVERNANCE

- 4.00 The Corporation is organized as a Texas Non-Profit Corporation without members. It is governed by a Board of Directors, acting through the Officers of the Corporation.
- 4.01 The governing instruments for the Corporation shall be the Articles of Incorporation and a set of Bylaws, duly adopted and approved by the Board of Directors prior to authorizing any substantial public activities.
- 4.011 Should any requirement or provision of the Articles of Incorporation or the Bylaws, or should any action of the Board of Directors be in conflict (or become in conflict by legislative or court action or interpretation) with a statute or other legal requirement of a local, state, or federal agency, such conflicting requirement, provision, or act shall be considered as void, and the Board of Directors shall immediately act to amend all Corporation documents to conform with such legal requirement.
- 4.0111 This conformance requirement shall also apply to any legislative or administrative decision that would affect or alter the Non-Profit or tax-exempt status of the Corporation.

ARTICLE FIVE
BOARD OF DIRECTORS

- 5.01 *General Powers.* The business and affairs of the Corporation shall be planned and managed by its Board of Directors.
- 5.02 *Number, Tenure, and Qualifications.* The number of directors of the corporation shall be at least three and not more than nine. Directors shall be elected at the tenth (October) regular monthly meeting of the Board or Directors, and shall take office at the succeeding first (January) regular monthly meeting. The term of office of each Director shall be two years, or until the election and qualification of a successor.
- 5.021 Following the designation of the Corporation by the U.S. Internal Revenue Service as a 501 (c) (3) organization, a Directorship shall be considered only for individuals who make an annual contribution of not less \$100 to the Corporation.
- 5.0211 This contribution requirement may be waived for a period of one year by vote of the qualified Directors.
- 5.03 *Annual Meeting.* The Annual Meeting of the Board of Directors shall be the 10th regular monthly (October) of the fiscal year, beginning with an initial Annual Meeting in October of 2004, for the purpose of electing Directors and Officers, amending the Bylaws, and for the transaction of such other business as may come before the meeting.
- 5.031 If the election of Directors and Officers is not held at the regular Annual Meeting or at an adjournment thereof, the Board of Directors shall hold a special meeting or may reconvene the Annual Meeting at the next regular monthly meeting (November) to elect Directors and Officers.
- 5.032 At the Annual Meeting, the Officers shall report on the status of the Corporation, and the Directors shall consider proposals for plans and projects for the following year.
- 5.033 The Bylaws of the Corporation may be amended only at the Annual Meeting, or at a special Meeting of the Board of Directors called for the stated purpose of adopting or amending the Bylaws. Proposed amendments to the Bylaws shall be provided to each Director at least fourteen days prior to meeting at which such amendments are to be voted upon.
- 5.0331 All proposed amendments shall be in the written form of a motion, submitted over the name of the proposing Director. Such motion shall cite the appropriate numbered section and wording of the current Bylaws, and shall indicate insertions by bold face type and deletions by strike-outs.

- 5.0332 Any proposed amendment to the Bylaws shall be adopted only by a three-quarter (75%) majority vote of the current Board of Directors. Should a sufficient number of Directors not be present at a meeting where Bylaw amendments are being considered, the President shall conduct a ballot by telephone, mail, or e-mail to determine whether the motion passes.
- 5.04 *Regular Meetings.* The Board of Directors shall hold regular monthly meetings without notice other than this bylaw. The Board of Directors may provide, by resolution, the time and place for holding additional meetings without other notice than such resolution. Additional regular meetings shall be held at the principal office of the corporation in the absence of any designation in the resolution.
- 5.05 *Special Meetings.* Special meetings of Board of Directors, for any purpose or purposes, unless otherwise prescribed by statute, may be called by the President, or by the Secretary at the request of two members of the Board of Directors.
- 5.06 *Place of Meeting.* The Board of Directors may designate any place as the place of meeting for any meeting of the Board of Directors. A waiver of notice signed by all Directors entitled to vote at a meeting may designate any place as the place for the holding of such meeting. If no designation is made, or if a special meeting is otherwise called, the place of meeting shall be the principal office of the corporation in the City of San Marcos, Texas.
- 5.07 *Notice of Meeting.* Except as provided above, written or printed notice stating the place, day, and hour of the meeting is required. Such notice shall include the purpose or purposes for which the meeting is called and shall be delivered not less than one nor more than fourteen days before the date of the meeting (either personally, by mail, or by e-mail, by or at the direction of the President, the Secretary, or the or persons calling the meeting) to each Director entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered within five business days when deposited in the United States mail, addressed to the Director at his address of record, with postage thereon prepaid.
- 5.071 Any director may waive notice of any meeting. The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. With the exception of regular meetings, the business to be transacted and the purpose of a specially called meeting of the Board of Directors shall be specified in the Notice or Waiver of Notice for a meeting.
- 5.08 *Quorum.* A simple majority (greater than 50%) of the Directors shall constitute a quorum at any meeting of the Board of Directors. If less than a majority should become present, the meeting shall be adjourned from time to time without further notice. At such adjourned meeting, no business shall be conducted until a quorum is reestablished.
- 5.09 *Proxies.* No proxies or absentee votes from members of the Board of Directors not present at a meeting shall be recognized. Each present Director shall have only one vote at any time.
- 5.10 *Board Decisions.* The act of a simple majority (greater than 50%) of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, excepting a motion to amend the Bylaws, which shall be conducted as described above (5.033-5.0332).
- 5.11 *Resignations.* Any member of the Board of Directors may resign upon written notice to the President or Secretary of the Corporation. Such resignation shall be effective immediately, unless a termination date is designated in the notice of resignation, with the following exception:
- 5.111 In accepting a Directorship, a person agrees to not resign if such a resignation would reduce the number of directors to less than three. A resignation shall become effective only after another person has been elected to the Board of Directors, so as to maintain the required minimum of three Directors.
- 5.12 *Vacancies.* Any vacancy occurring in the Board of Directors may be filled by the affirmative vote of a majority of the remaining Directors, though less than a quorum of the board of directors.
- 5.121 Should there be only three members of the Board of Directors, a special meeting shall be called immediately to elect a fourth member to the Board of Directors.
- 5.122 A director elected to fill a vacancy shall be elected for the remaining term of the predecessor in office. Such election may take place at any regular or special meeting of the Board of Directors.
- 5.123 An increase in the number of Directors shall take place only at an Annual Meeting or at a special meeting called for that purpose.

- 5.13 *Removal.* A Director may be removed by:
- 5.131 The affirmative vote of a majority of the Directors present at a regular meeting of the board of directors, providing notice of the proposed removal has been given, and that Director being considered for removal is given the opportunity to be heard and to vote, and
- 5.132 The affirmative vote of a majority of Directors in response to a mail ballot following the meeting at which the first vote for removal was taken.
- 5.14 *Compensation.* All Directors serve and contribute their time and expertise without compensation. No Director shall be paid any fee, including a salary or honorarium, for their services as a member of the Board of Directors.
- 5.141 By adopted motion, a Director may be reimbursed for direct expenses incurred in the interest of the Corporation, including travel and meals. Reimbursement shall not made for the Director's time.
- 5.142 By adopted motion, a Director may be contracted or employed to serve the corporation in a capacity other than as a Director or Officer.
- 5.15 *Presumption of Assent.* A Director who is present at a meeting of the Board of Directors at which action is taken shall be presumed to have assented to the action taken unless his or her dissent shall be entered in the minutes of the meeting by specific dissent or by recorded vote.
- 5.16 *Action Without Meeting.* Any action required or permitted to be taken at a meeting of the Board of Directors may be taken (by e-mail, telephone, mail or other documented form of communication) without a meeting if a consent in writing or a waiver of notice, setting forth the action so taken, is signed by all members of the Board of Directors. Such consent shall have the same force and effect as a majority vote at a meeting. The signed consent, or a signed copy, shall be placed in the minute book.
- 5.17 *Minutes.* The Secretary of the Corporation shall cause written minutes to be taken for each meeting and circulated within one week to members of the Board of Directors.
- 5.171 Any Director may object to the recorded minutes by written notice to the Secretary prior to the next regular meeting of the Board of Directors. A motion to approve minutes of a meeting shall note all objections. If the minutes are not corrected to conform with the objection, or if such objection is not withdrawn or shown to be contrary, the minutes shall note a dissent by notice of the objecting Director.
- 5.18 *Committees.* The President of the Corporation shall appoint such committees as are appropriate. Each such committee may include persons who are not members of the Board of Directors, but shall include at least one member as Committee Liaison. Committees are advisory and serve at the discretion of the President.
- 5.181 By vote of the Board of Directors, a Committee may be authorized to plan and manage a specific project with a budget approved by the Board of Directors; periodic reports shall be delivered to the Board of Directors.

ARTICLE SIX. OFFICERS

- 6.01 *Number.* The Officers of the Corporation shall be a President, a Vice-President, a Secretary, and a Treasurer, each of whom shall be elected by the Board of Directors. The offices of Secretary and Treasurer may be held by the same person.
- 6.011 The Board of Directors shall have the power to appoint subordinate officers, employees, or agents as may in its judgement be necessary. Designation of title, assignment of duties, and awarding of compensation, of any, shall be subject to the recommendation and approval of the Board of Directors.
- 6.02 *Qualification.* No person may serve as an Officer of the Corporation who is not a qualified member of the Board of Directors.
- 6.03 *Election and Term of Office.* The Officers of the corporation shall be elected at the first meeting of the Board of Directors and at each Annual Meeting thereafter. The election of Officers shall be as described in 5.031 above.
- 6.04 *Resignations.* Any Officer may resign upon written notice to the Board of Directors. Such resignation shall be effective immediately, unless a termination date is designated in the notice of resignation, with the following exception:

- 6.041 As Officers have fiduciary duties to the Corporation, their resignation will become effective only after another Board member has accepted the office or agreed to assume the fiduciary duties. The President may not assume Treasurer or Secretary duties, excepting the taking of meeting notes.
- 6.05 *Removal.* Any officer or agent may be removed by the Board of Directors whenever in its judgment the best interests of the Corporation would be served thereby.
- 5.051 Such removal shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer or agent shall not of itself create contract rights.
- 6.06 *Vacancies.* A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board of Directors for the remaining portion of the term.
- 6.07 *Powers and duties.* The powers and duties of the Officers shall be as provided by resolution or directive of the Board of Directors.
- 6.08 *Compensation.* All Officers serve and contribute their time and expertise without compensation. No Officer shall be paid any fee, including a salary or honorarium, for their services as a member of the Board of Directors.
- 6.081 By adopted motion, a Director may be reimbursed for direct expenses incurred in the interest of the Corporation, including travel and meals. Reimbursement shall not made for the Director's time.
- 6.09 *Officers' duties and responsibilities:*
- 6.091 *President.* The duties of the President include presiding at all meeting of the Board of Directors. The President shall serve ex-officio on all Committees, but is under no obligation to attend Committee meetings. The President shall supervise generally the affairs of the Corporation, execute the policies of the Corporation as directed by the Board, and perform such other duties as assigned by the Board.
- 6.092 *Vice-President.* The Vice President shall act in the capacity of the President when the President is absent or incapacitated. In the event of the resignation or removal of the President, the Vice President shall act in the capacity of President until the Board of Directors elects a person to fill the remainder of the vacated term. The Vice President shall perform other duties as assigned by the Board.
- 6.093 *Secretary.* The Secretary shall keep, or cause to be kept, a book of minutes at the principal office or such other place as the Board of Directors may order, of all meeting of the Directors. The Secretary shall also keep, or cause to be kept, at the principal office or other designated place, a Corporate archives, which shall include all Corporate documents and records, including licenses, tax filings, budgets, and reports. Copies all correspondence in the name of the Corporation, Treasurer's reports, and Corporate financial records shall be filed with the Secretary.
- 6.0931 The Secretary shall give, or cause to be given, notice of all meetings of the Board of Directors.
- 6.0932 The Secretary shall receive and preserve all pertinent correspondence or a record thereof addressed to the Corporation, Director, Officer, or agent, and shall present them for appropriate action or disposition by the respective addressee. In the instance of written communications addressed to the Secretary of the Corporation, the Secretary shall present them for action or disposition at the next meeting of the Board.
- 6.0933 The Secretary shall have such other powers and perform such other duties as assigned by the Board.
- 6.094 *Treasurer.* The Treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct accounts of the properties and business transactions of the Corporation, including accounts of its assets, liabilities, receipts, disbursements, gains, and losses. The accounts shall be open to inspection by a Director of the Corporation at the Treasurer's office as designated by the Board.
- 6.0941 The Treasurer shall deposit all moneys and other valuables in the name of, and to the credit of, the Corporation with such depositories as may be designated by the Board of Directors, The Treasurer shall record the disbursement of the funds of the Corporation substantiated by receipt or voucher and shall render to the President and Directors whenever they request it, an account of all transactions of the financial conditions of the Corporation, and shall have such other powers and perform such other duties as may be prescribed in these Bylaws or by the Board of Directors.
- 6.0942 *Annual Audit.* At the end of each fiscal year, the Treasurer shall audit the books and records of the Corporation, and prepare a financial statement for review by the Board of Directors.

- 6.0943 The Treasurer shall fulfill all duties required by the corporation or by state and Federal laws relative to audits, reports, tax statements, and other fiscal matters. The Treasurer shall be bonded if so required by the Board of Directors.

ARTICLE SEVEN
CONTRACTS, LOANS, CHECKS, AND DEPOSITS

- 7.01 *Contracts.* The Board of Directors may authorize any Officer or Officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances, providing that such expenditures are included and authorized by a budget approved by the Board of Directors.
- 7.011 Non-budgeted expenditures or contracts shall be made or entered into only with the explicit approval of the Board of Directors.
- 7.02 *Loans.* No loans shall be contracted on behalf of the Corporation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors.
- 7.03 *Checks, Drafts, or Orders.* All checks, drafts, or other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Corporation shall be signed by such Officer or Officers, agent or agents of the corporation and in such manner as determined by resolution of the Board of Directors.
- 7.031 The Treasurer and President are individually authorized to issue checks, drafts, or orders that are included within an authorized budget. All such transactions shall be reported to and recorded in the Corporate books by the Treasurer.
- 7.04 *Deposits.* All funds of the Corporation not otherwise employed shall be deposited to the credit of the Corporation in such banks, trust companies, or other depositories as the Board of Directors authorizes by resolution.

ARTICLE EIGHT
FISCAL YEAR

- 8.01 The fiscal year of the corporation shall be the calendar year.

ARTICLE NINE
CORPORATE SEAL

- 9.01 The Board of Directors has not authorized a corporate seal. All documents issued by the Corporation shall bear the name and signature of the responsible Officer or member of the Board of Directors.

ARTICLE TEN
WAIVER OF NOTICE

- 10.01 Whenever any notice is required to be given to any Director of the Corporation under the provisions of these Bylaws or under the provisions of the Articles of Incorporation or under the provisions of law, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE ELEVEN
AMENDMENTS

- 11.01 These Bylaws may be altered, amended, or repealed and new Bylaws may be adopted by the Board of Directors at the Annual Meeting or special meeting of the Board of Directors in accordance with paragraph 5.033 - 5.0332 above.

ARTICLE TWELVE
INDEMNIFICATION

- 12.01 *Indemnification.* The Corporation shall indemnify all Directors and other persons, including agents, employees, and volunteers, authorized to act for the Corporation, as provided in the Texas Non-Profit Corporation Code (Title 32). Powers and duties of indemnification shall be as provided by this article of the Corporation Code.

END

Part II Line 1

The Tri-M Foundation is an umbrella arts organization that provides guidance and advisement for 1) artistic direction (35%), 2) planning and support (30%), 3) arts education(20%) and 4) audiences development (15%) for arts groups in our area.

1) Artistic direction will be the foundation's primary function and will account for about 35% of foundation activities. Our policy will be to give new and emerging artists--such as writers, actors, musicians, dancers, variety artists, and filmmakers--the chance to develop and perform their art for culturally and economically diverse audiences. Many performing arts organizations cater to the wealthy and intellectually sophisticated. We seek to counter this trend by bringing affordable, entertaining, and culturally relevant live performances to audiences in communities that are not addressed by traditional arts organizations. By affordable, we mean that admission to any performance event should cost no more than the price of an average movie ticket.

b) Our first project- an original production of a new script- will be produced January of 2005.

c) The board will meet monthly to consider and approve projects for 2005.

2) Planning and support for the projects the board approves will be about 30% of the Foundations operations. Many very talented artists and very good productions go unnoticed due to lack of funding, publicity, and poor planning. We will help with the logistical support. Fundraising and publicity for the events will be a major focus, but the foundation will also help plan scenery, costumes, venue etc. This function of providing support distinguishes the Tri-M Foundation from other arts originations, in that we will not only fund projects but play an integral part in the successful execution as well.

b) Initial planning for the January production is well underway, including, venue location, publicity, and fundraising.

c) This planning would be executed by Tri-M staff; a combination of volunteer and contract staff will work with planning productions and events.

3) 20% of the Tri-M Foundation's activates will be in arts education. The Tri-M Foundation will use every event they sponsor to educate as well as entertain. Many of our events will feature discussions with audiences after the performances. These "talk-backs" will provide the audience with information about the performing arts as well as educate the emerging artists about what their audiences enjoy. The Tri-M foundation will also present workshops to local schools. These workshops and presentations will encourage a younger audience to take part in new cultural experiences. Finally the Foundation hopes to establish a scholarship fund for up and coming artists.

b) The Foundation will begin the talk-backs and audience education program with our first project in January 2005. Visits to local educational instructions would continue, with all subsequent projects. The Scholarship program is planned to begin with an award for the 2006-2007 school year.

c) All of these education programs will be conducted by the performers of each project. These programs will be held at local schools. For more specifics on the scholarship program refer to Schedule H of this document.

4) Audience Development-building advertisement and support will be 15% of the Tri-M Foundation's activities. We will approach audience development as an initiative to keep prices low, so that anyone--without regard to economic status--will be able to experience stimulating and entertaining live performances.

b) Audience development will happen with every event the Foundation sponsors. By careful consideration in where performances are held, who they are advertised to, and how they are conducted, the foundation will bring the performing arts to a new and loyal audience

c) The task of developing an audience will be executed by staff, volunteers, and artists that run the events as they select locations, set prices, and advertise. Instead of investing in expensive scenery and special effects, we will focus on performers working within the environment--whether that be a park or a warehouse. This allows us to use non-traditional spaces by scheduling around the venue's primary use, and quickly moving in and out. We plan to perform in non-traditional performance spaces such as a dance and music clubs, coffee shops, parks, civic and organizational halls. We will seek venues that often are idle during the early evening.

Tri-M

Tri-M six Month Fundraising Plan

Goal : To generate a start up fund of \$2,000

Individual Gift Solicitation:

<u>Plan and Rationale:</u>	The plan is to start small and build a beginning base of donors that can be expanded in the second half of the year.	
<u>Strategy:</u>	Develop a program where individual donors receive special privileges or benefits at different levels of giving. Memberships will range from \$20 to \$1,000 annually.	
<u>Inaugural production:</u>	Start personal solicitation of gifts from individuals. Each board member will put forth 10 names who are potential donors. These names will be compiled in a list and checked for duplication. This list will then be envied to a VIP performance of our Inaugural show. At this performance they will receive a packet that tells about the foundation and our upcoming events.	
<u>Mail Follow Up:</u>	All of these who attend the VIP performance will receive a thank you for their attendance as well as solicitation to donate.	
<u>Phone Follow Up:</u>	The committee will organize telephone follow up for all prospects who attend the performance but did not respond to the mailing. Note: to encourage a better response, ask the volunteer callers to start calls with a "thank you" for past support and/or participation.	
<u>Staff Time:</u>	Volunteer	20 Days to work with volunteers. Staff show, send mailings,
<u>Board Time:</u>	Board Members	Attend performances with guests. Personal solicitations.
<u>Direct Cost:</u>	Office Supplies & Mailings	\$500
<u>Projected Income:</u>	<u>2005</u>	
	March	June
	\$1,000	\$2,000

(The plan is to have an initial capital to begin a larger campaign in up coming years.)

Form **872-C**

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

OMB No. 1545-0056

(Rev. September 1998)

Department of the Treasury
Internal Revenue Service

To be used with
Form 1023. Submit
in duplicate.

(See instructions on reverse side.)

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,

TRI-M Foundation

(Exact legal name of organization as shown in organizing document)

1303 Columbia Ave. San Marcos, TX 78666

(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 **12-31-2004**
(Month, day, and year)

Name of organization (as shown in organizing document)	Date
TRI-M Foundation	12-17-04
Officer or trustee having authority to sign	Type or print name and title
Signature ► <i>Eric Mund</i>	Eric Mund, President
For IRS use only	
District Director or Assistant Commissioner (Employee Plans and Exempt Organizations)	Date

By ►

You must complete Form 872-C and attach it to the Form 1023 if you checked box **h**, **i**, or **j** of Part III, question 9, and the organization has not completed a tax year of at least 8 months.

For example: If the organization incorporated May 15 and its year ends December 31, it has completed a tax year of only 7½ months. Therefore, Form 872-C must be submitted.

- (a)** Enter the name of the organization. This must be entered exactly as it appears in the organizing document. Do not use abbreviations unless the organizing document does.
- (b)** Enter the current address.
- (c)** Enter the ending date of the first tax year.

For example:

- (1) If the organization was formed on June 15 and it has chosen December 31 as its year end, enter December 31,
 - (2) If the organization was formed June 15 and it has chosen June 30 as its year end, enter June 30, In this example, the organization's first tax year consists of only 15 days.
- (d)** The form must be signed by an authorized officer or trustee, generally the president or treasurer. The name and title of the person signing must be typed or printed in the space provided.
- (e)** Enter the date that the form was signed.

DO NOT MAKE ANY OTHER ENTRIES.

Schedule H. Organizations Providing Scholarship Benefits, Student Aid, etc., to Individuals

1a Describe the nature and the amount of the scholarship benefit, student aid, etc., including the terms and conditions governing its use, whether a gift or a loan, and how the availability of the scholarship is publicized. If the organization has established or will establish several categories of scholarship benefits, identify each kind of benefit and explain how the organization determines the recipients for each category. Attach a sample copy of any application the organization requires individuals to complete to be considered for scholarship grants, loans, or similar benefits. (Private foundations that make grants for travel, study, or other similar purposes are required to obtain advance approval of scholarship procedures. See Regulations sections 53.4945-4(c) and (d).)

The scholarship would be a one-time cash gift of \$50-\$1000 depending on the number of applicants and the availability of funds. The applicant will be required to submit a transcript, an application and a one page essay of why applicants believes they should receive this scholarship. The scholarships criteria would be based on a combination of ability, past accomplishments, and future potential. The scholarship would be publicized to area universities, and colleges.

b If you want this application considered as a request for approval of grant procedures in the event we determine that the organization is a private foundation, check here

c If you checked the box in **1b** above, check the box(es) for which you wish the organization to be considered.

- 4945(g)(1)
- 4945(g)(2)
- 4945(g)(3)

2 What limitations or restrictions are there on the class of individuals who are eligible recipients? Specifically explain whether there are, or will be, any restrictions or limitations in the selection procedures based upon race or the employment status of the prospective recipient or any relative of the prospective recipient. Also indicate the approximate number of eligible individuals.

We hope to award scholarships to individuals who are pursuing an education in any of the performing arts. The scholarships would be open to students of any race, background, or economic status. We approximate 50-100 applicants.

3 Indicate the number of grants the organization anticipates making annually ▶	1-5
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4 If the organization bases its selections in any way on the employment status of the applicant or any relative of the applicant, indicate whether there is or has been any direct or indirect relationship between the members of the selection committee and the employer. Also indicate whether relatives of the members of the selection committee are possible recipients or have been recipients.

The scholarship would exclude relatives of those on the scholarship committee or board of directors.

5 Describe any procedures the organization has for supervising grants (such as obtaining reports or transcripts) that it awards and any procedures it has for taking action if the terms of the grant are violated.

Each scholarship recipient would be required to submit transcripts, and reports at the time of the application. Since the grants would be a one time award continuing paper work would not be needed, any individual interest in receiving another grant would have to resubmit the proper paperwork.

Schedule 1 2005
 Part IV Financial Data line 22
 Column b

Other	
Item	Expence
Publicity	600
costumes	200
Set/Props	200
Sound	200
Printing	100
Overhead	200
Rehearsal	100
Contingency	100
Total	1700

Schedule 2 2006
 Part IV Financial Data Line 22
 Column c

Other	
Item	Expence
Publicity	700
Costumes	200
Set/Props	200
Sound	200
Printing	200
Overhead	200
Rehearsal	200
Contingency	100
Total	2000

Schedule 3 2007
 Part IV Financial Data Line 22
 Column d

Other	
Item	Expence
Publicity	800
Costumes	300
Set/Props	300
Sound	300
Printing	100
Overhead	200
Rehearsal	300
Contingency	200
Total	2500

Attachment page 9

Part IV Financial (Continued) Data Line 14

B. Balance Sheet

Mortgages and notes payable	
Item	Liability
Loan from Board Member Muska for start up expenses	1000
Total	\$ 1000.00