

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

DANIEL LIBIT,

Plaintiff,

v.

No. D-202-CV-2017-01620

THE UNIVERSITY OF NEW MEXICO
FOUNDATION, INC., and THE BOARD
OF REGENTS OF THE UNIVERSITY
OF NEW MEXICO,

Defendants.

AFFIDAVIT OF SERGIO PAREJA

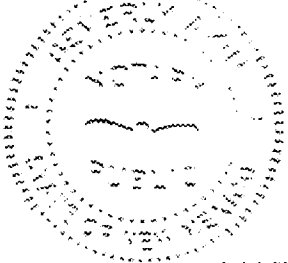
I, Sergio Pareja, state the following from personal knowledge and under penalty of perjury.

1. I currently serve as Dean at the University of New Mexico School of Law.
2. I joined the UNM law faculty in 2005 after nearly nine years in private law practice in Colorado and Indiana. Most recently, I was a partner at a large Denver law firm. While in private practice, the majority of my work was in the area of high-end estate planning.
3. In my capacity as a lawyer for high net worth individuals in Indiana and Colorado, I regularly advised clients regarding charitable giving. Occasionally, their gifts were made anonymously.
4. At the UNM School of Law, I primarily teach courses in the areas of business, tax, and estate planning. Since I started teaching at UNM School of Law, I have taught Federal Income Tax, Contracts, Practicum, Estate and Gift Tax, Taxation of Business Enterprises, International Business Transactions, Wills & Trusts, and Estate & Retirement Planning. I also have taught in the law school's Business & Tax Clinic (now called the Economic Justice Clinic).
5. In my role as Dean of the UNM School of Law, in late 2017 I worked with a donor who desired to make an anonymous gift of \$2.5 million to the law school. That donor insisted that the gift would only be made if it could be made anonymously. UNM did not provide the donor with any personal benefit for making the gift, and the donor did not express a reason for wanting to make the gift anonymously but made it clear that the law school would only receive the gift if it could be made anonymously.

6. I assured the donor that we would not reveal his or her identity and that the gift would remain anonymous.
7. In late 2017, we received the anonymous gift of \$2.5 million. The gift was designated by the donor to establish an endowment to fund three full-ride scholarships, awarding one per year for all three years of study, at UNM School of Law.
8. If UNM or the UNM Foundation were required to disclose the name of this recent donor, I believe they could be at risk of litigation by the donor. Based on my assurances of anonymity, I also would be concerned about being ordered to return the donation if we are unable to honor our promise of anonymity. Return of the donation would result in the loss of the endowment and the three full-ride scholarships. These same risks would likely arise in connection with other prior donors who contributed to UNM or to the Foundation upon the condition of anonymity.
9. Based on my experience with this recent donor, and based on my prior experience as an estate planning lawyer for other high wealth individuals who donated money to public entities and charities, I can state without hesitation that UNM is likely to lose a substantial source of funding from certain donors if it is unable to protect the anonymity of these types of donors.
10. Based on my prior experience as an estate planning lawyer, I can also relate the primary concerns expressed to me by certain high wealth clients that led them to insist upon anonymity.
11. First, some high wealth individuals, particularly elderly people who live by themselves, have concerns that public disclosure of a large donation can subject them to an increased risk of crime. Over the years, several of my clients expressed to me concerns for their physical safety, the physical safety of their family members (especially concerns over kidnapping of family members), as well as their potential exposure to financial crimes. These concerns led several of them to the conclusion that anonymity was the best way to help charities while protecting themselves and their families from being a victim of crime.
12. Second, public disclosure of a large donation often exposes donors to a barrage of requests from other charitable organizations. Several of my clients expressed a desire to avoid such a barrage.
13. Third, some donors wish to keep their estate plans confidential, either out of their personal desire for privacy, or out of a desire to avoid discord with family members or other potential heirs who might question why they are giving their money to charity rather than to family members. Several of my clients were motivated by such concerns.

14. Fourth, some individuals, including some of my former clients, simply prefer to avoid any public recognition of their generosity. Sometimes those concerns are motivated by religious reasons. Other times, it simply is out of humility and desire to help others without public recognition.

FURTHER AFFIANT SAYETH NAUGHT.



Sergio Pareja
Sergio Pareja

THE STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on Dec 13, 2018 by Sergio Pareja.

[Signature]
Notary Public Signature

Print Beverly Akin

Title or Office: Unm School of Law
Asst to Dean

My commission expires: Aug 15, 2020