

INCOME TAX PLANNING, 14TH ED.

TABLE OF CONTENTS

Chapter 1 | Introduction to Income Tax Planning

Learning Objectives	2
Introduction	2
Historical Perspective	2
Colonial Times	2
The Post Revolutionary Era	3
The Civil War	3
The 16th Amendment	3
World War I and the 1920s	5
The Social Security Tax	5
World War II	5
Developments after World War II	6
The Reagan Tax Cut	6
The Tax Reform Act of 1986	6
EGTRRA 2001 (The Bush Tax Cut)	7
The Patient Protection and Affordable Care Act (PPACA) of 2010	7
TRA 2010	8
The American Taxpayer Relief Act of 2012 (ATRA 2012)	8
Protecting Americans from Tax Hikes Act of 2015	8
The Tax Cuts and Jobs Act of 2017	9
The Bipartisan Budget Act of 2018	10
The SECURE Act of 2019 and The Taxpayer Certainty and Disaster Tax Relief Act of 2019	10
Recent Tax Law Changes	11
The Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020	11
The Consolidated Appropriations Act of 2020	12
The American Rescue Plan Act of 2021	13
Income Taxes and the IRS	13
Overview of Federal Income Taxation	15
The Three Tax Systems	15
Basic Rules of Income Taxation	16
All Accretions to Wealth Constitute Income	16
For Every Deduction, There Must be an Inclusion	17
Triads of Income Taxation	18
Summary	22
Perspective of the Text	23

Chapter 2 | Working with the Tax Law

Learning Objectives	26
Introduction	26
Sources of Tax Law	26
Statutory Sources of Tax Law	28
How Tax Laws are Passed	29

Administrative Sources of Tax Law	30
Judicial Sources of Tax Law	33
Administration of the Tax System	34
Role of the IRS	34
Statute of Limitations	34
Interest and Penalties for Noncompliance	36
Penalties for Underpayment of Estimated Tax	39
Preparer Penalties	40
Audits	41
Dispute Resolution	43
Court System	46
Tax Research	50
Conclusion	50
Key Terms	51
Discussion Questions	53
Multiple Choice Problems	54
Quick Quiz Explanations	56
Chapter 3 Fundamentals of Income Taxation	
Learning Objectives	58
Tax Formula for Individual Taxpayers	59
Introduction	59
The Tax Formula	59
Income	61
Exclusions	61
Gross Income	67
Deductions	67
Adjusted Gross Income (AGI)	68
Taxable Income	72
Tax Rates on Taxable Income	72
Credit for Estimated Tax Payments	74
Other Tax Credits	74
Using the Tax Formula: The Anderson Family	75
Introduction to Individual Income Taxation	77
Tax Accounting Periods	77
Tax Accounting Methods	77
Filing Status	80
Personal and Dependency Exemptions	86
Calculation of the Standard Deduction for a Dependent	93
Kiddie Tax	95
Filing the Tax Return	96
Taxpayers Required to File a Return	97
Credit for Taxes Withheld	98
Basic Tax Planning Principles	102
Key Terms	105
Discussion Questions	107
Multiple Choice Problems	108
Quick Quiz Explanations	110

Chapter 4 Gross Income From Personal and Investment Activities	
Learning Objectives	112
Learning Objectives	113
Introduction.....	113
Subjecting Gross Income to Taxation.....	114
Tax Year and Accounting Method	114
Gains Normally Taxed When Realized	114
Types of Gross Income and Exclusions	116
Sources of Income	118
Investment Income	118
Income from Personal Activities	118
Employment Income.....	118
Special Issues for Persons Living in Community Property States	119
Income from Investment Activities	121
Investment Items Included in Gross Income	121
Investment Items Excluded from Gross Income.....	132
Income from Personal Activities	143
Personal Activity Items Included in Gross Income	143
Alimony Paid	145
Personal Activity Items Excluded from Gross Income	151
Special Rules for Compensation for Injuries and Sickness.....	154
Summary and Conclusion.....	157
Key Terms.....	158
Discussion Questions	160
Multiple Choice Problems	161
Quick Quiz Explanations.....	163
Chapter 5 Gross Income from Employment	
Learning Objectives	166
Introduction.....	167
Learning Objectives	167
Gross Income Related to Employment	168
Foreign Earned Income	170
Major Employer-Provided Fringe Benefits	175
Introduction to Fringe Benefits	175
Taxation of Fringe Benefits	176
Nondiscrimination of Fringe Benefits	176
Individuals Who May Enjoy Benefits	177
Health Insurance	177
2010 Health Care Law	179
Archer Medical Savings Accounts	179
Health Savings Accounts	180
Qualified Medical Expenses	182
Life Insurance	182
Disability Insurance	184

Cafeteria Plans	185
Flexible Spending Accounts (FSAs)	186
Long-Term Care	189
Other Employee Fringe Benefits	189
Meals and Lodging	189
No-Additional-Cost Services	192
Qualified Employee Discounts	193
Working Condition Fringe Benefits	194
De Minimis Fringe Benefits	195
Qualified Transportation Fringe Benefits	196
Qualified Moving Expense Reimbursements	197
Qualified Retirement Planning Services	197
Athletic Facilities	198
Educational Assistance Programs	198
Dependent Care Assistance	199
Tuition Reductions Granted to Employees of Educational Institutions	199
Adoption Assistance Programs	200
Employee Achievement Awards	200
Combat Pay and Other Benefits of Military Personnel	201
Rental Value of Parsonage	201
Frequent Flyer Miles	201
Employer-Sponsored Retirement Plan Contributions and Distributions	202
Employee Deferrals	202
Employer Contributions	202
Retirement Plan Earnings	202
Retirement Plan Distributions	202
Income from Roth 401(k) and 403(b) Accounts	202
Employee Stock Options: ISOs & NQSOs	203
Government-Required Benefits	204
Unemployment Compensation	204
Workers' Compensation	205
Social Security	205
Modified Adjusted Gross Income (MAGI) for Social Security Income Inclusion	207
Summary and Conclusion	208
Key Terms	210
Discussion Questions	212
Multiple Choice Problems	213
Quick Quiz Explanations	215
Chapter 6 Introduction to Deductions	
Learning Objectives	218
Introduction	219
Classification of Deductible Expenses	219
Deductions for AGI (Above-the-Line Deductions)	220
Deductions from AGI (Below-the-Line Deductions)	221
Which Type of Deduction is Better – Above- or Below-the-Line Deductions?	221

Above-the-Line Deductions for Individuals 222

- Trade or Business Expenses 222
- Medical Savings Accounts (MSAs) and Health Savings Accounts (HSAs) 224
- Individual Retirement Accounts 226
- Moving Expenses 230
- Penalty on Early Withdrawal of Savings 231
- Educator Expenses 231
- Student Loan Interest 231
- Qualified Tuition and Related Expenses 233

Above the Line Charitable Deductions 233

- Alimony Paid 233

Deduction Issues for Employers and Employees 238

- Types of Businesses and General Deduction Rules 238
- Common Deductions for Employers and the Self-Employed 240

Deductions and Tax Planning 245

- For Employees 245
- For Business Owners 246
- For Investors 247

Summary and Conclusion 247

Key Terms 248

Discussion Questions 249

Multiple Choice Problems 250

Quick Quiz Explanations 252

Chapter 7 | Below-the-Line Deductions

Learning Objectives 254

Introduction 255

General Classification of Expenses 255

Medical Expenses 257

- Timing of Deduction 257
- Itemized Deductible Medical Expenses Overview 258
- Capital Expenses 258
- Nursing Homes and Special Schools 259
- Travel and Lodging Expenses 260
- Nondeductible Medical Expenses 260
- Above-the-Line Medical Expenses 260

Taxes 261

- Timing of Deduction 261
- Nondeductible Fines and Fees 264

Interest 264

- Qualified Residence Interest Deduction 265
- Investment Interest Deduction 270

Charitable Contributions and Deductions 271

- Qualified Charitable Organizations 271
- Additional Requirements for Deduction 272
- Gifts that Qualify for the Deduction 272

Itemized Deduction Limitations	277
Partial Interest Gifts	285
Casualty Losses	286
Casualty Loss Limitations	287
Business Casualty Losses	288
Miscellaneous Itemized Deductions	289
Deductions Not Subject to the Two Percent Floor (Tier I)	289
Deductions Subject to the Two Percent Floor (Tier II)	291
Deduction Clustering	297
The Qualified Business Income (QBI or Section 199A) Deduction	299
Introduction	299
Qualified Business Income	299
The QBI Deduction General Rule	300
Specified Service Trade or Business (SSTB)	301
Deduction Phase-Down and Transition	301
The 3 Tiers of Section 199A	301
Planning Applications	303
QBI Deduction for Qualified REIT Dividends and Publicly Traded Partnership Income	303
Summary and Conclusion	306
Key Terms	307
Discussion Questions	308
Multiple Choice Problems	309
Quick Quiz Explanations	311

Chapter 8 | Other Deductions, Penalties, and Loss Disallowance

Learning Objectives	314
Introduction	314
General Rules and Issues Related to Deductions and Loss Disallowance	314
Public Policy Limitations	315
Political Contributions	317
Excessive Compensation	317
Hobby Losses	318
Rental of Vacation Homes	324
Expenditures	330
Specific Deductions	330
Bad Debts	330
Worthless Securities	332
Section 1244 Stock	334
Losses of Individuals	335
Research and Experimental Expenditures	337
Net Operating Losses	338
Loss Limitation for Individuals	339
Depreciation	339
Penalties	340
Excess Contributions Penalty	340
Early Distribution Penalty	341
Late Distribution Penalty	342

Other Loss Disallowances – Temporary and Permanent 343

 Section 1031 Exchanges Resulting in a Loss are Not Immediately Deductible..... 343

 Wash Sales 344

 Related Party Transactions 344

 Gifts Below Fair Market Value..... 345

 Sale of Personal Assets for Loss 345

Conclusion 345

Key Terms..... 346

Discussion Questions 347

Multiple Choice Problems 348

Quick Quiz Explanations 350

Chapter 9 | Tax Credits

Learning Objectives 352

Introduction..... 352

 Nonrefundable Tax Credits 353

 Refundable Tax Credits 355

 Tax Credits vs. Tax Deductions 356

 Tax Policy Issues 356

 Tax Credit Requirements 357

 Nonbusiness and Business Tax Credits 357

Nonrefundable Credits of a Personal Nature 357

 Foreign Tax Credit..... 357

 Credit for Child and Dependent Care Expenses 359

 Credit for the Elderly or Disabled 366

 Education Credits (American Opportunity Tax and Lifetime Learning Credits) 366

 Retirement Savings Contributions Credit (Saver’s Credit)..... 372

 Child Tax Credit (IRC Section 24)..... 373

 Other Dependent Credit (ODC) 377

 Residential Energy Property and Residential Energy Efficient Property Credits 378

 Qualified Adoption Expenses Credit..... 379

Refundable Credits 381

 Credits for Taxes Paid..... 381

 Earned Income Credit..... 382

General Business Credit 384

 Investment Credit 386

 Work Opportunity Credit 387

 Credit for Increasing Research Activities 388

 Low-Income Housing Credit 388

 Disabled Access Credit..... 388

 Small Employer Pension Plan Startup Costs Credit..... 389

 Employer-Provided Child Care Credit 389

 Tax Credits from the 2010 Health Care Legislation 390

Key Terms..... 391

Discussion Questions 393

Multiple Choice Problems 394

Quick Quiz Explanations 396

Chapter 10 | Basis Rules, Depreciation, & Asset Categorization

Learning Objectives	400
Introduction to Basis	400
Calculating Gain or Loss	400
Purpose of Basis	401
Uses of Basis	402
Determining Basis	402
Cost Basis	402
Adjustments to Basis	404
Basis Rules for Personal Use Assets	408
Special Basis Rules	409
Basis of Inherited Property	409
Basis of Gifted Property	411
Basis of Property Transferred Between Spouses or Incident to Divorce	414
Related Party Transactions (Sales, Gifts, and Basis-IRC Section 267)	415
Basis of Jointly Held Property	417
Depreciation	417
Purpose	418
Methods of Depreciation	418
Bonus Depreciation (Additional First Year Depreciation)	423
Amortization of Intangible Assets	425
Depletion of Natural Resources	426
Special Depreciation Issues	426
Categorizing Assets for Income Tax Purposes	434
Capital Assets	434
Ordinary Income Assets	437
Section 1231 Assets	438
Summary	440
Key Terms	441
Discussion Questions	443
Multiple Choice Problems	444
Quick Quiz Explanations	446

Chapter 11 | The Taxation of Capital Assets

Learning Objectives	448
Introduction	448
Realization and Recognition	449
Sale or Exchange Requirements	449
Calculation of Gain or Loss	451
Recognition Rules	453
Capital Asset Holding Periods and Tax Rates	457
Holding Periods	457
Capital Gains Tax Rates	461
Capital Gains and the AMT	471
Determining Net Capital Gains and Losses	472

Limitations on Recognition of Capital Losses 473
 Small Business Stock (Section 1202) 475
Summary 476
Key Terms 477
Discussion Questions 478
Multiple Choice Problems 479
Quick Quiz Explanations 480

Chapter 12 | Business Assets

Learning Objectives 482
Introduction 482
Ordinary Income Assets 482
Section 1231 Assets 484
 Benefits of Section 1231 484
 The Catch - Depreciation Recapture 485
Recapturing Depreciation on Personal Property (Section 1245) 487
Recapturing Depreciation Taken on Real Estate (Section 1250) 495
The Impact of Taxation of Business Assets on Planning 502
 Gifts 502
 Nontaxable Exchanges 503
 Transfers at Death 504
 Charitable Contributions 504
 Installment Sales 505
 The 5-Year Lookback Rule 507
Key Terms 509
Discussion Questions 510
Multiple Choice Problems 511
Quick Quiz Explanations 513

Chapter 13 | Nontaxable Exchanges

Learning Objectives 516
Introduction 516
Like-Kind Exchanges (Section 1031) 517
 Assets Subject to Like-Kind Exchange Treatment 517
 Requirements for Like-Kind Exchange Treatment 519
 Related-Party Transactions 521
 Tax Consequences of Like-Kind Exchanges 521
Exchange of Stock for Property (Section 1032) 528
Involuntary Conversions (Section 1033) 528
Insurance Policies (Section 1035) 531
Corporate Recapitalizations (Section 1036) 534
Reacquisitions of Real Property (Section 1038) 535
Transactions Between Spouses Incident to Divorce (Section 1041) 537

Sale of Personal Residence (Section 121)	537
Death Benefits and Loans from Life Insurance	543
Distributions from Roth IRAs and Roth Accounts	545
Conclusion	545
Key Terms	546
Discussion Questions	547
Multiple Choice Problems	548
Quick Quiz Explanations	550

Chapter 14 | Passive Activity Rules

Learning Objectives	552
Introduction	552
Background to the Passive Activity Loss Rules	552
Net Investment Income Tax	554
Application of the Rules	554
Three Types of Income	555
Passive Activities	556
Material Participation	556
Grouping of Passive Activities	558
Limitations Imposed on Passive Losses	559
The Basis Limitation	559
At-Risk Rules	559
Passive Activity Loss Rules	561
Passive Activity Loss Rules Upon Transfer	566
Exceptions to the Passive Activity Rules	567
Rental Activities	567
Real Estate Exceptions	569
Passive Credits	574
Conclusion	574
Key Terms	575
Discussion Questions	576
Multiple Choice Problems	577
Quick Quiz Explanations	579

Chapter 15 | The Alternative Minimum Tax

Learning Objectives	582
Introduction	582
How the AMT Works	583
Adjustments and Preferences	586
Personal and Dependency Exemptions and the Standard Deduction	586
Itemized Deduction Changes	586
Investment-Related Changes	589
Business-Related Changes	592
Miscellaneous Adjustments	594

Corporations and the AMT594
Conclusion594
Key Terms.....595
Discussion Questions596
Multiple Choice Problems597
Quick Quiz Explanations598

Chapter 16 | Business Entity Selection and Taxation

Learning Objectives600
Introduction.....600
 Ease and Cost of Formation 600
 Complexity of Management and Governance 601
 Transferability and Dissolution 601
 Liability Protection for Owners’ Personal Assets 601
 Reporting Requirements and Taxation 602
Sole Proprietorships603
 Formation 603
 Interest, Disposal of Interest, and Dissolution 603
 Capital 603
 Liability 603
 Management/Operations 603
 Income Taxation and Payroll (Social Security) Taxes 603
General Partnerships612
 Formation 612
 Interest, Disposal of Interest, and Dissolution 612
 Capital 612
 Liability 613
 Management/Operations 613
 Income Taxation and Payroll (Social Security) Taxation 613
Limited Partnerships (LP)619
 Formation 619
 Interest, Disposal of Interest, and Dissolution 619
 Capital 619
 Liability 619
 Management/Operations 619
 Income Taxation and Payroll (Social Security) Taxes 620
Limited Liability Partnerships (LLP)620
 Formation 620
 Interest, Disposal of Interest, and Dissolution 620
 Capital 621
 Liability 621
 Management/Operations 621
 Income Taxation and Payroll (Social Security) Taxes 621
Family Limited Partnerships (FLP)622
 Formation 622
 Interest, Disposal of Interest, and Dissolution 623
 Capital 624

Liability.....	624
Taxation.....	624
Limited Liability Companies (LLC)	625
Formation	625
Interest, Disposal of Interest, and Dissolution.....	625
Capital.....	626
Liability.....	626
Management/Operations	626
Income Taxation and Payroll (Social Security) Taxes.....	626
C Corporations	628
Formation	628
Interest, Disposal of Interest, and Dissolution.....	628
Capital.....	629
Liability.....	629
Management/Operations	629
Income Taxation and Payroll (Social Security) Taxes.....	629
S Corporations	632
Interest, Disposal of Interest, and Dissolution.....	632
Capital.....	632
Liability.....	632
Management/Operations	632
Income Taxation and Payroll (Social Security) Taxes.....	632
S Corporation Owners' Basis	633
Comparison of S Corporations and LLCs	636
TCJA 2017.....	640
The Qualified Business Income (QBI or Section 199A) Deduction	640
Calculating the QBI Deduction.....	640
W-2 Wage Limitation	642
Specified Service Trade or Business (SSTB) Limitation.....	643
Real Estate Safe Harbor	644
Tax Analysis: C Corporation versus Pass-Through Entity with QBI Deduction	645
Protecting Owners from Each Other	646
Protecting Minority Shareholders/Members.....	646
Elements of Shareholder/Partnership Agreements	646
Issues Regarding Additional Capital Required	646
Key Terms.....	647
Discussion Questions	649
Multiple Choice Problems	650
Quick Quiz Explanations.....	652
Appendices	
Tax Rate Schedules	655
Glossary.....	659
Index.....	673