

Index

ABANDONMENT OF PROPERTY

Evidence in Tax Court, **8:47.05**

ABATEMENT

Assessments, **2:04 to 2:06, 2:19**

Interest, **6:25.50, 13:15**

ACCOUNTANTS

Privileged and confidential information, **8:59**

ACCOUNTING METHODS

Generally, **3:27.80 to 3:27.95.60**

Accrual accounting, **3:27.82**

Bad debt, **3:27.83**

Cash accounting, **3:27.90**

Change of accounting method and correction of mathematical errors distinguished, **3:27.80**

Completed contract method, **3:27.83.50**

Mark-to-market accounting, **3:27.92**

Normalization method, public utilities, **3:27.95.60**

Resellers, **3:27.95.50**

Service providers, **3:27.84**

Service recipients, **3:27.85**

Statute of limitations, **5:72**

Tax year, **3:27.95**

Year-end bonuses, **3:27.86**

ACCOUNTS RECEIVABLE

Audits, capital gain vs. ordinary income, **3:07.55**

ACCOUNT STATED

Suit upon, **11:18**

ACCRUAL ACCOUNTING METHOD

Generally, **3:27.82**

ACCUMULATED EARNINGS TAX

Petitions in Tax Court, **7:20**

ACTIONS ON DECISIONS (AOD)

Generally, **1:36**

FEDERAL TAX PRACTICE

ADMINISTRATIVE COSTS

Petitions in Tax Court, **7:206**

ADMINISTRATIVE REVIEW

See index heading **APPEALS DIVISION**

ADMISSIBILITY OF EVIDENCE

Generally, **8:14**

ADMISSION REQUESTS IN TAX COURT

Generally, **7:144 to 7:152**

Alternative positions, maintaining, **7:147**

Certifying request, **7:148**

Effect of admissions, **7:150**

Forms, **7:216**

Motion to determine sufficiency, **7:149**

Objection, **7:146**

Protective orders, **7:152**

Response, **7:145**

Sanctions, **7:151**

ADMISSIONS

Generally, **8:30, 8:41 to 8:47**

Adoption or acquiescence, **8:44**

Civil fraud proceedings, **15:22, 15:31**

Constitutional rights, **8:42**

Offers in compromise, **8:43**

Revenue agents' reports, **8:46**

Statements of intent, **8:47**

Tax returns, **8:45**

Undenied allegations of answer, **12:80**

ADVANCED TECHNOLOGIES

Business credits, **3:27.98**

ADVANCE PRICING AGREEMENTS (APAS)

Generally, **1:38**

ADVANCES

Gross income, audit and settlement procedure, **3:07.10.50**

ADVICE OF COUNSEL

Statute of limitations defense, **5:13**

AFFILIATED CORPORATIONS

Jurisdiction, **6:60, 6:60.50**

Refunds and credits, **10:47**

INDEX

AFFIRMATIVE DEFENSES

Statute of limitations, **5:05**
Tax Court, **6:65.10, 7:59**

AFFORDABLE CARE ACT (ACA)

Generally, **3:23.71.02, 3:50.90**

AFTER-ACQUIRED PROPERTY

Levy and seizure, **13C:17**
Liens and priorities, **14:30**

AGENTS

Criminal prosecution, **13B:10**
Refunds and credits, **10:41**

AGREEMENTS

Appeals Division. See index heading **APPEALS DIVISION**
Compromise and closing agreements
generally, 3:65 to 3:68
for detailed treatment, see index heading **COMPROMISE AND SETTLEMENT**
Evidence in tax court, extension of contract not a sale, **8:47.56.50**
Plea agreements, **13B:16.50**

AIDING AND ABETTING

Understatement of tax liability, **13A:38**

ALIENS

Deportation, **13B:22**
Electronic filing, **3:17**
Partnerships, small partnership election, nonresident alien partner, **16:20**

ALIMONY

Evidence in Tax Court, **8:47.10, 8:47.12**
Gross income, audit and settlement procedure, **3:07.11**

ALTER EGO LIENS

Generally, **14:32.50**

ALTERNATIVE ELECTRICAL GENERATION

Credits against regular tax business credits, **3:07.75**

ALTERNATIVE MINIMUM TAX

Generally, **3:07.75**
Stock options, **3:07.43.10**

AMBIGUITIES

Statute of limitations extension, **5:57**

AMENDED RETURNS

Audit and settlement procedure, **3:17.50**

FEDERAL TAX PRACTICE

AMENDED RETURNS—Cont'd

Statute of limitations, **5:26, 5:71**
Tax shelters, **3:42.60**

AMENDMENT

Answer in Tax Court, **7:63 to 7:65, 7:212, 7:213**
Petitions in Tax Court
generally, **7:35 to 7:40**
for detailed treatment, see index heading PETITIONS IN TAX COURT
Returns. See index heading AMENDED RETURNS

ANNOUNCEMENTS

Internal Revenue Service, **1:43**

ANNUITIES

Gross income, taxable exchanges, **3:07.17**
Transferee liability, annuity contract beneficiaries, **12:48**

ANSWER IN TAX COURT

Generally, **7:51 to 7:67**
Affirmative defenses, **7:59**
Amendment, **7:63 to 7:65, 7:212, 7:213**
Content of, **7:54**
Contrary to published guidance, **7:56.50**
Exceptions to limitations period, **7:66, 7:67**
Extension of time, **7:52**
Forms, **7:54, 7:210, 7:211**
Foundation manager cases, **7:61**
Fraud, **7:60**
Illegal payments, **7:57**
Improper accumulation issues, **7:56**
Increased deficiency claims, **7:64, 7:65**
Mitigation of limitation period, **7:67**
Motion to extend time to answer, **7:209**
New matters, **7:58**
Raising issues, **7:55 to 7:62**
Sanctions for failing to answer, **7:53**
Time for, **7:51**
Transferee liability, **7:62**

APPEALS

Administrative appeals
generally, **1:16 to 1:18**
for detailed treatment, see index heading APPEALS DIVISION
Courts, appeals to
generally, **9:01 to 9:53**

INDEX

APPEALS—Cont'd

Courts, appeals to—Cont'd
for detailed treatment, see index heading JUDICIAL REVIEW
Frivolous appeals, **11:71**
Standard of review, **11:71**

APPEALS DIVISION

Generally, **1:16 to 1:18**
Advantages of protest, **4:02**
Agreements. Settlements, below
Arbitration, **4:11.60**
Compromise and settlements. Settlement, below
Conditions to exercise of jurisdiction, **4:08**
Conference procedure, **4:10**
Cost recovery, administrative
generally, **4:17 to 4:24**
appeal to, **4:21**
exhaustion of remedies, **4:19**
prevailing party, **4:20**
protracted proceedings, **4:24**
regulations, **4:22**
settlement offers, **4:23**
substantially justified position, **4:18**
Disadvantage of protest, **4:03**
Early referral request, **4:11.50**
Exhaustion of remedies, **4:19**
Finality of settlements, **4:15**
Forum choice, **4:04, 4:05**
Independence of appeals office, **4:05.50**
Jeopardy assessments, **2:30, 2:31**
Jurisdiction, **4:06 to 4:08**
Levy and seizure, **13C:12.50**
Location of hearing, **4:09.50**
Mediation procedure, **4:11**
Poststatutory notice cases, **4:16**
Prevailing party, **4:20**
Protracted proceedings, **4:24**
Regional Director of Appeals, **1:17, 1:18**
Regulations, **4:22**
Requirements for protest, **4:09**
Settlements
generally, **4:12 to 4:15**
finality, **4:15**
litigation compared, **4:01 to 4:05.50**

FEDERAL TAX PRACTICE

APPEALS DIVISION—Cont'd

Settlements—Cont'd
 offers, **4:23**
 policies, **4:13**
 Submission of settlement offer, **4:12**
 Substantially justified position, **4:18**
 Tax Court, appeal to, **4:21**
 Territorial limits upon jurisdiction, **4:07**

APPRAISERS

 Privileged and confidential information, **8:60**

ARBITRATION

 Generally, **4:11.60**
 Motions, **7:98.50**

ARMED FORCES

 Death benefits, **3:07.45**

ARTISTIC WORKS

 Audits, **3:07.57**
 Value or valuation, **8:91.22**

ASSESSMENT

 Abatement of assessments, **2:04 to 2:06, 2:19**
 Administrative review of jeopardy assessments, **2:31**
 Appeals of jeopardy assessments, **2:30 to 2:33**
 Bankruptcy and receivership, **2:23, 2:24**
 Bond or security to stay collection of jeopardy assessments, **2:20**
 Constitutional issues
 generally, **2:01.10 to 2:01.90**
 collection procedures, **2:01.70**
 direct tax, **2:01.40**
 discriminatory treatment, **2:01.42**
 due process, **2:01.45**
 equal protection, **2:01.47**
 exports and imports, **2:01.90**
 freedom of speech, **2:01.80**
 judicial compensation, **2:01.60**
 religious freedom, **2:01.50**
 retroactivity, **2:01.20**
 unlawful taking, **2:01.30**
 Criminal restitution recoveries, **2:03.60**
 Declaratory judgments, **2:47, 2:48**
 Deficiency assessments. See index heading DEFICIENCY ASSESSMENTS
 Deficiency procedures, restrictions on, **2:07 to 2:09**

INDEX

ASSESSMENT—Cont'd

- Direct tax, **2:01.40**
- Discriminatory treatment, **2:01.42**
- Due process, **2:01.45**
- Equal protection, **2:01.47**
- Erroneous advice, abatement of penalty or addition to tax due to, **2:06**
- Erroneous assessments, reinstatement of, **2:06.50**
- Erroneous refunds, **2:03**
- Exceptions to restrictions upon deficiency assessments, **2:09**
- Exports and imports, **2:01.90**
- Freedom of speech, **2:01.80**
- Injunctions
 - generally, **2:34 to 2:49**
 - for detailed treatment, see index heading INJUNCTIONS
- Interest, **13:11**
- Interest due to IRS errors or delays, **2:05**
- Jeopardy assessments
 - generally, **2:12 to 2:22**
 - abatement, **2:19**
 - administrative review, **2:31**
 - after deficiency notice, **2:17**
 - appeals division, **2:30, 2:31**
 - before deficiency notice, **2:15**
 - bond or security to stay collection, **2:20**
 - collection on bond after decision, **2:22**
 - conditions justifying, **2:13**
 - judicial review, **2:32, 6:52, 6:81 to 6:83**
 - levies, review of jeopardy, **2:33**
 - “other” taxes assessments, **2:14**
 - refund of excess assessment, **2:22.50**
 - review of, **2:30 to 2:33**
 - stay of sale of seized property, **2:21**
 - successive assessments, **2:18**
 - Tax Court jurisdiction, **6:52, 6:81 to 6:83**
 - transferees, commissioner's discretion not reviewable, **12:75**
 - untimely notice, **2:16**
 - Judicial compensation, **2:01.60**
 - Judicial review of jeopardy assessments, **2:32, 6:52, 6:81 to 6:83**
 - Levies, review of jeopardy, **2:33**
 - Liens and priorities, **14:26**
 - Limitations. See index heading LIMITATIONS UPON ASSESSMENT AND COLLECTION
 - Necessity of assessment, generally, **2:01 to 2:09**
 - Overassessment, **2:33.50**
 - Penalty assessments, **2:03.50**

FEDERAL TAX PRACTICE

ASSESSMENT—Cont'd

Presumption regarding correctness, **11:24, 11:42**
Process, **2:02, 2:03**
Refund of excess assessment, **2:22.50**
Reinstatement of erroneous assessments, **2:06.50**
Religious freedom, **2:01.50**
Rescission of deficiency, **2:07.60**
Restitution recoveries, **2:03.60**
Retroactivity, **2:01.20**
Review of jeopardy assessment, **2:30 to 2:33**
Statute of limitations
 generally, **5:01 to 5:74**
 for detailed treatment, see index heading STATUTE OF LIMITATIONS
Stay of assessment and collection, **9:15**
Stay of sale of seized property, **2:21**
Successive assessments, **2:18**
Summary assessment
 generally, **2:10 to 2:11.50**
abatement of, **2:11**
bankruptcy proceedings, **13D:04**
departing aliens, **2:28**
jeopardy assessments distinguished, **2:27**
mathematical errors, **2:10**
notice of deficiency, taxable year, **2:26**
security for payment, **2:29**
taxpayer identification numbers, **2:11.50**
termination assessment, **2:25 to 2:29**
Taking of property, **2:01.30**
TEFRA, **16:07**
Time of notice, **2:16**
Violation of restrictions, effect of, **2:08**

ASSIGNMENTS

Liens and priorities, **14:08**
Refunds and credits, **10:48**

ASSISTANT COMMISSIONER (TAXPAYER SERVICES)

Generally, **1:09**

ATTACHMENT LIENS

Priorities, **14:41**

ATTORNEYS

Attorney-client privilege. Privileged communications, below
Client identity, **3:23**
Criminal defense representation, **13B:12.50**

INDEX

ATTORNEYS—Cont'd

Disciplinary actions, **6:09.50**
Exempt bond opinions, **1:45.70**
Fees. See index heading ATTORNEYS' FEES
Internal Revenue Service practice
 generally, **1:45 to 1:45.60, 6:07 to 6:09, 6:09.50**
 for detailed treatment, see index heading PRACTICE BEFORE IRS
Misconduct, **6:09.50, 11:36**
Privileged communications
 generally, **8:55 to 8:57**
 client identity, **3:46.50**
 uncertain tax positions, disclosure of, **3:42.90**
 work product, **11:62**
Standards of practice
 generally, **1:45.50**
 Circular 230, **1:45.50**
 exempt bond opinions, **1:45.70**
 tax shelters, **1:45.60**
Tax shelters, **1:45.60**
Work product, **8:58, 11:62**

ATTORNEYS' FEES

Information reporting, **3:23.50**
Liens, **14:53**
Recoveries, **3:27.60**
Whistleblower awards, withholding reduction for, **13C:05.70**

AUDITS

Acceptance by Commissioner, **3:61**
Accounting methods
 generally, **3:27.80 to 3:27.95.60**
 for detailed treatment, see index heading ACCOUNTING METHODS
Accounts receivable, **3:07.55**
Accrual accounting, **3:27.82**
Affordable Care Act, **3:23.71.02, 3:50.90**
Agreement forms, **3:58 to 3:60**
Agricultural subsidies, **3:07.19**
Alien students, **3:30.60**
Alimony, **3:07.11**
Alternative minimum tax, **3:07.75**
Amended returns, **3:17.50**
Annual cost of living (COLA) inflation adjustments, **3:07.96**
Artistic works, **3:07.57**
Attorneys' fees, **3:27.60**
Bad credit, **3:07.89**

FEDERAL TAX PRACTICE

AUDITS—Cont'd

- Bad debt, **3:27.83**
- Bargain sale, employer's property, **3:07.17.50**
- "Base erosion and anti-abuse," **3:07.77**
- Business credits, **3:27.98**
- Business expense deductions
 - generally, **3:07.80 to 3:07.101**
 - for detailed treatment, see index heading **BUSINESS EXPENSE DEDUCTIONS**
- Cancellation of debt (COD) income, **3:07.12, 3:07.15, 3:07.25**
- Capital gain vs ordinary income, **3:07.50 to 3:07.70.50**
 - "Carried interests," **3:07.70.50**
- Cash accounting, **3:27.90**
- Certified professional employer organizations (CPEOs), **3:50.82**
- Charitable donations, **3:07.72**
- Churches, **3:40.50**
- Closed case, **3:68.50**
- Closing agreements
 - generally, **3:65 to 3:68**
 - for detailed treatment, see index heading **COMPROMISE AND SETTLEMENT**
- Coal miner's health care benefits, **3:50.92**
- College and university examination guidelines, **3:41**
- Commercial fishing, **3:27.12.60**
- Completed contract method of accounting, **3:27.83.50**
- Compliance assurance process, **3:48.50**
- Contingency fees, **3:27.65**
- Cooperative distributions, **3:30.67**
- Cooperatives, **3:26.55**
- Coordinated examination program, **3:48**
- Corporations, **3:26.60**
- Cost of living, annual cost of living inflation adjustments, **3:07.96**
- Credits against tax, **3:27.96**
- Criminal prosecution, referral for, **13B:06**
- Department stores, **3:41.60**
- Development rights, **3:07.62**
- Disagreement at district director's level, **3:70**
- Disclosure of return information, **3:32 to 3:34**
- Disclosures to avoid prosecution, **3:35.50**
- Disputed ownership funds, **3:27.40**
- Disregarded entities, **3:27.12**
- Electronic filing
 - generally, **3:15 to 3:17.15**
 - for detailed treatment, see index heading **ELECTRONIC FILING**
- Employee termination payments, **3:07.60**

INDEX

AUDITS—Cont'd

- Employer's property
 - bargain sale, **3:07.17.50**
 - use by workers, **3:07.18**
- Employment taxes, **3:27.68, 3:50.80, 3:50.85**
- Enjoining tax shelters, **3:64.50**
- Escrow accounts, **3:27.30**
- Estates, **3:26.75**
 - Exclusion from income
 - IRA rebates, **3:07.49.50**
 - work done overseas, **3:07.49**
 - Exclusions from income, **3:07.45 to 3:07.48**
- Exempt organizations
 - generally, **3:27 to 3:27.08**
 - for detailed treatment, see index heading EXEMPT ORGANIZATIONS
 - Expediting audit, **3:37**
 - Extension of limitations period, **3:54**
 - Farmers, **3:27.12.50, 3:41.40**
 - Farming, **3:07.19**
 - Field audits, **3:44, 3:45**
 - Filing of returns
 - generally, **3:08 to 3:17.30**
 - for detailed treatment, see index heading FILING OF RETURNS
 - Financial status audits, **3:42**
 - Fishing, commercial fishing, **3:27.12.60**
 - Foreign Accounts Tax Compliance Act (FATCA), **3:30.55**
 - Foreign baseball players, **3:30.65**
 - Foreign-earned income, **3:23.71.02.60**
 - Foreign entities, **3:27.11**
 - Form 870 agreement, **3:59**
 - Global International Low-Taxed Income (GILTI), **3:23.71.02.50**
 - Grocery stores, **3:41.60**
 - Gross income
 - generally, **3:07.10 to 3:07.44.10**
 - for detailed treatment, see index heading GROSS INCOME
 - Hybrid entities, **3:27.12.70**
 - Inflation, annual cost of living inflation adjustments, **3:07.96**
 - Informal conference, **3:57**
 - Informants, **3:36.60**
 - Information reporting
 - generally, **3:22 to 3:26.40**
 - for detailed treatment, see index heading INFORMATION REPORTING
 - Initial processing of income tax returns, **3:31**

FEDERAL TAX PRACTICE

AUDITS—Cont'd

- Innocent spouse rule
 - generally, **3:21 to 3:21.85**
 - for detailed treatment, see index heading **INNOCENT SPOUSE**
 - Insurance, health insurance, 3:07.74, 3:23.71.02, 3:50.90**
 - Interest free adjustments, 3:30.70**
 - Interviews of taxpayers, 3:39**
 - Introduction, 3:01**
 - Joint returns by husband and wife
 - generally, **3:19 to 3:21.90**
 - for detailed treatment, see index heading **JOINT RETURNS BY HUSBAND AND WIFE**
 - Limited issue focused examination (life) program, **3:43.50**
 - Lottery winnings, 3:07.25, 3:07.70**
 - Malpractice suits, 3:06**
 - Mandatory health insurance, 3:23.71.02, 3:50.90**
 - Market segment specialization program, 3:49**
 - Mark-to-market accounting, 3:27.92**
 - Medicare tax, 3:23.71.02, 3:50.90**
 - Native Americans/indians, 3:08.55**
 - Negotiations with examiner, 3:51, 3:52**
 - Net investment income tax, 3:50.95**
 - Nonprofits excess executive compensation, 3:27.02.30**
 - Normalization method accounting, public utilities, 3:27.95.60**
 - Notices, 3:64**
 - Office audit, 3:38**
 - Offshore credit card accounts, 3:36.50**
 - Options, 3:07.33, 3:30.69**
 - Partial agreements, 3:52**
 - Partnerships, 3:27.10, 16:01**
 - “Passthrough businesses,” deduction for, 3:07.96.80**
 - Payment of tax
 - generally, **3:28 to 3:30.80**
 - for detailed treatment, see index heading **PAYMENT OF TAX**
 - Pension plan examination guidelines, 3:40**
 - Personal deductions, generally, 3:07.71 et seq.**
 - Postaudit review, 3:69**
 - Prefiling agreements, 3:64.40**
 - Preliminary report of examiner, 3:36**
 - Public disclosure of return information, 3:34**
 - Public service officers/PSOs, 3:07.48**
 - Public utilities, normalization method accounting, 3:27.95.60**
 - Qualifications for practice
 - generally, **3:02 to 3:07**

INDEX

AUDITS—Cont'd

Qualifications for practice—Cont'd
for detailed treatment, see index heading PRACTICE BEFORE IRS
Recordkeeping rules, **3:26.50**
Recoveries
 attorneys' fees, **3:27.60**
 contingency fees, **3:27.65**
 employment taxes, **3:27.68**
 taxability of awards and settlements, **3:27.50**
 withholding requirements, **3:27.70**
Repatriation of Foreign-earned income, **3:23.71.02.60**
Research tax credit denied, **3:07.91.80**
Restaurant examinations, **3:41.50**
Retail shops, **3:41.60**
Retirement plan limitations, **3:07.40.05**
Sale of lottery winnings, **3:07.70**
S corporations, **3:26.65**
Selection of returns for examination, **3:36, 3:36.50, 3:36.60**
Self-created property, **3:07.57**
Settlement funds, generally, **3:27.20**
Standard deduction, **3:07.71**
State and local tax incentives, **3:07.96.70**
Substitute return by service, **3:18**
Summons to produce records, **3:53, 3:53.50, 3:53.60**
Taxability of awards and settlements, **3:27.50**
Tax free exchange (§ 1031) funds, **3:27.35**
Tax incentives, state and local, **3:07.96.70**
Taxpayer compliance (TCMP) audits, **3:43**
Taxpayer identification number (TIN), **3:30.85**
Tax shelters, **3:27.25, 3:27.27, 3:42.50 et seq.**
Tax year, **3:27.95**
Technical advice to examiner, **3:55**
Third party summons, **3:46, 3:46.50, 3:46.60, 3:47, 3:47.50**
30-day letter, **3:63**
Tip income, **3:45**
Trusts, **3:27.15**
Uncertain tax positions, disclosure of, **3:42.90**
United States real property (FIRPTA) sales, **3:30.80**
Withholding requirements
 generally, **3:27.70, 3:30.50 to 3:30.80**
 for detailed treatment, see index heading WITHHOLDING OF TAXES
Worker classification, **3:50 to 3:50.60**

FEDERAL TAX PRACTICE

AUTHENTICATION

Evidence in Tax Court, **8:18**

AUTHORS

Information reporting, **3:23.73**

AUTOMOBILES

Motor Vehicles, this index

BAD CHECKS

Penalties, **13A:14**

BAD CREDIT

Audit and settlement procedure, **3:07.89**

BAD DEBTS

Accounting methods, **3:27.83**

Audit and settlement procedure, **3:27.83**

Evidence in Tax Court, **8:47.13**

Refunds and credits, **10:25**

BANK DEPOSITS

Levy and seizure, **13C:18**

BANKRUPTCY

Generally, **13D:01 to 13D:33**

Administration expenses, **14:23**

Assessment procedures, **2:23, 2:24**

Avoidance of unfiled federal tax liens, **14:19**

Child tax credit, **13D:01**

Compromise and settlement, **13E:05**

Contempt proceedings, **13D:07**

Coordination of court procedures, **13D:02**

Credits, **13D:01, 13D:31**

Directing tax payments, **13D:12**

Discharge

generally, **13D:22 to 13D:27**

evade or defeat taxes, **13D:25**

fraud or evasion of tax, **13D:24**

non-individual debtors, **13D:26**

return filing requirement, **13D:23**

violation of, **13D:27**

Employment taxes, **13D:20**

Evasion of taxes, **13D:24, 13D:25**

Filing of claims, **13D:16**

Fraud or evasion of tax, **13D:24**

Fraudulent transfers, **13D:17**

INDEX

BANKRUPTCY—Cont'd

- Innocent spouse relief, **3:21.50, 3:21.80**
- Interest, **13D:14, 13D:30**
- Judicial review, **9:03**
- Jurisdiction
 - bankruptcy court. Jurisdiction of bankruptcy court, below Tax Court, **6:37, 6:77 to 6:79**
 - Jurisdiction of bankruptcy court
 - generally, **13D:06 to 13D:15**
 - contempt proceedings, **13D:07**
 - directing tax payments, **13D:12**
 - interest, **13D:14**
 - partnerships, **13D:15**
 - public policy exception, **13D:09**
 - reconsideration, **13D:11**
 - refunds, **13D:13**
 - reinstatement of stay, **13D:08**
 - tax liability determination, **13D:10**
 - Levy and seizure of estate assets, **13C:19**
 - Liens and priorities
 - generally, **13D:32, 14:17 to 14:23**
 - act of bankruptcy defined, **14:09**
 - administration expenses, **14:23**
 - avoidance of unfiled federal tax liens, **14:19**
 - Bankruptcy Act priorities, **14:10**
 - possession requirements, **14:22**
 - secured creditors, **14:20**
 - statutory provisions, **14:17**
 - subordination of tax liens, **14:21**
 - tax priorities, **14:18**
 - Net operating losses, **13D:18**
 - Partnerships, **13D:15, 16:04.50**
 - Penalty collection, **13D:29, 13D:29.50**
 - Pending proceedings, **13D:29.50**
 - Possession requirements, **14:22**
 - Preferential transfers, **13D:17**
 - Proof of claims, **13D:19, 13D:20**
 - Public policy exception, **13D:09**
 - Reconsideration, **13D:11**
 - Refunds, **10:40, 13D:13, 13D:31**
 - Reinstatement of stay, **13D:08**
 - Residence sales exclusion, **13D:21**
 - Retirement accounts, **13D:33**
 - Return filing requirement, **13D:23**

FEDERAL TAX PRACTICE

BANKRUPTCY—Cont'd

- Secured creditors, **14:20**
- Set off, **13D:28**
- Statute of limitations on assessments, **5:46**
- Statutory provisions, **14:17**
- Stay of proceedings by Tax Court, **6:78**
- Subordination of tax liens, **14:21**
- Summary assessment, **13D:04**
- Suspension of limitations period, **6:79, 13D:05**
- Tax liability determination, **13D:03, 13D:10**
- Tax priorities, **14:18**
- Violation of discharge, **13D:27**

BANKS AND FINANCIAL INSTITUTIONS

- Collection procedures, **13C:25**
- Information reporting, foreign bank accounts and financial accounts, **3:23.71.03**
- Interest paid to nonresidents, **3:23.55**
- Levy and seizure, **13C:18**
- Subpoenas, **7:170**

BARGAIN SALE

- Employer's property, **3:07.17.50**

BEST EVIDENCE RULE

- Generally, **8:15 to 8:18**

BOARD OF TAX APPEALS

- Generally, **6:01**

BONDS

- Exempt bond opinions, attorney practice, **1:45.70**
- Jeopardy assessment collection, **2:20**
- Judicial review, **9:38, 9:39**
- Statute of limitations, effect on, **5:80**
- Stay of assessment and collection, **9:15**

BONUSES

- Accounting methods, year-end bonuses, **3:27.86**

BOOKS

- Evidence in Tax Court, **8:34**

BRISES OR KICKBACKS

- Statute of limitations, **5:30**

BRIEFS

- Generally, **8:117 to 8:121**
- Brandeis briefs, **8:124**

INDEX

BRIEFS—Cont'd

- Contents, **8:120**
- Failure to submit, **8:121**
- Form, **8:120**
 - Joint motion for setting of simultaneous brief dates, **8:164**
 - Motion to extend time for filing, **8:119**
 - Notice of intent not to file reply, **8:167**
 - Service, **8:118**
 - Substitute pages of petitioner's briefs, motion to, **8:166**
 - Time to file briefs, joint motion to extend, **8:165**

BROKERS

- Information reporting, **3:23.57**

BURDEN OF PROOF

- See index heading **PRESUMPTIONS AND BURDEN OF PROOF**

BUSINESS CREDITS

- Audit and settlement procedure, **3:27.98**

BUSINESS EXPENSE DEDUCTIONS

- Generally, **3:07.80 to 3:07.101, 3:07.80 to 3:07.102**
- Bad credit, **3:07.89**
- Capital vs ordinary, **3:07.86**
- Charitable contributions of inventory, **3:07.89.50**
- Child care providers, **3:07.90**
- Community renewal and enterprise zones, **3:07.90.50**
- Contested liabilities, **3:07.91**
- Cost sharing arrangements, **3:07.81**
- Deferred payments to service providers, **3:07.82**
- Dividends, **3:23.68**
- Exempt entity leases, **3:23.94.50**
- Exempt organizations, **3:23.71**
- Exploration expenses, **3:07.91.10**
- Fines and penalties, **3:07.91.20**
- Forbearance payments, **3:07.91.30**
- Gifts from foreigners, **3:26.10**
- Home office expense deduction, **3:07.91.40**
- Illegal activities, **3:07.91.50**
- Insurance premiums, **3:07.91.70**
- Interest payments, **3:07.92**
- IRA regarding prevailing wage and apprenticeship requirements, **3:07.102**
- Lease strips, **3:07.94**
- Losses, **3:07.95**
- Management fees, **3:07.95.50**
- Mines and minerals, exploration expenses, **3:07.91.10**

FEDERAL TAX PRACTICE

BUSINESS EXPENSE DEDUCTIONS—Cont'd

- “Other expense” (Schedule C, line 27), **3:07.96.50**
- Passive loss rules, **3:07.88**
- Personal credits, **3:27.97**
- Reallocating income and expense, **3:07.84**
- Rewards and prizes, **3:07.40**
- SILOs, **3:23.94.50**
- Social clubs, **3:07.41**
- Social security benefits, **3:07.42**
- Supplies, **3:07.101**
- Third person's expenses, **3:07.83**
- Travel and entertainment, **3:07.97**
- Wages and compensation, **3:07.98**
- Warranty obligations, **3:07.99**
- Worthlessness (intangibles), **3:07.100**

BUSINESS RECORDS

- Evidence in Tax Court, **8:31**

CANCELLATION OF DEBT

- Evidence in Tax Court, **8:47.50**
- Income, **3:07.12, 3:07.15**
- Information reporting, **3:23.60, 3:23.65**
- Presumptions and burden of proof, **8:08**

CAPACITY

- Parties in Tax Court, **7:82**

CAPITAL EXPENSES

- Business expense deductions, **3:07.86**

CAPITAL GAINS

- Ordinary income distinguished, **3:07.50 to 3:07.70.50**

CAPITALIZED INCOME

- Valuation evidence, **8:91.30**

CAPITAL TRANSACTIONS

- Evidence in Tax Court, **8:47.55**

CASH ACCOUNTING METHODS

- Generally, **3:27.90**

CASUALTY LOSSES

- Business expense deductions, **3:07.95**

CERTIFICATE

- Judicial review, **9:46**

INDEX

CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS (CPEOs)
Audits, **3:50.82**

CERTIORARI
Generally, **9:28 to 9:33**
For detailed treatment, see index heading **JUDICIAL REVIEW**

CHARITABLE CONTRIBUTIONS
Audit and settlement procedure, **3:07.72**
Business expense deductions, **3:07.89.50**
Evidence in tax court, **8:47.55.50**
Gross income, tax effects resulting from charitable assistance, **3:07.13**
Information reporting, **3:23.66**
Valuation evidence, **8:91.40**

CHIEF COUNSEL
See index heading **OFFICE OF CHIEF COUNSEL**

CHILD CARE PROVIDERS
Business expense deductions, **3:07.90**

CHILD TAX CREDIT
Bankruptcy, **13D:01**

CHURCHES
Audits, investigation of church's tax liabilities, **3:40.50**

CIRCULAR 230
Partnerships, TEFRA proceedings, **16:23, 16:24**
Practice before IRS, **3:04**
Standards of practice, **1:45.50**

CIVIL FRAUD PROCEEDINGS
Generally, **15:01 to 15:45**
Administrative procedures, generally, **15:01 to 15:12**
Admissions, **15:22, 15:31**
Burden of proof, **15:13, 15:15**
Criminal investigation division, **15:02, 15:03**
Forms, **15:34 to 15:45**
Grand jury materials, **15:32, 15:33**
Joint investigation, **15:04, 15:12**
More definite statement, motion, **15:17**
Overstated deductions, **15:41, 15:42**
Pleadings in tax court, generally, **15:14 et seq.**
Proof in tax court, generally, **15:13 et seq.**
Settlement restrictions, **15:11**
Statute of limitations, **15:37 to 15:39, 15:45**

FEDERAL TAX PRACTICE

CIVIL FRAUD PROCEEDINGS—Cont'd

- Stipulation of facts, **15:20**
- Tax Court cases, generally, **15:13 to 15:33**
- Unreported income, **15:23 to 15:29, 15:42**

CLAIMS AGAINST ESTATE

- Valuation evidence, **8:91.50**

CLASSIFICATION OF BUSINESS ENTITIES

- Generally, **3:27.10**
- Disregarded entities, **3:27.12**
- Foreign entities, **3:27.11**
- Partnerships, **3:27.13**

CLERICS

- Privilege, **8:63**

CLIENT IDENTITY

- Privilege, **3:46.50**

CLOSELY HELD COMPANIES

- Valuation evidence, **8:91**

CLOSING AGREEMENTS

- Generally, **3:65 to 3:68, 13E:14 to 13E:18**
- For detailed treatment, see index heading **COMPROMISE AND SETTLEMENT**

COAL GASIFICATION

- Business credits, **3:27.98**

COAL MINERS

- Health care benefits, **3:50.92**

COLLATERAL ESTOPPEL

- Generally, **11:26**
- Innocent spouse relief, **6:87.50**

COLLECTION DUE PROCESS HEARINGS

- Generally, **6:25.52, 6:73.50, 13C:11**

COLLECTION PROCEDURES

- Generally, **13C:01 to 13C:58**
- Appeal, Tax Court review, **13C:12.60**
- Appointment of receiver, **13C:43**
- Attorneys' fees, withholding reduction for, **13C:05.70**
- Bond, effect of giving, **5:80**
- Collection due process hearings, **6:25.52, 6:73.50, 13C:11**
- Constitutional issues, **2:01.70**
- Contesting collection, **13C:08**
- Court proceedings, effect of, **5:79**

INDEX

COLLECTION PROCEDURES—Cont'd

- Discharge of liens held by United States, **13C:58**
- Election to delay for-profit determination/section 183(e), **5:77.50**
- Electronic tax deposits, **13C:09**
- Erroneous refund, **13C:50**
- Estate tax, **13C:49**
- Extension of statute of limitations, **5:77, 5:77.50**
- Foreign taxes, **13C:02.60**
- Form 5213, election to delay for-profit determination/section 183(e), **5:77.50**
- Injunctive relief, **13C:52**
- Interpleader, **13C:54**
- Intervention, **13C:44**
- Interviews, **13C:04**
- Joint bank accounts, **13C:25**
- Jointly held property, **13C:24**
- Judgment, reducing tax assessment to, **13C:42**
- Levy and seizure
 - generally, **13C:10 to 13C:40.50**
 - for detailed treatment, see index heading **LEVY AND SEIZURE**
- Life insurance equities, **13C:20**
- Limitations. See index heading **LIMITATIONS UPON ASSESSMENT AND COLLECTION**
- Limited liability corporations (LLCs), **13C:25.70**
- Mitigation, **5:77.60**
- Natural disasters, **5:81**
- Notice and demand required, **13C:06, 13C:07**
- Other actions, **13C:51**
- Partnership property, **13C:26**
- Personal property, **13C:23**
- Private collection agencies, **13C:02**
- Real property, **13C:21**
- Receivables, **13C:23**
- Reporting third party contacts, **13C:07.50**
- Retirement accounts, **13C:27.50**
- Revocable trust interests, **13C:28**
- Rewards, **13C:05**
- Safe deposit box, opening, **13C:45**
- Salaries and wages, **13C:22**
- Search warrants, **13C:46**
- Social security benefits, **13C:26.50**
- Spendthrift trusts, **13C:27**
- Statute of limitations
 - generally, **5:75 to 5:81**
 - bond, effect of giving, **5:80**

FEDERAL TAX PRACTICE

COLLECTION PROCEDURES—Cont'd

Statute of limitations—Cont'd
court proceedings, effect of, **5:79**
election to delay for-profit determination/section 183(e), **5:77.50**
extension of, **5:77, 5:77.50**
mitigation, **5:77.60**
natural disasters, **5:81**
statutory provisions, **5:76**
suspension of collection period, **5:78**
Stay of assessment and collection, **9:15**
Suits for collection
generally, **13C:41 to 13C:51**
appointment of receiver, **13C:43**
erroneous refund, **13C:50**
estate tax, **13C:49**
intervention, **13C:44**
judgment, reducing tax assessment to, **13C:42**
lien enforcement, **13C:48**
other actions, **13C:51**
safe deposit box, opening, **13C:45**
search warrants, **13C:46**
third party property holders, **13C:47**
Superior lien, action to foreclose, **13C:55 to 13C:57**
Suspension, **5:78, 8:47.79.50**
Tax Court review, **13C:12.60**
Third party remedies
generally, **13C:52 to 13C:58**
for detailed treatment, see index heading THIRD PARTIES
Warrant for distraint under prior law, **13C:03**
Whistleblower awards, **13C:05.50, 13C:05.60, 13C:05.70**

COLLEGES AND UNIVERSITIES

Examination guidelines, **3:41**

COLLUSION

Reopening cases, **3:68.50**

COMMERCIAL FISHING

Audits, **3:27.12.60**

COMMISSIONER OF INTERNAL REVENUE SERVICE

Generally, **1:08.50**

Acceptance of settlement procedure, **3:61**

Jurisdiction, **6:24, 6:75**

INDEX

COMMUNITY PROPERTY

- Innocent spouse relief, **3:21.50**
- Joint returns by husband and wife, **3:20.60, 3:21.90**
- Levy and seizure, **13C:25.50**
- Offsetting separate liability of one spouse, **3:20.60**

COMMUNITY RENEWAL

- Business expense deductions, **3:07.90.50**

COMPENSATION

- Wages and Compensation, this index

COMPROMISE AND SETTLEMENT

- Generally, **13E:01 to 13E:19**
- Administrative appeals. See index heading APPEALS DIVISION
- Admissions, **8:43**
- Agreements
 - generally, **7:203**
 - closing agreements. Closing agreements, below
- Appeals division
 - generally, **4:12 to 4:15**
 - for detailed treatment, see index heading APPEALS DIVISION
- Audits. See index heading AUDITS
- Authority of Regional Director of Appeals, **1:18**
- Bankruptcy proceedings, **13E:05**
- Binding effect of acceptance, **13E:11**
- Chief counsel review, **13E:10**
- Civil fraud proceedings, settlement restrictions, **15:11**
- Closing agreements
 - generally, **3:65 to 3:68, 13E:14 to 13E:18**
 - advantages, **13E:16**
 - conclusive effect, **13E:17, 13E:18**
 - deficiency assessments, **2:09**
 - extension agreements, effect on, **3:67**
 - innocent spouse, **13E:18**
 - interest assessment, **3:66**
 - jurisdiction, **13E:14, 13E:15**
 - offer in compromise, **3:65.50**
 - partnerships, **13E:15**
 - physician recruitment, **3:68**
 - preclusive effect, **6:85.50**
 - procedure, **13E:14, 13E:15**
 - Tax Court cases, **7:190**
- Conditions to offer, **13E:03**
- Cost recovery, **13E:09**

FEDERAL TAX PRACTICE

COMPROMISE AND SETTLEMENT—Cont'd

Costs of actions. See index heading COSTS OF ACTIONS
Criminal cases, **13E:03.50**
Equitable considerations, **13E:04**
Evidence in Tax Court, **8:47.79**
Exempt bond issuers, **13E:19**
Funds, settlement funds, **3:27.20**
Innocent spouse, **13E:18**
Judicial review of stipulations, **9:34**
Jurisdiction, **13E:02, 13E:14, 13E:15**
Levy and seizure, **13C:32.50**
Litigated cases, **13E:13**
Living expense allowance, **13E:07**
Partnerships, **7:191, 13E:15**
Penalties, **13E:12**
Piggyback agreements, **16:03**
Procedure, **13E:02**
Receipt of income, **3:07.35**
Rejection, **13E:08**
Reopening Tax Court cases, **7:187, 7:189**
Stay of collection, **13E:06**
Stipulations in Tax Court cases, **7:188**
Suit for refund, **11:56**
Suits for refund, settlement of, **11:91**
Taxability of settlements, **3:27.50**
Tax Court cases
 generally, **7:186 to 7:191**
 closing agreements, **7:190**
 partnerships, **7:191**
 reopening, **7:187, 7:189**
 stipulations, **7:188**
Tax shelters, **3:06, 3:27.25, 3:27.27, 3:42.70**
User fees, **13E:13.50**
Valuation cases, **8:93**
Worker classification, **3:50.70**

CONCEALMENT

Reopening cases, **3:68.50**

CONFERENCE

Discovery memoranda, **7:116**

CONFIDENTIAL MATTERS

See index heading **PRIVILEGED AND CONFIDENTIAL INFORMATION**

INDEX

CONFLICTS OF INTEREST

Standards of practice, **1:45.50**

CONGRESSIONAL OVERSIGHT

Generally, **1:47**

Refunds and credits, **10:63**

CONSERVATION EASEMENTS

Personal deductions, **3:07.73**

CONSOLIDATION

Motions, **7:108**

CONSPIRACY TO IMPEDE IRS

Criminal prosecution, **13B:03**

CONSTITUTIONAL ISSUES

Admissions, **8:42**

Assessment procedures

generally, **2:01.10 to 2:01.90**

for detailed treatment, see index heading ASSESSMENT

CONSTRUCTION RESERVE FUNDS

Statute of limitations, **5:33**

CONTEMPT

Bankruptcy proceedings, **13D:07**

Tax court powers, **6:09**

CONTINGENCY FEES

Audit and settlement procedure, **3:27.65**

CONTINUANCE

Motions, **7:106, 7:230, 7:231**

COOPERATIVES

Audits and settlement procedure, **3:26.55**

COORDINATED EXAMINATION PROGRAM

Generally, **3:48**

COPIES AND DUPLICATES

Evidence in Tax Court, **8:16, 8:20, 8:39**

Official forms, **3:14**

CORPORATIONS

Affiliated corporations. See index heading **AFFILIATED CORPORATIONS**

Audit and settlement procedure, **3:26.60, 3:26.65**

Compliance program, **6:55.60**

Dissolved corporations. See index heading **DISSOLVED CORPORATIONS**

FEDERAL TAX PRACTICE

CORPORATIONS—Cont'd

Inversions, information reporting, **3:23.67**
Jurisdiction, 6:55.50 to 6:60.50
Limited liability corporations (LLCs), **13C:25.70**
Parties in Tax Court, **7:81**
Privileged communications, **8:56**
S corporations, **1:34.50**
Statute of limitations extensions, **5:64 to 5:66**
Successor corporations. See index heading **SUCCESSOR CORPORATIONS**

COST OF LIVING

Audit and settlement procedure, annual cost of living inflation adjustments, **3:07.96**

COST SHARING ARRANGEMENTS

Business expense deductions, **3:07.81**

COSTS OF ACTIONS

Generally, **8:142 to 8:150**
Administrative cost recovery
generally, **4:17 to 4:24**
for detailed treatment, see index heading **APPEALS DIVISION**
Amount of fees allowed, **8:144**
Applying for, **8:150**
Compromise and settlement. Settlement, below
Concession by IRS, **8:146**
Exhausting administrative remedies, **8:143**
Judicial review, **9:25**
Net worth limits, **8:148**
Qualified offer rule, settlement exception, **8:147.50**
Settlement
generally, **8:147, 13E:09**
Claims Court, **11:84**
qualified offer rule, **8:147.50**
refund suits, **11:68**
Subpoenas, **7:167**
Substantially justified position, **8:145**
Unreasonably protracted proceedings, **8:149**

CREDIT CARDS

Audit and settlement procedure, offshore credit card accounts, **3:36.50**
Information reporting, **3:23.67.05**

CREDIT COUNSELING AGENCIES

Exempt status, **3:27.02**

INDEX

CREDITS

See index heading REFUNDS AND CREDITS

CRIMINAL PROCEEDINGS

Generally, **13B:01 to 13B:22**

Agent's violation of IRS procedures, **13B:10**

Assessment procedures, criminal restitution recoveries, **2:03.60**

Compromise and settlement, **13E:03.50**

Conspiracy to impede IRS, **13B:03**

Deduction of costs, **13B:17**

Deduction of illegal payments, **13B:18**

Deportation, **13B:22**

Double jeopardy, **13B:13**

Downward departure from sentencing guidelines, **13B:21**

Enhancements to sentence, **13B:20**

Entrapment, **13B:15**

Evasion of tax, **13B:04**

Failing to collect and pay over taxes, **13B:01**

False or fraudulent returns, **13B:04.50**

Frivolous returns, **3:08.57**

Identity theft, **13B:04.60**

Illegal searches and seizures, **13B:12**

Improperly obtained information, **13B:11**

Indictment, **13B:09.50**

Interfering with tax administration, **13B:05**

Interrogation, **13B:09.70**

Materiality, **13B:07**

Obstructing tax collection, **13B:02**

Parallel or related civil proceedings, **13B:08, 13B:09**

Plea agreements, **13B:16.50**

Production of taxpayer records, **13B:14.50**

Referral from civil audit, **13B:06**

Representation inadequate, **13B:12.50**

Required records doctrine, **13B:14.50**

Self-incrimination privilege, **8:76, 13B:14**

Sentencing, **13B:19 to 13B:21**

Venue, **13B:09.60**

Voluntary disclosure, **13B:16**

CROSS-APPEALS

Judicial review, **9:12**

CROSS-EXAMINATION

Witnesses, **8:98**

FEDERAL TAX PRACTICE

CUMULATIVE BULLETIN (CB)

Generally, **1:43.50**

DAMAGES

Suits for refund, damage claims in lieu of, **11:35**
Tax court, authority to award damages, **6:75.50**

DEATH BENEFITS

Levy and seizure, **13C:19.50**

DEATH OF PARTIES

Jurisdiction, **6:51, 6:55**
Refunds and credits, **10:45**
Third-party summons, deceased taxpayers, **3:46.60**

DECLARATORY JUDGMENTS

Generally, **2:47**
Exceptions, **2:48**
Exempt organizations, **6:62**
Gift valuation, **6:63.60**
Governmental obligations, status of, **6:63**
Retirement plans, **6:61**
Special trial judges, **8:128**
Tax Court
generally, **6:61 to 6:64**
for detailed treatment, see index heading TAX COURT
Worker classification challenges, **6:63.50**

DEDUCTIONS

Audit and settlement procedure, generally, **3:07.71 et seq.**
Bribes or kickbacks, **5:30**
Business expense deductions
generally, **3:07.80 to 3:07.101, 3:07.80 to 3:07.102**
for detailed treatment, see index heading BUSINESS EXPENSE DEDUCTIONS
Compensation paid, **3:07.98**
Contested liabilities, **3:07.91**
Costs of criminal proceedings, **13B:17**
Deferred payments, service providers, **3:07.82**
Deficiency dividend deductions, **5:47**
Foreign derived intangible income (FDII), **3:23.71.30**
Golden parachutes, **3:07.98**
Interest, **13:07**
IRA regarding prevailing wage and apprenticeship requirements, **3:07.102**
Lease strips, **3:07.94**
Life insurance, credits for unused deductions, **10:81**
Matching income with related deductions, **8:26**

INDEX

DEDUCTIONS—Cont'd

“Passthrough businesses,” deduction for, **3:07.96.80**
Personal/nonbusiness, generally, **3:07.71 et seq.**
Substantiating in Tax Court, **7:29**
Theft loss deduction, **8:10**
Travel expenses, **3:07.97**
Wages paid, **3:07.98**

DEEDS

Levy and seizure, **13C:40**

DEFERRED COMPENSATION

Gross income, audit and settlement procedure, **3:07.14**
Information reporting, **3:23.67.10**

DEFERRED GAIN TRANSACTIONS

Cancellation of debt income, **3:07.15**

DEFERRED PAYMENTS

Business expense deductions, **3:07.82**

DEFICIENCY ASSESSMENTS

Answer in Tax Court, **7:64, 7:65**
Credit against, **10:22**
Defectively addressed notice, **6:32**
Further deficiency notices barred, **6:33, 6:34**
Grand jury materials, improper use of, **6:27**
Jurisdiction of Tax Court
generally, **6:13 to 6:34**
for detailed treatment, see index heading TAX COURT
Last known address, not directed to, **6:31**
Misdirected notice, **6:29 to 6:32**
Notice
generally, **6:26 to 6:34**
contents of, **6:28**
defectively addressed notice, **6:32**
evidence in Tax Court, **8:47.78**
further deficiency notices barred, **6:33, 6:34**
grand jury materials, improper use of, **6:27**
last known address, not directed to, **6:31**
misdirected notice, **6:29 to 6:32**
payment after deficiency notice and before petition, **6:18**
petitions in Tax Court, **7:16, 7:21 to 7:29**
rescission of, **6:34**
voluntary payment before deficiency notice, **6:16, 6:17**
waiver and assessment, **6:15 to 6:18**

FEDERAL TAX PRACTICE

DEFICIENCY ASSESSMENTS—Cont'd

Payment after deficiency notice and before petition, **6:18**
Penalties, 13A:02
Restrictions on, **2:07 to 2:09**
Statute of limitations
generally, **5:01 to 5:74**
for detailed treatment, see index heading **STATUTE OF LIMITATIONS**
Voluntary payment before deficiency notice, **6:16, 6:17**
Waiver and assessment, **6:15 to 6:18**

DEFICIENCY DIVIDEND DEDUCTIONS

Statute of limitations, **5:47**

DEPARTMENT STORES

Audits, **3:41.60**

DEPENDENCY EXEMPTION

Evidence in Tax Court, **8:47.57**

DEPORTATION

Criminal proceedings, **13B:22**

DEPOSITIONS IN TAX COURT

Generally, **7:137 to 7:143**
After trial, taking deposition, **7:184**
Consent of parties, **7:138**
Enforcement action, **7:182**
Expert witnesses, **7:143**
Foreign depositions, **7:179**
Nonparty witness, **7:139**
Pending cases, **7:174**
Perpetuation of evidence
generally, **7:141, 7:173 to 7:185**
after trial, taking deposition, **7:184**
enforcement action, **7:182**
foreign depositions, **7:179**
pending cases, **7:174**
petitions in Tax Court, **7:49**
protective order, **7:181**
return of deposition, **7:176**
sanctions, **7:182**
supplementing answers, **7:180**
taking deposition, **7:175, 7:183, 7:184**
use of deposition, **7:177**
videotape depositions, **7:178**
written questions, **7:185**

INDEX

DEPOSITIONS IN TAX COURT—Cont'd

- Protective order, **7:181**
- Return of deposition, **7:176**
- Sanctions, **7:182**
- Supplementing answers, **7:180**
- Taking deposition, **7:175, 7:183, 7:184**
- Use of deposition, **7:177**
- Videotape depositions, **7:178**
- Without consent of parties, **7:142**
- Written questions, **7:140, 7:185**

DEPOSITS

- Electronic filing, **3:15.50**
- Overpayment distinguished, **10:73**
- Payment of tax compared, **3:28.50**
- Penalties, **13A:11 to 13A:13**

DEPRECIATION BASIS

- Evidence in tax court, **8:47.58**

DEVELOPMENT RIGHTS

- Audits, **3:07.62**

DIRECT TAX

- Constitutional issues, **2:01.40**

DISASTER RELIEF

- Filing of returns, **3:11.50**

DISBURSEMENT AGREEMENTS

- Liens and priorities, **14:59, 14:60**

DISCHARGE

- Bankruptcy proceedings
 - generally, **13D:22 to 13D:27**
 - for detailed treatment, see index heading **BANKRUPTCY PROCEEDINGS**
- Liens and priorities
 - generally, **14:73 to 14:84**
 - for detailed treatment, see index heading **LIENS AND PRIORITIES**

DISCIPLINARY ACTIONS

- Tax Court practice, **6:09.50**

DISCLAIMERS

- Liens and priorities, **14:31**

DISCLOSURE OF INFORMATION

- Avoidance of prosecution, **3:35.50**
- Exempt organizations, **3:27.01**

FEDERAL TAX PRACTICE

DISCLOSURE OF INFORMATION—Cont'd

Jurisdiction, **6:66**

 Privileged and confidential information. See index heading **PRIVILEGED AND
CONFIDENTIAL INFORMATION**

 Return information, **3:32 to 3:34**

 Uncertain tax positions, disclosure of, **3:42.90**

DISCOVERY

 Generally, **7:109 to 7:143, 11:48**

 Admission requests

 generally, **7:144 to 7:152**

 for detailed treatment, see index heading **ADMISSION REQUESTS IN TAX COURT**

 Conference memoranda, **7:116**

 Depositions

 generally, **7:137 to 7:143**

 for detailed treatment, see index heading **DEPOSITIONS IN TAX COURT**

 Enforcement actions, generally, **7:123**

 Examination by transferees, **7:136**

 Executive privilege, **7:112**

 FOIA requests, IRS documents, **1:33.50**

 Interrogatories

 generally, **7:124 to 7:128**

 for detailed treatment, see index heading **INTERROGATORIES IN TAX COURT**

 Opposition to motion to compel, **7:224, 7:225**

 Party's statements, **7:118**

 Private rulings, **7:117**

 Production of documents and things

 generally, **7:129 to 7:135**

 for detailed treatment, see index heading **PRODUCTION OF DOCUMENTS AND**

THINGS

 Protective orders, generally, **7:122**

 Responses, **7:120, 7:121**

 Revenue agent's report, **7:115**

 Sanctions, **1:45.50, 7:123**

 Scope, **7:110**

 Signatures, **7:119**

 Special agent's report, **7:114**

 Supplementation of responses, **7:121, 7:130**

 Technical advice, **7:117**

 Third-party identity, **7:112.50**

 Third-party statements, **7:113**

 Work product, **7:111**

DISCRIMINATION

 Assessment procedures, **2:01.42**

INDEX

DISMISSAL MOTIONS

Jurisdiction, lack of, **7:90, 7:217 to 7:219**
Lack of prosecution, **7:91 to 7:94**
Prosecution, lack of, **7:91 to 7:94**

DISPUTED OWNERSHIP FUNDS

Audits, **3:27.40**

DISREGARDED ENTITIES

Classification of business entities, **3:27.12**

DISSOLVED CORPORATIONS

Jurisdiction, **6:56, 6:57**
Statute of limitations, **5:65**

DISTRIBUTORSHIPS

Capital gains vs. ordinary income, distributorship cancellation

DISTRICT COUNSEL ADVICE

Generally, **1:35.70**

DISTRICT COUNSEL CONFERENCE

Civil fraud proceedings, **15:06**

DISTRICT COURTS

Appeals, **11:71**
Costs, litigation, **11:68**
Counterclaims, **11:66**
Evidence, **11:60**
Findings, **11:67**
Freedom of Information Act, **11:54**
Judgments, **11:70**
Motions, **11:61**
Objections, **11:61**
Pretrial conference, **11:55**
Privileged communications, **11:62**
Procedures, trial, **11:63**
Settlement, **11:56**
Trial procedures, **11:63**
Trials, **11:60**

DISTRICT DIRECTORS

Internal Revenue Service organization, **1:15**

DIVIDENDS

Business expense deductions, **3:23.68**
Evidence in Tax Court, **8:47.56**
Reporting rules, **3:23.57, 3:23.68**

FEDERAL TAX PRACTICE

DIVIDENDS—Cont'd

Statute of limitations, **5:29**

DIVORCE

Alimony. See index heading **ALIMONY**
Joint returns by husband and wife, **3:20, 3:20.50**

DOCUMENTARY EVIDENCE

Generally, **8:15 to 8:18**

DOMESTIC PARTNERS

Tax filing rights, **3:21.80**

DOUBLE JEOPARDY

Generally, **13B:13**
Penalties, **13A:45**

DUAKKY CHARTERED ENTITIES

Classification of business entities, **3:27.11**

DUAL CITIZENSHIP

Audit and settlement procedures, **3:27.09**

DUE PROCESS

Assessment procedures, **2:01.45**
Prisoners, IRS review of refunds, **11:04**

DURESS

Statute of limitations extensions, **5:53**

EARNED INCOME CREDIT

Generally, **10:34.50**

EDUCATIONAL LOANS

Information reporting, **3:23.70**

ELECTIVE USE

Mark-to-market accounting, **3:27.92**

ELECTRONIC DEPOSITS

Collection procedures, **13C:09**
Penalties, **13A:13**

ELECTRONIC FILING

Generally, **3:15 to 3:17.15**
Deposits, **3:15.50**
Large employers, **3:23.70.50**
Large partnerships, **3:17.10**
Nonresident aliens, **3:17**
Particular returns, **3:17.11**
Privacy issues, **3:17.17**

INDEX

ELECTRONIC FILING—Cont'd

Signatures, **3:17.15**
Telephone filing, **3:16**
Trial in tax court, **8:01.50**

EMPLOYEES

Benefit plan terminations, **10:30, 10:31**
Classification, **3:50 to 3:50.70**
Evaluations of IRS employees, **1:06.70**
Property of employer—use by workers, **3:07.18**
Termination payments, **3:07.60**

EMPLOYEE STOCK OPTION PLANS

Audit and settlement procedures, ESOPs holding S corporation stock,
3:26.70

EMPLOYMENT TAXES

Generally, **3:27.68, 3:50.80, 3:50.85**
Bankruptcy proceedings, **13D:20**

ENEMY ALIENS

Statute of limitations, **5:49**

ENFORCEMENT OF LIENS

Generally, **14:73 to 14:84**
For detailed treatment, see index heading **LIENS AND PRIORITIES**

ENTERPRISE ZONES

Business expense deductions, **3:07.90.50**

ENTRAPMENT

Criminal prosecution, **13B:15**

ENTRY OF JUDGMENT

Judicial review, **9:24**

EQUAL PROTECTION

Assessment procedures, **2:01.47**

EQUITABLE RECOUPMENT

Generally, **11:25**
Interest, **13:16**

EQUITABLE RELIEF

Compromise and settlement, **13E:04**
Innocent spouse rule, **3:21.70**
Jurisdiction, **6:25.55**
Refunds and credits, **10:32**

FEDERAL TAX PRACTICE

EQUITABLE TOLLING

Statute of limitations, **5:49.50**

ERRORS AND MISTAKES

Advice, abatement of penalty or addition to tax due to erroneous, **2:06**

Assessments. See index heading ASSESSMENTS

Change of accounting method and correction of mathematical errors distinguished, **3:27.80**

Definition of mathematical error, **8:26.50**

Erroneous advice from Federal Regulators, **13A:43**

Refunds, **2:03, 10:08, 13:14, 13C:50**

Reopening cases, **3:68.50**

ESCROW ACCOUNTS

Audit and settlement procedure, **3:27.30**

ESTATE TAXES

Audit and settlement procedure, **3:26.75**

Collection procedures, **13C:49**

Deferred payment of estate taxes, **14:70**

Divestiture of lien for third parties, **14:69**

Installment payment, **3:28**

Liens and priorities

generally, **14:67 to 14:71**

deferred payment of estate taxes, **14:70**

divestiture of lien for third parties, **14:69**

property subject to lien, **14:68**

special use valuation, **14:71**

statutory provisions, **14:67**

Mitigation of time limitations on claims, **10:20**

Property subject to lien, **14:68**

Refunds and credits, **10:18.60, 10:36**

Special use valuation, **14:71**

Statute of limitations, **5:03, 5:37**

Statutory provisions, **14:67**

ESTIMATED TAXES

Penalties, **13A:09, 13A:10**

Refunds and credits, **10:23**

ESTOPPEL

Assessments, reinstatement of erroneous assessments, **2:06.50**

Collateral estoppel, **11:26**

Judicial, **11:27**

Petitions in Tax Court, **7:17**

INDEX

EVASION OF TAXES

Bankruptcy proceedings, **13D:24, 13D:25**
Criminal prosecution, **13B:04**
Leadership role in offense, **13B:20**

EVIDENCE IN TAX COURT

Generally, **8:05 to 8:106**
Abandonment of property, **8:47.05**
Absence of record, **8:38**
Abuse of discretion, **8:47.06**
Admissibility, generally, **8:14**
Admissions, **8:30, 12:80**
Advances as loans, **8:47.07**
Alimony, **8:47.10, 8:47.12**
Authentication, **8:18**
Bad debt, **8:47.13**
Best evidence rule, **8:15 to 8:18**
Books, **8:34**
Burden of persuasion, **8:12**
Burden of proof
generally, **8:07 to 8:10.60**
for detailed treatment, see index heading PRESUMPTIONS AND BURDEN OF PROOF
Business purpose, **8:47.15**
Business records, **8:31**
Cancellation of debt income, **8:47.50**
Capital transactions, **8:47.55**
Charitable donations, **8:47.55.50**
Collection procedures, **13C:12.60**
Commercial publications, **8:33**
Consent from lack of objection, **8:101**
Constructive dividends, **8:47.56**
Copies, **8:20**
Copies of public records, **8:39**
Copying exhibit, motion to withdraw exhibit for, **8:163**
Declaratory judgment actions, **8:106**
Dependency exemption, **8:47.57**
Depreciation basis, **8:47.58**
Documentary evidence, **8:15 to 8:18**
Duplicates, **8:16**
Evaluative reports and investigations, **8:37**
Exceptions to evidentiary rulings, **8:103**
Extension of contract not a sale, **8:47.56.50**
Foreign tax credit, **8:47.60**

FEDERAL TAX PRACTICE

EVIDENCE IN TAX COURT—Cont'd

Former testimony, **8:48**
Gifts, **8:47.63**
Imputed interest, **8:47.65**
Insurance loss reserves, **8:47.66**
Intent, **8:47.68**
Judicial notice, **8:49** to **8:53**
Knowledge, **8:47.76**
Loans, **8:47.77**
Notice of deficiency, **8:47.78**
Objections, **8:100**
Offer of proof, **8:102**
Oral testimony, **8:17**
Parol evidence rule
 generally, **8:21** to **8:25**
 for detailed treatment, see index heading PAROL EVIDENCE RULE
Pension plans, **8:47.82**
Plain error, **8:104**
Presumptions and burden of proof
 generally, **8:07** to **8:10.60**
 for detailed treatment, see index heading PRESUMPTIONS AND BURDEN OF
 PROOF
Prior testimony, **8:29**
Privileged and confidential information
 generally, **8:54** to **8:76**
 for detailed treatment, see index heading PRIVILEGED AND CONFIDENTIAL
 INFORMATION
Public records and reports, **8:35**
Record of proceedings, **8:105**
Relevance, **8:06**
Rules, **8:06**
Rulings, **8:99**
Secondary evidence, **8:19**, **8:20**
Service's publications, **8:26**
Settlement allocations, **8:47.79**
Statutes, **8:06**
Statutory construction, **8:26.50**
Summaries, **8:32**
Taxpayer's performance, **8:27**
Tax returns, **8:36**
Transcripts, **8:32**
Transfer of property, **8:47.84**
Travel expense substantiation, **8:47.80**
Uncontradicted evidence rule, **8:13**

INDEX

EVIDENCE IN TAX COURT—Cont'd

- Unreasonable compensation, **8:47.90**
- Valuation
 - generally, **8:88 to 8:93**
 - for detailed treatment, see index heading **VALUE OR VALUATION**
- Variable prepaid forward contracts (VPFCs), **8:47.56.50**

EXAMINATION

- Partnerships, **16:01**
- Statute of limitations, **5:40.50**

EXAMINATION OF WITNESSES

- Generally, **8:95 to 8:98**

EXCESS PROFITS TAX

- Jurisdiction, **6:89 to 6:93**

EXCISE TAXES

- Refunds and credits, **10:59**

EXCLUSIONS FROM INCOME

- Audit and settlement procedure, **3:07.45 to 3:07.48**

EXECUTIVE COMPENSATION

- Audits, nonprofits excess executive compensation, **3:27.02.30**

EXECUTIVE PRIVILEGE

- Generally, **8:66**
- Discovery practice in Tax Court, **7:112**

EXECUTORS

- Discharge application, **5:19**

EXEMPLARY DAMAGES

- Tax court, authority to award damages, **6:75.50**

EXEMPT BOND OPINIONS

- Attorney practice, **1:45.70**

EXEMPT ENTITY LEASES

- Business expense deductions, **3:23.94.50**

EXEMPT MUNICIPAL BOND INTEREST

- Information reporting, interest paid, **3:23.71.05**

EXEMPT ORGANIZATIONS

- Generally, **3:27 to 3:27.08**
- Auditing church records, **3:40.50**
- Business expense deductions, **3:23.71**
- Disclosure rules, **3:27.01**
- Filing requirements, **3:27**

FEDERAL TAX PRACTICE

EXEMPT ORGANIZATIONS—Cont'd

Intermediate sanctions, **3:27.03**
Jurisdiction, **6:62**
Private foundations, **3:27.08**
Reinstatement, **3:27.02.10, 3:27.02.20**
Religious interference, **3:27.04**
Shelter participation, **3:27.05**
Small organizations, **3:27.02.10**
Status, **3:27.02, 3:27.02.10, 3:27.02.20**
Unrelated business income, **3:27.06**

EXEMPT PROPERTY

State laws, ineffectiveness of exemption under, **12:35**

EXHAUSTION OF REMEDIES

Appeals Division, **4:19**
Petitions in Tax Court, **7:48**

EXPATRIATES

Audit and settlement procedures, **3:27.09**

EXPECTED NONCOLLECTABLES

Accounting methods-service providers, **3:27.84**

EXPEDITING AUDIT

Audit and settlement procedure, **3:37**

EXPERT WITNESSES

Generally, **8:82 to 8:87**
Appointment and examination, **8:83**
Charitable contributions, **8:87**
Depositions in Tax Court, **7:143**
Effect of testimony, **8:85**
Illustrative cases, **8:86**
Interrogatories in Tax Court, **7:125**
Qualifications, **8:84**

EXPLORATION EXPENSES

Business expense deductions, **3:07.91.10**

EXPORTS AND IMPORTS

Assessment procedures, **2:01.90**

EXTENSIONS

Agreements, **10:21, 10:58**
Evidence in tax court, extension of contract not a sale, **8:47.56.50**
Filing of returns, **3:11 to 3:12**
Refund, extensions of period for suing for, **11:10, 11:87**

INDEX

EXTENSIONS—Cont'd

- Statute of limitations
 - generally, **5:50 to 5:66**
 - for detailed treatment, see index heading **STATUTE OF LIMITATIONS**
 - Suits for refund, extensions of period for, **11:10, 11:87**
 - Transferee bound by taxpayer's extension
 - generally, **12:27**
 - collection period extensions, **12:33**
 - Transferee liability, extension of, **12:28**

FALSE OR FRAUDULENT RETURNS

- Criminal prosecution, **13B:04.50**
- Statute of limitations, **5:08**

FAMILY PARTNERSHIPS

- Valuation evidence, **8:91.60**

FARMERS

- Agricultural subsidies, **3:07.19**
- Classification of business entities, **3:27.12.50, 3:41.40**

FEDERAL REGULATORS

- Erroneous advice, **13A:43**

FIDUCIARIES

- Affected, **12:66**
- Assessment, limitation periods, **12:68**
- Debts, payment of
 - generally, **12:62**
 - notice, **12:65**
- Defined, **12:66**
- Discharge, effect of, **12:67**
- Filing of returns, duty to file, **3:08.53**
- Historical background, **12:57**
- Injunctive relief, **12:70**
- Jurisdiction, **6:54**
- Liability, generally, **12:56 to 12:68**
- Petitioners in tax court, **6:53 to 6:55**
- Statute of limitations, **5:48, 5:63, 12:68**
- Statutory notice, **12:74**
- Statutory provisions, **12:58**
- Suit against fiduciary permitted, **12:69**
- Tax Court, jurisdiction of, **12:72**
- Taxpayer, determination of merits in deficiency proceeding, **12:71**
- Transferee liability distinguished, **12:61**
- Venue, suits against fiduciary, **12:69**

FEDERAL TAX PRACTICE

FIELD AUDITS

Generally, **3:44, 3:45**

FIELD SERVICE ADVICE

Internal Revenue Service organization, **1:35 to 1:35.70**

FILING OF RETURNS

Generally, **3:08 to 3:17.30**

Addresses, **1:06.55**

Adequacy of return, **3:08.50**

Bankruptcy proceedings, **13D:23**

Consistency, **3:08.52**

Disaster relief, **3:11.50**

Due dates, **3:09**

Duplicates of official forms, **3:14**

Duty to file (fiduciaries), **3:08.53**

Electronic filing

generally, **3:15 to 3:17.15**

for detailed treatment, see index heading ELECTRONIC FILING

Exempt organizations, **3:27**

Extension of due date, **3:11 to 3:12**

Fiduciaries, duty to file, **3:08.53**

Foreign taxpayers, **3:11.60**

Frivolous return positions, **3:08.55 to 3:08.57**

Gift tax returns, **3:17.30**

Low income housing credit, **3:17.12**

Passport applications, **3:08.58**

Penalties for failure to file

generally, **13A:03 to 13A:07**

for detailed treatment, see index heading PENALTIES

Place for filing, **3:13**

Preparer filed returns, **3:17.20**

Scams, **3:08.56**

Signature of taxpayer, **3:08.70**

Taxpayer identification (TINS), **3:08.60**

Timely filing, **3:10, 8:26.50**

FINALITY

Settlements, **4:15**

FINANCIAL INSTITUTIONS

See index heading BANKS AND FINANCIAL INSTITUTIONS

FINANCIALLY DISABLED TAXPAYERS

Refunds and credits, **10:12**

INDEX

FINANCIAL STATUS AUDITS

Generally, **3:42**

FINANCING AGREEMENTS

Liens and priorities, **14:56 to 14:69**

FINDINGS OF FACT

Judicial review, **9:07**

FISHING

Audits, commercial fishing, **3:27.12.60**

FORBEARANCE PAYMENTS

Business expense deductions, **3:07.91.30**

FORECLOSURE

Fraudulent transfers, equitable adjustments, **12:33.50**

Liens and priorities, **14:32**

FOREIGN ACCOUNTS TAX COMPLIANCE ACT (FATCA)

Audit and settlement procedure, **3:30.55**

FOREIGN BANK ACCOUNTS AND FINANCIAL ACCOUNTS

Information reporting, **3:23.71.03**

FOREIGN-CONTROLLED COMPANIES

Information reporting, **3:26.05**

FOREIGN CORPORATIONS

Audit and settlement procedures, **3:26.72**

FOREIGN COUNTRIES

Depositions in Tax Court, **7:179**

FOREIGN DERIVED INTANGIBLE INCOME (FDII)

Deduction, **3:23.71.30**

FOREIGN EARNED INCOME

Audits, **3:23.71.02.60**

Exclusions from tax, **3:07.45**

FOREIGN ENTITIES

Reporting transfers to, **3:26**

FOREIGN LAW

Judicial notice, **8:51**

FOREIGN PERSONS

Baseball players, **3:30.65**

Filing of returns, **3:11.60**

Production of documents and things, **7:135**

FEDERAL TAX PRACTICE

FOREIGN TAX CREDITS

Generally, **10:35**
Evidence in Tax Court, **8:47.60**
Statute of limitations, **5:36**

FOREIGN TAXES

Collection and enforcement of, **13C:02.60**

FOREIGN TRUSTS

Information reporting, **3:26.15**

FORMER TESTIMONY

Evidence in Tax Court, **8:48**

FORUM

Appeals Division, **4:04, 4:05**

FOUNDATION MANAGER CASES

Answer in Tax Court, **7:61**

FRAUD

Answer in Tax Court, **7:60**
Bankruptcy proceedings, **13D:17, 13D:24**
Civil fraud proceedings. See index heading CIVIL FRAUD PROCEEDINGS
Penalties, **13A:07, 13A:25**
Presumptions and burden of proof, **8:08.50**
Reopening cases, **3:68.50**

FRAUDULENT TRANSFERS

Equitable adjustments, transferee liability, **12:33.50**

FREEDOM OF INFORMATION ACT (FOIA) REQUESTS

Internal revenue service, **1:33.50, 1:33.55, 1:33.57, 1:33.60**

FREEDOM OF SPEECH

Assessment procedures, **2:01.80**

FREQUENT FLYER MILES

Gross income, **3:07.20**

FRIVOLOUS POSITIONS

Penalties and sanctions, **3:08.55, 3:08.57, 13A:35.50, 13A:40**
Returns, generally, **3:08.55, 3:08.56**
Scams, **3:08.56**
Standards of practice, **1:45.50**

FUEL EXCISE TAX CREDITS

Generally, **10:34**

INDEX

FUGITIVES

Dismissal motion for lack of prosecution, **7:92**

GAMBLING

Gross income, **3:07.25**

Information reporting, **3:23.71.04**

Lottery winnings. See index heading **LOTTERY Winnings**

GIFTS

Business expense deductions, **3:26.10**

Declaratory judgments, gift valuation, **6:63.60**

Evidence in Tax Court, **8:47.63**

Gross income, gift cards, **3:07.27**

Statute of limitations, **5:04**

GIFT TAXATION

Filing of returns, **3:17.30**

Liens and priorities, **14:72**

GLOBAL INTERNATIONAL LOW-TAXED INCOME (GILTI)

Audits, **3:23.71.02.50, 3:23.71.03.50**

Information reporting, **3:23.71.03.50**

GOLDEN PARACHUTES

Change of control, **8:47.64**

Deductibility, **3:07.98**

GOVERNING LAW

Fraudulent transfers, equitable adjustments, **12:33.50**

GOVERNMENT WORKERS

Frivolous return positions, **3:08.55**

GROCERY STORES

Department stores, **3:41.60**

GROSS INCOME

Generally, **3:07.10 to 3:07.44.10**

Advances, **3:07.10.50**

Alimony, **3:07.11**

Cancellation of debt, **3:07.12, 3:07.15**

Charitable assistance, **3:07.13**

Deferred compensation, **3:07.14**

Frequent flyer miles, **3:07.20**

Gambling winnings, **3:07.25**

Gift cards, **3:07.27**

Human trafficking, victim's recovery from, **3:07.28**

Illegal income, **3:07.30**

FEDERAL TAX PRACTICE

GROSS INCOME—Cont'd

Infrastructure act, lead pipes, **3:07.31.60**
Interest charged or imputed, **3:07.31**
Kiddie tax, **3:07.31.50**
Lottery payments, **3:07.25**
Motor vehicles, **3:07.32**
Nontaxable transfers, **3:07.15**
Options, **3:07.33**
Pastoral accounts, **3:07.36**
Prisoners, **3:07.37**
Private equity firms, **3:07.33.50**
Prizes, **3:07.40**
Public welfare exception, **3:07.34**
Receipt of income, **3:07.35, 3:07.37**
Restoration of prior receipts, **3:07.39**
Rewards, **3:07.40**
Roth IRAs, **3:07.40.10**
Section 2045, small business stock sales, **3:07.40.50**
Short sales of stock, **3:07.44**
Small business stock sales, **3:07.40.50**
Social clubs, **3:07.41**
Social security benefits, **3:07.42**
Stock options, **3:07.43, 3:07.43.10**
Taxable exchanges, **3:07.17**
Tax-free transactions, **3:07.15**
Telecommunications universal service fees, **3:07.44.10**
Victim's recovery from human trafficking, **3:07.28**

HEALTH CARE

Coal miner's benefits, **3:50.92**
Insurance, **3:07.74, 3:23.71.02, 3:50.90**

HEARINGS

Appeals Division
generally, **1:16 to 1:18**
for detailed treatment, see index heading APPEALS DIVISION
Collection due process hearings, **6:25.52, 6:73.50, 13C:11**
Motions, **7:89**
Rehearing by court, **9:26, 9:52**
Tax Court, **6:12**

HEARSAY EVIDENCE

Generally, **8:28 to 8:47**
Absence of record, **8:38**
Admission by party opponent, **8:30**

INDEX

HEARSAY EVIDENCE—Cont'd

Admissions
generally, **8:41 to 8:47**
for detailed treatment, see index heading ADMISSIONS
Books, **8:34**
Business records, **8:31**
Commercial publications, **8:33**
Copies of public records, **8:39**
Evaluative reports and investigations, **8:37**
Prior testimony, **8:29**
Public records and reports, **8:35**
Summaries, **8:32**
Tax returns, **8:36**
Transcripts, **8:32**

HOME BUSINESSES

Frivolous return positions, **3:08.55**

HOME OFFICE

Business expense deductions, **3:07.91.40**

HOMESTEAD EXEMPTIONS

Transferee liability, liability at law, **12:06.50**

HOSTILE WITNESSES

Tax Court, **8:96**

HUMAN TRAFFICKING

Gross income, victim's recovery from human trafficking, **3:07.28**

HURRICANES

Business expense deductions, **3:07.95**

HUSBAND AND WIFE

See index heading SPOUSES

HYBRID ENTITIES

Audits, **3:27.12.70**

IDENTITY THEFT

Criminal proceedings, **13B:04.60**

ILLEGAL ACTIVITIES

Business expense deductions, **3:07.91.50**

ILLEGAL INCOME

Gross income, **3:07.30**

ILLEGAL PAYMENTS

Answer in Tax Court, **7:57**

FEDERAL TAX PRACTICE

INCHOATE LIENS

Priorities, **14:13**

INDEPENDENT CONTRACTORS

Classification, **3:50 to 3:50.60**

INDICTMENT

Criminal prosecution, **13B:09.50**

INDIVIDUAL RETIREMENT ACCOUNTS

Roth IRAs, **3:07.40.10**

Value or valuation, **8:91.65**

INDIVIDUAL WAGE AND INVESTMENT INCOME DIVISION

Internal Revenue Service organization, **1:12.60**

INFLATION

Audit and settlement procedure, annual cost of living inflation adjustments, **3:07.96**

INFLATION REDUCTION ACT

Refunds and credits

credit transfer, **10:34.60**

INFORMANTS

Audits, selection of returns for examination, **3:36.60**

Privileged and confidential information, identity of informer, **8:62**

INFORMATION REPORTING

Generally, **3:22 to 3:26.40**

Attorneys, payments to, **3:23.50**

Attorneys' client identity, **3:23**

Bank interest paid to nonresidents, **3:23.55**

Brokers, **3:23.57**

Burden of proof and presumptions, unreported income, **8:10.70**

Business trusts, **3:25.70**

Cancellation of debt, **3:23.60, 3:23.65**

Charitable gifts, **3:23.66**

Corporate activity affecting stock basis, **3:23.67.03**

Corporate inversions, **3:23.67**

Credit card payments, **3:23.67.05**

Deferred compensation, **3:23.67.10**

Digital assets, **3:23.67.50**

Dividends, **3:23.57, 3:23.68**

Educational loans and student status, **3:23.70**

Electronic filing by large employers, **3:23.70.50**

Exempt organizations, **3:23.71**

Foreign bank accounts and financial accounts, **3:23.71.03**

INDEX

INFORMATION REPORTING—Cont'd

Foreign-controlled companies, **3:26.05**
Foreign derived intangible income (FDII), **3:23.71.30**
Foreign entities, transfers to, **3:26**
Foreign trusts, **3:26.15**
Gambling casinos, **3:23.71.04**
Gifts from foreigners, **3:26.10**
Global International Low-Taxed Income (GILTI), **3:23.71.03.50**
Interest paid, **3:23.71.05**
Interest received, **3:23.71.07**
Mergers and acquisitions, **3:23.71.10**
Passive foreign investment companies (PFICs), **3:23.71.20**
Penalties for failure to file, **13A:15**
Pension distributions, **3:23.72**
Personal service corporations, **3:26.73**
Possessions residency, **3:23.72.10**
Real property sales, **3:23.72.20**
Rental activities, **3:23.72.30**
Royalties, **3:23.73**
Section 527 political organizations, **3:23.75**
Stock basis, corporate activity affecting, **3:23.67.03**
Stock options, **3:26.40**
Substituted debt, **3:23.65**
Taxpayer rights, **3:24**
Tax shelters, **3:23.80**
TIN matching, **3:25**
Tip income, **3:25.50**
Trusts, **3:25.70, 3:26.15**
U.S. connection of payee, obligation to determine, **3:23.67.07**
Wages, **3:26.30, 3:26.40**

INJUNCTIONS

Generally, **2:34 to 2:49**
Appeal of injunction denial, **2:49**
Applications of rule, **2:36**
Code provisions, **2:35**
Collection of penalties, **2:45**
Exceptional circumstances, **2:39 to 2:41**
Exceptions, **2:37 to 2:45**
Government as petitioner, **2:45.50**
Mandamus, **2:38.50**
Procedure, **2:46**
Standing to sue, **2:41**
Statutory exceptions, **2:38**

FEDERAL TAX PRACTICE

INJUNCTIONS—Cont'd

- Stockholders' suits, **2:44**
- Superior liens, protection of, **2:43**
- Tax shelters, **3:64.50**
- Third-party collections, **2:42, 2:43, 13C:52**
- Transferees may not enjoin assessment or collection, **12:70**

INNOCENT SPOUSE

- Generally, **3:21 to 3:21.85**
- Collateral estoppel, **6:87.50**
- Compromise and settlement, **13E:18**
- Equitable relief, **3:21.70**
- Informal claims, **10:52**
- Partially paid tax liability, **3:21.85**
- Petitions in Tax Court, **7:201**
- Procedural rules, **3:21.80**
- Res judicata, **6:87.50**
- Section 6015(b) relief, **3:21.50**
- Separate liability election, **3:21.60**

INSPECTOR GENERAL

- Internal Revenue Service, **1:18.60**

INSTALLMENT AGREEMENTS

- Jurisdiction, **6:66.50**
- Levy and seizure, **13C:32**
- Payment of tax, **3:28, 3:30**

INSTALLMENTS

- Estate taxes, **6:66.50**
- Refunds and credits, **10:16**

INSTRUCTIONS TO JURY

- Evasion of tax, **13B:04, 13B:04.50**

INSURANCE

- Business expense deductions, insurance premiums, **3:07.91.70**
- Health insurance, **3:07.74, 3:23.71.02, 3:50.90**
- Liens and priorities, **14:54**
- Life insurance. See index heading **LIFE INSURANCE**
- Loss reserves, **8:47.66**

INTELLIGENCE DIVISION

- Judgments, recovery of interest upon, **11:86**

INTENT

- Evidence in Tax Court, **8:47.68**

INDEX

INTEREST

Generally, **13:01 to 13:16**
Abatement of interest, **13:15**
Accounting methods-service recipients, **3:27.85**
Accrual of, **13:06 to 13:08**
Additions to tax, **13:08**
Adjustments, **3:30.70**
Applicable federal rates (AFRs), **1:44.50**
Assessment of, **13:11**
Bankruptcy proceedings, **13D:14, 13D:30**
Business expense deductions, **3:07.92**
Calculation of rates, **1:44.50**
Compromise and closing agreements, **3:66**
Credit carrybacks, **13:10**
Deductibility of interest, **13:07**
Delay by IRS, **2:05**
Equitable recoupment, **13:16**
Erroneous refunds, **13:14**
Errors by IRS, **2:05**
Gross income, **3:07.31**
Historical background, **13:01**
Information reporting
 interest paid, **3:23.71.05**
 interest received, **3:23.71.07**
Interest free period, **13:03**
Jurisdiction, **6:25, 6:73**
Liens and priorities, **14:61**
Loss carrybacks, **13:09**
Netting interest, **13:05**
Notice to taxpayer, **13:04**
Overpayments
 generally, **10:74 to 10:78**
 for detailed treatment, see index heading REFUNDS AND CREDITS
Penalties, **13:08**
Rates, **13:02**
Set-off, **13:16**
Suspension of accrual of, **13:12**
Termination of interest liability, **13:13**

INTERFERING WITH TAX ADMINISTRATION

Criminal prosecution, **13B:05**

INTERLOCUTORY ORDERS

Judicial review, **9:10**

FEDERAL TAX PRACTICE

INTERNAL REVENUE BULLETIN (IRB)

Generally, **1:43.50**

INTERNAL REVENUE MANUAL

Generally, **1:44**

INTERNAL REVENUE SERVICE

Generally, **1:01 to 1:47**

Actions on decisions (AOD), **1:36**

Addresses, **1:06.55**

Advance Pricing Agreements (APAs), **1:38**

Announcements, **1:43**

Appeals Division

generally, **1:16 to 1:18**

for detailed treatment, see index heading APPEALS DIVISION

Regional Director of Appeals, **1:17, 1:18**

settlement authority of Regional Director of Appeals, **1:18**

Applicable federal rates (AFRs), **1:44.50**

Assistant Commissioner (Taxpayer Services), **1:09**

Attorneys

standards of practice, **1:45.50**

tax shelters, **1:45.60**

Chief Counsel advice

Associate Chief Counsel, legal processing, **1:25.10**

District Counsel advice, **1:35.50**

reallocating income and expense, **3:07.84**

Circular 230 standards of practice for attorneys, **1:45.50**

Classification of business entities, **1:34, 1:35**

Commissioner. See index heading COMMISSIONER OF INTERNAL REVENUE SERVICE

Compilations of data, FOIA requests for IRS documents, **1:33.55**

Congressional oversight by Joint Committee on Taxation, **1:47**

Cumulative Bulletin (CB), **1:43.50**

District Counsel Advice, **1:35.70**

District Directors, **1:15**

Employee evaluations, **1:06.70**

Employee testimony, **1:33.60**

Field service advice, **1:35 to 1:35.70**

FOIA requests, **1:33.50, 1:33.55, 1:33.57, 1:33.60**

Individual Wage and Investment Income Division, **1:12.60**

Inspector General, **1:18.60**

Interest rate calculations, **1:44.50**

Internal Revenue Bulletin (IRB), **1:43.50**

Internal Revenue Manual, **1:44**

Investigation Functions, **1:18.50**

INDEX

INTERNAL REVENUE SERVICE—Cont'd

Large and Midsize Business (LMSB) Division
generally, **1:12**
for detailed treatment, see index heading **LARGE AND MIDSIZE BUSINESS (LMSB) DIVISION**
Industry Issue Resolution Program, **1:12.20**
Office of Tax Shelter Analysis, **1:12.10**
rules of engagement, **1:12.30**
Letter rulings, **1:35.60**
Life expectancy tables, **1:43.75**
Market Segment Understanding Program, **1:37**
Missing persons, FOIA, **1:33.57**
National office, **1:08 to 1:10**
Notices, **1:43**
Office of Chief Counsel
generally, **1:19 to 1:31**
for detailed treatment, see index heading **OFFICE OF CHIEF COUNSEL**
Ombudsman, **1:10**
Outline of operations, **1:07**
Oversight Board, **1:06.60**
Practice before, **1:45 to 1:45.60**
Qualifications for practice before
generally, **3:02 to 3:07**
for detailed treatment, see index heading **PRACTICE BEFORE IRS**
Regional Commissioners, **1:13 to 1:15**
Regional Counsel, **1:32**
Regulations, **1:40**
Reorganizations
1950 and 1952, **1:02**
1978, **1:03**
1982, **1:04**
1983-1991, **1:05**
1995 Field Office Reorganization, **1:06**
1998 Reorganization Act, **1:06.50**
Requests for guidance from Internal Revenue Service, **1:33**
Revenue Procedures, **1:41**
Revenue Rulings, **1:42**
S corporations, **1:34.50**
Service Centers, **1:14**
Small Business and self-employed Division, **1:12.50**
Statistical studies, FOIA requests for IRS documents, **1:33.55**
Tax Exempt and Government Entities Division (TE/GE), **1:11**
Tax Forms and Publication Coordinator, **1:19**
Taxpayer Advocate, **1:10**

FEDERAL TAX PRACTICE

INTERNAL REVENUE SERVICE—Cont'd

Tax shelters, **1:45.60, 3:42.55**
Technical Advice, **1:39**
Tip income, **1:46**
"Two-hour rule," break point between informal advice and formal advice, **1:35**
Where to file, **1:06.55**

INTERPLEADER

Third party remedies for collection, **13C:54**

INTERROGATORIES IN TAX COURT

Generally, **7:124 to 7:128**
Enforcement action, **7:128**
Experts, **7:125**
Protective orders, **7:127**
Sanctions, **7:128**
Supplementation of answers, **7:126**

INTERVENTION

Generally, **7:82.50**
Collection suits, **13C:44**
Motions in Tax Court, **7:50**
Refund suits, **11:21.50**

INTERVIEWS

Collection procedures, **13C:04**
Taxpayers, **3:39**

INVENTORY

Alter ego liens, **14:32.50**
Charitable contributions, **3:07.89.50**

INVESTIGATIONS

Churches, investigation of church's tax liabilities, **3:40.50**
Internal Revenue Service organization, **1:18.50**

INVOLUNTARY CONVERSIONS

Statute of limitations, **5:32 to 5:34**

IRAs

Value or valuation, **8:91.65**

IRS RULINGS AND ADVICE

Statute of limitations, **5:14**

JEOPARDY ASSESSMENTS

Generally, **2:12 to 2:22**
For detailed treatment, see index heading ASSESSMENT

INDEX

JOINT BANK ACCOUNTS

Collection procedures, **13C:25**

JOINTLY HELD PROPERTY

Collection procedures, **13C:24**

JOINT RETURNS

Generally, **3:19 to 3:21.90**

Community income relief, **3:20.60, 3:21.90**

Innocent spouse rule. See index heading INNOCENT SPOUSE
Jurisdiction, **6:48**

Marital property, **3:20.50**

Overpayments, offsetting separate liability of one spouse, **3:20.60**

Parties in Tax Court, **7:79**

Partnership, married couples with joint interest in partnership, **16:04.50**

Refunds and credits, **10:43**

Self-employment taxes, **3:19.50**

Separation and divorce, **3:20, 3:20.50**

Statute of limitations extension, **5:61**

JUDGMENT LIENORS

Priorities, **14:40, 14:41**

JUDGMENT ON PLEADINGS

Motions, **7:98**

JUDGMENTS

District court, **11:70**

JUDICIAL NOTICE

Tax Court, **8:49 to 8:53**

JUDICIAL REVIEW

Generally, **9:01 to 9:53**

Appendix to briefs, **9:20**

Bankruptcy proceedings, **9:03**

Bond, **9:38, 9:39**

Briefs

generally, **9:20 to 9:22**

certiorari, **9:31**

motion to extend time to file, **9:48**

order extending time to file, **9:49**

Certificate, **9:46**

Certiorari

generally, **9:28 to 9:33**

briefs, **9:31**

orders, **9:33**

FEDERAL TAX PRACTICE

JUDICIAL REVIEW—Cont'd

Certiorari—Cont'd

 petition contents and form, **9:30**
 record, **9:32**
 time limitations, **9:29**

Clerk's record transmittal letter, **9:45**

Code provisions, **9:16 to 9:27**

Collection procedures, Tax Court review, **13C:12.60**

Correction in record, joint motion for, **9:47**

Costs, **9:25**

Court, **9:04**

Cross-appeals, **9:12**

Entry of judgment, **9:24**

Extension of time to file brief, **9:48, 9:49**

Findings of fact, **9:07**

Injunction denial, **2:49**

Interlocutory orders, **9:10**

Jeopardy assessments, **2:30, 2:32, 6:52, 6:81 to 6:83**

Judgment order, **9:51**

Jurisdiction

 generally, **9:05 to 9:13**

 code provisions, **9:06**

 cross-appeals, **9:12**

 findings of fact, **9:07**

 interlocutory orders, **9:10**

 jeopardy assessments, **6:52, 6:81 to 6:83**

 newly raised issues and theories, **9:11, 9:12**

 remand power, **9:13**

 reversal justifications, **9:08**

 Tax Court

 generally, **6:13 to 6:93**

 for detailed treatment, see index heading TAX COURT

 ultimate findings, **9:09**

Levy and seizure, **13C:40.50**

Mandate, **9:27, 9:53**

Motion to extend time to file, **9:48**

Newly raised issues and theories, **9:11, 9:12**

Notice of appeal

 form, **9:35, 9:36**

 formal requirements, **9:17**

 notice of filing, **9:37**

 time for, **9:02, 9:03**

Notice of oral argument, **9:50**

Oral argument, **9:23**

INDEX

JUDICIAL REVIEW—Cont'd

Order extending time to file, **9:49**
Parties, **9:15**
Penalties, **13A:30, 13A:41**
Power of attorney, **9:40, 9:41**
Record
 generally, **9:18**
 certiorari, **9:32**
 notice of assembling and transmission of, **9:44, 9:45**
Rehearing petition, **9:26, 9:52**
Remand power, **9:13**
Reversal justifications, **9:08**
Reversal's effect on tax, **9:15.50**
Service of brief, **9:22**
Settlement stipulations, **9:34**
Summary judgment, **9:13.50**
Time
 briefs, generally, **9:22**
 certiorari, **9:29**
 extension of time to file brief, **9:48, 9:49**
Transcript designations, **9:43**
Transmission and docketing of record, **9:19**
Ultimate findings, **9:09**
Venue, **9:14, 9:42**
Withholding tax penalties, **13A:30**

JURISDICTION

Appeals Division, **4:06 to 4:08**
Bankruptcy Court
 generally, **13D:06 to 13D:15**
 for detailed treatment, see index heading **BANKRUPTCY PROCEEDINGS**
Compromise and settlement, **13E:02, 13E:14, 13E:15**
Judicial review
 generally, **9:05 to 9:13**
 for detailed treatment, see index heading **JUDICIAL REVIEW**
Lien enforcement, **14:82**
Limitation periods, **5:48, 5:63, 12:68**
Notice, **12:65**
Tax Court
 generally, **6:13 to 6:93**
 for detailed treatment, see index heading **TAX COURT**

JURY INSTRUCTIONS

Evasion of tax, **13B:04, 13B:04.50**

FEDERAL TAX PRACTICE

KIDDIE TAX

Gross income, **3:07.31.50**

KNOWLEDGE

Evidence in Tax Court, **8:47.76**

Innocent spouse rule

generally, **3:21 to 3:21.85**

for detailed treatment, see index heading INNOCENT SPOUSE

KNOW YOUR CUSTOMER RULES

Withholding requirements, **3:30.50**

LARGE AND MIDSIZE BUSINESS (LMSB) DIVISION

Generally, **1:12**

Industry Issue Resolution Program, **1:12.20**

Office of Tax Shelter Analysis, **1:12.10**

Rules of engagement, **1:12.30**

LEADING QUESTIONS

Hostile witnesses, **8:96**

LEASED CARS

Gross income, **3:07.32**

LEASE STRIPS

Business expense deductions, **3:07.94**

LEAVE PAY

Personal deductions, **3:07.73**

LETTER RULINGS

Generally, **1:35.60**

LEVY AND SEIZURE

Generally, **13C:10 to 13C:40.50**

Administrative review, **13C:12.50**

After-acquired property, **13C:17**

Bank deposits, **13C:18**

Bankruptcy estate assets, **13C:19**

Collection due process hearing, **13C:11**

Community property, **13C:25.50**

Compromise offers, **13C:32.50**

Contesting levy, **13C:30, 13C:31**

Criminal prosecution, **13B:12**

Death benefits, **13C:19.50**

Deeds and certificates of sale, **13C:40**

Exemptions from levy, **13C:29**

Federal contractor payments, **13C:19.60**

INDEX

LEVY AND SEIZURE—Cont'd

Foreign collections, **13C:02.50**
Honoring levy, effect, **13C:14**
Installment agreements for paying tax, **13C:32**
Judicial review, **13C:40.50**
Jurisdiction, **6:24.50, 6:87**
Limitations period, **13C:34**
Manner and conditions of sale, **13C:37**
Notice
 sale, **13C:36**
 tax lien, **13C:12**
Payment of tax, seized funds, **3:29.60**
Property subject to levy, **13C:16 to 13C:29**
Redemption of property, **13C:39**
Release of levy, **13C:33**
Return of property, **13C:33.50**
Review of jeopardy assessments, **2:33**
Sales of seized property, **6:87**
Searches, **13C:34.50**
Seizure of property, generally, **13C:35**
Stay of sale, **13C:38**
Third party possession of taxpayer's property, **13C:13**
Third party property in taxpayer's possession, **13C:15**
Third persons property, **13C:31**
Transferred property, **13C:28.50**

LIENS AND PRIORITIES

Generally, **14:01 to 14:84**
Adjustment of circular priorities, **14:65, 14:66**
After-acquired property, **14:30**
Alter ego liens, **14:32.50**
Antecedent liens, **14:12**
Assessment and demand, **14:26**
Attachment liens, **14:41**
Attorneys' liens, **14:53**
Bankruptcy Act
 generally, **14:17 to 14:23**
 for detailed treatment, see index heading **BANKRUPTCY PROCEEDINGS**
Casual sale purchases, **14:49**
Charges preferred over federal claims, **14:16**
Commercial transaction financing agreements, **14:56 to 14:69**
Competing liens, **14:33, 14:34**
Conditions establishing priority, **14:05**
Disbursement agreement, **14:59, 14:60**

FEDERAL TAX PRACTICE

LIENS AND PRIORITIES—Cont'd

Discharge. Enforcement and discharge, below
Disclaimers, **14:31**
Duration of, **14:27**
Effective date of priority, **14:06 to 14:09**
Effect of actual notice, **14:44**
Enforcement and discharge
 generally, **14:73 to 14:84**
 administrative appeal of liens, **14:76**
 collection actions unauthorized, **14:77**
 discharge of property, **14:78**
 failure to release lien, **14:75**
 judicial remedies, **14:81, 14:82**
 levy and seizure
 generally, **13C:10 to 13C:40.50**
 for detailed treatment, see index heading **LEVY AND SEIZURE**
 nonattachment of lien, **14:80**
 notice to taxpayers, **14:83**
 receiver's appointment, **14:84**
 release of lien, **14:74**
 subordination of lien, **14:79**
 suits for collection. See index heading **COLLECTION PROCEDURES**
 United States, liens held by, **13C:58**
Entireties property, **14:29**
Expenses, **14:61**
Federal taxes under revised statutes, **14:01 to 14:16**
Filed tax lien, **14:57**
Foreclosure sales, **14:32**
General federal tax lien, **14:24 to 14:66**
General liens, **14:13**
Gift taxation, **14:72**
Historical development, **14:03, 14:24**
Inchoate liens, **14:13, 14:34**
Injunction to protect superior, **2:43**
Insolvency defined, **14:07**
Insurance contracts, **14:54**
Interest, **14:61**
Interrelation of priority and lien rights, **14:02**
Judgment lien creditors, **14:40, 14:41**
Jurisdiction, **6:24.50**
Levy and seizure
 generally, **13C:10 to 13C:40.50**
 for detailed treatment, see index heading **LEVY AND SEIZURE**
Mechanic's liens, **14:42, 14:52**

INDEX

LIENS AND PRIORITIES—Cont'd

- Mortgagees, **14:37**
- Motor vehicle purchasers, **14:47**
- Other adverse claimants, **14:62**
- Passbook loans, **14:55**
- Perfected liens, generally, **14:14, 14:34**
- Personal property subject to possessory lien
 - generally, **14:50 to 14:55**
 - attorneys' liens, **14:53**
 - insurance contracts, **14:54**
 - mechanic's lien exemption, **14:52**
 - passbook loans, **14:55**
 - real property tax and special assessment liens, **14:51**
- Pledgees, **14:38**
- Property reached, **14:28 to 14:32**
- Purchasers, **14:39, 14:47 to 14:49**
 - Real property construction or financing agreement, **14:58**
 - Real property tax and special assessment liens, **14:51**
 - Requirements for recording, **14:43**
 - Retail purchases of personal property, **14:48**
 - Section 3466, **14:11**
 - Security interest, **14:36 to 14:38, 14:46**
 - Spendthrift trust provisions, **14:28**
 - Statutory provisions, **14:04, 14:25**
- Superpriorities
 - generally, **14:45 to 14:49**
 - casual sale purchases, **14:49**
 - motor vehicle purchasers, **14:47**
 - retail purchases of personal property, **14:48**
 - security holders, **14:46**
- Sureties, **14:15, 14:63, 14:64**
- Third parties, secured, **14:68**
- Unrecorded tax liens, priorities over, **14:35 to 14:42**
- Voluntary assignment defined, **14:08**
- Withdrawal of lien, **14:66**

LIFE EXPENCTANCY TABLES

- Internal Revenue Service, **1:43.75**

LIFE INSURANCE

- Collection procedures, **13C:20**
- Transferee liability of beneficiary, **12:47**
- Unused deductions, credits for, **10:81**

FEDERAL TAX PRACTICE

LIMITATIONS PERIOD

See index heading STATUTE OF LIMITATIONS

LIMITATIONS UPON ASSESSMENT AND COLLECTION

Assessment period: general rule

transferees

generally, **12:20**

fraud of transferor, or failure to file return, **12:23**

request of transferor for prompt assessment, **12:24**

transferee's extension agreement, **12:28**

transferor's extension agreement, **12:27**

Collection period, transferee liability, **12:20, 12:33**

Prompt assessment, **12:26**

Special or extended assessment periods, extension agreement by transferee, period for claiming refund, **12:28**

Suspension of assessment period

offer in compromise as affecting transferee, **12:30**

transferee liability, limitation periods respecting, **12:20, 12:33**

Transfer liability

failure to file, **12:25**

fraud, **12:25**

LIMITED LIABILITY CORPORATIONS (LLCS)

Collection procedures, **13C:25.70**

LIVING EXPENSE ALLOWANCE

Compromise and settlement, **13E:07**

LOANS

Evidence in Tax Court, **8:47.77**

Passbook loans, priorities of, **14:55**

LOST OR STOLEN REFUND CHECKS

Generally, **10:08.50**

LOTTERY Winnings

Capital gain vs. ordinary income, **3:07.70**

Gross income, **3:07.25**

Valuation evidence, **8:91.70**

LOW INCOME HOUSING CREDIT

Generally, **3:07.12**

MAILING DATE

Deficiency notice, **6:35**

MALPRACTICE SUITS

Audit and settlement procedure, **3:06**

INDEX

MANAGEMENT FEES

Business expense deductions, **3:07.95.50**

MANDAMUS

Abolition of writ, under Rules of Civil Procedure, **11:87**
Injunctions, **2:38.50**

MANDATE

Judicial review, **9:27, 9:53**

MARITAL PROPERTY

Community property. See index heading COMMUNITY PROPERTY
Joint returns by husband and wife, **3:20.50**
Valuation evidence, **8:91.80**

MARKET SEGMENT UNDERSTANDING PROGRAM

Internal Revenue Service, **1:37**

MARK-TO-MARKET ACCOUNTING

Generally, **3:27.92**

MARRIED COUPLES

See index heading SPOUSES

MECHANIC'S LIENS

Priorities, **14:42, 14:52**

MEDIATION PROCEDURE

Appeals Division, **4:11**

MEDICARE CONTRIBUTION TAX

Net investment income tax, **3:50.95**

MEDICARE TAX

Audit and settlement procedure, **3:23.71.02, 3:50.90**

MERGERS AND CONSOLIDATIONS

Information reporting, **3:23.71.10**

Jurisdiction, **6:59**

MILITARY

Death benefits, **3:07.45**

MINES AND MINERALS

Audit and settlement procedure, **3:07.14**

Business expense deductions, exploration expenses, **3:07.91.10**

Valuation evidence, **8:92**

MINORS

Refunds and credits, **10:44**

FEDERAL TAX PRACTICE

MISJOINDER OF PARTIES

Tax Court, **7:84**

MISSING PERSONS

FOIA, internal revenue service letter-forwarding program, **1:33.57**

MISTAKES

See index heading **ERRORS AND MISTAKES**

MORTGAGES

Interest statement, information reporting, **3:23.71.07**
Priorities, **14:37**

MOTIONS

Generally, **7:87 to 7:108**
Admission request sufficiency, **7:149**
Arbitration, **7:98.50**
Change place of trial, **7:104**
Compelling production of documents and things, **7:222, 7:223**
Consolidation, **7:108**
Continuance, **7:106, 7:230, 7:231**
Dismissal. See index heading **DISMISSAL MOTIONS**
Disposition of motion, **7:88**
Failure to state claim, **7:97**
Hearings, **7:89**
Judgment on pleadings, **7:98**
More definite statement, **7:95**
Motion practice, **7:87**
Partial summary judgment, **7:101**
Place of trial, **7:103, 7:104, 7:208**
Set case for trial, **7:105**
Severance of issues, **7:107**
Strike pleadings, **7:96**
Summary judgment, **7:99 to 7:102**
Vacate reply, **7:75**

MOTOR VEHICLES

Charitable gifts, **3:23.66**
Gross income, luxury car limit, **3:07.32**
Liens and priorities, **14:47**

NAME

Parties in Tax Court, **7:86**

NATIONAL OFFICE

Internal Revenue Service organization, **1:08 to 1:10**

INDEX

NATIVE AMERICANS/INDIANS

Audit and settlement procedure, **3:07.47, 3:08.55**

NATURAL DISASTERS

Statute of limitations, **5:45.50, 5:81**

NEGLIGENCE

Penalties, **13A:18**

NET INVESTMENT INCOME TAX

Audit and settlement procedure, **3:50.95**

NET OPERATING LOSSES

Bankruptcy proceedings, **13D:18**

Refunds and credits, **10:26, 10:79, 10:80**

Statute of limitations, **5:21**

NET WORTH METHOD

Civil fraud proceedings, proof of unreported income, **15:27 to 15:29, 15:36 to 15:38**

Presumptions and burden of proof, **8:09**

NONACCRUAL-EXPERIENCE ACCOUNTING METHOD

Generally, **3:27.84**

NONRESIDENT ALIENS

Electronic filing, **3:17**

Partnerships, small partnership election, nonresident alien partner, **16:20**

NOTICE

Audit and settlement procedure, **3:64**

Collection due process hearing, **13C:11**

Collection procedures, **13C:06, 13C:07**

Interest, **13:04**

Internal Revenue Service organization, **1:43**

Judicial review. See index heading **JUDICIAL REVIEW**

Levy and seizure. See index heading **LEVY AND SEIZURE**

Payment of debts

generally, **12:62**

notice, **12:65**

Production of documents and things, **7:172**

Sale of seized property, **13C:36**

Tax lien, **13C:12**

Withholding tax penalties, **13A:29**

NUNC PRO TUNC

Frivolous return positions, **3:08.55**

FEDERAL TAX PRACTICE

OBJECTIONS

Admission requests in Tax Court, **7:146**
Motions to compel discovery, **7:225**
t, **7:224**

OBSTRUCTING TAX COLLECTION

Criminal prosecution, **13B:02**

OFFICE AUDIT

Generally, **3:38**

OFFICE OF CHIEF COUNSEL

Generally, **1:19 to 1:31**
Associate Chief Counsel (Litigation)
generally, **1:21**
Criminal Tax Division, **1:24**
Disclosure Litigation Division, **1:25**
General Litigation Division, **1:23**
Tax Litigation Division, **1:22**
Associate Chief Counsel (Procedure and Administration), **1:25.10**
Associate Chief Counsel (Technical)
generally, **1:26**
Corporate Tax Division, **1:27**
Employee Plans and Exempt Organizations Division, **1:31**
Individual Tax Division, **1:28**
Interpretative Division, **1:29**
Legislation and Regulations Division, **1:30**
Compromises, review of, **13E:10**
Deputy Chief Counsel, **1:20**
District Counsel advice, **1:35.50**
Field service advice, **1:35.50**
Reallocating income and expense, **3:07.84**

OFFSETS

Joint returns, offsetting separate liability of one spouse, **3:20.60**
Jurisdiction, **6:73.20**
Refunds and credits, **10:67**

OFFSHORE CREDIT CARD ACCOUNTS

Audit and settlement procedure, **3:36.50**

OFFSHORE TRUSTS

Audit and settlement procedure, **3:07.14**

OMBUDSMAN

Internal Revenue Service, **1:10**

INDEX

OPINION TESTIMONY

Expert witnesses. See index heading EXPERT WITNESSES
Lay witnesses, **8:81**

ORAL ARGUMENT

Judicial review, **9:23**

OVERASSESSMENTS

Generally, **2:33.50**
Jurisdiction, **6:71**

OVERPAYMENTS

Joint returns, offsetting separate liability of one spouse, **3:20.60**
Jurisdiction, **6:67 to 6:70**
Refunds and credits. See index heading REFUNDS AND CREDITS
Transferee liability, overpayment by transferor, **12:85**

OVERSIGHT BOARD

Internal Revenue Service organization, **1:06.60**

PAPERWORK REDUCTION ACT

Frivolous return positions, **3:08.55**

PAROLE EVIDENCE RULE

Generally, **8:21 to 8:25**
Danielson rule, **8:24**
State law rule, **8:23**
Tax Court's current approach, **8:25**
Third-party rule, **8:22**

PARSONAGE EXPENSES

Petitions in Tax Court, **7:204**

PARTIAL AGREEMENTS

Audit and settlement procedure, **3:52**

PARTIES

Generally, **6:47 to 6:60.50, 7:77 to 7:86**
Affiliated corporations and consolidated returns, **6:60, 6:60.50**
Capacity, **7:82**
Corporations, **6:55.50 to 6:60.50, 7:81**
Death of petitioner, **6:55**
Deceased taxpayers, **6:51**
Discharged fiduciaries, **6:54**
Dissolved corporations, **6:56, 6:57**
Fiduciaries, **6:53 to 6:55**
Injunctions, **2:41**
Intervention, **7:82.50, 11:21.50**

FEDERAL TAX PRACTICE

PARTIES—Cont'd

- Jeopardy assessment on cash holder, **6:52**
- Joint returns, **7:79**
- Judicial review, **9:15**
- Jurisdictional requirements, **7:80**
- Mergers and consolidations, **6:59**
- Misjoinder, **7:84**
- Name change or correction, **7:86**
- Partnerships, **6:50**
- Permissive joinder, **7:83**
- Proper parties, **7:77**
- Ratification of improper petition, **7:78**
- Refunds and credits, **10:39 to 10:42**
- Spouse of taxpayer joint returns, **6:48**
- Substitution, **7:85**
- Successor corporations, **6:58**
- Survivor of joint tenancy, **6:49**

PARTNERSHIPS

- Audit and settlement procedure, **3:07.70.50, 3:27.10**
- Bankruptcy proceedings, **13D:15**
- Classification for tax purposes, check the box regs, **3:27.13**
- Collection procedures, **13C:26**
- Compromise and settlement, **13E:15**
- Electronic filing, **3:17.10**
- Jurisdiction, **6:50, 6:88**
- Married couples with joint interest in partnership, **16:04.50**
- REMICs, **16:22.50**
- Small partnership election, nonresident alien partner, **16:20**
- Statute of limitations extension, **5:62**
- Straddle positions in foreign currencies, tax shelters, **16:20**
- Tax exempt use property, **3:23.94.50**
- TEFRA proceedings
 - generally, **16:01**
 - administrative adjustment request
 - generally, **16:13**
 - judicial review, **16:14**
 - assessment of tax, **16:07**
 - bankruptcy, **16:15**
 - circular 230, **16:23, 16:24**
 - computational adjustments, **16:10**
 - cost recovery, **16:31**
 - credits and refunds, **16:18**
 - electing large partnerships, **16:25 to 16:30**

INDEX

PARTNERSHIPS—Cont'd

TEFRA proceedings—Cont'd
final partnership administrative adjustment, **16:05**
FPAA, 16:05
limitations period, **16:09, 16:30**
non-partnership items, **16:19**
notice requirements, **16:02, 16:28**
partnership items, **16:19**
penalties, **16:12**
prompt assessment, **16:08**
S corporations, **16:21, 16:22**
settlements, **16:03**
small partnerships, **16:20**
tax matters partner, **16:04**

PASSBOOK LOANS

Liens and priorities, **14:55**

PASSIVE FOREIGN INVESTMENT COMPANIES (PFICs)

Information reporting, **3:23.71.20**

PASSIVE LOSS RULES

Business expense deductions, **3:07.88**

PASSPORT APPLICATIONS

Filing of returns, **3:08.58**

PASTORAL ACCOUNTS

Gross income, **3:07.36**

PAYMENT OF TAX

Generally, **3:28 to 3:30.90**

Allocation of, **3:29**

Deposits. See index heading **DEPOSITS**

Government payors, **3:30.90**

Installments, **3:28, 3:30**

Restoration of income, **3:29.50**

Seized funds, **3:29.60**

Transferee's payment before notice, effect of, **12:73**

Transferor's payment, as discharging transferee's liability, **12:16**

Withholding rules. See index heading **WITHHOLDING OF TAXES**

Without waiver, **3:62**

PENALTIES

Generally, **13A:01 to 13A:47**

Accuracy-related penalty

generally, **13A:16 to 13A:19**

FEDERAL TAX PRACTICE

PENALTIES—Cont'd

Accuracy-related penalty—Cont'd
negligence or disregard of rules and regulations, **13A:18**
reasonable cause and good faith excuse, **13A:16**
reliance on professional advice, **13A:17.50**
understatement of tax, **13A:19**
Additions to tax generally, **13A:01**
Aiding and abetting understatement of tax liability, **13A:38**
Assessments, **2:03.50**
Bad checks, **13A:14**
Bankruptcy proceedings, **13D:29, 13D:29.50**
Burden of proof, **13A:01.50**
Business expense deductions, **3:07.91.20**
Compromise and settlement, **13E:12**
Contesting penalties, **13A:44 to 13A:47**
Deficiency assessment procedures, **13A:02**
Deposit failures, **13A:11 to 13A:13**
Double jeopardy rules, **13A:45**
Electronic deposit, **13A:13**
Erroneous advice from Federal Regulators, **13A:43**
Estimated taxes, **13A:09, 13A:10**
Failure to file return
generally, **13A:03 to 13A:07**
fraudulent failure to file, **13A:07**
information returns, **13A:15**
reasonable cause excuse, **13A:04**
reliance on professional advice, **13A:05**
reliance on voided automatic extension, **13A:06**
Fraud penalty, **13A:25**
Fraudulent failure to file, **13A:07**
Frivolous returns, **3:08.55, 3:08.57, 13A:35.50, 13A:40**
Information returns, failure to file, **13A:15**
Injunctions, **2:45**
Interest, **13:08**
Judicial review, **13A:30, 13A:41**
Jurisdiction, **6:25**
Limitations period on penalties for withholding taxes, **13A:33**
Negligence or disregard of rules and regulations, **13A:18**
Other assessable penalties, **13A:42**
Payment failure, **13A:08, 13A:08.50**
Pension liabilities overstated, **13A:24**
Presumptions and burden of proof, **8:10.55**
Reasonable cause defense, generally, **13A:47**
Reliance on professional advice, **13A:05, 13A:17.50, 13A:46**

INDEX

PENALTIES—Cont'd

- Reliance on voided automatic extension, **13A:06**
- Return preparers
 - generally, **13A:34 to 13A:37**
 - due diligence requirement, **13A:35**
 - electronic filing, **3:17.11**
 - frivolous position, **13A:35.50**
 - preparer's identification, **13A:36**
 - signature rules, **13A:37**
- Signature rules, **13A:37**
- Substantial understatement of tax, **13A:20, 13A:21**
- Tax shelters, **13A:39, 13A:39.50**
- TEFRA, **16:12**
- Understatement of tax, **13A:19**
- Valuation misstatement, **13A:22**
- Valuation understatement, **13A:23**
- Withholding taxes
 - generally, **13A:26 to 13A:33**
 - for detailed treatment, see index heading **WITHHOLDING TAXES**

PENSION AND RETIREMENT PLANS

- Bankruptcy proceedings, **13D:33**
- Collection procedures, **13C:27.50**
- Evidence in Tax Court, **8:47.82**
- Examination guidelines, **3:40**
- Jurisdiction, **6:61**
- Penalties for overstated pension liabilities, **13A:24**
- Reporting distributions, **3:23.72**

PERMISSIVE JOINDER OF PARTIES

- Tax Court, **7:83**

PERPETUATION OF EVIDENCE

- Generally, **7:173 to 7:185**
- For detailed treatment, see index heading **DEPOSITIONS IN TAX COURT**

PERSONAL DEDUCTIONS

- Audit and settlement procedure, generally, **3:07.71 et seq.**

PERSONAL HOLDING COMPANY DEFICIENCY DIVIDENDS

- Refunds and credits, **10:33**

PERSONAL PROPERTY

- Collection procedures, **13C:23**
- Possessory lien
 - generally, **14:50 to 14:55**
 - for detailed treatment, see index heading **LIENS AND PRIORITIES**

FEDERAL TAX PRACTICE

PERSONAL SERVICE CORPORATIONS

Information reporting, **3:26.73**

PETITIONERS

Generally, **6:47 to 6:60.50**

For detailed treatment, see index heading PARTIES

PETITIONS IN TAX COURT

Generally, **7:01, 7:06 to 7:50.50**

Accumulated earnings tax, **7:20**

Accuracy related penalty, **7:197 to 7:199**

Administrative costs, **7:206**

Allegations of fact, **7:43, 7:44**

Alternative assignments of error, **7:34**

Alternative claims by commissioner, **7:22**

Amendment

generally, **7:35 to 7:40**

conform to proof, **7:39**

forms, **7:207**

jurisdictional limitations, **7:36**

new issues, **7:37**

post-trial motion, **7:40**

remand, **7:42**

timeliness requirements, **7:38**

Arbitrary determinations, **7:27 to 7:29**

Assignments of error, **7:13**

Burden of proof, **7:18 to 7:20**

Concessions in, **7:26**

Consent to new issues, **7:31**

Consistency duty, **7:19**

Contents of, **7:11 to 7:16**

Date, **7:15**

Deficiency notice, effect of, **7:21 to 7:29**

Depositions to perpetuate testimony, **7:49**

Estoppel, **7:17**

Exhaustion of administrative remedies, **7:48**

Failure to file, **7:200**

Failure to plead, **7:32**

Forms, **7:08, 7:09, 7:196 to 7:207**

Income and basis items, **7:28**

Innocent spouse, **7:201**

Intervention motions, **7:50**

Issues outside pleadings, **7:25**

Issues raised by, **7:30 to 7:34**

Jurisdictional limitations, **7:36**

INDEX

PETITIONS IN TAX COURT—Cont'd

Last known address, **7:202**
New issues, **7:37**
New matters, **7:23**
Notice of deficiency as exhibit, **7:16**
Parsonage expenses, **7:204**
Post-trial motion, **7:40**
Prayer for relief, **7:14**
Prior settlement agreement, **7:203**
Rules of pleading, **7:07**
Sanctions for frivolous conduct, **7:47, 7:48**
Signature, **7:06, 7:09, 7:15, 7:45 to 7:47**
Small tax case, **7:205**
Statements of facts, **7:14**
Substantiating deductions, **7:29**
Sufficiency of pleading, **7:33**
Supplemental pleadings, **7:41**
Surprise, **7:24**
Taxes in controversy, **7:12**
Timeliness of amendment, **7:38**
Transferee liability, contents of petition, **12:77**
Withdrawal of, **7:50.50**

PHYSICIANS

Closing agreements, **3:68**
Privileged and confidential information, **8:63**

PLACE

Filing claim for refunds and credits, **10:61**
Filing of returns, **3:13**
Trial in Tax Court, **7:103, 7:104, 7:208**

PLEA AGREEMENTS

Criminal prosecution, **13B:16.50**

PLEADINGS IN TAX COURT

Answer
generally, **7:51 to 7:67**
for detailed treatment, see index heading ANSWER IN TAX COURT
Civil fraud proceedings. See index heading CIVIL FRAUD PROCEEDINGS
Electronic filing, **8:01.50**
Petitions
generally, **7:06 to 7:50.50**
for detailed treatment, see index heading PETITIONS IN TAX COURT
Reply
generally, **7:68 to 7:76**

FEDERAL TAX PRACTICE

PLEADINGS IN TAX COURT—Cont'd

Reply—Cont'd
for detailed treatment, see index heading REPLY IN TAX COURT

PLEDGEES

Liens and priorities, **14:38**

POLYGRAPH TESTS

Witnesses, **8:94**

POSSESSIONS OF UNITED STATES

Information reporting, change in possessions residency, **3:23.72.10**

POSTAUDIT REVIEW

Generally, **3:69**

POST-TRIAL PROCEDURES

Generally, **8:134 to 8:138**

Bond to stay collection, **8:156**

Briefs

generally, **8:117 to 8:121**

for detailed treatment, see index heading BRIEFS

Collateral estoppel, **8:155**

Computations for entry of decision, **8:139 to 8:141, 8:174 to 8:179**

Correction of decision, motion for, **8:180**

Correction of transcript, **8:122, 8:123, 8:162**

Entry of decision, **8:151**

Finality of decision, **8:152**

Fraud on court, **8:136**

Litigation costs

generally, **8:142 to 8:150**

for detailed treatment, see index heading COSTS OF ACTION

Motion to vacate, **8:135**

New or further trial, **8:139**

Order denying reconsideration motion, **8:172**

Petitions in Tax Court, **7:40**

Publicity of proceedings, **8:160**

Reconsideration motions, **8:137, 8:168 to 8:173**

Remand, proceedings upon, **8:157 to 8:159**

Reports and decisions, **8:130, 8:131**

Retroactive effect of decision, **8:153**

Vacate, motion, **8:180**

Withdrawal of counsel, **8:161**

Withdrawal of exhibits on remand of case, joint motion for, **8:181**

POWERS OF ATTORNEY

Judicial review, **9:40, 9:41**

INDEX

POWERS OF ATTORNEY—Cont'd

Practice before IRS, **3:07**

PRACTICE BEFORE IRS

Generally, **3:02 to 3:07**

Circular 230, standards of practice, **1:45.50, 3:04**

Internal Revenue Service practice, **1:45 to 1:45.60**

Limited practice, **1:45.50**

Powers of attorney, **3:07**

Qualifications for, **3:02 to 3:07, 6:07 to 6:09, 6:09.50**

Renewal of enrollment, **1:45.50**

Requirements for enrollment, **3:03**

Sanctions, **1:45.50, 3:05**

Standards of practice, **1:45.50 to 1:45.70, 3:04**

PREFERENTIAL TRANSFERS

Bankruptcy proceedings, **13D:17**

PREPARERS

See index heading RETURN PREPARERS

PRESUMPTIONS AND BURDEN OF PROOF

Generally, **8:07 to 8:10.60, 8:11**

Cancellation of debt, **8:08**

Fraud, **8:08.50**

Limitations period, **8:08.80**

Net worth method, **8:09**

New matters, **8:10.50**

Penalties, **8:10.55, 13A:01.50**

Refund suits, **11:42**

Remand, proceedings upon, **8:159**

Theft loss deduction, **8:10**

Transferee liability, **8:10.60**

Unreported income, **8:10.70**

PRETRIAL PRACTICE IN TAX COURT

Conferences, **7:195**

Discovery

generally, **7:109 to 7:143**

for detailed treatment, see index heading DISCOVERY PRACTICE IN TAX COURT

Disqualification of counsel, **7:193**

Final status report, **7:192**

Memorandum to petitioners and counsel, court's, **7:194**

Motions

generally, **7:87 to 7:108**

for detailed treatment, see index heading MOTIONS

FEDERAL TAX PRACTICE

PRETRIAL PRACTICE IN TAX COURT—Cont'd

Subpoenas
generally, **7:163 to 7:171**
for detailed treatment, see index heading SUBPOENAS

PRIORITIES

See index heading LIENS AND PRIORITIES

PRISONERS

Gross income, **3:07.37**
Refunds, IRS review of, **11:04**

PRIVACY ISSUES

Electronic filing, **3:17.17**

PRIVATE COLLECTION AGENCIES

Collection procedures, **13C:02**

PRIVATE DELIVERY SERVICES

Petition, **6:43**

PRIVATE RULINGS

Discovery practice in Tax Court, **7:117**

PRIVILEGED AND CONFIDENTIAL INFORMATION

Generally, **8:54 to 8:76**
Accountants and other tax professionals, **8:59**
Appraisers, **8:60**
Attorney-client privilege, **8:55 to 8:57**
Cleric privilege, **8:63**
Corporate communications, **8:56**
Executive privilege, **8:66**
Husband-wife privilege, **8:61**
Improperly obtained evidence, **8:67**
Informer's identity, **8:62**
Physician privilege, **8:63**
Self-incrimination
generally, **8:68 to 8:76**
for detailed treatment, see index heading SELF-INCrimINATION PRIVILEGE
State secrets, **8:65**
Suit for refund, **11:62**
Third party communications, **8:57.50**
Trade secrets, **8:64**
Work product of counsel, **8:58**

PRIZES

Business expense deductions, **3:07.40**

INDEX

PRODUCTION OF DOCUMENTS AND THINGS

Generally, **7:129 to 7:135**
Criminal procedures, required records doctrine, **13B:14.50**
Electronic data, **7:134.50**
Enforcement action, **7:132**
Foreign holders, **7:135**
Motion to compel, **7:222, 7:223**
Notices to produce, **7:172**
Protective orders, **7:131**
Respondent's request for, **7:220**
Response to request for, **7:221**
Sanctions, **7:132**
Summons, **3:53, 3:53.50, 3:53.60, 7:133**
Supplementation of response, **7:130**
Tax preparation software, **7:134**

PROTECTIVE ORDERS

Admission requests in Tax Court, **7:152**
Depositions in Tax Court, **7:181**
Discovery practice in Tax Court, generally, **7:122**
Interrogatories in Tax Court, **7:127**
Production of documents and things, **7:131**

PUBLIC RECORDS AND REPORTS

Evidence in Tax Court, **8:35**

PUBLIC SERVICE OFFICERS/PSOs

Audit and settlement procedure, **3:07.48**

PUBLIC UTILITIES

Normalization method accounting, audits, **3:27.95.60**

PUBLIC WELFARE EXCEPTION

Gross income, **3:07.34**

PUNITIVE DAMAGES

Tax court, authority to award damages, **6:75.50**

QUALIFIED OFFER RULE

Settlement exception, litigation costs, **8:147.50**

QUALIFIED SETTLEMENT FUNDS

Audit and settlement procedure, **3:27.30**

RATIFICATION

Petition in Tax Court, **7:78**

REAL ESTATE MORTGAGE INVESTMENT CONDUIT (REMIC)

Partnership items, tax treatment of, **16:22.50**

FEDERAL TAX PRACTICE

REAL ESTATE VALUATION

Comparable sales, **8:91.25**

REALLOCATIONS

Income and expense, **3:07.84**

REAL PROPERTY

Collection procedures, **13C:21**

Installment payment of estate tax, **3:28**

Liens and priorities, **14:51, 14:58**

RECEIVABLES

Collection procedures, **13C:23**

RECEIVERS

Collection procedures, **13C:43**

Tax Court, **6:80**

RECONSIDERATION

Bankruptcy proceedings, **13D:11**

RECORD

Judicial review. See index heading **JUDICIAL REVIEW**

RECORDKEEPING RULES

Generally, **3:26.50**

RECOUPMENT

Condition to allowance in suits for refund, **11:25**

Credits of barred deficiencies and overpayments banned, **11:25**

REDEMPTION

Seized property, **13C:39**

REFORESTATION

Business expense deductions, **3:07.86**

REFUNDS AND CREDITS

Generally, **3:27.96, 10:01 to 10:82**

Administrative procedures, **10:62**

Affiliated corporations, **10:47**

Agents, **10:41**

Amount claimed, **11:30**

Amount of interest, **10:75**

Application of payments, **10:66**

Assignees, **10:48**

Audit and settlement procedure, **3:27.98**

Authority, **10:03**

Bad debts, **10:25**

INDEX

REFUNDS AND CREDITS—Cont'd

- Bankruptcy proceedings, **10:40, 13D:13, 13D:31**
- Business credits, **3:27.98**
- Business expense deductions, **3:27.97**
- Child tax credit, **13D:01**
- Credit carrybacks, **5:20, 10:27, 13:10**
- Crediting of overpayments, generally, **10:68, 10:69**
- Daily compounding of interest, **10:05**
- Deceased taxpayers, **10:45**
- Deficiency, credit against, **10:22**
- Deposits distinguished from overpayment, **10:73**
- Earned income credit, **10:34.50**
- Employee benefit plan terminations, **10:30, 10:31**
- Equitable recoupment, **10:32**
- Equitable tolling of time limitations on claims, **10:10**
- Erroneous refunds, **10:08**
- Estate taxes, **10:36**
- Estimated taxes, **10:18, 10:23, 10:77**
- Evasion of tax, claiming false credits, **13B:04**
- Excess assessment, **2:22.50**
- Excise taxes, **10:59**
- Extension agreements, **10:21, 10:58**
- Finality of credit allowances, **10:69**
- Financially disabled taxpayers, **10:12**
- Foreign tax credits, **10:35**
- Form and contents of claim, **10:50, 10:51**
- Fuel excise tax credits, **10:34**
- Inflation reduction act
 - credit transfer, **10:34.60**
- Informal claims, **10:52**
- Innocent spouse rule, **3:21.80**
- Installment payments, **10:16**
- Interest on overpayments
 - generally, **10:74 to 10:78**
 - amount of interest, **10:75**
 - crediting overpayments, **10:76**
 - estimated taxes, **10:77**
 - limitations on recovery of, **10:78**
 - rate of, **10:04, 10:05**
- Joint returns, **10:43**
- Jurisdiction, **6:22, 10:28**
- Life insurance companies' unused deductions, **10:81**
- Limitation on amount of, **10:24**
- Lost or stolen refund checks, **10:08.50**

FEDERAL TAX PRACTICE

REFUNDS AND CREDITS—Cont'd

Minors, **10:44**
Mitigation of time limitations on claims, **10:20**
Net operating loss or capital loss carrybacks, **10:26, 10:79, 10:80**
Offsets and adverse considerations, **10:67**
Overpayment defined, **10:72, 10:73**
Parties, **10:39 to 10:42**
Payment defined, **10:15**
Personal credits, **3:27.97**
Personal holding company deficiency dividends, **10:33**
Place of filing claim, **10:61**
Protective claims, time limitations, **10:18.55, 10:18.60**
Rate of interest on overpayments, **10:04, 10:05**
Rejection of claim, **10:10.50, 10:64, 10:65**
Reopening of rejected claims, **10:65**
Return defined, **10:14**
Return preparers, **10:41, 10:49**
Review by joint congressional committee, **10:63**
Self-employment tax, **10:29**
Setoff against barred deficiencies, **10:70, 10:71**
Statement of grounds for refund
generally, **10:54 to 10:60**
amendments after limitations period, **10:60**
excise taxes, **10:59**
extension agreements, **10:58**
statement of facts, **10:56**
variance between claim and suit, **10:55**
waiver of defects, **10:57**
Statement of overpayment, **10:53**
Statute of limitations. Time limitations on claims, below
Statutes applicable, **10:02**
Substituting joint return for separate returns, **10:37**
Successor corporations, **10:46**
Suits for refund. See index heading SUITS FOR REFUND
Tentative carryback and refund adjustments, **10:06**
Tentative refund of tax under claim of right adjustment, **10:07**
Time limitations on claims
generally, **10:09 to 10:19**
amended claim vs. new claim, **10:09.50**
dates of filing return and payment of tax, **10:13 to 10:18, 10:18.50**
equitable tolling, **10:10**
estate tax deductions, protective claims regarding, **10:18.60**
estimated taxes, **10:18**
financially disabled taxpayers, **10:12**

INDEX

REFUNDS AND CREDITS—Cont'd

Time limitations on claims—Cont'd
installment payments, **10:16**
miscellaneous limitation periods, **10:19**
mitigation of, **10:20**
new claim vs. amended claim, **10:09.50**
payment defined, **10:15**
protective claims, **10:18.55, 10:18.60**
rejection of refund claim, **10:10.50**
return defined, **10:14**
statutory exceptions, **10:11, 10:12**
time payment made, **10:17**
withheld taxes, **10:18.50**
Time of filing claim, **10:61**
Treaty provisions, **10:38**
Variance between claim and suit, **10:55**
Waiver of defects, **10:57**
Windfall profit tax, **10:82**
Withheld taxes, **10:18.50**
Withholding agents, **10:42**
Worthless securities, **10:25**

REGIONAL COMMISSIONERS

Internal Revenue Service, **1:13 to 1:15**

REGIONAL COUNSEL

Internal Revenue Service, **1:32**

REGULATIONS

Appeals Division, **4:22**
Internal Revenue Service, **1:40**
Penalties for negligence or disregard of, **13A:18**

REHEARING

Judicial review, **9:26, 9:52**

RELEASE

Levy, **13C:33**

RELIGIOUS FREEDOM

Assessment procedures, **2:01.50**
Exempt organizations, **3:27.04**

REOPENING CASES

Generally, **3:68.50**

FEDERAL TAX PRACTICE

REORGANIZATIONS

Internal Revenue Service organization
generally, **1:03 to 1:06.50**
for detailed treatment, see index heading INTERNAL REVENUE SERVICE

REPATRIATION OF FOREIGN-EARNED INCOME

Audits, **3:23.71.02.60**

REPLY IN TAX COURT

Generally, **7:68 to 7:76**
Content of, **7:69**
Declaratory judgment actions, **7:71**
Disclosure actions, **7:72**
Effect of, **7:73**
Examples, **7:214, 7:215**
Failure to reply, **7:74**
Form of, **7:69**
Joinder of issue, **7:76**
Motions to vacate, **7:75**
New material, **7:70**
Time, **7:68**

REPORTING INCOME

See index heading INFORMATION REPORTING

REQUESTS FOR ADMISSION

Generally, **7:144 to 7:152**
For detailed treatment, see index heading ADMISSION REQUESTS IN TAX COURT

REQUIRED RECORDS DOCTRINE

Criminal proceedings, **13B:14.50**

RESCISSION

Deficiency assessment, **2:07.60**

RES JUDICATA

Collection officer, effect of judgment against, **11:28**
Estate tax cases, application of principle, **11:28**
Estoppel by judgment distinguished, **11:28**
Income tax cases, conditions for application in, **11:28**
Innocent spouse relief, **6:87.50**
Innocent spouse rule, **3:21.80**
Restrictions upon doctrine in tax cases, generally, **11:28**
Transferee liability, extensions of assessment period for lack of return, **12:23**

RESTAURANTS

Audits, restaurant examinations, **3:41.50**

INDEX

RESTITUTION

Assessment procedures, criminal restitution recoveries, **2:03.60**

RESTORATION OF INCOME

Payment of tax, **3:29.50**

Prior receipts of gross income, **3:07.39**

RETAIL SHOPS

Audits, **3:41.60**

RETIREMENT PLANS

See index heading PENSION AND RETIREMENT PLANS

RETURN OF SEIZED PROPERTY

Generally, **13C:33.50**

RETURN PREPARERS

Filing of returns, **3:17.20**

Penalties

generally, **13A:34 to 13A:37**

for detailed treatment, see index heading PENALTIES

Refunds and credits, **10:41, 10:49**

REVENUE AGENTS' REPORTS

Admissions, **8:46**

Discovery practice in Tax Court, **7:115**

REVENUE PROCEDURES

Generally, **1:41**

REVENUE RULINGS

Generally, **1:42**

REVOCABLE TRUST INTERESTS

Collection procedures, **13C:28**

REWARDS

Business expense deductions, **3:07.40**

Collection procedures, **13C:05**

ROTH IRAs

Generally, **3:07.40.10**

ROYALTIES

Information reporting, **3:23.73**

RULES

Large and Midsize Business (LMSB) Division, rules of engagement,
1:12.30

Tax Court, **6:10, 6:65, 6:65.10**

FEDERAL TAX PRACTICE

SAFE DEPOSIT BOXES

Collection procedures, **13C:45**

SALARIES

See index heading **WAGES AND COMPENSATION**

SALES

Bargain sale, employer's property, **3:07.17.50**
Information reporting, real property sales, **3:23.72.20**
Lottery winnings, **3:07.70**
Real estate valuation, comparable sales, **8:91.25**
Resellers, accounting methods, **3:27.95.50**
Residence, **5:34, 13D:21**
Seized property, **6:87**
Short sales of stock, **3:07.44**
Small business stock sales, **3:07.40.50**

SANCTIONS

Admission requests in Tax Court, **7:151**
Answer in Tax Court, **7:53**
Depositions in Tax Court, **7:182**
Discovery practice in Tax Court, generally, **7:123**
Exempt organizations, **3:27.03**
Frivolous petitions in Tax Court, **7:47, 7:48**
Interrogatories in Tax Court, **7:128**
Practice before IRS, **3:05**
Production of documents and things, **7:132**

SCHOOL ADMINISTRATORS

Employment taxes, **3:50.80**

S CORPORATIONS

Audit and settlement procedure, **3:26.65**
Internal Revenue Service organization, **1:34.50**

SEARCHES

Collection procedures, **13C:46**
Levy and seizure, **13C:34.50**

SECONDARY EVIDENCE

Generally, **8:19, 8:20**

SECTION 367 TRANSFERS

Jurisdiction, **6:64**

SECTION 527 POLITICAL ORGANIZATIONS

Information reporting, **3:23.75**

INDEX

SECURITY INTERESTS

Liens and priorities, **14:36 to 14:38, 14:46**

SEIZURE

See index heading **LEVY AND SEIZURE**

SELF-CREATED PROPERTY

Audits, **3:07.57**

SELF-EMPLOYMENT TAXES

Joint returns by husband and wife, **3:19.50**

Refunds and credits, **10:29**

SELF-INCRIMINATION PRIVILEGE

Generally, **8:68 to 8:76**

Blanket privilege, **8:74**

Criminal cases, **8:76, 13B:14**

Interrogation statements, **8:70**

Negative inference from claiming privilege, **8:72**

Related evidence, **8:71**

Tax returns, **8:73**

Third-party document holders, **8:69**

Waiver, **8:75**

SENTENCING

Criminal prosecution, **13B:19 to 13B:21**

SEPARATION AND DIVORCE

Joint returns by husband and wife, **3:20, 3:20.50**

SERVICE CENTERS

Internal Revenue Service organization, **1:14**

SERVICE OF PROCESS

Appeal brief, **9:22**

Subpoenas, **7:165**

SETOFFS

Bankruptcy proceedings, **13D:28**

Interest, **13:16**

Refunds and credits, **10:70, 10:71**

SETTLEMENT

See index heading **COMPROMISE AND SETTLEMENT**

SEVERANCE OF ISSUES

Motions, **7:107**

SEX CHANGE OPERATIONS

Personal deductions, **3:07.74**

FEDERAL TAX PRACTICE

SIGNATURES

Discovery practice in Tax Court, **7:119**
Electronic filing, **3:17.15**
Filing of returns, **3:08.70**
Penalties, **13A:37**
Petitions in Tax Court, **7:06, 7:09, 7:15, 7:45 to 7:47**

SIMULTANEOUS DEATH LIFE ESTATES

Valuation evidence, **8:92.50**

SLAVERY REPARATIONS

Frivolous return positions, **3:08.55**

SMALL BUSINESS AND SELF-EMPLOYED DIVISION

Generally, **1:12.50**

SMALL BUSINESS STOCK SALES

Gross income, **3:07.40.50**

SMALL ORGANIZATIONS

Exempt organizations, **3:27.02.10**

SMALL TAX CASES

Generally, **8:107 to 8:116**
Decisions, **8:114**
Defined, **8:108**
Discontinuance of proceedings, **8:110**
Election of small tax case procedure, **8:109**
Jurisdiction, **6:11**
Number of copies of papers, **8:116**
Petitions in Tax Court, **7:205**
Pleadings, **8:111**
Preliminary hearings, **8:112**
Representation, **8:116**
Special trial judges, **8:115, 8:127**
Transcripts of proceedings, **8:116**
Trials, **8:113 to 8:116**

SOCIAL CLUBS

Business expense deductions, **3:07.41**
Member income, **13C:26.50**

SOCIAL SECURITY BENEFITS

Business expense deductions, **3:07.42**
Collection procedures, **13C:26.50**
Inclusion in income, **3:07.42**

INDEX

SPECIAL AGENT'S REPORT

Discovery practice in Tax Court, **7:114**

SPECIAL TRIAL JUDGES

Generally, **8:125 to 8:129**

Background, **8:125**

Cases applicable, **8:126**

Declaratory judgments, **8:128**

More than \$50,000, cases involving, **8:129**

Small tax cases, **8:127**

SPENDTHRIFT TRUSTS

Collection procedures, **13C:27**

Liens and priorities, **14:28**

SPOUSES

Community property. See index heading COMMUNITY PROPERTY

Husband-wife privilege, **8:61**

Improperly obtained evidence, **8:67**

Joint returns

generally, **3:19 to 3:21.90**

for detailed treatment, see index heading JOINT RETURNS

Marital property. See index heading MARITAL PROPERTY

Partnership, married couples with joint interest in partnership, **16:04.50**

Self-incrimination

generally, **8:68 to 8:76**

for detailed treatment, see index heading SELF-INCrimINATION PRIVILEGE

STATE AND LOCAL TAX INCENTIVES

Audits, **3:07.96.70**

STATE SECRETS

Privileged and confidential information, **8:65**

STATUTE OF LIMITATIONS

Generally, **5:01 to 5:74**

Accounting period wrong, **5:72**

Advice of counsel defense, **5:13**

Affirmative pleading of, **5:05**

Ambiguities as extending, **5:57**

Amended returns, **5:26, 5:71**

Assessments, reinstatement of erroneous assessments, **2:06.50**

Background, **5:01**

Bankruptcy proceedings, **5:46, 13D:05**

Bond, effect of giving, **5:80**

Bribes or kickbacks, disallowed deduction of, **5:30**

Burden of proof, **5:06, 5:07, 5:23**

FEDERAL TAX PRACTICE

STATUTE OF LIMITATIONS—Cont'd

- Civil fraud proceedings, **15:37 to 15:39, 15:45**
- Collections
 - generally, **5:75 to 5:80**
 - for detailed treatment, see index heading **COLLECTIONS**
- Commencement of limitations period
 - generally, **5:67 to 5:74**
 - accounting period or basis wrong, **5:72**
 - amended returns, **5:71**
 - defectively executed returns, **5:73**
 - mitigation, **5:74**
 - passthrough entities, **5:69**
 - tentative returns, **5:70**
 - terminating extension agreement, **5:67**
- Construction reserve funds, **5:33**
- Constructive dividends, **5:29**
- Corporations, extending limitations period for, **5:64 to 5:66**
- Court proceedings, effect of, **5:79**
- Credit carrybacks, **5:20**
- Defects as extending limitations period, **5:57**
- Deficiency dividend deductions, **5:47**
- Dissolved corporations, **5:65**
- Duress as extending limitations period, **5:53**
- Election to delay for-profit determination/section 183(e), **5:77.50**
- Enemy alien interests, **5:49**
- Equitable tolling of limitations period, **5:49.50**
- Estate tax credits adjustment, **5:37**
- Estate taxes, **5:03**
- Examinations, **5:40.50**
- Exceptions to, **5:07**
- Executor's discharge application, **5:19**
- Extension agreement, **5:67**
- Extension for audit and settlement procedure, **3:54**
- Extension of limitations period
 - generally, **5:50 to 5:66**
 - ambiguities, **5:57**
 - collections, **5:77, 5:77.50**
 - conditions, **5:52**
 - corporations, **5:64 to 5:66**
 - defects, **5:57**
 - dissolved corporations, **5:65**
 - duress, **5:53**
 - execution of, **5:60 to 5:66**
 - fiduciaries, **5:63**

INDEX

STATUTE OF LIMITATIONS—Cont'd

- Extension of limitations period—Cont'd
 - form of waiver, **5:54**
 - joint returns, **5:61**
 - partnership returns, **5:62**
 - statutory provisions, **5:50**
 - successive waivers, **5:58**
 - successor corporations, **5:66**
 - timeliness of execution, **5:55**
 - timely joinder by Commissioner, **5:56**
 - unlimited waiver, **5:59**
 - waiver, generally, **5:51**
- Failure to file return, **5:11 to 5:14**
- False or fraudulent returns, **5:08**
- Fiduciaries, **5:48, 5:63**
- Foreign tax credits adjustments, **5:36**
- General rule, **5:02, 5:03**
- Gifts made in prior years, valuation of, **5:04**
- Inconsistent positions under section 1311 of the code, **5:38**
- Involuntary conversions, **5:32 to 5:34**
- IRS rulings and advice, reliance on, **5:14**
- Joint returns, extending limitations period, **5:61**
- Levy and seizure, **13C:34**
- Mitigation, **5:77.60**
- Natural disasters, **5:45.50, 5:81**
- Net operating loss or capital loss carrybacks, **5:21**
- Omissions in excess of 25 percent
 - generally, **5:22 to 5:28**
 - adequate disclosure, **5:25**
 - amended return, **5:26**
 - burden of proof, **5:23**
 - gross income, **5:24, 5:27, 5:28**
- Partnership returns, extending limitations period, **5:62**
- Passthrough entities, assessment of, **5:69**
- Penalties as to withholding taxes, **13A:33**
- Presumptions and burden of proof, **8:08.80**
- Reasonable cause defense, **5:12, 5:13**
- Recaptured estate tax under special use election, **5:03**
- Refunds and credits
 - generally, **10:09 to 10:19**
 - for detailed treatment, see index heading **REFUNDS AND CREDITS**
- Request for prompt assessment, **5:15 to 5:18**
- Sale of residence, **5:34**
- Substitution of joint return, **5:31**

FEDERAL TAX PRACTICE

STATUTE OF LIMITATIONS—Cont'd

Suspension of limitations period
generally, **5:40 to 5:49.50**
after mailing of the deficiency notice, **5:40**
bankruptcy and receivership, **5:46**
bribes or kickbacks, disallowed deduction of, **5:30**
collections, **5:78**
conditions for, **5:41**
deficiency dividend deductions, **5:47**
enemy alien interests, **5:49**
equitable tolling, **5:49.50**
examinations, **5:40.50**
natural disasters, **5:45.50**
period of, **5:42**
transferees and fiduciaries, **5:48**
waiver of restrictions by taxpayer, **5:43, 5:44**
war, **5:45**
Termination of private foundation status, **5:09, 5:10**
Transferee liability, **5:39**
War as suspending limitations period, **5:45**

STAY

Collection, **13E:06**
Sale of seized property, **2:21, 13C:38**

STIPULATIONS

Trial in Tax Court
generally, **7:153 to 7:160**
for detailed treatment, see index heading **TRIAL IN TAX COURT**

STOCK AND STOCKHOLDERS

Affiliated corporations and consolidated returns, **6:60.50**
Brokers, information reporting, **3:23.57**
Information reporting, corporate activity affecting stock basis, **3:23.67.03**
Injunctions in stockholders' suits, **2:44**
Options
 gross income, **3:07.43, 3:07.43.10**
 reporting, **3:26.40**
Redemption distributions, statute of limitations, **5:35**
Short sales of stock, **3:07.44**
Small business stock sales, **3:07.40.50**
Valuation evidence, **8:89 to 8:92**

STRIKING PLEADINGS

Motions, **7:96**

INDEX

SUBPOENAS

- Generally, **7:163 to 7:171**
- Attendance fees for witnesses, **7:166**
- Costs for compliance, **7:167**
- Enforcement, **7:171**
- Financial institutions, **7:170**
- Motion to quash subpoena duces tecum, **7:226, 7:227**
- Particular items, **7:164**
- Release of return information, **7:169**
- Return information, **7:168, 7:169**
- Service, **7:165**

SUBSIDIES

- Farming, agricultural subsidies, **3:07.19**

SUBSTITUTED DEBT

- Information reporting, **3:23.65**

SUBSTITUTE RETURN

- By IRS, **3:18**
- Refunds and credits, **10:37**
- Statute of limitations, **5:31**

SUBSTITUTION OF PARTIES

- Tax Court, **7:85**

SUCCESSOR CORPORATIONS

- Extending limitations period, **5:66**
- Jurisdiction, **6:58**
- Refunds and credits, **10:46**

SUITS FOR REFUND

- Generally, **11:01 to 11:91**
- Abolition of suits against district director, **11:33**
- Account stated, conditions precedent for suit upon, **11:18**
- Agreement suspending period for suit, **11:10**
- Amount claimed, **11:30**
- Appeals, **11:71**
- Attorney's fee, recoverable, **11:68, 11:84**
- Bankruptcy court, lack of, jurisdiction, **11:02**
- Barred by filing of Tax Court petition, **11:29**
- Burden of proof
 - generally, **11:42**
 - government
 - generally, **11:45**
 - pleading of defenses, as affecting, **11:43, 11:45**
- Child support, **11:23**

FEDERAL TAX PRACTICE

SUITS FOR REFUND—Cont'd

- Choice of forum for suit, **11:01**
- Claim for refund
 - generally, **11:03**
 - filing of, as condition to right to bring suit, **11:02, 11:04**
 - payment of tax, **11:06**
 - restriction of action to grounds stated in claim, **11:30**
 - six months' waiting period after filing claim, **11:05**
 - variance, what constitutes ground not presented in claim, **11:30**
- Collateral estoppel, **11:26**
- Complaint
 - amendments liberally allowed, **11:39**
 - court of claims, **11:75**
 - essential allegations of, in suit for refund, **11:38**
 - filing of, as institution of suit, **11:10, 11:16**
 - form of, generally, **11:88**
 - form of, in district court suit, **11:38**
 - Rules of Civil Procedure, application of, **11:37, 11:41**
 - verification of, **11:38**
- Conditions for maintenance of suit, **11:02, 11:03**
- Costs
 - generally, **11:68**
 - litigation, **11:68**
 - recovery of, **11:68**
- Counterclaims
 - generally, **11:66**
 - pleading requirements for, **11:45**
- Court of Claims
 - generally, **11:01, 11:73**
 - attorney's fee, **11:84**
 - briefs, filing period and required contents, **11:81**
 - certiorari to review judgments of, **11:82**
 - complaint, **11:75**
 - counterclaims, pleading of, **11:76**
 - findings and judgments, **11:82**
 - jurisdiction
 - generally, **11:74**
 - lack of jurisdiction may be raised at any stage of proceedings, **11:76**
 - Tax Court petition filed, effect upon, **11:29**
 - motions, **11:79**
 - petition, filing of, as commencement of suit, essential allegations of, **11:75**
 - pleading of defenses, **11:76**

INDEX

SUITS FOR REFUND—Cont'd

Court of Claims—Cont'd
rehearings; amendments of judgments; new trials; relief from judgment, **11:83**
requests for findings of fact, where required, **11:82**
trials, **11:80**
Damage claims, **11:35**
Defenses
amendment of, **11:76**
counterclaims, time limitations upon, pleading of, **11:43, 11:45, 11:76**
estoppel, instances where allowable as defense
generally, **11:26**
plead and prove as affirmative defense, **11:18**
pledged as affirmative defense, **11:18**
fraudulent claim, **11:32**
jurisdictional objections always timely, **11:02, 11:46**
motions, **11:76, 11:77**
no overpayment of tax, **11:24**
pleading of defenses, **11:43, 11:45**
recoupment, conditions for allowance, **11:25**
relation-back of amendments, **11:43**
res judicata, **11:28**
setoff, **11:31**
Tax Court petition filed, **11:29**
time limitations upon new defense, subject to discretion of court, factors
considered, **11:46**
variance from claim, **11:30**
waiver of limitations not permitted, **11:02**
Discovery, **11:48**
District Courts
aliens, suits for refund by, **11:35**
claim for refund, requirement for filing is jurisdictional, **11:35**
complaint
generally, **11:38**
amendments, **11:39**
defenses, pleading of, under Rules of Civil Procedure, **11:43, 11:45**
discovery of Government's evidence, when permitted, **11:48**
historical developments, **11:34**
jurisdictional limitations, **11:35**
jury demand, **11:40**
jury trial allowable under 1954 amendment, **11:34**
monetary limitations upon, removed in 1954, **11:34**
Rules of Civil Procedure, application in, **11:37, 11:41**
service of process, **11:41**

FEDERAL TAX PRACTICE

SUITS FOR REFUND—Cont'd

- District Courts—Cont'd
 - venue, suit against United States, **11:36**
 - District director, suit against, **11:33**
 - "Divisible taxes" defined, regarding payment of tax, **11:06**
 - Duress, effect of payment under, **11:08**
 - Equitable recoupment, **11:25**
 - Estoppel, **11:26**
 - Evidence, **11:60**
 - Excise taxes, **11:09**
 - Findings, **11:67**
 - Fraudulent claim, **11:32**
 - Freedom of Information Act, **11:54**
 - "Full payment rule," **11:06**
 - Intervention, **11:21.50**
 - Judgment
 - generally, **11:70**
 - Court of Claims, entry by, **11:82**
 - enforcement of, **11:85**
 - General Accounting Office, control over payment of, **11:85**
 - interest upon, computation, **11:86**
 - Judicial estoppel, **11:27**
 - Jury demand, district court, **11:40**
 - Jury trials
 - factors involved in decision to request, **11:40**
 - requirement of proper and timely demand, **11:40**
 - Mandamus, **11:87**
 - Motions, **11:61**
 - Objections, **11:61**
 - Overpayment, defense to, **11:24**
 - Parties
 - generally, **11:20**
 - third, **11:21**
 - Payment of tax in full not a condition precedent to suit, **11:06**
 - Pretrial conference, **11:55**
 - Pre-trial procedures, stipulation of facts, **11:47**
 - Privileged communications, **11:62**
 - Protest, payment under, not required, **11:08**
 - Reduction, child support, **11:23**
 - Refund, tender of after suit commenced, **11:22**
 - Res judicata, **11:28**
 - Service of process, requirements under Rules of Civil Procedure, **11:41**
 - Setoff, **11:31**
 - Settlement, **11:56**

INDEX

SUITS FOR REFUND—Cont'd

Stipulations, **11:47**
Successive claims, as extending period for suit, **11:14**
Summary judgment, when permissible, **11:46**
Third parties, **11:21**
Time limitations
 account stated, suit upon, **11:18**
 computation of period, **11:10**
 jurisdiction, time limitation is restriction upon, **11:10**
 notice of disallowance, as beginning limitation period
 what constitutes, **11:10**
 persons other than taxpayers, **11:12**
 reconsideration of claim, effect of, **11:14**
 six-months waiting period, **11:05**
 waiver of defense, **11:10**
Transferee, by, **12:86**
Trials, **11:60, 11:63**

SUMMARIES

Evidence in Tax Court, **8:32**

SUMMARY ASSESSMENT

Generally, **2:10 to 2:11.50**
For detailed treatment, see index heading **ASSESSMENT**

SUMMARY JUDGMENT

Judicial review, **9:13.50**
Motions, **7:99 to 7:102**
Suits for refund, **11:46**

SUMMONS

Coordinated examination program, **5:40.50**
Production of documents, **3:53, 3:53.50, 3:53.60, 7:133**
Third persons, **3:46, 3:46.50, 3:46.60, 3:47, 3:47.50**

SUPERPRIORITIES

Generally, **14:45 to 14:49**
For detailed treatment, see index heading **LIENS AND PRIORITIES**

SUPPLEMENTAL PLEADINGS

Interrogatories in Tax Court, **7:126**
Petitions in Tax Court, **7:41**

SUPPLIES

Business expense deductions, **3:07.101**

SURETIES

Liens and priorities, **14:15, 14:63, 14:64**

FEDERAL TAX PRACTICE

SURPRISE

Petitions in Tax Court, **7:24**

SUSPENSION

Limitations period

generally, **5:40 to 5:49.50**

for detailed treatment, see index heading STATUTE OF LIMITATIONS

TAKING OF PROPERTY

Assessment procedures, **2:01.30**

TAX COURT

Generally, **6:01 to 6:93**

Abatement of interest, **6:25.50**

Administrative policies and procedures, **6:23, 6:75**

Affiliated corporations and consolidated returns, **6:60, 6:60.50**

Affirmative defenses, **6:65.10, 7:59**

Answer

generally, **7:51 to 7:67**

for detailed treatment, see index heading ANSWER IN TAX COURT

Appeal to, **4:21**

Appearance, **7:04**

Arbitration, motion for, **7:98.50**

Bankruptcy, **6:37, 6:77 to 6:79**

Board of Tax Appeals, **6:01**

Burden of proof

generally, **12:79**

civil fraud, **15:13, 15:15**

Commissioner's burden, discussion of, **12:79**

reply, effect of failure to, **12:80**

transferee liability

generally, **12:83**

Commissioner's burden

generally, **12:81**

shifting of burden to petitioner, **12:82**

Certiorari, **9:31**

Civil fraud proceedings. See index heading CIVIL FRAUD PROCEEDINGS

Closing agreements, **6:85.50**

Collateral estoppel, **6:87.50**

Collection due process hearings, **6:25.52, 6:73.50**

Collection procedures, Tax Court review, **13C:12.60**

Commissioner's discretion, **6:24, 6:75**

Compliance program, large corporate, **6:55.60**

Concession by parties, **6:85**

Contempt powers, **6:09**

INDEX

TAX COURT—Cont'd

- Corporations, **6:55.50 to 6:60.50**
- Credits and refunds, **6:72**
- Criminal proceedings, **6:25.80**
- Damages, **6:75.50**
- Death of petitioner, **6:55**
- Deceased taxpayers, **6:51**
- Declaratory judgments
 - generally, **6:61 to 6:66.50**
 - exempt organizations, **6:62**
 - gift valuation, **6:63.60**
 - governmental obligations, status of, **6:63**
 - retirement plans, **6:61**
 - worker classification challenges, **6:63.50**
- Deficiency jurisdiction
 - generally, **6:13 to 6:34**
 - abatement of interest, **6:25.50**
 - administrative policies and procedures, **6:23, 6:75**
 - collection due process hearings, **6:25.52**
 - criminal proceedings, **6:25.80**
 - elements of statutory deficiency, **6:20**
 - equitable recoupment, **6:25.55**
 - grand jury materials, improper use of, **6:27**
 - increases in deficiency, **6:76**
 - innocent spouse status, **6:25.57, 6:25.59, 6:66.40**
 - interest, **6:25, 6:25.50**
 - liens and levy, **6:24.50**
 - misdirected notice, **6:29 to 6:32**
 - notice of deficiency, **6:26 to 6:34**
 - payment after petition, **6:19**
 - penalties, **6:25**
 - refund claims, **6:22**
 - refund suit, deficiency notice during, **6:84**
 - statutory deficiencies, determinations not involving, **6:24.10**
 - statutory provisions, **6:14**
 - waiver and assessment, effect of, **6:15 to 6:18**
 - whistleblower awards, **6:22.50**
 - worker classification, **6:25.60, 6:25.70**
- Discharged fiduciaries, **6:54**
- Disciplinary actions, **6:09.50**
- Disclosure of information by IRS, **6:66**
- Disclosure of letter rulings, **6:24.10**
- Dissolved corporations, **6:56, 6:57**
- Equitable recoupment, **6:25.55**

FEDERAL TAX PRACTICE

TAX COURT—Cont'd

Evidence

generally, **8:05 to 8:106**

for detailed treatment, see index heading EVIDENCE IN TAX COURT

Excess profits tax abnormalities, **6:89 to 6:93**

Exempt organizations, **6:62**

Fees, **6:08, 6:46**

Fiduciaries, **6:53 to 6:55**

Form and style of papers, **7:03**

Governmental obligations, status of, **6:63**

Hearings, **6:12, 7:89**

Independent agency, **6:03**

Innocent spouse status, **6:25.57, 6:25.59, 6:66.40**

Installment payment of estate tax, **6:66.50**

Interest, **6:25, 6:73**

Jeopardy assessments, **6:52, 6:81 to 6:83**

Joint returns, **6:48**

Jurisdiction

generally, **6:13 to 6:93, 12:72**

administrative policies and procedures, **6:23, 6:75**

bankruptcy, **6:77 to 6:79**

closing agreements, **6:85.50**

collateral estoppel, **6:87.50**

collection due process hearing, **6:73.50**

Commissioner's discretion, **6:24, 6:75**

concession by parties, **6:85**

credits and refunds, **6:72**

criminal proceedings, **6:25.80**

damages, **6:75.50**

deficiency jurisdiction. Deficiency jurisdiction, above

disclosure of information by IRS, **6:66**

excess profits tax abnormalities, **6:89 to 6:93**

innocent spouse status, **6:25.57, 6:25.59, 6:66.40**

installment payments of estate tax, **6:66.50**

interest, **6:25, 6:73**

interest liabilities, no jurisdiction of, exception in transferee cases, **12:72**

jeopardy assessments, **6:52, 6:81 to 6:83**

liens and levy, **6:24.50**

offsets, **6:73.20**

other taxable years, **6:70**

overassessment in related taxes, **6:71**

overpayments, **6:67 to 6:69**

partnerships, **6:88**

penalties, **6:25**

INDEX

TAX COURT—Cont'd

Jurisdiction—Cont'd

petitioners, **6:47 to 6:60.50, 7:80**

petitions, **7:36**

prerequisites for existence of, **12:72**

receivership proceedings, **6:80**

refund claims, **6:22, 10:28**

res judicata, **6:87.50**

rules of Tax Court, **6:65, 6:65.10**

sales of seized property, **6:87**

tax motivated transactions, **6:74**

taxpayer bill of rights, **6:86**

timely filing of petition. Timely filing of petition, below

underpayment, substantial, **6:74**

whistleblower awards, **6:22.50**

Large corporate compliance program, **6:55.60**

Mailing date of deficiency notice, **6:35**

Membership, **6:04**

Mergers and consolidations, **6:59**

Notice of deficiency, **6:26 to 6:34**

Offsets, **6:73.20**

Organization, **6:01 to 6:12**

Other taxable years, **6:70**

Overassessment in related taxes, **6:71**

Overpayments, **6:67 to 6:70**

Partnerships, **6:50, 6:88**

Penalties, **6:25**

Petitions

generally, **7:06 to 7:50.50, 7:18 to 7:20**

for detailed treatment, see index heading PETITIONS IN TAX COURT

Pleadings

generally, **7:06 to 7:76**

for detailed treatment, see index heading PLEADINGS IN TAX COURT

Postmark date, **6:39**

Precedential problems, **6:06**

Pretrial practice. See index heading PRETRIAL PRACTICE IN TAX COURT

Private delivery services, **6:43**

Privately metered mail, **6:40**

Qualifications for practice, **6:07 to 6:09, 6:09.50**

Receivership proceedings, **6:80**

Refund claims, **6:22**

Reply

generally, **7:68 to 7:76**

for detailed treatment, see index heading REPLY IN TAX COURT

FEDERAL TAX PRACTICE

TAX COURT—Cont'd

Reply—Cont'd
transferee cases, importance of, **12:80**
Representation, **7:04**
Rescission of deficiency notice, **6:34**
Res judicata, **6:87.50**
Retirement plans, **6:61**
Review of Appeals Division opinions, **8:132, 8:133**
Review of decision of
generally, **9:20 to 9:22**
for detailed treatment, see index heading JUDICIAL REVIEW
Rules of practice, **6:10, 6:65, 6:65.10**
Section 367 transfers, **6:64**
Service and filing of papers, **7:02**
Small tax cases, **6:11**
Statute of limitations, **5:06, 5:07, 5:23, 5:79**
Statutory deficiencies, determinations not involving, **6:24.10**
Successor corporations, **6:58**
Survivor of joint tenancy, **6:49**
Tax motivated transactions, **6:74**
Taxpayer bill of rights, **6:86**
Timely filing of petition
150-day filing period, **6:36**
generally, **6:38 to 6:45**
address proper, **6:41**
delivery, **6:42**
each deficiency, filing required for, **6:45**
fees, **6:46**
mailing date of deficiency notice, **6:35**
postmark date, **6:39**
prior law, **6:44**
private delivery services, **6:43**
privately metered mail, **6:40**
requirements, **6:46**
suspension in bankruptcy cases, **6:37**
Trial. See index heading TRIAL IN TAX COURT
Underlying tax liability, proof, **8:47.86**
Underpayment, substantial, **6:74**
Unlimited waiver, **5:59**
Vacating decision, **8:154**
Wages, proof, **8:47.95**
Worker classification, **6:25.60, 6:25.70, 6:63.50**

INDEX

TAX EXEMPT AND GOVERNMENT ENTITIES DIVISION (TE/GE)

Generally, **1:11**

TAX MATTERS PARTNER

TEFRA, **16:04**

TAXPAYER ADVOCATE

Generally, **1:10**

TAXPAYER COMPLIANCE (TCMP) AUDITS

Generally, **3:43**

TAXPAYER IDENTIFICATION (TIN)

Audit and settlement procedure, **3:30.85**

Filing of returns, **3:08.60**

Information reporting, **3:25**

TAXPAYER RIGHTS

Generally, **6:86**

Information reporting, **3:24**

TAX PREPARATION SOFTWARE

Production of documents and things, **7:134**

TAX RETURNS

Amended returns. See index heading **AMENDED RETURNS**

Evidence in Tax Court, **8:36, 8:45**

False or fraudulent returns. See index heading **FALSE OR FRAUDULENT RETURNS**

Filing of

generally, **3:08 to 3:17.30**

for detailed treatment, see index heading **FILING OF RETURNS**

Frivolous returns. See index heading **FRIVOLOUS POSITIONS**

Joint returns. See index heading **JOINT RETURNS**

Preparers. See index heading **RETURN PREPARERS**

TAX SHELTERS

Amended returns, **3:42.60**

Attorney practice standards, **1:45.60**

Audit and settlement procedure, **3:06, 3:27.25, 3:27.27, 3:42.50 et seq.**

Exempt organizations, **3:27.05**

Information reporting, **3:23.80**

Internal Revenue Service organization, **1:45.60**

Internal Revenue Service procedures, **3:42.55**

Penalties, **13A:39, 13A:39.50**

Settlements, **3:06, 3:27.25, 3:27.27, 3:42.50**

Tax accrual workpapers, **3:42.80**

Tolling of limitations period, **5:49.50**

FEDERAL TAX PRACTICE

TAX YEAR ACCOUNTING METHODS

Generally, **3:27.95**

TEACHERS

Employment taxes, **3:50.80**

TECHNICAL ADVICE FROM IRS

Generally, **1:39**

Discovery practice in Tax Court, **7:117**

Examiner, **3:55**

TELEPHONE COMPANIES

Gross income, telecommunications universal service fees, **3:07.44.10**

TELEPHONE FILING

Generally, **3:16**

TENANTS BY ENTIRETIES

Liens and priorities, **14:29**

THEFT

Deductions, theft loss deduction, **8:10**

Identity theft, **13B:04.60**

THIRD PERSONS

Business expense deductions, **3:07.83**

Civil actions by, **13C:53**

Collection remedies

generally, **13C:52 to 13C:58**

civil actions by, **13C:53**

contesting levy, **13C:31**

discharge of liens held by United States, **13C:58**

injunctive relief, **13C:52**

interpleader, **13C:54**

property holders, **13C:47**

reporting contacts, **13C:07.50**

superior lien, action to foreclose, **13C:55 to 13C:57**

Contesting levy, **13C:31**

Discharge of liens held by United States, **13C:58**

Discovery practice in Tax Court, **7:112.50, 7:113**

Injunctive relief, **2:42, 2:43, 13C:52**

Interpleader, **13C:54**

Levy and seizure of property, **13C:13, 13C:15**

Liens and priorities, **14:68**

Privileged and confidential information, **8:57.50**

Property holders, **13C:47**

Reporting contacts, **13C:07.50**

INDEX

THIRD PERSONS—Cont'd

Self-incrimination privilege, **8:69**
Summons, **3:46, 3:46.50, 3:46.60, 3:47, 3:47.50**
Superior lien, action to foreclose, **13C:55 to 13C:57**
Withholding tax penalties, **13A:31**

TIME

Amendment of petition in Tax Court, **7:38**
Answer in Tax Court, **7:51**
Filing of returns, **3:09, 3:10**
Judicial review. See index heading **JUDICIAL REVIEW**
Notice of assessment, **2:16**
Petition
for detailed treatment, see index heading **TAX COURT**
Petition in Tax Court
generally, **6:38 to 6:45**
Reply in Tax Court, **7:68**

TIN

See index heading **TAXPAYER IDENTIFICATION (TIN)**

TIP INCOME

Audit and settlement procedure, **3:45**
Information reporting, **3:25.50**
IRS
special enforcement programs, **1:46**

TRADE SECRETS

Privileged and confidential information, **8:64**

TRANSCRIPTS

Evidence in Tax Court, **8:32**
Judicial review, **9:43**

TRANSFeree LIABILITY

Generally, **12:01 to 12:55**
Affiliated corporations, several liability of, **12:40**
Annuity contract beneficiaries, **12:48**
Answer in Tax Court, **7:62**
Assessment, prompt, **12:26**
Assessment, statutory provision for, **12:03, 12:04**
Bankruptcy or receivership of transferee, immediate assessment of liability, **12:76**
Burden of proof
generally, **12:83**
Commissioner's burden is statutory, **12:79**

FEDERAL TAX PRACTICE

TRANSFeree LIABILITY—Cont'd

- Burden of proof—Cont'd
 - insolvency of transferor, degree of proof required
 - generally, **12:79, 12:82**
 - date of insolvency, proof of, **12:81**
 - prima facie showing by Commissioner shifts burden to petitioner, **12:82**
 - rebuttal evidence, must be clear, precise and credible, **12:82**
 - reply, **12:80**
 - statute of limitations, elements transferee must show to make out prima facie case of expiration, **12:82**
- Code provisions, **12:03**
- Collection of assessed liability, **12:33, 12:69**
- Commissioner's burden of proof, insolvency of transferor, difficulty in proving, **12:81**
- Community property, survivor of community not transferee, **12:53**
- Consideration, **12:15**
- Consolidation of deficiency and transferee proceedings, **12:83**
- Constitutionality of transferee assessment procedure, **12:08**
- Creditors, not transferees, **12:51**
- Date of transfer, **12:13**
- Deficiency, correctly determined, **12:18**
- Distributees
 - insolvency of estate as creating liability, **12:44**
 - liability for estate tax where estate is solvent and undistributed, **12:44**
- Donees
 - gift tax, personal liability for, **12:45**
 - income tax, statutory definition of transferee as including donees, **12:03, 12:45**
 - transfers between spouses, subject to special scrutiny, **12:46**
- Employees, liability upon receipt of unreasonable compensation, **12:42**
- Equitable adjustments, **12:33.50**
- Equity
 - conditions for establishment of liability, **12:07, 12:11**
 - necessity of transfer of property, **12:12**
- Estate tax, provisions for personal liability
 - estates and trusts, **12:43**
 - life insurance beneficiaries, **12:47**
 - personal liability of executor, and as transferee, one deficiency notice, **12:43**
 - procedure in the case of transferred assets, method of collection, **12:43**
- Exemptions under state laws, effect
 - generally, **12:04, 12:35**
 - life insurance beneficiaries, **12:47**

INDEX

TRANSFeree LIABILITY—Cont'd

- Extension agreements
 - by taxpayer, as extending period for assessment of transferee, **12:27**
 - by transferee, **12:28**
- Failure to file, **12:25**
- Fiduciaries, **12:58**
 - Fiduciary liability
 - generally, **12:57, 12:61**
 - notice of fiduciary relationship under code section 6903, effect of, **12:32**
- Fraud, **12:25**
- Gift tax, personal liability of donee, **12:06, 12:43, 12:45**
- Historical development, **12:02**
- Homestead exemptions, **12:06.50**
- Injunctions
 - right of person charged to establish payment of consideration, **12:70**
 - statutory prohibition against, for determining transferee status of donee or distributee, **12:70**
- Insolvency of transferor
 - generally, **12:16**
 - degree of proof required, **12:81**
 - liability at law, need not be proved, **12:81**
 - partial distributions disregarded unless pursuant to plan of liquidation, **12:81**
 - stockholder-distributees, **12:36**
- Insurers
 - exemption from estate tax liability, **12:55**
 - no liability, general rule, **12:55**
- Interest
 - liability extends to include deficiency interest, **12:04**
 - transfer to avoid taxes, **12:04**
- Jeopardy assessments against transferees, **12:75**
- Joint tenancy survivors
 - liability for income tax of deceased tenant, status of, **12:52**
 - statutory liability for estate tax, **12:52**
- Liability, time of transfer, **12:17**
- Liability at law
 - assumption agreements, terms construed, **12:06**
 - contractual nature of liability, **12:06**
 - homestead exemptions, **12:06.50**
 - limitation period not subject to "armed forces in designated areas" exception, **12:20**
 - state statutes as defining
 - generally, **12:06**
 - limitation period, if greater, **12:20**

FEDERAL TAX PRACTICE

TRANSFeree LIABILITY—Cont'd

- Life insurance beneficiaries
 - increment in policy over cash value, question as to transfer, **12:47**
 - lien, creation of, as affecting, **12:47**
 - state exemption laws not determinative of liability, **12:35**
 - taxpayer's retention of right to change beneficiaries, effect of, **12:47**
- Limitations, exhaustion of remedies, **12:22**
- Limitations period, **12:25**
- Mergers and consolidations, **12:39**
- Nature of liability
 - generally, **12:04, 12:34**
 - creditor status, claim of recipient for, **12:51**
- Offer in compromise, **12:30**
- Overpayment by transferor, **12:85**
- Partnership distributions, **12:41**
- Payment of liability before statutory notice, effect of, **12:73**
- Payment of tax, **12:19**
- Pleading, requirements and allegations of Tax Court petition, concessions, effect of, upon Commissioner's burden of proof, **12:77**
- Prompt assessment, **12:26**
- Purchasers of assets
 - no liability if consideration is adequate, **12:49**
 - payment made directly to third parties as constructive fraud upon creditors, **12:49**
 - substance over form doctrine, **12:49**
- Records, examination of, **12:78**
- Reorganized and successor corporations
 - liability at law, **12:38, 12:39**
 - liability in equity, **12:38**
- Reply, **12:80**
- Retransfer of assets does not eliminate accrued liability, **12:45**
- Right to contribution, **12:09**
- Several liability, not joint, **12:08**
- Spouses, transfers between subject to special scrutiny, **12:46**
- State statutes, as defining transferee liability at law
 - generally, **12:35**
 - applicable state law, where transfer occurred, **12:06**
 - homestead exemptions, **12:06.50**
 - transferee liability in equity, not controlled by, **12:04**
- Statutes, **12:03**
- Stock, sale of, as creating liability, **12:54**
- Stockholders
 - direct payments to, **12:37**
 - liability where proceeds are received by, from third parties, **12:54**

INDEX

TRANSFeree LIABILITY—Cont'd

Stockholders—Cont'd

 necessity of transfer of property, **12:36**

Successive transferees, **12:10**

Suit for refund, **12:86**

Suits against transferee

 generally, **12:33**

 alternative to direct assessment, **12:69**

 venue, **12:69**

Tax Court

 advance payment by transferee as affecting jurisdiction, **12:73**

 bankruptcy or receivership of transferee, **12:76**

 deficiency and liability notice requirements, **12:74**

 jurisdiction of

 generally, **12:04**

 extends to determination of liability for interest and penalties respecting deficiency, **12:72**

Taxpayer

 determination of merits in deficiency proceeding, **12:71**

 right of transferee to examination of records, **12:78**

 stipulated settlement by transferor, effect of, **12:71**

Time limitations

 generally, **12:22**

 additional year for assessment runs from end of limitation period

 respecting taxpayer

 generally, **12:24**

 assessment period unaffected by death or termination of existence of transferor, **12:20**

 statutory provisions, **12:20**

 collection of assessed liability, **12:33**

 extension of limitation period

 agreements by taxpayer, effect of, **12:27**

 agreements by transferee, provision for, **12:28**

 estoppel to prevent repudiation of agreement, **12:27**

 suspension of limitation period

 docketing of Tax Court petition creates, **12:29, 12:32**

 jeopardy assessment of transferor, **12:31**

 notice of fiduciary relationship under code section 6903, effect on, **12:32**

 transferee of transferee

 generally, **12:10**

 separate entities must be respected for time limitation purposes, **12:29**

 unlimited period for transferor's assessment, **12:23**

Time of transfer, **12:17**

FEDERAL TAX PRACTICE

TRANSFeree LIABILITY—Cont'd

Transferee of transferee
generally, **12:10**
successive transferees are all chargeable, subject to time limitations,
12:20, 12:29
time limitation upon assessment, **12:20**
Transferees
generally, **12:34**
who is not, **12:50**
Transfer of property
generally, **12:13**
beneficial, not legal title, must pass, **12:12**
cancellation of indebtedness as constituting, **12:12**
joint tenancy termination, **12:12**
necessity for, to establish liability in equity, **12:06, 12:12**
Venue for review of liability, **12:84**

TRANSFerees

Liability. See index heading TRANSFeree LIABILITY
Statute of limitations, **5:39**
Suspension of limitations period, **5:48**

TRAVEL AND ENTERTAINMENT EXPENSES

Business expense deductions, **3:07.97**
Evidence in Tax Court, **8:47.80**

TRIAL IN TAX COURT

Briefs
generally, **8:117 to 8:121**
for detailed treatment, see index heading BRIEFS
Calendar call, **8:01, 8:02**
Continuance motions, **7:230, 7:231**
Costs of action
generally, **8:142 to 8:150**
for detailed treatment, see index heading COSTS OF ACTION
Electronic filing, **8:01.50**
Evidence
generally, **8:05 to 8:106**
for detailed treatment, see index heading EVIDENCE
Examinations during litigation, additional, **7:161**
Golden parachutes, **8:47.64**
Joint motion to continue trial, **7:231**
Jury, **8:04.50**
Notice setting case for trial, **7:228**
Opening statement, **8:03**

INDEX

TRIAL IN TAX COURT—Cont'd

Order of proof, **8:04**
Post-trial procedure
 generally, **8:134 to 8:138**
 for detailed treatment, see index heading POST-TRIAL PROCEDURE
Pretrial order, **7:229**
Security for court, **8:01**
Show cause motions, **7:233**
Stipulations for
 generally, **7:153 to 7:160**
 conclusions of law, **7:155**
 contents, **7:154**
 decision in related case, **7:156**
 effect of, **7:160**
 facts, **7:232**
 filing executed stipulations, **7:157**
 formal requirements, **7:154**
 motion for deemed admission, **7:159**
 noncompliance, **7:158, 7:159**
 relief from stipulation, **7:160.50**
Submission without trial, **7:162**

TRUSTS

Audit and settlement procedure, **3:25.70, 3:27.15**
Collection procedures, revocable trust interests, **13C:28**
Information reporting, **3:25.70, 3:26.15**
Offshore trusts, audit and settlement procedure, **3:07.14**
Penalties, failure to pay over trust fund taxes, **13A:08.50**
Spendthrift. See index heading SPENDTHRIFT TRUSTS
Unitrust income calculation, **3:27.15**

UNDERPAYMENTS

Equitable recoupment and setoff, underpayment interest, **13:16**
Jurisdiction, **6:74, 16:06**

UNDERSTATEMENTS

Penalties, **13A:19**

UNITED STATES REAL PROPERTY (FIRPTA) SALES

Audit and settlement procedure, **3:30.80**

USER FEES

Compromise and settlement, **13E:13.50**

VACATING OR SETTING ASIDE

Post-trial procedures, **8:135, 8:138**
Reply in tax court, motions to vacate, **7:75**

FEDERAL TAX PRACTICE

VACATING OR SETTING ASIDE—Cont'd

Tax court decision, **8:154**

VACATION PAY

Personal deductions, **3:07.73**

VALUE OR VALUATION

Generally, **8:88 to 8:93**

Art works, **8:91.22**

Capitalized income, **8:91.30**

Charitable contributions, **8:91.40**

Claims against estate, **8:91.50**

Closely held companies, **8:91**

Control block of stock, **8:90**

Estate taxes, **14:71**

Evidence

generally, **8:88 to 8:93**

capitalized income, **8:91.30**

charitable contributions, **8:91.40**

claims against estate, **8:91.50**

closely held companies, **8:91**

control block of stock, **8:90**

family partnerships, **8:91.60**

IRAs, **8:91.65**

lottery payments, **8:91.70**

marital joint property, **8:91.80**

minerals in place, **8:92**

portfolio discount, **8:91.20**

real property, **8:91.25**

rules of evidence, **8:91.55**

settlement of valuation cases, **8:93**

simultaneous death life estates, **8:92.50**

stock, **8:89 to 8:92**

Family partnerships, **8:91.60**

IRAs, **8:91.65**

Lottery payments, **8:91.70**

Marital joint property, **8:91.80**

Minerals in place, **8:92**

Penalties, **13A:22, 13A:23**

Portfolio discount, **8:91.20**

Real property, **8:91.25**

Settlement of valuation cases, **8:93**

Simultaneous death life estates, **8:92.50**

Stock, **8:89 to 8:92**

Transferee proceedings, proof in, **12:79, 12:81**

INDEX

VALUE OR VALUATION—Cont'd

Works of art, **8:91.22**

VARIABLE PREPAID FORWARD CONTRACTS (VPFCs)

Evidence in tax court, **8:47.56.50**

VENUE

Criminal prosecution, **13B:09.60**

Judicial review, **9:14, 9:42**

Motion for change, **7:104**

VICTIM'S COMPENSATION

Gross income, victim's recovery from human trafficking, **3:07.28**

VIDEOTAPES

Depositions in Tax Court, **7:178**

WAGES AND COMPENSATION

Business expense deductions, **3:07.98**

Collection procedures, **13C:22**

Deferred compensation. See index heading DEFERRED COMPENSATION

Individual Wage and Investment Income Division, **1:12.60**

Information reporting, **3:26.30, 3:26.40**

Nonprofits excess executive compensation, **3:27.02.30**

Tax court, problems of proof, **8:47.95**

Transferee liability in respect of, **12:42**

WAIVER

Payment of tax without, **3:62**

Self-incrimination privilege, **8:75**

Statute of limitations, **5:43, 5:44, 5:51**

WARRANT FOR DISTRAINT

Prior law, **13C:03**

WARRANTY OBLIGATIONS

Business expense deductions, **3:07.99**

WHISTLEBLOWER AWARDS

Collection procedures, **13C:05.50, 13C:05.60, 13C:05.70**

Deficiency jurisdiction, tax court, **6:22.50**

WILLFULNESS

Withholding tax penalties, **13A:27**

WITHDRAWAL

Liens, **14:66**

Petitions in Tax Court, **7:50.50**

FEDERAL TAX PRACTICE

WITHHOLDING OF TAXES

Generally, **3:30.50 to 3:30.80**
After-acquired funds, **13A:28**
Alien students, **3:30.60**
Cooperative distributions, **3:30.67**
Foreign baseball players, **3:30.65**
Interest free adjustments, **3:30.70**
Judicial review, **13A:30**
Limitations period, **13A:33**
Notice to taxpayer, **13A:29**
Options and purchase agreements, **3:30.69**
Penalties
 generally, **13A:26 to 13A:33**
 after-acquired funds, **13A:28**
 judicial review, **13A:30**
 limitations period, **13A:33**
 notice to taxpayer, **13A:29**
 reasonable cause excuse, **13A:32**
 third party payors, **13A:31**
 willfulness, **13A:27**
Reasonable cause excuse, **13A:32**
Recoveries, **3:27.70**
Taxpayer identification number (TIN), **3:30.85**
Third party payors, **13A:31**
United States real property (FIRPTA) sales, **3:30.80**
Voluntary withholding agreements, **3:50.85**
Willfulness, **13A:27**

WITNESSES

Generally, **8:77 to 8:87**
Cross-examination, **8:98**
Examining witnesses, **8:95 to 8:98**
Exclusion of proposed witnesses, **8:78, 8:79**
Expert witnesses
 generally, **8:82 to 8:87**
 for detailed treatment, see index heading EXPERT WITNESSES
Failure to testify or produce evidence, **8:80**
Hostile witnesses, **8:96**
Leading questions, **8:96**
Opinion testimony by lay witnesses, **8:81**
Order of examination, **8:97**
Polygraph tests, **8:94**

WORK PRODUCT

Discovery practice in Tax Court, **7:111**

INDEX

WORK PRODUCT—Cont'd

Privileged and confidential information, **8:58, 11:62**

WRITTEN QUESTIONS

Depositions in Tax Court, **7:140, 7:185**

“ZERO” RETURNS

Frivolous return positions, **3:08.55**