# Index

ALTERNATE VALUATION

**ACTUAL USE** 

Fair market value of farms and closely held businesses based on, <b>3:68</b>	Generally, <b>4:1 et seq.</b>
Special use valuation, 5:2	Accuracy-related penalty on underpayments, imposition of, <b>4:10</b>
ACTUARIAL TABLES Fair Market Value (this index)	Amount receivable after death under pre-death right, <b>4:24</b> Annuities
ADEQUATE DISCLOSURE OF GIFTS Gift tax, 17:184 to 17:189	generally, <b>4:22</b> death of surviving annuitant within alternate
ADMINISTRATORS	valuation period, <b>4:23</b> Casualty or theft loss deductions, effect on, <b>6:98</b>
<b>Executors and Administrators</b> (this index)	Corporate earnings, undistributed, <b>4:18</b>
ADOPTION  Generation-skipping transfer tax determining generations	Date of alternate valuation, close corporation shares, <b>3:125</b> Date of sale, exchange or other disposition,
generally, <b>19:21</b> lineal descendant adoption by non-lineal descendant, <b>19:23</b>	determining, <b>4:4</b> Definitions, <b>4:3</b> Distribution, term defined, <b>4:3</b>
modifications of exempt trusts, settlement resolving adopted child status, <b>19:85</b>	Dividends, <b>4:17</b> Effect of alternate valuation on estate tax deduc-
Special use valuation election requirements, adopted children, <b>5:14</b>	tions, <b>4:5</b> Elections
AFTER-BORN CHILDREN	both special use valuation and alternate valuation. 5:4
Gross estate determinations, right to designate enjoyment of transferred property, <b>2:186</b>	extensions of time, <b>4:8</b> method, <b>4:6</b>
AGENTS	regulations, 4:9
Gift tax returns, filing requirements, 18:16	timing, <b>4:7</b> , <b>4:8</b>
Settlements of estate tax disputes, authority, <b>11:9</b> Special use valuation agreements, designations of	Estate taxation, effect of alternative valuation on casualty or theft loss deductions, <b>6:98</b>
agents	Estate tax deductions, effect of alternate valuation of. <b>4:5</b>
generally, 5:71 duties, 5:75	Exchange, term defined, <b>4:3</b>
	Excluded property, <b>4:11 et seq.</b>
AIRCRAFT	Extensions of time for elections, <b>4:8</b>
Fair market value, 3:275	Fair Market Value (this index)
ALIENS	Included property, <b>4:11 et seq.</b>
Citizenship (this index)	Interest bearing obligations, <b>4:14</b>
Engaged in business in US status of nonresident alien, <b>8:50</b>	Lapse of time factors, <b>4:20 et seq.</b> Leased property, <b>4:16</b>
Expatriates (this index)	Method of electing alternate valuation, <b>4:6</b>
Nonresidents Not Citizens (this index)	Methodology generally, <b>4:1</b> Multiple elections, special use valuation and
ALIMONY OBLIGATIONS	alternate valuation, <b>5:4</b>
Support Obligations (this index)	Noninterest bearing obligations, <b>4:15</b>
Taxable Estate (this index)	Obligations, interest bearing, <b>4:14</b>

#### ALTERNATE VALUATION—Cont'd

Obligations, noninterest bearing, 4:15

Post-death events, **4:2** 

Pre-death right, amount receivable after death under. **4:24** 

Regulations, election, **4:9** 

Remainders, 4:21

Reversions, 4:21

Sale, term defined, 4:3

Scope, 4:11 et seq.

Special use valuation and alternate valuation both elected. **5:4** 

Timing of alternate valuation elections

generally, 4:7

extensions of time, 4:8

Underpayments, imposition of accuracy-related penalty on, **4:10** 

Undistributed corporate earnings, 4:18

# AMERICAN TAXPAYER RELIEF ACT OF 2012

Generally, 1:7

Estate tax, summary of changes, **1:8** Gift disclaimers, **14:58** 

#### AMOUNT OF CHARITABLE DEDUCTION

Generally, 6:293 et seq.

Administration expenses

payable out of income, 6:297

reduction for, 6:296

Bequests by nonresident noncitizen to foreign charities, **6:301** 

Death taxes reduction

generally, 6:298

interrelated computations, 6:299

Election to deduct certain foreign death taxes, 6:300

Fair market value, subsequent events reduce value of estate's charitable deduction, **21:18** 

Foreign charities, nonresident noncitizen bequests to, **6:301** 

Foreign death taxes, election to deduct, **6:300** Gift tax. **16:127** 

Interrelated computations, reduction for death

taxes, **6:299**Naming a charity as beneficiary of IRAs and qualified plans, **6:295** 

Natural resources interests donations, 3:97

Nonresident noncitizen bequests to foreign charities, **6:301** 

Reduction for administration expenses, 6:296

Reduction for death taxes

generally, 6:298

interrelated computations, 6:299

# AMOUNT OF CHARITABLE DEDUCTION —Cont'd

Reformation of charitable trust to determine, 6:294

#### ANNUAL EXCLUSION

Gift Tax (this index)

#### **ANNUITIES**

Alternate valuation

generally, 4:22

death of surviving annuitant within alternate valuation period, **4:23** 

Combination annuity-insurance contracts, gross estate determinations as to payments under, 2:293

Commercial annuities

charitable gift annuity funded with, gift tax deduction, **16:81** 

fair market value

generally, 3:210

settlement agreements secured by commercial annuities, **3:310** 

gift tax, terminable interest rule, commercial annuity bought for spouse, **16:145** 

gift valuation, 17:170 et seq.

partial termination of CRT followed by purchase of commercial annuity for benefit of individual CRT beneficiaries, deductions, 16:122

Death of surviving annuitant within alternate valuation period, **4:23** 

Employees' annuities, gift tax, 14:100, 14:101

Estate tax. 2:283

Gift tax, exclusions, 16:22, 16:26

**Grantor Retained Annuity Trusts** (this index) **Gross Estate Determinations** (this index)

Joint and survivor annuities, qualified terminable interest property, **16:172** 

1985 legislation, gross estate determinations, **2:298** Private annuities

gift valuation, 17:146

tax trap, failure to use IRS tables to value annuity, **17:147 et seq.** 

Property interest or lifetime transfer, gross estate determinations, 2:297

Qualified personal residence trusts, annuities conversions, **17:117, 17:118** 

Qualified terminable interest property, joint and survivor annuities, **16:172** 

Retained life estates, annuity trust as conduit to pay income to transferor, 2:151

Taxable estate marital deduction, annuity payment obligations, **6:148** 

ANNUITIES—Cont'd

Terminable interest rule for marital deductions

#### annuity with power of appointment, 6:166 form of bond, 12:14 surviving spouse's lifetime annuity interest, jeopardy assessments, 12:31 6:196 Burden of proof, 12:8 et seq. Clerical errors ANTENUPTIAL AGREEMENTS generally, 12:4 Prenatal Agreements (this index) abatement of assessment, 12:78 APOCALYPSE FAMILY TRUSTS Closing letter, assessment after, 10:86 Gift tax, 14:120 Collection of unpaid portion, 12:12 Deficiencies **APPEALS** generally, 12:5 Collection appeals program (CAP) gift tax, 12:5 generally, 12:85 Notice of deficiencies, below other appeals, 12:86 when assessed, estate tax, 11:23 Interim guidance to tax auditors on pre-appeals Disclaimer of liability, effect of, 12:3 conference procedures, App. G Effect of disclaimer of liability, 12:3 Refund claims, district court actions, 20:32 Errors Right to appeal, App. P generally, 12:4 Settlements of estate tax disputes, 11:27 abatement of assessment, 12:78 APPOINTEES Estate beneficiaries liability for unpaid estate tax if Reimbursement for estate tax payment time for issuing an assessment has expired, generally, 10:16 10:26 surviving spouses, 10:17 Estate tax closing letter, assessment after, 10:86 ARBITRATION CLAUSES deficiency, when assessed, 11:23 Crummey withdrawal rights as creating present estate beneficiaries liability for unpaid estate tax interest transfer notwithstanding, 16:45 if time for issuing an assessment has expired, 10:26 ART WORKS liability for unpaid estate tax if time for issuing Charitable deductions an assessment has expired, 10:26 estate tax. 6:279 waiver of restrictions on assessment and collecgift tax, 16:132 tion of deficiency, 11:34 Fair Market Value (this index) Estate tax deficiencies, 12:5 Gift tax, loans of qualified works of art as taxable Evidence, 12:8 et seq. transfer, 14:149 Extensions of limitation periods, 12:17 Gross estate determinations, loaned qualified works Fiduciaries, limitations period for assessment of art, 2:101 against, 12:19 et seq. Nonresidents not citizens gross estate determina-Gift tax tions, art work on exhibit in US, 8:29 assessment restrictions, waivers of, 18:46 Taxable estate, marital deduction, interest passing jeopardy assessments, 18:40 requirement, **6:111** Valuing fine art, importance of prior and subsequent limitations on assessment, 18:41 sales, 3:270 restrictions on assessments, waivers of, 18:46 waiver of restrictions on assessments, 18:46 ASSESSMENT Incorrect application of income tax payment to Generally, 12:1 et seq. estate tax not correctable after expiration of Abatement of assessments limitations period, 12:16 generally, **12:77** Injunctions, 12:11 clerical errors, 12:78 Invalid assessment, effect on deficiency notice, jeopardy assessments, 12:79 Bonds **Jeopardy Assessments** (this index) Liability, effect of disclaimer of, 12:3 generally, **12:13**

ASSESSMENT—Cont'd

Bonds—Cont'd

ASSESSMENT—Cont'd	ASSIGNMENTS—Cont'd
Liens, Federal Tax (this index)	Life insurance policy assignments, gross estate
Limitation periods	determination effects—Cont'd
generally, 12:15 et seq.	community property life insurance, 2:69
extensions, 12:17	group policies, 2:68
fiduciaries, assessment against, 12:19 et seq.	Market valuation discounts, assignee discounts,
incorrect application of income tax payment to	22:34
estate tax not correctable after expiration of	Notes, fair market value, <b>3:202</b>
limitations period, 12:16	Wrongful death claims assignments as taxable transfers, 14:160
suspension of running of period of limitations, 12:21	transfers, 14:100
transferees, assessment against, <b>12:19 et seq.</b>	ASTRONAUTS
Limitations on assessments	Estate tax computation, 7:16
generally, <b>18:41</b>	A TOTO D NIEWO 1 EDEC
waivers of, <b>18:46</b>	ATTORNEYS' FEES
Local property tax assessments	Contingent obligations, fair market value, 3:301
generally, 3:47	District court action awards, 20:27
assessed value, <b>3:48</b>	Estate tax deductions
Mathematical or clerical errors	generally, <b>6:7</b>
generally, 12:4	forms
abatement of assessment, 12:78	generally, <b>6:24</b>
Notice of deficiencies	nonprobate assets, <b>6:26</b>
generally, 12:6	Taxable estate deductions, <b>6:7</b>
invalid assessment, effect on, 12:7	ATTORNEYS-IN-FACT TRANSFERS
Payment of Tax (this index)	Gross estate determinations, revocable transfers
Priority, federal priority statute, 12:9	generally, 2:207
Refund Claims (this index)	authority issues, 2:208
Sales of property seized under jeopardy assessment,	·
12:32	AUCTION SALES
Stays of jeopardy assessments, 12:30	Fair market value, estate tax valuation, 3:26, 3:27
Suspension of running of period of limitations,	AUTHORITY
12:21	
Tax court decisions, jeopardy assessments, 12:29	Attorney-in-fact transfers, authority issues, <b>2:208</b>
Tax liens. See <b>Liens, Federal Tax</b> (this index)	Gift tax
<b>Taxpayers' Remedies</b> (this index)	authority for proceedings, 13:8
Transferees, assessment against, limitation periods,	authority to make taxable transfers, 14:38
12:19 et seq.	Return, authority to sign, 11:9
Waivers of restrictions on assessments	Settlements of Tax Disputes (this index)
estate tax, <b>11:34</b>	Tax Information Authorization, Form 8821, 11:10
gift tax, <b>18:46</b>	AUTOGRAPHS
When made, <b>12:2</b>	Fair Market Value (this index)
ASSET PROTECTION TRUSTS	AUTOMOBILES
Gift tax, <b>14:56</b>	
Transfers with retained life estates, gross estate	Fair market value, 3:275
determinations, 2:170	BANK ACCOUNTS
	Joint bank accounts, disclaimers of interests as tax
ASSIGNMENTS	able transfers, 14:84
Community property life insurance policies, <b>2:69</b>	DANK DEDOCITO
Life insurance policy assignments, gross estate	BANK DEPOSITS Charles (this index)
determination effects	Checks (this index)
generally, <b>2:67 et seq.</b>	<b>Gross Estate Determinations</b> (this index)

#### BANKRUPTCY

Estate tax collection, pre-bankruptcy petition disclaimer of inheritance. **12:41** 

#### BARGAIN SALES

Fair market value, estate tax valuation, 3:12

#### BASIS

Allocation of basis, Form 8939, 1:10

Close corporation shares fair market value, beneficiary basis differing from estate tax fair market value, 3:129

Fair market value of restricted shares and business interests, basis step up, **3:188** 

Filing of Tax Returns (this index)

Form 8939, 1:10

Gross estate determinations, jointly owned property, basis step-up, **2:79** 

GST tax, basis adjustment of property transferred, 19:116

Special use valuation, **5:6** 

Taxable estate conservation easement exclusions, basis of the excluded property, **6:330** 

# BENEFIT PLANS

**Employees** (this index)

### **BOATS**

Fair Market Value (this index)

## **BONDS, INVESTMENT**

**Securities, Stocks, and Bonds** (this index)

#### BONDS, TAX ASSESSMENT

Generally, **12:13** Form. **12:14** 

Jeopardy assessments, 12:31

# BOOKS

Fair Market Value (this index)

### **BURDEN OF PROOF**

Assessments, 12:8 et seq.

Estate tax valuation, 3:2

Market valuation discounts, shifting of burden to IRS. 21:14

## **BUSINESS INTERESTS**

**Closely-Held Businesses** (this index)

**Corporations** (this index)

Fair Market Value (this index)

Family Businesses (this index)

Family Limited Partnerships (this index)

Gift valuation, 17:144

Goodwill. See Fair Market Value (this index)

**Gross Estate Determinations** (this index)

#### BUSINESS INTERESTS—Cont'd

**Limited Liability Companies** (this index)

**Limited Partnerships** (this index)

**Partnerships** (this index)

### **BUSINESS PROPERTIES**

Special use valuation, 5:5

# **BUY-SELL AGREEMENTS**

Estate transfer freezes, 17:135

Fair market value, restricted shares and business interests, **3:185 et seq.** 

# **CANADIAN LAW**

Estate tax, Canadian retirement plan's indirect holdings of shares in US corporations not subject to US estate tax, 2:299

# **CAPITAL GAINS TAX**

Discount for built-in capital gains tax, 22:21 et seq.

#### **CASH**

**Gross Estate Determinations** (this index)

# CASUALTY LOSSES

**Taxable Estate** (this index)

# **CAUSA MORTIS GIFTS**

See also **Death-Bed Transfers** (this index)

Gift tax, 14:25

Gross estate determinations

revocable transfers, 2:207

transfers taking effect at death, 2:199

# **CERTIFICATES OF DEPOSIT**

Fair market value, 3:196

# **CHARITABLE LEAD TRUSTS (CLTs)**

Guaranteed annuity interest from, gift tax deductions

generally, 16:108

determinable amount, 16:109

regulation limiting, 16:110

IRS Sample Form, App. L

# CHARITABLE LEAD UNITRUSTS (CLUTs)

Gift tax, 14:4

# CHARITABLE REMAINDER ANNUITY TRUSTS (CRATs)

**Amount of Charitable Deduction** (this index)

Combining charitable remainder and lead unitrusts for gift tax deduction, **16:111** 

Contributions as qualifying transfers, taxable estate charitable deductions, **6:258** 

Election rights, spousal waivers, 6:264

# CHARITABLE REMAINDER ANNUITY TRUSTS (CRATs)—Cont'd

Interrelated death taxes on charitable remainder annuity trust with stated dollar annuity, effect of

generally, 6:267

five percent test, 6:268

Probability of exhaustion test, IRS sample CRAT provision avoids, **6:259** 

# **Reformation of Charitable Split Interests** (this index)

Remainder interests, gift tax deductions, **16:118** Spousal waivers of right of election, **6:264** Terms, compliance with, **6:235** 

# CHARITABLE REMAINDER TRUSTS (CRTs)

Contributions as qualifying transfers, taxable estate charitable deductions, **6:257**, **6:263** 

Correcting improper funding for gift tax deduction, 16:107

IRS Sample Form, App. K

Partial termination of CRT followed by purchase of commercial annuities for benefit of individual CRT beneficiaries, deductions, 16:122

Qualified charitable remainder trust where donor and spouse are not the only noncharitable beneficiaries, **16:137** 

Qualified charitable remainder trust where donor and spouse are only noncharitable beneficiaries, 16:135

Terminable interest rule for marital deductions, **6:185 et seq.** 

Valuation of remainder generally, **6:265** terminal illness of life tenant, **6:266** 

# CHARITABLE REMAINDER UNITRUSTS (CRUTS)

Acceleration, charitable deduction, 16:113 et seq.

**Amount of Charitable Deduction** (this index)

Combination CRUTs. 6:262

Combining charitable remainder and lead unitrusts for gift tax deduction, **16:111** 

Contributions as qualifying transfers, taxable estate charitable deductions, **6:260 et seq.** 

Defective CRUT operated as a CRUT, reformation of charitable split interests, **6:286** 

Election rights, spousal waivers, 6:264

Financially disabled individual, trust for as recipient of a charitable remainder unitrust, **16:121** 

FLIP-CRUTs, 6:262

Income exception CRUT, charitable deductions, 16:125

# CHARITABLE REMAINDER UNITRUSTS (CRUTs)—Cont'd

Partition, charitable deduction, **16:113 et seq.** Redemption, transfer of restricted stock to CRUT as, **16:80** 

# **Reformation of Charitable Split Interests** (this index)

Remainder interests, gift tax deductions, **16:118** Spousal waivers of right of election, **6:264** 

Taxable estate charitable deductions, unitrust income bequest as qualifying transfers, **6:275** 

Transfer of restricted stock to as redemption, **16:80** Trustee's allocation of unitrust amount among beneficiaries does not prevent trust from qualifying, **16:112** 

#### **CHARITIES**

# **Amount of Charitable Deduction** (this index)

Art works

estate tax deductions, 6:279

gift tax deductions, 16:132

Bequest of income interest as qualifying transfers, taxable estate charitable deductions, **6:273 et seq.** 

Bequests of income and remainder interests as qualifying transfers, taxable estate charitable deductions, **6:252** 

Charitable nontrust remainder in residence or farm as charitable deductions

generally, **6:271** valuation, **6:272** 

Claims against estate, deductibility of charitable pledges or subscriptions, **6:90** 

Commercial annuity, gift tax deduction for charitable gift annuity funded with, **16:81** 

Compromise settlement payments as qualifying transfers, taxable estate charitable deductions, **6:249, 6:250** 

Contingent or conditional qualifying transfers, taxable estate charitable deductions, **6:251** 

Contributions to pooled income funds as qualifying charitable deductions

generally, 6:269

valuation of remainder, 6:270

Copyrighted art works

estate tax deductions, 6:279

gift tax deductions, 16:132

Deductions, charitable

#### **Amount of Charitable Deduction** (this index)

CRUT, transfer of restricted stock to as redemption, 16:80

Gift Tax (this index)

limitations, 16:120

#### CHARITIES—Cont'd

Deductions, charitable—Cont'd

redemption, transfer of restricted stock to CRUT as, 16:80

statutory interest paid on charitable bequest, **6:30 Taxable Estate** (this index)

transfer of restricted stock to CRUT as redemption. 16:80

Disclaimer, qualifying as qualifying transfer, taxable estate charitable deductions, **6:248** 

Disclaimer by noncharitable donee in favor of charity as qualifying transfer, taxable estate charitable deductions, **6:245**, **6:246** 

Disclaimer of waiver of QTIP tax recovery as qualifying transfer, taxable estate charitable deductions, **6:247** 

Educational organizations, deductible gifts to generally, **16:89** 

transfers to corporations, 16:91

Election to take against will as qualifying transfers, taxable estate charitable deductions, **6:254** 

Estate tax deductions. See **Taxable Estate** (this index)

Exercise of power of appointment as qualifying transfer, taxable estate charitable deductions, **6:244** 

Fair market value

charitable contribution elections, **3:223**, **3:232** et seq.

date of valuation, alternate valuation date elections for charitable interest, **3:223**, **3:232** et seq.

Farms

charitable nontrust remainder as qualifying transfers, taxable estate charitable deductions

generally, **6:271** valuation, **6:272** 

outright remainder in, gift tax charitable deductions, **16:131** 

Foreign charities and governments as qualified recipients and uses, taxable estate charitable deductions, **6:239** 

Foreign charities gifts to, gift tax deductions, **16:88** Fraternal organizations, deductible gifts to, **16:92 Gift Tax** (this index)

Gross estate determinations, checks payable to charity, 2:28

Guaranteed annuity income bequest as qualifying transfers, taxable estate charitable deductions, 6.274

Income bequests as qualifying transfers, taxable estate charitable deductions, **6:252** 

#### CHARITIES—Cont'd

Income interest bequest as qualifying transfers, taxable estate charitable deductions, **6:273 et seq.** Individuals, deductible gifts to, **16:94** 

IRA, charity as beneficiary of, amount of charitable deduction. **6:295** 

Literary organizations, deductible gifts to generally, **16:89** 

transfers to corporations, 16:91

Local governments, gifts to, gift tax deduction, 16:87

Natural resources interests donations, valuations, 3:97

1969 legislation, gift tax deductions, 16:85

1970 legislation, taxable estate charitable deductions qualifying transfers, **6:255** 

Non-qualifying split interest trust as qualifying transfers, taxable estate charitable deductions, **6:277** 

Nonresidents not citizens, gift tax deductions, **16:86**Nontrust bequest of undivided portion of entire interest as qualifying transfers, taxable estate charitable deductions, **6:278** 

Organizations, deductible gifts to generally, **16:89** 

transfers to corporations, 16:91

Outright gift of undivided portion of donor's entire interest, gift tax deductions, **16:128 et seq.** 

Outright remainder in personal residence or farm, gift tax deductions, **16:131** 

Passing of interest, what constitutes, taxable estate charitable deductions, **6:256** 

Payments in compromise settlement as qualifying charitable deductions, **6:249**, **6:250** 

Pledge or subscription claims against estate, deductibility, **6:90** 

Pooled income funds

estate tax deductions

generally, 6:269

valuation of remainder, 6:270

gift tax deductions, 16:126

Power of appointment releases and exercises as qualifying transfer, taxable estate charitable deductions, **6:244** 

Private foundations, transfers to, taxable estate charitable deductions, **6:242** 

Purpose or use requirements, taxable estate charitable deductions, **6:241** 

QTIP tax recovery waiver, disclaimer of as qualifying transfer, taxable estate charitable deductions, **6:247** 

QTIP trust remainder interest transfers to, 14:20

#### CHARITIES—Cont'd

Qualifications of charitable beneficiary, **16:123** Oualified charitable deductions

generally, 16:83

unqualified deductions, 16:84

Qualified conservation contributions as qualifying estate deductions, **6:280** 

Qualified disclaimer as qualifying transfer, estate deductions, **6:248** 

Qualified recipients and uses, estate deductions, **6:238 et seq.** 

Qualifying uses, gift tax deduction, **16:82 et seq.** Recipient organization qualifications, estate deductions, **6:240** 

# **Reformation of Charitable Split Interests** (this index)

Release of power of appointment as qualifying transfer, taxable estate charitable deductions, **6:244** 

Religious organizations, deductible gifts to generally, **16:89** 

transfers to corporations, 16:91

Remainder interest bequests as qualifying estate deductions, **6:252** 

Residence, charitable nontrust remainder as qualifying estate deductions

generally, 6:271

valuation, 6:272

Residence, outright remainder in, gift tax deductions, 16:131

Scientific organizations, deductible gifts to generally, **16:89** 

transfers to corporations, 16:91

Settlement payments as qualifying estate deductions, **6:249**, **6:250** 

# Split interests. See **Reformation of Charitable Split Interests** (this index)

Supporting organizations, gift tax deductions, **16:90** Taxable estate, deductibility of statutory interest paid on charitable bequest, **6:30** 

Ten percent rule, gift tax deduction, 16:124

Terminable interest rule for marital deductions, charitable remainder trusts, **6:185** et seq.

Terrorism victims, deductible gifts to, 16:95

Transfers to not subject to gift tax, 18:11

United States, gifts to, gift tax deduction, 16:87

Unitrust income bequest as qualifying transfer for deductions, **6:275** 

Uses, qualifying, gift tax deduction, **16:82 et seq.** Waiver of QTIP tax recovery, disclaimer of as deduction, **6:247** 

#### CHARITIES—Cont'd

War veterans organizations, deductible gifts to, 16:93

What constitutes passing of interest, taxable estate charitable deductions, **6:256** 

#### **CHECKS**

Gifts made by

generally, 14:28

timing year-end gift checks, 14:29, 16:14

Gross estate determinations

checks payable to charity, 2:28

checks payable to noncharitable donees, 2:29

# CHILDREN AND MINORS

**Adoption** (this index)

Court appointed guardians, gifts by, gift tax exclusions

generally, 16:27

state law. 16:69

Custodian accounts for minors, revocable transfers, 2:220

Disclaimers of interests by minor beneficiaries as taxable transfers, 14:70

Gift Tax (this index)

Insufficient consideration transfers, child support, 14.47

Powers of appointment to minor donees, gross estate determinations, 2:271

Revocable transfers, custodian accounts for minors, 2:220

Support obligations

gift tax on insufficient consideration transfers, 14:47

insufficient consideration transfers, gift tax, 14:47

#### **CITIZENSHIP**

Definition, citizen of a US possession, 14:15 Estate tax, US citizens residing in US possessions generally, 8:20

credits, 8:61

Expatriates (this index)

Nonresidents Not Citizens (this index)

Status issues, nonresidents not citizens, 8:12

Unified credit for citizens of US possessions, 8:3

## **CLAIMS**

Contingent claims, deductibility, **6:83** 

Deductibility of claims against estates. **Taxable Estate** (this index)

Fair Market Value (this index)

**Gross Estate Determinations** (this index)

Litigation, fair market value of claims in, 3:304

Fair Market Value (this index)

#### CLAIMS—Cont'd COLLECTION OF TAX Tax refund claims. See **Refund Claims** (this index) Appeal rights, 12:80 Unmatured claims, taxable estate deductibility, 6:83 Appeals program (CAP) generally, 12:85 CLERICAL ERRORS other appeals, 12:86 Generally, 12:4 Assessment restrictions, waivers of, 18:46 Abatement of assessment, 12:78 Assessments, collection of unpaid portion, 12:12 CLOSELY-HELD BUSINESSES Compromises, gift tax, 18:46 Deferrals, stock redemptions as cause loss of IRS Credits, gift tax, 18:45 guidance, **10:46 Criminal Penalties** (this index) Filing tax returns, estate tax, 9:7, 9:8 Declaratory judgments relating to value of certain **Installment Payments of Estate Tax on Farm or** gifts, 18:35 **Closely-held Business** (this index) Discharge of executor IRS guidance when stock redemptions cause loss of continuance of tax lien after, 12:48 estate tax deferral, 10:46 gift tax, 18:39 Lease of land to LLCs does not cause loss of estate Disclaimer of inheritance, pre-bankruptcy petition, tax deferral, 10:47 12:41 Leases to, special use valuation election require-Dispositions by spouse, transferee, and others, tax ments, 5:30 liens, 12:49 Qualifying real estate for estate tax deferral, 10:40, Divestment of tax liens, 12:45 10:42 Due process Qualifying rental and finance activities as trade or generally, 12:81 business for estate tax deferral, 10:41 withdrawal of request for collection due process S corporation status, Section 645 election terminahearing, 12:83 tion as affecting sub S status, 10:48 Equivalent hearings, 12:84 Section 645 election termination as cause of loss of Estate tax, 12:1 estate tax deferral or as affecting sub S status, Executor discharges, gift tax liabilities, 18:39 10:48 Extension of collection period, 12:24 Special use valuation election requirements, 5:44 Fiduciaries, suits against, 12:38 Stock redemptions as cause loss of estate tax defer-Forms, Application for Certificate Discharging ral, IRS guidance when, 10:46 Property Subject to Estate Tax Lien, 12:53 Trade or business requirement, installment pay-Gift tax ments of estate tax, 10:39 generally, 18:34 et seq. Trust distribution as cause of loss of Section 6166 assessment restrictions, waivers of, 18:46 estate tax deferral, 10:49 closing agreements, 18:46 Valuation of interests collection of unpaid tax; remedies, 18:36 generally, 3:118 et seq. compromises, 18:46 Fair Market Value (this index) gift valuation, 17:140 credits, 18:45 declaratory judgments relating to value of certain CLOSING AGREEMENTS gifts, 18:35 **Settlements of Tax Disputes** (this index) discharge of executor, 18:39 CLOSING LETTERS examination of return and procedure, 18:34 Assessment after, 10:86 interest, 18:42 **Settlements of Tax Disputes** (this index) limitations on collection, 18:41 nonresidents not citizens, 18:48 CLT notice of fiduciary relationship, 18:44 Charitable Lead Trusts (this index) penalties, 18:42 refunds, 18:45 Charitable Lead Unitrusts (this index) remedies, collection of unpaid tax, 18:36 COIN COLLECTIONS restrictions on assessments, waivers of, 18:46

tax liens, 18:37

COLLECTION OF TAX—Cont'd	COLLECTION OF TAX—Cont'd
Gift tax—Cont'd	Suits, collection
tax return preparer penalties, 18:49	generally, 12:37 et seq.
transferee liability for gift tax based on stipulated	disclaimer of inheritance, pre-bankruptcy peti-
value, <b>18:38</b>	tion, <b>12:41</b>
transferred assets, 18:43	fiduciaries, suits against, 12:38
waiver of restrictions on assessments, 18:46	levy against spendthrift trust, 12:40
Hearings	pre-bankruptcy petition disclaimer of inheritance,
administrative costs, 12:87	12:41
equivalent, 12:84	spendthrift trust, levy against, 12:40
litigation costs, 12:87 et seq.	transferees, suits against, 12:38
<b>Installment Payments of Estate Tax on Farm or</b>	transferred realty subject to estate tax lien, 12:39
Closely-held Business (this index)	Suspension of collection period, 12:25
Interest, gift tax, 18:42	<b>Taxpayers' Remedies</b> (this index)
Jeopardy Assessments (this index)	Tax return preparer penalties
Joint and several liability for tax, splitting of gifts	generally, 12:96
by spouses, <b>16:180</b>	gift tax, <b>18:49</b>
Levy against spendthrift trust, 12:40	Transfer certificates, nonresidents not citizens,
Levy of property, 12:34 et seq.	12:93 et seq.
Liens, Federal Tax (this index)	Transferees liability
Limitation periods	gift tax based on stipulated value, 18:38
generally, 12:22 et seq.	suits against, 12:38
extension of collection period, 12:24	Transferred assets, gift tax, 18:43
statute of limitations, case study, applicability, 12:23	Waiver of restrictions on assessments, gift tax, 18:46
suspension of collection period, 12:25	COMMUNICATIONS
Limitations on collection, gift tax, 18:41	
Nonresidents not citizens	Rights of taxpayers, privileged communications, 12:91
generally, 12:92	
gift tax, <b>18:48</b>	COMMUNITY PROPERTY
transfer certificates, 12:93 et seq.	Administering community property expenses, tax-
Payment of estate tax, withholding of collection,	able estate deductibility, <b>6:41</b>
11:39	Determining whether decedent's property was com-
Payment of Tax (this index)	munity or common law property, 8:37
Penalties, gift tax, 18:42	Estate tax deductions
Pre-bankruptcy petition disclaimer of inheritance,	administration expenses, <b>6:41</b>
12:41	funeral expenses, <b>6:13</b>
Refund Claims (this index)	last illness expenses, <b>6:13</b>
Refunds, gift tax, 18:45	Expenses of community property, administering,
Remedies for collection of unpaid taxes	taxable estate deductibility, <b>6:41</b>
generally, <b>12:33</b> , <b>12:33</b> et seq.	Fair market value
levy against spendthrift trust, 12:40	generally, <b>3:306</b>
levy of property, 12:34 et seq.	life insurance, 3:209
spendthrift trust, levy against, 12:40	Funeral expenses, taxable estate deductions, <b>6:13</b>
Suits, collection, below	Gift tax
Remedies for collection of unpaid taxes. See Liens,	generally, <b>14:97</b>
Federal Tax (this index)	life insurance purchased with community prop-
Restrictions on assessments, waivers of, <b>18:46</b>	erty, 14:99
Return filing status, discharge of estate tax lien, 12:52	Gross estate determinations generally, <b>2:89</b>
	Life insurance, gross estate inclusion, below
Splitting of gifts by spouses, joint and several liability for tax, <b>16:180</b>	nonresidents not citizens, 8:36, 8:37

COMMUNITY PROPERTY—Cont'd	COMPENSATION—Cont'd
Gross estate determinations—Cont'd	Life insurance, control of trustee's compensation,
separate property agreements, 2:65	2:48
transfers with retained life estates, 2:176 IRS guidance, gross estate determinations, com-	COMPETENCY
munity property life insurance, 2:62	Children and Minors (this index)
Last illness expense deductions, taxable estate, <b>6:13</b>	<b>Incompetents</b> (this index)
Life insurance	COMPROMISES
fair market value, 3:209	Collection of gift tax, 18:46
gross estate inclusion	Settlements of estate tax disputes, 11:37
acquisition of policy prior to community, 2:63	COMPUTATION OF TAX
assignments of policies, 2:69	Generally, 7:1 et seq., 17:179 et seq.
cross purchases, 2:64	Additional estate tax imposed on excess retirement
gross estate determinations, 2:65	accumulation of estates of decedents dying on
insurance receivable by estate or for its benefit,	or before December 31, 1996, <b>7:52</b>
2:37	Annual exclusion amounts, gift tax, 17:180
insurance receivable by other beneficiaries,	Applicable fraction, GST tax
<b>2:60 et seq.</b> IRS guidance, <b>2:62</b>	generally, <b>19:101</b> , <b>19:102</b>
separate property agreements, <b>2:65</b>	charitable lead annuity trusts, 19:108
purchase with community property, disclaimers	Astronauts, estate tax, 7:16
of interests as taxable transfers, 14:99	Basis adjustment of property transferred, GST tax, 19:116
Nonresidents not citizens, gross estate determinations, <b>8:36</b> , <b>8:37</b>	Charitable lead annuity trust, applicable fraction for, GST tax, <b>19:108</b>
Separate property agreements, gross estate	Credits, Tax (this index)
determinations, 2:65	Deduction from estate taxes for state death taxes,
Special use valuation, community real property election requirements, <b>5:26</b>	estate tax, 7:18  Deemed GST tay, gift splitting and 10:110
Transfers with retained life estates, gross estate	Deemed GST tax, gift splitting and, 19:110 Disclaimers, GST tax, 19:117
determinations, 2:176	Disclosure rules
Wyly case, <b>2:176</b>	Chapter 14 rules, <b>17:184</b>
	estate transfer freezes, 17:184
COMPARABLES	1997 legislation, <b>17:185 et seq.</b>
Fair Market Value (this index)	Equitable recoupment, estate tax
Real property valuation	generally, <b>7:4</b>
generally, <b>3:77</b> , <b>3:80</b> sales after valuation date, <b>3:79</b>	QTIP, improper inclusion, 7:5
Replacement cost valuation compared, <b>3:24</b>	Estate tax
Restricted shares and business interests, 3:157	generally, 7:1 et seq.
Sales after valuation date, real property valuation,	astronauts, 7:16
3:79	credit for state death taxes applicable to estates of decedents dying prior to 2005, 7:17
Special use valuation, formula method of determin-	deduction for state death taxes, 7:18
ing special use value, <b>5:61</b>	equitable recoupment
COMPENSATION	generally, <b>7:4</b>
Annuities and pensions, compensation for services	QTIP, improper inclusion, 7:5
includible, 2:286	Foreign Death Taxes Credit (this index)
Deferred compensation claims under employment contract, fair market value, <b>3:303</b>	gift taxes paid on pre-1977 transfers, credit for, <b>7:19 et seq.</b>
Gift tax, compensation or gift	GST tax, inclusion period, 19:107
generally, 14:10	inclusion period, GST tax, 19:107
excessive compensation, 14:53	1997 legislation, <b>17:183</b>

COMPUTATION OF TAX—Cont'd	COMPUTATION OF TAX—Cont'd
Estate tax—Cont'd	GST tax
nonresidents not citizens, 8:2	generally, 19:94 to 19:132
prior transfers, credits for estate tax paid on, 7:27	applicable fraction
et seq.	generally, <b>19:101, 19:102</b>
recoupment, equitable	charitable lead annuity trust, 19:108
generally, <b>7:4</b>	basis adjustment of property transferred, 19:116
QTIP, improper inclusion, <b>7:5</b> special treatment for split gifts made within three	charitable lead annuity trust, applicable fraction for, 19:108
years of death, 7:3  Special use valuation, recapture of estate tax,	credit for state generation-skipping transfer taxes, 19:112
below	deemed GST tax, gift splitting and, 19:110
special valuation rules, 7:2	disclaimers, effect of, 19:117
split gifts made within three years of death, special treatment for, 7:3	estate tax inclusion period, 19:107 examples, 19:109
state death taxes credits	gifts, nontaxable, 19:104
estates of decedents dying prior to 2005, 7:17	gift splitting and the deemed GST tax, 19:110
special use valuation recapture, <b>5:106</b>	inclusion ratio, 19:100
United States military personnel, 7:16	intervivos transfers in trust, 19:105, 19:106
victims of terrorism, 7:16	limitation on personal liability of trustee, 19:118
when due, special use valuation recapture of	misstatements of valuation, 19:119
estate tax, 5:111 Estate transfer freezes, disclosure rules, 17:184	multiple skips, taxation of, 19:113
Exclusions, gift tax, annual exclusion amounts,	multiple transfers made to trust, special rules, 19:114
17:180	nontaxable gifts, 19:104
Exemptions. See <b>Qualified Domestic Trusts</b> (this	personal liability of trustee, limitation on, 19:118
index) Finally determined for gift tax purposes, 17:182	power of appointment, testamentary over skip trusts, <b>19:115</b>
Foreign Death Taxes Credit (this index)	skip trusts, testamentary power of appointment
Gifts, nontaxable, GST tax, 19:104	over, <b>19:115</b>
Gift splitting and the deemed GST tax, 19:110	special rules where multiple transfers made to
Gift tax	trust, <b>19:114</b>
generally, <b>17:179 et seq.</b>	special valuation rules, 19:103
annual exclusion amounts, 17:180	taxable amount for direct skips, 19:97
disclosure rules	taxable amount for taxable distributions, 19:95
generally, <b>17:184</b>	taxable amount for taxable terminations, 19:96
1997 legislation, <b>17:185 et seq.</b>	taxation of multiple skips, 19:113
statute of limitations, 17:188	tax rate, <b>19:99</b>
finally determined for gift tax purposes, 17:182 indexing, 17:180	testamentary power of appointment over skip trusts, <b>19:115</b>
1997 legislation, <b>17:181</b>	trustee, limitation on personal liability of, 19:118
1997 legislation disclosure rules, 17:185 et seq.	valuation of property
portability, 2010 legislation, 17:192	generally, 19:98
pre-1977 transfers, estate tax credit, <b>7:19 et seq.</b> rate schedule, <b>17:191</b>	availability of alternate valuation election, 19:120
statute of limitations, 17:188	election of alternate valuation, 19:120
2010 legislation, portability, <b>17:192</b>	misstatements of valuation, 19:119
unified credit amount	special valuation rules, 19:103
generally, 17:190	Inclusion ratio, GST tax, 19:100
void gifts, restoration of unified credit, 17:193	Indexing, gift tax, 17:180
void gifts, restoration of unified credit, 17:193	Interrelated Computations (Pub. 904), <b>App. I</b>

COMPUTATION OF TAX—Cont'd	COMPUTATION OF TAX—Cont'd
Intervivos transfers in trust, GST tax, 19:105, 19:106	Trustee, limitation on personal liability of, GST tax. 19:118
Limitation on personal liability of trustee, GST tax, 19:118	Unified credit amount, gift tax generally, <b>17:190</b>
Misstatements of valuation, GST tax, 19:119	void gifts, restoration of unified credit, <b>17:193</b>
Multiple skips, taxation of, GST tax, 19:113	US military personnel, estate tax, 7:16
Multiple transfers made to trust, special rules, GST tax, 19:114	Valuation of property, GST tax generally, <b>19:98</b>
1997 legislation	availability of alternate valuation election,
disclosure rules, 17:185 et seq.	19:120
estate tax, <b>17:183</b>	election of alternate valuation, 19:120
gift tax, <b>17:181</b>	misstatements of valuation, 19:119
Nonresidents not citizens estate tax, 8:2	Victims of terrorism, estate tax, 7:16
Nontaxable gifts, GST tax, 19:104	CONGRESSIONAL INTENT
Personal liability of trustee, limitation on, GST tax,	Marital deduction, 16:136
19:118	Special use valuation, Congressional purpose, 5:17
Power of appointment, testamentary over skip	
trusts, GST tax, 19:115	CONSERVATION
Prior transfers, credits for estate tax paid on, 7:27 et seq.	Donations of natural resources interests, valuations, <b>3:97</b>
QDOTs, tax on, 7:53 et seq.	Qualified conservation contributions, taxable estate
Rates, Tax (this index)	charitable deductions, <b>6:280</b>
Recoupment, equitable, estate tax	Special use valuation, woodlands elections
generally, <b>7:4</b> QTIP, improper inclusion, <b>7:5</b>	generally, 5:90
Skip trusts, testamentary power of appointment	requirements, 5:23
over, GST tax, 19:115	CONSERVATION EASEMENTS
Special rules where multiple transfers made to trust,	Basis of the excluded property, taxable estate exclu-
GST tax, <b>19:114</b>	sions, <b>6:330</b>
Special use valuation, recapture of estate tax	Debt, treatment of, taxable estate exclusions, <b>6:327</b>
generally, 5:91 et seq., 5:110 et seq.	Development rights, retained, taxable estate exclusions 6.228
additional tax computation, 5:104	sions, <b>6:328</b> Fair market value, <b>3:75</b>
adjusted tax difference, 5:105	Gift tax deductions
liability for recapture tax, 5:112	generally, <b>16:101</b>
state death tax credits, 5:106	valuation, <b>16:103</b> , <b>16:104</b>
when due, <b>5:111</b>	Retained development rights, treatment of, estate
Special valuation rules, estate tax, 7:2	tax exclusions, <b>6:328</b>
Split gifts made within three years of death, special treatment for estate tax computation, <b>7:3</b>	Taxable Estate (this index)
State death taxes applicable to estates of decedents	Valuation, 16:103, 16:104
dying prior to 2005, credit, 7:17	CONSIDERATION
Statute of limitations, gift tax, 17:188	Adequacy of consideration
Taxable amount for direct skips, GST tax, <b>19:97</b>	claims against estate deductions, <b>6:51 et seq.</b>
Taxable amount for taxable distributions, GST tax,	gross estate determinations
19:95	definitions, 2:128 et seq.
Taxable amount for taxable terminations, GST tax,	non-spousal joint tenancies, 2:76
19:96	Adequate and full consideration, fair market value
Taxation of multiple skips, GST tax, 19:113	of restricted shares and business interests,
Tax rates. See <b>Rates</b> , <b>Tax</b> (this index)	3:168
Testamentary power of appointment over skip	Claims against estate deductibility
trusts, GST tax, 19:115	adequacy of consideration, 6:51 et seq.

#### CONSIDERATION—Cont'd

Claims against estate deductibility—Cont'd consideration passing to other than the decedent, 6:59

Definition, 14:40

Disclaimer, receiving consideration for, **14:65** 

Estate freeze transfers, valuation reductions, 17:47

Fair market value of restricted shares and business interests

generally, 3:179

adequate and full consideration, 3:168

Furnished consideration, gross estate determinations, non-spousal joint tenancies, 2:77

Gross estate determinations

adequate consideration, term defined, 2:128 et seq.

non-spousal joint tenancies

adequacy issues, 2:76

furnished consideration, 2:77

mortgaged property, 2:80

Insufficient consideration transfers

**Gift Tax** (this index)

gross estate determinations, 2:127

Marital rights relinquishment as, 2:132

Mortgaged property gross estate determinations, non-spousal joint tenancies, 2:80

Non-spousal joint tenancies, gross estate determinations

furnished consideration, 2:77

mortgaged property, 2:80

Relinquishment of marital rights as, 2:132

Restricted shares and business interests, fair market value

generally, 3:179

adequate and full consideration, 3:168

Taxable estate claims deductions, consideration adequacy, **6:51** et seq.

# **CONTINGENT CLAIMS**

Taxable estate deductibility, 6:83

### **CONTINGENT INTERESTS**

Charities, contingent or conditional qualifying transfers, taxable estate deductions, **6:251** 

Claims

post-death contingencies, estate tax valuation, 3:17

taxable estate deductibility, 6:83

Estate freeze transfers, QPRT contingent remainder, 17:111

Gifts, discount for present value of donees' obligation to pay contingent estate tax under Section 2035, 17:9

#### CONTINGENT INTERESTS—Cont'd

Gift splitting by spouses, 16:183

Gift splitting by spouses, contingent interests, 16:183

Legal fees, fair market value, 3:301

Marital and palimony obligation deductions, marriage or remarriage contingencies, 6:79

Marriage or remarriage contingencies, marital obligation deductibility, **6:79** 

Mortgages, contingent cancellation provisions, 3:204

Powers of appointment subject to conditions or contingencies. See **Gross Estate Determinations** (this index)

Present value of donees' obligation to pay contingent estate tax under Section 2035, **17:9** 

**Remainders** (this index)

Remarriage contingency susceptible to valuation, 6:79, 7:36

Splitting of gifts by spouses, 16:183

Terminable interest rule for marital deductions, contingent QTIP election, **6:205** 

#### CONTINGENT LEGAL FEE

Fair market value, 3:301

#### CONTROL

Claims against estate deductibility, loans from controlled entity, **6:60** 

**Corporations** (this index)

Disclaimer to convert controlling interest into a minority interest, 3:107

Estate freeze transfers, 17:31

Family limited partnerships, controlling interests held by non-family members, **3:159** 

Life insurance

control of trustee's compensation, 2:48

corporate-owned insurance on sole or controlling shareholder

generally, 2:57

control indicia, 2:58

Market valuation discounts

control premium, 21:6

minority interest or lack of control discount, 22:5

Restricted shares and business interests, controlling interests issues, 3:159

Revocable transfers, decedent's control over selection of trustee, 2:217

Transfers with retained life estates, retention of voting rights in controlled corporation, 2:177, 2:178

#### **CONVERSION**

**Involuntary Conversion** (this index)

#### CONVEYANCES

Gross estate determinations, conveyances of real estate by decedent, **2:17** 

#### COOPERATIVE HOUSING

Stock interests, gross estate determinations, 2:18

#### **CORPORATIONS**

Alternate valuation

dividends, 4:17

undistributed corporate earnings, 4:18

Built-in gains tax discount following conversion from C to S corporation, 22:28

Claims against estate deductibility, related corporation transactions, **6:58** 

#### **Closely-Held Businesses** (this index)

Control, estate freeze transfers, 17:31

Controlling blocks of securities. Fair Market Value (this index)

Dividends, alternate valuation, 4:17

**Estate Freeze Transfers** (this index)

Family Businesses (this index)

Gift tax

exclusions of gifts to, 16:55

returns, filing requirements, 18:13

Gross estate determinations

corporate interests transfers with retained voting rights in, 2:177, 2:178

life insurance, corporate-owned on sole or controlling shareholder

generally, 2:57

control indicia, 2:58

nonresidents not citizens

US assets owned through foreign corporation by former US citizen, **8:31 et seq.** 

US assets owned through foreign corporation by nonresident alien, **8:30** 

transfers with retained life estates, 2:152

US assets held by foreign corporation but beneficially owned by nonresident alien, **8:35** 

US assets owned through foreign corporation by former US citizen, **8:31 et seq.** 

US assets owned through foreign corporation by nonresident alien, **8:30** 

#### **Holding Companies** (this index)

Life insurance, corporate-owned on sole or controlling shareholder, gross estate determinations generally, 2:57

control indicia, 2:58

Property of, special use valuation election requirements, **5:27**, **5:42** 

Real estate, special use valuation elections, 5:74

#### CORPORATIONS—Cont'd

Related corporation transactions, claims against estate deductibility, **6:58** 

S corporations

built-in gains tax discount following conversion from C to S corporation, 22:28

market valuation discounts, 22:30

status, Section 645 election termination as affecting sub S status, **10:48** 

Special use valuation elections

closely-held businesses

generally, 5:44

leases to, 5:30

corporate-owned real estate, 5:74

Special valuation rules

generally, 17:14 et seq.

Estate Freeze Transfers (this index)

Undistributed corporate earnings, alternate valuation, **4:18** 

US assets held by foreign corporation but beneficially owned by nonresident alien, **8:35** 

US assets owned through foreign corporation by former US citizen, 8:31 et seq.

US assets owned through foreign corporation by nonresident alien, **8:30** 

#### **COSTS**

District court action awards, 20:27, 20:28

# **CO-TENANCIES**

Fair market value, 3:307, 22:10

# **CRAT**

Charitable Remainder Annuity Trusts (this index)

# **CREDITOR RIGHTS**

**Asset Protection Trusts** (this index)

Gifts in trust, **14:104** 

**Spendthrift Trusts** (this index)

# CREDITS, TAX

Calculating the credit, estate tax paid on prior transfers, credit for, 7:28

Collection of gift tax, 18:45

Date for valuation purposes, credit for estate tax paid on prior transfers, 7:34 et seq.

Estates including pre-1977 gifts, estate tax paid on prior transfers, credit for, **7:40** 

Estate tax

applicable exclusion and applicable credit amounts

generally, 7:9

CREDITS, TAX—Cont'd	CREDITS, TAX—Cont'd
Estate tax—Cont'd	Prior transfers, credit for estate tax paid on—Cont'd
applicable exclusion and applicable credit	definitions
amounts—Cont'd	property, 7:29
regulation, post-2025 reduction in basic exclu-	transfer, 7:30
sion amount, 7:10	estate including pre-1977 gifts, <b>7:40</b>
2001 and later deaths, 7:11	limitations, <b>7:37</b> , <b>7:38</b>
credit for tax paid on prior transfers, 7:27 et seq.	multiple prior transfers, 7:39
gift taxes paid on pre-1977 transfers, <b>7:19 et seq.</b>	percentage of credit for tax on prior transfers
Joint Committee on Taxation, technical amend-	allowable, <b>7:41</b>
ment validating, 7:12	property, term definitions, <b>7:29</b>
portability, 7:13	recaptured estate tax attributable to special use
prior transfers, valuation of property transferred	valuation, treatment of, 7:31
generally, <b>7:32</b> , <b>7:33</b> date for valuation purposes, <b>7:34</b>	remarriage contingency susceptible to valuation, 7:36
	transfer, term definitions, 7:30
reformation of trust to preserve credit shelter, 7:15	valuation of property transferred
	generally, 7:32, 7:33
technical amendment validating Joint Committee on Taxation, 7:12	
unified credit, 7:9 et seq.	date for valuation purposes, <b>7:34</b> Proof of right to foreign death taxes credit, <b>7:49</b>
Expatriation tax, unified credit under, <b>8:63</b>	Recaptured estate tax attributable to special use
Foreign Death Taxes Credit (this index)	valuation, treatment of estate tax paid on prior
_	transfers, credit for, 7:31
Form 706-NA, <b>8:65</b> Gift tax	Reformation of trust to preserve credit shelter, <b>7:15</b>
	Refund claims, limitations on credits, <b>12:70</b>
collection of tax, 18:45	Special use valuation, treatment of recaptured estate
nonresidents not citizens of US, gifts by, 15:10	tax attributable to estate tax paid on prior
pre-1977 transfers, credit for estate tax paid, 7:19	transfers, credit for, 7:31
et seq.	State death taxes applicable to estates of decedents
unified credit amount	dying prior to 2005, credit, 7:17
generally, <b>17:190</b>	Technical amendment validating Joint Committee
structuring transfer to preserve, 14:36	on Taxation, estate tax, 7:12
void gifts, restoration of unified credit, 17:193	Unified credit
GST tax, credit for state generation-skipping	citizens of US possessions, 8:3
transfer taxes, 19:112	estate tax, 7:9 et seq.
Joint Committee on Taxation, technical amendment	gift tax
validating, estate tax, 7:12 Limitations	generally, <b>17:190</b>
	void gifts, restoration of unified credit, 17:193
estate tax paid on prior transfers, credit for, <b>7:37</b> , <b>7:38</b>	nonresidents not citizens, 8:60 et seq.
foreign death taxes credit, 7:43	structuring transfer to preserve spouse's unified
Multiple prior transfers, estate tax paid, credit for,	credit, <b>14:36</b>
7:39	void gifts, restoration of unified credit, 17:193
Nonresidents not citizens	Void gifts, restoration of unified credit, 17:193
	CDIMINAL DENIALTIES
gifts by, taxable, 15:10	CRIMINAL PENALTIES
unified credit for citizens of US possessions, 8:3	Generally, 12:54
Portability, estate tax, 7:13	Failure to make return or to supply information,
Preserving spouse's credit shelter with a power of appointment, <b>14:37</b>	12:56
**	Fraud and false statements, 12:57
Prior transfers, credit for estate tax paid on	Wilful attempt to evade payment of tax, 12:54
calculating the credit, 7:28	Wilful disclosure of false information as to a mate-
date for valuation purposes, 7:34 et seq.	rial matter, 12:58

#### CRIMINAL PENALTIES—Cont'd

Wilful failure to collect, account or pay tax, 12:55

#### CROPS

Fair market value, splitting crops and timber from farmland, 3:67

### CROP SHARE LEASES

Special use valuation election requirements, 5:40

#### CRT

Charitable Remainder Trusts (this index)

#### CRUT

**Charitable Remainder Unitrusts** (this index)

#### **CURTESY**

Gross estate determinations, dower and curtesy, 2:19

#### **DEATH**

Alternate valuation

amount receivable after death under pre-death right, **4:24** 

annuities, death of surviving annuitant within alternate valuation period, **4:23** 

post-death events, **4:2** 

pre-death right, amount receivable after death under, **4:24** 

Annuities, alternate valuation, death of surviving annuitant within alternate valuation period, 4:23

Date of death

cash value for estate tax valuation, **3:10** estate tax computations, **1:3** 

Employee death benefits, gross estate determinations

generally, 2:205

post-death benefits, 2:112 et seq.

Fair market value

invasion rights after decedent's death in remainder and reversionary interests, **3:258** last-to-die factors. **3:254** 

Generation-skipping transfer tax step-up rule death of descendant within 90 days of transfer, 19:24

Interests held at death. **Gross Estate Determina- tions** (this index)

Invasion rights in remainder and reversionary interests after, fair market value, 3:258

Last-to-die factors, fair market value calculations, 3:254

Post-death events, alternate valuation, 4:2

Pre-death right, amount receivable after death under, alternate valuation, **4:24** 

# DEATH—Cont'd

Presumption of death, filing estate tax returns, **9:10** Reformation of charitable split interests, special rule where income beneficiary dies, **6:284** 

**Simultaneous Death** (this index)

Special use valuation election requirements

pre-death ownership and use

generally, 5:32

tacking, 5:34

Wrongful Death Proceeds (this index)

#### DEATH-BED TRANSFERS

See also Causa Mortis Gifts (this index)

Gift tax

generally, 14:32

exclusions, 16:15

payment of estate and gift taxes within three-year period, **14:34** 

#### **DEATH TAXES**

Generally, see **Estate Taxes** (this index)

Amount of charitable deduction, death taxes reduction

generally, 6:298

election to deduct certain foreign death taxes, **6:300** 

interrelated computations, 6:299

Charitable remainder annuity trust with stated dollar annuity, effect of interrelated death taxes on generally, **6:267** 

five percent test, **6:268** 

Deduction from estate taxes for state death taxes, 7:18

Election to deduct certain foreign death taxes,

Estate tax credit for state death taxes applicable to estates of decedents dying prior to 2005, 7:17

Foreign death taxes, election to deduct, amount of charitable deduction, **6:300** 

#### Foreign Death Taxes Credit (this index)

Taxable estate, deductibility

generally, 6:66

marital deduction reduction, 6:137 et seq.

#### DEBT OBLIGATIONS

Conservation easements debt treatment, taxable estate exclusions, **6:327** 

Fair market value of private debt, 22:36

Family debt as prearranged plan to avoid gift tax, 16:28

Gift tax, family debt as prearranged plan to avoid, 16:28

underpayments of estate tax, 10:89

#### DEBT OBLIGATIONS—Cont'd **DEFICIENCIES—Cont'd** Gross estate determinations, nonresidents not When deficiencies disallowed, 12:74 citizens, 8:42 et seq. DEFINITIONS **Loans** (this index) Adequate consideration, 2:128 et seq. Market valuation discounts, private debt, 22:35 Adjusted value (gross estate), 5:50 Nonresidents not citizens Adjusted value (property), 5:51 debt deductions, estate tax, 8:57 Citizen of a US possession, 14:15 debt obligation, gross estate determinations, 8:42 Completed gift, 14:3 et seq. Consideration, 14:40 disclosure of foreign assets and debts require-Decanting, 1:12 ments, 8:56 et seq. Special use valuation property, indebtedness deduc-Disabled decedents, 5:48 tions. **5:8** Distribution, 4:3 Exchange, 4:3 DECANTING Expatriate, 15:4 Definition, 1:12 Family member of family, 17:17 DECLARATION OF REPRESENTATIVE Farms, farming purposes, 5:21 Settlements of estate tax disputes, 11:8 Fixed or ascertainable standard, 14:119 **DECLARATORY JUDGMENTS** General power of appointment, 2:237 Gifts valuation Generation-skipping transfers, 19:2, 19:6 et seq. generally, 17:3 Gross estate, 1:4 collection of tax. 18:35 Involuntary conversion, 5:117 final regulations, 17:4 Life insurance, 2:31, 2:33 Installment payments of estate tax, 10:77, 10:78, Liquidation rights, 17:71 12:90 Member of family, 17:17 Nongeneral power, 2:245 DEDUCTIONS Nonresident alien, 15:3 Charitable. See **Charities** (this index) Estate tax. See **Taxable Estate** (this index) Overpayment, 12:60 Gift Tax (this index) Personal residence, 17:102 Installment payments of estate tax, deductibility of Power of appointment (estate taxation), 2:228 interest on installments, 10:74 Power of appointment (gift taxation), 14:124 **Marital Deduction** (this index) Powers limited by an ascertainable standard, 2:191 **Nonresidents Not Citizens** (this index) Oualified disclaimer, 14:62 Qualified terminable interest property, 16:165 DEFENSE OF MARRIAGE ACT (DOMA) Reformable interest, 6:283 Taxable estate, marital deductions, 6:100 Reformation (qualified), 6:282 **DEFICIENCIES** Sale, 4:3 **Assessment** (this index) Substantial adverse interest, 14:118 Extension of time for estate tax payment, 10:28 Terminable interest, 6:153 Installment payments of estate tax Terminally ill, 3:226 interest on deficiency, 10:55 Transfer, 2:125 proration of deficiency where installment elec-Voting rights, 17:70 tion made, 10:54 proration of deficiency where installment elec-**DELIVERY** tion not made. 10:56 Gift tax, delivery issues, 14:30, 14:31 Notice of generally, 12:6 **DEPOSITS** assessment, invalid, effect on deficiency notice, Gross estate determinations, nonresidents not 12.7 citizens, 8:48, 8:49 Refund claims, 12:74 Suspension of interest liability on potential **Settlements of Tax Disputes** (this index)

# DEPRECIABLE AND DEPLETABLE PROPERTY

Fair market value boats and ships, 3:277 remainder interests, 3:265

Gift valuation of remainder interest in, 17:169

# DISABLED DECEDENTS

Definition, 5:48

Special use valuation election requirements, **5:47** 

#### **DISCLAIMERS**

Assessments, effect of liability disclaimer, 12:3
Bankruptcy, pre-bankruptcy petition disclaimers of inheritance, 12:41

Bankruptcy, pre-petition disclaimer of inheritance, 12:41

Children, disclaimers of interests by as taxable transfers, 14:70

Community property, life insurance purchased with, disclaimers of interests as taxable transfers, 14:99

Controlling interest, disclaimer to convert into a minority interest, **3:107** 

Definition, qualified disclaimer, 14:62

Estate tax. See **Taxable Estate** (this index)

Executors and administrators, disclaimer treated as taxable transfer, **14:74** 

Federal tax liens, disclaimers and, 14:67

**Generation-Skipping Transfer Tax** (this index) **Gift Tax** (this index)

**Gross Estate Determinations** (this index)

Horizontal disclaimers, gross estate determinations of interests held at death, **2:8** 

Inheritance, pre-bankruptcy petition disclaimer of, 12:41

IRAs, disclaimers of interests as taxable transfers, **14:90 et seq.** 

Joint bank accounts, disclaimers of interests as taxable transfers, **14:84** 

Joint disclaimers of interests, 14:66

Jointly-held property, disclaimers of interests as taxable transfers, **14:82** 

Liability disclaimer, assessments affects, 12:3

Life insurance purchased with community property, disclaimers of interests as taxable transfers, 14:99

Market valuation discounts

effect on value, 22:33

value determined after disclaimer, 21:13

Minor beneficiaries, disclaimer tax trap, estate and/or GST tax savings as in the minor's best interest, **14:71** 

## DISCLAIMERS—Cont'd

Minors, disclaimers of interests by as taxable transfers, 14:70

Noncharitable donee in favor of charity as qualifying transfer, taxable estate charitable deductions, **6:245** 

Nonresidents Not Citizens (this index)

Powers of appointment disclaimers

gift tax, 14:81

gross estate determinations, 2:276

Pre-bankruptcy petition disclaimer of inheritance, 12:41

QTIP tax recovery waiver, disclaimer of as qualifying transfer, taxable estate charitable deductions. **6:247** 

Qualified disclaimer, term defined, 14:62

**Qualified Terminable Interest Property** (this index)

Remainders on disclaimer failure, gift tax, **14:60** Sample disclaimers, **14:68** 

Special use valuation, effect of disclaimers, **5:19** Spousal disclaimers

generally, 14:72 et seq.

noncitizen surviving spouses, 14:83

State disclaimer statutes, 14:93, App. E

Taxable estate charitable deductions, qualified disclaimer as qualifying transfer, **6:248** 

Voidable disclaimers of interests, 14:67

Waiver of QTIP tax recovery, disclaimer of as qualifying transfer for charitable deduction, 6:247

# DISCLOSURE

Adequate disclosure rules, 17:184 to 17:189

Chapter 14 rules, 17:184

**Criminal Penalties** (this index)

Estate tax, disclose information regarding estate, **9:14** 

Gift tax computation disclosure rules, 1997 legislation, 17:185 et seq.

Gift valuation, IRS's obligation to disclose basis for, 17:2

1997 legislation disclosure rules, gift tax computation, **17:185 et seq.** 

#### **DISCOUNTS**

Market Valuation Discounts (this index)

#### **DISPUTED TAXES**

Deposits to suspend interest on potential underpayments, **10:89** 

**Refund Claims** (this index)

**Settlements of Tax Disputes** (this index)

#### DISTRICT COURT

**Refund Claims** (this index)

#### **DIVERSIFIED LANDS**

Special use valuation election requirements, 5:22

#### DIVIDENDS

Alternate valuation, 4:17

Ex-dividend sales of stock, 3:103

Gross estate determinations, stock and bond dividends, 2:23

Mutual fund shares, 3:137

# **DIVORCE**

Gross estate determinations, life insurance proceeds payable to divorced spouse, 2:55, 2:56

Life insurance proceeds payable to divorced spouse, gross estate determinations, 2:55, 2:56

Reformation of charitable split interests, division of CRUT incident to divorce, **6:292** 

Valuation, support rights not followed by divorce or adjudicated separation, **6:73** 

# DOMICILE ISSUES

Nonresidents not citizens estate tax, 8:13 et seq.

#### DONATIVE INTENT

Gift tax, 14:9 to 14:12

# DONORS AND DONEES

Gift Tax (this index)

#### DOWER AND CURTESY

Gross estate determinations, 2:19

#### **DUE PROCESS**

Collection of tax, 12:81

Withdrawal of request for collection due process hearing, 12:83

### **EASEMENTS**

**Conservation Easements** (this index) **Fair Market Value** (this index)

#### **EDUCATIONAL ORGANIZATIONS**

Deductible gifts to

generally, 16:89

transfers to corporations, 16:91

Payments to, gift tax returns, transfers not subject to gift tax, 18:7

#### **ELECTIONS**

#### **Alternate Valuation** (this index)

Estate freeze transfers

election to have interest treated as a qualified payment

generally, 17:37

# **ELECTIONS—Cont'd**

Estate freeze transfers—Cont'd

election to have interest treated as a qualified payment—Cont'd

contents of election statements, 17:38

election to waive qualified payment treatment, 17:36

Estate tax vs income tax deductions, 6:48

Extensions of time for

alternate valuation, 4:8

portability election, 7:14

special use valuation, 5:89

Family-owned business deductions, 6:309

Generation-skipping transfer tax, electing out of automatic GST allocations, 19:35, 19:45

# **Generation-Skipping Transfer Tax** (this index)

GST tax relationship to QTIP elections, 19:17

Holding company election, installment payments of estate tax, 10:69

Income tax vs estate tax deductions, 6:48

Installment payments of estate tax

late election to pay estate tax in installments, 10:67

manner of election, 10:64

protective elections, 10:68

Section 6166 elections to extend payment of estate tax, **10:65**, **10:66** 

Protective elections, installment payments of estate tax on farm or closely-held business, **10:68** 

QTIP elections, GST tax relationship, 19:17

Qualified Domestic Trusts (this index)

Qualified terminable interest property

partial QTIP elections, 6:206, 16:169

time to make election, 16:170

Reverse QTIP elections. See **Generation-Skipping Transfer Tax** (this index)

**Special Use Valuation** (this index)

**Valuation** (this index)

# **ELECTIVE SHARE**

Marital deduction, no marital deduction for elective share property in which spouse has no beneficial interest. **6:121** 

### **EMPLOYEES**

Annuities, gift tax, 14:100, 14:101

Benefit plans

gift tax, employee benefit plan coverage as taxable transfer, 14:158

gross estate determinations

generally, 2:205

post-death benefits, 2:112 et seq.

EMPLOYEES—Cont'd  Benefit plans—Cont'd  gross estate determinations—Cont'd  separate employee plans, annuities and death  benefits under, 2:291  self-employed participants, special use valuation  election requirements, 5:41  Deferred compensation claims under employment  contract, fair market value, 3:303  Fair market value  deferred compensation claims under employment	EQUITABLE VS LEGAL TITLE Gross estate determinations of interests held at death, 2:7  ERRORS Assessment generally, 12:4 abatement of assessment, 12:78 Scrivener's Errors (this index)  ESCHEAT PROPERTY
contract, 3:303 restricted shares and business interests, 3:193 Pensions. See Gross Estate Determinations (this index) Restricted shares and business interests, fair market value, 3:193 Self-employed plan participants, special use valuation election requirements, 5:41 Special use valuation election requirements, self-employed participants, 5:41	Gross estate determinations, 2:105  ESTATE FREEZE TRANSFERS  Generally, 17:14 et seq.  Adjustments to transfer tax generally, 17:61 double taxation, adjustments to mitigate, 17:62 partial interest adjustments, 17:63 split interests adjustments, 17:64 Agreements subject to Chapter 14 rules, exceptions for, 17:68
ENTIRETY, TENANCIES BY Gift tax, taxable transfers, 14:96	Amount of increase generally, 17:55
	limitation, 17:56
ENVIRONMENTAL PROTECTION  Conservation contributions, special use valuation, recapture of estate tax, 5:100  Facade easement with mortgage subordination requirement, gift tax deductions, 16:102  Gift tax deductions, facade easement with mortgage subordination requirement, 16:102  Natural resources interests, valuations of donations, 3:97  Qualified conservation contributions, taxable estate charitable deductions, 6:280  Real property valuation, 3:38  Special use valuation recapture of estate tax, conservation contributions, 5:100  woodlands elections generally, 5:90 requirements, 5:23	Annuities conversions, qualified personal residence trusts, 17:117, 17:118  Applicable restrictions on liquidation, 17:65  Applicable retained interest, treatment as two or more separate interests, 17:19  Attribution rules generally, 17:76 order of attribution where an interest is attributed to more than one individual, 17:77  Buy-sell agreements, 17:135  Call rights, 17:21  Capital structure changes, 17:60  Chapter 14 rules agreements subject to, exceptions for, 17:68 options subject to, exception for, 17:68 rights subject to, exception for, 17:68 scope generally, 17:15, 17:16 trust transfers, 17:79
EQUIPMENT Fair market value, 3:279	trust transfers, 17:79 special valuation rules, 17:14 et seq.
EQUITABLE INTERESTS  Nonresidents not citizens, gross estate determinations, 8:47	Commercially reasonable restrictions exception, 17:66 Compounding rules, 17:49
EQUITABLE RECOUPMENT	Computation, disclosure rules, <b>17:184</b> Computation of estate tax, special valuation rules,
Estate tax computation generally, 7:4  QTIP, improper inclusion, 7:5	7:2 Contributions to capital, 17:60 Control, 17:31

ESTATE FREEZE TRANSFERS—Cont'd	ESTATE FREEZE TRANSFERS—Cont'd
Conversion rights	Exceptions—Cont'd vertical slice exception, 17:42
generally, 17:21	zero-value rule, rights previously valued under,
exception, 17:23	17:73
Corporate non-lapsing conversion right, <b>17:28</b> Cumulative but unpaid distributions, <b>17:49</b>	Exceptions, tangible property, trust transfers,
Definitions	17:128 et seq.
liquidation rights, 17:71	Extraordinary payment rights, 17:21, 17:24
member of family, 17:17	Family members
personal residence, 17:102	definition, 17:17
voting rights, 17:70	exception where family members cannot
Determining amount of gift, <b>17:43</b>	liquidate an interest the holder could have
Determining whether an interest is retained, <b>17:81</b>	liquidated, 17:72
Disclosure rules, 17:184	transfers to, 17:58
Discounts, effect on, 17:34	treatment of applicable family members, 17:57
Distribution rights, <b>17:20</b> , <b>17:24</b>	Fixed rights, exceptions for, 17:22
Distributions, cumulative but unpaid, <b>17:49</b>	Governing instrument, trust transfers, 17:134
Double taxation, adjustments to mitigate, 17:62	GRATs
Effect on discounts, 17:34	amending GRAT to include missing required
Elections	provision, 17:90
statements, 17:38	funding with partnership interests, 17:93
to have interest treated as a qualified payment	funding with Subchapter S stock, 17:87
generally, 17:37	1992 legislation, <b>17:86</b>
contents of election statements, 17:38	qualified annuity interest requirements for
to treat payment of a qualified payment more	GRATs, <b>17:85, 17:97</b>
than four years after due date as a taxable	substitution power exercisable in a fiduciary
event, 17:52, 17:53	capacity, <b>17:97</b>
to waive qualified payment treatment, 17:36	third party loan, recognition of gain to grantor,
Exceptions	17:91
generally, 17:39 et seq.	valuation of qualified interests, 17:83
agreements subject to Chapter 14 rules, 17:68	GRUTs
commercially reasonable restrictions, 17:66	qualified unitrust interest requirements, 17:94,
family members unable to liquidate an interest	17:95
the holder could have liquidated, 17:72	valuation of qualified interests, 17:83
fixed rights, 17:22	Guaranteed payment rights, 17:27
lapses that occur by reason of changes in state law, 17:74	Improper termination of qualified personal residence trusts, exceptions, <b>17:120 et seq.</b>
marketable retained interests, 17:39	Incomplete transfers, 17:99
options subject to Chapter 14 rules, 17:68	Increase amount
or certain rights to convert, 17:23	generally, 17:55
personal residence transfers, 17:100	limitation, 17:56
proportionate transfers, 17:42	Individuals treated as interest holders, 17:54
restrictions commercially reasonable, <b>17:66</b> restrictions imposed by law, <b>17:67</b>	Interaction of zero-value rule and rule on lapses of voting or liquidation rights, 17:35
retained interests of the same class as the	Interest terminations, 17:59
transferred interest, 17:40	Junior equity, minimum valuation of, 17:48
retained interests proportionally the same as the transferred interest, 17:41	Lapses that occur by reason of changes in state law exception for, 17:74
rights previously valued under the zero-value rule, 17:73	Lapsing rights and liquidation restrictions, 17:35, 17:75
rights subject to Chapter 14 rules, 17:68	Limitation on amount of increase, 17:56

ESTATE FREEZE TRANSFERS—Cont'd	ESTATE FREEZE TRANSFERS—Cont'd
Liquidation rights	Qualified payment treatment
applicable restrictions on, 17:65	elections
definition, 17:71	generally, 17:37
exception where family members cannot	contents of election statements, 17:38
liquidate an interest the holder could have	waivers of election, 17:36
liquidated, 17:72	valuation, 17:32
lapse of rights, 17:35, 17:69, 17:75	Qualified Personal Residence Trusts (this index)
participation, 17:26	Qualified remainder interest requirements, trust
Lower-of rule, 17:32	transfers, 17:96
Mandatory payment right, 17:25	Recapitalizations, 17:60 Redemptions, 17:60
Member of family, term defined, <b>17:17</b>	Remainder interest sales, qualified personal resi-
Member of the family, trust transfers, <b>17:132</b> , <b>17:133</b>	dence trusts, 17:127
Minimum valuation of junior equity, <b>17:48</b> Minority or similar discounts, <b>17:45</b>	Restrictions commercially reasonable exception, 17:66
· ·	Restrictions imposed by law exception, 17:67
1992 legislation, GRATs, <b>17:86</b>	Restrictions on liquidation, 17:65
Non-lapsing rights	Retained interests of the same class as the
corporate, 17:28	transferred interest exception, 17:40
partnership, 17:29	Retained interests proportionally the same as the
Options on transfer tax value of property, 17:135	transferred interest exception, 17:41
Options subject to Chapter 14 rules, exception for, 17:68	Retained interest transfers, valuation, <b>17:46</b>
Order of attribution where an interest is attributed	Retained powers, zero-value rule applicability to, 17:82
to more than one individual, 17:77	Retained rights valuation, 17:18
Partial interest adjustments, 17:63	Rights
Participation right, liquidation, 17:26	generally, 17:20 et seq.
Partnerships	Chapter 14 rules, rights subject to exception for,
non-lapsing right, 17:29	17:68
planning a freeze partnership, 17:30	exceptions for certain rights to convert, 17:23
Payment rights, guaranteed, 17:27	exceptions for fixed rights, 17:22
Personal residences	extraordinary payment rights or distribution
definition, 17:102	rights, 17:24
interests of spouses in the same residence,	previously valued rights under the zero-value
17:103	rule, exception for, <b>17:73</b> Scope of Chapter 14 rules
Qualified Personal Residence Trusts (this	generally, 17:15, 17:16
index)	trust transfers, 17:79
transfer exceptions, 17:100	Separate interests, treatment of applicable retained
trusts	interest as, 17:19
generally, <b>17:105</b>	Split interests adjustments, 17:64
limitation on term interests in personal resi-	Spousal transfers, 17:51
dence trusts and qualified personal resi-	Spouse's revocable interest as qualified interest,
dence trusts, 17:119	trust transfers, 17:92
Qualified Personal Residence Trusts (this	State law, exception for lapses that occur by reason
index)	of changes in state law, 17:74
Planning a freeze partnership, 17:30	Step 2 adjustments, valuation, 17:44
Promissory notes may not be used to pay annuity,	Step 4 reduction, valuation
trust transfers, 17:89	consideration, received by transferor, 17:47
Proportionate transfers exception, 17:42	minority or similar discounts, 17:45
Put rights, <b>17:21</b>	Subtraction method, valuation, 17:43

ESTATE FREEZE TRANSFERS—Cont'd  Toggible property expention, trust transfers, 17:128	ESTATE FREEZE TRANSFERS—Cont'd Trust transfers—Cont'd
Tangible property exception, trust transfers, 17:128 et seq.	tax reimbursement provisions, 17:88
Taxable events	transfers of interests in portion of trust, 17:131
generally, 17:50	valuation of qualified interests, 17:131
election to treat payment of a qualified payment	valuation of qualified interests, 17.65 valuation of retained interests other than qualified
more than four years after due date as a tax-	interests, 17:80
able event, 17:52, 17:53	zero value rule, 17:80
Tax reimbursement provisions, trust transfers,	zero-value rule applicability to retained powers,
17:88	17:82
Terminations of an interest, 17:59	Two or more separate interests, treatment of
Term interests and joint purchases, 17:126	applicable retained interest as, 17:19
Transfers to family members, 17:58	Valuation
Transfers with a retained interest, valuation, 17:46	generally, 17:33
Transfer tax value of property, options on, 17:135	consideration, received by transferor, reduction
Treatment of applicable family members, 17:57	for, 17:47
Treatment of applicable retained interest as two or more separate interests, 17:19	determining amount of gift, 17:43
Trust transfers	junior equity, minimum valuation of, <b>17:48</b> lower of rule, <b>17:32</b>
generally, 17:78	minimum valuation of junior equity, 17:48
determining whether an interest is retained,	minority or similar discounts, 17:45
17:81	options on transfer tax value of property, 17:135
effect of retention of a power to revoke qualified	QPRT contingent remainder, <b>17:111</b>
interest of transferor's spouse, 17:84	qualified payments, 17:32
exception for transfers of a personal residence,	qualified personal residence trusts, <b>17:104</b>
17:100	retained interests other than qualified interests,
funding GRAT with partnership interests, 17:87,	17:80
17:93	retained interest transfers, 17:46
governing instrument, 17:134	retained rights, 17:18
incomplete transfers, <b>17:99</b> judicial reformation for trusts that do not qualify,	step 2 adjustments, 17:44
17:101	step 4 adjustment, 17:46
member of the family, <b>17:132</b> , <b>17:133</b>	step 4 reduction
personal residence transfer exceptions, 17:100	consideration, received by transferor, 17:47
personal residence trusts, <b>17:105</b>	minority or similar discounts, 17:45
portion of trust, transfers of interests in, 17:131	subtraction method, 17:43 transfers with a retained interest, 17:46
power to revoke a qualified interest of the trans-	transfer tax value of property, options on, 17:135
feror's spouse, effect of retention, 17:84	Vertical slice' exception, 17:42
promissory notes may not be used to pay annuity,	Voting, lapses, zero-value rule interaction with,
17:89	17:35
qualified annuity interest requirements for	Voting rights
GRATs, 17:85, 17:97	definition, 17:70
qualified remainder interest requirements, 17:96	lapse of rights, 17:69
qualified unitrust interest requirements for GRUTs, <b>17:94, 17:95</b>	Waiver elections, qualified payment treatment, 17:36
reformation for trusts that do not qualify, 17:101	Zero value rule
retained powers, zero-value rule applicability to, 17:82	exception for rights previously valued under, 17:73
scope of Chapter 14 rules, 17:79	interaction with rule on lapses of voting or
spouse's revocable interest as qualified interest,	liquidation rights, 17:35
17:92	trust transfers
tangible property exception, 17:128 et seq.	generally, 17:80

## ESTATE FREEZE TRANSFERS—Cont'd

Zero value rule—Cont'd trust transfers—Cont'd applicability to retained powers, **17:82** 

#### **ESTATES**

Administering property subject to claims against the estate, time limitation on deductibility generally, **6:10** 

nonclaims property, **6:11** 

Administration expense deductions. **Taxable Estate** (this index)

Administrative powers, terminable interest rule for marital deductions, **6:174**, **6:175** 

Alternate valuation, effect on estate tax deductions, 4:5

Claims of estates, fair market value, 3:302

Deductions, effect of alternate valuation of, 4:5

Deductions of administration expenses. **Taxable Estate** (this index)

Estimated executor commissions, taxable estate deductions. **6:7** 

Fair market value, estate claims, 3:302

**Gifts Included in Estate** (this index)

Gift tax returns, filing requirements, 18:13

Gross estate determinations, estate, insurance receivable by or for benefit of, **2:34 et seq.** 

Insurance receivable by or for benefit of estate, gross estate determinations, 2:34 et seq.

Multi-hatted administrators, tax trap, 6:49

Protracted administrations, expense deductions, **6:16** 

Special use valuation election requirements, estate held property, **5:45** 

Terminable interest rule for marital deductions, administrative powers, **6:174, 6:175** 

Time limitation on deductibility, administering property subject to claims against the estate generally, **6:10** 

nonclaims property, 6:11

# ESTATE TAX

Generally, 1:1 et seq.

Actuarial tables. See **Fair Market Value** (this index)

Alternate valuation, effect on estate tax deductions, **4:5** 

American Taxpayer Relief Act of 2012 (this index)

Annuity tax rule, 2:283

**Assessment** (this index)

#### ESTATE TAX—Cont'd

Canadian retirement plan's indirect holdings of shares in US corporations not subject to US estate tax, 2:299

Citizenship. See **Nonresidents Not Citizens** (this index)

**Collection of Tax** (this index)

Comparing lifetime and deathtime transfers, 13:5

**Computation of Tax** (this index)

Correlation of gift tax and estate tax, 13:4

**Credits, Tax** (this index)

Date of death, 1:3

Decanting: transfers from one irrevocable trust to another irrevocable trust, 1:12

Deductions, effect of alternate valuation of, 4:5

Disclaimer tax trap, estate and/or GST tax savings as in the minor's best interest, 14:71

Estate Freeze Transfers (this index)

Expatriation tax, unified credit under, 8:63

Fair Market Value (this index)

Filing of Tax Returns (this index)

Foreign Death Taxes Credit (this index)

Freeze transfers. See **Estate Freeze Transfers** (this index)

**Generation-Skipping Transfer Tax** (this index)

Gifts of life interests by terminally ill transferors, fair market value, **3:227** 

Gift to wife of gift tax paid within three years of husband's death included in husband's estate, 14:35

**Gross Estate Determinations** (this index)

GST tax, estate tax inclusion period, 19:107

How the estate tax works, 1:1

Income tax payments, offset of estate tax by beneficiary's overpaid income tax, 10:13

Income tax vs estate tax, nonresidents not citizens estate tax, 8:17

# Installment Payments of Estate Tax on Farm or Closely-held Business (this index)

Interim guidance to tax auditors on pre-appeals conference procedures, **App.** G

IRS Estate & Gift Tax Handbook (Current Version of Examination Technique Handbook), **App. H** 

# **Liens, Federal Tax** (this index)

Life interest gifts of terminally ill transferors, fair market value, 3:227

Minor beneficiaries, disclaimer tax trap, estate and/or GST tax savings as in minor's best interest, **14:71** 

Nature of estate tax, 1:2

Net taxable estate. See **Taxable Estate** (this index)

EVIDENCE AND PROOF-Cont'd

Trusts, Crummey powers, 16:31

#### 1997 legislation, computation, 17:183 Fractional interests discounts, real property valua-Nonresidents Not Citizens (this index) tion, **3:57** Gift tax exclusions, value of gift, 16:7 Operation of estate tax, 1:1 Marital deductions, taxable estate, 6:102 **Payment of Tax** (this index) Portability of credits, 7:13 Real property valuation discounts, fractional interests, 3:57 Property subject to tax. See Gross Estate **Determinations** (this index) Refund claims, district court, 20:22 **Qualified Domestic Trusts** (this index) Taxable estate Rates, Tax (this index) charitable deductions, 6:234 Recapture of estate tax after special use valuation. marital deductions, 6:102 **Special Use Valuation** (this index) EXCISE TAX Recovery of tax from recipient of transferred prop-Gift valuation, effect on, 17:5 erty, 2:197 **Refund Claims** (this index) **EXCLUSIONS** Rev. Proc. 2011-48, 6:4 Annual exclusion. See **Gift Tax** (this index) Sales commissions, valuation, 3:11 Annuity exclusion rule for decedents in pay status **Schedules** (this index) before 1985, 2:298 **Settlements of Tax Disputes** (this index) **Conservation Easements** (this index) State law considerations, 1:5 Coordination of qualified family-owned business deduction and applicable exclusion amount, Subsequent land sales, valuation, 3:22 estate tax, **6:306 Taxable Estate** (this index) Estate tax **Taxpayers' Remedies** (this index) annuity exclusion rule for decedents in pay status Theory of estate tax, 1:1 before 1985, 2:298 2001 legislation, summary of permanent changes, applicable exclusion and applicable credit 1:9 amounts 2010 legislation generally, 7:9 allocation of basis for 2010, 1:10 regulation, post-2025 reduction in basic exclusummary of permanent changes, 1:9 sion amount, 7:10 2012 legislation, summary of permanent changes, 2001 and later deaths, **7:11 Conservation Easements** (this index) Unified credit, 7:9 et seq. coordination of qualified family-owned business US citizens residing in US possessions deduction and applicable exclusion amount, generally, 8:20 6:306 credits, 8:61 regulation, post-2025 reduction in basic exclu-Valuation (this index) sion amount, 7:10 Victims of Terrorism Tax Relief Act of 2001 (this 2001 and later deaths, applicable exclusion and applicable credit amounts, 7:11 What is taxed. See **Gross Estate Determinations** Gifts by nonresidents not citizens (this index) generally, **15:10** transfers to citizen spouse, 15:12 EVASION OF TAX **Criminal Penalties** (this index) annual exclusion amounts, 17:180 EVIDENCE AND PROOF cross gifts, 16:4 Assessment evidence, 12:8 et seq. reciprocal gifts, 16:4 **Burden of Proof** (this index) returns, annual exclusion for transfers not subject Charitable deductions, taxable estate, 6:234 to gift tax, 18:10 District court refund claims, 20:22 trusts, Crummey powers, 16:31 Estate tax valuation, reported valuation, proof Qualified domestic trusts, statement with respect to required to change, 3:3 residence exclusion, 6:223

Foreign death taxes credit, proof of right, 7:49

ESTATE TAX—Cont'd

#### EXCLUSIONS—Cont'd

Uniform gifts and uniform transfers to minors acts, 16:65, 16:72

#### EXECUTORS AND ADMINISTRATORS

Administration expense deductions. See **Taxable Estate** (this index)

Bequest in lieu of commissions, 6:19

Court-ordered commissions, 6:21

Declaration of representative, settlements of estate tax disputes, 11:8

Discharges

collection of gift tax, 18:39

continuance of tax lien after, 12:48

early discharge from personal liability, estate tax, 10:20

Estimated commissions, 6:7

Excess commissions, 6:18

Form, executor's commissions deductions, 6:17

Gift tax, disclaimer treated as taxable transfer, 14:74

Installment payments of estate tax

discharge of executor from personal liability, 10:57

required agreement for special lien to discharge, 10:58

Multi-hatted administrators, tax trap, 6:49

Non-probate property, deductibility executor commissions on, **6:20** 

Non-probate property, executor commissions on, **6:20** 

Returns, filing requirements

estate tax, 9:4

gift tax. 18:14

Settlements of estate tax disputes, declaration of representative, 11:8

Tax trap, multi-hatted administrators, 6:49

# **EXEMPTIONS**

Generation-Skipping Transfer Tax (this index)
Qualified Domestic Trusts (this index)

Tax exempt securities, gross estate determinations, 2:22

#### **EXPATRIATES**

Definition, 15:4

Estate tax rules effective for those who expatriate after June 3, 2004, and before June 17, 2008, 8.6

Estate tax rules effective for those who expatriate after June 17, 2008, 8:7

Expatriation tax, unified credit under, 8:63

Expatriation to avoid tax under prior law, nonresidents not citizens estate tax, **8:5** 

#### EXPATRIATES—Cont'd

Form 8854, expatriation statement, 8:9

**Gift Tax** (this index)

Gross estate determinations, US assets owned through foreign corporation by former US citizen, **8:31 et seq.** 

Unified credit under expatriation tax, 8:63

US assets owned through foreign corporation by former US citizen, gross estate determinations, **8:31 et seq.** 

#### **EXPECTANCIES**

Gross estate determinations of interests held at death, 2:5

#### **EXPERT APPRAISALS**

Conservation easements for gift tax deduction, 16:103

Fair Market Value (this index)

#### **EXPERTS**

Appraisals. Expert Appraisals (this index)

Delinquencies in estate tax payments, reliance on may be reasonable cause for failure to pay, 10:82

Market valuation discounts, expert witnesses, 21:2

#### FAIR MARKET VALUE

Access factors, real property valuation, **3:40** Actual condition of property, estate tax valuation,

Actual sale or bona fide offers, natural resources interests, **3:95** 

Actual vs replacement cost method, real property valuation, **3:82 et seq.** 

Actuarial tables

generally, 3:212

annuities, mathematical computation of actuarial factor, **3:245** 

charitable contribution elections, **3:223**, **3:232** et seq.

date of valuation, 3:221 et seq.

decennial census and update of tables, 3:225

Interest components of valuations, below

interest tables, 3:219

mathematical computation of actuarial factor for annuity, **3:245** 

mentally incompetent decedents, 3:229

mortality components of valuations, 3:214

1999-2008 tables, 3:217

private annuities tax trap, failure to use IRS tables to value annuity, 17:147 et seq.

Section 7520 rules and exceptions, **3:228** 

special factors, IRS rulings, 3:230, 3:231

FAIR MARKET VALUE—Cont'd	FAIR MARKET VALUE—Cont'd
Actuarial tables—Cont'd	Annuities—Cont'd
summary chart, 3:219	present value computations, 3:241 et seq.
tax trap, failure to use IRS tables to value annu-	reinsureds, valuation tables used for, 3:251
ity, <b>17:147 et seq.</b>	semiannual payments, life annuity, 3:248
2009 tables, <b>3:218</b>	settlement agreements secured by commercial
update of tables, decennial census and, 3:225	annuities, 3:310
use of valuation tables, 3:241 et seq.	term of years
valuation tables, 3:219	generally, 3:249
Adequate and full consideration, restricted shares	present value, 3:244
and business interests, 3:168	valuation tables used for reinsured or coinsured,
Aggregation, close corporation shares	3:251
generally, 3:132	Appropriate market issues, estate tax valuation, 3:7
shares held in marital trust aggregated with shares owned outright, 3:135	Artificial markets, estate tax valuation, <b>3:8</b> Art works
Agreements containing rights or restrictions,	generally, <b>3:269</b>
restricted shares and business interests, <b>3:162</b>	\$20,000, valuations exceeding, <b>3:273</b>
Agreements restricting sales, 1990 legislation,	discounts for artwork owned in co-tenancy,
3:164	22:10
Aircraft, <b>3:275</b>	expert appraisals, 3:271
<b>Alternate Valuation</b> (this index)	IRS art advisory panel, <b>3:272 et seq.</b>
Amount receivable after death under pre-death	Assignments of notes, 3:202
right, alternate valuation, <b>4:24</b>	Auction process, retail value established through
Analytical appraisal, natural resources interests,	for jewelry and gems, <b>3:291</b>
3:96	Auction sales, estate tax valuation, <b>3:26, 3:27</b>
Annual indexed amounts, <b>App. F</b>	Autographs, Books, manuscripts, autographs, and
Annuities	signatures, below
adjustment factors for payments at end of speci-	Automobiles, 3:275
fied period, <b>3:246</b> alternate valuation	Bargain sales, estate tax valuation, 3:12
generally, <b>4:22</b>	Basis for valuation, IRS obligation to disclose,
death of surviving annuitant within alternate	estate tax valuation, 3:33
valuation period, <b>4:23</b>	Basis step up, restricted shares and business
coinsureds, valuation tables used for, <b>3:251</b>	interests, 3:188
commercial, 3:210	Beneficiary basis differing from estate tax, close
death of surviving annuitant within alternate	corporation shares, 3:129
valuation period, <b>4:23</b>	Bid and asked prices, securities, <b>3:99</b>
final payment adjustment factors, 3:246	Blocks of securities
income payable for such time as one person	generally, 3:104 et seq.
survives another, <b>3:255</b>	aggregation, no aggregation rule, 3:108
life annuity, present value	disclaimer to convert controlling interest into a
generally, 3:243	minority interest, 3:107
monthly payments, 3:247	less-than majority blocks, <b>3:106</b>
semiannual payments, 3:248	liquidation, 3:109
lottery annuity payments	rebuttable presumption, 3:105
generally, <b>3:220</b>	Restricted shares and business interests, below
IRS lottery rules, 3:242	underwriting fees, 3:110
mathematical computation of actuarial factor for	Boats and ships
annuity, <b>3:245</b>	generally, 3:276 et seq.
monthly payments, life annuity, 3:247	commercial and trade publications use, 3:276
multiple lives, <b>3:250</b>	depreciation, 3:277
noncommercial, 3:212 et seq.	Maritime Administration valuations, <b>3:278</b>

FAIR MARKET VALUE—Cont'd Bona fide business arrangements exception,	FAIR MARKET VALUE—Cont'd Claims—Cont'd
restricted shares and business interests, <b>3:156</b> ,	
3:170	tax refunds arising from, <b>3:299</b> , <b>3:300</b> Classified advertisements, sales through, estate tax
Books, manuscripts, autographs, and signatures	valuation, <b>3:26, 3:27</b>
complete works of well-known people, 3:282	Close corporation shares
expert appraisals, 3:280	generally, 3:118 et seq.
factors taken into consideration for valuation,	aggregation
3:281	generally, 3:132
modest collections, 3:284	shares held in marital trust aggregated with
signature valuations, 3:283	shares owned outright, 3:135
well-known people, complete works of, 3:282	alternate valuation date, 3:125
Book value, real property valuation, <b>3:49</b>	beneficiary basis differing from estate tax fair
Building lots, <b>3:60</b>	market value, 3:129
Business interests	capital gains tax discount, 3:127, 3:128
generally, 3:141 et seq.	capitalization of income method, 3:126
Goodwill, below	deferrable condemnation award, 3:128
partnerships, 3:142	earnings based valuation, 3:122
Restricted shares and business interests, below	estate tax fair market value, beneficiary basis
Business properties, special use valuation, 5:5	differing from, 3:129
Buyer's premium, estate tax valuation, 3:11	excessive earnings value, <b>3:130</b>
Buy-sell agreements funded by life insurance,	expert appraisal, 3:134
restricted shares and business interests, <b>3:185 et seq.</b>	factors to be considered in determining value, 3:119, 3:123
Capital gains tax discount, close corporation shares,	income capitalization method, 3:126
3:127, 3:128	Kohler Case, 3:125
Capitalization of income method, close corporation shares, <b>3:126</b>	marital trust shares aggregated with shares owned outright, <b>3:135</b>
Cash versus installment sale, estate tax valuation,	minority interests, 3:131
3:9	post-death corporate reorganization reducing
Catalog use, coin collections, 3:293	stock value, 3:125
Certificates of deposit, 3:196	post-valuation date sales, <b>3:121</b>
Changes in neighborhood, real property valuation,	Restricted shares and business interests, below
3:39	sale price approach to valuation, 3:120
Charitable contribution elections, <b>3:223</b> , <b>3:232</b> et	unitary interest, voting and nonvoting stock
seq. Charitable donation valuations, natural resources	valued as, 3:133
interests, <b>3:97</b>	various valuations, 3:124
Charitable interests, alternate valuation date elec-	voting and nonvoting stock valued as unitary interest, 3:133
tions for, 3:223, 3:232 et seq.	Closely held businesses, elections, actual use, <b>3:68</b>
Circumstances at time of valuation, natural	Closely held stock, post-death sale used to value,
resources interests, 3:93	3:20
Claims	Coin collections
generally, <b>3:299 et seq.</b>	generally, 3:293 et seq.
contingent legal fee, 3:301	catalog and reference material use, <b>3:293</b>
decedents' estates, claims of, 3:302	expert appraisals, 3:297
	monetary face value and market value
deferred compensation employment contract, 3:303	distinguished, 3:295
employment contract deferred compensation,	premiums, consideration of, <b>3:296</b>
3:303	silver coins, 3:294
future contingent legal fee, 3:301	Coinsureds, valuation tables used for, 3:251
litigation, 3:304	Collectibility issues, notes, 3:198, 3:200

#### FAIR MARKET VALUE—Cont'd

Combining discounts with special use valuation, **5:28** 

Combining properties to achieve highest and best use, **3:46** 

Commercial annuities

generally, 3:210

settlement agreements secured by, 3:310

Commercial publications use, boat and ship valuations, 3:276

Community property

generally, 3:306

life insurance, 3:209

Comparables

real property valuation, 3:77, 3:80

replacement cost valuation compared, 3:24

restricted shares and business interests, **3:157** special use valuation, formula method of

determining special use value, **5:61**Comparable sales after valuation date, real property valuation, **3:79** 

Condemnation awards, real property valuation, 3:50

Condition of property, estate tax valuation, **3:6** 

Conservation easements, 3:75

Consideration, restricted shares and business interests, **3:179** 

Contingent cancellation provisions, mortgages, 3:204

Contingent legal fees, 3:301

Contingent or contested claims and post-death events, estate tax valuation, **3:17** 

Controlling interests. Blocks of securities, above

Corporate-owned real estate, special use valuation elections, 5:74

Corporation property, special use valuation election requirements, **5:27**, **5:42** 

Cost as basis for valuation, natural resources interests, **3:94** 

Co-tenancies, 3:307, 22:10

Crops, splitting from farmland, 3:67

Date of valuation

actuarial tables, 3:221 et seq.

alternate valuation date elections for charitable interest, **3:223**, **3:232** et seq.

changes in value between purchase date and valuation date, **3:83** 

charitable interests, alternate valuation date elections for, **3:223**, **3:232** et seq.

comparable sales after valuation date, real property valuation, **3:79** 

death cash value, estate tax valuation, 3:10

## FAIR MARKET VALUE—Cont'd

Date of valuation—Cont'd

effect of later events, estate tax valuation, **3:16**, **3:20**, **3:21** 

elections of alternate valuation dates for charitable interest, **3:223**, **3:232** et seq.

post-valuation date events estate tax valuation, 3:19

sale price shortly after valuation date, value based on, **3:14** 

Decedents' estates, claims of, 3:302

Decrease in value limitation, special use valuation, 5.7

Defects, real property valuation, 3:37

Defenses to collection of notes, 3:200

Deferrable condemnation award, close corporation shares, **3:128** 

Deferred compensation claims under employment contracts, 3:303

Depreciable or depletable property, remainder interests, **3:265** 

Depreciation factor

boats and ships, 3:277

real property valuation, 3:84

Discounted cash flow analyses, unimproved real property valuation, **3:66** 

Discounted valuation, remainder interest includible with, **3:259** 

Discounted valuation, reversionary interest includible with, 3:260

Discounts

#### **Market Valuation Discounts** (this index)

proof of discount, fractional interests, real property valuation, **3:57** 

Dividends

alternate valuation, 4:17

mutual fund shares, 3:137

Donor's estate, inter vivos transfers includible in, 3:264

Dribble-out valuation method, restricted shares, 3:115

Earnings based valuation, close corporation shares, 3:122

Easements

generally, 3:74, 3:163

conservation easements, 3:75

Effect of later events, estate tax valuation, **3:16**, **3:20**, **3:21** 

Elections

actual use. 3:68

**Alternate Valuation** (this index)

FAIR MARKET VALUE—Cont'd	FAIR MARKET VALUE—Cont'd
Elections—Cont'd	Estate tax—Cont'd
alternate valuation dates for charitable interest, 3:223, 3:232 et seq.	liquidation transfers, indeterminable value property, <b>3:31</b>
<b>Special Use Valuation</b> (this index)	methods of establishing, 3:24 et seq.
Employees' restricted shares and business interests,	no ascertainable value property, 3:28
3:193	objective standard, 3:5
Employment contract deferred compensation claims, <b>3:303</b>	post-death events, contingent or contested claims and, <b>3:17</b>
Encumbrances, real property subject to, <b>3:71</b> Environmental factors, real property valuation, <b>3:38</b>	post-death sale used to value closely held stock, 3:20
Equipment, 3:279	post-valuation date events, 3:19
Estate, inter vivos transfers includible in, <b>3:264</b>	property exchanges, 3:25
Estate tax	property with no ascertainable value, 3:28
generally, <b>3:4 et seq.</b>	Real property, below
actual condition of property, 3:6	replacement cost vs comparable sales, 3:24
Actuarial tables, above	restricted markets, 3:8
appropriate market issues, 3:7	revaluation of gifts, 3:18
artificial markets, 3:8 auction sales, 3:26, 3:27	sale price shortly after valuation date, value based on, <b>3:14</b>
bargain sales, 3:12	sales commission, 3:11
basis for valuation, IRS obligation to disclose,	Securities, below
3:33	stolen property, <b>3:15</b>
basis of beneficiary differing from FMV, close	subsequent land sales, 3:22
corporation shares, 3:129	value based on sale price shortly after valuation
beneficiary basis differing from FMV, close corporation shares, <b>3:129</b>	date, <b>3:14</b>
buyer's premium, 3:11	valueless property, <b>3:29</b> worthless property, <b>3:29</b>
cash versus installment sale, 3:9	Excessive earnings value, close corporation shares,
classified advertisements, sales through, <b>3:26</b> , <b>3:27</b>	3:130
closely held stock, post-death sale used to value, 3:20	Exchanges of property, estate tax valuation, <b>3:25</b> Ex-dividend sales of stock, <b>3:103</b>
comparable sales vs replacement cost, 3:24	Expert appraisals
condition of property, <b>3:6</b>	art works, <b>3:271</b>
contingent or contested claims and post-death events, 3:17	books, manuscripts, autographs, and signatures, <b>3:280</b>
date of death cash value, 3:10	close corporation shares, 3:134
effect of later events, 3:20, 3:21	coin collections, 3:297
effect of later events on valuation, 3:16	household and personal effects, 3:267
exchanges of property, 3:25	jewelry and gems
forced sales, 3:13	generally, 3:286
gift revaluations, 3:18	IRS experts, <b>3:288</b> , <b>3:290</b>
Improved real property, below	ultimate market as key to appraisal, 3:287
indeterminable value property generally, <b>3:30</b>	substantiation requirements, household and personal effects appraisals, <b>3:268</b>
IRS policy when value cannot be determined, 3:32	ultimate market as key to appraisal, jewelry and gems, <b>3:287</b>
liquidation transfers, 3:31	Factors considered
installment sale versus cash, 3:9	books, manuscripts, autographs, and signatures,
IRS policy when value cannot be determined,	3:281
3:32	close corporation shares, 3:119, 3:123

FAIR MARKET VALUE—Cont'd	FAIR MARKET VALUE—Cont'd
Factors considered—Cont'd	Highest and best use—Cont'd
one life and a term of years, use of valuation	special use valuation, <b>5:1</b>
tables, <b>3:256</b>	Historically significant land and improvements,
real property valuation, 3:35	3:70
unimproved real property valuation, 3:59	Household and personal effects
Failing health issues, restricted shares and business	generally, 3:266 et seq.
interests, 3:173	Art works, above
Family limited partnerships	expert appraisals
generally, 3:151 et seq.	generally, 3:267
Amlie case, 3:158	substantiation requirements, 3:268
bona fide business arrangements exception, 3:156	substantiation requirements, expert appraisals, <b>3:268</b>
controlling interests held by non-family	Identity of property to be valued, 3:23
members, <b>3:159</b>	Improved real property
insurance proceeds exclusion, 3:155	generally, <b>3:69</b>
modifications, <b>3:154</b> 1990 legislation, <b>3:152</b>	historically significant land and improvements, 3:70
recognition for estate tax purposes, 3:149	Income capitalization method
restrictions defined, 3:153	generally, <b>3:85 et seq.</b>
special valuation rules, 3:151	close corporation shares, 3:126
Farms	estimates of income, 3:87
generally, <b>3:61</b>	leases, <b>3:89</b>
elections, actual use, 3:68	rental property, <b>3:86, 3:88</b>
grazing permits, 3:62	unimproved real property valuation, 3:65
special use valuation, <b>5:5</b>	Income on annuity payable for such time as one
splitting crops and timber from farmland, 3:67	person survives another, 3:255
Federal National Mortgage Association mortgages, 3:206	Incomplete selling prices or bid and asked prices, 3:100
First refusal rights, restricted shares and business interests, <b>3:181</b>	Indebtedness deductions, special use valuation property, <b>5:8</b>
Flower bonds, <b>3:138 et seq.</b>	Indeterminable value property, estate tax valuation
Forced sales, estate tax valuation, <b>3:13</b>	generally, <b>3:30</b>
Formula price issues, restricted shares and business interests, <b>3:177</b>	IRS policy when value cannot be determined, 3:32
Fractional interests, real property valuation	liquidation transfers, 3:31
generally, <b>3:54</b>	Individual retirement accounts, 3:308
factor analyses, <b>3:55 et seq.</b>	Ineffective restrictions on sales of restricted shares
Gems. Jewelry and gems, below	and business interests, 3:180
General redemption provisions, restricted shares and business interests, <b>3:183</b>	Information required with tax return for deduction of present value of temporary or remainder
Gift revaluations, estate tax valuation, 3:18	interest, 3:240
Goodwill	Installment obligation notes, 3:197
generally, 3:144 et seq.	Installment sales
IRS formula, <b>3:145, 3:146</b>	cash sales compared, 3:9
Grantor retained annuity trusts, retained interests,	real property valuation, 3:58
3:257	Insurance issues, restricted shares and business
Grazing permits, farm land, 3:62	interests, 3:172
Highest and best use	Insurance proceeds exclusion, restricted shares and
combining properties to achieve highest and best	business interests, 3:155
use, <b>3:46</b>	Interest bearing obligations, alternate valuation,
real property valuation, 3:41 et seq.	4:14

FAIR MARKET VALUE—Cont'd	FAIR MARKET VALUE—Cont'd
Interest components of valuations	Life estates—Cont'd
generally, 3:214	remainder interest includible in life estate trust
impact of higher interest rates, 3:216	—Cont'd
rate determinations, 3:215	invasion powers, <b>3:263</b>
Interest in property requirement, special use valua-	Life insurance
tion elections, <b>5:73</b>	generally, 3:207 et seq.
Interest rate determinations, 3:215	community property, 3:209
Intervivos transfers, restricted shares and business	decedent's life, 3:207
interests, 3:167	funded buy-sell agreements, 3:185 et seq.
Inter vivos transfers includible in donor's estate, 3:264	other person's life, 3:208
	simultaneous death of owner and insured, <b>3:211</b>
Inter vivos trust, remainder interest includible in, 3:261	Life interest and ordinary term-of-years, use of valuation tables, <b>3:253</b>
Invasion rights after decedent's death in remainder	Life interest gifts of terminally ill transferor, <b>3:227</b>
and reversionary interests, 3:258	Likeness and media interests, Estate of Jackson vs.
IRS formulae, goodwill, 3:145, 3:146	Commissioner, 3:285
IRS guidelines, unimproved real property valuation, <b>3:78</b>	Limited partnerships, restricted shares and business interests, <b>3:171</b>
IRS policy when value cannot be determined, estate tax valuation, <b>3:32</b>	Liquidation transfers, indeterminable value property, <b>3:31</b>
Jewelry and gems	Litigation, claims in, 3:304
auction process, retail value established through,	Location, real property valuation, 3:36
3:291	Lottery annuity payments
expert appraisals	generally, 3:220
generally, 3:286 et seq.	IRS lottery rules, 3:242
IRS experts, <b>3:288</b> , <b>3:290</b>	Madoff Ponzi Scheme, identity of property to be
ultimate market as key to appraisal, 3:287	valued, <b>3:23</b>
retail value established through auction process, <b>3:291</b>	Manuscripts, Books, manuscripts, autographs, and signatures, above
ultimate market as key to appraisal, 3:287	Marital trust shares aggregated with shares owned
Jointly owned property, 3:305	outright, close corporation shares, 3:135
Known best use factors at time of death, real prop-	Maritime Administration valuations of ships, 3:278
erty valuation, 3:45	Marketability discounts, ranch property, 3:64
Kohler Case, close corporation shares, 3:125	Market absorption discount, real property valuation
Land use restrictions, real property valuation, 3:72	3:53
Lapse of time factors, alternate valuation, <b>4:20 et</b>	Market Valuation Discounts (this index)
seq. Large blocks, restricted shares and business	Methods of establishing
interests, 3:184	estate tax valuation, 3:24 et seq.
Last-to-die factors, use of valuation tables, <b>3:254</b>	real property valuation, <b>3:77</b> special use valuation, <b>5:24</b>
Leases	Minority interests, close corporation shares, 3:131
generally, <b>3:91</b>	Miscellaneous real property interests, <b>3:90 et seq.</b>
alternate valuation, <b>4:16</b>	Mixed use real property valuation, 3:43
income capitalization valuation of realty, <b>3:89</b>	Modifications, family limited partnerships, <b>3:154</b>
real property valuation, lease interests affecting,	Mortality component of valuation, 3:224
3:73	Mortality components of valuations, 3:224
Life estates	Mortgages
generally, <b>3:212 et seq.</b>	generally, 3:51, 3:76, 3:203 et seq.
Actuarial tables, above	contingent cancellation provisions, <b>3:204</b>
remainder interest includible in life estate trust	Federal National Mortgage Association mort-
generally, 3:262	gages, 3:206

FAIR MARKET VALUE—Cont'd	FAIR MARKET VALUE—Cont'd
Mortgages—Cont'd	Offers or options to buy or sell, real property valua-
participation certificate, 3:205	tion, <b>3:52</b>
Multiple lives annuities, 3:250	Ordinary term-of-years and life interest, use of
Mutual fund shares	valuation tables, 3:253
generally, <b>3:136</b>	Partial assignments, notes, <b>3:202</b>
dividends, 3:137	Partnership interests, <b>3:142</b>
Natural resources interests	Partnership property, special use valuation election requirements, <b>5:27</b> , <b>5:42</b>
generally, 3:92	Partnerships, restricted shares and business
actual sale or bona fide offers, 3:95	interests, 3:175
analytical appraisal, 3:96	Part-time activities, special use valuation, election
charitable donation valuations, <b>3:97</b>	requirements, 5:38 et seq.
circumstances at time of valuation, 3:93	Personal effects, Household and personal effects,
cost as basis for valuation, <b>3:94</b>	above
Neighborhood changes, real property valuation, 3:39	Physical qualities and defects, real property valuation, <b>3:37</b>
1990 legislation	Pledged shares of stocks and bonds, 3:116
agreements restricting sales, 3:164	Post-death corporate reorganization reducing stock
family limited partnerships, 3:152	value, close corporation shares, <b>3:125</b>
options, <b>3:164</b>	Post-death events, contingent or contested claims, estate tax valuation, <b>3:17</b>
restricted shares and business interests, 3:148 et	Post-death sale used to value closely held stock,
seq.	estate tax valuation, 3:20
No ascertainable value property, estate tax valuation, 3:28	Post-valuation date events estate tax valuation, <b>3:19</b>
Noncommercial annuities	Post-valuation date sales, close corporation shares,
	3:121
generally, <b>3:212 et seq.</b> Actuarial tables, above	Pre-death right, amount receivable after death
Noninterest bearing obligations, alternate valuation,	under, alternate valuation, <b>4:24</b>
4:15	Pre-estate tax law restrictions, restricted shares and business interests, <b>3:174</b>
Notes	Premiums, consideration of, coin collections, <b>3:296</b>
generally, 3:194	Presumptive fair market value, notes, 3:194
assignments, 3:202	Private annuities, tax trap, failure to use IRS tables
certificates of deposit, 3:196	to value annuity, 17:147 et seq.
collectibility issues, 3:198, 3:200	Private debt, 22:36
defenses to collection, 3:200	Property exchanges, estate tax valuation, 3:25
discounts, evidentiary requirements, <b>3:195</b> installment obligation notes, <b>3:197</b>	Property with no ascertainable value, estate tax
interest rate issues, 3:201	valuation, <b>3:28</b> Ranch property
	generally, 3:63
partial assignments, 3:202	marketability discounts, <b>3:64</b>
presumptive FMV, <b>3:194</b> secured notes, <b>3:199</b>	Real property
terms affecting FMV, 3:201	generally, <b>3:34 et seq.</b>
valuation less than face amount, evidentiary	access, 3:40
requirements, 3:195	actual vs replacement cost method, 3:82 et seq.
No value securities, 3:117	book value, 3:49
Objective standard, estate tax valuation, 3:5	changes in neighborhood, 3:39
Obligations, interest bearing, alternate valuation,	changes in value between purchase date and
4:14	valuation date, 3:83
Obligations, noninterest bearing, alternate valuation, <b>4:15</b>	combining properties to achieve highest and best use, <b>3:46</b>

AIR MARKET VALUE—Cont'd	FAIR MARKET VALUE—Cont'd
Real property—Cont'd	Reference material use, coin collections, <b>3:293</b>
comparables	Registration costs, restricted shares, <b>3:114</b>
generally, <b>3:77</b> , <b>3:80</b>	Reinsureds, valuation tables used for, <b>3:251</b>
sales after valuation date, 3:79	Remainder interests
condemnation awards, <b>3:50</b>	generally, 3:212 et seq.
defects, 3:37	Actuarial tables, above
depreciation factor, <b>3:84</b>	alternate valuation, <b>4:21</b>
encumbrances, 3:71	depreciable or depletable property, <b>3:265</b>
environment, 3:38	discounted valuation, remainder interest includ-
estimates of income, <b>3:87</b>	ible with, <b>3:259</b>
factors, 3:35	information required with tax return for deduc-
fractional interests	tion of present value of temporary or
generally, <b>3:54</b>	remainder interest, 3:240
factor analyses, 3:55 et seq.	inter vivos trust, remainder interest includible in, 3:261
highest and best use, 3:41 et seq.	invasion rights after decedent's death, 3:258
historically significant land and improvements,	life estate trust, remainder interest includible in
3:70	generally, 3:262
Improved real property, above	invasion powers, 3:263
Income capitalization method, above	use of valuation tables, 3:252
installment sales, 3:58	Rental property, income capitalization valuation of
known best use factors at time of death, 3:45	realty, <b>3:86, 3:88</b>
land use restrictions, 3:72	Replacement cost vs comparable sales, estate tax
leases	valuation, 3:24
generally, <b>3:73, 3:91</b>	Replacement vs actual cost method, real property
income capitalization valuation of realty, <b>3:89</b>	valuation, <b>3:82 et seq.</b>
location, 3:36	Restricted markets, estate tax valuation, <b>3:8</b>
market absorption discount, 3:53	Restricted shares and business interests
methods of establishing, 3:77	generally, <b>3:111 et seq.</b> , <b>3:148 et seq.</b>
miscellaneous interests, 3:90 et seq.	adequate and full consideration, 3:168
mixed use property, 3:43	agreements containing rights or restrictions,
mortgages, 3:51, 3:76	3:162
Natural resources interests, above	Amlie case, 3:158
neighborhood changes, 3:39	basis step up, 3:188
offers or options to buy or sell, 3:52	bona fide business arrangement exception, <b>3:170</b>
physical qualities and defects, 3:37	bona fide business arrangements exception,
proof of discount, fractional interests, 3:57	3:156
replacement vs actual cost method, 3:82 et seq.	buy-sell agreements funded by life insurance,
restrictions, 3:71	3:185 et seq.
rezoning issues, 3:44	comparables applicability, 3:157
subdivision analyses, <b>3:81</b>	consideration, 3:179
tax assessments	controlling interests issues, 3:159
generally, <b>3:47</b>	discounts, 3:113
assessed value, 3:48	dribble-out valuation method, 3:115
timeshares, 3:56	easements, 3:163
Unimproved real property, below	employees, 3:193
zoning issues, 3:71	factors considered, 3:112
Recapture of estate tax after special use valuation.	failing health issues, 3:173
Special Use Valuation (this index)	Family limited partnerships, above
Reciprocal arrangements, restricted shares and busi-	first refusal rights, 3:181
ness interests, 3:192	formula price issues, 3:177

FAIR MARKET VALUE—Cont'd	FAIR MARKET VALUE—Cont'd
Restricted shares and business interests—Cont'd	Securities—Cont'd
general redemption provisions, 3:183	bid and asked prices, 3:99
ineffective restrictions, 3:180	Blocks of securities, above
insurance issues, 3:172	Close corporation shares, above
insurance proceeds exclusion, 3:155	disclaimer to convert controlling interest into a
intervivos transfers, 3:167	minority interest, 3:107
large blocks, 3:184	discounts, restricted shares, 3:113
life insurance funded buy-sell agreements, 3:185 et seq.	dribble-out valuation method, restricted shares, 3:115
limited partnerships, 3:171	ex-dividend sales of stock, 3:103
multiple rights or restrictions, 3:160	incomplete selling prices or bid and asked prices,
1990 legislation, <b>3:148 et seq.</b>	3:100
partnerships, 3:175	less-than majority blocks, 3:106
pre-estate tax law restrictions, 3:174	liquidation of large blocks, 3:109
reciprocal arrangements, 3:192	no value, <b>3:117</b>
registration costs, 3:114	pledged shares of stocks and bonds, 3:116
sale price of shares, 3:176	rebuttable presumptions, blocks of securities,
testamentary options, 3:191	3:105
testamentary purpose, 3:178	registration costs, restricted shares, 3:114
transfer tax value, 3:150	Restricted shares and business interests, above
value greater than fair market value, 3:182	sales price not reflecting value, 3:102
voting trusts, <b>3:189</b> , <b>3:190</b>	traded and untraded, 3:101
Restrictions, real property subject to, 3:71	underwriting fees, 3:110
Retained interests, grantor retained annuity trusts, 3:257	Settlement agreements secured by commercial annuities, <b>3:310</b>
Revaluation of gifts, estate tax valuation, 3:18	Ships. Boats and ships, above
Reversionary interests	Signatures, Books, manuscripts, autographs, and
generally, 3:212 et seq.	signatures, above
Actuarial tables, above	Simultaneous death of owner and insured, life
alternate valuation, <b>4:21</b>	insurance, 3:211
discounted valuation, reversionary interest includible with, <b>3:260</b>	Special factors, IRS rulings, actuarial tables, <b>3:230</b> , <b>3:231</b>
invasion rights after decedent's death, 3:258	Special valuation rules
use of valuation tables, 3:252	generally, 3:257
Rezoning issues, real property valuation, <b>3:44</b>	family limited partnerships, 3:151
Sale price approach to valuation, close corporation	Stamp collections, 3:292
shares, <b>3:120</b>	Stolen property, estate tax valuation, <b>3:15</b>
Sale price of shares, restricted shares and business interests, <b>3:176</b>	Subdivision analyses, unimproved real property valuation, <b>3:81</b>
Sale price shortly after valuation date, value based	Subsequent land sales, estate tax valuation, 3:22
on, estate tax valuation, <b>3:14</b>	Tables, valuation
Sale restrictions. Restricted shares and business	generally, 3:241 et seq.
interests, above	last-to-die factors, <b>3:254</b>
Sales price not reflecting value, securities, 3:102	reinsured or coinsured, 3:251
Seasonal activities, special use valuation election	Tax assessments, real property valuation
requirements, <b>5:38 et seq.</b>	generally, <b>3:47</b>
Secured notes, 3:199	assessed value, 3:48
Securities	Tax refunds arising from claims, 3:299, 3:300
generally, <b>3:98 et seq.</b>	Terminally ill
aggregation, no aggregation rule, 3:108	definition, 3:226

#### FAIR MARKET VALUE—Cont'd FAIR MARKET VALUE—Cont'd Unimproved real property—Cont'd Terminally ill—Cont'd life interest gifts of terminally ill transferor, IRS guidelines, 3:78 3:227 ranch property, 3:63 Term of years annuities splitting crops and timber from farmland, 3:67 generally, 3:249 subdivision analyses, 3:81 present value, 3:244 timber, splitting from farmland, 3:67 Terms for years interest Unitary interest, voting and nonvoting stock valued generally, 3:212 et seq. as, close corporation shares, 3:133 Actuarial tables, above US savings bonds Testamentary options, restricted shares and business generally, 3:140 interests, 3:191 discounts, 3:309 Testamentary purpose, restricted shares and busi-Value based on sale price shortly after valuation ness interests, 3:178 date, estate tax valuation, 3:14 Timber, splitting crops and timber from farmland, Value greater than fair market value, restricted 3:67 shares and business interests, 3:182 Timeshares, 3:56 Valueless property, 3:29 Traded and untraded securities, 3:101 Voting and nonvoting stock valued as unitary inter-Trade publications use, boat and ship valuations, est, close corporation shares, 3:133 3:276 Voting trusts, restricted shares and business Transfers of property, election requirements, special interests, **3:189**, **3:190** use valuation, 5:33 Well-known people, complete works of, 3:282 Transfer tax value, restricted shares and business Worthless property, estate tax valuation, 3:29 interests, 3:150 Zoning issues, real property valuation, **3:71** Trust interests generally, 3:212 et seq. FAMILY BUSINESSES Actuarial tables, above Consent of heirs and interested parties, estate tax Trust property, special use valuation election deductions, 6:310 requirements, 5:11, 5:27, 5:42, 5:43 Coordination of qualified family-owned business deduction and applicable exclusion amount, inter vivos trust, remainder interest includible in, 6:306 3.261 Coordination of qualified family-owned business remainder interest includible in inter vivos trust. deduction and marital deduction, 6:307 3.261 Elections, family-owned business deductions, **6:309** remainder interest includible in life estate trust Estates to which Section 2057 deduction applies, generally, 3:262 6:308 et seq. invasion powers, **3:263** Estate tax deductions. **Taxable Estate** (this index) Ultimate market as key to appraisal, jewelry and Fifty percent liquidity test, estate tax deductions, gems, 3:287 6:311 Underwriting fees, securities, 3:110 Gift to, terminable interest rule, 16:154 Undistributed corporate earnings, alternate valua-Gift valuation, 17:142 tion, 4:18 Heirs, consent and liability of, estate tax deduc-Unimproved real property tions, **6:310** generally, 3:59 Interested parties, consent and liability of, estate tax building lots, **3:60** deductions, 6:310 crops, splitting from farmland, 3:67 Liability of heirs and interested parties, estate tax discounted cash flow analyses, 3:66 deductions, 6:310 elections, actual use, 3:68 Limited partnerships. Family Limited Partnerfactors considered, 3:59 **ships** (this index) Farms, above Liquidity test, estate tax deductions, 6:311 Improved real property, above Material participation test, estate tax deductions, income capitalization method, 3:65 6:312

## FAMILY BUSINESSES—Cont'd

Qualified family owned business deduction repeal, **6:302** 

Qualified family-owned business interests, estate tax deductions

generally, 6:313

Section 6166, 6:314

Recapture tax, estate tax deductions, **6:315 et seq.** Special valuation rules

generally, 17:14 et seq.

**Estate Freeze Transfers** (this index)

Stock redemptions affecting estate tax deductions, **6:321** 

Written agreement elections, family-owned business deductions, 6:309

# FAMILY LIMITED PARTNERSHIPS (FLPs)

Additional discount for installment payments under FLP right to purchase interest, **22:4** 

Amlie case, **3:158** 

Bona fide business arrangements exception, **3:156** Controlling interests held by non-family members, **3:159** 

Failed FLPs. 22:50

Fair Market Value (this index)

Gifts of FLP Interests, 22:49

Gift tax exclusions

family limited partnership limited interests, 16:20

planning, **16:50** 

Gross estate determinations, transfers with retained life estates, **2:152** 

Insurance proceeds exclusion, 3:155

Interest accruing after death, deductibility FLP loan to estate, **6:34** 

IRS position on family limited partnerships and discounting, 22:44, 22:47

Limited interests, gift tax exclusions, 16:20

Loan to estate, interest accruing after death, deductibility, **6:34** 

Marital deduction, taxable estate, 6:151

Market valuation discount, transfers to FLP, 21:11

Modifications, 3:154

1990 legislation, 3:152

Recognition for estate tax purposes, 3:149

Restrictions on transfers of interests, 3:153

Taxable estate, marital deduction, 6:151

Transfer of interest, dollar amount or percentage, 22:51

Transfers to FLPs, market valuation discount, 21:11

## **FARMS**

Charitable nontrust remainders as qualifying transfers

generally, 6:271

valuation, 6:272

Crop share leases, special use valuation election requirements, **5:40** 

Definition, farms, farming purposes, 5:21

Fair Market Value (this index)

Filing estate tax returns, 9:7, 9:8

# Installment Payments of Estate Tax on Farm or Closely-held Business (this index)

Limited partnership interests, special use valuation, 5:29

Nonagricultural development rights, recapture of estate tax on sale of, **5:98** 

Nonagricultural development rights sales, recapture of estate tax after special use valuation, **5:98** 

Outright remainder in, gift tax charitable deductions, 16:131

Special use valuation, 5:5

election requirements

generally, 5:20, 5:21

crop share leases, 5:40

farmland limited partnership interests, **5:29** 

recapture of estate tax on sale of nonagricultural development rights, **5:98** 

## **FIDUCIARIES**

Assessment against, limitation periods, **12:19** et seq.

Collection suits against, 12:38

Estate freeze transfers, substitution power exercisable in a fiduciary capacity, **17:97** 

**Executors and Administrators** (this index)

Gift tax

collection, notice of fiduciary relationship, **18:44** waivers of fiduciary's statutory fees as taxable transfer, **14:152** 

Life insurance held in fiduciary capacity. See **Gross Estate Determinations** (this index)

Limitation periods, assessment against, 12:19 et seq.

Notice of fiduciary relationship

Form 56, 11:6

gift tax collection, 18:44

settlements of estate tax disputes, 11:2 et seq.

Payment of tax, early discharge from personal liability, **10:21** 

Waivers of statutory fees as gift taxable transfer, 14:152

LING OF TAX RETURNS	FILING OF TAX RETURNS—Cont'd
Additional estate tax return for early disposition of	Estate tax—Cont'd
farm or closely held business, 9:7, 9:8	grantor trust not included in gross estate, no IRS
Administrators, gift tax filing requirements, <b>18:14</b>	basis guidance issued, 9:42
Agents, gift tax filing requirements, 18:16	incomplete returns, 9:34
Amended returns	IRS website and telephone service center, 9:39
estate tax, 9:36	missing persons, 9:9
gift tax, <b>17:189</b>	nondelegable duty to file, 9:28 et seq.
Annual exclusion, transfers not subject to gift tax,	nonresident alien's estate tax return, 9:2
18:10	obtaining forms and publications, 9:38, 9:39
Authority to sign return, estate tax, 11:9	penalties for late filing, 9:31 to 9:33
Basis. Estate tax, below	persons required to disclose information regard-
Charitable transfers, transfers not subject to gift tax, <b>18:11</b>	ing estate, <b>9:14</b> possessors of estate assets, filing requirements,
Citizens or residents, form of gift tax return, 18:30	9:5
Closely held business, additional estate tax return	presumption of death, 9:10
for early disposition, 9:7, 9:8	private delivery service, 9:19, 9:20
Combat zone service postponements, <b>9:35</b>	recordkeeping and record retention requirements,
Contents of gift tax return, 18:27	9:11
Corporations, gift tax filing requirements, 18:13	Secretary of Treasury filings, 9:6
Criminal Penalties (this index)	signing and verification of estate tax returns, 9:15
Delinquency in filing	et seq. supplemental data, 9:12, 9:13
estate tax returns, 9:24 et seq.	US citizens and residents, 9:1
gift tax, <b>18:25</b>	when to file
Disclaimers, transfers not subject to gift tax, <b>18:9</b>	
Disclosures of information regarding estate, 9:14	generally, 9:18 extensions of time, 9:21
Discount valuations, gift tax returns, 18:28	where to file
Donees, gift tax filing requirements, 18:15	nonresident decedents, <b>9:23</b>
Donor of gift, supplemental data to be furnished by,	US resident decedents, 9:22
18:29	who must file, <b>9:3 et seq.</b>
Educational payments, transfers not subject to gift	Examination of returns
tax, 18:7	estate tax, 11:11 et seq.
Estates, gift tax filing requirements, <b>18:13</b>	gift tax, <b>18:34</b>
Estate tax	Executors, filing requirements, <b>9:4</b>
generally, 9:1 et seq.	Executors, gift tax filing requirements, <b>18:14</b>
additional returns for early disposition of farm or	Extensions of time to file, gift tax returns, 18:23
closely held business, 9:7, 9:8	Failure to file, gift tax, <b>18:25</b>
amendments of returns, 9:36	Farms, additional estate tax return for early disposi-
authority to sign return, 11:9	tion, <b>9:7, 9:8</b>
basis	Foreign persons, notice of large gifts received from,
consistency, 9:40	15:13
grantor trust not included in gross estate, no IRS basis guidance issued, <b>9:42</b>	Generation-Skipping Transfer Tax (this index) Gifts, large, received from foreign persons, notice
reporting, 9:41	requirements, 15:13
combat zone service postponements, 9:35	Gift tax
delinquency in filing, 9:24 et seq.	generally, 18:1
disclose information regarding estate, 9:14	administrators, filing requirements, <b>18:14</b>
examination of return, 11:11 et seq.	agents, filing requirements, 18:16
executors, filing requirements, 9:4	amended returns, 17:189
extensions of time for filing, 9:21	annual exclusion, transfers not subject to tax,
Form 706 revisions, <b>9:37</b>	18:10

FILING OF TAX RETURNS—Cont'd	FILING OF TAX RETURNS—Cont'd
Gift tax—Cont'd	Grantor trust not included in gross estate, no IRS
charitable transfers, transfers not subject to tax,	basis guidance issued, 9:42
18:11	Incomplete gifts, when return must be filed, <b>18:20</b>
citizens or residents, form of return, <b>18:30</b>	Incomplete returns, estate tax, 9:34
contents, 18:27	Individuals, gift tax filing requirements, 18:12
corporations, filing requirements, 18:13	IRS website and telephone service center, 9:39
delinquency penalty, 18:25	Large gifts received from foreign persons, notice
disclaimers, transfers not subject to tax, <b>18:9</b>	requirements, 15:13
discount valuations, 18:28	Mail delivery, 18:21
donees, filing requirements, 18:15	Marital deductions, transfers not subject to gift tax, 18:8
donor, supplemental data to be furnished by, 18:29	Medical payments, transfers not subject to gift tax,
educational payments, transfers not subject to	18:7
tax, <b>18:7</b>	Missing persons, estate tax returns, <b>9:9</b> , <b>9:10</b>
estates, filing requirements, <b>18:13</b>	Nondelegable duty to file, estate tax returns, <b>9:28 et</b>
examination of return, <b>18:34</b>	seq.
executors, filing requirements, <b>18:14</b>	Nonresident aliens, estate tax return, 9:2
extensions of time to file, 18:23	Nonresident aliens, gift tax filing requirements,
failure to file, 18:25	18:17
form, citizens or residents, 18:30	Notice requirements, large gifts received from
individuals, filing requirements, 18:12	foreign persons, 15:13
mail delivery, 18:21	Obtaining forms and publications, 9:38, 9:39
marital deductions, transfers not subject to tax,	Partnerships, gift tax filing requirements, 18:13
18:8	Penalties for late filing, 9:31 to 9:33
medical payments, transfers not subject to tax, 18:7	Persons required to disclose information regarding estate, <b>9:14</b>
nonresident aliens, filing requirements, 18:17	Political organizations, transfers not subject to gift
partnerships, filing requirements, 18:13	tax, <b>18:6</b>
political organizations, transfers not subject to	Possessors of estate assets, filing requirements, 9:5
tax, <b>18:6</b>	Preparation of return, gift tax, <b>18:27 et seq.</b> Presumption of death, estate tax returns, <b>9:10</b>
preparation of return, 18:27 et seq.	Private delivery service
private delivery service, 18:22	estate tax, 9:19, 9:20
purpose of Form 709, <b>18:2</b>	gift tax, 18:22
reasonable cause for delay, 18:26	Reasonable cause for delay, gift tax, <b>18:26</b>
spousal gifts subject to the tax, <b>18:4</b> spouses making split gifts, filing requirements,	Recordkeeping and record retention requirements,
18:18	9:11
supplemental data to be furnished by donor,	Secretary of Treasury filings, estate tax returns, 9:6
18:29	Signing and verification of estate tax returns, 9:15
transfers not subject to tax, 18:6 et seq.	et seq.
transfers subject to the tax, 18:3 et seq.	Spousal gifts, 18:4
trusts, disclosure of retained power on gift tax return, <b>14:122</b>	Spouses making split gifts, gift tax filing requirements, <b>18:18</b>
trusts, filing requirements, 18:13	Supplemental data, estate tax returns, 9:12, 9:13
when return must be filed	Supplemental data to be furnished by donor of gift,
generally, 18:19	18:29
extensions of time to file, 18:23	Transfers not subject to gift tax, 18:6 et seq.
incomplete gifts, 18:20	Transfers subject to gift tax, 18:3 et seq.
reasonable cause for delay, 18:26	Trusts, disclosure of retained power on gift tax
where filed, <b>18:24</b>	return, <b>14:122</b>
who must file, 18:12	Trusts, gift tax filing requirements, 18:13

FILING OF TAX RETURNS—Cont'd	FOREIGN DEATH TAXES CREDIT—Cont'd
US citizens and residents, estate tax returns, 9:1	Multiple foreign countries, computing credit, 7:47
When return must be filed	Multiple foreign taxes, 7:44
estate tax	Proof of right to credit, <b>7:49</b>
generally, 9:18 et seq.	Refunds of foreign death taxes
extensions of time, 9:21	generally, 7:51
gift tax	limitations period, 7:50
generally, 18:19	Remainders, 7:48
extensions of time to file, 18:23	Reversionary interests, 7:48
incomplete gifts, 18:20	Treaties, 7:45
reasonable cause for delay, <b>18:26</b> Where return must be filed	FOREIGN STOCK TRANSFERS
estate tax	Gifts by, taxable, nonresidents not citizens of US,
nonresident decedents, <b>9:23</b>	15:8
US resident decedents, 9:22	FORM OVER SUBSTANCE RULE
gift tax, <b>18:24</b>	Gross estate determinations of interests held at
Who must file return	death, <b>2:10</b>
estate tax, 9:3 et seq.	FORMS
gift tax	65, notice concerning fiduciary relationship, <b>11:6</b>
generally, 18:12	656, offer in compromise, 11:40
administrators, 18:14	706
agents, <b>18:16</b>	agreement to special use valuation, 5:72
corporations, 18:13	blank form, App. A
donees, <b>18:15</b>	completed form and commentary, App. B
estates, <b>18:13</b>	revisions, 9:37
executors, 18:14	trustee's statement, <b>6:224</b>
nonresident aliens, 18:17	706-A, estate tax return, <b>5:120</b>
partnerships, 18:13	706-CE, foreign death tax, 7:49
spouses making split gifts, 18:18	706-GS(D), GST tax return form, <b>19:124</b>
trusts, 18:13	706-GS(D-1), GST tax return form, <b>19:125</b>
FLOWER BONDS	706-GS(D-1), GST tax return form, nonexplicit
Estate tax payment with, 10:24	trusts, 19:126
Fair market value, 3:138 et seq.	706-GS(T), GST tax return form, <b>19:128</b>
FLP	706-NA, credits, <b>8:65</b>
Family Limited Partnerships (this index)	706-QDT, trustee's annual statement, <b>6:230</b> 709
FORCED SALES	blank form and instructions, <b>App.</b> C
Fair market value, estate tax valuation, 3:13	completed form and commentary, <b>App. D</b>
	843, refund claim, <b>12:68</b>
FOREIGN CHARITIES	2848, power of attorney and declaration of repre-
Amount of charitable deduction, nonresident non-	sentative, 11:8
citizen bequests to, <b>6:301</b> Gifts to, gift tax deductions, <b>16:88</b>	4421, executor's commission and attorney's fees, <b>6:17</b>
FOREIGN DEATH TAXES CREDIT	4422, discharge of estate tax lien, <b>12:51</b> , <b>12:53</b>
Generally, 7:42 et seq.	4768, extension of time to file or pay tax, <b>10:29</b>
Choice of credit where foreign country and its polit-	5495, request for discharge of personal liability
ical subdivision each imposes tax, <b>7:46</b>	under IRC section 2204 or 6905, <b>10:20</b>
Computing credit where taxes paid to more than	7004, GST tax return form, <b>19:132</b>
one country, <b>7:47</b>	8821, Tax Information Authorization, <b>11:10</b>
Limitations, 7:43	8854, expatriation statement, <b>8:9</b>
Limitations period, 7:50	8892, extension of time to pay, <b>18:33</b>

FORMS—Cont'd	FORMS—Cont'd
8939, allocation of basis, 1:10	Nonresidents not citizens estate tax reporting
Allocation of basis, Form 8939, 1:10	requirements, 8:9
Application for Certificate Discharging Property	Obtaining forms and publications, 9:38, 9:39
Subject to Estate Tax Lien, 12:53	Preparer tax identification number (PTIN), applica-
Application for extension of time to pay estate tax,	tion and renewal, App. N
10:29	Protests, settlements of estate tax disputes, 11:26
Assessment bond, 12:14	QDOT tax return, 6:230
Assessment of deficiency, waiver of restrictions on,	Qualified personal residence trusts, 17:108, App. J
11:34 Band assessment 12:14	Refund actions, district court complaint, 20:15
Bond, assessment, 12:14	Refund claims, 12:68
Charitable lead trust, IRS Sample Form, <b>App.</b> L Charitable Remainder Trust, IRS Sample Form,	Restrictions on assessment and collection of defi-
App. K	ciency, waiver of, 11:34 Schedules for forms. Schedules (this index)
Citizens or residents, gift tax return, <b>18:30</b>	Settlements of estate tax disputes
Claim for refund, district court actions, <b>20:31</b>	assessment of deficiency, waiver of restrictions
Collection of deficiency, waiver of restrictions on,	on, 11:34
11:34	collection of deficiency, waiver of restrictions on
Complaint, district court action for refund, 20:15	11:34
Credits, nonresidents not citizens estate tax, <b>8:65</b>	deficiencies, waiver of restrictions on assessment
Death, direct skips at, GST tax return form, 19:130	and collection, 11:34
Deficiencies, waiver of restrictions on assessment	90-day letter, <b>11:33</b>
and collection, 11:34	protests, 11:26
Direct skips at death, GST tax return form, 19:130	restrictions on assessment and collection of defi-
Direct skips inter vivos, GST tax return form,	ciency waiver of, 11:34
19:129	revocation of notice, 11:6
District court actions, claim for refund, 20:31	termination of notice, 11:6
Estate tax, form of application for extension of time	waiver of restrictions on assessment and collec-
to pay, <b>10:29</b>	tion of deficiency, 11:34
Executor's commissions deductions, taxable estate,	Special use valuation agreement, <b>5:72</b>
6:17	Special use valuation recapture of estate tax, return
Extension of time to file, GST tax return form, 19:131	5:120
·	Taxable distributions, GST tax return forms, 19:123
Gift tax return by citizens or residents, <b>18:30</b> GST tax	et seq. Taxable estate
706-GS(D), <b>19:124</b>	attorneys' fees deductions
706-GS(D-1), <b>19:125</b>	generally, <b>6:24</b>
706-GS(D-1), 19:125 706-GS(D-1), nonexplicit trusts, 19:126	
706-GS(T), 19:128	nonprobate assets, <b>6:26</b>
	executor's commissions deductions, <b>6:17</b>
7004, tax return, <b>19:132</b>	marital deduction, 6:130
generally, <b>19:122 et seq.</b> direct skips at death, <b>19:130</b>	Taxable terminations, GST tax return form, 19:127
direct skips at death, 19:130 direct skips inter vivos, 19:129	Tax Information Authorization form, 11:10
extension of time to file, 19:131	W-12, IRS paid preparer tax identification number, application and renewal, <b>App. N</b>
taxable distributions, 19:123	Waiver of restrictions on assessment and collection
	of deficiency, 11:34
taxable terminations, 19:127  Intervives direct skips, GST tox return form, 19:129	
Intervivos direct skips, GST tax return form, <b>19:129</b> Marital deduction, taxable estate, <b>6:130</b>	FRATERNAL ORGANIZATIONS
	Deductible gifts to, 16:92
90-day letter, settlements of estate tax disputes, 11:33	FRAUD AND FALSE STATEMENTS
11:00	

**Criminal Penalties** (this index)

Nonresidents not citizens estate tax, credits, 8:65

FREEZE TRANSFERS Estate Freeze Transfers (this index)	GENERATION-SKIPPING TRANSFER (GST) TAX—Cont'd
FUNERAL EXPENSES	Automatic allocation of unused GST tax exemption
Taxable estate deductions	after transferor's death, 19:39
generally, <b>6:12</b>	Automatic GST allocations, electing out of, <b>19:35</b> , <b>19:45</b>
community property states, <b>6:13</b>	Avoiding loss of GST tax exemption on exercise of
	limited power of appointment, 19:91
FUTURE INTERESTS  Gift toy evaluations 16:16 16:17	Basis adjustment of property transferred, 19:116
Gift tax exclusions, <b>16:16</b> , <b>16:17</b> Gross estate determinations, <b>2:108</b> et seq.	Beneficiaries, sales of remainder interests acquired,
Taxable estate deductions, future interest expenses,	modifications of exempt trusts, 19:80
6:6	Beneficiary's five and five power modifications of exempt trusts, 19:72
GEMS	Change of situs modifications of exempt trusts,
Fair Market Value (this index)	19:69
GENERATION-SKIPPING TRANSFER (GST) TAX	Charitable lead annuity trust, applicable fraction for, <b>19:108</b>
Generally, <b>19:1 et seq.</b>	<b>Computation of Tax</b> (this index)
Adding beneficiaries to GST tax exempt trust as gift	Conflicts between per capita and per stirpes
taxable transfers, 14:161	distributee, settlement resolving, modifications
Adopted child status, settlements resolving	of exempt trusts, 19:86
modifications of exempt trusts, 19:85	Conversion of GST exempt trusts into unitrusts, 19:79
Adopted persons, determining generations	Court ordered modifications of exempt trusts, <b>19:75</b>
generally, 19:21	Credit for state generation-skipping transfer taxes,
lineal descendant adoption by non-lineal descendant, 19:23	19:112 Death, direct skips at, tax return form, 19:130
Allocation during estate tax inclusion period, indi-	Death of descendant within 90 days of transfer,
vidual GST exemptions, 19:36	step-up rule, 19:24
Allocation of capital gains to income, modifications	Deemed GST tax, gift splitting and the, <b>19:110</b>
of exempt trusts, 19:81	Definitions
Allocations of exemptions	generally, 19:2
generally, <b>19:30</b> after transferor's death, <b>19:38</b>	direct skip, 19:14
election out of automatic allocation rules, 19:45	distributions taxable, 19:11 et seq.
indirect skip transfers in trust, 19:33	generation, 19:19
indirect skip transfers in trusts	skip person, 19:15
generally, 19:34	taxable distributions, 19:11 et seq.
electing out of automatic GST allocations to	terminations taxable, 19:6
trusts, 19:35	transferor, 19:22 transferors, 19:18
lifetime direct skips, 19:32	trust, <b>19:10</b>
unnecessary allocation, 19:31	trusts, 19:13
American Taxpayer Relief Act of 2012 (this	Determining generations
index)	generally, <b>19:19 et seq.</b>
Applicable fraction computations of tax	adopted persons
generally, <b>19:101</b> , <b>19:102</b>	generally, <b>19:21</b>
charitable lead annuity trusts, 19:108	lineal descendant adoption by non-lineal
Appointment of trustee modifications of exempt trusts, <b>19:71</b>	descendant, 19:23
Appreciation exempt after allocation, individual	half-blood relationships, 19:21
GST exemptions, 19:41	non-family members, 19:21
Asset disposition, modifications of exempt trusts,	relationships by half-blood, 19:21
19:77	spouse of descendant or transferor, 19:20

ENERATION-SKIPPING TRANSFER (GST)	GENERATION-SKIPPING TRANSFER (GST)
TAX—Cont'd	TAX—Cont'd
Direct skips generally, <b>19:14 et seq.</b>	Extension of time to make reverse QTIP elections, 19:57, 19:58
allocation of exemption, 19:32	Failure to exercise withdrawal right, modifications
at death, tax return form, 19:130	of exempt trusts, 19:83
computation of tax, 19:97	Five and five power of beneficiary modifications of
definition, 19:14	exempt trusts, 19:72
gift, GST tax included in, 19:16	Five and five withdrawal power, modification of,
inter vivos, tax return form, 19:129	19:92
person, skip, 19:15	Forms (this index)
QTIP election, GST tax relationship, <b>19:17</b>	Gallo exemption, 19:47 et seq.
relation between GST tax and QTIP election,	Generations
19:17	definition, 19:19
Disclaimer of trust income interests, nonresidents	Determining generations, above
not citizens of US	Step-up rule, below
generally, 15:2	Gifts
exclusion issues, 16:77	adding beneficiaries to GST tax exempt trust as
Disclaimers, effect of, 19:117	taxable transfers, 14:161
Disclaimer tax trap, estate and/or GST tax savings	GST tax included in, <b>19:16</b>
as in the minor's best interest, 14:71	GST tax included in gift, <b>19:16</b>
Disposition of assets, modifications of exempt	nontaxable, computation of tax, 19:104
trusts, <b>19:77</b>	splitting and the deemed GST tax, 19:110
Distributions taxable, <b>19:11 et seq.</b>	spousal splitting of, GST tax implications,
Divisions, modifications of exempt trusts, <b>19:67</b>	16:182
Effective date of legislation	Half-blood relationships, determining generations,
generally, 19:3	19:21
exceptions, 19:4	Inclusion ratio, computation of tax, 19:100
exempt trusts, 19:63	Income, allocation of capital gains to, modifications
Modifications of exempt trusts, below	of exempt trusts, 19:81
2010 legislation, <b>19:5</b>	Index for inflation, individual GST exemptions,
Elections	19:28
automatic GST allocations, 19:35, 19:45	Indirect skips, allocation of exemptions
IRS simplified method for making a late reverse	transfers in trust, 19:33
QTIP election, 19:59	transfers to trusts
Estate tax inclusion period	generally, 19:34
allocation during, 19:36	electing out of automatic GST allocations to
computation of tax, 19:107	trusts, 19:35
Exceptions to automatic allocation, <b>19:40</b>	Individual GST exemptions
Exemptions	generally, 19:27 to 19:49
Individual GST exemptions, below	allocation during estate tax inclusion period,
trusts, <b>19:63 et seq.</b>	19:36
Exempt trusts, conversion into unitrusts, <b>19:79</b>	allocation of exemption, generally, <b>19:30</b>
Exercise of limited power of appointment: perpetu-	allocation of GST exemption after transferor's
ities period and the GST exemption, 19:91	death, 19:38
Extension of time, GST exemption amount applica-	
tion, 19:44	allocation to lifetime direct skips, <b>19:32</b> appreciation exempt after allocation, <b>19:41</b>
Extension of time to apply the GST exemption amount	11
generally, <b>19:43</b>	automatic allocation of unused GST tax exemption after transferor's death, <b>19:39</b>
Extension of time to file, tax return form, 19:131	exceptions to automatic allocation, 19:40
Lawnsion of time to me, tax feturii form, 17:131	CACCPHOIS to automatic amounting, 17.40

GENERATION-SKIPPING TRANSFER (GST)	GENERATION-SKIPPING TRANSFER (GST)
TAX—Cont'd Individual GST exemptions—Cont'd	TAX—Cont'd  Modifications of exempt trusts—Cont'd
extension of time to apply the GST exemption	asset dispositions, 19:77
amount, 19:44	beneficiaries, sales of remainder interests
generally, 19:43	acquired, 19:80
Gallo exemption, <b>19:47 to 19:49</b>	beneficiary's five and five power, <b>19:72</b>
index for inflation, 19:28	change of situs, 19:69
inflation, index for, 19:28	conflicts between per capita and per stirpes
married individuals' gifts, 19:29	distributee, settlement resolving, 19:86
1990 legislation, <b>19:47 et seq.</b>	constructive additions, 19:65
retroactive allocation of GST exemption, 19:42	conversion of GST exempt trusts into unitrusts,
substantial compliance, 19:46	19:79
tax rate, <b>19:27</b>	court ordered modifications, 19:75
termination of estate tax inclusion period, 19:37	disposition of assets, 19:77
transferor's death, allocation of GST exemption	divisions, 19:67
after, 19:38	failure to exercise withdrawal right, <b>19:83</b>
transferor's death, automatic allocation of unused	five and five power of beneficiary, <b>19:72</b>
GST tax exemption after, <b>19:39</b> unnecessary allocation of GST exemption	GST exempt trusts, conversion into unitrusts, 19:79
amount voided, 19:31	income, allocation of capital gains to, 19:81
Individuals with deceased parent, step-up rule,	IRS regulations, 19:66
19:25 Inflation, index for, individual GST exemptions,	limited partnership, transfer of trust assets to, 19:87
19:28	mergers, <b>19:70</b>
Installment payments of estate tax on farm or closely-held business, <b>10:43</b>	nonjudicial modifications, 19:76
Interests in property, terminations taxable, <b>19:8</b>	partial divisions, 19:78
Intervivos direct skips, tax return form, 19:129	partitions, 19:67
Intervivos transfers in trust, computation of tax,	perpetuities period, settlement resolving, 19:85
19:105, 19:106	powers of trustee powers, 19:71
IRS regulations, modifications of exempt trusts, 19:66	remainder interests acquired by beneficiaries, sales of, <b>19:80</b>
IRS simplified method for making a late reverse	scrivener's error corrections, 19:74
QTIP election, 19:59	settlement agreements, 19:73
Limited partnership, transfer of trust assets to, modifications of exempt trusts, <b>19:87</b>	settlement resolving adopted child status and perpetuities period, <b>19:85</b>
Manner of making reverse QTIP elections, <b>19:56 et seq.</b>	settlement resolving conflicts between per capita and per stirpes distributee, <b>19:86</b>
Married individuals' gifts, individual GST exemp-	shareholder agreements, 19:82
tions, 19:29	situs changes, 19:69
Mergers, modifications of exempt trusts, 19:70	termination, 19:84
Minor beneficiaries, disclaimer tax trap, estate	termination of trust, 19:68
and/or GST tax savings as in the minor's best	total return trusts, 19:79
interest, <b>14:71</b>	transfer of trust assets to limited partnership,
Modification of five and five withdrawal power, 19:92	19:87 trustee appointments, 19:71
Modifications of exempt trusts	trustee powers, 19:71
generally, <b>19:63 et seq.</b>	unitrusts, conversion of GST exempt trusts into,
adopted child status, settlement resolving, <b>19:85</b>	19:79
allocation capital gains to income, <b>19:81</b>	withdrawal right, failure to exercise, 19:83
appointments of trustees, 19:71	Multiple skips, taxation of, 19:113

#### GENERATION-SKIPPING TRANSFER (GST) GENERATION-SKIPPING TRANSFER (GST) TAX—Cont'd TAX—Cont'd Multiple transfers made to trust, special rules, Reverse OTIP elections—Cont'd IRS simplified method for making a late reverse 19:114 1990 legislation, individual GST exemptions, 19:47 OTIP election, 19:59 et seq. manner of making, 19:56 et seq. 1995 legislation 1995 legislation, **19:54** nonresidents not citizens. 19:62 step-up rule, 19:55 reverse OTIP elections. 19:54 time to make, 19:56 et seq. No loss of exemption due to crreation of Scrivener's error corrections modifying of exempt testamentary GPA, 19:93 trusts, 19:74 Non-family members, determining generations, Settlement agreement modifications of exempt 19:21 trusts, 19:73 Nonjudicial modifications of exempt trusts, 19:76 Settlement resolving adopted child status and per-Nonresidents not citizens petuities period, modifications of exempt generally, 19:60 et seq. trusts, 19:85 disclaimer of trust income interests Settlement resolving conflicts between per capita generally, 15:2 and per stirpes distributee, modifications of exclusion issues, 16:77 exempt trusts, 19:86 1995 legislation, 19:62 Severance of GST trusts, 19:50 et seq. Nontaxable gifts, computation of tax, 19:104 Shareholder agreements, modifications of exempt Partial division, modifications of exempt trusts, trusts. 19:82 19:78 Situs change modifications of exempt trusts, 19:69 Partial terminations taxable, 19:7 Skip person, term defined, 19:15 Partitions, modifications of exempt trusts, 19:67 Skip trusts, testamentary power of appointment Payment of tax, 19:111 over, 19:115 Perpetuities period, settlement resolving, modifica-Special rules where multiple transfers made to trust, tions of exempt trusts, 19:85 19:114 Perpetuities period and the GST exemption, 19:91 Splitting of gifts by spouses, GST tax implications, Powers of appointment 16:182 generally, 14:131 Spouse of descendant or transferor, determining releases of, 19:88 et seq. generations, 19:20 testamentary powers over skip trusts, 19:115 Step-up rule transferors, 19:18 death of descendant within 90 days of transfer, Powers of trustee. modifications of exempt trusts, 19:71 individuals with deceased parent, 19:25 Predeceased parent rule, 19:26 lineal descendant adoption by non-lineal descen-Property interests, terminations taxable, 19:8 dant, 19:23 QTIP trust election, GST tax relationship, 19:17 predeceased parent rule, 19:26 OTIP trusts reverse QTIP elections, 19:55 Reverse QTIP elections, below Substantial compliance rule, individual GST Relation between GST tax and QTIP election, exemptions, 19:46 19:17 Support obligations, terminations taxable, 19:9 Relationships by half-blood, determining genera-Taxable amount for direct skips, 19:97 tions, 19:21 Taxable amount for taxable distributions, 19:95 Releases of powers of appointment, 19:88 et seq. Taxable amount for taxable terminations, 19:96 Remainder interests acquired by beneficiaries, sales Taxable distributions of, modifications of exempt trusts, 19:80 generally, 19:95 Retroactive allocation of GST exemption, 19:42 Reverse QTIP elections tax return forms, 19:123 et seq. Taxable terminations, 19:96, 19:127 generally, 19:53 et seq. extension of time to make, 19:57, 19:58 Taxation of multiple skips, 19:113

#### GENERATION-SKIPPING TRANSFER (GST) **GENERATION-SKIPPING TRANSFER (GST)** TAX—Cont'd TAX—Cont'd Tax rate Valuation of GST property—Cont'd availability of alternate valuation election, generally, 19:99 19:120 individual GST exemptions, 19:27 election of alternate valuation, 19:120 Tax return forms. **Forms** (this index) Termination of estate tax inclusion period, individmisstatements of valuation, 19:119 ual GST exemptions, 19:37 special valuation rules, 19:103 Withdrawal right, failure to exercise, modifications Termination of exempt trusts, 19:84 of exempt trusts, 19:83 Terminations taxable Wrongful death proceeds, 2:94 generally, 19:6 definition, 19:6 **GIFTS CAUSA MORTIS** interests in property, 19:8 Causa Mortis Gifts (this index) partial terminations, 19:7 GIFTS INCLUDED IN ESTATE property interests, 19:8 Computation, split gifts made within three years of support obligations, 19:9 death, special treatment for, 7:3 trusts, 19:10, 19:13 Estate taxation valuation of gifts. See Valuation Testamentary power of appointment over skip (this index) trusts, 19:115 Estate tax credit for gift taxes paid on pre-1977 Time to make reverse QTIP elections, 19:56 et seq. transfers, 7:19 et seq. Total return trusts, modifications of exempt trusts, Estate tax payment, taxable gifts, 10:7 19:79 Gift taxes paid on pre-1977 transfers, estate tax Transfer of trust assets to limited partnership, credit for, 7:19 et seq. modifications of exempt trusts, 19:87 Gift to wife of gift tax paid within three years of Transferor, term defined, 19:22 husband's death included in husband's estate, Transferors, term defined, 19:18 14:35 Transferor's death **Gross Estate Determinations** (this index) Post-death court ordered gifts, taxable estate deducallocation of GST exemption after, 19:38 tions, 6:9 automatic allocation of unused GST tax exemp-Revaluation of gifts made after August 5, 1997, tion after, 19:39 7:25, 7:26 Transfers in trust, allocation of exemptions to Revaluation of gifts made prior to August 6, 1997, indirect skips, 19:33 7:24 Transfers to trusts, allocation of exemptions to Special use valuation percentage qualification indirect skips requirements, gift property, 5:52 generally, 19:34 Split gifts made within three years of death, special electing out of automatic GST allocations to treatment for, 7:3 trusts, 19:35 Taxable estate deductions, post-death court ordered Trust, term defined for GST tax purposes, 19:10, gifts, **6:9** 19:13 Trustee appointment modifications of exempt trusts, **GIFT SPLITTING** 19:71 **Split Gifts** (this index) Trustee powers modifications of exempt trusts, 19:71 **GIFT TAX** Trust terminations taxable, 19:10, 19:13 Generally, 13:1 et seq. 2010 legislation, **19:5** Adding beneficiaries to GST tax exempt trust as 2012 legislation. See American Taxpayer Relief taxable transfers, 14:161 Act of 2012 (this index) Administrators, tax return filing requirements, Unitrusts, conversion of GST exempt trusts into, 18:14 19:79 Administrator's disclaimer treated as taxable Valuation of GST property transfer, 14:74 generally, 19:98 Agents, tax return filing requirements, 18:16

FIFT TAX—Cont'd	GIFT TAX—Cont'd
American Taxpayer Relief Act, disclaimers of	Charitable deductions—Cont'd
interests as taxable transfers, 14:58	conservation easement gifts
Annual exclusion	generally, <b>16:101</b>
generally, 16:2	valuation, <b>16:103</b> , <b>16:104</b>
amounts, <b>17:180</b>	copyrighted art works, 16:132
transfers qualifying for, 14:7	correcting improper funding of charitable
Annuities	remainder trust, 16:107
employees', 14:100, 14:101	CRAT remainder interests, <b>16:118</b>
exclusions, <b>16:22</b> , <b>16:26</b>	CRUTs
joint and survivor annuities, qualified terminable	partition and acceleration, 16:113 et seq.
interest property, 16:172	remainder interests, 16:118
Arbitration clauses, Crummey withdrawal rights as	transfer of restricted stock to as redemption,
creating present interest transfer notwithstanding, <b>16:45</b>	16:80
Art works	educational organizations, gifts to
charitable deductions, <b>16:132</b>	generally, 16:89
loans of qualified works of art as taxable transfer,	transfers to corporations, <b>16:91</b> farm, outright remainder in, <b>16:131</b>
14:149	financially disabled individual, trust for as recipi
Assessment (this index)	ent of a charitable remainder unitrust.
Asset protection trusts, 14:56	16:121
Assignments of wrongful death claims as taxable	foreign charities gifts to, 16:88
transfers, 14:160	fraternal organizations, gifts to, <b>16:92</b>
Authority for proceedings, 13:8	guaranteed annuity interest from charitable lead
Authority to make taxable transfer, <b>14:38</b>	trusts
Beneficial interest transfers, 14:18 et seq.	generally, <b>16:108</b>
Causa mortis gifts	determinable amount, 16:109
generally, 14:25	regulation limiting, 16:110
death-bed transfers	income exception CRUT, 16:125
generally, 14:32	incomplete gifts, 16:79
payment of estate and gift taxes within three-	individuals, gifts to, 16:94
year period, 14:34	life insurance rights gifts, 16:99, 16:100
Charitable Crummey withdrawal power, exclusions,	life interests, 16:105
16:48	limitations, 16:120
Charitable deductions	literary organizations, gifts to
generally, <b>16:78 et seq.</b>	generally, <b>16:89</b>
amount of charitable deduction, <b>16:127</b>	transfers to corporations, 16:91
art works, <b>16:132</b>	local governments, gifts to, 16:87
charitable lead trusts, guaranteed annuity interest	1969 legislation, <b>16:85</b>
from	nonresidents not citizens, 16:86
generally, <b>16:108</b>	outright gift of undivided portion of donor's
determinable amount, <b>16:109</b>	entire interest, 16:128 et seq.
regulation limiting, <b>16:110</b>	outright remainder in personal residence or farm
charitable organizations, gifts to	16:131
generally, <b>16:89</b>	partial interest transfers, <b>16:97 et seq.</b> partial termination of CRT followed by purchase
transfers to corporations, <b>16:91</b>	of commercial annuities for benefit of indi-
combining charitable remainder and lead	vidual CRT beneficiaries, 16:122
unitrusts, 16:111	partition and acceleration of CRUT, <b>16:113 et</b>
commercial annuity, charitable gift annuity	seq.
funded with, <b>16:81</b>	pooled income funds, <b>16:126</b>
conditions, transfers subject to, <b>16:96</b>	powers, transfers subject to, <b>16:96</b>
	<b>.</b>

GIFT TAX—Cont'd	GIFT TAX—Cont'd
Charitable deductions—Cont'd	Checks as gifts—Cont'd
qualifications of charitable beneficiary, 16:123	timing year-end gift checks, 14:29, 16:14
qualified charitable deductions	Children. Minors, below
generally, 16:83	<b>Collection of Tax</b> (this index)
unqualified deductions, 16:84	Combining charitable remainder and lead unitrusts
qualifying uses, 16:82 et seq.	for charitable deductions, <b>16:111</b>
redemption, transfer of restricted stock to CRUT as, <b>16:80</b>	Commercial annuity, charitable gift annuity funded with, charitable deductions, <b>16:81</b>
reformation of charitable split interests to qualify for gift tax charitable deduction, <b>16:106</b>	Commercial annuity bought for spouse, terminable interest rule, <b>16:145</b>
reformed charitable split interest trust, 16:133	Community property interests
religious organizations, gifts to	generally, 14:97
generally, <b>16:89</b>	life insurance purchased with community prop-
transfers to corporations, 16:91	erty, <b>14:99</b>
remainder interest gifts, 16:117 et seq.	Comparing lifetime and deathtime transfers, <b>13:5</b>
residence, outright remainder in, 16:131	Compensation or gift
revocable successor life-interest, 16:105	generally, 14:10
scientific organizations, gifts to	excessive compensation, 14:53
generally, 16:89	Completed taxable transfers
transfers to corporations, 16:91	generally, <b>14:21 to 14:37</b>
split interest trust, reformed, 16:133	Causa mortis gifts, above
stock, ex voting power, 16:98	Checks as gifts, above
supporting organizations, gifts to, 16:90	Death-bed transfers, below
ten percent rule, 16:124	definition, 14:3
terrorism victims, gifts to, 16:95	delivery issues, <b>14:30</b> , <b>14:31</b>
transfer of restricted stock to CRUT as redemp-	distributions by trust committees, 14:25
tion, <b>16:80</b>	gift to wife of gift tax paid within three years of
trustee's allocation of unitrust amount among	husband's death included in husband's
beneficiaries does not prevent trust from	estate, <b>14:35</b>
qualifying, 16:112	Incomplete gifts, below
trust for financially disabled individual as recipi-	partially complete transfers, 14:24
ent of a charitable remainder unitrust, <b>16:121</b>	preserving spouse's credit shelter with a power of appointment, 14:37
United States, gifts to, 16:87	promise to make a gift, 14:27
uses qualifying, <b>16:82 et seq.</b> war veterans organizations, gifts to, <b>16:93</b>	QTIP trust, nonqualified disclaimer to charity as completed gift, <b>14:117</b>
Charitable lead trusts, deductible guaranteed annu-	resulting trusts, 14:33
ity interest from	self-settled trust as completed gift, 14:106,
generally, <b>16:108</b>	14:107
determinable amount, 16:109 regulation limiting, 16:110	structuring transfer to preserve spouse's unified credit, <b>14:36</b>
Charitable lead unitrusts, <b>14:4</b>	trusts, gifts in, retained powers as rendering gift
Charitable organizations, deductible gifts to	incomplete, 14:105
generally, <b>16:89</b>	<b>Computation of Tax</b> (this index)
transfers to corporations, 16:91	Conditional disbursements from gifts in trust,
Charitable remainder trust, correcting improper	exclusions, notice requirement, 16:35
funding of, <b>16:107</b>	Conditions, transfers subject to, charitable deduc-
Charities, transfers to of QTIP trust remainder	tions, <b>16:96</b>
interests, 14:20	Congressional intention, marital deduction, 16:136
Checks as gifts	Conservation easement gifts deductions
generally, <b>14:28</b>	generally, <b>16:101</b>

GIFT TAX—Cont'd	GIFT TAX—Cont'd
Conservation easement gifts deductions—Cont'd	Death-bed transfers—Cont'd
valuation, <b>16:103, 16:104</b>	payment of estate and gift taxes within three-year
Consideration	period, 14:34
definition, 14:40	Deceased beneficiaries, disclaimers of interests as taxable transfers, <b>14:69</b>
Insufficient consideration transfers, below	Deductions
Contingent interests	generally, <b>16:1, 16:78 et seq.</b>
gift splitting by spouses, 16:183	Charitable deductions, above
splitting of gifts by spouses, 16:183	conditions, transfers subject to, <b>16:96</b>
Conversions of future to present interests, exclusions, <b>16:17</b>	conservation easement gifts
Copyrighted art works, charitable deductions,	generally, <b>16:101</b>
16:132	valuation, <b>16:103, 16:104</b>
Corporations	educational organizations, gifts to
exclusions of gifts to, 16:55	generally, 16:89
tax return filing requirements, 18:13	transfers to corporations, 16:91
Correlation of gift tax and estate tax, 13:4	facade easement with mortgage subordination
Court appointed guardians, exclusion of gifts by	requirement, 16:102
generally, 16:27	fraternal organizations, gifts to, 16:92
state law, <b>16:69</b>	guaranteed annuity interest from charitable lead
CRATs, remainder interests, deductions, <b>16:118</b>	trusts
CRTs	generally, <b>16:108</b> determinable amount, <b>16:109</b>
partial termination of CRT followed by purchase	regulation limiting, 16:110
of commercial annuities for benefit of individual CRT beneficiaries, deductibility,	individuals, gifts to, <b>16:94</b>
16:122	life interest, 16:105
qualified charitable remainder trust where donor	limitations on charitable deductions, <b>16:120</b>
and spouse are not the only noncharitable	literary organizations, gifts to
beneficiaries, 16:137	generally, <b>16:89</b>
qualified charitable remainder trust where donor	transfers to corporations, <b>16:91</b>
and spouse are only noncharitable beneficiaries, <b>16:135</b>	local governments, gifts to, 16:87
Crummey transfers, splitting of gifts by spouses,	Marital deduction, below
16:181	partial interest transfers, 16:97 et seq.
Crummey trusts, exclusions of gifts to minors,	partial termination of CRT followed by purchase
16:68, 16:73	of commercial annuities for benefit of indi-
CRUTs	vidual CRT beneficiaries, 16:122
acceleration, charitable deduction, 16:113 et seq.	pooled income funds, <b>16:126</b> powers, transfers subject to, <b>16:96</b>
financially disabled individual, trust for as recipi-	reformation of charitable split interests to qualify
ent of a charitable remainder unitrust, <b>16:121</b>	for gift tax charitable deduction, <b>16:106</b>
income exception CRUT, charitable deductions,	religious organizations, gifts to
16:125	generally, <b>16:89</b>
partition, charitable deduction, 16:113 et seq.	transfers to corporations, 16:91
remainder interests, deductions, <b>16:118</b>	scientific organizations, gifts to
trustee's allocation of unitrust amount among	generally, <b>16:89</b>
beneficiaries does not prevent trust from	transfers to corporations, 16:91
qualifying, 16:112	Splitting of gifts by spouses, below
Death-bed transfers	terrorism victims, gifts to, 16:95
generally, 14:32	United States, gifts to, 16:87
exclusions, 16:15	war veterans organizations, gifts to, 16:93

GIFT TAX—Cont'd	GIFT TAX—Cont'd
Definitions	Disclaimers—Cont'd
citizen of a US possession, 14:15	qualified disclaimers
completed gifts, 14:3	nonqualified disclaimers distinguished, 14:75
consideration, 14:40	et seq.
expatriate, 15:4	term defined, 14:62
fixed or ascertainable standard, 14:119	relinquishment of reserved power in trust, 14:121
management powers, 14:125	remainder interest, failure of disclaimant to
nonresident alien, 15:3	disclaim, 14:60
power of appointment, 14:124	remainder interests, failure to disclaim remainder interest, <b>14:60</b>
qualified disclaimer, 14:62	returns, transfers not subject to gift tax, <b>18:9</b>
qualified terminable interest property, <b>16:165</b>	sample disclaimers, 14:68
resident, 14:14	spouses as beneficiaries, 14:72 et seq.
substantial adverse interest, 14:118	state disclaimer statutes, 14:93
Delinquency penalty, 18:25	taxable transfers, disclaimers of interests as, gen-
Delivery issues, <b>14:30</b> , <b>14:31</b>	erally, <b>14:57 et seq.</b>
De minimis gift loans, 14:49	tax trap, estate and/or GST tax savings as in the
Disclaimers	minor's best interest, 14:71
administrator exercises, 14:74	time of transfer issues, 14:63, 14:64
American Taxpayer Relief Act of 2012, <b>14:58</b>	trusts, relinquishment of reserved power, 14:121
benefits of disclaimer, accepting, 14:65	trusts interests, 14:87 et seq.
consideration for disclaimer, receiving, 14:65	2012 legislation, <b>14:58</b>
co-trustee, disclaimant's appointment of, 14:79	undivided portion disclaimers of, <b>14:150</b>
deceased beneficiaries, 14:69	voidable disclaimers, <b>14:67</b>
disclaimant's appointment of co-trustee, 14:79	Disclosure rules, 1997 legislation, 17:185 et seq.
disclaimer tax trap, estate and/or GST tax savings	Discount valuations, 18:28
as in the minor's best interest, 14:71	Discretionary distributions during minority exclusions 16:61, 16:62
election by surviving spouse, 14:73	sions, <b>16:61</b> , <b>16:62</b> Distributions by trust committees as taxable
failure of disclaimant to disclaim remainder	transfers, 14:25, 14:108, 14:109
interest, 14:60	Donative intent, <b>14:9 to 14:12</b>
federal tax liens, disclaimers and, 14:67	Donees
IRA distributions, 14:90 et seq.	number of, exclusions, 16:18
joint bank, brokerage and other investment accounts, <b>14:84</b>	tax returns, filing requirements, 18:15
joint disclaimers, 14:66	Donor, term defined, 14:13
jointly-held property, 14:82	Donor retention of interest in property, terminable
minor beneficiaries, 14:70	interest rule
1976 legislation, <b>14:57 et seq.</b>	generally, <b>16:146</b>
1977 legislation, <b>14:94</b>	power of appointment retention, <b>16:147</b>
1981 legislation, <b>14:59</b>	Economic reasons, power to terminate trust for,
1982 legislation, <b>14:61</b>	14:137
noncitizen surviving spouses, 14:83	Educational organizations, deductible gifts to
nonqualified disclaimers, 14:75 et seq.	generally, <b>16:89</b> transfers to corporations, <b>16:91</b>
nonresidents not citizens	Elections
generally, 15:2	qualified terminable interest property
exclusion issues, 16:77	partial QTIP elections, <b>16:169</b>
powers of appointment, 14:81	time to make election, <b>16:170</b>
QTIP trusts, <b>14:76 et seq.</b>	surviving spouse disclaimers of interests as tax-
QTIP trusts, nonqualified disclaimer to charity as	able transfers, 14:73
completed gift, 14:117	Elements of a gift, generally, <b>14:2</b>

IFT TAX—Cont'd	GIFT TAX—Cont'd
Employee benefit plan coverage as taxable transfer,	Exclusions—Cont'd
14:158	gifts in trust—Cont'd
Employees' annuities, <b>14:100</b> , <b>14:101</b>	Crummey withdrawal right hanging powers, <b>16:46</b>
Entirety, tenancies by, taxable transfers, 14:96	
Estate Freeze Transfers (this index)	family limited partnership planning and annual exclusion gifts, <b>16:50</b>
Estates, tax return filing requirements, 18:13	flexible Crummey withdrawal power, <b>16:40</b>
Estate tax payment as gift, <b>14:154</b>	great-grandchildren, withdrawal rights
Exclusions	extended to, <b>16:43</b>
generally, <b>16:1 et seq.</b>	income distributable in trustee's discretion,
amount allowable, 16:2 Annual exclusion, above	16:30
annuities, 16:22, 16:26	insurance policy, notice requirement, 16:37
charitable Crummey withdrawal power, <b>16:48</b>	invasion power of trustee, 16:52
checks that clear after December 31, <b>16:14</b>	lapse of withdrawal right, 16:32 et seq.
conditional disbursements from gifts in trust,	limited partnerships gifts, notice requirement,
notice requirement, 16:35	16:33
conversions of future to present interests, <b>16:17</b>	limited power of withdrawal, 16:39
court appointed guardians, gifts by	managerial powers of trustee, 16:53
generally, 16:27	notice of withdrawal power, 16:38
state law, <b>16:69</b>	performance of an act, notice requirement,
cross gifts, 16:4	16:36
Crummey powers, <b>16:31</b>	power of appointment under, notice require-
Crummey withdrawal planning of exclusions,	ment, 16:34
16:51	renunciations, <b>16:54</b>
death-bed transfers, 16:15	spouses of children, withdrawal rights extended to, 16:43
disclaimers of interests, nonresidents not citizens,	timely notice, 16:32 et seq.
16:77	trustee's power of invasion, 16:52
discretionary distributions during minority,	withdrawal rights extended to great-
16:61, 16:62	grandchildren and spouses of children,
donees, number of, 16:18	16:43
family limited partnership limited interests, 16:20	gifts to corporations, 16:55
family limited partnership planning and annual	gifts to nonresident spouses, <b>16:76</b>
exclusion gifts, <b>16:50</b>	group insurance policies, 16:25
future interests, <b>16:16</b> , <b>16:17</b>	guardians, court appointed, gifts by
gift checks that clear after December 31, <b>16:14</b>	generally, 16:27
gifts by court appointed guardians	state law, <b>16:69</b>
generally, 16:27	income distributable in trustee's discretion, 16:30
state law, <b>16:69</b>	income from trust property, 16:8
gifts in trust	increasing the annual exclusions through
generally, <b>16:29</b>	strawpersons, 16:6
administrative powers of trustee, <b>16:53</b>	lapse of withdrawal right, gifts in trust, 16:32 et
charitable Crummey withdrawal power, 16:48	seq.
conditional disbursements, notice requirement,	life insurance
16:35	generally, 16:22 et seq.
constructive notice of withdrawal rights, <b>16:41</b>	intent facts vs policy facts, 16:28
Crummey power given to contingent benefi-	limited interests in family limited partnerships,
ciaries, 16:42, 16:47 et seq., 16:49 et	16:20
seq.	limited partnerships gifts in trust, notice require-
Crummey powers, 16:31	ment, 16:33
Crummey withdrawal planning, 16:51	medical expenses, 16:9 et seq.

GIFT TAX—Cont'd	GIFT TAX—Cont'd
Exclusions—Cont'd	Family limited partnerships—Cont'd
Minors, exclusions of gifts to, below	planning and annual exclusion gifts, 16:50
nonresidents not citizens, disclaimers of interests as taxable transfers, <b>16:77</b>	Farm, outright remainder in, charitable deductions, <b>16:131</b>
nonresident spouses, gifts to, 16:76	Federal or state law applicable, 13:6
number allowable, 16:2	Federal tax liens, disclaimers and, 14:67
number of donees, 16:18	Fiduciary's statutory fees waivers as taxable
power of appointment under gift in trust, notice	transfer, <b>14:152</b>
requirement, 16:34	Filing of Tax Returns (this index)
present interests, <b>16:16</b> , <b>16:17</b>	Filing Tax Returns, <b>18:1</b>
proof of value of gift, 16:7	Finally determined value, computation, 17:182
reciprocal gifts, 16:4	Five and five powers, exercises powers of appoint-
reciprocal trust rule, 16:5	ment, 14:148
remainders, 16:21	Fixed or ascertainable standard, term defined,
renunciations of gifts in trust, 16:54	14:119
restricted interests gifts, 16:19	Foreign charities gifts to, charitable deductions,
reversions, 16:21	16:88  Foreign persons, notice of large gifts received from
strawpersons, increasing the annual exclusions through, <b>16:6</b>	Foreign persons, notice of large gifts received from 15:13
timely notice of gifts in trust, 16:32 et seq.	Fraternal organizations, deductible gifts to, 16:92
traditional rule, 16:3	Freeze transfers. See <b>Estate Freeze Transfers</b> (this
tuition expenses, 16:9 et seq.	index)
uniform gifts and uniform transfers to minors	Future interests exclusions, 16:16, 16:17
acts, <b>16:65</b> , <b>16:72</b>	Generation-Skipping Transfer Tax (this index)
value of gift, proof, 16:7	Grantor trusts, <b>14:103</b> Gross estate determinations
Executors, tax return filing requirements, <b>18:14</b>	
Exercises of powers of appointment	gift tax paid by noncitizen nonresident not included in gross estate, <b>8:34</b>
generally, 14:143 et seq.	net gift doctrine, 2:147
five and five powers, 14:148	reimbursed gift tax on deemed transfer of QTIP,
life income interest transfers, 14:147	transfers within three years before death,
matrimonial agreement, 14:144	2:148
1942 legislation, <b>14:145 et seq.</b>	Group insurance policy exclusions, 16:25
resignation of beneficiaries as trustees and	Improper withdrawal of assets from QTIP trusts,
appointment of successors will not cause beneficiaries to have possessed, exercised,	14:116
or released a power of appointment, 14:127	Income exception CRUT, charitable deductions,
terminable interest rule, <b>16:143</b>	16:125
transfer of life income interest, <b>14:147</b>	Income from trust property, exclusions, 16:8
Expatriates	Income gifts as qualifying separately, exclusions of
definition, 15:4	gifts to minors, 16:64
location of property of, 15:6	Income tax of spouse, payment as taxable transfer, 14:153
2004 Jobs Act, <b>15:7</b>	Income to be used to pay life insurance premiums,
2008 legislation, <b>15:9</b>	minors, exclusions of gifts to, <b>16:63</b>
Facade easement with mortgage subordination	Incompetents, gifts by, 14:17
requirement, deductions, <b>16:102</b> Failure to file, <b>18:25</b>	Incomplete gifts
Family corporation, gift to, terminable interest rule,	generally, <b>14:5</b> , <b>14:23</b>
16:154	charitable deductions, <b>16:79</b>
Family debt as prearranged plan to avoid, <b>16:28</b>	distributions by trust committees, <b>14:25</b>
Family limited partnerships	partially complete transfers, 14:24
limited interests exclusions, <b>16:20</b>	return, when filed, 18:20
mintou microsto exclusiono, 10.20	1000111, 1111000, 10020

GIFT TAX—Cont'd	GIFT TAX—Cont'd
Incomplete gifts—Cont'd	Jointly-held property—Cont'd
scrivener's error, reformation for, 14:22	terminable interest rule
trust, incomplete gift to, 14:22	generally, <b>16:148</b>
when return must be filed, 18:20	noncitizen donee, 16:149
Increasing the annual exclusions through strawpersons, <b>16:6</b>	Joint powers of appointment, 1942 legislation, <b>14:138 et seq.</b>
Indexing, computations, 17:180	Large gifts received from foreign persons, notice
Individuals, deductible gifts to, 16:94	requirements, 15:13
Installment notes, self cancelling, 14:52	Legal life estate plus power of appointment, marital
Insufficient consideration transfers	deduction, 16:159
generally, 14:39 et seq.	Life estate gifts, marital deduction
asset protection trusts, 14:56	generally, <b>16:164 et seq.</b>
child support, 14:47	life estate plus power of appointment, <b>16:156 et</b>
consideration, term defined, 14:40	<b>seq.</b> Qualified terminable interest property, below
de minimis gift loans, 14:49	Life income interest transfers by power of appoint-
excessive compensation, 14:53	ment, 14:147
installment notes, self cancelling, 14:52	Life insurance
intrafamily transfers, 14:46	generally, <b>14:98</b>
loans with below market interest rates, <b>14:48 et</b>	community property purchase, <b>14:99</b>
seq.	exclusions
marital property rights settlements, <b>14:41 et seq.</b> self cancelling installment notes, <b>14:52</b>	generally, <b>16:22 et seq.</b>
self-settled trusts, <b>14:54 et seq.</b>	intent facts vs policy facts, 16:28
support rights settlements, 14:41 et seq.	gift to spouse, terminable interest rule, <b>16:144</b>
Insurance policy gifts in trust exclusions, notice	minors, exclusions of gifts to, <b>16:63</b>
requirement, 16:37	premiums, income to be used to pay, 16:63
Intent, donative, <b>14:9 to 14:12</b>	Life insurance rights gifts, charitable deductions,
Interest rates, loans with below market interest	16:99, 16:100
rates, <b>14:48 et seq.</b>	Life interests, charitable deductions, 16:105
Interests in trusts, disclaimers as taxable transfers, <b>14:87 et seq.</b>	Lifetime annuity interest, qualified terminable interest property, <b>16:171</b>
Interim guidance to tax auditors on pre-appeals conference procedures, <b>App. G</b>	Lifetime disposition by donee spouse of income interest in QTIP, <b>16:173</b> , <b>16:174</b>
Intrafamily transfers, 14:46, 17:75	Limitations on charitable deductions, <b>16:120</b>
IRAs, disclaimers of interests as taxable transfers, <b>14:90 et seq.</b>	Limited interests in family limited partnerships, exclusions, <b>16:20</b>
IRS Estate & Gift Tax Handbook (Current Version	Limited partnerships gifts in trust exclusions, notice
of Examination Technique Handbook), <b>App.</b>	requirement, 16:33
H	Literary organizations, deductible gifts to
Joint accounts, taxable transfers, 14:159	generally, 16:89
Joint and several liability for tax, splitting of gifts	transfers to corporations, 16:91
by spouses, <b>16:180</b>	Loans
Joint and survivor annuities, qualified terminable	below market interest rates, 14:48 et seq.
interest property, 16:172	gift or loan determinations, 14:11
Joint bank, brokerage and other investment	qualified works of art as taxable transfer, 14:149
accounts, disclaimers of interests as taxable	Local governments, deductible gifts to, 16:87
transfers, 14:84	Management powers, term defined, 14:125
Joint disclaimers of interests, <b>14:66</b>	Mandatory income trusts for minors, exclusions of
Jointly-held property	gifts to
disclaimers of interests as taxable transfers,	generally, <b>16:71</b> , <b>16:74</b>
14:82	objections, 16:75

GIFT TAX—Cont'd	GIFT TAX—Cont'd
Marital deduction	Marital deduction—Cont'd
generally, 16:134 et seq.	reservation of power of disposition, terminable
commercial annuity bought for spouse termina-	interest rule, 16:153
ble interest rule, 16:145	restrictions on donee spouse's income rights, life
Congressional intention, <b>16:136</b>	estate plus power of appointment, 16:161
disparity between income interest and power over principal, <b>16:158, 16:159</b>	restrictions on transfer to spouse, terminable interest rule, <b>16:155</b>
donee spouse's power to appoint, life estate plus power of appointment, <b>16:163</b>	retention by donor of interest in property, termi- nable interest rule
donor retention of interest in property terminable	generally, <b>16:146</b>
interest rule	power of appointment retention, 16:147
generally, <b>16:146</b>	returns, transfers not subject to gift tax, 18:8
power of appointment retention, 16:147	sale of remainder and gift of terminable interest
donor's entire property as terminable interest,	to spouse, <b>16:141</b>
16:139	savings bonds in donee's name payable to donor
exercise of power of appointment as transfer, terminable interest rule, <b>16:143</b>	on donee's death, terminable interest rule, <b>16:150</b>
gift of remainder interest to spouse, terminable interest rule, <b>16:140</b>	state law applicability, life estate plus power of appointment, <b>16:160</b>
income rights restrictions, life estate plus power	Terminable interest rule, below
of appointment, 16:161	trust, terminable interest property held in, 16:151
jointly-held property, terminable interest rule	trust allocation restrictions, life estate plus power
generally, <b>16:148</b>	of appointment, 16:162
noncitizen donee, 16:149	unascertainable donee, gift to, terminable interest
legal life estate plus power of appointment,	rule, <b>16:152</b>
16:159	Market valuation discount, single-member LLC not disregarded for gift tax purposes, <b>21:16</b>
life estate gifts	Medical expenses exclusions, <b>16:9 et seq.</b>
generally, <b>16:164 et seq.</b>	Merger of related companies results in gifts to chil-
Qualified terminable interest property, below	dren, 14:162
life estate plus power of appointment, 16:156 et	Minors
seq.	disclaimers of interests as taxable transfers,
life insurance gift to spouse, terminable interest rule, <b>16:144</b>	14:70
powers of appointment	disclaimer tax trap, estate and/or GST tax savings as in the minor's best interest, <b>14:71</b>
exercise or release of power of appointment as	
transfer, terminable interest rule, <b>16:143</b>	exclusions. Minors, exclusions of gifts to, below support, insufficient consideration transfers,
life estate plus, 16:156 et seq.	14:47
retention by donor terminable interest rule,	Minors, exclusions of gifts to
16:147	generally, <b>16:56 et seq.</b>
property which another done may possess or	Crummey provisions, 16:68
enjoy, terminable interest rule, <b>16:142</b>	Crummey trusts, 16:73
qualified charitable remainder trust	discretionary distributions during minority,
where donor and spouse are not only noncharitable beneficiaries, <b>16:137</b>	16:61, 16:62
where donor and spouse are only noncharitable	estate, payable to for minors, <b>16:57</b>
beneficiaries, 16:135	general rules, 16:66 et seq.
Qualified terminable interest property, below	gift of income as qualifying separately, 16:64
release of power of appointment as transfer, terminable interest rule, <b>16:143</b>	income to be used to pay life insurance premiums, <b>16:63</b>
remainder interest gift to spouse, terminable interest rule, <b>16:140</b>	life insurance premiums, income to be used to pay, <b>16:63</b>

#### GIFT TAX—Cont'd GIFT TAX-Cont'd Minors, exclusions of gifts to-Cont'd Nonresidents not citizens—Cont'd local impediment to appointment of guardian, gross estate determinations, gift tax paid by noncitizen nonresident not included in gross 16:69 estate, **8:34** mandatory income trust jointly-held property, terminable interest rule, generally, 16:71, 16:74 noncitizen donee, 16:149 objections, 16:75 Nonresident spouses, exclusions of gifts to, 16:76 notice of withdrawal right, 16:70 Notice requirements, large gifts received from parents and beneficiary deplete own funds, trust foreign persons, 15:13 funds available only after, 16:62 Number of donees, exclusions, 16:18 power of appointment requirements, 16:60 Outline of the tax, 13:2 power of minor to extend trust beyond age 21, Outright remainder in personal residence or farm, 16:58, 16:59 charitable deductions, 16:131 requirements of power of appointment, 16:60 Partial interest transfer deductions, 16:97 et seq. separate qualification of gift of income, 16:64 Partially complete transfers, 14:24 state law, local impediment to appointment of Partial termination of CRT followed by purchase of guardian, 16:69 commercial annuities for benefit of individual strict construction, 16:57 CRT beneficiaries, deductions, 16:122 trust, gifts in, **16:67** Parties to gift, 14:16 trust funds available only after parents and bene-Partnerships, tax return filing requirements, 18:13 ficiary deplete own funds, 16:62 Payment of spouse's income tax as taxable uniform gifts and uniform transfers to minors transfers, 14:153 acts, 16:65, 16:72 Payment of Tax, 18:1 withdrawal right, notice of, 16:70 Political organization transfers, 14:156 Minor's power to extend trust beyond age 21 for Pooled income funds deductions, 16:126 exclusion, 16:58, 16:59 Portability, 2010 legislation, 17:192 Nature of gift tax, 13:1 Powers, transfers subject to, deductions, 16:96 Net gift doctrine, 17:6 et seq. Powers of appointment Net gift doctrine and gross estate determinations, generally, 14:123 et seq. 2:147 ascertainable standard, power limited by, 14:128 1942 legislation conversion to unitrust by independent trustee exercises of powers of appointment, 14:145 et removable by beneficiaries, 14:132 corporate co-trustee, replacement of, 14:134 joint powers of appointment, 14:138 et seq. 1969 legislation, charitable deductions, 16:85 creation, 14:123 et seq. 1976 legislation, disclaimers of interests as taxable creation of power, 14:141, 14:142 transfers, 14:57 et seq. definitions 1977 legislation, disclaimers of interests as taxable generally, 14:124 transfers, 14:94 management powers, 14:125 1981 legislation, disclaimers of interests as taxable disclaimers of interests as taxable transfers, transfers, 14:59 14:81 1982 legislation, disclaimers of interests as taxable economic reasons, power to terminate trust for, transfers, 14:61 14:137 1997 legislation, computation, 17:181 exclusions, notice requirement, 16:34 1997 legislation, disclosure rules, 17:185 et seq. Exercises of powers of appointment, above Nonprofit pleasure clubs, gifts to, 14:8 five and five powers exercises, 14:148 Nonresident aliens, tax return filing requirements, general powers 18:17 generally, 14:126 Nonresidents not citizens beneficiary's withdrawal rights, limiting, gengenerally, 15:1 et seq. eral power of appointment, 14:135 charitable deductions, 16:86 state law determinations, general vs limited collection of tax, 18:48 powers, 14:136

GIFT TAX—Cont'd	GIFT TAX—Cont'd
Powers of appointment—Cont'd	Qualified terminable interest property—Cont'd
generation-skipping transfers, 14:131	elections—Cont'd
joint power, release to close a class of benefi-	time to make election, 16:170
ciary, <b>14:129</b>	joint and survivor annuities, 16:172
joint powers 1942 legislation, <b>14:138 et seq.</b>	lifetime annuity interest, 16:171
life estate plus, marital deduction, <b>16:156 et seq.</b> life income interest transfers, <b>14:147</b>	lifetime disposition by donee spouse of income interest, <b>16:173</b> , <b>16:174</b>
limited power	partial QTIP elections, 16:169
generally, <b>14:128</b>	specific interests, 16:168
state law determinations, general vs limited	total return trusts, 16:167
powers, <b>14:136</b>	trusts
management powers, term defined, 14:125	disclaimers of interests as taxable transfers,
marital deduction, life estate plus power, <b>16:156</b>	14:76 et seq.
et seq.	divisions of trusts, 14:112, 14:113
matrimonial agreement exercise, 14:144 minors, exclusions of gifts to, 16:60	improper withdrawal of assets, 14:116
1942 legislation	nonqualified disclaimer to charity as completed gift, 14:117
exercises of powers, 14:145 et seq.	Remainder interests, below
joint powers, 14:138 et seq.	Rate schedule, 17:191
reduction in number of trustees, <b>14:133</b>	Redstone, 14:12
releases	Reformed charitable split interest trust to obtain gift
joint power to close a class of beneficiary,	tax charitable deduction, 16:133
14:129	Refund Claims (this index)
resignation of beneficiaries as trustees and	Regulations applicable, 13:9
appointment of successors will not cause	Reimbursed gift tax on deemed transfer of QTIP,
beneficiaries to have possessed,	gross estate determinations, transfers within
exercised, or released a power of appoint-	three years before death, 2:148
ment, 14:127 terminable interest rule, 16:143	Religious organizations, deductible gifts to
replacement of corporate co-trustee, 14:134	generally, 16:89
resignation of beneficiaries as trustees and	transfers to corporations, 16:91
appointment of successors will not cause	Relinquishment of reserved power, gifts in trust,
beneficiaries to have possessed, exercised,	14:121
or released a power of appointment, 14:127	Remainder interests
special power, 14:130	charitable deductions, 16:117 et seq.
terminable interest rule, 16:147	exclusions, 16:21
terminate trust for economic reasons, power to,	failure to disclaim, 14:60
14:137	gift to spouse, terminable interest rule, 16:140
time of creation of power, 14:142	sale of remainder and gift of terminable interest
transfer of life income interest, 14:147	to spouse, <b>16:141</b>
Powers of attorney, gifts made under, 14:38	transfers from QTIP trusts
Present interests exclusions, 16:16, 16:17	charities, transfers to, 14:20
Proceedings, authority for, 13:8	spouses, transfers to, 14:19
Promise to make a gift, <b>14:27</b> Proof of value of gift exclusions, <b>16:7</b>	Renunciations of gifts in trust, exclusions, <b>16:54</b>
Qualified terminable interest property	Rescissions of gifts, 14:95
generally, <b>16:164</b>	Reservation of power of disposition, terminable
annuities, joint and survivor annuities, 16:172	interest rule, 16:153
definition, <b>16:165</b>	Residence, outright remainder in, charitable deductions, <b>16:131</b>
elections	Resident, term defined, 14:14
partial QTIP elections, <b>16:169</b>	Restricted interests gifts exclusions, <b>16:19</b>
Partial VIII Ciccuons, 10.107	restricted interests girts exclusions, 10.17

#### GIFT TAX—Cont'd GIFT TAX—Cont'd Resulting trusts as completed taxable transfers, Statutes applicable, 13:9 14:33 Statutory construction, 13:3 Retention by donor of interest in property, termina-Stock, ex voting power, charitable deductions, ble interest rule 16:98 generally, 16:146 Strawpersons, increasing the annual exclusions power of appointment retention, 16:147 through, **16:6** Reversions exclusions, 16:21 Strict construction, minors, exclusions of gifts to, Revocable successor life-interest charitable deductions. 16:105 Structuring transfer to preserve spouse's unified credit, 14:36 Sale of remainder and gift of terminable interest to Substantial adverse interest, term defined, 14:118 spouse, 16:141 Sample disclaimers of interests as taxable transfers, Supporting organizations, gifts to, charitable deduc-14:68 tions, 16:90 Savings bonds in donee's name payable to donor on Survivor benefits attributable to service by public safety officer killed in line of duty as taxable donee's death, terminable interest rule, 16:150 transfer, 14:157 Scientific organizations, deductible gifts to Taxable estate generally, **16:89** gift taxes paid within three years of death, 6:147 transfers to corporations, 16:91 unpaid gift taxes deductions, **6:67** Securities, tax exempt as taxable transfer, 14:151 Taxable transfers Self cancelling installment notes, 14:52 generally, 14:1 Self-settled trusts, 14:54 to 14:56, 14:106 to 14:109 adding beneficiaries to GST tax exempt trust, 14:161 Separate qualification of gift of income, exclusions annual exclusion, transfers qualifying for, 14:7 of gifts to minor, 16:64 asset protection trusts, 14:56 **Settlements of Tax Disputes** (this index) assignments of wrongful death claims, 14:160 Single-member LLC not disregarded for gift tax authority to make transfer, 14:38 purposes, market valuation discount, 21:16 beneficial interest, 14:18 et seq. **Split Gifts** (this index) Causa mortis gifts, above Split interest trust, reformed, charitable deduction, charitable lead unitrusts, 14:4 16:133 citizen of a US possession, 14:15 **Spouses** compensation or gift disclaimers of interests as taxable transfers, 14:72 et seq. generally, **14:10** excessive compensation, 14:53 election by surviving spouse, disclaimer of interest as taxable transfers, 14:73 delivery issues, 14:30, 14:31 gift to wife of gift tax paid within three years of de minimis gift loans, 14:49 husband's death included in husband's Disclaimers of interests as taxable transfers, estate, 14:35 income tax of spouse, payment as taxable disclaimers of undivided portion, 14:150 transfer, 14:153 distributions by trust committees, 14:25, 14:108, 14:109 QTIP trust remainder interest transfers, 14:19 donative intent, 14:9 **Split Gifts** (this index) donors, 14:13 State disclaimer statutes, 14:93 elements of a gift, generally, 14:2 State law employee benefit plan coverage, 14:158 generally, 13:6, 13:7 entirety, tenancies by, 14:96 disclaimers of interests, state disclaimer statutes, estate tax payment, 14:154 14:93 excluded transfers, 14:6 marital deduction, life estate plus power of appointment, 16:160 fiduciary's statutory fees waivers, 14:152 minors, exclusions of gifts to, local impediment GST tax exempt trust, adding beneficiaries to, to appointment of guardian, 16:69 14:161

GIFT TAX—Cont'd	GIFT TAX—Cont'd
Taxable transfers—Cont'd	Terminable interest rule—Cont'd
income tax of spouse, payment, 14:153	donor retention of interest in property—Cont'd
incompetents, gifts by, 14:17	power of appointment retention, 16:147
Incomplete gifts, above	donor's entire property as terminable interest,
installment notes, self cancelling, 14:52	16:139
Insufficient consideration transfers, above	exercise of power of appointment as transfer,
intent, donative, 14:9	16:143
joint accounts, 14:159	family corporation, gift to, 16:154
life income interest by power of appointment,	gift of remainder interest to spouse, <b>16:140</b>
14:147	jointly-held property
loan or gift, 14:11	generally, 16:148
loans of qualified works of art, 14:149	noncitizen donee, 16:149
loans with below market interest rates, 14:48 et	life insurance gift to spouse, 16:144
seq.	power of appointment exercise or release, 16:143
miscellaneous transfers, 14:149 et seq.	power of appointment retention by donor, <b>16:147</b>
nonprofit pleasure clubs, gifts to, <b>14:8</b> partially complete transfers, <b>14:24</b>	property which another donee may possess or enjoy, <b>16:142</b>
parties to gift, 14:16	release of power of appointment as transfer,
payment of spouse's income tax, 14:153	16:143
political organization transfers, 14:156	remainder interest gift to spouse, 16:140
powers of attorney, gifts made under, 14:38	reservation of power of disposition, 16:153
preserving spouse's credit shelter with a power	restrictions on transfer to spouse, <b>16:155</b>
of appointment, 14:37	retention by donor of interest in property
promise to make a gift, 14:27	generally, 16:146
resident, term defined, 14:14	power of appointment retention, <b>16:147</b>
resulting trusts as completed taxable transfers, 14:33	sale of remainder and gift of terminable interest to spouse, <b>16:141</b>
securities, tax exempt, <b>14:151</b> self cancelling installment notes, <b>14:52</b>	savings bonds in donee's name payable to donor on donee's death, <b>16:150</b>
self-settled trusts, 14:54 to 14:56, 14:106 to 14:109	trust, terminable interest property held in, <b>16:151</b> unascertainable donee, gift to, <b>16:152</b>
spouse's income tax, payment, <b>14:153</b>	Terrorism victims, deductible gifts to, <b>16:95</b>
survivor benefits attributable to service by public	Theory of estate tax, 1:1
safety officer killed in line of duty, <b>14:157</b>	Time of transfer issues, disclaimers of interests as
tax exempt securities, 14:151	taxable transfers, 14:63, 14:64
tenancies by the entirety, <b>14:96</b>	Total return trusts qualified terminable interest
undivided portion disclaimers of, <b>14:150</b>	property, <b>16:167</b>
US savings bonds, 14:155	Transferee liability for gift tax based on stipulated
waivers of fiduciary's statutory fees, 14:152	value, <b>18:38</b>
wrongful death claims assignments, <b>14:160</b>	Trusts
Tax exempt securities as taxable transfer, 14:151 Tax liens, 18:37	adding beneficiaries to GST tax exempt trust as taxable transfers, <b>14:161</b>
Taxpayers' Remedies (this index)	administrative powers of trustee, exclusions,
	16:53
Tenancies by the entirety, taxable transfers, 14:96	allocation restrictions, marital deduction, life
Ten percent rule, charitable deductions, <b>16:124</b>	estate plus power of appointment, 16:162
Terminable interest rule	apocalypse family trusts, 14:120
generally, 16:138 et seq.	charitable Crummey withdrawal power, exclu-
commercial annuity bought for spouse, <b>16:145</b>	sions, <b>16:48</b>
donor retention of interest in property	conditional disbursement exclusions, notice
generally, <b>16:146</b>	requirement, 16:35

#### GIFT TAX—Cont'd GIFT TAX—Cont'd Trusts—Cont'd Trusts—Cont'd income distributable in trustee's discretion. contingent beneficiaries, Crummey power given to, exclusions, 16:42 exclusions, 16:30 correcting improper funding of charitable income from trust property, exclusions, 16:8 remainder trust, 16:107 income to be used to pay life insurance creditor rights, 14:104 premiums, minors, exclusions of gifts to, Crummey power given to contingent beneficia-16:63 ries, 16:47 et seq. insurance policy exclusions, notice requirement, 16:37 Crummey withdrawal planning of exclusions, 16:51 interests in, disclaimers as taxable transfers, 14:87 et seq. Crummey withdrawal right hanging powers, 16:46 invasion power of trustee, exclusions, 16:52 Crummey withdrawal rights as creating present managerial powers of trustee, exclusions, 16:53 interest transfer notwithstanding: Mandatory income trusts for minors, exclusions indirect payment and lack of notice, 16:44 of gifts to, above in terrorem and arbitration clauses, 16:45 mergers of trusts, 14:111, 14:115 disclosure of retained power on gift tax return, Minors, exclusions of gifts to, above 14:122 modifications of trusts, 14:114 distribution committees, 14:25, 14:108, 14:109 non-pro rata distributions, 14:115 divisions of trusts nonqualified disclaimer of QTIP trust to charity generally, 14:111, 14:115 not a completed gift, 14:117 QTIP trusts, 14:112, 14:113 power of appointment under, exclusions, notice requirement, 16:34 exclusions power of minor to extend trust beyond age 21 for constructive notice of withdrawal rights, 16:41 exclusion, 16:58, 16:59 Crummey withdrawal rights as creating prereciprocal trust rule, exclusions, 16:5 sent interest transfer notwithstanding: reformation of charitable split interests to qualify indirect payment and lack of notice, 16:44 for gift tax charitable deduction, 16:106 in terrorem and arbitration clauses, 16:45 relinquishment of reserved power, 14:121 flexible Crummey withdrawal power, 16:40 resulting trusts as completed taxable transfers, income distributable in trustee's discretion. 14:33 16:30 retained powers as rendering gift incomplete, income from trust property, 16:8 14:105 limited power of withdrawal, 16:39 Rev. Rul. 2004-64, 14:103 notice of withdrawal power, 16:38 self-settled trusts, 14:54 to 14:56, 14:106 to power of appointment under, notice require-14:109 ment. 16:34 spouses of children, withdrawal rights exclusions reciprocal trust rule, 16:5 extended to. 16:43 family limited partnership planning and annual substantial adverse interest, term defined, 14:118 exclusion gifts, 16:50 tax return filing requirements, 18:13 fixed or ascertainable standard, term defined, terminable interest property held in, 16:151 14:119 transfer by trustee, 14:110 flexible Crummey withdrawal power, 16:40 trustee's power of invasion, exclusions, 16:52 gifts in trust, generally, 14:102 et seq. withdrawal rights extended to greatgift tax return, disclosure of retained power on, grandchildren and spouses of children, 14:122 exclusions, 16:43 grantor trusts, 14:103 Tuition expenses exclusions, 16:9 et seq. great-grandchildren, withdrawal rights extended 2004 legislation, expatriates, **15:7** to, exclusions, 16:43 2008 legislation, expatriates, **15:9** improper withdrawal of assets from QTIP trusts,

2010 legislation, portability, **17:192** 

14:116

## GIFT TAX—Cont'd

2012 legislation, disclaimers of interests as taxable transfers, **14:58** 

Unascertainable donee, gift to, terminable interest rule, **16:152** 

Uniform gifts and uniform transfers to minors acts exclusions, **16:65**, **16:72** 

United States, deductible gifts to, **16:87**Unpaid gift taxes, taxable estate deductions, **6:67** 

US savings bonds, taxable transfers, 14:155

## Valuation

# Victims of Terrorism Tax Relief Act of 2001 (this index)

Voidable disclaimers of interests, **14:67** 

Void gifts, restoration of unified credit, 17:193

Waivers of fiduciary's statutory fees as taxable transfer, 14:152

War veterans organizations, deductible gifts to, 16:93

Wrongful death claims assignments as taxable transfers, **14:160** 

## GOING CONCERN VALUATION

Business interests, 3:143

## GOODWILL

Gross estate determinations, 2:104

# GRANTOR RETAINED ANNUITY TRUSTS (GRATs)

**Estate Freeze Transfers** (this index)

Fair market value, retained interests, **3:257** Gift valuation, zeroed out GRATs, **17:160 et seq.** 

# GRANTOR RETAINED UNITRUSTS (GRUTS)

Estate Freeze Transfers (this index)

Retained interest in, gift valuation, 17:163, 17:164

# GROSS ESTATE

Definition, 1:4

# **GROSS ESTATE DETERMINATIONS**

Generally, 2:1 to 2:299

Accumulated income retention rights, transfers with retained life estates, 2:161

Adequate consideration, term defined, 2:128 et seq. Adjusted value of gross estate, 5:50

Adverse interests, joint powers of appointment, 2:265

After-born children, right to designate enjoyment of transferred property, **2:186** 

Ambiguous power of appointment, beneficiary's, 2:259

Annuities and pensions generally, **2:282 et seq.** 

# GROSS ESTATE DETERMINATIONS—Cont'd

Annuities and pensions—Cont'd

amount includible in estate

generally, 2:294

employer payments, 2:295

amounts contributed as taxes, 2:296

annuities under separate employee plans, 2:291

annuity as property interest or lifetime transfer, 2:297

annuity tax rule, 2:283

Canadian retirement plan's indirect holdings of shares in US corporations not subject to US estate tax. 2:299

combination annuity-insurance contracts, payments under, 2:293

compensation for services includible, **2:286** contract types includible, **2:289** 

death benefits under separate employee plans, 2.291

disability, employee payments during, **2:287** employee payments during illness or disability, **2:287** 

illness, employee payments during, 2:287

life insurance proceeds, 2:292

1985 legislation, 2:298

payable to decedent requirement, 2:288

payments under combination annuity-insurance contracts, 2:293

period annuity payable or receivable, 2:284

property interest or lifetime transfer, annuity as, 2:297

receivable by decedent requirement, 2:288

salary includible, 2:286

separate employee plans, annuities and death benefits under, **2:291** 

statutory benefits, 2:290

taxes, amounts contributed as, 2:296

types of contracts includible, 2:289

types of payments includible, 2:286

valuation of retained interests in property included in grantor's estate, **2:285** 

Annuity as property interest or lifetime transfer, 2:297

Annuity tax rule, 2:283

Annuity trust as conduit to pay income to transferor, transfers with retained life estates, 2:151

Art works

exhibit in US, nonresidents not citizens, **8:29** loaned qualified works of art, **2:101** 

Ascertainable standards limitations on general pow-

ers of appointment generally, **2:246 et seq.** 

#### GROSS ESTATE DETERMINATIONS—Cont'd GROSS ESTATE DETERMINATIONS—Cont'd Ascertainable standards limitations on general pow-Charities, checks payable to, 2:28 ers of appointment—Cont'd Checks payable to charity, 2:28 revocable transfers, 2:218 Checks payable to noncharitable donees, 2:29 Asset protection trust transfers with retained life Claims, business interest, 2:103 estates, 2:170 Claims. Notes and claims, below Assignments of life insurance. Effect of assignment Community property of life insurance policy, below generally, 2:89 Attorneys-in-fact revocable transfers nonresidents not citizens, 8:36, 8:37 generally, 2:207 transfers with retained life estates, 2:176 authority issues, 2:208 Community property life insurance Attribution rules, transfers with retained life estates, acquisition of policy prior to community, 2:63 2:179 assignments of policies, 2:69 Bank accounts cross purchases, 2:64 Spousal joint bank accounts, below insurance receivable by estate or for its benefit, Totten trusts, 2:223 Bank deposits insurance receivable by other beneficiaries, 2:60 Cash and bank deposits, below et seq. nonresidents not citizens, 8:48, 8:49 IRS guidance, 2:62 Beneficial interests separate property agreements, 2:65 interests held at death, 2:6 Conditions or contingencies, powers of appointrelinquishment of, revocable transfers, 2:222 ment subject to stocks and bonds, 2:21 generally, 2:272 et seq. Beneficiaries of life insurance disclaimers, 2:276 estate, insurance receivable by or for benefit of, lapse 2:34 et seq. generally, 2:274 Fiduciary capacity, life insurance ownership held valuation, 2:275 in, below nongeneral power exercised to create second Incidents of life insurance ownership, below power, 2:273 non-estate beneficiaries, insurance receivable by second power, nongeneral power exercised to or for benefit of, 2:38, 2:39 create, 2:273 right to change beneficiary under accidental Consideration death policy, 2:66 adequate consideration, term defined, 2:128 et Beneficiary obligations, life insurance, 2:36 seq. Benefit to grantor issues, revocable transfers, 2:214 insufficient consideration transfers during life, Bona fide transfer exception to three year rule, 2:127 2:143 Contingent remainders, 2:109 Bonds, nonresidents not citizens, 8:42 et seq. Contractual death benefits, 2:115 Building classified as a trade fixture excluded from Control of trustee's compensation, life insurance landlord's estate, 2:118 ownership incidents, 2:48 **Business** interests Conveyances of real estate by decedent, 2:17 generally, 2:102 et seq. Cooperative housing stock interests, 2:18 claims, 2:103 Corporate-owned life insurance on sole or controlgoodwill, 2:104 ling shareholder Canadian retirement plan's indirect holdings of generally, 2:57 shares in US corporations not subject to US control indicia, 2:58 estate tax, 2:299 Corporate stock, nonresidents not citizens, 8:38 et Cash and bank deposits generally, 2:27 Corporation interests checks payable to charity, 2:28 transfers with retained life estates, 2:152 checks payable to noncharitable donees, 2:29 transfers with retained voting rights, 2:177,

2:178

Causa mortis. Gifts causa mortis, below

GROSS ESTATE DETERMINATIONS—Cont'd Corporation interests—Cont'd	GROSS ESTATE DETERMINATIONS—Cont'd Escheat property, 2:105
US assets held by foreign corporation but benefi- cially owned by nonresident alien, <b>8:35</b>	Estate, insurance receivable by or for benefit of, 2:34 et seq.
US assets owned through foreign corporation by former US citizen, <b>8:31 et seq.</b>	Estate freeze rules, transfers with retained life estates, 2:157
US assets owned through foreign corporation by nonresident alien, <b>8:30</b>	Estate tax liabilities, discretionary power to use life insurance death benefit to pay estate taxes,
Credits, Tax (this index)	2:50
Cross purchases of community property life insurance, <b>2:64</b>	Expectancies, interests held at death, <b>2:5</b> Explaining the gross estate, <b>1:4</b>
Cross trusts, right to designate enjoyment of transferred property, <b>2:194 et seq.</b>	External standard, powers limited by an revocable transfers, <b>2:224</b> , <b>2:225</b>
Custodian accounts for minors, revocable transfers, <b>2:220</b>	Family limited partnership interests, transfers with retained life estates, 2:152
Death benefits	Family members, split purchases among, <b>2:129</b>
contractual, 2:115	Fiduciary capacity, life insurance ownership held in
Employee death benefits, below	generally, 2:49 et seq.
insurance, 2:32	avoiding estate inclusion of life insurance owned
Debt obligations of nonresidents not citizens, <b>8:42</b> et seq.	by trust for benefit of insured/trustee, 2:53 defective life insurance trust, guidance for cor-
Definitions	recting, 2:52
gross estate, 1:4	discretionary power to use death benefit to pay
life insurance, 2:31, 2:33	estate taxes, 2:50
powers limited by an ascertainable standard, 2:191	spouse as trustee of irrevocable life insurance trust
transfer, 2:125	generally, <b>2:51</b>
Dependents' benefits, workers' compensation, 2:97 Deposits, nonresidents not citizens, 8:48, 8:49	IRS guidance, 2:70
Disclaimers of powers of appointment subject to	Flight insurance, right to change beneficiary under,
conditions or contingencies, 2:276	2:66 Form over substance rule, interests held at death,
Discretionary power to use life insurance death benefit to pay estate taxes, 2:50	2:10 Future interests, 2:108 et seq.
Dividends, stock and bond, 2:23	General partner of limited partnership, right to des-
Divisions of irrevocable trusts with retained life estates, 2:153	ignate enjoyment of transferred property,  2:187
Dower and curtesy, <b>2:19</b> Effect of assignment of life insurance policy	General powers of appointment
generally, <b>2:67 et seq.</b>	generally, 2:237 et seq.
group policies, 2:68	guidelines, substitution powers, 2:244
Employee death benefits	heirs at law, disposition to, 2:239
generally, 2:205	necessary for welfare language, 2:241
post-death benefits, 2:112 et seq.	Nongeneral powers of appointment, below
separate employee plans, 2:291	parents' issue, testamentary power to appoint
transfers taking effect at death, 2:205	among, 2:240
Encumbered spousal joint tenancies, <b>2:87</b>	parent's rights under uniform acts, 2:242
Enjoyment for life transfers of life estates, <b>2:162 et</b>	portion of property, power over, 2:243
seq.	substitution power guidelines, <b>2:244</b>
Entity ownership of life insurance, <b>2:44</b>	testamentary exercises, 2:238
Equitable interests, nonresidents not citizens, <b>8:47</b> Equitable vs legal title distinctions, interests held at	testamentary power to appoint among parents' issue, <b>2:240</b>
death, 2:7	trustee removal power, <b>2:255</b>
	F

#### GROSS ESTATE DETERMINATIONS—Cont'd GROSS ESTATE DETERMINATIONS—Cont'd Income stream retention resulting in partial interest Gifts causa mortis in transferred property included in decedent's generally, 2:199 estate, 2:174 revocable transfers, 2:207 Income tax refunds Gifts during lifetime, reporting of, 2:124 generally, 2:98 Gifts for which no gift tax return is required, transfers within three years before death, case study, 2:100 netting overpayments and liabilities, 2:99 Gift tax paid by noncitizen nonresident, inclusion in Income tax reimbursement to grantor, transfers with gross estate, 8:34 retained life estates, 2:169 Goodwill, 2:104 Incompetency of grantor, revocable transfers, 2:212 Grantor incompetency, revocable transfers, 2:212 Incompetent donee, powers of appointment, 2:271 Grantor trust transfers with retained life estates. Incomplete pre-death transfers, 2:111 2:169 Individual retirement accounts, limited power of Gross estate adjusted value, 5:50 appointment over subtrust as precluding inclu-Gross-up rule, transfers within three years before sion in the beneficiary's gross estate, 2:119 death, 2:142 et seq. Installment notes. Self-canceling installment notes, Group life insurance policies below generally, 2:59 Insufficient consideration transfers during life, assignments of policies, 2:68 2:127 Guidelines, substitution general powers of appoint-Insurance. Life insurance, below ment, 2:244 Insurance death benefits, 2:32 Heirs at law, general powers of appointment dispo-Insurer records of life insurance ownership, sition to, 2:239 reputability, 2:41 Horizontal disclaimers, interests held at death, 2:8 Interest on stocks and bonds, 2:23 Household goods Interests held at death generally, 2:91 generally, 2:2 et seq. **Fair Market Value** (this index) beneficial interests, 2:6 Identity of property to be valued, Madoff Ponzi Cash and bank deposits, above scheme, 2:14, 3:23 equitable vs legal title, 2:7 Illegally possessed property, 2:117 Illinois land trusts, right to designate enjoyment of expectancies, 2:5 transferred property, 2:189 form over substance rule, 2:10 Implied reservations transfers with retained life horizontal disclaimers, 2:8 estates, 2:168 improperly funded trusts, 2:12 Improperly funded trusts, interests held at death, Jointly owned property, below 2:12 life estates, 2:5 Incidents of life insurance ownership Life insurance, above generally, 2:42 missing property, 2:4 avoiding estate inclusion of life insurance owned Notes and claims, below by trust for benefit of insured/trustee, 2:53 private trust companies, IRS proposed guidance, control of trustee's compensation, 2:48 2:15 discretionary power to use death benefit to pay Real estate, below estate taxes, 2:50 related party transactions, 2:9 entity ownership, 2:44 state law applicability, 2:3 Fiduciary capacity, life insurance ownership held Stocks and bonds, below in, above transactions between decedent and related parloans to pay premiums, 2:48 ties, 2:9 payment of premiums, 2:48 trustee's discretion, shall vs may, 2:11 purpose of ownership test, 2:43 unfunded QTIP and family trusts, 2:13 rights less than ownership, 2:47 Income accrued to date of death, 2:92 Intrafamily transfers during life, 2:133

GROSS ESTATE DETERMINATIONS—Cont'd	GROSS ESTATE DETERMINATIONS—Cont'd
Irrevocable trust modifications and divisions, transfers with retained life estates	Law partner of trustee/beneficiary's spouse as sub- ordinate party, <b>2:184</b>
generally, 2:153	Lease-back residence transfers with retained life
scrivener's errors, modifications to correct, 2:154	estates, <b>2:173</b>
IRS guidance	Life estates
community property life insurance, 2:62 interests held at death, 2:15	accumulated income retention rights, transfers with retained life estates, <b>2:161</b>
private trust companies, proposed guidance, 2:15	asset protection trust transfers with retained life
Jointly owned property	estates, 2:170
generally, 2:71 et seq.	enjoyment for life transfers of life estates, 2:162 et seq.
adequacy of consideration, non-spousal joint tenancies, <b>2:76</b>	estate freeze rules, transfers with retained life estates, 2:157
agreements affecting spousal joint tenancies	grantor trust transfers with retained life estates,
generally, 2:72	2:169
bank accounts, 2:86	implied reservations transfers with retained life
basis step-up, non-spousal joint tenancies, 2:79	estates, <b>2:168</b>
community property, 2:89	income stream retention resulting in partial inter-
consideration adequacy, non-spousal joint tenancies, <b>2:76</b>	est in transferred property included in decedent's estate, 2:174
consideration for mortgaged property	income tax reimbursement to grantor, transfers
non-spousal joint tenancies, 2:80	with retained life estates, 2:169
spousal joint tenancies, 2:87	interests held at death, 2:5
consideration furnished rule, non-spousal joint tenancies, 2:77	interests not included in estates, transfers with retained life estates, 2:164
contribution credit, 2:75	lease-back residence transfers with retained life
disclaimers, non-spousal joint tenancies, 2:78	estates, 2:173 modifications of irrevocable trust with retained
disclaimers, spousal joint bank accounts, 2:85	life estates
discounts, spousal joint tenancies, 2:82	generally, 2:153
mortgaged property, consideration for	scrivener's errors, modifications to correct,
non-spousal joint tenancies, 2:80	2:154
spousal joint tenancies, 2:87	nonresidents not citizens, 8:22
Non-spousal joint tenancies, below	partial interest in transferred property included in
planning, spousal joint tenancies, 2:72	decedent's estate due to retention of income
Spousal joint tenancies, below	stream, <b>2:174</b>
tenancies in common, 2:73	possession for life transfers of life estates, 2:162
Uniform Simultaneous Death Act, 2:88	et seq.
Joint powers of appointment	powers of appointment distinguished, <b>2:233</b> proposed regulations, transfers with retained life
generally, 2:263	estates, 2:180
adverse interests, 2:265	received from another person, <b>2:106, 2:107</b>
1942 legislation, <b>2:263, 2:264</b>	rental real estate, partial interest retentions in
substantial adverse interests, 2:265	transfers with retained life estates, 2:160
Landlord's estate, building classified as a trade fixture excluded from, <b>2:118</b>	residence transfers with retained life estates, 2:171
Lapses of powers of appointment	retention of possession or enjoyment transfers,
generally, 2:267	2:163
conditional powers	Rev. Rul. 2004-64, <b>2:169</b>
generally, 2:274	self-settled trusts, transfers with retained life
valuation, 2:275	estates, <b>2:170</b>
valuation, 2:275	Transfers with retained life estate, below

#### GROSS ESTATE DETERMINATIONS—Cont'd GROSS ESTATE DETERMINATIONS—Cont'd Life estates—Cont'd Life insurance—Cont'd payments under combination annuity-insurance trustee removal powers, transfers with retained life estates, 2:167 contracts, 2:293 Life insurance pensions, life insurance proceeds, 2:292 generally, 2:30 et seq. proceeds payable to divorced spouse, 2:55, 2:56 accidental death policy, right to change benefipurpose of ownership test, 2:43 ciary under, 2:66 Rev. Rul. 2011-28, 2:40 acquisition of policy prior to community, 2:63 reversionary interests, 2:54 annuities, life insurance proceeds, 2:292 rights less than ownerships, 2:47 avoiding estate inclusion of life insurance owned right to change beneficiary under accidental by trust for benefit of insured/trustee, 2:53 death policy, 2:66 Beneficiaries of life insurance, above settlement dividing insurance proceeds, 2:35 beneficiary obligations, 2:36 spouse as trustee of irrevocable life insurance combination annuity-insurance contracts, paytrust ments under, 2:293 generally, 2:51 Community property life insurance, above IRS guidance, 2:70 control of trustee's compensation, 2:48 substitution of insurance policy, IRS guidance, corporate-owned insurance on sole or controlling 2:40 shareholder transfers within three years before death, 2:138 generally, 2:57 Lifetime gifts, reporting of, 2:124 control indicia, 2:58 Lifetime transfers of US property by nonresidents cross purchases of community property life not citizens, 8:23 insurance, 2:64 Limitation by ascertainable standard of nongeneral defective life insurance trust, guidance for corpowers of appointment, 2:246 et seq. recting, 2:52 Limited liability company interests, transfers with definitions, 2:31, 2:33 retained life estates, 2:152 discretionary power to use death benefit to pay Loaned qualified works of art, 2:101 estate taxes, 2:50 Loans to pay life insurance premiums, 2:48 Effect of assignment of life insurance policy, Madoff Ponzi scheme, identity of property to be above valued, 2:14, 3:23 entity ownership, 2:44 Management, retained powers of estate, insurance receivable by or for benefit of, revocable transfers, 2:215 2:34 et seq. right to designate enjoyment of transferred prop-Fiduciary capacity, life insurance ownership held erty, 2:188 in, above Marital property flight insurance, right to change beneficiary under, 2:66 dower and curtesy, 2:19 life insurance proceeds payable to divorced Group life insurance policies, above spouse, 2:55, 2:56 guidance for correcting defective life insurance relinquishment of rights trust, 2:52 Incidents of life insurance ownership, above generally, 2:131 insurer records of ownership, reputability, 2:41 consideration issues, 2:132 May vs shall trustee's discretion, interests held at IRS guidance when such a substitution power will not cause policy to be included in gross death, 2:11 estate, 2:40 Missing property, interests held at death, 2:4 loans to pay premiums, 2:48 Modifications of irrevocable trusts with retained life no-fault insurance death benefits, 2:32 non-estate beneficiaries, insurance receivable by generally, 2:153 or for benefit of, 2:38, 2:39 scrivener's errors, modifications to correct, 2:154 nonresidents not citizens, 8:51 Mortgaged real property, nonresidents not citizens, payment of premiums, 2:48 8:25

GROSS ESTATE DETERMINATIONS—Cont'd	GROSS ESTATE DETERMINATIONS—Cont'd
Necessary for welfare language in general powers	Non-spousal joint tenancies—Cont'd
of appointment, 2:241	mortgaged property, consideration for, <b>2:80</b>
Net gift doctrine, transfers within three years before	Notes and claims
death, 2:147	generally, 2:24 et seq.
Net gifts and gross-up rule, transfers within three	Self-canceling installment notes, below
years before death, 2:146	Overlapping of grounds of taxability, transfers dur-
Net taxable estate. See <b>Taxable Estate</b> (this index)	ing life, 2:122
1942 legislation generally, <b>2:266, 2:277 et seq.</b>	Parent's general powers of appointment under uniform acts, 2:242
joint powers of appointment, 2:263, 2:264	
powers of appointment, 2:234	Parents' issue, testamentary power to appoint among, 2:240
1949 legislation, retention of reversionary interest	Partial interest in transferred property included in
by donor, transfers taking effect at death,	decedent's estate due to retention of income
2:203	stream, 2:174
1981 legislation, transfers within three years before	Partial interest retentions in transfers with retained life estates
death, <b>2:136</b> 1985 legislation, annuities and pensions, <b>2:298</b>	generally, <b>2:159</b>
1997 legislation, gifts from revocable trusts, <b>2:139</b> ,	rental real estate, 2:160
2:140	Partnership interests, nonresidents not citizens, <b>8:41</b>
No-fault insurance death benefits, <b>2:32</b>	Payment of life insurance premiums, 2:48
Nongeneral powers of appointment	Pensions. Annuities and pensions, above
ascertainable standards limitation, <b>2:246 et seq.</b>	Period annuity payable or receivable, annuities and
Conditions or contingencies, powers of appoint-	pensions, 2:284
ment subject to, above	Personal effects
exercises to create second power, <b>2:273</b>	generally, 2:91
General powers of appointment, above	Fair Market Value (this index)
grantor's power of substitution over trust's assets, 2:257	Portion of property, general power of appointment over, 2:243
imputation of trustee's powers to beneficiary, 2:258	Possession for life transfers of life estates, <b>2:162 et seq.</b>
limitation by ascertainable standard, 2:246 et	Powers limited by an external standard, revocable
seq.	transfers, 2:224, 2:225
scrivener's error issues, 2:251	Powers limited by ascertainable standard
self-appointment, 2:260 et seq.	revocable transfers, 2:218
spendthrift clauses, 2:252	right to designate enjoyment of transferred prop-
state law applicability, 2:249, 2:250	erty, <b>2:191 et seq.</b>
trustee removal power, 2:255	Powers of appointment
trustee replacement powers, 2:253	generally, 2:227 et seq.
trustee replacement with remainder person, 2:254	adverse interests, joint powers, 2:265
trustee's discretion subject to ascertainable standard, 2:256	ambiguous power of appointment, beneficiary's, 2:259
Nonresidents Not Citizens (this index)	Conditions or contingencies, powers of appoint-
Non-spousal joint tenancies	ment subject to, above
generally, 2:74	definitions
adequacy of consideration, 2:76	generally, 2:228 to 2:233
basis step-up, 2:79	general power, 2:237
consideration adequacy, 2:76	nongeneral power, 2:245
consideration for mortgaged property, 2:80	disclaimers, powers subject to conditions or
consideration furnished rule, 2:77	contingencies, 2:276
contribution credit, 2:75	donee's death before completion of administra-
disclaimers, 2:78	tion of donor's estate, 2:270

# GROSS ESTATE DETERMINATIONS—Cont'd

Powers of appointment—Cont'd

donee's death before probate of donor's will, **2:269** 

economic reasons, power to terminate trust for, 2:232

General powers of appointment, above grantor's power of substitution over trust's assets. 2:257

imputation of trustee's powers to beneficiary, 2:258

inclusion in gross estate of property subject to power of withdrawal, 2:268

incompetent donee, 2:271

individual retirement accounts, limited power of appointment over subtrust as precluding inclusion in the beneficiary's gross estate, 2:119

inter vivos instrument, power created by, **2:236** Joint powers of appointment, above Lapses of powers of appointment, above life estates distinguished, **2:233** minor donee, **2:271** 

1942 legislation, 2:234

Nongeneral powers of appointment, above power exercisable in conjunction with others, revocable transfers, **2:213** 

scrivener's error issues, nongeneral powers of appointment, 2:251

second power, nongeneral power exercised to create, 2:273

self-appointment, **2:260 et seq.** spendthrift clauses, **2:252** 

state law applicability, nongeneral powers of appointment, 2:249, 2:250

substantial adverse interests, joint powers, 2:265 summary of rules, 2:281

survivorship condition, transfers taking effect at death, **2:201** 

trust distribution committees under scrutiny by IRS, 2:231

trustee removal powers, 2:255

trustee replacement powers, 2:253, 2:254

trustee replacement with remainder person, 2:254

trustee's discretion subject to ascertainable standard, 2:256

wills, powers created by, 2:235

withdrawal power, inclusion in gross estate of property subject to, **2:268** 

Powers to remove and replace with trustee unrelated or subordinate to the decedent, revocable transfers, 2:219

# GROSS ESTATE DETERMINATIONS—Cont'd

Pre-death transfers, incomplete or void, 2:111

Private trust companies interests held at death, IRS proposed guidance, 2:15

QTIP trusts. See **Qualified Terminable Interest Property (QTIP)** (this index)

Real estate

generally, 2:16 et seq.

conveyances by decedent, 2:17

cooperative housing stock interests, 2:18

dower and curtesy, 2:19

nonresidents not citizens, 8:24

Reciprocal custodial accounts, uncrossing, revocable transfers, 2:221

Reciprocal trusts, right to designate enjoyment of transferred property, **2:194 et seq.** 

Recovery of tax from recipient of transferred property, 2:197

Reimbursed gift tax on deemed transfer of QTIP, transfers within three years before death, 2:148

Related party transactions, interests held at death,

Relinquishment of marital property and support rights

generally, 2:131

consideration issues, 2:132

Remainders

generally, 2:108

contingent remainders, 2:109

Rental real estate, partial interest retentions in transfers with retained life estates, **2:160** 

Reporting of lifetime gifts, 2:124

Reserved powers of management, right to designate enjoyment of transferred property, 2:188

Residence transfers with retained life estates, 2:171
Residence transfers with retained life estates, qualified personal residence trust, 2:175

Retained powers of management, revocable transfers, 2:215

Retention of reversionary interest by donor, transfers taking effect at death

generally, 2:202

1949 legislation, **2:203** 

value of reversionary interest, 2:204

Rev. Rul. 95-58, power of appointment defined, 2:229

Rev. Rul. 95-58, transfers with retained life estates, 2:167

Rev. Rul. 1995-58, right to designate enjoyment of transferred property, **2:183** 

GROSS ESTATE DETERMINATIONS—Cont'd	GROSS ESTATE DETERMINATIONS—Cont'd
Rev. Rul. 2004-64, transfers with retained life	Revocable transfers—Cont'd
estates, <b>2:169</b>	transfers by attorneys-in-fact
Rev. Rul. 2011-28, life insurance, <b>2:40</b>	generally, <b>2:207</b>
Reversionary interests	authority issues, 2:208
generally, 2:110	uncrossing reciprocal custodial accounts, 2:221
life insurance, 2:54	Right to designate enjoyment of transferred prop-
transfers taking effect at death, retention of rever-	erty
sionary interest by donor	generally, 2:181 et seq.
generally, <b>2:202</b>	after-born children, 2:186
1949 legislation, <b>2:203</b>	cross trusts, 2:194 et seq.
valuation, 2:204	decedent-grantor acting as trustee, 2:185
Revocable transfers	general partner of limited partnership, 2:187
generally, <b>2:206</b>	Illinois land trusts, 2:189
amount includible in gross estate, 2:226	law partner of trustee/beneficiary's spouse as
ascertainable standard, powers limited by, <b>2:218</b>	subordinate party, 2:184
attorneys-in-fact transfers	management, reserved powers of, <b>2:188</b> powers limited by an ascertainable standard,
generally, 2:207	2:191 et seq.
authority issues, <b>2:208</b> beneficial interest, relinquishment of, <b>2:222</b>	power to invade principal limited by external
benefit to grantor issues, 2:214	standard, 2:190
custodian accounts for minors, 2:220	reciprocal trusts, 2:194 et seq.
date of existence of power to alter, amend, or	replacement of trustee with an independent
revoke, 2:210	trustee, <b>2:182</b>
decedent's control over selection of trustee,	reserved powers of management, 2:188
2:217	Rev. Rul. 95-58, <b>2:183</b>
external standard, powers limited by an, 2:224,	Savings bank trusts, 2:223
2:225	<b>Schedules</b> (this index)
gifts causa mortis, 2:207	Scrivener's error issues, nongeneral powers of
incompetency of grantor, 2:212	appointment, 2:251
management, retained powers of, 2:215	Second power, nongeneral power exercised to cre-
materiality of capacity in which power exercis-	ate, 2:273
able, <b>2:211</b>	Securities. Stocks and bonds, below
power exercisable in conjunction with others, 2:213	Self-appointment under power of appointment, <b>2:260 et seq.</b>
powers limited by an external standard, 2:224,	Self-canceling installment notes
2:225	generally, 2:25
powers limited by ascertainable standard, 2:218	valuation, 2:26
power to remove and replace with trustee unrelated or subordinate to the decedent, <b>2:219</b>	Self-settled trusts, transfers with retained life estates, 2:170
reciprocal custodial accounts, uncrossing, 2:221	Separate employee plans, annuities and death
relinquishment of power to alter, revoke, or	benefits under, 2:291
terminate, <b>2:209</b>	Settlement dividing insurance proceeds, 2:35
retained powers of management, 2:215	Shall vs may, trustee's discretion, interests held at
retained powers which do not subject the	death, <b>2:11</b>
transferred property to federal estate tax,	Simultaneous death
2:216	jointly owned property, 2:88
savings bank trusts, 2:223	transfers taking effect at death
selection of trustee, decedent's control over,	generally, 2:200
2:217	powers of appointment effects, 2:201
taxable powers, 2:214	Spendthrift clauses in powers of appointment,
Totten trusts, 2:223	2:252

GROSS ESTATE DETERMINATIONS—Cont'd	GROSS ESTATE DETERMINATIONS—Cont'd
Split gifts	Support rights relinquishments
gross-up rule, transfers within three years before	generally, 2:131
death, <b>2:149</b>	consideration issues, 2:132
transfers during life, 2:126	Survivorship condition, transfers taking effect at
Split purchases among family members, 2:129	death
Split purchases under the special valuation rules,	generally, 2:200
2:130	powers of appointment effects, 2:201
Spousal joint bank accounts	Tangible personal property, nonresidents not
generally, 2:84	citizens, 8:26 et seq.
agreements, effect of, 2:86	Taxable Estate (this index)
disclaimers, 2:85	Taxable powers, revocable transfers, <b>2:214</b>
Spousal joint tenancies	Tax exempt securities, 2:22
generally, 2:81	Tenancies in common, 2:73
agreements affecting	Testamentary exercises of general powers of
generally, 2:72	appointment, 2:238
bank accounts, 2:86	Testamentary power to appoint among parents' issue, 2:240
discounts, 2:82	Totten trusts, 2:223
encumbered property, <b>2:87</b>	Trade fixtures, building classified as a trade fixture
planning, 2:72	excluded from landlord's estate, 2:118
Spousal joint bank accounts, below	Transactions between decedent and related parties,
Spouse as trustee of irrevocable life insurance trust	interests held at death, 2:9
generally, 2:51	Transfers
IRS guidance, 2:70	powers of appointment created by inter vivos
Spouses	instrument, power created by, 2:236
discounts, spousal joint tenancies, 2:82	recovery of tax from recipient of transferred
life insurance proceeds payable to divorced	property, <b>2:197</b>
spouse, 2:55, 2:56	Revocable transfers, above
transfers within three years before death, split	Right to designate enjoyment of transferred prop-
gifts between, gross-up rule, 2:149	erty, above
State law	Transfers by attorneys-in-fact, revocable
interests held at death, 2:3	generally, 2:207
nongeneral powers of appointment, 2:249, 2:250	authority issues, 2:208
self-appointment under power of appointment,	Transfers during life
2:260 et seq.	generally, 2:120 et seq.
Step transactions and the gross-up rule, transfers	adequate consideration, term defined, 2:128 et
within three years before death, 2:145	seq.
Stocks and bonds	definition, 2:125
generally, 2:20 et seq.	family members, split purchases among, 2:129
beneficial interests, 2:21	gifts during lifetime, reporting of, 2:124
cooperative housing stock interests, 2:18	insufficient consideration transfers, 2:127
dividends, 2:23	intrafamily transactions, 2:133 lifetime gifts, reporting of, 2:124
interest, 2:23	
tax exempt securities, 2:22	overlapping of grounds of taxability, 2:122
Stolen property, 2:117	relinquishment of marital property and support rights
1 1 2	generally, <b>2:131</b>
Substantial adverse interests, joint powers of appointment, 2:265	consideration issues, 2:132
	reporting of lifetime gifts, 2:124
Substitution power guidelines, 2:244	
Support obligations, transfers with retained life	split gifts, 2:126
estates, <b>2:165</b>	split purchases among family members, 2:129

GROSS ESTATE DETERMINATIONS—Cont'd	GROSS ESTATE DETERMINATIONS—Cont'd
Transfers during life—Cont'd	Transfers with retained life estates—Cont'd
split purchases under the special valuation rules, <b>2:130</b>	controlled corporation, retention of voting rights in, <b>2:177</b> , <b>2:178</b>
valuation date, 2:123	corporation interests, 2:152
was there a transfer of property by decedent,	divisions of irrevocable trusts
2:134	generally, 2:153
who is the transferor, 2:135	scrivener's errors, modifications to correct,
Transfers taking effect at death	2:154
generally, <b>2:198</b>	enjoyment for life, 2:162 et seq.
causa mortis gifts, 2:199	estate freeze rules, 2:157
death benefit under employment contract, 2:205	family limited partnership interests, 2:152
gifts causa mortis, 2:199	grantor trust rules, 2:155, 2:156
retention of reversionary interest by donor	grantor trusts, 2:169
generally, 2:202	implied reservations, 2:168
1949 legislation, <b>2:203</b>	income stream retention resulting in partial inter- est in transferred property included in
value of reversionary interest, 2:204	decedent's estate, 2:174
Revocable transfers, above	income tax reimbursement to grantor, 2:169
survivorship condition	interests not included in estate, 2:164
generally, 2:200	lease-back residence transfers, 2:173
powers of appointment effects, 2:201	limited liability company interests, 2:152
Transfers within three years before death	modifications of irrevocable trusts
generally, 2:136 et seq.	generally, 2:153
bona fide transfer exception, 2:143	scrivener's errors, modifications to correct,
gifts for which no gift tax return is required,	2:154
2:137	not-in-trust transfers, 2:166
gifts from revocable trusts, 2:139, 2:140	partial interest in transferred property included in
gross-up rule, <b>2:142 et seq.</b>	decedent's estate due to retention of income
life insurance transfers, 2:138, 2:141	stream, 2:174
net gift doctrine, 2:147	partial interest retentions
net gifts and gross-up rule, 2:146	generally, 2:159 rental real estate, 2:160
1981 legislation, <b>2:136</b>	possession for life, 2:162 et seq.
1997 legislation, <b>2:139, 2:140</b>	proposed regulations, 2:180
reimbursed gift tax on deemed transfer of QTIP,	qualified personal residence trust, 2:175
2:148	recovery of tax from recipient of transferred
Revocable transfers, above	property, 2:197
revocable trusts, gifts from, 2:139, 2:140	rental real estate, partial interest retentions, <b>2:160</b>
split gifts between spouses, gross-up rule, 2:149	residences, 2:171
state apportionment statutes; Sommers 1 and 2	retained right to accumulate income, 2:161
decisions, 2:144	retention of possession or enjoyment, 2:163
step transactions and the gross-up rule, <b>2:145</b>	retention of voting rights in controlled corpora-
Transfers with retained life estates	tion, <b>2:177</b> , <b>2:178</b>
generally, 2:150 et seq.	Rev. Rul. 95-58, <b>2:167</b>
accumulated income retention rights, 2:161	Rev. Rul. 2004-64, <b>2:169</b>
amount includible, 2:158 et seq.	Right to designate enjoyment of transferred prop-
annuity trust as conduit to pay income to trans-	erty, above
feror, 2:151	self-settled trusts, 2:170
asset protection trusts, 2:170	support obligations, 2:165
attribution rules, 2:179	trustee removal powers, 2:167
community property transfers, 2:176	Wyly case, <b>2:176</b>

## GROSS ESTATE DETERMINATIONS—Cont'd

Trustee discretion, shall vs may, interests held at death, 2:11

Trustee discretion subject to ascertainable standard in powers of appointment, 2:256

Trustee removal power in general powers of appointment, 2:255

Trustee removal powers, transfers with retained life estates, 2:167

Trustee replacement powers in powers of appointment, 2:253, 2:254

Trustee replacement with remainder person, **2:254** Trusts

asset protection trust transfers with retained life estates, 2:170

avoiding estate inclusion of life insurance owned by trust for benefit of insured/trustee, 2:53

cross trusts, right to designate enjoyment of transferred property, **2:194 et seq.** 

decedent-grantor acting as trustee, right to designate enjoyment of transferred property, **2:185** 

decedent's control over selection of trustee, revocable transfers, 2:217

defective life insurance trust, guidance for correcting, 2:52

economic reasons, power to terminate trust for, 2:232

grantor's power of substitution over trust's assets, **2:257** 

grantor trust rules, transfers with retained life estates, 2:155, 2:156

irrevocable trust modifications and divisions with retained life estates

generally, 2:153

scrivener's errors, modifications to correct, **2:154** 

law partner of trustee/beneficiary's spouse as subordinate party, **2:184** 

power to invade principal limited by external standard, right to designate enjoyment of transferred property, **2:190** 

power to terminate trust for economic reasons, 2:232

qualified personal residence trust, transfers with retained life estates, 2:175

reciprocal trusts, right to designate enjoyment of transferred property, **2:194 et seq.** 

replacement of trustee with an independent trustee, right to designate enjoyment of transferred property, **2:182** 

revocable transfers

decedent's control over selection of trustee, 2:217

# GROSS ESTATE DETERMINATIONS—Cont'd

Trusts—Cont'd

revocable transfers—Cont'd

selection of trustee, decedent's control over, 2:217

right to designate enjoyment of transferred property, replacement of trustee with an independent trustee, 2:182

selection of trustee, decedent's control over, revocable transfers, **2:217** 

spouse as trustee of irrevocable life insurance trust

generally, 2:51

IRS guidance, 2:70

transfers with retained life estates, qualified personal residence trust, **2:175** 

Uncrossing reciprocal custodial accounts, revocable transfers, 2:221

Uniform minors acts, parent's general powers of appointment under, 2:242

US assets held by foreign corporation but beneficially owned by nonresident alien, nonresidents not citizens, **8:35** 

US assets owned through foreign corporation by nonresident alien, **8:30** 

US property of nonresidents not citizens, **8:21 Valuation** (this index)

Void pre-death transfers, 2:111

Wills, powers of appointment created by, 2:235

Withdrawal power, inclusion in gross estate of property subject to, **2:268** 

Workers' compensation dependents' benefits, **2:97** 

Wrongful death proceeds

generally, 2:93 et seq.

beneficiary of claim, 2:95

generation-skipping transfer tax, 2:94

survivors' loss benefits under no-fault insurance, **2:96** 

workers' compensation dependents' benefits, **2:97** 

## **GROSS-UP RULE**

Gross estate determinations, transfers within three years before death, **2:142 et seq.** 

# **GROUP INSURANCE POLICIES**

Gift tax exclusions, 16:25

## **GRUT**

**Grantor Retained Unitrusts** (this index)

## **GST TAX**

**Generation-Skipping Transfer Tax** (this index)

#### **GUARDIANS**

Gifts by, exclusions generally, **16:27** state law, **16:69** 

#### HEIRS

Family-owned businesses, consent and liability of heirs, estate tax deductions, **6:310** 

Heirs at law, general powers of appointment disposition to, gross estate determinations, **2:239**Special use valuations

active management by eligible qualified heirs, 5:101

qualified heir elections generally, **5:12** successive interests, **5:16** 

# HIGHEST AND BEST USE

Real property valuation, **3:41 et seq.** Special use valuation, **5:1** 

# HOLDING COMPANIES

Installment payments of estate tax generally, **10:62**, **10:63** elections, **10:69** 

## HORIZONTAL DISCLAIMERS

Gross estate determinations of interests held at death, 2:8

# HOUSEHOLD GOODS

Fair Market Value (this index)
Gross estate determinations, 2:91

# **IDENTIFICATION NUMBERS**

Preparer tax identification number (PTIN), application and renewal, **App. N**Sattlements of extate tax disputes, application for

Settlements of estate tax disputes, application for identification number, 11:2

#### ILIT

Irrevocable Life insurance Trusts (this index)

# ILLEGALLY POSSESSED PROPERTY

Gross estate determinations, 2:117

# INCOME CAPITALIZATION VALUATION

Fair Market Value (this index)

# **INCOME TAX**

Deductions
estate tax deductions or
generally, 6:47
elections, 6:48
medical expenses, 6:91

#### INCOME TAX—Cont'd

Estate tax payments, offset by beneficiary's overpaid income tax, 10:13

Estate tax vs income tax, nonresidents not citizens, 8:17

Gift tax, tax exempt securities as taxable transfer, 14:151

Joint income tax returns, unpaid income taxes deductibility from taxable estate, **6:70** 

Netting overpayments and liabilities, gross estate determinations, 2:99

Payment of spouse's income tax as taxable transfers, **14:153** 

Post-death events. unpaid income taxes deductibility from taxable estate, **6:69** 

Post-death income taxes, unpaid income taxes deductibility from taxable estate, **6:71** 

Refunds, gross estate determinations

generally, 2:98

case study, **2:100** 

netting overpayments and liabilities, 2:99

Spouse's income tax, payment as taxable transfer, 14:153

Taxable estate deductions, unpaid income taxes.

Taxable Estate (this index)

Tax exempt securities as taxable transfer, gift tax, 14:151

## **INCOMPETENTS**

Actuarial tables, mentally incompetent decedents, 3:229

Gifts by incompetents, 14:17

Gross estate determinations, powers of appointment, incompetent donee, 2:271

Powers of appointment, incompetent donee, gross estate determinations, 2:271

Terminable interest rule for marital deductions, incompetency provision in joint trust, **6:172** 

## **INDEXING**

Fair market value, annual indexed amounts, **App. F** Generation-skipping transfer tax, index for inflation, **19:28** 

Gift tax computations, 17:180

# INDIVIDUAL RETIREMENT ACCOUNTS (IRAs)

Charity as beneficiary, amount of charitable deduction, **6:295** 

Disclaimers of interests as taxable transfers, gift tax, **14:90 et seq.** 

Distributions to noncitizen spouse for the marital deduction, **6:227 et seq.** 

Electing QTIP treatment for, 6:215

# INDIVIDUAL RETIREMENT ACCOUNTS (IRAs)—Cont'd

Fair market value, 3:308

Gift tax, disclaimers of interests as taxable transfers, **14:90** et seq.

Gross estate determinations, limited power of appointment over IRA subtrust as precluding inclusion in the beneficiary's gross estate, 2:119

Noncitizen spouses, distributions to for the marital deduction, **6:227 et seq.** 

QTIP treatment, qualifying IRAs for, **6:214**Qualified domestic trusts, distributions to, **6:227 et seq.** 

## **INDIVIDUALS**

Conservation easement exclusions, qualified individuals, **6:326** 

Deductible gifts to, 16:94

Financially disabled individual, trust for as recipient of a charitable remainder unitrust, 16:121

Gift tax returns, filing requirements, 18:12

GST tax, individual exemptions. See **Generation-Skipping Transfer Tax** (this index)

Nonresidents Not Citizens (this index)

# **INFLATION**

Generation-skipping transfer tax, index for inflation, 19:28

# **INJUNCTIONS**

Assessment, 12:11

# INSOLVENCY/ PRIORITY STATUTE

Estate tax payment, 10:3

# **INSTALLMENT NOTES**

**Gross Estate Determinations** (this index) **Self-Canceling Installment Notes** (this index)

# INSTALLMENT PAYMENTS OF ESTATE TAX ON FARM OR CLOSELY-HELD BUSINESS

Generally, 10:32 et seq.

Acceleration of installment payments, **10:44 et seq.** Bright line rule requiring a bond or special lien for all Section 6166 elections to extend payment of estate tax, **10:65** 

Declaratory judgments relating to eligibility, **12:90** Deductibility of interest on installments, **10:74** 

Deferred payments, interest on, 10:70 et seq.

Discharge of executor from personal liability, **10:57** 

Election, manner of, 10:64

Elections

holding company election, 10:69

# INSTALLMENT PAYMENTS OF ESTATE TAX ON FARM OR CLOSELY-HELD BUSINESS —Cont'd

Elections—Cont'd

late election to pay estate tax in installments, 10:67

protective elections, 10:68

Section 6166 elections to extend payment of estate tax, **10:65**, **10:66** 

Eligibility, declaratory judgments relating to, 10:77, 10:78, 12:90

Entity attribution rule, interest in closely-held business, 10:36

Executor, required agreement for special lien to discharge, 10:58

Extension of time for payment of installment, 10:52, 10:53

Failure to distribute income. 10:51

Failure to pay installment or interest by due date, 10:50

Family attribution rule, interest in closely-held business. **10:35** 

Farming business, 10:33

Holding companies, 10:62, 10:63

Holding company election, 10:69

Interest on deficiency, 10:55

Interest on installments, deductibility of, 10:74

Interest on loan to pay deferred estate taxes allowed as administration expense, 10:75

Interests in closely-held businesses

generally, 10:34 et seq.

entity attribution rule, 10:36

family attribution rule, 10:35

more than 45 partners or shareholders, 10:37

Keeping estate open to facilitate payment of estate tax, 10:79

Late election to pay estate tax in installments, **10:67** Liens, required agreement for special lien to discharge executor, **10:58** 

Manner of election, 10:64

Overpayments, refunds for, 10:76

Passive assets, 10:60 et seq.

Procedures, 10:64 et seq.

Proration of deficiency where installment election made, 10:54

Proration of deficiency where installment election not made, 10:56

Protective elections, 10:68

Qualifying real estate as trade or business for estate tax deferral, **10:40**, **10:42** 

Reasonable cause for extension of time for payment of installment, **10:53** 

# INSTALLMENT PAYMENTS OF ESTATE TAX ON FARM OR CLOSELY-HELD BUSINESS —Cont'd

Refunds for overpayment, 10:76

Required agreement for special lien to discharge executor. 10:58

Section 6166 elections to extend payment of estate tax, bright line rule requiring a bond or special lien for all, **10:65** 

Security for special lien, 10:59

Special lien, security for, 10:59

Trade or business requirement, 10:39

Two or more closely-held businesses, 10:38

#### INSTALLMENT SALES

Contracts, gift valuation, **17:138**Real property, fair market value, **3:58** 

# **INSURANCE**

Accidental death policy, right to change beneficiary under, gross estate determinations, 2:66

Annuities. See **Gross Estate Determinations** (this index)

Beneficiary obligations, gross estate determinations, **2:36** 

Death benefits insurance, gross estate determinations, 2:32

Flight insurance, right to change beneficiary under, gross estate determinations, **2:66** 

Gift tax exclusions, group insurance policies, 16:25

**Gross Estate Determinations** (this index)

Insurer records of life insurance ownership, reputability, **2:41** 

**Life Insurance** (this index)

Wrongful death proceeds, survivors' loss benefits under no-fault insurance, **2:96** 

#### INTENT

# **Congressional Intent** (this index)

Gifts, donative intent, 14:9 to 14:12

Gift tax life insurance exclusions, intent facts vs policy facts, 16:28

Marital deduction, death tax reductions intent of testator, **6:140** 

# INTEREST ON MONEY

Actuarial interest tables, **3:219** 

Alternate valuation, interest bearing obligations, 4:14

Bequest of income interest as qualifying transfers, taxable estate charitable deductions, **6:273 et seq.** 

Collection of tax, 18:42 gift tax, 18:42

## INTEREST ON MONEY—Cont'd

Deposits, suspension of interest liability on potential underpayments of estate tax, **10:89** 

Estate freeze transfers, election to have interest treated as a qualified payment

generally, 17:37

contents of election statements, 17:38

Fair Market Value (this index)

Family Limited Partnerships (this index)

Gift tax on loans with below market interest rates, 14:48 et seq.

# **Installment Payments of Estate Tax on Farm or Closely-held Business** (this index)

Joint bank accounts, disclaimers of interests as taxable transfers, 14:84

**Payment of Tax** (this index)

Refund claims, 12:71

Statutory interest paid on charitable bequest, deductibility, **6:30** 

#### INTERESTS IN BUSINESSES

**Business Interests** (this index)

## INVOLUNTARY CONVERSION

Definition, 5:117

Special use valuation, recapture of estate tax, **5:93**, **5:116** 

#### IRAs

**Individual Retirement Accounts** (this index)

# IRREVOCABLE LIFE INSURANCE TRUSTS (ILITs)

Generally, 2:51

IRS guidance, 2:70

Spouse as trustee

generally, 2:51

IRS guidance, 2:70

# JEOPARDY ASSESSMENTS

Generally, 12:26 et seq.

Abatement of assessments, 12:79

Approvals, 12:28

Bonds, 12:31

Gift tax, 18:40

Refund claims, 12:73

Requirements for, 12:27

Sales of property seized, 12:32

Stays, 12:30

Tax court decisions, 12:29

## **JEWELRY**

Fair Market Value (this index)

#### JOINT BANK ACCOUNTS LIEN RIGHTS AND OBLIGATIONS **Mortgages** (this index) **Taxable Estate** (this index) disclaimers of interests as taxable transfers. 14:84 LIENS, FEDERAL TAX taxable transfers, 14:159 Generally, 12:42 et seq. JOINTLY-HELD PROPERTY Application for discharge of estate tax lien, 12:51, Disclaimers of interests as taxable transfers, 14:82 12:53 Fair market value, 3:305 Attachment to all property, 12:43 Gift tax Continuance after discharge of executor, 12:48 disclaimers of interests. 14:82 Discharge of estate tax lien terminable interest rule generally, 12:50 et seq. generally, 16:148 application, 12:51, 12:53 noncitizen donee, 16:149 guidance for processing requests, App. Q **Gross Estate Determinations** (this index) return filing status, 12:52 Market valuation discounts, 22:8, 22:9 Discharge of executor, continuance after, 12:48 Mortgages and liens claims against estates, deduct-Disclaimers and federal tax liens, 14:67 ibility Dispositions by spouse, transferee, and others, generally, 6:86 spousal property, 6:87 Divestment of lien, 12:45 Qualified domestic trusts, 6:229 **Duration**, 12:44 Existence of general and special liens, 12:47 LAND USE RESTRICTIONS General liens, tax collection, 12:46 Real property valuation, 3:72 Gift tax liens, 18:37 LAST ILLNESS Installment payments of estate tax on farm or Taxable estate deductions closely-held business generally, 6:12 special liens, security for community property states, 6:13 generally, 10:59 required agreement for discharge of executor, LEASES 10:58 Alternate valuation, leased property, 4:16 Return filing status, discharge of estate tax lien, Closely-held businesses, leases to, special use valu-12:52 ation election requirements, 5:30 Crop share leases, special use valuation election 10-year special liens, 12:42 requirements, 5:40 Transferred realty subject to estate tax lien, 12:39 Fair Market Value (this index) LIFE ESTATES Gross estate determinations, lease-back residence Accumulated income retention rights, transfers with transfers with retained life estates, 2:173 retained life estates, 2:161 Income capitalization valuation of realty, 3:89 Asset protection trust transfers with retained life Long term leases, income capitalization valuation estates, 2:170 of realty, **3:89** Estate freeze rules, transfers with retained life Special use valuation election requirements estates. 2:157 closely-held businesses, leases to, 5:30 Fair Market Value (this index) crop share leases, 5:40 Gift tax charitable deductions, 16:105 LEGAL FEES Gift valuation, 17:146 **Attorneys' Fees** (this index) Grantor trust transfer with retained life estate, gross estate determinations, 2:169 **LEGAL vs EQUITABLE TITLE** Gross estate determinations, life estates received Gross estate determinations of interests held at from another person, 2:106, 2:107 death. 2:7 **Gross Estate Determinations** (this index) LEVY OF PROPERTY Gross estate determinations of interests held at

death, 2:5

Generally, 12:34 et seq.

#### LIFE ESTATES—Cont'd

Income tax reimbursement to grantor, transfers with retained life estates, gross estate determinations, 2:169

Lease-back residence transfers with retained life estates, gross estate determinations, 2:173

Legal life estate plus power of appointment, gift tax marital deduction, **16:159** 

Nonresidents not citizens, gross estate determinations, 8:22

Powers of appointment distinguished, 2:233

Rental real estate, partial interest retentions in transfers with retained life estates, **2:160** 

Residence transfers with retained life estates, gross estate determinations, 2:171

Rev. Rul. 2004-64, transfers with retained life estates, 2:169

Revocable successor life-interest, gift tax charitable deductions, **16:105** 

Self-settled trusts, transfers with retained life estates, gross estate determinations, 2:170

Terminable interest rule for marital deductions, life estate with power of appointment, **6:167**, **6:168** 

Terminally ill transferors, valuing life interest gifts of, 3:227

Transfers with retained life estates. **Gross Estate Determinations** (this index)

Valuation, gift tax, 17:146

# LIFE INSURANCE

Charitable deductions of rights gifts, **16:99**, **16:100** Community property, fair market value, **3:209** Decedent's life, fair market value, **3:207** 

Estate tax payment, reimbursement by life insurance beneficiaries, **10:15** 

**Fair Market Value** (this index)

Gift tax

generally, 14:98

community property purchase, 14:99 exclusions

generally, 16:22 et seq.

intent facts vs policy facts, 16:28

valuation, 17:170 et seq.

**Gross Estate Determinations** (this index)

Intent facts vs policy facts, gift tax exclusions, 16:28

Key person discount, 22:18 et seq.

Other person's life, fair market value, 3:208

Qualified domestic trusts, 6:229

Reimbursement by life insurance beneficiaries for estate tax payment, 10:15

Rights gifts charitable deductions, 16:99, 16:100

#### LIFE INSURANCE—Cont'd

Terminable interest rule for marital deductions, life insurance with power of appointment, **6:166** 

Fair Market Value (this index)

gift tax, 17:170 et seq.

#### LIKENESS

Fair market value, 3:285

# LIMITATION OF ACTIONS

Collections, case study, 12:23

Gift tax, computation of, 17:188

Refund claims

generally, 12:63, 12:64

expiration, 12:76

Split gifts, 16:185

#### LIMITATION PERIODS

**Assessment** (this index)

Foreign death taxes credit, 7:50

# LIMITED LIABILITY COMPANIES (LLCs)

Gross estate determinations, transfers with retained life estates, 2:152

Lease of land to LLC as cause loss of estate tax deferral, closely-held business, **10:47** 

Single-member LLC as disregarded for gift tax purposes, 21:16

Theft loss, estate entitled to deduct theft loss incurred by LLC during settlement of estate, 6:96

## LIMITED PARTNERSHIPS

**Estate Freeze Transfers** (this index)

Fair market value, restricted shares and business interests, 3:171

## Family Limited Partnerships (this index)

Gift tax exclusions, limited partnerships gifts in trust, notice requirement, 16:33

Indirect gifts to limited partners, market valuation discount, 21:10, 21:11

Special use valuation, farmland limited partnership interests, **5:29** 

Special valuation rules

generally, 17:14 et seq.

Estate Freeze Transfers (this index)

# LITERARY ORGANIZATIONS

Deductible gifts to

generally, 16:89

transfers to corporations, 16:91

## LITIGATION CLAIMS

Fair market value, 3:304

## **LOANS**

**Gift Tax** (this index)

Gross estate determinations, loans to pay life insurance premiums, 2:48

Interest rates, gift tax on loans with below market interest rates, **14:48 et seq.** 

#### LOTTERY ANNUITY PAYMENTS

Fair market value, **3:220** IRS lottery rules, **3:242** 

# MADOFF PONZI SCHEME

Gross estat, identity of property to be valued, 2:14 Gross estate, identity of property to be valued, 3:23

# **MANUSCRIPTS**

Fair Market Value (this index)

## MARITAL DEDUCTION

Congressional intent, 16:136

Estates. **Taxable Estate** (this index)

Gifts. **Gift Tax** (this index)

Terminable interest property. See Qualified Terminable Interest Property (this index)

Terminable interest rule

 $estate \ tax. \ \textbf{Taxable Estate} \ (this \ index)$ 

gifts. Gift Tax (this index)

# MARITAL PROPERTY

Active management of surviving spouse, special use valuation election requirements, **5:46** 

# **Community Property** (this index)

Decedent marital obligations. **Taxable Estate** (this index)

Deduction, marital. **Taxable Estate** (this index)

Dower and curtesy, gross estate determinations, 2.19

Gift tax, insufficient consideration transfers, 14:41 et seq.

Gross estate determinations

# **Community Property** (this index)

dower and curtesy. 2:19

life insurance proceeds payable to divorced spouse, **2:55**, **2:56** 

marital property and support rights relinquishments

generally, 2:131

consideration issues, 2:132

Insufficient consideration transfers, gift tax, 14:41 et seq.

Jointly owned property, gross estate determinations. **Gross Estate Determinations** (this index)

Life insurance proceeds payable to divorced spouse, gross estate determinations, **2:55**, **2:56** 

# MARITAL PROPERTY—Cont'd

Special use valuation elections active management of surviving spouse, **5:46** spousal survivorship provisions, **5:15** 

# MARKET VALUATION DISCOUNTS

Generally, 21:1 et seq.

Actual vs hypothetical buyer, 21:4

Additional discount for installment payments under FLP right to purchase interest, **22:4** 

Aggregation, family, 21:5

Artwork owned in co-tenancy, 22:10

Asset ownership, dividing for discounting purposes, 22:31

Assignee discounts, 22:34

Blockage discount, 22:13 et seq.

Built-in capital gains tax, 22:21 et seq.

Built-in gains tax discount following conversion from C to S corporation, 22:28

Burden of proof, shifting to IRS, 21:14

Church case, 22:39

Combining discounts with special use valuation, 5:28

Condemnation awards and built-in capital gain, 22:29

Control premium, 21:6

Davis decision, 22:22

Disclaimer, effect on value, 22:33

Disclaimer, value determined after, 21:13

Effect of disclaimer on value, 22:33

Eisenberg decision, 22:23

Estate freeze transfers, minority or similar discounts, 17:45

Expert witnesses, 21:2

Family aggregation, 21:5

Family limited partnerships

failed FLPs, 22:50

gifts of FLP Interests, 22:49

IRS position on discounting, 22:44, 22:47

liquidation restrictions discounts, 22:41

transfer of interest, dollar amount or percentage, 22:51

FLPs, transfers to, 21:11

Fractional interest discount, 22:7

Cifte

discount for present value of donees' obligation to pay contingent estate tax under Section 2035, 17:9

tax returns, 18:28

Gift tax returns, 18:28

Hypothetical buyer test

generally, 21:3

#### MARKET VALUATION DISCOUNTS—Cont'd MARKET VALUATION DISCOUNTS—Cont'd Hypothetical buyer test—Cont'd Subchapter S corporations, 22:30 actual vs hypothetical buyer, 21:4 Subsequent events reduce value of estate's Indirect gifts, step transaction doctrine and, 21:12 charitable deduction, 21:18 Indirect gifts to limited partners, 21:10, 21:11 Swing vote valuation, 21:7, 21:8 Three year look back rule, 22:48 Jointly owned interests, 22:8, 22:9 Jones case, 22:43 Transfers to FLP, 21:11 Key person discount, 22:18 et seq. Types of valuation discounts, 22:1 US savings bonds, 3:309 Knight case, 22:42 Value determined after disclaimer, 21:13 Lack of marketability discount, 22:2, 22:3 Voting and nonvoting stock valued as unitary inter-Limited partners, indirect gifts, 21:10, 21:11 est for estate tax purposes, 21:15 Liquidation restrictions discount, 22:40 et seq. Local economic factors, discount based on, 22:11, MARRIAGE 22:12 **Community Property** (this index) Marching in lockstep, 21:9 **Divorce** (this index) Market absorption discount **Matrimonial Property** (this index) generally, 22:14 **Prenatal Agreements** (this index) real property valuation, 3:53 **Spouses** (this index) Minority discount, 21:9 Minority interest discount allowed in conjunction MEDIA INTERESTS with special use valuation, 22:6 Fair market value, 3:285 Minority interest or lack of control discount, 22:5 Minority or similar discounts, estate freeze MEDICAL EXPENSES transfers, 17:45 Gift tax, medical expenses exclusions, 16:9 et seq. Notes, evidentiary requirements, 3:195 Gift tax returns, payments not subject to gift tax, Present value of donees' obligation to pay 18:7 contingent estate tax under Section 2035, 17:9 MINORS Private debt, 22:35 Children and Minors (this index) Property interest placed in QTIP trust, 22:32 Real property valuation, market absorption MISSING PERSONS discount, 3:53 Filing estate tax returns for, 9:9, 9:10 Restricted management accounts, 22:17 Restricted securities discount, 22:16 MISSING PROPERTY Restricted shares, 3:113 Gross estate determinations of interests held at Restrictive covenant discounts, 22:37 death, 2:4 Rights and restrictions disregarded for valuation MORTGAGES purposes, 22:38, 22:39 Facade easement with mortgage subordination Rosen case, 22:48 requirement, gift tax deductions, 16:102 Section 2035(a), 22:48 Fair market value. 3:51. 3:76 Section 2036(a) Federal National Mortgage Association mortgages, generally, 22:45 fair market value, 3:206 guidelines, 22:46 Gift tax deductions, facade easement with mortgage Section 2703, 22:38 subordination requirement, 16:102 Section 2704, liquidation restrictions discount, Gift valuation, 17:137 22:40 et seq. Single-member LLC not disregarded for gift tax Gross estate determinations purposes, 21:16 nonresidents not citizens, mortgaged real prop-Special use valuation, combining discounts with, erty, 8:25 5:28 non-spousal joint tenancies, consideration for Step transaction doctrine and indirect gifts, 21:12 mortgaged property, 2:80 Step transaction doctrine collapsing four gifts and spousal joint tenancies, encumbered property, sales into two gifts, 21:17 2:87

NONRESIDENTS NOT CITIZENS—Cont'd

#### Jointly owned spousal property taxable estate Community property, gross estate determinations, deductions, mortgages and liens claims, 6:87 8:36, 8:37 Computation of tax, estate tax, 8:2 Marital deduction, reduction by, 6:146 Nonresidents not citizens, gross estate determina-Corporate stock, gross estate determinations, 8:38 tions, 8:25 et sea. Corporations, gross estate determinations as to US Non-spousal joint tenancies, consideration for mortgaged property, gross estate determinaassets owned through foreign corporation tions, 2:80 by former US citizen, 8:31 et seq. Reverse split-dollar arrangements, taxable estate by nonresident alien, 8:30 mortgages and liens claims against estates, Credits deductibility, **6:88** generally, 8:60 et seq. Spousal joint tenancies, encumbered property, gross gifts by, taxable, 15:10 estate determinations, 2:87 unified credits **Taxable Estate** (this index) generally, 8:60 et seq. Valuation, gift, 17:137 citizens of US possessions, 8:3 Debt deductions, estate tax, 8:57 MUTUAL FUND SHARES Debt obligations, gross estate determinations, 8:42 Fair market value et seq. generally, 3:136 **Deductions** dividends, 3:137 charitable deduction, 8:54 NATURAL RESOURCES INTERESTS disclosure of foreign assets and debts require-Fair Market Value (this index) ments, estate tax, 8:56 et seq. estate tax, 8:57 NATURE OF ESTATE TAX Estate tax, below Generally, 1:2 gifts by, taxable, 15:10 NATURE OF GIFT TAX Deposits, gross estate determinations, 8:48, 8:49 Generally, 13:1 Disclaimer of trust income interests, gift and GST tax consequences NET GIFT DOCTRINE generally, 15:2 Gift valuation, 17:6 et seq. exclusion issues, 16:77 NET TAXABLE ESTATE Disclosure of foreign assets and debts requirements, **Taxable Estate** (this index) estate tax deductions, 8:56 et seq. Domicile issues, estate tax, 8:13 et seq. NONRESIDENTS NOT CITIZENS Engaged in business in US status, estate tax, 8:50 Amount of charitable deduction, bequests to foreign Equitable interests, gross estate determinations, charities, 6:301 Art work on exhibit in US, gross estate determina-Estate tax tions, 8:29 generally, 8:1 et seq. Bank deposits, gross estate determinations, 8:48, art work on exhibit in US, 8:29 8:49 Bonds, gross estate determinations, 8:42 et seq. bank deposits, 8:48, 8:49 Charitable deductions bonds, 8:42 et seq. estate tax, 8:54, 8:55 charitable deduction, 8:55 gift tax, 16:86 citizenship status issues, 8:12 Citizenship community property, 8:36, 8:37 expatriation to avoid tax under prior law, 8:5 computation of tax, 8:2 status issues, 8:12 corporate stock, 8:38 et seq. Collection of tax credits generally, 12:92 generally, 8:61 et seq. gift tax, 18:48 expatriation tax, unified credit under, 8:63 transfer certificates, 12:93 et seq. Form 706-NA, 8:65

MORTGAGES—Cont'd

NONRESIDENTS NOT CITIZENS—Cont'd	NONRESIDENTS NOT CITIZENS—Cont'd
Estate tax—Cont'd	Estate tax—Cont'd
credits—Cont'd	US assets held by foreign corporation but benefi-
treaties, 8:62	cially owned by nonresident alien,
unified credit for citizens of US possessions,	nonresidents not citizens, 8:35
8:3	US assets owned through foreign corporation by
US citizens residing in US possessions, 8:61	former US citizen, 8:31 et seq.
debt deduction, 8:57	US assets owned through foreign corporation by nonresident alien, <b>8:30</b>
debt obligations, 8:42 et seq.	
deductions	US citizens residing in US possessions
generally, 8:52 et seq.	generally, 8:20
charitable deduction, 8:54, 8:55	credits, 8:61
debt deduction, <b>8:57</b>	US property, gross estate limited to, 8:21
disclosure of foreign assets and debts require-	US property of nonresidents not citizens, 8:21
ments, <b>8:56 et seq.</b> marital deduction, <b>8:53</b> , <b>8:57</b>	Virgin Island residents, 8:19
deposits, <b>8:48</b> , <b>8:49</b>	visa condition prohibiting domicile, <b>8:16</b>
domicile issues, 8:13 et seq.	Exclusions, gifts by
engaged in business in US status, 8:50	generally, 15:10
equitable interests, <b>8:47</b>	transfers to citizen spouse, 15:12
expatriate's foreign stock, 8:8	Expatriates (this index)
expatriation estate tax rules effective for those	Foreign charities, bequests to, <b>6:301</b>
who expatriate after June 3, 2004, and	Foreign stock transfers, taxable gifts by, 15:8
before June 17, 2008, <b>8:6</b>	Forms
expatriation on or after June 17, 2008, 8:7	credits, estate tax, <b>8:65</b>
expatriation tax, unified credit under, 8:63	estate tax reporting requirements, 8:9
expatriation to avoid tax under prior law, 8:5	Generation-skipping transfer tax
foreign stock of expatriate, 8:8	generally, <b>19:60 et seq.</b>
form, reporting requirements, 8:9	1995 legislation, <b>19:62</b>
Form 706-NA, <b>8:65</b>	Gift tax
G-4 visa holders, <b>8:18</b>	generally, 15:1 et seq.
Gross estate determinations, below	charitable deductions, 16:86
imposition of prior tax rate, 8:10	collection of tax, 18:48
income tax vs estate tax, 8:17	credits, <b>15:10</b>
life estate property, <b>8:22</b>	deductions
life insurance, <b>8:51</b>	generally, 15:10
lifetime transfers, <b>8:4</b>	charities, 16:86
lifetime transfers of US property, 8:23	disclaimers of interests as taxable transfers
marital deduction, 8:53, 8:57	generally, 15:2
nonresident alien engaged in business in US,	exclusion issues, 16:77
8:50	exclusions
partnership interests, <b>8:41</b>	generally, 15:10
Puerto Rico residents, 8:19	disclaimers of interests as taxable transfers,
rates, tax, <b>8:10</b>	16:77
reporting requirements, form, 8:9	transfers to citizen spouse, 15:12
residence status issues, 8:13 et seq.	expatriates
tangible personal property, 8:26 et seq.	definition, <b>15:4</b>
treaties	location of property of, 15:6
generally, 8:11	2004 Jobs Act, <b>15:7</b>
credits, <b>8:62</b>	2008 legislation, <b>15:9</b>
unified credit for citizens of US possessions, 8:3	foreign stock transfers, 15:8

NONRESIDENTS NOT CITIZENS—Cont'd	NONRESIDENTS NOT CITIZENS—Cont'd
Gift tax—Cont'd	Gross estate determinations—Cont'd
gross estate determinations, gift tax paid by	US property of nonresidents not citizens, 8:21
noncitizen nonresident not included in gross	GST tax
estate, 8:34	generally, 19:60 et seq.
jointly-held property, terminable interest rule, noncitizen donee, 16:149	disclaimer of trust income interests
location of property	generally, 15:2
generally, 15:5	exclusion issues, <b>16:77</b>
expatriates' property, <b>15:6</b>	1995 legislation, <b>19:62</b>
nonresident alien, term defined, <b>15:3</b>	Income tax vs estate tax, 8:17
paid but not included in gross estate, 8:34	Jointly-held property, terminable interest rule, gift tax, noncitizen donee, 16:149
resident, term defined, 14:14	Life estates, 8:22
returns, filing requirements, 18:17	Life insurance, 8:51
splitting of gifts, <b>15:11</b>	Lifetime transfers of US property, 8:23
spouses, splitting of gifts by, <b>15:11</b>	Marital deduction, estate tax, 8:57
transfer of foreign stock, <b>15:8</b>	Mortgaged real property, 8:25
Gross estate determinations	1995 legislation, generation-skipping transfer tax,
generally, 8:21 et seq.	19:62
art work on exhibit in US, 8:29	Nonresident alien, term defined, 15:3
bank deposits, <b>8:48</b> , <b>8:49</b>	Nonresident alien engaged in business in US, estate
bonds, 8:42 et seq.	tax, <b>8:50</b>
community property, 8:36, 8:37	Partnership interests, <b>8:41</b>
corporate stock, <b>8:38 et seq.</b> corporations	Partnerships, <b>8:41</b>
US assets held by foreign corporation but ben-	Puerto Rico residents, estate tax, 8:19
eficially owned by nonresident alien,	Rates, tax, 8:10
nonresidents not citizens, 8:35	Real property, 8:24
US assets owned through foreign corporation	Residence status, <b>8:13 et seq.</b>
by former US citizen, <b>8:31 et seq.</b>	Resident, term defined, 14:14
US assets owned through foreign corporation	Securities, stocks, and bonds
by nonresident alien, <b>8:30</b>	estate tax, foreign stock of expatriate, 8:8
debt obligations, <b>8:42 et seq.</b>	foreign stock transfers, 15:8
deposits, <b>8:48</b> , <b>8:49</b>	gifts, taxable, 15:8
equitable interests, <b>8:47</b>	
gift tax paid but not included in gross estate, 8:34	gross estate determinations, 8:38 et seq.
gross estate limited to US property, 8:21	Split gifts, 15:11
life estate property, 8:22	Splitting of gifts by spouses, <b>15:11</b>
life estates, 8:22	Tangible personal property, <b>8:26 et seq.</b>
life insurance, <b>8:51</b>	Taxable estate
lifetime transfers of US property, 8:23	charitable deduction, <b>8:54</b> , <b>8:55</b>
mortgaged real property, 8:25	debt deduction, 8:57
partnership interests, <b>8:41</b>	marital deduction, 8:53, 8:57
real property, <b>8:24</b> tangible personal property, <b>8:26 et seq.</b>	Terminable interest rule, noncitizen donee, jointly-held property, <b>16:149</b>
US assets held by foreign corporation but benefi-	Transfer certificates, collections, 12:93 et seq.
cially owned by nonresident alien, 8:35	Transfer of foreign stock, gifts by, 15:8
US assets owned through foreign corporation by	Treaties, estate tax credits, 8:62
former US citizen, 8:31 et seq.	2004 legislation, expatriates, <b>15:7</b>
US assets owned through foreign corporation by	2008 legislation, expatriates, <b>15:9</b>
nonresident alien, 8:30	US assets held by foreign corporation but benefi-
US property, gross estate limited to, 8:21	cially owned by nonresident alien, 8:35

#### NONRESIDENTS NOT CITIZENS—Cont'd OWNERSHIP—Cont'd US assets owned through foreign corporation by Special use valuation elections, pre-death ownerformer US citizen, 8:31 et seq. ship and use US assets owned through foreign corporation by generally, 5:32 nonresident alien, 8:30 materiality of participation, 5:35 et seq. US property, gross estate limited to, 8:21 tacking, 5:34 Virgin Island residents, estate tax, 8:19 PALIMONY OBLIGATIONS NOTES **Taxable Estate** (this index) Collectibility issues, fair market value, 3:198, **PARTNERSHIPS** 3:200 Control, estate freeze transfers, 17:31 Defenses to collection, fair market value, 3:200 **Estate Freeze Transfers** (this index) Fair Market Value (this index) Fair market value of interests Gift tax, self cancelling installment notes, 14:52 generally, 3:142 Gift valuation, 17:145 restricted shares and business interests, 3:175 **Gross Estate Determinations** (this index) Family Limited Partnerships (this index) Installment notes, self cancelling gift tax, 14:52 General partner of limited partnership, right to des-Installment obligation notes, fair market value, ignate enjoyment of transferred property, 3:197 Secured notes, 3:199 Gift tax returns, filing requirements, 18:13 **Self-Canceling Installment Notes** (this index) Going concern valuation, 3:143 Gross estate determinations Fair Market Value (this index) general partner of limited partnership, right to gifts, 17:145 designate enjoyment of transferred property, 2:187 NOTICE nonresidents not citizens, 8:41 Deficiencies notice Planning a freeze partnership, 17:30 generally, 12:6 Special use valuation election requirements, 5:27, assessment, invalid, effect on deficiency notice, 5:42 12:7 Special valuation rules Fiduciary relationship, notice of generally, 17:14 et seq. Form 56, 11:6 Estate Freeze Transfers (this index) gift tax collection, 18:44 PART-TIME ACTIVITIES settlements of estate tax disputes, 11:2 et seq. Special use valuation, election requirements, 5:38 Foreign persons, notice of large gifts received from, et seq. 15:13 Gift tax collection, notice of fiduciary relationship, PAYMENT OF TAX 18:44 Appointees, reimbursement for estate tax payment Gift tax exclusions notice requirement. See Gift generally, 10:16 Tax (this index) surviving spouses, 10:17 Large gifts received from foreign persons, notice Collection of Tax (this index) requirements, 15:13 **Criminal Penalties** (this index) Settlements of estate tax disputes, notice of fidu-Death-bed transfers, payment of estate and gift ciary relationship, 11:2 et seq. taxes within three-year period, 14:34 Deficiencies, extension of time for estate tax pay-OIL AND GAS ACTIVITIES ment, 10:28 Special use valuation, recapture of estate tax, 5:96 Delinquencies in estate tax payments **OWNERSHIP** generally, 10:80 et seq. assessment after closing letter, 10:86 Fiduciary capacity, ownership held in. See Gross closing letter, assessment after, 10:86 **Estate Determinations** (this index)

Market valuation discounts, dividing asset ownership for discounting purposes, 22:31 equitable estoppel doctrine, 10:84

estate liabilities, 10:83, 10:84

reversion or remainder interests, 10:31

#### PAYMENT OF TAX—Cont'd PAYMENT OF TAX—Cont'd Delinquencies in estate tax payments—Cont'd Estate tax—Cont'd expert, reliance on may be reasonable cause for keeping estate open to facilitate payment, installment payments of estate tax on farm or failure to pay, 10:82 penalties, 10:81 closely-held business, **10:79** liability for payment, 10:1 et seq. September 11 terrorist attack, relief for estates life insurance beneficiaries, reimbursement for affected, 10:85 estate tax payment, 10:15 substantial compliance doctrine, 10:83 manner of payment, 10:23 Denial of extension of time for estate tax payment, offers of partial payment, settlements of estate 10:30 tax disputes, 11:38 Deposits to suspend interest on potential underpayoffset of estate tax by beneficiary's overpaid ments of estate tax income tax, 10:13 generally, 10:87 et seq. passive assets, installment payments on farm or disputed taxes, 10:89 closely-held business, 10:60 et seq. procedure, 10:88 penalties for delinquencies, 10:81 Early discharge from estate tax personal liability personal liability, 10:2 et seq. executors, 10:20 place for payment, 10:22 fiduciaries, 10:21 qualified domestic trusts, when estate tax must be Equitable estoppel doctrine, estate tax payments, paid, 7:59 reasonable cause for extension of time for, 10:27 Estate beneficiaries liability for unpaid estate tax if Reimbursement for estate tax payment, below time for issuing an assessment has expired, September 11 terrorist attack, relief for estates 10:26 affected, 10:85 Estate tax stock redemption under Section 303, 10:90, generally, 10:1 et seq., 14:154 10:91 assessment after closing letter, 10:86 substantial compliance doctrine, 10:83, 10:84 closing letter, assessment after, 10:86 taxable gifts, 10:7 deficiencies, extension of time for estate tax payterminable interest rule for marital deductions, ment, 10:28 6:207 Delinquencies in estate tax payments, above time for payment, 10:22 denial of extension of time for, 10:30 transferees' liability, 10:8 et seq. Deposits to suspend interest on potential withholding of collection, 11:39 underpayments of estate tax, above Executors, estate tax payment early discharge from personal liability generally, 10:1 et seq. early discharge from personal liability, 10:20 executors. 10:20 fiduciaries, 10:21 Expert, reliance on may be reasonable cause for failure to pay, 10:82 equitable estoppel doctrine, 10:84 Extension of time for payment estate beneficiaries liability unpaid estate tax if time for issuing an assessment has expired, estate tax 10:26 generally, **10:25** estate liabilities for delinquencies in, 10:83, application for extension of time to pay; form, 10:84 10:29 Extension of time for payment, below deficiencies, 10:28 fiduciaries, early discharge from personal denial, 10:30 liability, 10:21 estate beneficiaries liability unpaid estate tax if flower bonds, payment with, 10:24 time for issuing an assessment has form of application for extension of time to pay, expired, 10:26 10:29 form of application for extension of time to pay, 10:29 insolvency/ priority statute, 10:3 reasonable cause, 10:27 **Installment Payments of Estate Tax on Farm**

or Closely-held Business (this index)

PAYMENT OF TAX—Cont'd	PAYMENT OF TAX—Cont'd
Extension of time for payment—Cont'd gift tax, 18:32	Reversion or remainder interests, extension of time for estate tax payment, <b>10:31</b>
Flower bonds, estate tax payment with, 10:24	Spouse's income tax, payment as gift taxable
Form of application for extension of time to pay	transfer, <b>14:153</b>
estate tax, <b>10:29</b> Gift tax	Stock redemption under Section 303, estate tax payment, <b>10:90, 10:91</b>
generally, 18:1 et seq., 18:31 et seq.	Substantial compliance doctrine, estate tax pay-
extension of time to pay, 18:32	ments, <b>10:83</b>
Form 8892, <b>18:33</b>	Suits, collection. See Collection of tax (this index)
remedies, collection of unpaid tax, <b>18:36</b> time for paying tax, <b>18:19</b>	Surviving spouses, reimbursement for estate tax payment, <b>10:17</b>
GST tax, 19:111	Taxable gifts, estate tax payment, 10:7
Insolvency/ priority statute, estate tax payment	Taxpayers' Remedies (this index)
obligations, 10:3	Time for payment
Installment Payments of Estate Tax on Farm or	estate tax, 10:22
Closely-held Business (this index)	gift tax, <b>18:19</b>
Jeopardy Assessments (this index)	Transferees' liability for estate tax payment, <b>10:8 et</b>
Life insurance beneficiaries, reimbursement for estate tax payment, 10:15	seq.
Manner of payment, <b>10:23</b> , <b>10:24</b>	PENALTIES
Offset of estate tax by beneficiary's overpaid	Collection of tax, 18:42
income tax, 10:13	Criminal Penalties (this index)
Overpayment, term defined, 12:60	Delinquency penalty
Passive assets, installment payments of estate tax	estate tax, <b>10:81</b>
on farm or closely-held business, <b>10:60 et seq.</b>	gift tax, <b>18:25</b>
Personal liability, <b>10:2 et seq.</b>	Estate tax
Place for payment, 10:22	delinquency penalties, 10:81
Qualified domestic trust estate tax, when estate tax	late filing, <b>9:31 to 9:33</b>
must be paid, 7:59	Gift tax
Qualified terminable interest property recipient,	generally, 18:42
reimbursement for estate tax payment	delinquency penalties, 18:25
generally, 10:18	tax return preparer penalties, 18:49
tax trap guidance, 10:19	Late filing, estate tax, 9:31 to 9:33
Reasonable cause for extension of time for estate	Tax return preparers
tax payment, 10:27	generally, 12:96
Refund claims, payment of tax as requirement for	gift tax, <b>18:49</b>
actions, 20:3	Underpayments, imposition of accuracy-related
Refund Claims (this index)	penalty on, 4:10
Reimbursement for estate tax payment	DENICIONIC
generally, 10:14 et seq.	PENSIONS
appointees	Additional estate tax imposed on excess retirement accumulation of estates of decedents dying on
generally, <b>10:16</b>	or before December 31, 1996, <b>7:52</b>
surviving spouses, 10:17	Gross Estate Determinations (this index)
life insurance beneficiaries, 10:15	Gross Estate Determinations (this index)
qualified terminable interest property recipient	PERSONAL EFFECTS
generally, 10:18	Fair Market Value (this index)
tax trap guidance, 10:19	Gross estate determinations, 2:91
surviving spouses, 10:17	DEDCOMAL DECIDENCES
Remedies for collection of unpaid taxes. See Col-	PERSONAL RESIDENCES
<b>lection of Tax</b> (this index)	<b>Residences</b> (this index)

POWERS OF APPOINTMENT—Cont'd

portion of property, power over, gross estate

General powers—Cont'd

#### 18:6 determinations, 2:243 state law determinations, general vs limited pow-**PORTABILITY** ers, 14:136 Estate tax, 7:11, 7:13, 7:14 Generation-skipping transfers Gift tax, 17:192 generally, **14:131** releases of powers, 19:88 et seq. POWERS OF APPOINTMENT **Gift Tax** (this index) Adverse interests, joint powers, **2:265** Grantor's power of substitution over trust's assets, Ambiguous power of appointment, beneficiary's, gross estate determinations, 2:257 2:259 **Gross Estate Determinations** (this index) Ascertainable standard, powers limited by GST tax transferors, 19:18 gift tax, 14:128 Guidelines, substitution general powers of appointright to designate enjoyment of transferred propment, gross estate determinations, 2:244 erty, gross estate determinations, 2:191 et Heirs at law, general powers of appointment disposition to, gross estate determinations, 2:239 Beneficiary's withdrawal rights, limiting, general Imputation of trustee's powers to beneficiary, gross power of appointment, 14:135 estate determinations, 2:258 Conditions or contingencies, powers subject to. Incompetent donees, gross estate determinations, **Gross Estate Determinations** (this index) 2:271 Corporate co-trustee, replacement of, 14:134 Inter vivos instrument, power created by, gross Creation subject to gift tax. **Gift Tax** (this index) estate determinations, 2:236 Definitions IRAs, limited power of appointment over subtrust as precluding inclusion in the beneficiary's estate tax regulations, 2:228 gross estate, 2:119 general power, 2:237 Joint powers of appointment gift tax regulations, 14:124 **Gross Estate Determinations** (this index) nongeneral power, 2:245 release to close a class of beneficiary, gift tax, powers limited by an ascertainable standard, 14:129 2:191 Lapse, gross estate determinations Disclaimers, powers subject to conditions or generally, 2:267 contingencies, gross estate determinations, conditional powers 2:276 generally, 2:274 Disclaimers of interests as taxable transfers, 14:81 valuation. 2:275 Donee's death before completion of administration Legal life estate plus power of appointment, gift tax of donor's estate, gross estate determinations, marital deduction, 16:159 2:270 Life estates distinguished, 2:233 Donee's death before probate of donor's will, gross estate determinations, 2:269 Limited powers, gift tax Economic reasons, power to terminate trust for, generally, 14:128 2:232 state law determinations, general vs limited pow-Exercises subject to gift tax. **Gift Tax** (this index) ers, 14:136 Five and five powers, gift tax, 14:148 Management powers, term defined, 14:125 General powers Matrimonial agreement exercises, gift tax, 14:144 generally, 2:237 et seq. Minor donee, gross estate determinations, 2:271 beneficiary's withdrawal rights, limiting, general Necessary for welfare language, gross estate power of appointment, 14:135 determinations, 2:241 disposition to heirs at law, gross estate 1942 legislation determinations, 2:239 exercises of powers, 14:145 et seq. gift tax, 14:126, 14:135, 14:136 gross estate determinations, 2:234, 2:266, 2:277 **Gross Estate Determinations** (this index) et seq.

POLITICAL ORGANIZATIONS

Gift tax returns, transfers not subject to gift tax,

Gift tax. 14:156

# POWERS OF APPOINTMENT—Cont'd

1942 legislation—Cont'd

joint powers, 2:263, 2:264, 14:138 et seq.

Nongeneral powers. **Gross Estate Determinations** (this index)

Parents' issue, testamentary power to appoint among, gross estate determinations, 2:240

Portion of property, general power of appointment over, gross estate determinations, 2:243

Preserving spouse's credit shelter with a power of appointment, **14:37** 

Reduction in number of trustees, gift tax, **14:133** Release of joint power to close a class of beneficiary, gift tax, **14:129** 

Releases of, generation-skipping transfer tax, **19:88** et seq.

Replacement of corporate co-trustee, gift tax, 14:134

Scrivener's error issues, gross estate determinations, 2:251

Second power, nongeneral power exercised to create, gross estate determinations, 2:273

Self-appointment, gross estate determinations, 2:260 et seq.

Skip trusts, testamentary power over, GST tax, 19:115

Special powers, gift tax, 14:130

Spendthrift clauses in powers of appointment, gross estate determinations, 2:252

State law applicability, gross estate determinations generally, **2:249**, **2:250** 

self-appointment, 2:260 et seq.

Substantial adverse interests, joint powers, gross estate determinations, 2:265

Substitution power guidelines, gross estate determinations, 2:244

Summary of gross estate determination rules, 2:281 Terminable interest rule for marital deductions

permitted restrictions on power of appointment, **6:180** 

power of appointment, life estate with, **6:167**, **6:168** 

power of appointment, life insurance or annuity with, **6:166** 

power of appointment exercisable in all events, **6:178** 

power of appointment in third party, **6:181** powers to sell, use, encumber, terminate, **6:182** power to invade as restriction on power of appointment, **6:183** 

Terminate trust for economic reasons, power to, gift tax, 14:137

#### POWERS OF APPOINTMENT—Cont'd

Testamentary power over skip trusts, GST tax, 19:115

Testamentary power to appoint among parents' issue, gross estate determinations, 2:240

Time of creation of power, gift tax, 14:142

Trust distribution committees under scrutiny by IRS. 2:231

Trustee removal power, gross estate determinations, 2:255

Trustee replacement powers, gross estate determinations, 2:253, 2:254

Trustee replacement with remainder person, gross estate determinations, 2:254

Trustees, reduction in number of, gift tax, **14:133** Trustee's discretion subject to ascertainable standard, gross estate determinations, **2:256** 

Wills, powers created by, gross estate determinations, 2:235

Withdrawal power, inclusion in gross estate of property subject to, gross estate determinations, 2:268

### POWERS OF ATTORNEY

Gift tax, authority to make taxable transfers, **14:38** Refund claims, **12:67** 

Settlements of estate tax disputes, **11:7**, **11:8** Signing offer in compromise under, **11:42** 

# **PRENATAL AGREEMENTS**

Powers of appointment exercise, gift tax, 14:144

## **PREPARERS**

**Tax Return Preparers** (this index)

#### PRESUMPTION OF DEATH

Filing estate tax returns, 9:10

## PRIVILEGED COMMUNICATIONS

Rights of taxpayers, 12:91

## **PROMISES**

Gift, promise to make, 14:27

# PROMISSORY NOTES

**Notes** (this index)

# **PROOF**

**Evidence and Proof** (this index)

# **PROTESTS**

**Settlements of Tax Disputes** (this index)

## PUBLIC USE CONTRIBUTIONS

Estate tax deductions, 6:232 et seq.

QUALIFIED DOMESTIC TRUSTS (QDOTs)

—Cont'd

#### Nonresidents not citizens estate tax. 8:19 Hardship distribution exemptions, 7:55 PURPOSES Income distributions exemptions, 7:54 Charities, purpose or use requirements, taxable IRA distributions to noncitizen spouse for the mariestate charitable deductions, 6:241 tal deduction, 6:227 et seq. Farming purposes, term defined, 5:21 Jointly owned property, 6:229 Restrictions on shares and business interests, Life insurance, 6:229 testamentary purpose, 3:178 Miscellaneous distributions and dispositions Special use valuation, Congressional purpose, 5:17 exemptions, 7:56 **OFOBI** Multiple QDOTs, 7:62 Family Businesses (this index) Payment of distribution tax out of QDOT, 7:57 Reformation of trust to qualify as a QDOT, 6:226 QUALIFIED DOMESTIC TRUSTS (QDOTs) Residence exclusion, statement with respect to, Generally, 6:217 et seq. 6:223 Availability of estate tax benefits, 7:63 Security provisions Citizenship grants to surviving spouses generally, 6:222 estate taxation, 7:64 payment of tax out of QDOT, 7:58 procedure, 6:231 Statement with respect to residence exclusion, Effect of creation, 6:221 6:223 Elections Tentative estate tax where decedent's estate tax not generally, 6:218 finally determined, 7:61 extension of time for, 6:220 Trustee's annual statement with Form 706-ODT, Estate tax 6:225 generally, 7:53 et seq. Trustee's statement on Form 706, 6:224 availability of estate tax benefits, 7:63 When estate tax must be paid, 7:59 computation, 7:54, 7:60 **OUALIFIED PERSONAL RESIDENCE TRUSTS** effect of surviving spouse becoming US citizen, (OPRTs) 7:64 Generally, 17:106 et seq. exemption for hardship distributions, 7:55 Annuities conversions, 17:117, 17:118 exemption for miscellaneous distributions and Assets included in QPRT trusts, 17:115 dispositions, 7:56 Estate freeze transfers exemptions, income distributions, 7:54 generally, 17:106 et seq. hardship distribution exemptions, 7:55 assets included in QPRT trusts, 17:115 income distributions exemptions, 7:54 facts and circumstances test, 17:107 miscellaneous distributions and dispositions form. 17:108 exemptions, 7:56 fractional interest funding, 17:109 multiple ODOTs, 7:62 payment of distribution tax out of QDOT, 7:57 payment of fair market rental after QPRT term, 17:113 security for payment of tax out of QDOT, 7:58 tentative tax where decedent's estate tax not planning, 17:110 finally determined, 7:61 residing in residence after expiration of term, when estate tax must be paid, 7:59 17:112 Exemption for hardship distributions, 7:55 reverse QPRTs, 17:114 Exemption for income distributions, 7:54 valuation, 17:104 Exemption for miscellaneous distributions and valuing OPRT contingent remainder, 17:111 dispositions, 7:56 Events effecting qualification, 17:116 Extension of time for election, 6:220 Facts and circumstances test, 17:107 Extension of time for property transfers, 6:219 Forms, 17:108, App. J Form 706, trustee's statement, 6:224 Fractional interest funding, 17:109 Form 706-QDT, trustee's annual statement, 6:225 Gross estate determinations, transfers with retained Form for QDOT tax return, 6:230 life estates, 2:175

PUERTO RICO RESIDENTS

ily trusts, **2:13** 

table recoupment, 7:5

Joint and survivor annuities, 16:172

Lifetime annuity interest, 16:171

2:148

reimbursed gift tax on deemed transfer of OTIP,

Improper inclusion, computation of estate tax, equi-

IRAs, electing OTIP treatment for IRA, 6:215

IRAs. qualifying for QTIP treatment, **6:214** 

#### QUALIFIED PERSONAL RESIDENCE TRUSTS **QUALIFIED TERMINABLE INTEREST** (OPRTs)—Cont'd PROPERTY (QTIP)—Cont'd Improper termination, exceptions, 17:120 et seq. Lifetime disposition by donee spouse of income Limitation on term interests in personal residence interest, **16:173**, **16:174** trusts and qualified personal residence trusts, Marital deduction, terminable interest rule for, generally, 6:188 et seg. Payment of fair market rental after QPRT term, Option granted to third party to purchase QTIP property at a bargain price, terminable interest 17:113 rule for marital deductions, 6:179 Planning, 17:110 Partial QTIP election, **6:206**, **16:169** Qualification impairment, 17:116 QTIP elections, generally, 6:199 et seq. Remainder interest sales, 17:127 QTIP savings clause, **6:195** Residing in residence after expiration of term, Qualifying income interest, 6:191 et seq. 17:112 Reverse QPRTs, 17:114 Oualifying income interest, terminable interest rule for marital deductions, 6:191 et seq. Term interests and joint purchases, 17:126 Transfers with retained life estates, gross estate Recipient reimbursement for estate tax payment determinations, 2:175 generally, **10:18** Valuing contingent remainder, 17:111 tax trap guidance, 10:19 Reimbursed gift tax on deemed transfer of QTIP, QUALIFIED TERMINABLE INTEREST gross estate determinations, 2:148 PROPERTY (QTIP) Reverse QTIP elections. See Generation-Skipping Administration expenses, deductibility, **6:42** Transfer Tax (this index) Annuities, joint and survivor annuities, 16:172 Savings clause, 6:195 Computation of estate tax, equitable recoupment, Specific interests, 16:168 improper inclusion of QTIP, 7:5 Taxable estates, marital deduction disclaimers, Contingent QTIP election, 6:205 6:124 Deductibility, administration expenses, 6:42 Tax trap guidance, reimbursement for estate tax Definition, 16:165 payment, 10:19 Delayed income distribution not a disposition of Total return trusts, 16:167 spouse's QTIP income interest, 6:190 Trusts Disability clause, terminable interest rule for maricorrection of over-funded trusts, 6:150 tal deductions, 6:173 disclaimers of interests as taxable transfers, Elections 14:76 et seq. GST tax relationship, 19:17 discounting when property interest placed in, partial QTIP elections, 6:206, 16:169 22:32 OTIP treatment for IRAs, 6:215 **Gift Tax** (this index) improper withdrawal of assets, 14:116 time to make election, 16:170 reimbursed gift tax on deemed transfer of QTIP, Funding date, terminable interest rule for marital gross estate determinations, 6:42 deductions, 6:189 remainder interest transfers, gift tax **Gift Tax** (this index) charities, transfers to, 14:20 Gross estate determinations spouses, 14:19 generally, **2:116** taxable estates interests held at death, unfunded QTIP and fam-

# RANCH PROPERTY

Fair Market Value (this index)

total return trusts. 16:167

claims deductibility, 6:92

correction of over-funded trusts, 6:150

Unnecessary QTIP elections, 6:210 to 6:213

RATES, TAX

Credits, Tax (this index)

#### RATES, TAX-Cont'd REFORMATION OF CHARITABLE SPLIT Estate tax **INTERESTS** Generally, **6:281 et seq.**, **16:133** generally, 7:6 Amount of charitable deduction, 6:294 applicable exclusion and applicable credit amounts Case study, 6:287 generally, 7:9 Charitable trust with individual remaindermen, 6:288 2001 and later deaths, 7:11 Death of income beneficiary, special rule where, nonresidents not citizens, imposition of prior tax 6:284 rate, 8:10 Defective CRUT operated as a CRUT, 6:286 2001 and later deaths, applicable exclusion and Definitions applicable credit amounts, 7:11 qualified reformation, 6:282 2001 through 2012 deaths, 7:7 reformable interest, 6:283 2010 deaths, **7:8** Divorce, division of CRUT incident to, **6:292** 2013 and later deaths, 7:6 Exercise of right of election and disclaimer by unified credit, 7:9 et seq. spouse, **6:289** Gift tax schedules, 17:191 Income beneficiary death, special rule where, 6:284 GST tax Individual remaindermen, charitable trust with. generally, 19:99 6:288 individual exemptions, 19:27 Interest, reformable, term defined, 6:283 Nonresidents not citizens estate tax, imposition of Nonstatutory reformation exceptions, 6:290 prior tax rate, 8:10 Oualified reformation definition, 6:282 REAL PROPERTY time to commence, **6:285**, **6:286** Closely-held business, qualifying real estate as Reformable interest, term defined, 6:283 trade or business for estate tax deferral, 10:40, Right of election exercise and disclaimer by spouse, 6:289 Facade easement with mortgage subordination Scrivener's error, 6:291 requirement, gift tax deductions, 16:102 Special rule where income beneficiary dies, 6:284 Fair Market Value (this index) Spouse's exercise of right of election and Gift tax deductions, facade easement with mortgage disclaimer, 6:289 subordination requirement, 16:102 Time to commence qualified reformation, 6:285, Gift valuation, 17:136 et seq. 6:286 **Gross Estate Determinations** (this index) Valuation REFUND CLAIMS generally, 3:34 et seq. Generally, 12:59 et seq., 20:1 et seq. Answer, district court actions, 20:16 book value, 3:49 Fair Market Value (this index) Appeals, district court actions, 20:32 Application for refund, filing, 20:4 fractional interests, 3:54 et seq. Burden of proof, district court actions, 20:23 gift valuation, 17:136 et seq. Choice of forum, 20:8, 20:9 RECAPTURE OF ESTATE TAX Choice of remedies, 20:1 Family-owned business estate tax deductions, 6:315 Collected amount greater than computed amount, et seq. 12:75 **Special Use Valuation** (this index) Collection of gift tax, 18:45 Commencement of case, federal claims court RECORDKEEPING REQUIREMENTS actions, 20:34 Filing estate tax returns, 9:11 **Complaints** RECOUPMENT, EQUITABLE contents, **20:12** Estate tax computation district court actions, 20:12 et seq. generally, 7:4 filing, 20:14 form, 20:15 QTIP, improper inclusion, 7:5

REFUND CLAIMS—Cont'd	REFUND CLAIMS—Cont'd
Complaints—Cont'd	Fee awards, district court actions, 20:27
service, <b>20:14</b>	Filing application for refund, 20:4
signatures, 20:13	Filing claims, statutory period for
statement of grounds for refund, 20:6, 20:7	generally, <b>12:63</b> , <b>12:64</b>
Contents of claim, 12:66	expiration, 12:76
Cost awards, district court actions, 20:27, 20:28	Filing of complaints, 20:14
Counterclaim, district court actions, 20:16	Findings by court, district court actions
Credits, limitations on, 12:70	generally, 20:24
Decisions, federal claims court actions, 20:40	amendments of findings, 20:25
Defendant in action, district court, 20:11	Forms
Deficiencies, when disallowed, 12:74	claim
District court actions	generally, 12:68
generally, 20:10	district court actions, 20:31
answer, <b>20:16</b>	complaint, district court actions, 20:15
appeals, <b>20:32</b>	Grounds for refund must be stated, 20:6, 20:7
burden of proof, 20:23	How claim is made, 12:65
claim for refund form, 20:31	Interest, <b>12:71</b>
complaints, 20:12 et seq.	Jeopardy assessments, 12:73
cost awards, <b>20:27</b> , <b>20:28</b>	Judgments
counterclaim, 20:16	district court actions, 20:26, 20:30
defendant in action, 20:11	federal claims court actions, 20:40
evidence, 20:22	Jurisdiction, federal claims court actions, 20:33
examination of jurors, 20:20	Jurors, examination of, 20:20
fee awards, <b>20:27</b>	Jury trials
findings by court	demand, district court actions, 20:18
generally, 20:24	federal claims court actions, 20:38
amendments of findings, 20:25	Limitation of actions
form of complaint, 20:15	generally, <b>12:63</b> , <b>12:64</b>
judgments, 20:26	expiration, 12:76
jurors, examination of jurors, 20:20	Limitations in case of petition to tax court, 12:69
jury demand, <b>20:18</b>	Limitations on credit or refund, 12:70
payment of judgment, 20:30	Overpayment, term defined, 12:60
pretrial proceedings, 20:19	Overpayment determined by tax court, 12:72 et
prevailing party, 20:29	seq.
reply, <b>20:17</b>	Overpayment of estate tax while deferred estate tax outstanding, <b>12:61</b>
verdict, <b>20:21</b> Evidence, district court actions, <b>20:22</b>	Payment of judgments
	district court actions, 20:30
Examination of jurors, district court actions, <b>20:20</b> Federal claims court actions	federal claims court actions, <b>20:30</b>
generally, <b>20:33 et seq.</b>	Payment of tax as requirement for actions, <b>20:3</b>
commencement of case, 20:34	Payment prior to filing of claim, 12:62
decisions, 20:40	Petitions
judgments, 20:40	federal claims court actions, <b>20:35</b> , <b>20:36</b>
jurisdiction, 20:33	signatures, 20:36
jury trials, <b>20:38</b>	statement of grounds for refund, <b>20:6</b> , <b>20:7</b>
payment of judgments, <b>20:41</b>	Petitions to tax court, limitations, 12:69
petitions, <b>20:35</b> , <b>20:36</b>	Power of attorney requirement, 12:67
place and mode of trial, <b>20:37</b>	Pretrial proceedings, district court actions, <b>20:19</b>
transcripts, 20:39	Prevailing party, district court actions, 20:19  Prevailing party, district court actions, 20:29
<u> -</u>	
trials, <b>20:37</b>	Procedure, 12:65

# REFUND CLAIMS—Cont'd

Remedies, choice of, 20:1

Reply, district court actions, 20:17

Requirements for actions, 20:2

Requirements for actions, payment of tax, 20:3

Service of complaints, 20:14

Signatures, petitions, 20:36

Signatures on complaints, 20:13

Statement of grounds for refund, 20:6, 20:7

Statutory period for filing claim, 12:63

generally, 12:64

expiration, 12:76

Tax court

limitations in case of petition to, 12:69

overpayments determined by, 12:72 et seq.

Transcripts, federal claims court actions, 20:39

Trials, federal claims court actions, 20:37

Verdict, district court actions, 20:21

When refund suit can begin, 20:5

# RELATED PARTY TRANSACTIONS

Gross estate determinations of interests held at death, 2:9

## RELIGIOUS ORGANIZATIONS

Estate tax deductions for contributions. See **Tax-able Estate** (this index)

Gift deductions

generally, 16:89

transfers to corporations, 16:91

# REMAINDERS

Alternate valuation, **4:21** 

Charitable Remainder Annuity Trusts (this index)

**Charitable Remainder Trusts** (this index)

Charitable Remainder Unitrusts (this index)

Charities (this index)

Contingent remainders, gross estate determinations, 2:109

Depreciable and depletable property

fair market value of remainder interest in, **3:265** remainder interests, gift valuation, **17:169** 

Disclaimer failure, gift tax, 14:60

Estate Freeze Transfers (this index)

Estate tax payment, extension of time for, 10:31

Exclusions, gift tax, 16:21

Extension of time for estate tax payment, 10:31

Fair Market Value (this index)

Farms (this index)

Foreign death taxes credit, 7:48

**Generation-Skipping Transfer Tax** (this index)

# REMAINDERS—Cont'd

Gifts of remainder interests, charitable deductions, **16:117 et seq.** 

**Gift Tax** (this index)

Gift to spouse, terminable interest rule, **16:140** Gift valuation

generally, 17:146

depreciable and depletable property remainder interests. 17:169

## **Gross Estate Determinations** (this index)

Information required with tax return for deduction of present value of temporary or remainder interest, **3:240** 

Outright remainder in personal residence or farm, 16:131

Payment of estate tax, extensions, reversion or remainder interest liabilities, **10:31** 

OPRTs, remainder interest sales, 17:127

QPRTs, valuing contingent remainder, 17:111

QTIP trust remainder interest transfers, gift tax charities, transfers to, 14:20

spouses, 14:19

**Residences** (this index)

Sale of remainder and gift of terminable interest to spouse, **16:141** 

**Taxable Estate** (this index)

**Valuation** (this index)

# REMEDIES

Collection of tax (this index)

**Refund Claims** (this index)

**Settlements of Tax Disputes** (this index)

**Taxpayers' Remedies** (this index)

## RENTALS

Fair market value, **3:86, 3:88** 

Income capitalization valuation of realty, **3:86**Installment payments of estate tax, qualifying rental activities for estate tax deferral, **10:41** 

Life estates in rental real estate, partial interest retentions in transfers with retained life estates, 2:160

# RESCISSION

Gifts, rescissions of, 14:95

# RESIDENCES

Charitable nontrust remainder as qualifying transfers, taxable estate charitable deductions

generally, 6:271

valuation, 6:272

Nonresidents not citizens estate tax, 8:13 et seq.

Outright remainder in, gift tax charitable deductions, 16:131

## RESIDENCES—Cont'd

Personal residences

definition, 17:102

**Estate Freeze Transfers** (this index)

**Qualified Personal Residence Trusts** (this index)

trusts, 17:105

Qualified domestic trusts, statement with respect to residence exclusion, **6:223** 

Transfers with retained life estates, gross estate determinations

generally, 2:171 et seq.

lease-back transfers, 2:173

## RESTRICTIVE COVENANTS

Discounts, 22:37

# RETIRED DECEDENTS

Special use valuation election requirements, **5:47** 

## RETIREMENT

Additional estate tax imposed on excess retirement accumulation of estates of decedents dying on or before December 31, 1996, 7:52

# **RETURNS**

Filing of Tax Returns (this index)
Tax Return Preparers (this index)

## REVALUATION OF GIFTS

Generally, 3:18, 7:24 to 7:26, 17:181 to 17:183

#### REVERSIONS

Alternate valuation, 4:21

Estate tax payment, extension of time for, 10:31

Fair Market Value (this index)

Foreign death taxes credit, 7:48

Gift tax, exclusions, 16:21

Gift valuation, 17:146

# **Gross Estate Determinations** (this index)

Life insurance reversionary interests, gross estate determinations, 2:54

Payment of estate tax, extensions, reversion or remainder interest liabilities, 10:31

Valuation (this index)

# RIGHTS OF TAXPAYERS

Generally, App. O

Appeal rights, App. P

Privileged communications, 12:91

Protest, how to prepare, App. P

## SAME-SEX MARRIAGES

Marital deduction rights, 6:100

Support obligations. See **Taxable Estate** (this index)

#### SAVINGS BONDS

**US Savings Bonds** (this index)

#### **SCHEDULES**

- A (gross estate determinations, real estate), **2:16 et seq.**
- B (gross estate determinations, stocks and bonds, **2:20 et seq.**
- C (gross estate determinations, cash and bank deposits), **2:24 et seq.**
- D (gross estate determinations, life insurance, **2:30** et seq.
- E (gross estate determinations, jointly held property, **2:71 et seq.**
- F (gross estate determinations, miscellaneous property, **2:90 et seq.**
- G (gross estate determinations, transfers during decedent's life, 2:120 et seq.
- H (gross estate determinations, powers of appointment, 2:227 et seq.
- I (gross estate determinations, annuities and pensions), 2:282 et seq.
- J (taxable estate, funeral and administration expenses, **6:11 et seq.**
- K (taxable estate, claims against estate, **6:50 et seq.**
- L (taxable estate, casualty or theft losses during administration), **6:93 et seq.**
- M (taxable estate, marital deduction), 6:99 et seq.
- O (taxable estate, transfers for public, charitable, and religious uses), **6:232 et seq.**
- P (estate tax credits, foreign death taxes), 7:42
- PC (protective claim for refund), App. B
- Q (estate tax credits, tax paid on prior transfers), 7:27
- T (taxable estate, family-owned business deduction), **6:302 et seq.**
- U (taxable estate, qualified conservation easement exclusion), **6:323 et seq.**

# SCIENTIFIC ORGANIZATIONS

Deductible gifts to

generally, **16:89** 

transfers to corporations, 16:91

#### SCIN

**Self-Canceling Installment Notes** (this index)

# **S CORPORATIONS**

**Corporations** (this index)

#### SCRIVENER'S ERRORS

Charitable split interests, reformation, 6:291

Generation-skipping transfer tax, modifications of exempt trusts, **19:74** 

Incomplete gift to trust, reformation, 14:22

settlement resolving, 19:85

#### SCRIVENER'S ERRORS—Cont'd SECURITIES, STOCKS, AND BONDS—Cont'd Irrevocable trust modifications and divisions, Stock, charitable gifts ex voting power, gift tax transfers with retained life estates, 2:154 deductions, 16:98 Marital deduction, flawed drafting, 6:176, 6:177 Stock redemptions affecting family-owned businesses estate tax deductions, 6:321 Nongeneral powers of appointment, 2:251 Stock redemption under Section 303, estate tax pay-Will contests affecting marital deduction, 6:119 ment, 10:90, 10:91 SEASONAL ACTIVITIES Stocks Special use valuation election requirements, 5:38 et ex voting power, charitable gifts, 16:98 fair market value of closely held stock, postdeath sale used to value, 3:20 SECURITIES, STOCKS, AND BONDS Tax exempt securities Beneficial interests in stocks and bonds, gross estate determinations, 2:21 gift tax, 14:151 Close corporation interests valuation. Fair Market gross estate determinations, 2:22 Value (this index) Traded and untraded, fair market value, 3:101 **Dividends** (this index) US Savings Bonds (this index) Estate Freeze Transfers (this index) Valuation Estate tax payment, stock redemption under Section generally, 3:98 et seq. 303, **10:90, 10:91** Fair Market Value (this index) Ex-dividend sales of stock, fair market value, 3:103 gift valuation Fair Market Value (this index) generally, 17:139 Family-owned businesses, stock redemptions blockage valuation, 17:143 affecting estate tax deductions, 6:321 closely-held corporations, 17:140, 17:141 Flower Bonds (this index) discounted cash flow, 17:141 Foreign stock of expatriate, 8:8 family corporations, 17:142 Foreign stock transfers, nonresidents not citizens of net asset valuation, 17:141 US, 15:8 sales price not reflecting value, 3:102 Gift tax deductions, charitable gifts of stock ex voting SELF-CANCELING INSTALLMENT NOTES power, 16:98 (SCINs) nonresidents not citizens of US, 15:8 Gift tax. 14:52 tax exempt securities as taxable transfer, 14:151 Gross estate determinations Gift valuation generally, 2:25 generally, 17:139 valuation, 2:26 blockage valuation, 17:143 closely-held corporations, 17:140, 17:141 SELF-SETTLED TRUSTS discounted cash flow, 17:141 Gift tax family corporations, 17:142 generally, 14:54 to 14:56, 14:106 to 14:109 net asset valuation, 17:141 completed gifts, 14:106, 14:107 **Gross Estate Determinations** (this index) Transfers with retained life estates, gross estate Incomplete selling prices or bid and asked prices, determinations, 2:170 fair market value, 3:100 Nonresidents not citizens **SETTLEMENTS** estate tax, foreign stock of expatriate, 8:8 Charitable deductions, will contest settlements, gifts by, taxable, 15:8 6:236, 6:237, 6:253 gross estate determinations, 8:38 et seq., 8:42 et Estate tax deductibility, marital obligation, 6:76 Fair market value, settlement agreements secured Restricted securities discount, 22:16 by commercial annuities, 3:310 Sales price not reflecting value, 3:102 Generation-skipping transfer tax Special valuation rules generally, **19:73** generally, 17:14 et seq. adopted child status and perpetuities period,

Estate Freeze Transfers (this index)

SETTLEMENTS—Cont'd	SETTLEMENTS OF TAX DISPUTES—Cont'd
Generation-skipping transfer tax—Cont'd per capita and per stirpes distributee, settlement	Deficiencies, waiver of restrictions on assessment and collection of, form, 11:34
resolving conflicts between, 19:86	Deposits to suspend interest on potential underpay-
Gross estate determinations, settlement dividing	ments of estate tax, 10:87 et seq.
insurance proceeds, 2:35	Early referrals, 11:19
Marital deduction, settlements of will contests	Estate tax disputes, <b>11:1 et seq.</b>
generally, <b>6:114</b>	Examination of return, 11:11 et seq.
case study, <b>6:116</b>	Finality of compromise agreement, 11:40
qualifying a settlement, <b>6:115</b>	Form 8821, Tax Information Authorization, <b>11:10</b>
reimbursement issues, <b>6:117</b>	Forms
Marital obligation estate tax deductibility, <b>6:76</b>	assessment of deficiency, waiver of restrictions
Qualifying a settlement, marital deduction, settle-	on, <b>11:34</b>
ments of will contests, <b>6:115</b>	collection of deficiency, waiver of restrictions on
Taxable estate deductibility, <b>6:53</b>	11:34
Tax disputes. <b>Settlements of Tax Disputes</b> (this index)	deficiencies, waiver of restrictions on assessment and collection, <b>11:34</b>
Will contest settlements, charitable deductions,	90-day letter, <b>11:33</b>
6:236, 6:237, 6:253	power of attorney, <b>11:7</b> , <b>11:8</b>
	protests, 11:26
SETTLEMENTS OF TAX DISPUTES	restrictions on assessment and collection of defi-
Generally, 11:1 et seq.	ciency waiver of, 11:34
Agent, authorizing, 11:9	revocation of notice, 11:6
Appeal procedure, 11:27	termination of notice, 11:6
Application for identification number, 11:2	30-day letters, <b>11:21</b>
Assessment of deficiency, waiver of restrictions on, form, <b>11:34</b>	waiver of restrictions on assessment and collec- tion of deficiency, 11:34
Authority to sign return, <b>11:9</b>	Gift tax settlement closing agreements, <b>18:46</b>
Authorizing a representative or agent, <b>11:9</b>	Importance of filing notice, 11:5
Closing agreements	90-day letter, form, <b>11:33</b>
generally, 11:35, 18:46	Notice of deficiency, statutory, 11:28 et seq.
final closing agreements, 11:36	Notice of fiduciary relationship, 11:2 et seq.
gift tax, 18:46	Offers of partial payment, 11:38
Closing letters	Partial payment, 11:38
e	Powers of attorney
request, closing letters issued only on request, 11:12	Form 2484, declaration of representative, 11:8
transcripts in lieu of closing letter, 11:13	Publication 947, practice before the IRS, 11:7
Collection of deficiency, waiver of restrictions on,	signing offer in compromise under, 11:42
form, 11:34	Protests
Compromises	generally, 11:24 et seq.
generally, 11:37	contents, <b>11:25</b>
finality of, 11:40	form, <b>11:26</b>
signing offer in compromise under power of	how to prepare, <b>App. P</b>
attorney, 11:42	response to 30-day letter, 11:24
Contents of protests, 11:25	Rejection of offer, 11:41
Declaration of representative, 11:8	Representative, authorizing, 11:9
Deficiencies	Restrictions on assessment and collection of defi-
	ciency waiver of, form, 11:34
generally, 11:22	Return, examination, 11:11 et seq.
90-day letter, 11:28 et seq.	Revocation of notice, 11:6
statutory notice of deficiency, 11:28 et seq.	Signing offer in compromise under power of
when assessed, 11:23	attorney. 11:42

#### SETTLEMENTS OF TAX DISPUTES—Cont'd SPECIAL USE VALUATION—Cont'd Statutory notice of deficiency, 11:28 et seq. Agreement to special use valuation—Cont'd Statutory trustee status. 11:4 duties of agent, 5:75 Tax Information Authorization, 11:10 election, 5:78 form, 5:72 Termination of notice, 11:6 30-day letters **Alternate Valuation** (this index) generally, 11:20 Alternate valuation and, multiple elections, 5:4 form, 11:21 Applicable dispositions, recapture of estate tax, taxpayer's response, 11:24 Waiver of restrictions on assessment and collection Arm's-length transaction requirement, formula of deficiency, form, 11:34 method of determining special use value, 5:60 When deficiency assessed, 11:23 Basis in the property, 5:6 Withholding of collection, 11:39 Business properties, **5:5** Calculations. Determining special use value, below **SHIPS** Cessation of qualified use, recapture of estate tax, **Fair Market Value** (this index) **SIGNATURES** Changing valuation method, 5:55 **Fair Market Value** (this index) Changing valuation method of determining special use value, 5:55 SIMULTANEOUS DEATH Closely-held businesses, election requirements, Gross estate determinations 5:44 jointly owned property, 2:88 Closely-held businesses, leases to, election requiretransfers taking effect at death, 2:200, 2:201 ments, 5:30 Life insurance, fair market value, simultaneous Combining discounts with special use valuation, death of owner and insured, 3:211 5:28 Community real property election requirements, **Survivorship Life Insurance** (this index) Comparables, formula method of determining SPECIAL USE VALUATION special use value, 5:61 Acquired from decedent property, election require-**Computation of Tax** (this index) ments, 5:10 Congressional purpose, exception to achieve, **5:17** Active management by eligible qualified heirs, Conservation contributions, recapture of estate tax, recapture of estate tax, 5:101 Active management of surviving spouse, election Corporate-owned real estate, elections, 5:74 requirements, 5:46 Corporation property, election requirements, 5:27, Actual use, **5:2** Additional estate tax return, recapture of estate tax, Credits for estate tax paid on prior transfers, credit 5:120 Additional tax computation on recapture of estate recaptured estate tax attributable to special use tax valuation, treatment of, 7:31 generally, **5:104** special use valuation, treatment of recaptured adjusted tax difference, 5:105 estate tax attributable to, 7:31 Adjusted value treatment of recaptured estate tax attributable to gross estate, 5:50 special use valuation, 7:31 property, 5:51 Crop share leases, election requirements, **5:40** Adjusted value, election requirements, 5:49 et seq. Curing minor defects, 5:76 Adopted children, election requirements, 5:14 Decrease in value limitation, 5:7 Aggregation, percentage qualification requirements, **Definitions** 5:53 Agreement to special use valuation disabled decedent, 5:48 generally, 5:70 et seq. involuntary conversion, 5:117 designations of agent, 5:71 qualified exchange property, 5:114

SPECIAL USE VALUATION—Cont'd	SPECIAL USE VALUATION—Cont'd
Designations of agents, agreement to special use	Election requirements—Cont'd
valuation	qualified disclaimers, effect of, 5:19
generally, 5:71	real property, ownership and material participa-
duties of agent, 5:75	tion
Determining special use value	generally, 5:25
generally, 5:54	materiality of participation, 5:35 et seq.
basic rules, 5:54	tacking, 5:34
changing valuation method, 5:55	retired decedents, 5:47
Formula method of determining special use value, below	seasonal activities, <b>5:38 et seq.</b> self-employed participants, <b>5:41</b>
multiple factor method, <b>5:56</b>	spouses, survivorship provisions, <b>5:15</b>
Disabled decedents	successive interest passing to qualified heirs,
definition, 5:48	5:16
election requirements, <b>5:47</b>	trade or business use, <b>5:20</b>
Disclaimers, effect of, <b>5:19</b>	transfers of property, <b>5:33</b>
Dispositions causing recapture, <b>5:95</b>	trust property, <b>5:27</b> , <b>5:42</b> , <b>5:43</b>
Diversified lands, election requirements, <b>5:22</b>	wait and see approach, <b>5:18</b>
Documentation requirements, formula method of	Elections
determining special use value, <b>5:62</b>	generally, <b>5:9</b> , <b>5:68</b>
Effective interest rate, formula method of determin-	acquired from decedent property, <b>5:10</b>
ing special use value, <b>5:64 et seq.</b>	Agreement to special use valuation, above
Election requirements	agreement to use, 5:78
active management of surviving spouse, 5:46	corporate-owned real estate, <b>5:74</b>
adopted children, 5:14	curing minor defects, <b>5:76</b>
closely-held businesses	family member, <b>5:13</b>
generally, <b>5:44</b>	illustrative examples, <b>5:79</b>
leases to, 5:30	interest in property requirement, 5:73
combining discounts with special use valuation,	joint or undivided interests, 5:84
5:28	minor defects, curing, 5:76
community real property, 5:26	missing information, 5:77
Congressional purpose, exception to achieve,	1986 legislation, <b>5:81, 5:82</b>
5:17	notice
corporation property, 5:27, 5:42	generally, <b>5:69</b>
crop share leases, <b>5:40</b>	protective elections, <b>5:88</b> , <b>5:89</b>
disabled decedents, <b>5:47</b>	partial, <b>5:83</b>
disclaimers, effect of, 5:19	passed from decedent property, <b>5:10</b>
diversified lands, 5:22	Percentage qualification requirements, below
entities, transfers to, <b>5:31</b>	protective, <b>5:86 et seq.</b>
estate held property, <b>5:45</b>	qualified heirs
exception to achieve Congressional purpose,	generally, 5:12
5:17	successive interests, <b>5:16</b>
farmland limited partnership interests, <b>5:29</b>	qualified woodlands
farm use, <b>5:20</b> , <b>5:21</b>	generally, 5:90
leases to closely-held businesses, <b>5:30</b>	requirements, 5:23
method for valuing, <b>5:24</b>	requirements, 5:9
partnership property, <b>5:27</b> , <b>5:42</b>	special use valuation and alternate valuation, 5:4
part-time activities, <b>5:38 et seq.</b>	successive interests, 5:85
pre-death ownership and use	trust property, 5:11
generally, 5:32	Entities, transfers to, election requirements, <b>5:31</b>
tacking, 5:34	Estate held property, election requirements, <b>5:45</b>

SPECIAL USE VALUATION—Cont'd	SPECIAL USE VALUATION—Cont'd
Exception to achieve Congressional purpose, 5:17	Nonagricultural development rights, recapture of
Fair market value challenges on recapture of estate	estate tax on sale of, 5:98
tax, <b>5:107</b>	Notice of elections
Family member election requirements, <b>5:13</b>	generally, <b>5:69</b>
Farm properties	protective elections, <b>5:88</b> , <b>5:89</b>
generally, <b>5:5</b>	Oil and gas activities, recapture of estate tax, <b>5:96</b>
election requirements, 5:20, 5:21	Partial dispositions, recapture of estate tax, 5:109
limited partnership interests, <b>5:29</b>	Partial elections, 5:83
Form, agreement to special use valuation, 5:72	Partnership property, election requirements, <b>5:27</b> ,
Form 706-A, recapture of estate tax, 5:120	5:42
Formula method of determining special use value	Part-time activities, election requirements, <b>5:38 et seq.</b>
generally, <b>5:57 et seq.</b>	Passed from decedent property, election require-
arm's-length transaction requirement, <b>5:60</b>	ments, 5:10
comparables, <b>5:61</b>	Percentage qualification requirements, <b>5:49</b>
documentation requirements, 5:62	adjusted value
effective interest rate, <b>5:64 et seq.</b>	gross estate, <b>5:50</b>
gross cash rental, 5:58	property, <b>5:51</b>
interest rate, <b>5:64 et seq.</b>	aggregation, 5:53
net share rental, 5:59	gift property, <b>5:52</b>
state and local real estate taxes, 5:63	gross estate adjusted value, 5:50
Grace period, recapture of estate tax, 5:92	property, adjusted value, 5:51
Gross cash rental valuation, 5:58	Pre-death ownership and use, election requirements
Gross estate, adjusted value, <b>5:50</b>	generally, 5:32
Highest and best use rule, 5:1	tacking, <b>5:34</b>
Illustrative examples, <b>5:79</b>	Property value, adjusted, 5:51
Indebtedness deductions, <b>5:8</b>	Protective elections, <b>5:86 et seq.</b>
Interest in property requirement, elections, 5:73	Qualified disclaimers, effect of, <b>5:19</b>
Interest rate, formula method of determining special	Qualified heir, election requirements
use value, <b>5:64 et seq.</b>	generally, 5:12
Involuntary conversion of specially valued property	successive interests, <b>5:16</b>
definition, <b>5:117</b>	Qualified replacement property, recapture of estate
recapture of estate tax, 5:93, 5:116	tax, 5:118
Joint or undivided interests, elections, 5:84	Qualified use cessation, recapture of estate tax, <b>5:97</b>
Land diversion program participation, recapture of estate tax, <b>5:102</b>	Real property, ownership and material participation election requirements
Leases to closely-held businesses, election require-	generally, 5:25
ments, <b>5:30</b>	materiality of participation, 5:35 et seq.
Like-kind exchanges during recapture period, <b>5:113</b>	tacking, 5:34
Limitation on decrease in value, 5:7	Recapture of estate tax
Methods of valuation	generally, <b>5:3, 5:91 et seq.</b>
generally, <b>5:24</b>	active management by eligible qualified heirs, 5:101
Determining special use value, above	additional estate tax, computation of
Minor defects, curing, <b>5:76</b>	• •
Minority interest discount allowed in conjunction with special use valuation, 22:6	generally, <b>5:104</b> adjusted tax difference, <b>5:105</b>
Multiple factor method of determining special use	additional estate tax return, 5:120
value, <b>5:56</b>	applicable dispositions, <b>5:94</b>
Net share rental valuation, 5:59	cessation of qualified use, 5:97
1986 legislation, elections, <b>5:81</b> , <b>5:82</b>	computing the recapture tax, <b>5:110</b> , <b>5:115</b>

SPECIAL USE VALUATION—Cont'd	SPECIAL USE VALUATION—Cont'd
Recapture of estate tax—Cont'd	Treatment of recaptured estate tax attributable to
conservation contributions, 5:100	special use valuation, credits for estate tax paid
credits for estate tax paid on prior transfers attrib-	on prior transfers, 7:31
utable to special use valuation, treatment of, <b>7:31</b>	Treatment of replacement property, recapture of estate tax, <b>5:119</b>
definition of qualified exchange property, <b>5:114</b> dispositions causing recapture, <b>5:95</b>	Trust property, election requirements, 5:11, 5:27, 5:42, 5:43
fair market value challenges, <b>5:107</b>	Two-year grace period, recapture of estate tax, 5:92
Form 706-A, <b>5:120</b>	Wait and see approach, election requirements, 5:18
grace period, 5:92	Water rights transfers, recapture of estate tax on,
involuntary conversion of specially valued prop-	5:99
erty, <b>5:93, 5:116</b>	Woodlands elections
land diversion program participation, 5:102	generally, 5:90
liability for recapture tax, 5:112	requirements, 5:23
like-kind exchanges during recapture period,	SPECIAL VALUATION RULES
5:113	Chapter 14 rules, 17:14 et seq.
nonagricultural development rights, sale of, 5:98	Computation of estate tax, 7:2
oil and gas activities, <b>5:96</b>	Fair Market Value (this index)
partial dispositions, 5:109	GST property, 19:103
participation in land diversion program, 5:102	SPENDTHRIFT CLAUSES IN POWERS OF
qualified replacement property, 5:118	APPOINTMENT
qualified use cessation, 5:97	Gross estate determinations, 2:252
rules, 5:3	SPENDTHRIFTS TRUST
sale of nonagricultural development rights, <b>5:98</b> single recapture, <b>5:103</b>	Collection, levy against, 12:40
state death tax credits, 5:106	
timber severances, 5:108	SPLIT GIFTS  Comparelly, 16:175 to 16:185
treatment of replacement property, <b>5:119</b>	Generally, <b>16:175 to 16:185</b> Beneficiary, gift splitting when spouse is a, <b>16:184</b>
two-year grace period, <b>5:92</b>	Calendar year, consent applies to, <b>16:177</b>
water rights transfers, 5:99	Collection of tax, joint and several liability, <b>16:180</b>
when due, 5:111	Consent
Retired decedents, election requirements, <b>5:47</b>	calendar year, <b>16:177</b>
Seasonal activities, election requirements, <b>5:38 et</b>	manner and time of signifying, 16:178
seq.	revocation of, 16:179
Self-employed participants, election requirements,	Contingent interests, 16:183
5:41	Crummey transfers and, 16:181
Single recapture of estate tax, 5:103	Deemed GST tax, 19:110
Spouses, survivorship provisions, election require-	Effect, <b>16:175</b>
ments, <b>5:15</b>	Estate tax
State and local real estate taxes, formula method of	generally, 2:126
determining special use value, <b>5:63</b>	gross estate determinations, transfers during life,
State death tax credits on recapture of estate tax, 5:106	2:126 gross-up rule, 2:149
Successive interest passing to qualified heirs, elec-	three sears if death, split gifts made within, 7:3
tion requirements, 5:16	Filing requirements, 18:18
Successive interests, elections, 5:85	Gift tax, generally, 16:175 et seq.
Timber severances, recapture of estate tax, <b>5:108</b>	GST tax implications, 16:182
Trade or business use, election requirements, <b>5:20</b>	Joint and several liability for tax, 16:180
Transfers of property, election requirements, 5:33	Manner and time of signifying consent, <b>16:178</b>

## SPLIT GIFTS—Cont'd

Nonresidents not citizens of US, **15:11**Requirements for gift splitting, **16:176**Revocation of consent, **16:179**Statute of limitations, **16:185**Tax return filing requirements, **18:18** 

#### SPLIT INTERESTS

Charitable deductions, non-qualifying split interest trust as qualifying transfers, **6:277** 

Estate freeze transfers, split interests adjustments, 17.64

**Reformation of Charitable Split Interests** (this index)

# **SPOUSES**

Active management of surviving spouse, special use valuation election requirements, **5:46** 

# **Community Property** (this index)

Disclaimers of interests as taxable transfers, noncitizen surviving spouses, **14:83** 

Election by surviving spouse, disclaimers of interests as taxable transfers, **14:73** 

Estate freeze transfers, 17:51

Generation-skipping transfer tax, determining generations, spouse of descendant or transferor, 19:20

Gift tax

disclaimers of interests by noncitizen surviving spouses, **14:83** 

election by surviving spouse, disclaimers of interests, **14:73** 

exclusions, nonresident spouses, 16:76

preserving spouse's credit shelter with a power of appointment, **14:37** 

QTIP trust remainder interest transfers to, **14:19** spouses as beneficiaries, disclaimers of interests as taxable transfers, **14:72** et seq.

structuring transfer to preserve spouse's unified credit, **14:36** 

Gift to wife of gift tax paid within three years of husband's death included in husband's estate, 14:35

Gross estate determinations, life insurance proceeds payable to divorced spouse, **2:55**, **2:56** 

Income tax of spouse, payment as taxable transfer, 14:153

Irrevocable life insurance trusts, spouse as trustee generally, **2:51** 

IRS guidance, 2:70

Joint and several liability for tax, splitting of gifts by spouses, **16:180** 

# SPOUSES—Cont'd

Jointly owned property, mortgages and liens claims against estates, deductibility, **6:87** 

Life insurance proceeds payable to divorced spouse, gross estate determinations, 2:55, 2:56

Marital Deduction (this index)

Marital Property (this index)

Mortgages and liens claims on jointly owned property, estate tax deductibility, **6:87** 

Noncitizen spouses

disclaimers of interests as taxable transfers, noncitizen surviving spouses, **14:83** 

**Qualified Domestic Trusts** (this index)

Nonresidents Not Citizens (this index)

Nonresident spouses, gift tax exclusions, **16:76** 

Payment of spouse's income tax as taxable transfers, **14:153** 

Preserving spouse's credit shelter with a power of appointment, **14:37** 

QTIP trust remainder interest transfers to, gift tax, 14:19

Qualified Domestic Trusts (this index)

**Qualified Terminable Interest Property** (this index)

Special use valuation

active management of surviving spouse, election requirements, **5:46** 

election requirements, spouses, survivorship provisions, **5:15** 

**Split Gifts** (this index)

**Survivorship** (this index)

Trusts, spouse as trustee of irrevocable life insurance trust

generally, 2:51

IRS guidance, 2:70

## STAMP COLLECTIONS

Fair market value, 3:292

# STATE LAW

**Community Property** (this index)

**Death Taxes** (this index)

Deduction from estate taxes for state death taxes, 7:18

Disclaimer statutes, 14:93, App. E

Estate freeze transfers, exception for lapses that occur by reason of changes in state law, 17:74

Estate tax considerations, generally, 1:5

Estate tax credit for state death taxes applicable to estates of decedents dying prior to 2005, **7:17** 

Gift Tax (this index)

## STATE LAW—Cont'd

Gross estate determinations

apportionment statutes; Sommers 1 and 2 decisions, **2:144** 

Illinois land trusts. 2:189

interests held at death, 2:3

self-appointment under power of appointment, **2:260** et seq.

GST tax, credit for state generation-skipping transfer taxes, 19:112

Illinois land trusts, gross estate determinations, right to designate enjoyment of transferred property, 2:189

Life estate plus power of appointment, gift tax marital deduction, **16:160** 

Power of appointment, self-appointment, gross estate determinations, **2:260 et seq.** 

Property taxes, taxable estate deductions, 6:63

Real estate taxes, special use valuation, formula method of determining, **5:63** 

Real property valuation, local tax assessments generally, **3:47** 

assessed value, 3:48

Self-appointment under power of appointment, gross estate determinations, **2:260 et seq.** 

# **Simultaneous Death** (this index)

Special use valuation, formula method of determining, real estate taxes, **5:63** 

Special use valuation recapture of estate tax, state death tax credits, **5:106** 

Taxable estate, property taxes deductibility, 6:63

Terminable interest rule for marital deductions local law applicable, **6:154**, **6:155** 

state law effects, **6:184** 

Uniform Gifts and Uniform Transfers to Minors Acts (this index)

Workers' Compensation (this index)

# STATUTE OF LIMITATIONS

**Limitation of Actions** (this index)

#### **STEP TRANSACTIONS**

Market valuation discounts, collapsing four gifts and sales into two gifts, **21:17** 

Planning, step transaction doctrine and indirect gifts, 21:12

# **STOCKS**

**Securities, Stocks, and Bonds** (this index)

#### STOLEN PROPERTY

Fair market value, 3:15

Gross estate determinations, 2:117

#### SUBSTANCE OVER FORM RULE

Gross estate determinations of interests held at death. 2:10

#### SUITS, COLLECTION

**Collection of tax** (this index)

**Refund Claims** (this index)

**Taxpayers' Remedies** (this index)

## SUPPORT OBLIGATIONS

Generation-skipping transfer tax. terminations taxable. 19:9

Gift tax, insufficient consideration transfers, **14:41** et seq.

Gift valuation transfers subject to, 17:165 et seq.

Insufficient consideration transfers, gift tax

generally, 14:41 et seq.

child support, 14:47

**Taxable Estate** (this index)

Valuation transfers subject to gift valuation, 17:165 et seq.

#### SURVIVORSHIP

Active management of, special use valuation election requirements, **5:46** 

Disclaimers of interests as taxable transfers, noncitizen surviving spouses, 14:83

Estate tax payment, reimbursement for, 10:17

Gift tax disclaimers

generally, 14:73

noncitizen surviving spouses, 14:83

Life insurance. **Survivorship Life Insurance** (this index)

Marital deduction, valuation of property interest passing, **6:131 et seq.** 

Taxable estate, marital deductions

generally, 6:104

presumptive survivorship, 6:105

Terminable interest rule for marital deductions, survivorship exception, **6:164**, **6:165** 

# SURVIVORSHIP LIFE INSURANCE (SLI)

Generally, 2:51

Spouse as trustee

generally, 2:51

IRS guidance, 2:70

# SWING VOTE VALUATION

Market valuation discount, 21:7, 21:8

# TABLES, VALUATION

Fair Market Value (this index)

## TAXABLE ESTATE

Generally, 6:1 et seq.

TAXABLE ESTATE—Cont'd

#### Adequacy of consideration, claims against estate Casualty or theft loss deductions deductions, **6:51 et seq.** generally, **6:93 to 6:98** Administering community property expenses, alternate valuation, 6:98 deductibility, 6:41 forfeitures of property, **6:97** Administering property subject to claims against LLC, estate entitled to deduct theft loss incurred the estate, time limitation on deductibility by LLC during settlement of estate, 6:96 generally, **6:10** Charitable bequests, deductibility of statutory internonclaims property, 6:11 est paid on, **6:30** Administration expense deductions Charitable deductions generally, 6:232 et seq. generally, 6:1 et seq. **Amount of Charitable Deduction** (this index) Executor's commissions deductions, below art works, 6:279 foreign currency, administration expenses bequest of income interest as qualifying expressed in, 6:46 transfers, 6:273 et seq. multi-hatted administrators, tax trap, 6:49 bequests of income and remainder interests as property not subject to claims, 6:15 qualifying transfers, 6:252 property subject to claims, 6:14 charitable nontrust remainder in residence or protracted administrations, 6:16 farm as qualifying transfers Administrative expense deductions generally, 6:271 miscellaneous administration expenses, 6:43 valuation, 6:272 two estates, administration expenses involving, charitable remainder annuity trust compliance, 6:25 6:235 Administrative powers, terminable interest rule for charitable remainder annuity trust contributions marital deductions, **6:174**, **6:175** as qualifying transfers, 6:258 Alimony claims, deductibility, **6:78** charitable remainder trust contributions as Alternate valuation, casualty or theft loss deducqualifying transfers, 6:257, 6:263 tions, effect on, 6:98 charitable remainder unitrust contributions as Annuity payment obligations, marital deduction, qualifying transfers, 6:260 et seq. 6:148 compromise settlement payments as qualifying Annuity with power of appointment, terminable transfers, **6:249**, **6:250** interest rule for marital deductions, 6:166 contingent or conditional qualifying transfers, Apportionment planning, marital deduction, 6:143 6:251 et sea. contributions to pooled income funds as qualify-Art works ing transfers charitable deductions, 6:279 generally, 6:269 marital deduction, interest passing requirement, valuation of remainder, 6:270 6:111 copyrighted art works, **6:279** Attorneys' fees, deductions disclaimer, qualifying as qualifying transfer, generally, 6:7 6:248 forms disclaimer by noncharitable donee in favor of generally, 6:24 charity as qualifying transfer, 6:245, 6:246 nonprobate assets, 6:26 disclaimer of waiver of OTIP tax recovery as Basic requirements for deductibility, 6:2 qualifying transfer, **6:247** Bequest in lieu of commissions, executor's comelection to take against will as qualifying missions deductions, 6:19 transfers, 6:254 Borrowed funds to pay estate tax, interest accruing exercise of power of appointment as qualifying after death, deductibility transfer, **6:244** generally, 6:44 farm, charitable nontrust remainder as qualifying transfers liquid estate assets available, 6:33 generally, 6:271 Care during lifetime, claims based on, deductibility, valuation, 6:272 6:54

TAXABLE ESTATE—Cont'd

TAXABLE ESTATE—Cont'd	TAXABLE ESTATE—Cont'd
Charitable deductions—Cont'd	Charitable deductions—Cont'd
foreign charities and governments as qualified recipients and uses, <b>6:239</b>	waiver of QTIP tax recovery, disclaimer of as qualifying transfer, <b>6:247</b>
guaranteed annuity income bequest as qualifying transfers, <b>6:274</b>	what constitutes passing of interest, <b>6:256</b> when transfer made, <b>6:233</b>
income bequests as qualifying transfers, 6:252	will contest settlements, 6:236, 6:237, 6:253
income interest bequest as qualifying transfers, <b>6:273 et seq.</b>	Charitable pledges or subscriptions, deductions for claims against estate, <b>6:90</b>
1970 legislation as qualifying transfers, <b>6:255</b>	Charitable remainder trusts, terminable interest rule
non-qualifying split interest trust as qualifying transfers, <b>6:277</b>	for marital deductions, <b>6:185 et seq.</b> Claims
nonresidents not citizens, 8:54, 8:55	administering property subject to claims against
nontrust bequest of undivided portion of entire	the estate, time limitation on deductibility
interest as qualifying transfers, 6:278	generally, <b>6:10</b>
passing of interest, what constitutes, 6:256	nonclaims property, <b>6:11</b>
payments in compromise settlement as qualifying transfers, <b>6:249</b> , <b>6:250</b>	administration expense deductions, property not subject to claims, <b>6:15</b>
pooled income fund contributions as qualifying transfers	administration expense deductions, property subject to claims, <b>6:14</b>
generally, <b>6:269</b>	IRS guidance on protective claims for refund of
valuation of remainder, <b>6:270</b>	estate tax, <b>6:4</b>
power of appointment releases and exercises as qualifying transfer, <b>6:244</b>	protective claims for refund of estate tax, IRS guidance, <b>6:4</b>
private foundations, transfers to, <b>6:242</b>	Claims against estate deductibility
proof requirements, <b>6:234</b>	generally, 6:50 et seq.
purpose or use requirements, <b>6:241</b>	adequacy of consideration, <b>6:51 et seq.</b> care during lifetime, claims based on, <b>6:54</b>
QTIP tax recovery waiver, disclaimer of as	charitable pledges or subscriptions, <b>6:90</b>
qualifying transfer, 6:247	consideration adequacy, <b>6:51 et seq.</b>
qualified conservation contributions as qualifying transfers, <b>6:280</b>	consideration passing to other than the decedent, <b>6:59</b>
qualified disclaimer as qualifying transfer, 6:248	contingent claims, <b>6:83</b>
qualified recipients and uses, 6:238 et seq.	controlled entity, loans from, <b>6:60</b>
qualifying transfers, <b>6:243 et seq.</b>	endorsements issues, <b>6:84</b>
recipient organization qualifications, 6:240	enforceability issues, <b>6:61</b>
Reformation of Charitable Split Interests (this	foreign currency, claims expressed in, 6:82
index)	guarantee issues, <b>6:84</b>
release of power of appointment as qualifying	loans from controlled entity, 6:60
transfer, <b>6:244</b>	Marital obligation deductions, below
remainder interest bequests as qualifying transfers, <b>6:252</b>	medical expenses as income or estate tax deduction, <b>6:91</b>
residence, charitable nontrust remainder as qualifying transfers	Mortgages and liens claims against estates, deductibility, below
generally, <b>6:271</b>	qualified terminable interest property trust
valuation, <b>6:272</b>	claims, <b>6:92</b>
settlement payments as qualifying transfers, 6:249, 6:250	regulations limiting deductible expenses and claims to amounts actually paid, <b>6:3</b>
termination, <b>6:276</b>	related corporation transactions, 6:58
transfers qualifying, <b>6:243 et seq.</b>	related trust transactions, 6:57
unitrust income bequest as qualifying transfers,	settlement lacking consideration, 6:53
6:275	Tax obligations deductions, below

TAXABLE ESTATE—Cont'd	TAXABLE ESTATE—Cont'd
Claims against estate deductibility—Cont'd	Debts
transactions with related corporation, 6:58	deductions, nonresidents not citizens, 8:57
transactions with related trust, <b>6:57</b>	reduction of marital deduction by, 6:146
unmatured claims, <b>6:83</b>	Decedent grantor trusts, trustees' commissions
will bequest in payment for services, <b>6:56</b>	deductions, 6:23
Commissions. Executor's commissions deductions,	Deductions
below	administering property subject to claims against
Community interest waivers, marital obligation deductibility, <b>6:74</b>	the estate, time limitation on deductibility
Community property, deductibility of expenses in	generally, <b>6:10</b>
administering, <b>6:41</b>	nonclaims property, <b>6:11</b>
Computation of Tax (this index)	Administration expense deductions, above
Conservation easement exclusion	alimony claims, <b>6:78</b>
generally, <b>6:323 et seq.</b>	attorneys' fees
amount of exclusions, <b>6:329</b>	generally, <b>6:7</b>
basis of the excluded property, <b>6:330</b>	forms
calculating the exclusion, <b>6:324</b>	generally, <b>6:24</b>
debt, treatment of, 6:327	nonprobate assets, <b>6:26</b>
development rights, retained, treatment of, 6:328	basic requirements for deductibility, <b>6:2</b>
estate transfers, 6:331	Casualty or theft loss deductions, <b>6:93</b>
general requirements, 6:325	Charitable deductions, above
individuals that qualify for the exclusion, 6:326	Claims against estate deductions, above
qualification requirements, 6:325	community property, expenses in administering, <b>6:41</b>
retained development rights, treatment of, 6:328	***-
treatment of certain debt, 6:327	Disclaimers of marital deductions, below effect of court decree, <b>6:8</b>
treatment of retained development rights, 6:328	elections, income tax vs estate tax deductions,
valuation, <b>6:329</b>	6:48
Consideration adequacy, claims against estate	estate property, expenses of selling, <b>6:39</b>
deductions, <b>6:51 et seq.</b>	estimated executor commissions, <b>6:7</b>
Consideration passing to other than the decedent, claims against estate deductibility, <b>6:59</b>	exact amount of deduction unknown at time of
Consistency doctrine, marital deductions, interest	examination of return, <b>6:5</b>
passing requirement	excise taxes, 6:40
generally, 6:108	Executor's commissions deductions, below
mistakes of law, 6:109	expenses in administering community property, 6:41
Contingent claims, deductibility, <b>6:83</b>	expenses of selling estate property, <b>6:39</b>
Controlled entity, loans from, claims against estate	Family-owned business deductions, below
deductibility, <b>6:60</b>	foreign currency, administration expenses
Coordination of qualified family-owned business	expressed in, <b>6:46</b>
deduction and applicable exclusion amount, <b>6:306</b>	funeral expenses
Copyrighted art works, charitable deductions, <b>6:279</b>	generally, <b>6:12</b>
Court decree, deductions, <b>6:8</b>	community property states, <b>6:13</b>
Court-ordered commissions, executor's commis-	funeral luncheon, <b>6:45</b>
sions deductions, <b>6:21</b>	future interest expenses, <b>6:6</b>
Court ordered marital transfers, deductibility, <b>6:75</b>	income tax deduction or
Credits, Tax (this index)	generally, <b>6:47</b>
Death taxes deductibility	elections, <b>6:48</b>
generally, <b>6:66</b>	medical expenses, <b>6:91</b>
marital deduction reduction, <b>6:137 et seq.</b>	Interest accruing after death deductibility, below

TAXABLE ESTATE—Cont'd	TAXABLE ESTATE—Cont'd
Deductions—Cont'd	Electing QTIP treatment for IRA and trust as IRA
last illness expenses	beneficiary, terminable interest rule for marital
generally, <b>6:12</b>	deductions, <b>6:215</b> Elections
community property states, 6:13	family-owned business deductions, <b>6:309</b>
Marital obligation deductions, below	income tax vs estate tax deductions, <b>6:48</b>
miscellaneous administration expenses, <b>6:43</b>	Qualified Domestic Trusts (this index)
Nonresidents Not Citizens (this index)	Election to take against will, marital deduction,
post-death court ordered gifts made after death, <b>6:9</b>	6:120
Qualified Domestic Trusts (this index)	Elective share property in which spouse has no beneficial interest, no marital deduction for, <b>6:121</b>
<b>Qualified Terminable Interest Property</b> (this index)	Encumbrances, reduction of marital deduction by, <b>6:146</b>
qualified terminable interest property administration expenses, <b>6:42</b>	Endorsements issues, claims against estate deduct-
<b>Reformation of Charitable Split Interests</b> (this index)	ibility, <b>6:84</b> Enforceability issues, claims against estate deduct-
regulations limit deductible expenses and claims	ibility, <b>6:61</b> Estate equalization clauses, terminable interest rule
to amounts actually paid, 6:3	for marital deductions, <b>6:161</b>
selling estate property, expenses of, <b>6:39</b>	Estate property, expenses of selling, deductibility,
subsequent events affecting amount of deduction unknown at time of examination of return,	6:39
6:5	Estate tax, related company loan to pay, interest accruing after death, deductibility, <b>6:28</b>
Tax obligations deductions, below	Estimated executor commissions, deductions, <b>6:7</b>
time limitation on deductibility, administering	Excess commissions, executor's commissions
property subject to claims against the estate	deductions, <b>6:18</b>
generally, <b>6:10</b>	Excise taxes, deductibility, <b>6:40</b>
nonclaims property, <b>6:11</b>	Executor's commissions deductions
trustees' commissions	generally, <b>6:17</b>
generally, <b>6:22</b>	bequest in lieu of commissions, 6:19
decedent grantor trusts, 6:23	court-ordered commissions, 6:21
two estates, administration expenses involving, 6:25	excess commissions, 6:18
	form, <b>6:17</b>
unknown amount of deduction at time of examination of return, <b>6:5</b>	non-probate property, executor commissions on, <b>6:20</b>
Deferred estate tax liability, interest accruing after death, deductibility, <b>6:35</b>	Expenses in administering community property, deductibility, <b>6:41</b>
Delayed income distribution not a disposition of spouse's QTIP income interest, <b>6:190</b>	Expenses of selling estate property, deductibility, <b>6:39</b>
Determinative date, terminable interest rule for marital deductions, <b>6:156</b>	Extended estate tax liability, interest accruing after death, deductibility, <b>6:35</b>
Disability clause in QTIP trust, terminable interest rule for marital deductions, <b>6:173</b>	Family limited partnership assets, marital deduction, <b>6:151</b>
Disclaimers of marital deductions	Family limited partnership loan, interest accruing
generally, <b>6:122 et seq.</b>	after death, deductibility, <b>6:34</b>
case study, 6:123	Family-owned business deductions
decedent dies intestate survived by spouse and	generally, <b>6:303 et seq.</b>
multiple intestate beneficiaries, <b>6:125</b>	consent of heirs and interested parties, 6:310
effect, <b>6:122</b>	coordination of qualified family-owned business
qualified terminable interest property trust disclaimers, <b>6:124</b>	deduction and applicable exclusion amount, <b>6:306</b>

TAXABLE ESTATE—Cont'd	TAXABLE ESTATE—Cont'd
Family-owned business deductions—Cont'd	Interest accruing after death, deductibility
coordination of qualified family-owned business	generally, <b>6:27 et seq.</b>
deduction and marital deduction, <b>6:307</b>	borrowed funds to pay estate tax
elections, <b>6:309</b>	generally, <b>6:44</b>
estates to which Section 2057 deduction applies,	liquid estate assets available, 6:33
6:308 et seq.	charitable bequest, statutory interest paid on,
fifty percent liquidity test, <b>6:311</b> heirs, consent and liability of, <b>6:310</b>	6:30
interested parties, consent and liability of, <b>6:310</b>	claiming the deduction, <b>6:37</b>
liability of heirs and interested parties, <b>6:310</b>	deferred estate tax liability, 6:35
liquidity test, <b>6:311</b>	Estate of Vincent J. Duncan, Sr. case, 6:31
material participation test, <b>6:312</b>	estate tax, related company loan to pay, 6:28
noncompliance with statute, <b>6:322</b>	extended estate tax liability, <b>6:35</b>
qualified family owned business deduction	family limited partnership loan, <b>6:34</b>
repeal, <b>6:302</b>	illustrative cases, deductions disallowed, 6:32 et
qualified family-owned business interests	seq.
generally, <b>6:313</b>	loan from related company to pay estate tax, 6:28
Section 6166, <b>6:314</b>	loan from related trust to pay estate taxes, 6:31
recapture tax, 6:315 et seq.	loan to pay estate tax
statute, noncompliance with, <b>6:322</b>	generally, 6:44
stock redemptions affecting, <b>6:321</b>	liquid estate assets available, <b>6:33</b>
2000 and 2001 illustrations, <b>6:304</b>	1997 legislation, <b>6:36, 6:37</b>
2002 and 2003 illustrations, <b>6:305</b>	refundable interest, 6:38
written agreement elections, <b>6:309</b>	related company loan to pay estate tax, 6:28
Foreign currency, administration expenses expressed in, deductibility, <b>6:46</b>	statutory interest paid on a charitable bequest, <b>6:30</b>
Foreign currency, deductibility of claims expressed	when allowed, 6:29
in, <b>6:82</b>	Interest on claims, deductibility, 6:89
Forfeitures of property, casualty or theft loss deductions, <b>6:97</b>	Interest on federal estate taxes, marital deduction, 6:142
Forms	IRAs qualifying for QTIP treatment, terminable
attorneys' fees deductions	interest rule for marital deductions, <b>6:214</b>
generally, 6:24	IRS guidance on protective claims for refund of
nonprobate assets, <b>6:26</b> executor's commissions deductions, <b>6:17</b>	estate tax, 6:4
marital deduction, <b>6:130</b>	Joint income tax returns, unpaid income taxes
Funeral expense deductions	deductibility, <b>6:70</b>
generally, <b>6:12</b>	Jointly owned property, mortgages and liens claims
community property states, <b>6:13</b>	against estates, deductibility
Funeral luncheon, deductibility, <b>6:45</b>	generally, <b>6:86</b>
Future interest expense deductions, <b>6:6</b>	spousal property, <b>6:87</b>
Gift taxes, unpaid, deductibility, 6:67	Joint trust, incompetency provision in, terminable interest rule for marital deductions, <b>6:172</b>
Gift taxes paid within three years of death, 6:147	
Guarantee issues, claims against estate deductibility, <b>6:84</b>	Joint wills, spouse's interest under, terminable interest rule for marital deductions, <b>6:158</b> , <b>6:159</b>
Income restrictions, terminable interest rule for	Last illness expense deductions
marital deductions, <b>6:171</b> Income toxes, Unpaid income toxes deductibility	generally, <b>6:12</b>
Income taxes. Unpaid income taxes deductibility, below	community property states, <b>6:13</b>
Incompetency provision in joint trust, terminable	Liens. Mortgages and liens claims against estates,
interest rule for marital deductions, <b>6:172</b>	deductibility, below

TAXABLE ESTATE—Cont'd	TAXABLE ESTATE—Cont'd
Life estate with power of appointment, terminable	Marital deduction—Cont'd
interest rule for marital deductions, <b>6:167</b> ,	Disclaimers of marital deductions, above
6:168	effect of disclaimers, <b>6:122</b>
Life insurance with power of appointment, termina-	election to take against will, <b>6:120</b>
ble interest rule for marital deductions, <b>6:166</b>	elective share property in which spouse has no
Loan from related company to pay estate tax, inter-	beneficial interest, no marital deduction for,
est accruing after death, deductibility, <b>6:28</b>	6:121
Loan from related trust to pay estate taxes, interest	encumbrances, reduction by, <b>6:146</b>
deductibility, <b>6:31</b>	exceptions to terminable interest rule, 6:163 et
Loans from controlled entity, claims against estate deductibility, <b>6:60</b>	seq.
Loan to pay estate tax, interest accruing after death,	family limited partnership assets, <b>6:151</b>
deductibility	flawed drafting, <b>6:176</b> , <b>6:177</b> forms, <b>6:130</b>
generally, <b>6:44</b>	intent of testator, death tax reductions, <b>6:140</b> ,
liquid estate assets available, <b>6:33</b>	6:141
Marital and palimony obligation deductions	interest on federal estate taxes, <b>6:142</b>
generally, <b>6:72 et seq.</b>	interest on redefar estate taxes, <b>6.1742</b> interest passing requirement, <b>6:106 et seq.</b>
alimony claims, <b>6:78</b>	mismatch issue, 6:151
community interest waivers, 6:74	mistakes of law, 6:109
court ordered marital transfers, 6:75	mortgages, reduction by, <b>6:146</b>
divorce or adjudicated separation, valuation of	nondeductible interests, <b>6:126</b>
support rights not followed by, <b>6:73</b>	nonresidents not citizens, 8:53, 8:57
marriage or remarriage contingencies, 6:79	one-time exercise, <b>6:103</b>
nontestamentary payment arrangement, <b>6:77</b>	pecuniary bequests, 6:127 et seq.
palimony litigation, <b>6:81</b>	proof requirements, 6:102
settlement source, 6:76	<b>Qualified Domestic Trusts</b> (this index)
valuation of support rights not followed by divorce or adjudicated separation, <b>6:73</b>	Qualified Terminable Interest Property (this
waivers of community interests, <b>6:74</b>	index)
written agreements, <b>6:80</b>	qualified terminable interest property trust
Marital deduction	disclaimers, <b>6:124</b>
generally, <b>6:99 et seq.</b>	reduction of unified credit, <b>6:110</b>
annuity payment obligations, <b>6:148</b>	residue, taxes payable out of, <b>6:138</b>
apportionment planning, <b>6:143 et seq.</b>	Revenue Procedure 64-19, <b>6:128</b>
art work, interest passing requirement, <b>6:111</b>	same-sex marriages, 6:100
checklist of requirements, 6:101	settlements of will contests
children's trusts funding reductions, 6:149	generally, <b>6:114</b>
consistency doctrine, interest passing require-	case study, <b>6:116</b>
ment	qualifying a settlement, <b>6:115</b>
generally, 6:108	reimbursement issues, <b>6:117</b>
mistakes of law, 6:109	surrender of spouse's statutory share, <b>6:146</b>
reduction of unified credit, <b>6:110</b>	survivorship requirement
coordination of qualified family-owned business	generally, 6:104
deduction and marital deduction, <b>6:307</b>	presumptive survivorship, <b>6:105</b>
death taxes, reduction by, 6:137 et seq.	taxes not taken into account, death tax reduc-
debts, reduction by, <b>6:146</b>	tions, <b>6:139</b>
decedent dying intestate survived by spouse and multiple intestate beneficiaries, <b>6:125</b>	Terminable interest rule for marital deductions, below
definition, interest passing requirement, <b>6:107</b>	valuation of property interest passing to surviv-
delayed income distribution not a disposition of	ing spouse, <b>6:131 et seq.</b>
spouse's QTIP income interest, 6:190	Will contests affecting marital deduction, below

## TAXABLE ESTATE—Cont'd

Marital estate trusts, terminable interest rule for marital deductions, **6:162** 

Marriage or remarriage contingencies, marital obligation deductibility, **6:79** 

Medical expenses claims as income or estate tax deduction, **6:91** 

Miscellaneous administration expenses, deductibility, **6:43** 

Mortgages, reduction of marital deduction by, **6:146** 

Mortgages and liens claims against estates, deductibility

generally, 6:85 et seq.

interest on claims, 6:89

jointly owned property

generally, 6:86

spousal property, 6:87

reverse split-dollar arrangements, 6:88

Multi-hatted administrators, tax trap, 6:49

1970 legislation, taxable estate charitable deductions qualifying transfers, **6:255** 

1997 legislation, interest accruing after death, deductibility, **6:36**, **6:37** 

Non-probate property, deductibility of executor commissions on, **6:20** 

# Nonresidents Not Citizens (this index)

Nontestamentary payment arrangement, marital obligation deductibility, **6:77** 

Option granted to third party to purchase QTIP property at a bargain price, terminable interest rule for marital deductions, **6:179** 

Palimony. Marital obligation deductions, above Partial interests in property, terminable interest rule for marital deductions, **6:170** 

Payment of estate tax, terminable interest rule for marital deductions, **6:207** 

Pecuniary bequests, marital deduction, **6:127 et seq.** 

Permitted restrictions on power of appointment, terminable interest rule for marital deductions, **6:180** 

Post-death events

court ordered gifts made after death, deductions, 6:9

unpaid income taxes deductibility, 6:69, 6:71

Power of appointments

exercisable in all events, terminable interest rule for marital deductions, **6:178** 

in third party, terminable interest rule for marital deductions. **6:181** 

life estate with, terminable interest rule for marital deductions, **6:167**, **6:168** 

# TAXABLE ESTATE—Cont'd

Power of appointments—Cont'd

life insurance or annuity with, terminable interest rule for marital deductions, **6:166** 

Powers to sell, use, encumber, terminate, terminable interest rule for marital deductions, **6:182** 

Power to invade as restriction on power of appointment, terminable interest rule for marital deductions, **6:183** 

**Proof requirements** 

charitable deductions, 6:234

marital deductions, 6:102

Property taxes deductibility, **6:63** 

Protective claims for refund of estate tax, IRS guidance. **6:4** 

Protective claims for refund of estate tax, IRS guidance on, 6:4

Protracted administrations, expense deductions, **6:16** 

Public use transfer deductions. Charitable deductions, above

# **Qualified Domestic Trusts** (this index)

Qualified terminable interest property

administration expenses deductibility, 6:42

funding date, terminable interest rule for marital deductions, **6:189** 

terminable interest rule for marital deductions, **6:188** 

trusts

claims deductibility, **6:92** correction of over-funded trusts, **6:150** marital deduction disclaimers, **6:124** 

# **Qualified Terminable Interest Property** (this index)

Rates, Tax (this index)

Reduction of unified credit, marital deductions, **6:110** 

Refundable interest accruing after death, deductibility, **6:38** 

Regulations limit deductible expenses and claims to amounts actually paid, **6:3** 

Related company loan to pay estate tax, interest accruing after death, deductibility, **6:28** 

Related corporation transactions, claims against estate deductibility, **6:58** 

Related trust transactions, claims against estate deductibility, **6:57** 

Religious use transfer deductions. Charitable deductions, above

Restrictions on right to income, terminable interest rule for marital deductions, **6:171** 

Rev. Proc. 64-19, marital deduction, 6:128

TAXABLE ESTATE—Cont'd	TAXABLE ESTATE—Cont'd
Rev. Proc. 2011-48, <b>6:4</b>	Tax obligations deductions—Cont'd
Reverse split-dollar arrangements, mortgages and liens claims against estates, deductibility, <b>6:88</b>	Unpaid income taxes deductibility, below Terminable interest rule for marital deductions
Right to income restrictions on, terminable interest rule for marital deductions, <b>6:171</b>	generally, <b>6:152 et seq.</b> administrative powers, <b>6:174, 6:175</b>
Same-sex marriages	annuity with power of appointment, <b>6:166</b>
marital deduction, <b>6:100</b>	charitable remainder trusts, <b>6:185 et seq.</b>
Marital obligation deductions, above	Chief Counsel Advisory 200248007, <b>6:211</b>
Scrivener's errors	contingent QTIP election, <b>6:205</b>
marital deduction, flawed drafting, 6:176, 6:177	definitions, 6:153
will contests affecting marital deduction, 6:119	delayed income distribution not a disposition of
Selling estate property, deductibility of expenses, <b>6:39</b>	spouse's QTIP income interest, <b>6:190</b> determinative date, <b>6:156</b>
Settlement lacking consideration deductibility, <b>6:53</b>	disability clause, <b>6:173</b>
Settlements of will contests, marital deduction	disposition of QTIP, 6:208
generally, <b>6:114</b>	disposition of QTIP and the spendthrift clause,
case study, <b>6:116</b>	6:209
qualifying a settlement, <b>6:115</b>	electing QTIP treatment for IRA and trust as IRA
reimbursement issues, <b>6:117</b>	beneficiary, 6:215
Settlement source, marital obligation deductibility,	elections, 6:199 et seq.
6:76	estate equalization clauses, <b>6:161</b>
Specific portion rule, terminable interest rule for	exceptions, 6:163 et seq.
marital deductions, 6:170	flawed drafting, <b>6:176</b> , <b>6:177</b>
Spouse's interest under joint wills, terminable interest rule for marital deductions, <b>6:158</b> , <b>6:159</b>	income from entire interest or specific portion, <b>6:169</b>
State law effects, terminable interest rule for marital	income restrictions, <b>6:171</b>
deductions, <b>6:184</b>	incompetency provision in joint trust, 6:172
Statutory interest paid on a charitable bequest,	IRAs qualifying for QTIP treatment, 6:214
deductibility, <b>6:30</b>	joint trust, incompetency provision in, <b>6:172</b>
Subsequent events affecting deduction amounts, <b>6:5</b>	joint wills, spouse's interest under, <b>6:158</b> , <b>6:159</b>
Surrender of spouse's statutory share, marital deduction, <b>6:146</b>	Letter Ruling 200407016, <b>6:212</b>
Surviving spouse's lifetime annuity interest, termi-	life estate with power of appointment, <b>6:167</b> , <b>6:168</b>
nable interest rule for marital deductions,	life insurance with power of appointment, <b>6:166</b>
6:196	local law applicable, 6:154, 6:155
Survivorship exception, terminable interest rule for marital deductions, <b>6:164</b> , <b>6:165</b>	marital estate trusts, <b>6:162</b> option granted to third party to purchase QTIP
Survivorship requirement, marital deduction	property at a bargain price, <b>6:179</b>
generally, <b>6:104</b>	partial interests in property, <b>6:170</b>
presumptive survivorship, <b>6:105</b>	partial QTIP election, <b>6:206</b>
Tainted asset rule, terminable interest rule for mari-	payment of estate tax, <b>6:207</b>
tal deductions, <b>6:157</b>	permitted restrictions on power of appointment,
Tax obligations deductions	6:180
generally, <b>6:62 et seq.</b>	power of appointment, life estate with, 6:167,
death taxes	6:168
generally, <b>6:66</b> marital deduction reduction, <b>6:137 et seq.</b>	power of appointment, life insurance or annuity with, <b>6:166</b>
excise taxes, <b>6:40</b>	power of appointment exercisable in all events,
gift taxes, unpaid, 6:67	6:178
property taxes, 6:63	power of appointment in third party, 6:181
unpaid gift taxes, 6:67	powers to sell, use, encumber, terminate, 6:182

TAXABLE ESTATE—Cont'd	TAXABLE ESTATE—Cont'd
Terminable interest rule for marital deductions —Cont'd	Waivers of community interests, marital obligation deductibility, <b>6:74</b>
power to invade as restriction on power of appointment, <b>6:183</b>	Widow's support allowance, terminable interest rule for marital deductions, <b>6:160</b>
QTIP elections, 6:199 et seq.	Will bequest in payment for services, claims against
QTIP elections, wrong calculation, 6:216	estate deductibility, <b>6:56</b>
QTIP savings clause, <b>6:195</b>	Will contests affecting marital deduction
qualified terminable interest property, <b>6:188</b>	generally, <b>6:112 et seq.</b>
qualified terminable interest property funding	bona fide contest requirement, 6:113
date, <b>6:189</b>	election to take against will, <b>6:120</b>
qualifying income interest, 6:191 et seq.	nonadversary proceeding, 6:118
restrictions on right to income, <b>6:171</b>	scrivener's errors, 6:119
Rev. Proc. 2016-39, <b>6:210 et seq.</b>	settlements
right to income restrictions on, <b>6:171</b>	generally, 6:114
specific portion rule, 6:170	case study, 6:116
spouse's interest under joint wills, <b>6:158</b> , <b>6:159</b> state law effects, <b>6:184</b>	qualifying a settlement, <b>6:115</b> reimbursement issues, <b>6:117</b>
	Written agreements, marital obligation deduct-
surviving spouse's lifetime annuity interest, <b>6:196</b>	ibility, 6:80
survivorship exception, <b>6:164</b> , <b>6:165</b>	TAX COURT
tainted asset rule, <b>6:157</b>	Jeopardy assessments, 12:29
unnecessary QTIP elections, <b>6:210 et seq.</b>	<b>Refund Claims</b> (this index)
widow's support allowance, <b>6:160</b>	TAXPAYERS' REMEDIES
wrong calculations in QTIP elections, <b>6:216</b>	Generally, <b>12:59 et seq.</b>
Theft losses. Casualty or theft loss deductions,	Abatement of assessments
above	generally, <b>12:77</b>
Three years of death, gift taxes paid within, <b>6:147</b>	clerical errors, 12:78
Transactions with related corporations, claims against estate deductibility, <b>6:58</b>	jeopardy assessments, 12:79
Transactions with related trusts, claims against	Administrative costs, 12:87
estate deductibility, <b>6:57</b>	Collection appeal rights, 12:80
Trustees' commissions deductions	Collection appeals program
generally, <b>6:22</b>	generally, 12:85
decedent grantor trusts, <b>6:23</b>	other appeals, 12:86
Trusts	Collection due process
decedent grantor trusts, trustees' commissions	generally, 12:81
deductions, <b>6:23</b>	withdrawal of request for collection due process
qualified terminable interest property trust claims	hearing, 12:83
deductibility, <b>6:92</b>	Declaratory judgments relating to eligibility of estate with respect to Section 6166 installment
Two estates, deductions of administration expenses	payments, 10:77, 10:78, 12:90
involving, <b>6:25</b>	Due process, collection
Unmatured claims, deductibility, <b>6:83</b>	generally, <b>12:81</b>
Unpaid gift taxes deductibility, 6:67	withdrawal of request for collection due process
Unpaid income taxes deductibility	hearing, <b>12:83</b>
generally, <b>6:68 et seq.</b>	Equivalent hearings, 12:84
joint income tax returns, <b>6:70</b>	Hearing requests
post-death events, <b>6:69</b>	generally, 12:82
post-death income taxes, <b>6:71</b>	equivalent hearings, 12:84
Voting and nonvoting stock valued as unitary interest for estate tax purposes, 21:15	withdrawal of request for collection due process hearing, 12:83

# TAXPAYERS' REMEDIES—Cont'd

Jeopardy assessments, abatement, 12:79

Litigation costs, 12:87 et seq.

Refund Claims (this index)

Requesting a hearing

generally, 12:82

equivalent hearings, 12:84

withdrawal of request for collection due process hearing, 12:83

Rights of taxpayers, 12:91

## TAXPAYERS' RIGHTS

**Rights of Taxpayers** (this index)

## TAX RATES

**Rates, Tax** (this index)

# TAX REFUNDS

**Refund Claims** (this index)

## TAX RETURN PREPARERS

Filing tax returns, signing and verification, **9:17** Identification number (PTIN), application and renewal, Form W-12, **App. N** 

Penalties

generally, 12:96

gift tax, 18:49

## TAX SAVINGS CLAUSES

Gift valuation, 17:10, 17:11

## TENANCIES BY THE ENTIRETY

Gift tax. 14:96

# TERMINABLE INTEREST RULE

Estate tax. See **Taxable Estate** (this index)

Gift Tax (this index)

**Marital Deduction** (this index)

**Qualified Terminable Interest Property** (this index)

## TERMS FOR YEARS GIFT

Valuation, 17:146

#### TERRORISM

Computation of estate tax of victims, 7:16

Deductible gifts to victims, 16:95

Estate tax payments, September 11, 2001 terrorist attack, relief for estates affected, **10:85** 

Victims of Terrorism Tax Relief Act of 2001 (this index)

# THEFT LOSSES

Taxable Estate (this index)

## **TIMBER**

Fair market value, splitting crops and timber from farmland. **3:67** 

Severances, special use valuation, recapture of estate tax. **5:108** 

# **TIMESHARES**

Fair market value, 3:56

#### TITLE

Gross estate determinations as to interests held at death, equitable vs legal title, 2:7

# **TOTTEN TRUSTS**

Gross estate determinations, 2:223

#### TRADE FIXTURES

Gross estate determinations, building classified as a trade fixture excluded from landlord's estate, 2:118

#### TRADE OR BUSINESS USE

Special use valuation, election requirements, 5:20

# TRANSACTIONS BETWEEN DECEDENT AND RELATED PARTIES

Gross estate determinations of interests held at death, 2:9

# TRANSFER CERTIFICATES

Collections, nonresidents not citizens, 12:93 et seq.

# **TREATIES**

Generally, App. M

Credits, nonresidents not citizens estate tax, **8:62** Foreign death taxes credit, **7:45** 

## TRUST COMPANIES

Private trust companies, IRS proposed guidance, gross estate determinations of interests held at death, 2:15

## TRUSTS

Apocalypse family trusts, gift tax, 14:120

Asset protection trusts, gift tax, 14:56

**Asset Protection Trusts** (this index)

Asset protection trust transfers with retained life estates, gross estate determinations, 2:170

Asset valuation, gift tax, 17:168

Charitable remainder trusts, terminable interest rule for marital deductions, **6:185 et seq.** 

Claims against estate deductibility, related trust transactions, **6:57** 

Combining charitable remainder and lead unitrusts for gift tax deduction, **16:111** 

Creditor rights, gifts in trust, 14:104

## TRUSTS—Cont'd

Cross trusts, right to designate enjoyment of transferred property, gross estate determinations, 2:194 et seq.

Decanting irrevocable trusts, 1:12

Decedent-grantor acting as trustee, right to designate enjoyment of transferred property, gross estate determinations, 2:185

Decedent-grantor trusts, trustees' commissions deductions, 6:23

Defective life insurance trust, guidance for correcting, 2:52

Discretion of trustee, shall vs may in gross estate determinations of interests held at death, 2:11

Distribution committees under scrutiny by IRS, 2:231

Divisions of trusts, gift tax

generally, 14:111, 14:115

QTIP trusts, 14:112, 14:113

Economic reasons, power to terminate trust for, 2:232

**Gift Tax** (this index)

Gift valuation, 17:146, 17:168

**Grantor Retained Annuity Trusts** (this index) **Grantor Retained Unitrusts** (this index)

Grantor's power of substitution over trust's assets, gross estate determinations, 2:257

Grantor trusts

gift tax, 14:103

gross estate determinations, transfers with retained life estates, 2:155, 2:156

transfers with retained life estates, gross estate determinations, 2:169

Gross estate determinations

grantor trust rules, transfers with retained life estates, 2:155, 2:156

improperly funded trusts, interests held at death, 2:12

irrevocable trust modifications and divisions with retained life estates

generally, 2:153

scrivener's errors, modifications to correct,

qualified personal residence trusts, transfers with retained life estates, 2:175

GST tax exempt trust, adding beneficiaries to trust as gift taxable transfers, 14:161

Interests in trusts, disclaimers of interests as taxable transfers, gift tax, 14:87 et seq.

Irrevocable trusts

decanting, 1:12

# TRUSTS-Cont'd

Irrevocable trusts—Cont'd modifications and divisions

generally, 2:153

scrivener's errors, modifications to correct, 2:154

Joint trust, incompetency provision in, terminable interest rule for marital deductions, 6:172

Law partner of trustee/beneficiary's spouse as subordinate party, gross estate determinations,

Life insurance, avoiding estate inclusion of life insurance owned by trust for benefit of insured/trustee. 2:53

Life insurance trusts, defective, guidance for correcting, **2:52** 

Marital estate trusts, terminable interest rule for marital deductions, 6:162

May vs shall, trustee's discretion, interests held at death, 2:11

Mergers of trusts, gift tax, 14:111, 14:115 Modifications of trusts, gift tax, 14:114

1997 legislation, gifts from revocable trusts, gross estate determinations, 2:139, 2:140

Powers of appointment

economic reasons, power to terminate trust for, 2:232

trust distribution committees under scrutiny by IRS, 2:231

Power to invade principal limited by external standard, right to designate enjoyment of transferred property, gross estate determinations, 2:190

**Qualified Domestic Trusts** (this index)

**Qualified Personal Residence Trusts** (this index) Qualified Terminable Interest Property (this

Reciprocal trust doctrine tax trap, 2:196

Reciprocal trusts, right to designate enjoyment of transferred property, gross estate determinations, 2:194 et seq.

Reformation of, estate freeze transfers in trust, 17:101

# **Reformation of Charitable Split Interests** (this

Reformation of charitable split interests to qualify for gift tax charitable gift tax deduction, 16:106

Reformation of trust to preserve credit shelter, 7:15 Reformation of trust to qualify as a QDOT, 6:226 Related trust transactions, claims against estate deductibility, 6:57

## TRUSTS—Cont'd

Relinquishment of reserved power, gifts in trust, 14:121

Replacement of trustee with an independent trustee, gross estate determinations, 2:182

Retained life estates, annuity trust as conduit to pay income to transferor. 2:151

Rev. Rul. 2004-64, 14:103

Revocable trusts, gifts from, gross estate determinations, 2:139, 2:140

Scrivener's errors, irrevocable trust modifications to correct. 2:154

# **Self-Settled Trusts** (this index)

Shall vs may, discretion of trustee, gross estate determinations of interests held at death, 2:11

Skip trusts, GST tax, 19:115

Special use valuation election requirements, **5:11**, **5:27**, **5:42**, **5:43** 

Spendthrift trusts, collection of tax, levy against, 12:40

# Split interests. See **Reformation of Charitable Split Interests** (this index)

Taxable estate, trustees' commissions deductions generally, **6:22** 

decedent grantor trusts, 6:23

Terminable interest rule for marital deductions charitable remainder trusts, **6:185 et seq.** joint trust, incompetency provision in, **6:172** Valuation of assets, gift valuation, **17:146, 17:168** 

#### TUITION EXPENSES

Gift tax, tuition expenses exclusions, 16:9 et seq.

# UNIFORM GIFTS AND UNIFORM TRANSFERS TO MINORS ACTS

Gift tax exclusions, 16:65, 16:72

# UNIFORM SIMULTANEOUS DEATH ACT

Simultaneous Death (this index)

# **UNITRUSTS**

Charitable Lead Unitrusts (this index)

Charitable Remainder Unitrusts (this index)

Powers of appointment. conversion to unitrust by independent trustee removable by beneficiaries, **14:132** 

# UNNECESSARY QTIP ELECTIONS

Generally, 6:210 to 6:213

#### USE

**Actual Use** (this index)

**Highest and Best Use** (this index)

**Special Use Valuation** (this index)

#### US MILITARY PERSONNEL

Estate tax computation, 7:16

# **US SAVINGS BONDS**

Fair market value

generally, 3:140

discounts, 3:309

Gift taxable transfers, 14:155

Gift tax marital deduction, savings bonds in donee's name payable to donor on donee's death, terminable interest rule, **16:150** 

## VALUATION

Actuarial tables. See **Fair Market Value** (this index)

Alternate valuation, corporate earnings, undistributed, **4:18** 

#### **Alternate Valuation** (this index)

Amount receivable after death under pre-death right, alternate valuation, **4:24** 

Annual indexed amounts, App. F

Annuities

alternate valuation

generally, 4:22

death of surviving annuitant within alternate valuation period, **4:23** 

death of surviving annuitant within alternate valuation period, **4:23** 

Art, importance of prior and subsequent sales, 3:270

Assets in trust, gift valuation, 17:168

Auction sales, estate tax valuation, 3:26, 3:27

Basis for gift valuation, IRS's obligation to disclose, 17:2

Book value, real property valuation, 3:49

Burden of proof

estate tax valuation, 3:2

shifting to IRS, market valuation discount, 21:14

**Business** interests

Fair Market Value (this index)

gift valuation, 17:144

going concern valuation, 3:143

Business properties, special use valuation, 5:5

Buyer's premium, fair market value, 3:11

Cash versus installment sale, fair market value, 3:9

Charitable deductions. See **Amount of Charitable Deduction** (this index)

Charitable donation valuations, natural resources interests, **3:97** 

Charitable nontrust remainder in residence or farm as qualifying transfers, taxable estate charitable deductions, **6:272** 

sionary interest by donor, value of rever-

sionary interest, 2:204

#### VALUATION—Cont'd VALUATION—Cont'd Charitable remainder trusts, remainders in Disclosure by IRS of basis for gift valuation, 17:2 generally, 6:265 Discounts. See Market Valuation Discounts (this terminal illness of life tenant, 6:266 index) Classified advertisements, sales through, estate tax Distribution, term defined, 4:3 valuation, 3:26, 3:27 Dividends, alternate valuation, 4:17 **Closely-Held Businesses** (this index) Divorce or adjudicated separation, valuation of sup-Combining discounts with special use valuation, port rights not followed by, 6:73 Effect of later events on fair market value, estate Commercial annuities, gift valuation, 17:170 et tax valuation, 3:16, 3:20, 3:21 seq. Elections **Alternate Valuation** (this index) Comparables sales vs replacement cost, fair market value, 3:24 **Special Use Valuation** (this index) special use valuation, formula method of Environmental factors, real property valuation, 3:38 determining special use value, 5:61 Estate Freeze Transfers (this index) Computation of estate tax, special valuation rules, Estate tax 7:2 generally, **1:6**, **3:1** et seq. Conservation easements auction sales, 3:26, 3:27 estate tax exclusion, 6:329 burden of proof, 3:2 gift tax deduction, 16:103, 16:104 buyer's premium, 3:11 Corporate-owned real estate, special use valuation cash versus installment sale. 3:9 elections, 5:74 classified advertisements, sales through, 3:26, Corporation property, special use valuation election 3:27 requirements, **5**:27, **5**:42 date of death cash value, 3:10 Credit for estate tax paid on prior transfers, valuaeffect of later events on fair market value, 3:20, tion of property transferred generally, 7:32, 7:33 effect of later events on valuation, 3:16 date for valuation purposes, 7:34 Fair Market Value (this index) Date of valuation gift revaluations, 3:18 changes in value between purchase date and gross estate valuation, 3:1 valuation date, 3:83 indeterminable value property comparable sales after valuation date, real propgenerally, 3:30 erty valuation, 3:79 IRS policy when value cannot be determined, death, cash value on date of, 3:10 3:32 determination of date of sale, exchange or other liquidation transfers, 3:31 disposition, 4:4 installment sale versus cash, fair market value, gross estate determinations, transfers during life, 2:123 IRS policy when value cannot be determined, known best use factors at time of death, real 3:32 property valuation, 3:45 lapse of powers of appointment, 2:275 post-valuation date events estate tax valuation, proof required to change valuation reported on 3:19 return, 3:3 sale price shortly after valuation date, value reported valuation, proof required to change, 3:3 based on, **3:14** retained interests in property included in grant-Declaratory judgments, gifts valuation disputes or's estate, **2:285** generally, 17:3 revaluation of gifts, 3:18 final regulations, 17:4 sales commission, 3:11 Decrease in value limitation, special use valuation, self-canceling installment notes, 2:26 5:7 subsequent land sales, fair market value, 3:22 Defects, real property valuation, 3:37 transfers taking effect at death, retention of rever-

Depreciable and depletable property, remainder

interest in, 17:169

VALUATION—Cont'd	VALUATION—Cont'd
Estate tax—Cont'd	Gifts—Cont'd
worthless property, 3:29	net gift doctrine, 17:6 et seq.
Estate tax paid on prior transfers, credit for, valua-	1989 legislation, <b>17:155</b>
tion of property transferred	noncommercial annuities, 17:146
generally, <b>7:32</b> , <b>7:33</b>	notes, <b>17:145</b>
date for valuation purposes, 7:34	post-gift date events affecting valuation, 17:12,
Exchange, term defined, <b>4:3</b>	17:13
Excise tax, effect on gift valuation, 17:5	post-valuation date events affecting value,
Expert Appraisals (this index)	17:178
Fair Market Value (this index)	private annuity tax trap, failure to use IRS tables
Farms	to value annuity, <b>17:147 et seq.</b> proof of value of gift exclusions, <b>16:7</b>
charitable nontrust remainder in as qualifying	real estate, 17:136 et seq.
transfers, taxable estate charitable deductions, <b>6:272</b>	remainder interest in depreciable and depletable
special use valuation, 5:5	property, 17:169
Finally determined value of gifts, computation,	remainders, 17:146
17:182	retained interest in GRUT, <b>17:163, 17:164</b>
Fractional interests, real property valuation	revaluations, estate tax valuation, 3:18
generally, 3:54	reversions, 17:146
factor analyses, <b>3:55 et seq.</b>	securities
Gifts	generally, <b>17:139</b>
generally, 17:1 et seq.	blockage valuation, 17:143
annuities, 17:155	closely-held corporations, 17:140, 17:141
assets in trust, 17:168	discounted cash flow, 17:141
basis for valuation, IRS's obligation to disclose,	family corporations, 17:142
17:2	net asset valuation, 17:141
business interests, 17:144	support obligation, transfers subject to, <b>17:165 et</b>
commercial annuities, 17:170 et seq.	seq.
declaratory judgments	tax savings clauses, 17:10, 17:11
generally, 17:3	terms for years, 17:146
final regulations, 17:4	trust assets, 17:168
depreciable and depletable property, remainder	trusts, 17:146
interest in, 17:169	zeroed out GRATs, 17:160 et seq.
disclosure by IRS of basis for valuation, 17:2	Gifts includible in estate
discount for present value of donees' obligation	revaluation of gifts made after August 5, 1997,
to pay contingent estate tax under Section 2035, <b>17:9</b>	7:25, 7:26
discount valuations, 18:28	revaluation of gifts made prior to August 6, 1997,
Estate Freeze Transfers (this index)	7:24
excise tax, effect on valuation, 17:5	Going concern valuation, 3:143
exclusions, proof of value, <b>16:7</b>	GRATs, zeroed out, gift valuation, 17:160 et seq.
finally determined value, computation, <b>17:182</b>	Gross estate valuation
Gifts includible in estate, below	generally, 3:1 et seq
GRUT, retained interest in, 17:163, 17:164	adjusted value of gross estate, 5:50
installment sales contracts, 17:138	gross estate adjusted value, <b>5:50</b>
IRS's obligation to disclose basis for valuation,	lapse of powers of appointment, 2:275
17:2	Madoff Ponzi scheme, identity of property to be
life estates, 17:146	valued, <b>2:14, 3:23</b>
life insurance, 17:170 et seq.	retained interests in property included in grant-
miscellaneous property, 17:177	or's estate, <b>2:285</b>
mortgages, 17:137	self-canceling installment notes, 2:26

## VALUATION—Cont'd

Gross estate valuation—Cont'd

split purchases under the special valuation rules, 2:130

transfers during life, valuation date, 2:123

GRUTs, retained interest in, gift valuation, 17:163, 17:164

GST property

generally, 19:98

availability of alternate valuation election, 19:120

election of alternate valuation, **19:120** misstatements of valuation, **19:119** special valuation rules, **19:103** 

Highest and best use

real property valuation, **3:41 et seq.** special use valuation, **5:1** 

Income capitalization valuation. See **Fair Market Value** (this index)

Indebtedness deductions, special use valuation property, **5:8** 

Indeterminable value property, estate tax valuation generally, **3:30** 

IRS policy when value cannot be determined, 3:32

liquidation transfers, 3:31

Installment sales contracts, gift valuation, 17:138
Installment sale versus cash, estate tax valuation,
3:9

Interest bearing obligations, alternate valuation, 4:14

Interest in property requirement, special use valuation elections, 5:73

IRS policy when value cannot be determined, estate tax valuation, **3:32** 

IRS's obligation to disclose basis for gift valuation, 17:2

Lapse of powers of appointment, estate tax, 2:275 Lapse of time factors, alternate valuation, 4:20 et

Leased property, alternate valuation, 4:16

Life estates, gift valuation, 17:146

**Life Insurance** (this index)

Liquidation transfers of indeterminable value property, estate tax valuation, **3:31** 

Madoff Ponzi scheme, identity of property to be valued, **2:14**, **3:23** 

Marital deduction, valuation of property interest passing to surviving spouse, **6:131 et seq.** 

Market Valuation Discounts (this index)

Methods, special use valuation, **5:24**, **5:54** et seq. Misstatements of valuation, GST property, **19:119** 

# VALUATION—Cont'd

Mortgages, gift valuation, 17:137

Net gift doctrine, 17:6 et seq.

1989 legislation, gift valuation, annuities, 17:155

No ascertainable value property, estate tax valuation, **3:28** 

Noncommercial annuities, gift valuation, 17:146

Noninterest bearing obligations, alternate valuation, 4:15

Notes, gift valuation, 17:145

Obligations, interest bearing, alternate valuation, 4.14

Obligations, noninterest bearing, alternate valuation, **4:15** 

Partnership property, special use valuation election requirements, **5:27**, **5:42** 

Part-time activities, special use valuation, election requirements, **5:38 et seq.** 

Physical qualities and defects, real property valuation. **3:37** 

Post-death events, alternate valuation, 4:2

Post-valuation date events affecting value, gift valuation, 17:178

Post-valuation date events estate tax valuation, fair market value, **3:19** 

Power of appointment lapse, estate tax, 2:275

Pre-death right, amount receivable after death under, alternate valuation, **4:24** 

Private annuity tax trap, failure to use IRS tables to value annuity, **17:147 et seq.** 

Proof required to change valuation reported on return, estate tax valuation, **3:3** 

Property with no ascertainable value, estate tax valuation, 3:28

**Real Property** (this index)

Recapture of estate tax after special use valuation.

Special Use Valuation (this index)

Recapture rules, special use valuation, 5:3

Remainders

alternate valuation, 4:21

charitable remainder trusts

generally, 6:265

terminal illness of life tenant, 6:266

depreciable and depletable property, gift valuation, 17:169

gift valuation, 17:146

Replacement cost vs comparable sales methods, estate tax valuation, **3:24** 

Reported valuation, proof required to change, estate tax valuation, **3:3** 

#### VALUATION—Cont'd VALUATION—Cont'd Residence, charitable nontrust remainder in as Terms for years, gift valuation, 17:146 qualifying transfers, taxable estate charitable Transfers during life, valuation date, gross estate deductions, **6:272** determinations, 2:123 Revaluation of gifts, 3:18, 7:24 to 7:26, 17:181 to Transfers of property, election requirements, special 17:183 use valuation. 5:33 Reversions Transfers taking effect at death, valuation of retained reversionary interest by donor, 2:204 alternate valuation, 4:21 gift valuation, 17:146 Trust assets, gift valuation, 17:168 Sale, term defined, 4:3 Trust property, special use valuation election requirements, 5:11, 5:27, 5:42, 5:43 Sale price shortly after valuation date, value based on. 3:14 Trusts, gift valuation, 17:146 Sales commission, estate tax valuation, 3:11 Undistributed corporate earnings, alternate valuation, 4:18 Sales of art, importance of prior and subsequent Voting and nonvoting stock valued as unitary intersales, **3:270** est for estate tax purposes, market valuation Sales price not reflecting value, securities, 3:102 discount, 21:15 Seasonal activities, special use valuation election Worthless property, estate tax valuation, 3:29 requirements, 5:38 et seq. Securities Zeroed out GRATs, gift valuation, 17:160 et seq. generally, 3:98 et seq. VETERANS ORGANIZATIONS Fair Market Value (this index) Deductible gifts to, 16:93 gift valuation VICTIMS OF TERRORISM TAX RELIEF ACT generally, 17:139 **OF 2001** blockage valuation, 17:143 Generally, 1:11 closely-held corporations, 17:140, 17:141 discounted cash flow, 17:141 VIRGIN ISLAND RESIDENTS family corporations, 17:142 Nonresidents not citizens estate tax, 8:19 net asset valuation, 17:141 sales price not reflecting value, 3:102 VISAS Self-canceling installment notes, gross estate G-4 visa holders, estate tax, 8:18 determinations, 2:26 WAIT AND SEE **Special Use Valuation** (this index) Special use valuation, election requirements, 5:18 Special valuation rules Chapter 14, 17:14 et seq. WAIVERS computation of estate tax, 7:2 **Assessment** (this index) **Estate Freeze Transfers** (this index) Charitable remainder trust election rights, spousal GST property, 19:103 waivers, **6:264** Special valuation rules. See Fair Market Value Collection of tax, waiver of restrictions on assess-(this index) ments, 18:46 Split purchases under the special valuation rules, Community interest waivers, marital obligation 2:130 deductibility, 6:74 Stolen property, **3:15** Estate freeze transfers, elections to waive qualified Subsequent land sales, fair market value, 3:22 payment treatment, 17:36 Support obligation, transfers subject to, 17:165 et Estate freeze transfer waiver elections, qualified payment treatment, 17:36 Support rights not followed by divorce or Gift tax, waivers of fiduciary's statutory fees as adjudicated separation, **6:73** taxable transfer, 14:152 Swing vote valuation, market valuation discount, Marital obligation deductibility, community interest 21:7, 21:8 waivers, **6:74** Tables, valuation. See Fair Market Value (this QTIP tax recovery waiver, disclaimer of as qualifyindex) ing transfer, taxable estate charitable deduc-Tax savings clauses, gift valuation, 17:10, 17:11 tions, 6:247

# WAIVERS—Cont'd

Settlements of estate tax disputes, 11:34

# WAR VETERANS ORGANIZATIONS

Deductible gifts to, 16:93

## WATER RIGHTS

Special use valuation, recapture of estate tax on water rights transfers, **5:99** 

# WILFUL NONCOMPLIANCE WITH TAX LAWS

**Criminal Penalties** (this index)

# WORKERS' COMPENSATION

Gross estate determinations, dependents' benefits, 2:97

# WORKS OF ART

**Art Works** (this index)

# WRONGFUL DEATH PROCEEDS

Assignments of wrongful death claims as taxable transfers, 14:160

Beneficiary of claim, gross estate determinations, 2:95

Generation-skipping transfer tax, 2:94

Gift tax, assignments of wrongful death claims as taxable transfers, 14:160

# **Gross Estate Determinations** (this index)

Survivors' loss benefits under no-fault insurance, gross estate determinations, **2:96** 

# **ZONING ISSUES**

Fair market value, 3:71