Table of Contents

CHAPTER 1. BACKGROUND AND OVERVIEW OF I.R.C. § 1031

§ 1:1	Scope of chapter				
§ 1:2	Parties, properties and terminology of exchanging				
§ 1:3	Ancillary parties				
§ 1:4	—Real estate agent				
§ 1:5	—Attorney				
§ 1:6	—Accountant				
§ 1:7	—Qualified intermediary				
§ 1:8	—Escrow, closing or settlement agent				
§ 1:9	I.R.C. § 1031 exception to recognition of gain or loss				
§ 1:10	Partially taxable exchanges				
§ 1:11	Misconceptions about exchanging				
§ 1:12	—No requirement for two parties wanting each other's properties				
§ 1:13	—Few limitations on exchangor's options by like-kind requirement				
§ 1:14	—No requirement for transfers of exchange properties occurring simultaneously				
§ 1:15	Investment alternatives to exchanging				
§ 1:16	—Holding property				
§ 1:17	—Sale, payment of tax and reinvestment				
§ 1:18	—Sale on installment basis				
§ 1:19	—Refinance				
§ 1:20	—Exchange under I.R.C. § 1031				
§ 1:21	Advantages of exchange				
§ 1:22	—Consolidation or diversification of investments				
§ 1:23	—Appreciation—Leverage				
§ 1:24	—Greater cash flow				
§ 1:25	—Relocation of investment				
§ 1:26	—Exchange out of non-depreciable property into depreciable property; transfer of depreciation recapture				
§ 1:27	Disadvantages of exchange				
§ 1:28	—Reduced basis in replacement property				
§ 1:29	—Increase in transactional costs				
§ 1:30	—Limitation on use of equity				
§ 1:31	Condemnations under I.R.C. § 1033 v. I.R.C. § 1031 exchanges				
§ 1:32	Qualified Opportunity Zone Funds v. I.R.C. § 1031 Exchanges				
§ 1:33	A checklist for real estate like-kind exchanges				
APPEN	DIX 1A. I.R.C. § 1031: Exchange of Property Held for Productive Use or Investment				

APPENDIX 1B. I.R.C. § 1031 Regulations

CHAPTER 2. REQUIREMENTS FOR TAX-FREE EXCHANGE

- $\S~2:1$ Scope of chapter
- $\S~2:2$ Requirements of I.R.C. $\S~1031(a)(1)$ and (2)
- § 2:3 Real property requirement

- § 2:4 —Stock, REITs, mortgages and other indirect interests in real property
- § 2:5 —Land or real estate contracts; Contracts for deed
- § 2:6 —Interests in a partnership or multi-member limited liability company
- § 2:7 —Land trusts
- § 2:8 —Delaware statutory trusts and other grantor trusts
- § 2:9 —Real Property Regulations: General
- $\S~2{:}10~$ —Real Property Regulations: Alternative Tests and Distinct Assets
- § 2:11 —Real Property Regulations: Inherently permanent structures
- § 2:12 —Real Property Regulations: Structural Components
- § 2:13 —Real Property Regulations: Real property intangibles
- § 2:14 Like-kind requirement
- § 2:15 —Improvements to be constructed
- § 2:16 —Oil, gas, and mineral interests
- § 2:17 —Timber and Timberland
- § 2:18 —Water rights and water space superjacent to land
- § 2:19 Real property requirement—Unharvested crops
- § 2:20 Like-kind requirement—Options and purchase contracts
- § 2:21 —Reversions, life estates, remainders and other partial interests
- § 2:22 —Partition of undivided interests
- § 2:23 —Leasehold interests
- § 2:24 ——Leasehold improvements
- § 2:25 ——Leasehold term
- § 2:26 ——Landlord's interest
- § 2:27 ——Prepayment of rent as replacement property
- § 2:28 ——PILOT program
- § 2:29 Real Property requirement—Cooperative apartments
- § 2:30 Like-kind requirement—Easements and conservation easements
- § 2:31 —Transferable development rights
- § 2:32 Qualified purpose requirement
- § 2:33 —Holding period
- § 2:34 —Intent to exchange
- § 2:35 —Dealer property
- § 2:36 —Sale to related party to avoid dealer status
- § 2:37 —Dealer property—Condominium conversions
- § 2:38 —Other real property held primarily for sale
- § 2:39 —Gifts and donations before and after an exchange
- § 2:40 —Non-grantor trust distributions before and after an exchange
- § 2:41 —Inherited property
- § 2:42 —Property held as personal residence and for qualified use
- § 2:43 ——Separate dwelling unit
- § 2:44 ——Same dwelling unit
- § 2:45 Wacant land
- § 2:46 ——Reporting the exchange and allocation of liabilities
- § 2:47 —Vacation homes
- § 2:48 ——The safe harbor of revenue procedure 2008-16
- § 2:49 Outside the safe harbor
- $\S~2:50$ ——The Section 121 gain exclusion
- § 2:51 —Converting personal residences to qualified use
- § 2:52 —Converting qualified use property to a personal residence
- § 2:53 Deferred or forward exchanges—I.R.C. § 1031(a)(3)
- § 2:54 Same taxpayer requirement

§ 2:55 -Spouses § 2:56 —Death of taxpayer § 2:57 —Grantor trusts § 2:58 —Partnerships and limited liability companies § 2:59 —Single member limited liability companies § 2:60 ——Spouses § 2:61 —Corporations § 2:62 Exchange requirement § 2:63 -Non-QI exchanges § 2:64 —Example transaction § 2:65 — Two-party exchange § 2:66 ——Simultaneous exchange with buyer accommodation § 2:67 ——Simultaneous exchange with seller accommodation § 2:68 ——Simultaneous pot exchange § 2:69 ---Simultaneous exchange with QI § 2:70 --- Forward exchange with QI § 2:71 — Forward exchange with buyer as accommodator § 2:72 Losses in exchanges § 2:73 Sale-leaseback transactions § 2:74 Exchanges involving related parties § 2:75 —Related party swaps: two-year holding period § 2:76 —Tolling of two-year period § 2:77 —Exceptions to two-year holding period § 2:78 — — Undivided Interests § 2:79 — —Nonrecognition transactions § 2:80 — —Non-basis shifting transactions Exchanges involving related persons—Prohibition of acquiring replacement § 2:81 property from a related party when relinquished property is transferred to unrelated party § 2:82 — —Court decisions and rulings --Exceptions § 2:83 § 2:84 —Transfer of relinquished property only to related party —Definition of "related person" § 2:85 § 2:86 — —Constructive ownership rules § 2:87 ——Avoiding related party status § 2:88 —Other issues in related party exchanges § 2:89 Corporations filing consolidated returns § 2:90 Foreign real property State taxation—Interstate exchanges § 2:91 § 2:92 -Withholding § 2:93 —Non-conformity to I.R.C. § 1031 § 2:94 -California requirements § 2:95 —California withholding APPENDIX 2A. Revenue Procedure 2008-16

CHAPTER 3. HISTORY, STATUTORY DEVELOPMENT AND BACKGROUND FOR REGULATIONS AND OTHER GUIDANCE

Form FTB 3840 and Instructions

§ 3:1 Scope of chapter

APPENDIX 2B.

- § 3:2 History of I.R.C. § 1031
 § 3:3 Rationale for nonrecognition of gain or loss
 § 3:4 Judicial limitations on I.R.C. § 1031
- § 3:5 Tax Reform Act of 1984
- § 3:6 —Partnership interests
- § 3:7 —Time restrictions imposed on nonsimultaneous exchanges
- § 3:8 Omnibus Budget Reconciliation Act of 1989
- § 3:9 Omnibus Budget Reconciliation Act of 1990
- § 3:10 Exchanges prior to 1991 regulations
- § 3:11 —Designation or identification of replacement property
- § 3:12 —Mechanism to effect deferred exchange
- § 3:13 —Security of exchange funds
- § 3:14 —Treatment of interest
- § 3:15 Deferred exchange regulations of 1991
- § 3:16 Multi-asset and personal property regulations of 1991
- § 3:17 The Taxpayer Relief Act of 1997
- § 3:18 Revenue Procedure 2000-37
- § 3:19 2008 amendment
- § 3:20 The Tax Cuts and Jobs Act of 2017
- § 3:21 Proposals to amend I.R.C. § 1031
- § 3:22 Growth of exchange transactions and increased scrutiny
- § 3:23 Types of authorities affecting I.R.C. § 1031
- § 3:24 —Case law
- § 3:25 —Treasury Regulations
- § 3:26 —Revenue procedures
- § 3:27 —Revenue rulings
- § 3:28 —Private Letter Rulings, Technical Advice Memorandum and other types of IRS advice

APPENDIX 3A. Recommendations of the Staff of the Joint Committee on Taxation to Simplify the Federal Tax System

CHAPTER 4. TAX CONSEQUENCES OF AN EXCHANGE

- § 4:1 Scope of chapter
- § 4:2 Simple rules for determining amount of gain in exchange and basis of replacement property
- § 4:3 Determining gain under regulations
- § 4:4 —Realized gain
- § 4:5 —Recognized gain
- § 4:6 —Boot offset rules
- § 4:7 —Liabilities
- § 4:8 ——Replacement property
- § 4:9 ——Relinquished property
- $\S 4:10$ ——Unsecured liabilities
- § 4:11 ——Relinquished property—Defeasance
- § 4:12 ——467 loans
- § 4:13 ——Exchange of multiple real properties
- § 4:14 —Treatment of exchange expenses and other transactional costs
- § 4:15 ——Relinquished property expenses
- § 4:16 ——Replacement property expenses
- § 4:17 —Examples of calculations of realized and recognized gain under regulations

Table of Contents

§ 4:18	Nonrecognition of losses on like-kind property					
§ 4:19	Treatment of deferred passive losses					
§ 4:20	Tax consequences of transfers of other property					
§ 4:21	—Exchange with personal residence gain exclusion					
§ 4:22	Placing mortgages on relinquished property prior to exchange or on replacement property after exchange					
§ 4:23	Reporting installment notes received as boot					
§ 4:24	Exchanges over two taxable years as installment sales					
§ 4:25	Tax consequences of QI's failure to distribute exchange funds					
§ 4:26	Depreciation recapture in exchange transactions					
§ 4:27	—I.R.C. § 1245 recapture					
§ 4:28	——Computation of recapture income					
§ 4:29	— — Valuation					
§ 4:30	——Section 1245 recovery property					
§ 4:31	Depreciation and investment tax credit recapture in exchange transactions—I.R.C. § 1250 recapture					
§ 4:32	Depreciation recapture in exchange transactions—I.R.C. § 1250 recapture- Computation of recapture income					
§ 4:33	Depreciation and investment tax credit recapture in exchange transactions—Exchanges with both I.R.C. § 1245 property and I.R.C. § 1250 property					
§ 4:34	—Basis computation in exchanges with both I.R.C. § 1245 recapture or I.R.C. § 1250 recapture					
§ 4:35	—I.R.C. § 1254 and other recapture provisions					
§ 4:36	I.R.C. § 467 recapture					
$\S 4:37$	Carryover and ordering of 25% capital gain rate for depreciation					
§ 4:38	Healthcare tax on investment income					
§ 4:39	At risk recapture					
§ 4:40	Built-in gains and I.R.C. § 1031					
§ 4:41	REIT issues related to I.R.C. § 1031					
§ 4:42	Exchanges involving tax-exempt use property					
§ 4:43	Exchanges of I.R.C. § 2032A property					
§ 4:44	Treatment of interest received in forward exchange					
§ 4:45	Determining basis of property received in exchange					
§ 4:46	—Allocation of basis between land and improvements					
§ 4:47	—Depreciation method of replacement property					
§ 4:48	—Basis in bargain sale to charity or gift					
§ 4:49	—Basis of replacement property acquired with proceeds from involuntary conversion					
§ 4:50	—UBIA for the purposes of I.R.C. § 199A					
§ 4:51	Holding periods					
§ 4:52	Reporting an exchange					
§ 4:53	Interest and penalty standards applicable to disallowed exchanges					
§ 4:54	Compliance with Foreign Investment in Real Property Tax Act (FIRPTA)					
§ 4:55	IRS Form 1099 reporting of real estate transactions					
§ 4:56	Detailed example of gain and basis determination					
§ 4:57	—Completion of exchange worksheet					
§ 4:58	—Completion of Part II of IRS Form 8824					
§ 4:59	—Summary of results of detailed example					
§ 4:60 8 4:61	Reporting a reverse exchange on IRS Form 8824					
§ 4:61	What to expect in an audit					

APPENDIX 4A. Settlement Statement for Relinquished Property

- APPENDIX 4B. Settlement Statement for Replacement Property
- APPENDIX 4C. Exchange Worksheet
- APPENDIX 4D. IRS Form 8824—Like-Kind Exchanges
- APPENDIX 4E. T.D. 9413

CHAPTER 5. PERSONAL AND MULTIPLE PROPERTY EXCHANGES

- § 5:1 Scope of chapter
- § 5:2 Like-kind or like-class personal property
- § 5:3 Like-class personal property
- § 5:4 —General asset classes
- § 5:5 —Product classes
- § 5:6 —Modification to general asset classes or product classes
- § 5:7 —Examples of exchanges
- § 5:8 Intangible and nondepreciable personal property
- § 5:9 Personal property exchanges outside like-class safe harbor
- § 5:10 Business swaps
- § 5:11 Trade-ins
- § 5:12 Special requirements for identification and receipt of personal property in deferred exchanges
- § 5:13 Structuring exchanges of rolling stock or mass assets
- § 5:14 —LKE Program Revenue Procedure
- § 5:15 ——Separate exchanges; Post-exchange matching of properties
- § 5:16 ——Constructive Receipt Issues
- § 5:17 ——Intermediaries
- § 5:18 Other procedures allowed in the "Program Exchange" Private Letter Rulings
- § 5:19 Multiple property exchange regulations
- § 5:20 —General approach of regulations
- § 5:21 —Determining gain—Step-by-step analysis
- § 5:22 ——Step one: Separation into exchange groups and residual group
- § 5:23 ——Step two: Treatment of liabilities
- § 5:24 ——Step three: Exchange group surplus or deficiency
- § 5:25 ——Step four: Determining amount of gain
- § 5:26 —Examples of exchanges without liabilities
- § 5:27 With liabilities
- § 5:28 —Computation of basis of properties received
- § 5:29 Interaction of I.R.C. § 1060 and business exchanges
- § 5:30 Special issues for exchanges of aircraft, vessels, and other personal property items (non-program exchanges)
- § 5:31 Collectibles
- § 5:32 Livestock in general and of different sexes
- § 5:33 Liabilities in trades of player contracts

APPENDIX 5A. Revenue Procedure 2003-39

CHAPTER 6. FORWARD EXCHANGES UNDER REGULATIONS

- § 6:1 Scope of chapter
- § 6:2 Identification and receipt requirements
- § 6:3 —Identification period and exchange period defined

§ 6:4	—Postponements of deadlines for federally declared disasters, terroristic or				
	military action				
§ 6:5	—Postponement of time periods for military service in combat zone				
§ 6:6	—Inapplicability of I.R.C. § 7503 to § 1031(a)(3) time limits				
§ 6:7	—When the transfer or receipt occurs for the purposes of I.R.C. § 1031				
§ 6:8	—Rescinding a taxable sale and effecting a subsequent exchange				
§ 6:9	—Multiple relinquished properties and the same exchange				
§ 6:10	—Part sale and part exchange				
§ 6:11	—Transfer of property				
§ 6:12	Definition of deferred or forward exchange				
§ 6:13	Replacement property—Identification				
§ 6:14					
§ 6:15	——Alternative and multiple properties				
§ 6:16	———The 3-property rule				
§ 6:17	———The 200% rule				
§ 6:18	———95% rule				
§ 6:19					
§ 6:20	——Incidental property disregarded				
§ 6:21	——Revocation of identification				
§ 6:22	Receipt—Substantially the same as identified				
§ 6:23	——Improvement added				
§ 6:24	— —75% safe harbor				
§ 6:25					
§ 6:26	——Acquiring more than identified				
§ 6:27	— — Multiple exchange issues				
§ 6:28	—Property to be produced				
§ 6:29	Receipt of money or other property				
§ 6:30	Safe harbors				
§ 6:31	—Security or guarantee arrangements				
§ 6:32	—Qualified escrow accounts and qualified trusts				
§ 6:33	—Qualified intermediaries				
§ 6:34	——Securing the funds held by the QI				
§ 6:35	———Qualified escrows and trusts				
§ 6:36	———Security or guarantee arrangements				
§ 6:37	— — — Dual signature accounts				
§ 6:38	——————————————————————————————————————				
§ 6:39	———Related party acts as manager of QI				
§ 6:40					
§ 6:41	——Provisions concerning the QI				
§ 6:42	——Provisions concerting QI—Direct conveyancing and assignment issues				
§ 6:43	—Taxpayer's receipt of cash boot at closing of relinquished property				
§ 6:44	—Interest and growth factors				
§ 6:45	—The (g)(6) limitations and the release of funds				
§ 6:46	——Before end of exchange period				
§ 6:47	—The (g)(6) limitations and release of the funds—Material or substantial contingency				
§ 6:48	——Excess proceeds				
§ 6:49	——Table				
§ 6:50	— —Erroneous release				
§ 6:51	——Pledge to lender				
§ 6:52	—Payment of (g)(7) items				
_					

- $\S~6:53~$ —Earnest money and option payments received on the relinquished property
- § 6:54 —Earnest money and other payments related to the replacement property
- § 6:55 Definition of disqualified person
- § 6:56 —Related party
- § 6:57 —Agent
- § 6:58 —Ownership and not management test
- § 6:59 —Attorneys and accountants
- § 6:60 —Financial institutions
- § 6:61 —QI as qualified escrow holder or qualified trustee

CHAPTER 7. DOCUMENTING EXCHANGE TRANSACTIONS

I. DOCUMENTS RELATING TO THE OPENING OF THE EXCHANGE FILE

- § 7:1 Introduction
- § 7:2 Exchange Checklist
- § 7:3 Cooperation clause addendum
- § 7:4 Opening letter for a forward exchange—QI to exchangor
- § 7:5 File information cover sheet
- § 7:6 First leg checklist

II. DOCUMENTS RELATING TO A FORWARD EXCHANGE: DISPOSITION OF RELINQUISHED PROPERTY

- § 7:7 Introduction
- § 7:8 Assignment of Rights—Purchase and sale agreement
- § 7:9 Notice of assignment of rights
- § 7:10 Exchange agreement—Forward exchange with QI
- § 7:11 Pot Exchange agreement and joint closing instructions
- § 7:12 Buyer-facilitated exchange agreement
- § 7:13 QI's exchange instructions to closing agent
- § 7:14 —Return checklist for first leg exchange documents
- § 7:15 Simultaneous exchange agreement with QI
- § 7:16 Agreement for qualified trust account
- § 7:17 Agreement for qualified escrow account
- § 7:18 Exchange addendum to escrow instructions
- § 7:19 Letter to taxpayer—45-Day notice
- § 7:20 Letter identifying replacement property

III. DOCUMENTS RELATING TO A FORWARD EXCHANGE: ACQUISITION OF REPLACEMENT PROPERTY

- § 7:21 Introduction
- § 7:22 Cooperation clause addendum
- § 7:23 Letter to taxpayer—180-Day notice
- § 7:24 Second leg checklist
- § 7:25 Assignment of rights
- § 7:26 Notice of assignment of rights
- § 7:27 QI's exchange instructions to closing agent

- § 7:28 Return checklist for second leg exchange documents
- § 7:29 Closing letter

IV. DOCUMENTS RELATING TO A REVERSE OR IMPROVEMENT EXCHANGE: ACQUISITION OF THE REPLACEMENT PROPERTY BY EAT

- § 7:30 Introduction
- § 7:31 Opening letter from the EAT to Exchangor
- § 7:32 Qualified exchange accommodation agreement for reverse exchange
- § 7:33 Qualified exchange accommodation for reverse exchange [LLC as replacement property]
- § 7:34 Project management agreement for replacement property improvements
- § 7:35 Promissory note from EAT to exchangor
- § 7:36 EAT's instructions to closing agent
- § 7:37 —Return checklist for replacement property acquisition documents
- § 7:38 Qualified exchange accommodation agreement for forward improvement exchange [LLC as replacement property]
- § 7:39 Promissory note from EAT to QI for forward improvement exchange [LLC as replacement property]
- § 7:40 Qualified exchange accommodation agreement for alternate exchanger and Notice upon Exercise

V. DOCUMENTS RELATING TO A REVERSE OR IMPROVEMENT EXCHANGE: TRANSFER OF THE REPLACEMENT PROPERTY FROM EAT TO EXCHANGOR

- § 7:41 Introduction
- § 7:42 Simultaneous exchange agreement for reverse exchange (with assignment of QEAA)
- § 7:43 Assignment of QEAA
- § 7:44 EAT's instructions to closing agent
- § 7:45 —Return checklist for replacement property transfer to exchangor
- § 7:46 Assignment of membership interests
- § 7:47 Notice of exercise under alternate QEAA

VI. DOCUMENTS RELATING TO A REVERSE EXCHANGE: ACQUISITION OF RELINQUISHED PROPERTY BY EAT

- § 7:48 Introduction
- § 7:49 Opening letter from the EAT to Exchangor
- § 7:50 Qualified exchange accommodation agreement
- § 7:51 Promissory note from EAT to QI
- § 7:52 Simultaneous exchange agreement (with assignment of QEAA)
- § 7:53 Assignment of QEAA
- § 7:54 EAT's instructions to closing agent
- § 7:55 —Return checklist for relinquished property acquisition by EAT

VII. SUPPLEMENTAL DOCUMENTS

- § 7:56 Introduction
- § 7:57 Election pursuant to Section 761(a) to be wholly excluded from partnership rules (Subchapter K)

- § 7:58 Exchange worksheet
- § 7:59 FIRPTA compliance documents
- § 7:60 Pledge of membership interest
- § 7:61 Master lease
- § 7:62 Property management agreement
- § 7:63 Limited liability company agreement with exchangor as manager
- § 7:64 Tenancy in common agreement
- § 7:65 Foreign real property exchange documents
- § 7:66 QI Information Email on Forward Exchange
- § 7:67 EAT Information Email on Reverse
- § 7:68 Rescission Agreement for QEAA
- § 7:69 Assignment of rights—DST acquisition
- § 7:70 Notice regarding tax reporting for a reverse exchange or other parking arrangement

CHAPTER 8. REVERSE AND IMPROVEMENT EXCHANGES

- § 8:1 Scope of chapter
- § 8:2 History
- § 8:3 Revenue Procedure 2000-37: Overview
- § 8:4 QEAA
- § 8:5 —Relinquished property parked
- § 8:6 —Replacement property parked
- § 8:7 —Exchange accommodation titleholder requirements
- § 8:8 —Qualified indicia of ownership
- § 8:9 —EAT as taxpayer's express agent
- § 8:10 —Tax ID number for the EAT
- § 8:11 —EAT and the Corporate Transparency Act reporting
- § 8:12 —Qualified exchange accommodation agreement
- § 8:13 —Bona fide intent
- § 8:14 —Identification of relinquished property
- § 8:15 ——Alternate and multiple property identifications
- § 8:16 ——Substantially the same as identified requirement
- § 8:17 ——Multiple parking arrangements for the same relinquished property
- § 8:18 ——Alternate taxpayers
- § 8:19 —180-day limit
- § 8:20 —Permissible agreements
- § 8:21 Mechanics of QEAA for relinquished property parked
- § 8:22 Mechanics of QEAA for replacement property parked
- § 8:23 Mechanics of QEAA for replacement property improvements—Reverse exchange
- $\S~8:24$ Single purpose entity as the EAT
- § 8:25 EAT as qualified intermediary
- § 8:26 Tax reporting requirements of the Revenue Procedure
- § 8:27 Other reporting treatment irrelevant
- § 8:28 Improvements in a forward exchange
- § 8:29 —Constructive receipt issues in a forward improvement exchange
- § 8:30 —Improvements by the QI in a forward exchange
- § 8:31 —Improvements by the EAT in a forward exchange
- § 8:32 Improvements on land held by the taxpayer
- § 8:33 Improvements on land held by a related party

§ 9:18

§ 9:20 ——Practical issues

§ 8:34	Combination reverse/forward exchanges				
§ 8:35	—Reverse exchange first				
§ 8:36	Combination reverse/forward exchange—Forward exchange first				
§ 8:37	Failed replacement property parking arrangement				
§ 8:38	Failed relinquished property parking arrangement				
§ 8:39	Reverse exchanges outside the safe harbor of Revenue Procedure 2000-37				
§ 8:40	Reverse exchanges outside of the safe harbor of Revenue Procedure 2000-37—Case law relevant to non-safe harbor parking exchanges				
§ 8:41	Reverse exchanges outside the safe harbor of Revenue Procedure 2000-37— The agency issue				
§ 8:42	—IRS rulings on factors other than agency				
§ 8:43	—Structuring non safe harbor exchanges				
§ 8:44	Reverse exchanges outside of the safe harbor of Revenue Procedure 2000-37—Structuring non safe harbor exchanges—The Hybrid: Converting from safe harbor to non-safe harbor				
§ 8:45	Reverse exchanges outside the safe harbor of Revenue Procedure 2000-37— Structuring non-safe harbor exchanges—The related party to the rescue approach				
§ 8:46	——Major improvement exchanges with a developer as accommodator				
§ 8:47	—Structuring non safe harbor exchanges—The Bartell style parking				
0.0.40	arrangement				
§ 8:48	—Alternatives to non-safe harbor exchanges				
§ 8:49	"Pure" reverse exchanges				
§ 8:50	Non-tax cases involving reverse exchanges				
APPEN	DIX 8A. Revenue Procedure 2000-37				
APPEN	DIX 8B. Revenue Procedure 2004-51				
APPEN	DIX 8C. American Bar Association Section of Taxation Report				
CHAI	PTER 9. CURRENT PROBLEMS IN EXCHANGING				
§ 9:1	Scope of chapter				
§ 9:2	Co-Ownership Issues in Exchanges				
§ 9:3	Partnership split-ups				
§ 9:4	—The drop and swap				
§ 9:5	—The swap and drop				
§ 9:6	—The partnership division				
§ 9:7	Partnership split-ups-multiple properties owned together				
§ 9:8	Partnership split-offs				
§ 9:9	—The partial drop and swap				
§ 9:10	—Buy out partner as replacement property				
§ 9:11	—Buy out or redemption				
§ 9:12	—Special allocation of gain				
§ 9:13	—Partnership installment note				
§ 9:14	Partnership formations and adding new partners to an existing partnership				
§ 9:15	Tax risks of partnership distributions and contributions before or after an exchange				
§ 9:16	—Substance over form doctrine and step transaction				
§ 9:17	Tax risks with partnership distributions and contributions before or after an exchange—Substance over form and step transaction—Federal cases				

—Substance over form and step transaction—IRS position

 $\S 9:19$ —Substance over form and step transaction—State cases

§ 9:21	—Qualifi	ed Use issue				
§ 9:22	Tax risks associated with distributions and contributions after an					
	exchang	ge—Co-tenancy vs. partnership				
§ 9:23		in common vs. tax partnership				
9:24	—Revenu	ue Procedure 2002-22				
9:25		guidelines				
§ 9:26	—Ruling requests for multiple properties					
$\S 9:27$	—Uncertainties with TIC interests					
9:28	—I.R.C. § 761(a) election					
§ 9:29		d sales of partnership interests and partial I.R.C. § 721 ations as exchanges				
§ 9:30	Partnership liabilities in exchange					
§ 9:31		e statutory trusts				
§ 9:32	Corporat exchange	ion liquidation, formation, or reorganization prior to or after ge				
§ 9:33	Structur	ing exchanges of corporate real property				
§ 9:34	Subchapter S corporation solutions					
§ 9:35	Structur	ing combination exchange and installment sales for relinquished				
§ 9:36		ing seller financing of the relinquished property—Structuring to axpayer's receipt of note				
9:37	—Wrap ı	notes				
§ 9:38	Structuring seller financing of the replacement property					
§ 9:39	Exchang	ing out of foreclosure or no equity property				
§ 9:40	Acquirin	g replacement property by note foreclosure				
9:41	Exchang	es as estate planning tool				
APPEN	DIX 9A.	Comments Concerning Open Issues in Section 1031 Like-Kind Exchanges				
APPEN.	DIX 9B.	American Bar Association Taxation Section's Joint Report on I.R.C. Section 1031 Open Issues Involving Partnerships				
APPEN	DIX 9C.	Revenue Procedure 2002-22				
APPENDIX 9D.		Rev. Rul. 2004-86				
Table of Laws and Rules						
T 11						

Table of Cases

Index