6-24-2011

Cases, Regulations and Statutes

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CASES, REGULATIONS AND STATUTES
by Robert P. Achenbach, Jr

FEDERAL TAX

SALE OF CHAPTER 12 ESTATE PROPERTY. The U.S. Supreme Court has granted a petition for review in the following case. The debtor filed for Chapter 12 and, with permission of the Bankruptcy Court, sold the debtor’s farm, resulting in $29,000 of capital gain. The debtor’s plan included the capital gains as an unsecured claim to be paid to the extent of other unsecured claims. The IRS objected to the plan, arguing that the capital gains were the post-petition personal responsibility of the debtor because no taxable entity was created in the bankruptcy estate. The debtor cited In re Knudsen, 581 F.3d 696 (8th Cir. 2009), aff’d, 389 B.R. 643 (N.D. Iowa 2008), aff’d in part, 356 B.R. 480 (Bankr. N.D. Iowa 2006), which held that, under Section 1222(a)(2)(A), taxes generated by the sale of Chapter 12 estate property could be treated as unsecured claims of the estate. The Bankruptcy Court in this case had rejected the holding of In re Knudsen, and held that the statute was clear that no separate taxable entity was created in Chapter 12 proceedings; therefore, post-petition sales of estate property were taxable to the debtor personally. The Bankruptcy Court also had held that the taxes were not entitled to the administrative expenses exception in Section 1222(a)(2)(A) because the taxes were not entitled to priority under Section 507. On the first appeal the District Court reversed, holding that, in accordance with In re Knudsen, In re Dawes, 382 B.R. 509 (Bankr. D. Kan. 2008), aff’d, 415 B.R. 815 (D. Kan. 2009), and In re Schilke, 379 B.R. 899 (Bankr. D. Neb. 2007), aff’d, 2008 U.S. Dist. LEXIS 68176 (D. Neb. 2008), the legislative history and purpose of Section 1222(a)(2)(A) required that income taxes resulting from postpetition sales of a Chapter 12 debtor’s property were administrative expenses entitled to application of Section 1222(a)(2)(A). On further appeal, the Ninth Circuit Court of Appeals reversed in a two to one decision, holding that, because there is no bankruptcy estate entity created in Chapter 12, the estate cannot be liable for an tax resulting from the postpetition sale of estate property. This decision creates a split of authority among the Ninth, Eighth and Tenth Circuits, see In re Ficken, 2009 Bankr. LEXIS 3008 (Bankr. D. Colo. 2009), aff’d, 2010-1 U.S. Tax Cas. (CCH) ¶ 50,409 (Bankr. 10th Cir. 2010). See Harl, “Major Development in Income Taxation of Chapter 12 Bankruptcy Debtors,” 20 Agric. L. Dig. 145 (2009). In re Hall, 617 F.3d 1161 (9th Cir. 2010), rev’g, 393 B.R. 857 (D. Ariz. 2008), rev’g, 376 B.R. 741 (Bankr. D. Ariz. 2007).

FEDERAL FARM PROGRAMS

CROP INSURANCE. The FCIC has adopted as final regulations to amend the common crop insurance regulations, extra long staple cotton crop insurance provisions, to remove all references to the daily spot cotton quotation and replace the reference with the national average loan rate published by the FSA, to incorporate a current special provisions statement into the crop provisions, and to make the extra long staple cotton crop insurance provisions consistent with the upland cotton crop insurance provisions. The changes will apply for the 2012 and succeeding crop years. 76 Fed. Reg. 32067 (June 3, 2011).

FEDERAL SEED ACT. The AMS has adopted as final regulations amending the Federal Seed Act (FSA) regulations. The new rules amend the list of prohibited noxious-weed seeds to reflect the recent addition of four species, deletion of two species, and changes in the nomenclature of four species listed in the Federal Noxious Weed Act. The rules also update the seed labeling regulations, noxious-weed seed tolerances, seed testing regulations, and seed certification regulations; revise the nomenclature of seed kinds regulated under the FSA; and correct several minor errors. 76 Fed. Reg. 31790 (June 2, 2011).

FEDERAL ESTATE AND GIFT TAXATION

ALTERNATE VALUATION DATE. The decedent’s estate hired a CPA to prepare the estate’s Form 706 but the form was filed without the election to use the alternate valuation date. On the advice of a second CPA, the estate sought an extension of time to make the election. The IRS granted the estate an extension of time to file the election. Ltr. Rul. 201122009, Feb. 24, 2011.

GENERATION-SKIPPING TRANSFERS. The taxpayer was the income beneficiary of a trust established prior to September 25, 1985. The grantor and taxpayer’s children were the remainder beneficiaries. The trust provided that the “[t]rustee may, in his discretion, distribute to or use and apply for the benefit of any beneficiary from time to time entitled to the receipt or application of net income hereunder, if it were then distributed, such amounts out of the principal serving the income of such beneficiary as the Trustee shall deem necessary for his health, support or maintenance.” The taxpayer, as the primary beneficiary, submitted an affidavit affirming that (1) the taxpayer’s income and resources are sufficient to maintain the taxpayer’s current standard of living for the remainder of the taxpayer’s lifetime and any foreseeable emergencies; (2) the taxpayer’s financial
condition prevents the taxpayer from receiving any income or principal from the trust pursuant to the terms of the trust; and (3) the taxpayer has received no distributions from the trust in the past and does not anticipate any in the future. The taxpayer, trustee and remainder beneficiaries agreed to petition a court for approval of an early distribution of trust principal to the remainder beneficiaries. The IRS ruled that the modification would not subject the trust to GSTT, the GSTT exemption still applied to the trust, and the modification would produce a taxable gift. The IRS refused to determine the amount of the gift. *Ltr. Rul. 201122007, Feb. 24, 2011.*

Prior to September 25, 1985, the decedent’s will passed a farm to a trust for the surviving spouse and the decedent’s issue. The trust provided for distributions of parcels of the farmland to beneficiaries in satisfaction of their interests in the trust. Litigation which lasted 20 years arose out of disagreements as to the parcels distributed to the beneficiaries. The litigation produced several court ordered modifications of the trust in settlement of the litigation. One modification identified the beneficiaries of the trust and the second modification allowed beneficiaries to receive cash instead of land. The IRS ruled that the modifications did not subject the trust to GSTT because they resulted from bona fide disputes and did not shift a beneficial interest to a later generation. *Ltr. Rul. 201123014, March 4, 2011.*

**GROSS ESTATE.** The decedent had owned several life insurance policies on the life of the decedent. The decedent had retained the power to change the beneficiaries of the insurance policies at the time of death. The court held that the value of the insurance policies was included in the gross estate for federal estate tax purposes. The decedent also owned several annuities. The estate argued that the annuities were excludeable from the gross estate because the annuities were taxable as income in respect of decedent to the decedent’s sibling who received the annuities. The court held that argument was waived for failure to press the issue in this case. The estate instead argued for a deduction for the sibling for the amount of estate tax paid on the annuities. The court held that the court did not have jurisdiction to determine this deduction. *Estate of Coaxum v. Comm’r, T.C. Memo. 2011-135.*

**VALUATION.** The taxpayers were the owners of a closely-held corporation which elected to be taxed as an S corporation. The taxpayer sought to transfer interests in the corporation to a charity and to trusts for their children. Because the non-traded shares were difficult to value, the taxpayers used formula clauses to set the value of the stock transferred. The valuation was determined by an appraisal which was reviewed by an independent appraiser for the charity. The court held that the formula clause and ultimate valuation were determined in an arm’s-length transaction between the charity and the children’s trusts and the taxpayer; therefore, the formula clause was used to value the stock for charitable deduction purposes. The court noted that the formula contained no post-transaction provision which would negate the transfer in the case of a adverse gift tax or charitable deduction outcome. *Hendrix v. Comm’r, T.C. Memo. 2011-133.*

**FEDERAL INCOME TAXATION**

**BUSINESS EXPENSES.** The taxpayer was hired as an independent contractor by a county to perform park management duties at a county park. The taxpayer was allowed to put a mobile home trailer on the park as a residence but was not required to live in the park. The taxpayer claimed deductions for the expenses related to the mobile home and for the cost of gasoline for vehicles at the park. The taxpayer argued that the expenses associated with the home were deductible under I.R.C. § 119 because the taxpayer needed to live in the park in order to provide 24 hour security as required by the contract. The court found, however, that the contract did not require the taxpayer to live in the park as a condition of employment and the housing was not supplied by the employer. In addition, the court held that I.R.C. § 119 applied only to exclude the value of housing from income and did not apply to other deductions. The court overruled the IRS determination that the expenses for fuel for the park vehicles were not deductible because the taxpayer failed to document all uses. The court held that the vehicles were “qualified non-personal use vehicles” that were not subject to the strict substantiation requirements; therefore, the taxpayer provided sufficient evidence of the expenses to allow a deduction for them. *Loewenhagen v. Comm’r, T.C. Summary Op. 2011-70.*

**CARBON DIOXIDE SEQUESTRATION CREDIT.** The IRS has published the inflation adjustment factor of 1.0187 for the credit for carbon dioxide sequestration under I.R.C. § 45Q for calendar year 2011. The calendar year 2011 inflation-adjusted credit applies to the amount of qualified CO₂ captured by a taxpayer at a qualified facility and disposed of in secure geological storage. *Notice 2011-50, I.R.B. 2011-27.*

**CHARITABLE DEDUCTIONS.** The IRS has issued a revenue procedure modifying and superseding Rev. Proc. 82-39, 1982-2 C.B. 759, and Rev. Proc. 2009-32, 2009-2 C.B. 142, and providing the extent to which grantors and contributors (including donors) may rely on the listing of an organization in Publication 78, Cumulative List of Organizations described in § 170(c) of the Internal Revenue Code, or on the IRS Business Master File extract, for purposes of deducting contributions under I.R.C. § 170 and making grants under I.R.C. §§ 4942, 4945, and 4966. In addition, the revenue procedure clarifies that the IRS may give notice of revocation, including revocations under I.R.C. § 6033(j), through an appropriate public announcement, such as publication in the Internal Revenue Bulletin or on the IRS’s web site at www.irs.gov. *Rev. Proc. 2011-33, I.R.B. 2011-25.*

**DEPENDENTS.** The taxpayer claimed three minors as dependents on returns for two years and also claimed the child tax credit and additional child tax credit based on the three children. The taxpayer used head of household filing status in
both years. The taxpayer claimed one child was a grandchild, one was a nephew and one a niece but presented no evidence of any relationship with the children or their parents. The taxpayer failed to provide sufficient evidence of the residence of the children or who provided more than one-half of the support for the children. The court held that the taxpayer was not entitled to claim the dependency deduction, child tax credit or additional child tax credit for any of the children. Collier v. Comm’r, T.C. Memo. 2011-126.

DEPRECIATION. The taxpayer was a corporation that operated full-service leasing and contract maintenance programs in which the taxpayer provided vehicle maintenance, supplies, fuel, and related equipment necessary for the operation of trucks. The taxpayer purchased real property with a building that was a truck service center consisting of service bays with overhead doors and a drive through layout so the trucks can physically park inside the service center. In the service bays (except for a truck wash), the taxpayer provided maintenance services such as front-end alignments, oil changes, mechanical work, and other truck repair services. The front part of the property included office space for the business. In a Chief Counsel Advice letter, the IRS ruled that the building was a service station building includable in Asset Class 57.1 of Rev. Proc. 87-56, with a 15-year recovery period for purposes of I.R.C. § 168(a). CCA 201123001, Feb. 24, 2011.

DISCHARGE OF INDEBTEDNESS. The county foreclosed on real estate sold to satisfy a tax lien. In a Chief Counsel Advice letter, the IRS ruled that the county did not have to report the sale on Forms 1099-S, Form 1099-A or Form 1099-C because (1) the county was not a “an executive, judicial, or legislative entity” under I.R.C. § 6050P(c)(1)(A) or 31 U.S.C. § 3701 and the instructions to Form 1099 or (2) the county was not a lender under I.R.C. § 6050J. In addition, the IRS ruled that the transaction was not reportable under I.R.C. § 6045(e). CCA 201122020, May 5, 2011.

FIRST-TIME HOME BUYER CREDIT. The taxpayer inherited one-seventh of the property of a deceased parent. A portion of the estate was a condominium. The taxpayer agreed to purchase the other six-sevenths interests in the condominium from the estate. The purchase money was distributed to the other heirs, with the taxpayer receiving the taxpayer’s one-seventh share. The taxpayer’s 2008 income tax return included a claim for the first-time home buyer credit of $7,500. The court held that, because the condominium was purchased from the parent’s estate, the condominium was purchased from a related person. Under I.R.C. § 36(c)(3)(A)(i) no credit is allowed for purchases of residence from related persons; therefore, the taxpayer could not claim the credit. Schneider v. Comm’r, T.C. Summary Op. 2011-72.

IRA. The taxpayers, husband and wife, claimed a $5,000 deduction for a contribution to the wife’s IRA in 2007. The taxpayers’ income for 2007 consisted of interest income, ordinary dividends, taxable refunds, pension and annuity income, and Social Security benefits, none of which is compensation as defined in I.R.C. § 219(f)(1); Treas. Reg. § 1.219-1(c)(1). The taxpayers also claimed a net loss from farming activity. The taxpayers argued that the same deduction was allowed by the IRS in 2006 when there was also no compensation income. The court held that (1) the IRS was not estopped from denying a deduction in a separate tax year and (2) the IRS deduction was not allowed for 2007 because the taxpayers had no compensation income in that year. Niesen v. Comm’r, T.C. Summary Op. 2011-71.

INNOCENT SPOUSE RELIEF. The taxpayer filed for equitable innocent spouse relief, under I.R.C. § 6015(f), from joint tax liabilities created by the taxpayer’s spouse’s business activity. The IRS denied relief under Treas. Reg. § 1.6015-5(b)(1) because the relief was requested more than two years after collection efforts had begun. Although I.R.C. § 6015(b) and (c) have a two-year limitation period, the court held that the absence of a two year limitation period in I.R.C. § 6015(f) indicated Congress’ intent to allow equitable relief requests to be made for a longer, if not unlimited, period. Therefore, the Tax Court held that the two year period of limitations in Treas. Reg. § 1.6015-5(b)(1) was invalid as to requests for equitable relief under I.R.C. § 6015(f). On appeal the appellate court reversed, holding that the regulation was a reasonable interpretation of the statute. The case was remanded to determine whether the limitation period was tolled by any circumstances or that the taxpayer should have been allowed an extension of time to file a claim for relief. Jones v. Comm’r, 2011-1 U.S. Tax Cas. (CCH) ¶ 50,436 (4th Cir. 2011).

PARTNERSHIPS.

CHECK-THE-BOX ELECTION. The U.S. Supreme Court has denied certiorari in the following case. The taxpayer was the sole owner of a limited liability company and did not make the election to be taxed as a corporation. The business was assessed for federal employment taxes and the taxpayer was assessed personally for the taxes because the business was treated as sole proprietorship because of the disregarded entity rules. The taxpayer challenged the “check-the-box” election regulations as exceeding the IRS statutory authority and as violating the separate entity status of an LLC under state law. The court upheld the election regulations as a reasonable interpretation of the statute. See Littriello v. United States, 2007-1 U.S. Tax Cas. (CCH) ¶ 50,426 (6th Cir. 2007). Britton v. Comm’r, 2010-2 U.S. Tax Cas. (CCH) ¶ 50,584 (1st Cir. 2010), aff’d, 132 T.C. 125 (2009).

The taxpayer was an association eligible to elect to be taxed as a corporation but the taxpayer failed to timely file Form 8832, Entity Classification Election. The IRS granted the taxpayer an extension of time to file the election. Ltr. Rul. 201123002, Mar. 9, 2011; Ltr. Rul. 201123006, Mar. 9, 2011.

DEFINITION. The following case has been appealed to the Ninth Circuit Court of Appeals. The taxpayers were father and son and they operated several farming activities on several parcels of land, some contributed by the father and some jointly purchased by both. Although the taxpayers shared and reported profits
equally, the father claimed a greater portion of the expenses than the son. The court held that the taxpayers operated the farm as an equal partnership and the farm was taxable as a partnership because (1) both parties contributed capital and services, (2) they agreed to and did split the gross income from all sales, (3) both parties had equal access to the operation’s accounts, (4) both parties had a proprietary interest in farm profits, although the interest in losses was not clear, (5) the name of the operation did not clearly indicate the nature of the business entity, (6) the parties held themselves out as a partnership in obtaining insurance and filings with the state, and (7) both parties exercised control over the farm’s operations. Thus, the father was restricted to an equal share of the expenses as deductions. See Harl, “When Is An Operating Arrangement a Partnership?” 21 Agric. L. Dig. 129 (2010). Holdner v. Comm’r, T.C. Memo. 2010-175.

PENSION PLANS. For plans beginning in June 2011 for purposes of determining the full funding limitation under I.R.C. § 412(c)(7), the 30-year Treasury securities annual interest rate for this period is 4.28 percent, the corporate bond weighted average is 6.00 percent, and the 90 percent to 100 percent permissible range is 5.40 percent to 6.00 percent. Notice 2011-49, I.R.B. 2011-26.

REFUNDS. The IRS has issued proposed regulations for filing a claim for credit or refund. The proposed regulations provide guidance to taxpayers generally as to the proper place to file a claim for credit or refund. The regulations are updated to reflect changes made by the enactment of the Tax Reform Act of 1976, the Internal Revenue Service Restructuring and Reform Act of 1998, and the Community Renewal Tax Relief Act of 2000.

The Proper Place To File a Claim for Credit or Refund. If a taxpayer is required to file a claim for credit or refund on a particular form, then the claim must be filed in a manner consistent with that form and the related instructions. For example, to correct an amount reported on a Form 1040, Treas. Reg. § 301.6402-3(a)(2) requires that the taxpayer file the claim on a Form 1040X. Accordingly, a claim for refund of an overpayment of individual income taxes would need to be filed on a Form 1040X at the location specified in the instructions provided for the form. If filing instructions are not otherwise provided, a claim for credit or refund must be filed with the service center at which the taxpayer would be required to file a current tax return for the type of tax to which the claim relates. The proposed regulations revise Treas. Reg. § 301.6402-2(a)(2) to clarify that claims should not be filed at a different location based upon where the tax either was paid or was required to have been paid. Nor would it be relevant if the tax was properly paid at a different location in a prior year because the taxpayer had a change in residence.

The Proper Form for Filing a Claim for Credit or Refund. An individual taxpayer must use a Form 1040X to file a claim for refund of income tax. The proposed regulations would revise Treas. Reg. § 301.6402-2(c) to provide that taxpayers must use the form prescribed for filing a particular claim for credit or refund. When there is no alternative form prescribed, a claim for credit or refund is to be filed on a Form 843, “Claim for Refund and Request for Abatement.”

Claims for Employment Taxes. The proposed regulations revise Treas. Reg. § 301.6402-2(d) to provide that when filing a claim for employment taxes, a separate claim must be made for each taxable period. For example, if an employer overpaid social security taxes on Forms 941 filed for the third and fourth quarters in 2010, then the employer must file a separate Form 941-X for each quarter. 76 Fed. Reg. 34017 (June 10, 2011).

S CORPORATIONS

ELECTION. The taxpayer was an S corporation which owned the stock of another corporation. Although the taxpayer used a qualified tax professional for tax advice, the taxpayer was not advised of the need to file an election on Form 8839, “Qualified Subchapter S Election,” for the owned corporation to be a qualified subchapter S subsidiary. The IRS granted an extension of time to file the election. Ltr. Rul. 201122008, Feb. 24, 2011.

OFFICER COMPENSATION. The taxpayer was an accountant and sole shareholder of a professional S corporation which held an interest in another accounting professional corporation, which was also an S corporation, for which the taxpayer worked. Amounts earned by the taxpayer at the accounting firm were paid as “dividends” to the taxpayer’s S corporation and that corporation distributed the “dividends” to the taxpayer, except for a portion which was a nominal salary. The court agreed with the IRS that the “dividends” were properly recharacterized as wages because the source of the S corporation distributions was the services of the taxpayer to the accounting firm. The court held that the nominal compensation paid by the S corporation to the taxpayer was insufficient given the important role the taxpayer played in obtaining profits for the main accounting corporation which were distributed to the taxpayer’s S corporation. NOTE: technically, S corporations have dividend distributions only if the corporation had earnings and profits as a C corporation. I.R.C. § 1368(c)(2). That distinction was not made in this case, hence we have placed the word “dividend” in quotes. Watson v. United States, 2011-1 U.S. Tax Cas. (CCH) § 50,443 (S.D. Iowa 2011).

SAFE HARBOR INTEREST RATES

July 2011

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SOCIAL SECURITY BENEFITS. For the tax year involved, the taxpayers received social security benefit payments for that year and a lump sum payment for prior years. The taxpayers also had taxable income from other sources. The taxpayers did not include the social security payments in adjusted gross income.
The taxpayers also did not make an election under I.R.C. § 86(e) to limit the taxes to the amount the lump sum payment, if received in the prior tax years, would have resulted in taxes in those prior years. The court held that the lump sum social security payment was fully includable in taxable income in the year received. Pollard v. Comm’r, T.C. Memo. 2011-132.

TAX RETURN PREPARERS. The IRS has issued an invitation for public comments on the content and administration of the registered tax return preparer competency examination. The Treasury Department and the Internal Revenue Service have published final regulations (TD 9527, 76 Fed. Reg. 32286) under 31 CFR Part 10 that require certain individuals to pass a competency examination to become a registered tax return preparer. The IRS has selected a vendor to support the IRS in developing and administering the competency examination for the Form 1040 series tax returns and accompanying schedules. The IRS and the vendor will soon begin developing the Form 1040 competency examination. Prior to developing the competency examination, however, the IRS seeks the input of tax return preparers, the associated industry and consumer groups, and taxpayers. Thus, comments regarding the Form 1040 series competency examination are requested. Notice 2011-48, I.R.B. 2011-26.

THEFT LOSS. The taxpayer invested sums with a company on the advice of a friend. The taxpayer made several attempts to recover the investment but failed to recover any part of it. The taxpayer had received shares of stock in the company and did not provide evidence that the shares were worthless when issued or that any criminal activity occurred by the company. The court found that the evidence failed to establish theft instead of just a bad investment; therefore, the court held that no theft loss deduction was allowed for the amount invested in the company. Hawaii v. Comm’r, T.C. Memo. 2011-134.

TRAVEL EXPENSES. The taxpayer claimed business travel expenses for trips to foreign countries for personal and business purposes. The taxpayer failed to provide records to substantiate the business activities on the trips and the court held that the expenses were properly denied by the IRS for lack of substantiation. Kirman v. Comm’r, T.C. Memo. 2011-128.

The taxpayer was employed as a real estate agent and used a personal car for business travel. The taxpayer claimed a depreciation expense deduction which was later changed to a claim for expense method depreciation. The taxpayer provided an odometer reading for the date the vehicle was placed in service and the last day of the tax year and also presented a log of personal use of the vehicle. The taxpayer did not present any log of business use but submitted telephone records with mileage added. The IRS determined the percentage of business use as 42 percent and allowed only a portion of the depreciation deduction and no expense method depreciation deduction. The court upheld the IRS determination because the taxpayer failed to meet the strict substantiation requirements for proof of business use of the vehicle. Ward v. Comm’r, T.C. Summary Op. 2011-67.


IN THE NEWS

PAYMENT LIMITATIONS. “Senator Charles Grassley of Iowa has introduced farm payment limit caps that he says are similar to the ones he’s proposed in the past. He calls his bill the ‘Rural America Preservation Act.’ He says it will close the loophole that’s allowed a small percentage of large farm operations to exploit the payments. Under current law the payment limits on direct payments are 40 thousand dollars and on counter cyclical payments, 65 thousand dollars and he says there’s no effective total limitation on what one farmer can get from the farm program. ‘So my bill would lower the caps on direct payments to $20 Thousand and on counter cyclical payments to $30 Thousand and establish a cap of $75 Thousand on the amount a farmer can receive from loan deficiency and marketing loan gains,’ says Grassley. The bill would cap overall payments at $125 thousand for individuals and $250 thousand to married couples.” Brownfield Online, http://brownfieldagnews.com/2011/06/07/grassley-bill-caps-all-farm-payments/

FARM ESTATE AND BUSINESS PLANNING

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The topics include:

First day
FARM INCOME TAX
New Legislation
Reporting Farm Income
- Leasing land to family entity
- Items purchased for resale
- Items raised for sale
- Crop insurance proceeds
- Sales of diseased livestock
- Gains and losses from commodity futures
Claiming Farm Deductions
- Soil and water conservation expenditures
- Fertilizer deduction election
- Farm lease deductions
- Preproductive period expense provisions
- Paying wages in kind
Sale of Property
- Income in respect of decedent
- Sale of farm residence
- Installment sale including related party rules
- Sale and gift combined.
Like-Kind Exchanges
- Requirements for like-kind exchanges
- What is “like-kind” for realty
- Partitioning property

Taxation of Debt
- Turnover of property to creditors
- Discharge of indebtedness

Second day
FARM ESTATE AND BUSINESS PLANNING
New Legislation
The Liquidity Problem
Property Held in Co-ownership
- Federal estate tax treatment of joint tenancy
- Traps in severing joint tenancies
- Joint tenancy and probate avoidance
- Joint tenancy ownership of personal property
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