

Law 219
Estate and Gift Taxation Syllabus
Fall 2005

Mon. & Weds. 4:00 - 5:15 pm
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Texts: Stephens, Maxfield & Lind, Federal Estate and Gift Taxation (8th edition) (“SM&L”) including the current supplement;

Federal Estate and Gift Taxes: Code and Regulations (CCH); and

Stephens, Lind & Calfee, Federal Estate and Gift Taxation Revised Study Problems (8th edition) (“Problems”).

<u>Date</u>	<u>Description</u>
8/22	Class administrative issues. Introduction to Estate and Gift Taxation. Begin SM&L Chapter 1.
8/24	Federal taxes and gratuitous transfers of interests in property: SM&L Chapter 1.
8/29	Imposition of estate tax: SM&L chapter 2; IRC Sections 2001-2002. Credits against the estate tax: SM&L chapter 3; IRC Sections 2010-2016.
8/31	The taxable estate: SM&L paragraphs 4.01 - .02; IRC Section 2031. <u>Estate of Lauder</u> 6- T.C.M.. 977 (1990); <u>Estate of Hall</u> , 92 T.C. 312 (1989); Rev. Rul. 93-12; Rev. Rul. 59-60, 1959-1 C.B. 237; <u>Propstra v. United States</u> , F.2d 248 (9th Cir. 1982); <u>St. Louis County Bank</u> , 674 F.2d 1207 (8th Cir. 1982).
9/5	Labor Day - no class.
9/7	Alternate valuation date: SM&L paragraph 4.03; IRC Section 2032. Special use valuation for privately held business and farm real property: SM&L paragraph 4.04; IRC Section 2032A.
9/12	Property in which the decedent has an interest: SM&L paragraph 4.05; IRC Section 2033. Dower or courtesy interest: SM&L paragraph 4.06; IRC Section 2034. Transfers made within 3 years of death: SM&L paragraph 4.07; IRC Section 2035.
9/19	Transfers with retained life interests: SM&L paragraph 4.08; IRC Section 2036.

Magnin v. Commissioner, 9th Cir., 184 F.3d 1074 (9th Cir. 1999); Wheeler v. United States, 116 F.3d 749 (5th Cir. 1996) (6/19/97); D'Ambrosia v. Commissioner, 101 F.3d 309 (3rd Cir. 1996); Strangi v. Commissioner, 5th Cir. No. 03-60992 (7/15/05); Bongardi v. Commissioner, 124 T.C. No. 8 (3/15/05).

- 9/21 Transfers taking effect at death: SM&L paragraph 4.09; IRC Section 2037.
- 9/26 Revocable transfers: SM&L paragraph 4.10; IRC 2038. Casey v. Commissioner, 948 F. 2d 895 (4th Cir. 1991), reversing 58 T.C.M. 176 (1990).
- 9/28 Annuities: SM&L paragraph 4.11; IRC Section 2039. Joint Interests: SM&L paragraph 4.12; IRC Section 2040.
- 10/3 Powers of appointment: SM&L paragraph 4.13; IRC Section 2041.
- 10/5 Life insurance: SM&L paragraph 4.14; IRC Section 2042 Leder v. Commissioner, 893 F.2d 237 (10th Cir.1989), Perry v. Commissioner, T.C.M. 1990-123.
- 10/10 No class - fall break.
- 10/11 Transfers for insufficient consideration: SM&L paragraph 4.14; IRC Section 2043. Marital deduction property: SM&L paragraph 4.16; IRC Section 2044. Prior interest: SM&L paragraph 4.17; IRC Section 2045. Disclaimers: SM&L paragraph 4.18; IRC Section 2046.
- 10/12 The taxable estate and deductions for debts of the decedent, claims against the estate, taxes, losses and charitable transfers: SM&L paragraphs 5.01 - 5.05; IRC Sections 2051, 2053, 2054, 2055.
- 10/17 Bequests to surviving spouse: SM&L paragraph 5.06; IRC Section 2056. Rev. Proc. 64-19.
- 10/19 Bequests to surviving spouse: SM&L&L paragraph 5.06; IRC Section 2056. Qualified Domestic Trusts: SM&L paragraph 5.07; IRC Section 2056A.
- 10/24 Estate tax exclusion for qualified family owned business interests: IRC Section 2057; Expatriation Tax: IRC Section 2107. Miscellaneous estate tax provisions: IRC Section 2201-2209.
- 10/26 Taxable gifts: SM&L paragraphs 9.01-.04; IRC Sections 2501, 2502, 2503. Cristofani v. Commissioner, 97 T.C. 74 (1991).
- 10/31 Taxable gifts for preceding calendar periods: SM&L paragraph 9.05; IRC Section 2504. Unified Transfer Credit: SM&L paragraph 9.06; IRC Section 2505.
- 11/2 Transfers subject to gift tax: SM&L paragraph 10.01; IRC Section 2511.

- 11/7 Valuation of gifts: SM&L paragraph 10.02; IRC Section 2512. Gifts by husband or wife to third party: SM&L paragraph 10.03; IRC Section 2513. Powers of appointment: SM&L paragraph 10.04; IRC Section 2514. Generation Skipping Transfer Tax: SM&L paragraph 10.05; IRC Section 2515. Property settlements: SM&L paragraph 10.05; IRC Section 2516.
- 11/9 Disclaimers: SM&L paragraph 10.07; IRC Section 2518. Transfers of certain life estates: SM&L paragraph 10.08; IRC Section 2519. Gift tax deductions: SM&L Chapter 11, IRC Section 2522, 2523, 2524.
- 11/14 Generation Skipping Transfers: SM&L Part IV; IRC Sections 2601-2663.
- 11/16 Generation Skipping Transfers: SM&L Part IV; IRC Sections 2601-2663.
- 11/21 Special Valuation Rules: SM&L Chapter 19; IRC Sections 2701-2704.
- 11/23 Thanksgiving Recess
- 11/28 Special Valuation Rules: SM&L Chapter 19; IRC Sections 2701-2704.
- 11/30 Special Valuation Rules: SM&L Chapter 19; IRC Sections 2701-2704.

Problems and additional reading including certain cases will be assigned throughout the semester. Students are expected to attend each class and to complete each reading and Problem assignment prior to the start of the respective class. Each assignment includes all Code Sections referred to in SM&L. Students who do not complete the reading assignment prior to class are likely to find that they have a difficult time following class discussions.

As an adjunct faculty member, I do not maintain office hours. However, students should feel free to call me during business hours at the number shown above or consult with me briefly after class in order to ask any questions. Further, I am available by appointment for more extensive discussions.

A take-home exam will be distributed at a date on or after the last class which will be determined shortly after the semester commences.