

Taxation Basics for Gift Planners

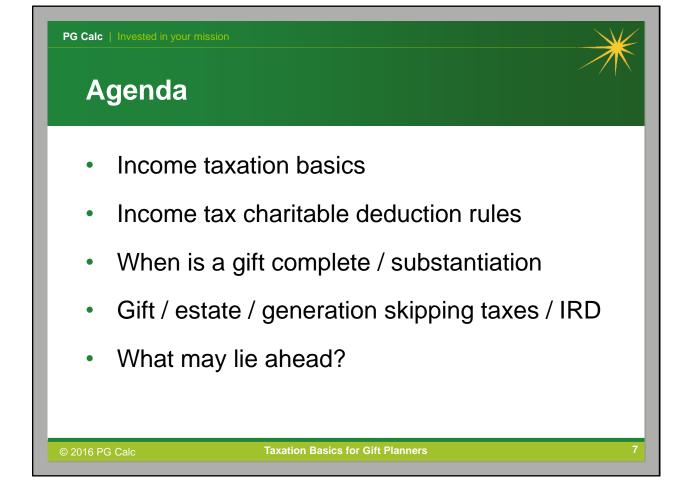


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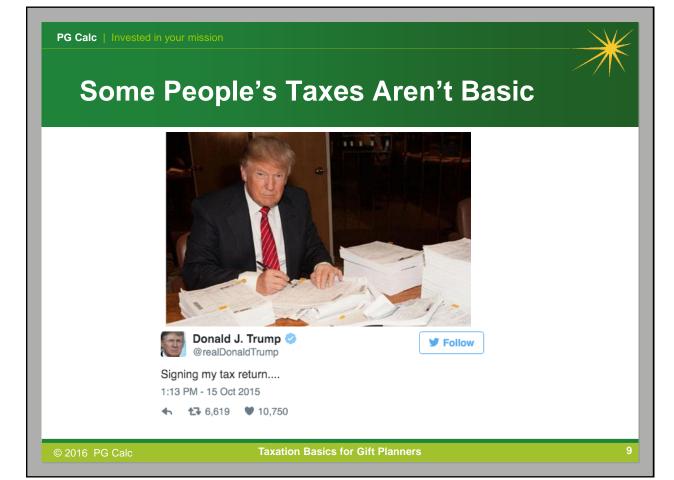
1:00 - 2:30 Eastern Time

Gary Pforzheimer Presenter: President PG Calc





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It All Started	d in 1913	
INCOME RECEIVED O	Form 1040 (Rovised). INCOME TAX. THE PENALTY FOR FAILURE TO HAVE THIS RETURN IN THE HANDS OF THE COLLECTOR OF INTERNAL REVENUE ON OR BEFORE MARCH I IS \$20 TO \$1,000. (BEE INSTRUCTIONS ON PAGE 4.) UNITED STATES INTERNAL REVENUE. FANNUAL NET INCOME OF IN (As provided by Act of Congress, approved October 3, 1913) OR ACCRUED DURING THE YEAR ENDER MOVIDE SECOND, of THE SS. Louity, MARCH 1	DECEMBED 21 101
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PG Calc | Invested in your mission Some Are Straightforward E 1040 Department of the Treesury-Internal Revenue Service (39) U.S. Individual Income Tax Return 20014 OMB No. 1548 For the year Jan. 1-Dec. 31. Your first name and initia Last name Bernard If a joint return, spouse's first name and in Sanders Last name Jane O Sanders Apt. no. and or Presidential Elec Burlington VT 05408 Foreign country name jeint) a box return You X Filing Status 4 Head of the quali child's n house. slifying person me here. ► Check only one box. lying wi Exemptions nt, do not ch Boxes checked on 6a and 6b No. of children on 6c who: • lived with you 2 (3) Dependent's relationship to you (4) / If o qualitying isee (2) Dependent's social security number (1) First name Last name If more than four dependents, see instructions and check here Dependents on 6c 2 total number of exemptions claimed
 Wages, salaries, tips, etc. Attach Form(s) W-2
 Wages, salaries, tips, etc. Attach Schedule B // required
 Tax-exempt Interest. Do not include on line 6a
 Ordinary dividends. Attach Schedule B // required
 Dualified dividends
 Taxable informations Add numbers on lines above ► Income 7 8a 56,441. Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld. 86 9a 2. 9b Taxable refunds, credits, or offsets of state and lo Alimony received 10 11 12 13 14 15b 16b 17 18 19 20b 21 22 10 11 12 13 14 15a
 Allensory received

 Buildness income of Buildness income of basis, Attach Schedule O or 0-E7.

 Capital gain or Sosis, Attach Schedule D required. If not required, check here ▶

 Offer gains or Gossis, Attach Schedule D required. If not required, check here ▶

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 Schedule E F.
 Unemployment compensation

 Schedule E F.
 46, 2.1.3.
 b Taxable amount

 Other income, Uist type and amount
 656
 46, 2.2.3.
 b Taxable amount

 Other income, bit type and amount
 656
 2.3.
 b Taxable amount

 Cather the amount in the first chockmin for 18 7 through 21. This is your total income ▶
 Educator expenses
 2.3

 4,900. If you did not get a W-2, see instruction 4,982. 16a 17 18 19 20a 21 22 23 39,281. 205,617. **Taxation Basics for Gift Planners**

Some Are Straightforward: Bernie's 1040 - Status and Exemptions

Foreign country nam	10	Foreign province/	/state/county	Foreign postal code	jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. You Spouse
Filing Status	1 🔲 Single 2 🔀 Married filing jointly (eve	n if only one had income			ring person). (See instructions.) If but not your dependent, enter this
Check only one box.	3 ☐ Married filing separately and full name here. ►	. Enter spouse's SSN ab	ove child	d's name here. ► alifying widow(er) with de	
Exemptions		can claim you as a deper			Boxes checked on 6a and 6b No. of children
f more than four	c Dependents: (1) First name Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) ✓ If child under age 17 qualifying for child tax credit (see Instructions)	on 6c who: ended with volume with volume to divorce or separation (see instructions)
dependents, see Instructions and check here ►		-			Dependents on 6c not entered above
	d Total number of exemption	ns claimed			- Add numbers on2

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Bernie's 1040: Income

	a	lotal number of exemptions claimed			lines above 🕨 📃 🕹
Income	7	Wages, salaries, tips, etc. Attach Form(s) W-2		7	156,441.
	8a	Taxable interest. Attach Schedule B if required		8a	11.
A.H	ь	Tax-exempt interest. Do not include on line 8a			
Attach Form(s) W-2 here. Also	9a	Ordinary dividends. Attach Schedule B if required		9a	2.
attach Forms	b				
W-2G and	10	Taxable refunds, credits, or offsets of state and local incom	metaxes	10	
1099-R if tax	11	Alimony received		11	
was withheld.	12	Business income or (loss). Attach Schedule C or C-EZ .		12	4,900.
Manage attack and	13	Capital gain or (loss). Attach Schedule D if required. If not		13	
If you did not get a W-2,	14	Other gains or (losses). Attach Form 4797		14	
see instructions.	15a		b Taxable amount	15b	
	16a	Pensions and annuities 16a	b Taxable amount	16b	4,982.
	17	Rental real estate, royalties, partnerships, S corporations,	trusts, etc. Attach Schedule E	17	
	18	Farm income or (loss). Attach Schedule F		18	
	19	Unemployment compensation		19	
	20a		b Taxable amount	20b	39,281.
	21	Other income. List type and amount		21	
	22	Combine the amounts in the far right column for lines 7 through 2	21. This is your total income 🕨	22	205,617.
	23	Educator expenses	02		

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Bernie's 1040: Deductions, Exemptions, Credits

Form 1040 (2014))	Appendix 1			Page 2
	38	Amount from line 37 (adjusted gross income)		38	205,271.
Tax and	39a	Check X You were born before January 2, 1950,			
Credits	ь	If your spouse itemizes on a separate return or you were a dual-sta			
Standard	40	Itemized deductions (from Schedule A) or your standard dedu	ction (see left margin)	40	56,377.
Deduction for-	41	Subtract line 40 from line 38		41	148,894.
· People who	42	Exemptions. If line 38 is \$152,525 or less, multiply \$3,950 by the number of	n line 6d. Otherwise, see instructions	42	7,900.
check any box on line	43	Taxable income. Subtract line 42 from line 41. If line 42 is more	than line 41, enter -0	43	140,994.
39a or 39b or who can be	44	Tax (see instructions). Check if any from: a D Form(s) 8814 b	Form 4972 c	44	26,961.
claimed as a	45	Alternative minimum tax (see instructions). Attach Form 6251		45	
dependent, see	46	Excess advance premium tax credit repayment. Attach Form 89	32	46	
instructions.	47	Add lines 44, 45, and 46		47	26,961.
All others: Single or	48	Foreign tax credit. Attach Form 1116 if required	48		
Married filing	49	Credit for child and dependent care expenses. Attach Form 2441	49		
separately, \$6,200	50	Education credits from Form 8863, line 19	50		
Married filing	51	Retirement savings contributions credit. Attach Form 8880	51		
jointly or Qualifying	52	Child tax credit. Attach Schedule 8812, if required.	52		
widow(er), \$12.400	53	Residential energy credits. Attach Form 5695	53		
Head of	54	Other credits from Form: a 3800 b 8801 c	54		
household, \$9,100	55	Add lines 48 through 54. These are your total credits		55	
	56	Subtract line 55 from line 47. If line 55 is more than line 47, enter	-0	56	26,961.
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 Marginal tax rate Tax rate on last dollar earned 	
 Effective tax rate Average tax rate on income 	
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Income Tax Basics: 2016 Married Filing Jointly Rates

	Taxable Income		me Tax	% on Excess	Cap Gain Tax
\$	0	\$	0	10%	0%
18	8,550		1,855	15%	0%
7	5,300	1	0,368	25%	15%
15 ⁻	1,900	2	9,518	28%	15%
23 ⁻	1,450	5	51,792	33%	15%
41:	3,350	11	1,819	35%	15%
466	6,950	13	80,579	39.6%	20%

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Income Tax Basics: A Simple Example

•	Ted and Alice		
	Adjusted gross income (AGI):	\$200,000	
	Itemized deductions:	- \$40,000	
	Personal exemptions	<u>- \$16,200</u>	
	Taxable income	\$143,800	
	Tentative income tax	\$27,492	
	Tax credits	<u>- \$1,000</u>	
	Income tax due	\$26,492	
	- 25% marginal rate		
	- 13.2% effective tax rate (\$26	.4K / \$200K)	
		,	

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Income Tax Basics: Capital Gains

- Capital assets (e.g. investments)
- Capital gains tax on sale when fair market value (FMV) exceeds cost basis
- · Rate of tax on long-term capital gain
 - 15% rate for most
 - Other rates: 0%, 25%, 28%
- Short-term capital gain taxed as ordinary income





Income Tax Basics: Cost Basis

- Cost basis usually what was paid for a capital asset
- Can be different if asset was inherited or received as a gift
- Can be adjusted upward (for money paid to protect/enhance) or downward (due to depreciation)

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Income Tax Basics: Capital Gains Tax Rates

Taxable Income		Income Tax Rate	Capital Gains Tax Rate	
\$	0	10%	0%	
18	8,550	15%	0%	
75	5,300	25%	15%	
151	,900	28%	15%	
231	,450	33%	15%	
413	3,350	35%	15%	
466	6,950	39.6%	20%	

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PG Calc Invested in your mission Income Tax Basics: Capital Gains Tax Exam	ple
 Mr. and Mrs. Albertson Own P & G stock FMV Basis Long term gain Tax @ 15% (AGI is \$200K) Only \$296,200 would be left f (\$328,000 - \$31,800) 	\$328,000 <u>- \$116,000</u> \$212,000 \$31,800 for reinvestment
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Income Tax Basics: Impact of Capital Gain on Charitable Gifts

- Outright gift:
 - All capital gain is forgiven
- Gift annuity:
 - Capital gain associated with gift is forgiven
 - Capital gain associated with income interest is reportable, usually ratably
- Charitable remainder trust
 - Tiers of income
 - Capital gain taxed as capital gain is paid
- Capital loss assets should be sold instead



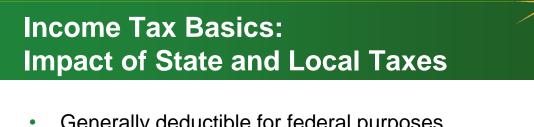
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Income Tax Basics: Medicare Surcharge

- The first part is an extra .9% tax on wages and selfemployment income above the thresholds.
- The second part is a 3.8% surtax called the Net Investment Income Tax or NIIT. This surtax is imposed on the lesser of:
 - net investment income or
 - the amount by which a taxpayer's MAGI exceeds the applicable threshold (\$250K for MFJ).
- The 3.8% surtax cannot be reduced by charitable deductions and applies to life income gift payments

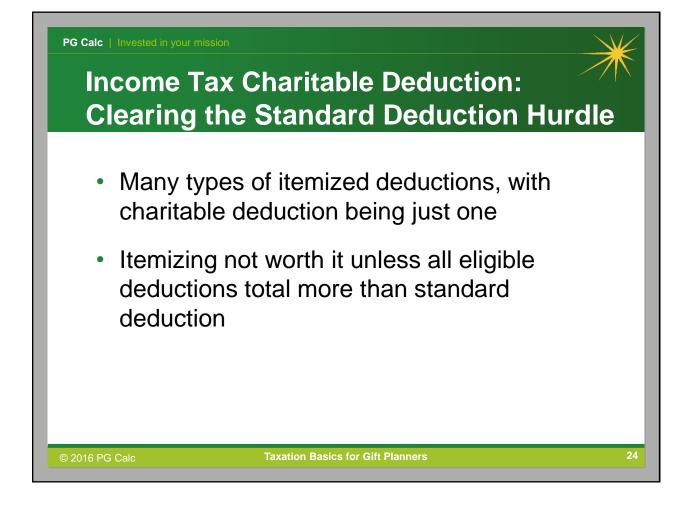
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- Generally deductible for federal purposes
- Total tax rate not the sum of separate rates
- 28% Federal rate + 5% state taxes
- Blended rate = 28% + (1 .28) x 5% = 31.6%

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In	come Tax Charitable Deduction	
•	Must be to an IRC Sec. 170 charity	
•	Not all charitable gifts produce charitable deductions	
•	Deduction for split-benefit gift is a fraction of what it would be for outright gift	
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- \$10,000 taxable income
- At 28% marginal rate, \$2,800 tax due
- \$10,000 gift to charity: \$2,800 tax savings
- Cost of gift is only \$10,000 \$2,800 = \$7,200
- Sometimes deduction straddles two marginal rates

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Deductibility by Type of Property

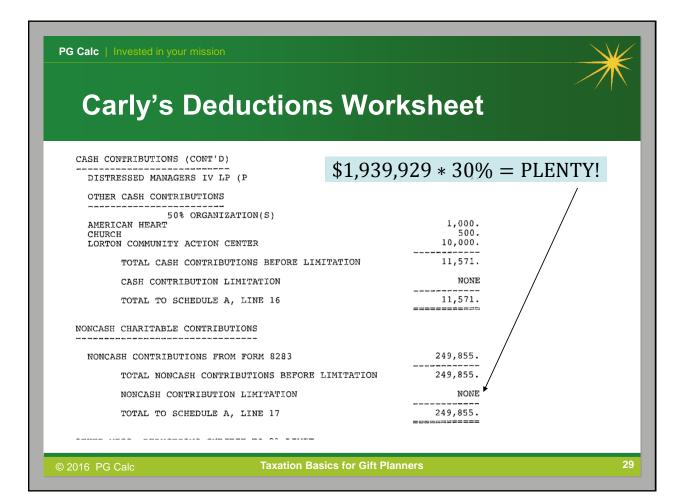
Type of Property	Deductible Amount
Cash	Face amount
Securities and real estate - owned over one year	Fair market value
Securities and real estate - owned one year or less	Cost basis or fair market value (whichever is less)
Tangible personal property:	
"Related Use" owned over one year	Fair market value
"Related Use" owned one year or less	Cost basis or fair market value (whichever is less)
"Unrelated Use" regardless of how long owned	Cost basis or fair market value (whichever is less)
Inventory (excluding inventory contributed for research and other special cases)	Cost basis or fair market value (whichever is less)
Taxation Basics for	Gift Planners

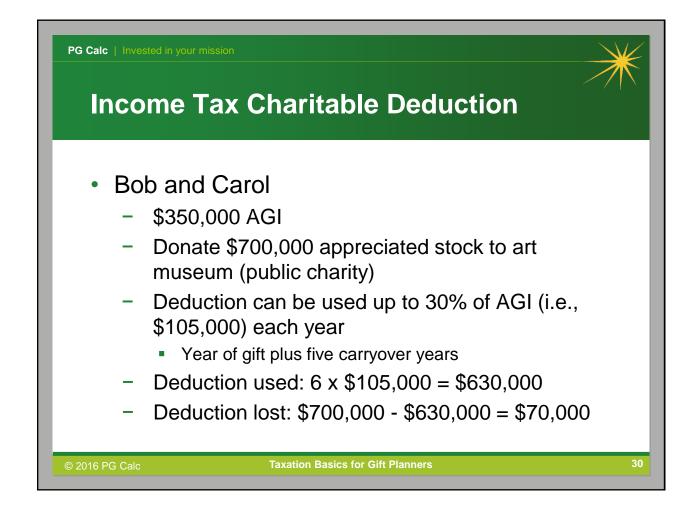
Deductibility by Type of Organization

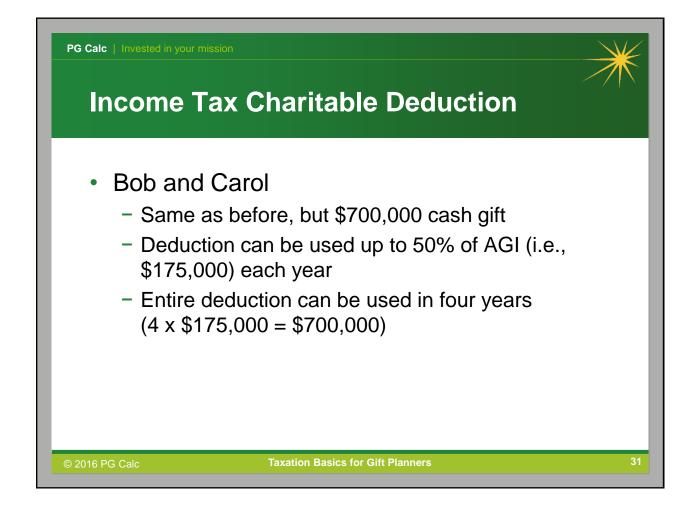
Type of	Examples	Type of	Deductibility
Organization		Property	
Public charitiesEducational institutions, churches,and privatetax-exempt hospitals, governmentaloperatingunits, publicly supportedfoundations.organizations such as the AmericanSometimes calledRed Cross or a symphony orchestra,		Cash and Ordinary Income Property	50% of AGI
"50% Charities."			30% of AGI
Private non- operating	Strictly "grant making" foundations.	Cash and Ordinary Income Property	30% of AGI
foundations. Sometimes called "30% Charities."		Long-term Capital Gain Property	20% of AGI

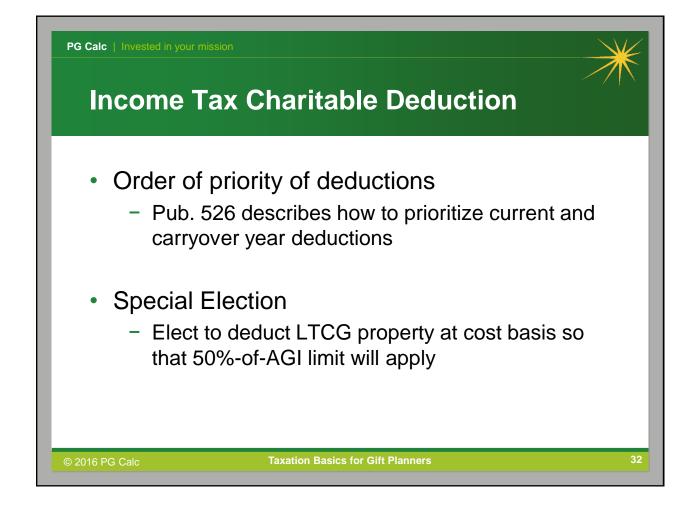
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The Dreaded Pease Limitation: Hillary's Return

ITEMIZED DEDUCTION WORKSHEET

	SCHEDULE A, LINES 4, 9, 15, 19, 20, 27, AND 28 5,988,48 SCHEDULE A, LINES 4, 14, 20, PLUS ANY GAMBLING AND CASUALTY OR THEFT LOSSES INCLUDED ON LINE 28	^{5.} 5,988,485	
4.	IS THE AMOUNT ON LINE 2 LESS THAN THE AMOUNT ON LINE 1? NO. X YES. SUBTRACT LINE 2 FROM LINE 1	5,988,485 4,790,788 27,946,490 305,050	
	NO. X YES. SUBTRACT LINE 6 FROM LINE 5 27,641,440. LINE 7 MULTIPLIED BY 3% (.03)	27,641,440 829,243	
10.	TOTAL ITEMIZED DEDUCTIONS (LINE 1 LESS LINE 9) 5,159,24	5,159,242	
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Charitable IRA Rollover

- Traditional and Roth IRA only (can rollover other qualified plan to IRA, then make rollover gift)
- Minimum age 70 ½
- Maximum amount \$100,000
- Not permitted to private foundation, supporting organization, or donor advised fund
- Not permitted for life income plan
- Can fulfill a pledge
- Counts toward RMD
- Beneficiary of inherited IRA can do rollover



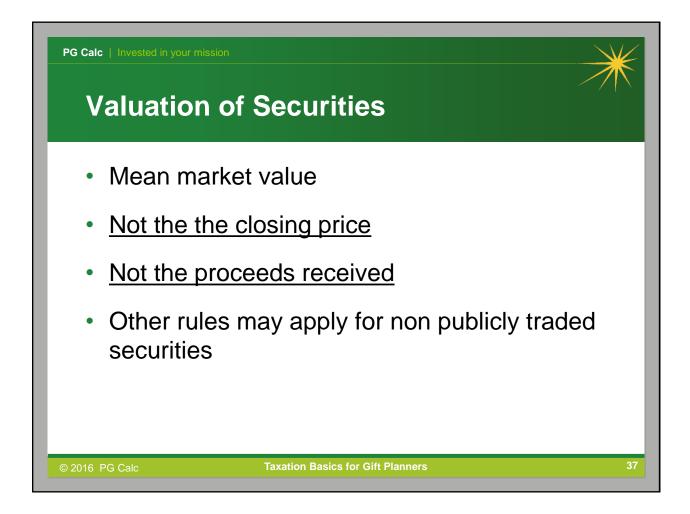
Charitable IRA Rollover: Who Benefits Most?

Donors who:

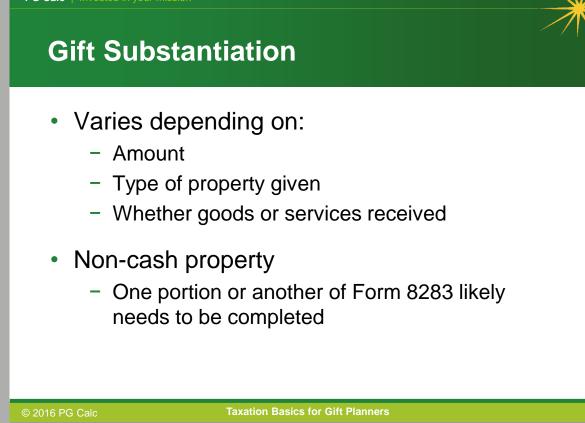
- Do not itemize deductions
- Would lose deductions with increase in income
- Already contribute 50% or more of income
- Live in a state with an income tax that does not permit itemized deductions (e.g., MA)
- · Like the simplicity of making gift directly from an IRA

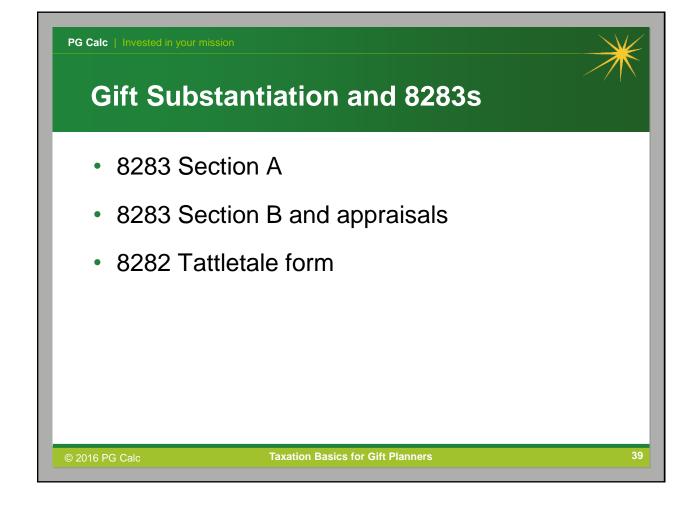
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	pends upon whether it's: Check Credit Card Stock Real Estate Tangible Person Property	
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Transfer Taxation Basics	
 Gift tax Estate tax Generation-skipping transfer (GST) tax At least for 2016, all 3 feature \$5.45 million exemption (derived from a tax credit) and tax rate of 40% on the excess 	
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Transfer Taxation Basics

Estate tax

- Assessed on estate at death
- Takes into account certain gifts made during (and any gift tax paid on those gifts)
- Unlimited marital deduction
- Unlimited charitable deduction
- Deduction for state "death taxes"

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Transfer Taxation Basics: Gift Tax

- Unlimited charitable deduction (but gift tax return may still need to be filed)
- Unlimited marital deduction (if spouse U.S. citizen)
- Annual exclusion per donor: \$14,000
- Each spouse can give \$14,000 to any person each year, so parents of a family of three children can transfer \$84,000 (2 x 3 x \$14,000) to the next generation each year free of tax

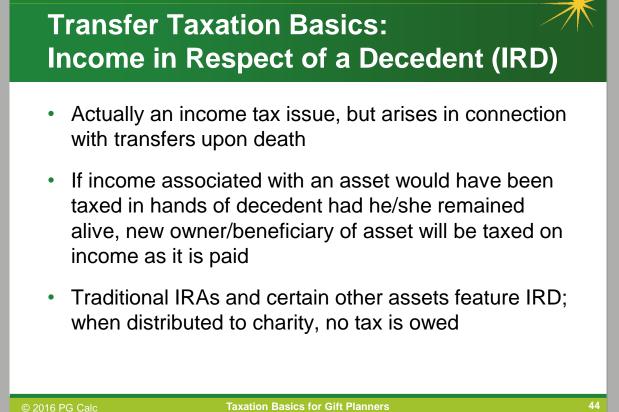
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Transfer Taxation Basics: Generation Skipping Transfer tax

- A tax on a tax
- Applies to certain transfers to "skip persons"
- Skip person: relative two or more generations younger or non-relative 37.5⁺ years younger
- Marital and charitable deductions
- As with estate and gift taxes, can be relevant in connection with some split-benefit gifts

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Transfer Taxation Basics: Example of Gift Tax

- Mr. Soto makes first taxable gift to son of \$700,000 in 2000. He pays no gift tax.
- He makes a \$5,430,000 gift in 2015 and, although this is the limit at the time, his prior gift means this transfer makes him pay tax.

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Transfer Taxation Basics: Example of Gift Tax

Taxable gift made in 2015 Prior taxable gifts Cumulative lifetime	\$5,430,000 <u>+ \$700,000</u>
taxable gifts	\$6,130,000
Tentative tax on \$6,130,000	\$2,397,800
Less prior gift taxes paid Less tax on 2015 exemption	- \$0
of \$5,430,000 Gift tax owed	<u>- \$2,117,800</u> \$280,000

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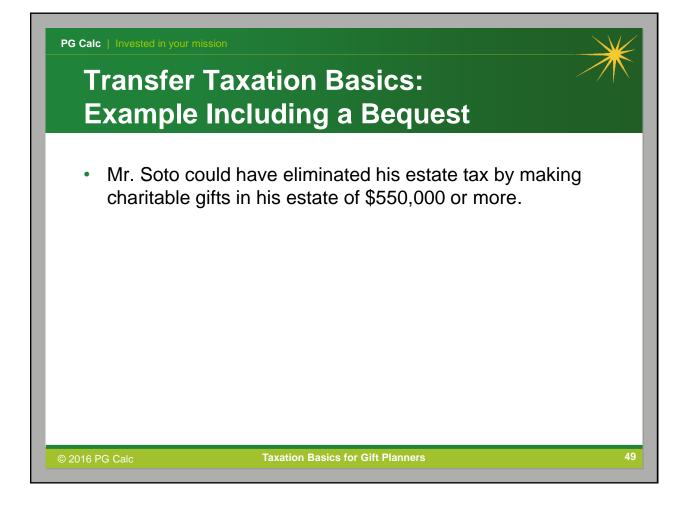
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Transfer Taxation Basics: Example of Estate Tax

- Mrs. Soto dies in 2015 and leaves all of her assets to Mr. Soto.
- Mrs. Soto made no taxable gifts during her lifetime and there is no estate tax because of the unlimited marital deduction.
- In addition, Mrs. Soto's estate elects to port her \$5,430,000 lifetime exemption to Mr. Soto.
- Mr. Soto dies in 2016 with an estate worth \$6,000,000. He made taxable transfers (to his son) during his lifetime totaling \$6,130,000 on which he paid \$280,000 in gift tax.

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	our mission er Taxation Bas le of Estate Tax	
Estate in Prior taxa Taxable o Tentative	able gifts during life estate	\$6,000,000 <u>+ \$6,130,000</u> \$12,130,000 \$4,797,800
Less tax	tax paid during life on 2016 exemption of \$10 ,000 + 5,430,000) ax owed	- \$280,000 0,880,000 <u>- \$4,297,800</u> \$220,000
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Transfer Taxation Basics: Example Including a Bequest

Estate in 2016 Less charitable gifts Prior taxable gifts during life Taxable estate	\$6,000,000 - \$550,000 <u>+ \$6,130,000</u> \$11,580,000
Tentative tax	\$4,577,800
Less gift tax paid during life Less tax on 2016 exemption of \$10,880,000 (\$5,450,000 + 5,430,000)	- \$280,000 - \$4,297,800
Estate tax owed	\$0

• Cost of gift = \$550,000 - \$220,000 = \$330,000

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Transfer Taxation Basics: Example Factoring in IRD

- Assume that \$500,000 of Mr. Soto's \$6,000,000 estate is from the balance in his qualified retirement plan.
- He can save \$175,000 in total taxes on his estate's assets by making his charitable gifts first from the \$500,000 in his qualified plan and then from other assets as needed.

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Transfer Taxation Basics: Example Factoring in IRD

• Estate tax is the same, regardless of assets used to fund gift

Estate tax	Give IRD to Charity	Give IRD to Son
Estate in 2016	\$6,000,000	\$6,000,000
Less charitable gifts	- \$550,000	- \$550,000
Prior taxable gifts during	life <u>+ \$6,130,000</u>	+ \$6,130,000
Taxable estate	\$11,580,000	\$11,580,000
Tentative tax	\$4,577,800	\$4,577,800
Less gift tax paid during	g life - \$280,000	- \$280,000
Less tax on 2016 exem	ption of	
(\$5,450,000 + 5,430,00	00) <u>- \$4,297,800</u>	<u>- \$4,297,800</u>
Estate tax owed	\$0	\$0

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Transfer Taxation Basics: IRD Example

Save income taxes by funding gift with IRD assets

Income tax Balance in qualified plan Less qualified plan assets dona Taxable income Income tax owed (son's rate=3	\$0	Give IRD to Son \$500,000 <u>- \$0</u> \$500,000 \$175,000
Total tax	\$0	\$175,000
Tax savings with \$550,000 gift: Estate taxes saved Income taxes saved Total taxes saved	\$220,000 + <u>\$175,000</u> \$395,000	\$220,000 <u>+ \$0</u> \$220,000
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What May Lie Ahead: Income Taxation

- Changes in tax rates: higher? lower?
- "Simplification" of tax rules: flat tax? fewer deductions/credits?
- Postcard 1040s?

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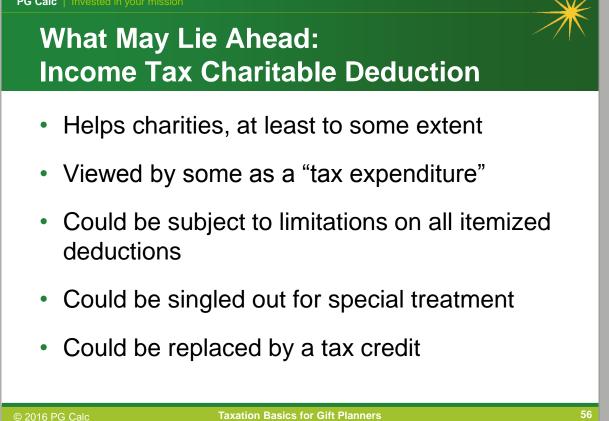


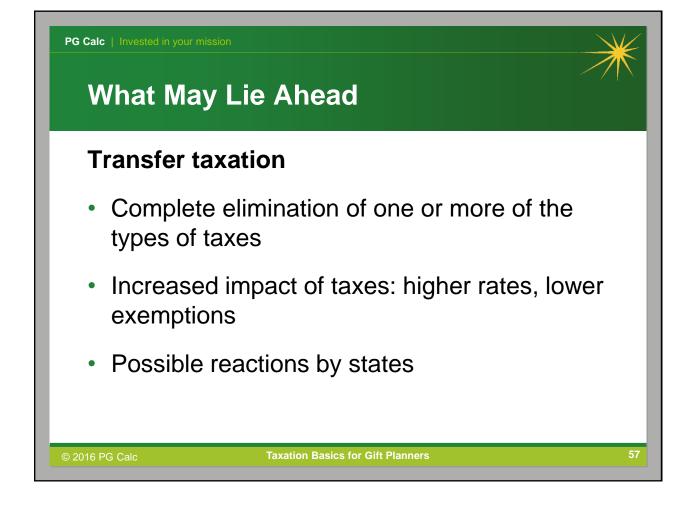
What May Lie Ahead: The Permanent IRA Rollover?

- 2016 and beyond is now known
- Donor Advised Funds and Foundations?
- Adding in some life income gifts?

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Questions and Answers



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PG Calc Invested in your r	mission e a Question?	*
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