



# 2016-2017

## TAX PLANNING GUIDE



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Should you have any questions regarding items covered in this Tax Planning Guide or wish to discuss your year-end tax planning strategies, please do not hesitate to contact one of our professionals.

# 2016 Tax Planning Guide

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In recent years tax reform has provided significant savings to individuals, families, investors, and businesses. To help you make the most of the current tax breaks, our tax guide offers tips for minimizing your tax liabilities and maximizing your potential savings.

In addition to year-round pointers, we offer suggestions for incorporating tax-efficient strategies into your long-term plans. By coordinating your tax strategies with your financial strategies, you may accomplish a variety of goals, like growing your business, funding your retirement, and saving for a child's education.

Together, we can create a plan specifically for you, your business, and your future.

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## THE CURRENT TAX CLIMATE

Every year brings tax changes and 2016 is no different. At the end of 2015, Congress approved the Protecting Americans from Tax Hikes Act of 2015 (PATH) which makes many tax breaks permanent and extends others for two or more years. It also phases several out and includes a few modifications. As we move forward into 2016, here are some of the highlights:

Most of the tax brackets are rising by about 0.5% with the government inflation benchmarks. For individuals the top tax rate of 39.6% applies to those with taxable income of \$415,050 for 2016, up from \$413,200 in 2015, and \$466,951 for married filers,

### 2016 INDIVIDUAL INCOME TAX RATES\*

#### Regular Tax — Married, Filing Jointly or Surviving Spouse

If Taxable Income Is Between:	Your Tax Is:	Of Amount Over:
\$ 0 – \$ 18,550	..... 10%	\$ 0
\$ 18,550 – \$ 75,300	\$ 1,855 + 15%	\$ 18,550
\$ 75,300 – \$ 151,900	\$ 10,368 + 25%	\$ 75,300
\$ 151,900 – \$ 231,450	\$ 29,518 + 28%	\$ 151,900
\$ 231,450 – \$ 413,350	\$ 51,792 + 33%	\$ 231,450
\$ 413,350 – \$ 466,950	\$ 111,819 + 35%	\$ 413,350
\$ 466,950 and above	\$ 130,579 + 39.6%	\$ 466,950

#### Married, Filing Separately

If Taxable Income Is Between:	Your Tax Is:	Of Amount Over:
\$ 0 – \$ 9,275	..... 10%	\$ 0
\$ 9,275 – \$ 37,650	\$ 928 + 15%	\$ 9,275
\$ 37,650 – \$ 75,950	\$ 5,184 + 25%	\$ 37,650
\$ 75,950 – \$ 115,725	\$ 14,759 + 28%	\$ 75,950
\$ 115,725 – \$ 206,675	\$ 25,896 + 33%	\$ 115,725
\$ 206,675 – \$ 233,475	\$ 55,909 + 35%	\$ 206,675
\$ 233,475 and above	\$ 65,289 + 39.6%	\$ 233,475

#### Single

If Taxable Income Is Between:	Your Tax Is:	Of Amount Over:
\$ 0 – \$ 9,275	..... 10%	\$ 0
\$ 9,275 – \$ 37,650	\$ 928 + 15%	\$ 9,275
\$ 37,650 – \$ 91,150	\$ 5,184 + 25%	\$ 37,650
\$ 91,150 – \$ 190,150	\$ 18,559 + 28%	\$ 91,150
\$ 190,150 – \$ 413,350	\$ 46,279 + 33%	\$ 190,150
\$ 413,350 – \$ 415,050	\$ 119,935 + 35%	\$ 413,350
\$ 415,050 and above	\$ 120,530 + 39.6%	\$ 415,050

#### Head of Household

If Taxable Income Is Between:	Your Tax Is:	Of Amount Over:
\$ 0 – \$ 13,250	..... 10%	\$ 0
\$ 13,250 – \$ 50,400	\$ 1,325 + 15%	\$ 13,250
\$ 50,400 – \$ 130,150	\$ 6,898 + 25%	\$ 50,400
\$ 130,150 – \$ 210,800	\$ 26,835 + 28%	\$ 130,150
\$ 210,800 – \$ 413,350	\$ 49,417 + 33%	\$ 210,800
\$ 413,350 – \$ 441,000	\$ 116,259 + 35%	\$ 413,350
\$ 441,000 and above	\$ 125,936 + 39.6%	\$ 441,000

#### 2016 Qualified Dividend Income 15%\* (0% for lower tax brackets)

\*Individuals in the top tax bracket will pay 23.8% (20% plus a 3.8% Medicare surtax).  
Note: Tax amounts have been rounded up to nearest dollar.



up from \$464,850 in 2015. Standard deduction for heads of household will increase \$50 to \$9,300 in 2016. Personal exemptions will increase from \$4,000 in 2015 to \$4,050 in 2016. Estates will have an exemption of \$5,450,000 in 2016, up \$20,000 from 2015.

With the implementation of the Affordable Care Act (ACA) in 2014, most individuals who do not carry health insurance will face a penalty. For 2016, penalties will rise to \$695 per adult, or 2.5% of income. The family maximum is set at \$2,085 in 2016, up from \$975 in 2015, and \$285 in 2014. Unchanged in 2016 is the maximum amount workers can contribute to their 401(k). This stays at \$18,000 (\$24,000 for workers over age 50 in 2016). IRA amounts also stay the same (\$5,500 and \$6,500 for those over age 50).

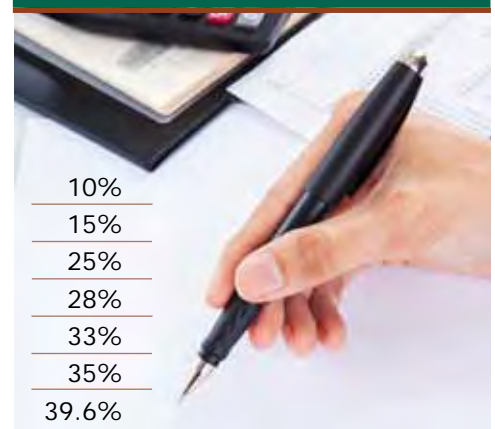
Given the changing nature of tax law and the complexity of our tax rules, planning is essential. However one thing is guaranteed, the debate over tax reform will continue. Both individuals and businesses should become aware of these changes in order to prepare for any modification to a new tax code. We can help keep you informed of legislative action that may affect your tax situation and develop tax-efficient strategies for you right now and in the future.

## TAX RATES

Your filing status determines the tax rate schedule you use, and your annual income determines your tax rate. It can be helpful to think of tax rates as layers: Zero tax is paid on the bottom layer, 10% on the next layer, and so forth.

The highest layer your income reaches is known as your marginal rate. As a result of the American Taxpayer Relief Act of 2012, marginal rates will remain the same for 2013 and beyond.

### 2016 Tax Rates



## ALTERNATIVE MINIMUM TAX (AMT)

Tax laws provide benefits for certain kinds of income and allow special deductions and credits for certain kinds of expenses. The alternative minimum tax (AMT) attempts to ensure that anyone who benefits from these tax advantages pays at least a minimum amount of tax. The AMT is a separate tax formula that eliminates many deductions and credits, thus increasing tax liability for an individual who would otherwise pay less. If your taxable income for regular tax purposes, plus any adjustments and preference items, is more than the AMT exemption amount, you must calculate tax using both the AMT and regular tax formulas and pay the higher of the two amounts.

Today, the AMT is likely to hit many middle to upper-middle income taxpayers. Unlike the regular tax brackets, the AMT exemption amounts are not adjusted for inflation annually by the IRS. As a result, deductions that were introduced to cut the tax bills of people of more modest means have caused some families who claim these deductions to be subject to AMT rules. The following increase your risk of triggering the AMT:

- Numerous dependency exemptions;
- Large state income tax deductions;
- A large deduction for unreimbursed employee business expenses or miscellaneous expenses;
- Substantial medical expenses;
- Large capital gain;
- The exercising of Incentive Stock Options (ISOs).

Under the AMT, individuals are taxed at rates of 26% and 28% on the amount of taxable income above the exemption amounts. The American Taxpayer Relief Act provides a permanent “patch” for the AMT. In 2016, the exemption amounts are \$53,900 for single filers, \$83,800 for married couples filing jointly, and \$41,900 for married couples filing separately. Consult with us to determine if the AMT will affect you.



## Child Tax Credits

Under the American Taxpayer Relief Act, parents with dependent children under age 17 are entitled to claim a tax credit of up to \$1,000. The credit starts to phase out for taxpayers with adjusted gross income (AGI) of more than \$75,000 for single filers and \$110,000 for joint filers, and it is refundable to the extent of 15% of an individual’s earned income in excess of \$3,000.

Those who adopt a child can receive a tax credit of up to \$13,460 for qualified adoption expenses in 2016, subject to income limitations (see page 10). Those adopting a child with special needs may claim a \$13,460 tax credit in the year the adoption is completed, even if they do not have qualified adoption expenses.

## Itemized Deductions

Because tax rates, deductions, and phaseouts are constantly changing, timing of income and expenses is critical. For most taxpayers, the general rule is *defer income* and *accelerate deductions*. You are allowed to take the standard deduction or to itemize your deductions on your tax return—whichever offers you the most benefit.

The standard deductions for 2016 are as follows: \$12,600 for married taxpayers filing jointly; \$6,300 for single filers; \$9,300 for head of household filers; and \$6,300 for married taxpayers filing separately. There is an additional deduction for visually impaired or elderly taxpayers of \$1,550 (if unmarried and not a surviving spouse) or \$1,250 (if married).

If you itemize your deductions, maintain detailed records of every dollar going toward nonbusiness state income tax, property taxes, interest expenses, medical expenses, and charitable contributions. Bear in mind that numerous deductions may increase your AMT liability, so consult with us throughout the year to monitor your income and plan your deductions.

Some itemized deductions—such as medical expenses, unreimbursed employee business expenses, and miscellaneous expenses—are based on “floor” amounts. Only amounts that exceed the given floor can be deducted.

## Pease Limitation

The American Taxpayer Relief Act re-introduced the Pease limitation on itemized deductions for certain high-income earners. The applicable threshold amounts are \$311,300 for married couples; \$285,350 for heads of households; and \$259,400 for single filers.



### TAX TIP #1

You can increase your chance of avoiding or reducing the AMT by monitoring your tax situation and planning your income and deductions accordingly.

## TAX CREDITS & DEDUCTIONS

You can save money by taking advantage of every tax credit and deduction available to you. Credits provide a dollar-for-dollar reduction of your income tax liability; that is, a \$1,000 tax credit actually saves you \$1,000 in taxes.

Deductions, on the other hand, lower your taxable income. For example, if you are in the 25% tax bracket, a \$1,000 deduction saves you \$250 in tax, which is \$750 less than the savings with a \$1,000 tax credit. Let’s take a look at some valuable credits and deductions.



## Mileage Rates

You may deduct expenses for an automobile you own in one of two ways: either record and deduct your actual expenses, including depreciation, or record your mileage and deduct a standard amount per mile of travel, plus parking and toll fees. For 2016, the standard mileage rates are 54¢ per business mile driven, 19¢ per mile for medical or moving, and 14¢ per mile for charity.

## Medical Expenses

Deductible medical expenses include health insurance premiums, fees for medical and dental services, prescription drug expenses, and other related expenses. However, only medical expenses that exceed 10% of your AGI are deductible (7.5% for taxpayers 65 and older through 2016).

You may maximize the deduction in spite of the limitation by “bunching” your discretionary medical expenses and procedures into one year, by participating in your company’s flexible spending account or health reimbursement arrangement (HRA), or by establishing a health savings account (HSA).

**Long-Term Care.** An insurance policy that covers the cost of care that may be needed later in life can be an important retirement and estate planning component. Tax laws allow you to deduct a portion of qualified long-term care insurance premiums based on your current age.



### Long-Term Care Deductibility Limits for 2016

If You Are:	Deduct This Amount of Your Premium:
Over 70	\$ 4,870
61 to 70	\$ 3,900
51 to 60	\$ 1,460
41 to 50	\$ 730
40 and younger	\$ 390

To get the best long-term care insurance rates, consider taking out a policy *now* to lock in current premiums for the entire coverage period. Compare policy premiums and coverage, as insurance company programs may vary.

**Self-Employed Health Insurance Premiums.** If you are self-employed,\* you may deduct 100% of your health insurance premiums as an above-the-line deduction. Whether you itemize or not, above-the-line deductions are subtracted from gross income to arrive at your AGI. The self-employed health insurance premiums deduction cannot exceed the amount of income you have earned from your business.

\* *Sole proprietors are self-employed. Partners in partnerships, members of limited liability companies (LLCs), and employee shareholders in S corporations may also be considered self-employed.*

## TAX TIP

#2

Try “bunching” your expenses to ensure that you exceed the deduction “floor.” Bunching two years’ worth of expenses into one year enables you to increase your total deductions over the two-year period and avoid losing the tax benefit from your deductions.

## Nonbusiness Taxes

**State Income Taxes.** While state income taxes constitute a large chunk of nonbusiness taxes, there are ways to benefit:

1. You may deduct your state and local income taxes on your Federal return.
2. If you pay the estimated state income taxes, (typically due on January 15) by December 31, you will gain a larger Federal deduction for the current year.

*NOTE: If you are subject to the alternative minimum tax (AMT) this year, you may not benefit from nonbusiness tax deductions because you cannot deduct state taxes for AMT purposes. Please consult with us before prepaying any taxes.*

If you do not make estimated tax payments, you may want to ask your employer to withhold more state tax during the year, which can increase your deduction. If you overpay, intentionally or not, the IRS will tax any refund you receive from the state up to the amount of the benefit from your Federal deduction in the prior year.

**Property Taxes.** Property owners must pay personal property taxes on the value of their property. While property taxes can be burdensome, they *are* deductible on your Federal tax return. While paying property taxes before December 31 could give you a greater deduction in the current year, be aware of any AMT implications.

Real estate taxes are deductible. However, registration, licensing, and other fees are not deductible. Special real estate assessments are also not deductible because you derive specific benefits from them.



## TAX TIP

#3

If you have a significant amount of personal debt, consider replacing it with a home equity loan or line of credit to avoid nondeductible interest payments. Be aware that limitations apply. Also, because the loan is secured by your home, you could lose it if you default.

## Interest Expenses

All interest paid on qualified residential mortgages that do not exceed \$1 million (including points paid to obtain a mortgage), most home equity loans up to \$100,000, and business debt is deductible. With certain limitations, you may also deduct interest on loans used for investment purposes. Interest expenses related to certain passive activities (trade or business activities in which you do not materially participate) may be deductible, as well. You are allowed to deduct these interest expenses as long as they are paid during the tax year on a valid debt. Remember, you cannot deduct interest paid on credit cards or loans for consumer items, such as appliances and cars, nor can you deduct interest paid on a loan used to purchase tax-exempt securities.

**Student Loan Interest.** Up to \$2,500 of interest on student loans incurred during the year may be deducted. Since this is an “above-the-line” deduction, even non-itemizing taxpayers benefit. The loans must be used for qualified higher education expenses, such as tuition, fees, room, board, and books. If you are in a higher tax bracket, you may not be eligible for this deduction because of the phaseout rules. For more information, see the chart on page 10.

### TAX TIP

#4

For charitable deductions under \$500, receipts and other acknowledgments are not filed with your annual Federal income tax return (Form 1040). However, be sure to carefully store them with other tax documents for the current year. As a general rule, keep all tax forms, investment statements, bank statements, proof of deductions, or receipts associated with a particular return for at least six years.

## Charitable Contributions

Generally, donations of cash or property to charity are deductible on your personal tax return. Taxpayers are required to substantiate any cash or monetary gift with a bank record or written acknowledgement from the charity. It must specify the amount and date of the contribution, as well as the name of the charity. If you receive an item or service in return for your donation, you must reduce your deduction by the value of that item or service. For example, if you donate \$125 to a charity and receive a book worth \$35, your total deduction would be \$90. The charity must inform you of the item’s value.

Noncash donations, such as clothing and household items, must be in “good” condition to be tax deductible. For noncash donations worth more than \$500, you must provide additional information with your Federal tax return. Be sure to obtain a certified appraisal for donations worth more than \$5,000 (other than publicly traded securities) and nonpublic stock worth more than \$10,000.

Although you cannot deduct the value of your time or services given to a charity, you may deduct out-of-pocket expenses, including a 14¢ per mile deduction for charitable travel.

Even if you donate every penny of your earnings in a given year, your charitable deduction is limited to 50% of your AGI. You can, however, carry forward the excess contributions for five years.

**Giving Property to Charity.** Donating appreciated capital gain property to charity has many tax advantages. For most appreciated property, the amount of your deduction is the value of the property, rather than its cost, and you are never taxed on the amount of appreciation. In the case of many property donations, an annual deduction limit of 30% of AGI applies. Inventory, items donated for a charity auction, and certain other types of property are subject to different rules.

If you sell business or investment property that has declined in value and donate the proceeds to charity, you may be able to deduct both your capital loss and your contribution. If you give devalued property directly, you may deduct the fair market value of the property, but not the loss.



**Vehicle Donations.** When claiming a deduction for a donated vehicle worth more than \$500, you may deduct only the amount the charity receives for the sale of the car. Many charities wholesale donated cars and receive less than market value. Prior to 2004 reform, taxpayers could write off the car’s full blue book value, regardless of the amount the charity received for the car. In the event that the charity retains the vehicle for its own use, the taxpayer is responsible for substantiating how the vehicle will be used and for how long. These rules only apply when the deduction exceeds \$500.

## Investment Expenses

To encourage taxpayers to invest, tax laws allow a deduction for interest on loans used to purchase a taxable investment. You can deduct all of your interest, up to the total of your net investment income. Dividend income and net capital gains from the disposition of investment property are not considered investment income. However, you may elect to treat dividends and net capital gains as investment income by subjecting them to ordinary income tax rates.

You can deduct ordinary and necessary investment expenses (except for those related to tax-exempt investments) as miscellaneous itemized deductions, provided the total of your miscellaneous expenses exceeds 2% of your AGI. Such expenses might include research costs (i.e., relevant subscriptions and professional advice) and security measures (i.e., safe-deposit boxes).

Expenses not directly deductible include stockbrokers’ fees, legal fees, or title insurance. These are usually treated as adjustments to the investment’s purchase or sale price.

### TAX TIP

#5

If you have capital gains or dividend income and have investment interest expense, we can help you calculate the breakeven point so you can optimize both the capital gain or dividend tax rate and the investment interest deduction.

## Professional Fees

Remember to deduct any fees you pay for tax planning purposes, as well as any professional fees related to taxes imposed by any level of government or foreign government. This includes tax advice, tax return preparation, and estate planning services. Because the fees are considered miscellaneous expenses, they are subject to the 2% of AGI floor.

Generally, you cannot deduct personal legal expenses, such as the expense of acquiring, perfecting, or defending your title to property. However, these costs can qualify as capital expenditures, which are added to the basis of the property. No expenses related to tax-free income are deductible.

**Divorce-Related Fees.** Legal fees for divorce may be deductible by the party seeking taxable income, such as alimony, or property giving rise to taxable income, such as a business interest. Be sure to get such details on separate invoices to support the deduction.

## EDUCATION STRATEGIES

There are several strategies for those saving for a child's education, such as 529 plans, Coverdell Education Savings Accounts (ESAs), and education tax credits. Navigating the different options and the temporary nature of some opportunities, however, can be challenging. Let's take a look at the rules governing tax breaks for education.

### TAX TIP

#6

A special gift tax rule allows you to give up to \$70,000 per beneficiary (\$140,000 for a married couple) in a single tax year to a 529 plan and avoid all transfer taxes. This \$70,000 represents 5 years' worth of gifts at the annual exclusion amount.

## 529 Plans

These qualified tuition programs, offered as prepaid tuition plans or college savings plans, are valuable tools to help finance your children's college education. Prepaid tuition programs allow you to lock in today's tuition rates at participating private and public colleges and universities. College savings plans, on the other hand, offer a range of investment options, typically a variety of mutual funds, which can be used to pay for tuition and other qualified higher education expenses at many colleges and universities nationwide.

While state tax benefits for 529 plans vary, all 529 plans offer Federal tax benefits. Earnings grow tax free, and funds withdrawn to pay for qualified educational expenses, including the cost of computer equipment and Internet access, are also tax free.

Contributions to a 529 plan on behalf of a beneficiary are considered a gift for gift tax purposes, and in 2016, up to \$14,000 (\$28,000 for joint filers) may be given tax free. Furthermore,

### How Do 529 College Savings Plans Stack Up?

#### PROs

Funds grow tax free. Withdrawals are tax free as long as they are used for qualified education expenses.

There are no income limits on participation, and anyone may contribute to a fund. (State residency requirements may apply.)

You may transfer up to five years' worth of annual gift tax exclusions in one calendar year.

You maintain control of the account but can change beneficiaries or withdraw funds.

A variety of investment options are available through different state programs.

Some states offer additional tax breaks.

Funds may be used at almost any college in the United States.

Funds may be transferred to a 529 plan for another family member.

#### CONs

529 plans may not be the best choice for low- and middle-income taxpayers who qualify for financial aid because 529 assets are considered when determining need for financial aid.

No additional gifts given to that beneficiary will qualify for the annual exclusion for five years.

You will be taxed and penalized on the earnings portion of any withdrawals if funds are not used for qualified education expenses.

Savings plans invested in stocks may lose money. It may be wise to switch funds into less volatile investments as the beneficiary gets closer to college-age.

You may not benefit from additional state tax breaks unless a plan is set up in your state of residence.

Some states have residency requirements for establishing an account.

Some plans may charge a fee for such transfers.



a special gift tax rule allows individuals to make a tax-free, lump-sum contribution to a 529 plan of up to \$70,000 (\$140,000 for joint filers) in 2016; however, you are unable to make tax-free gifts on behalf of the same beneficiary for the next five years.

With a 529 plan, you are allowed a tax-free rollover once a year. This permits same-beneficiary transfers to another qualified tuition program. Rollovers to a different beneficiary may occur at any time.

You may use 529 plans in conjunction with other tax breaks. For example, you may claim the Hope Scholarship Credit or Lifetime Learning Credit in the same year you make withdrawals from a 529 plan, as long as the same education expense is not used for both the education credit and the tax-free 529 withdrawal. In addition, you may contribute to both a 529 plan and a Coverdell Education Savings Account (ESA) on behalf of the same beneficiary in the same year.

As 529s have become more popular, many plan options have emerged. Each type of plan has its own rules and investment options. But, there are certain pros and cons associated with 529s, as shown in the chart on page 6.



TAX TIP

#7

There are several tax breaks for education expenses. However, some benefits cannot be combined, and some are only good for a few years. Act now to get your education planning in order.

## Coverdell Education Savings Accounts

While 529 plans help you save for college, you can use the Coverdell Education Savings Account (ESA) to help pay for your child's elementary and secondary school expenses, as well as college expenses. The annual contribution limit is \$2,000, but keep in mind that income limits apply. (Refer to the chart on page 10.) You have until the April tax filing deadline in 2017 to make contributions for 2016. Grandparents and other family members may also make contributions for your children, as can corporations and other entities. There is no limit to the number of accounts that can be held in a child's name or the number of people who may make contributions to a Coverdell ESA—as long as total contributions remain within the \$2,000 annual limit per child.



TAX TIP

#8

Consider whether it might be more beneficial for your child to file his or her own tax return and claim an education tax credit. We can help you calculate which option is best for your family.

Funds withdrawn from an ESA (both contributions and earnings) are tax free if used to pay for qualified expenses. However, tax-free distributions are not allowed if an education tax credit is used for the same expenses for the same student. The beneficiary must use ESA funds by age 30. If not, the account may be transferred to a relative.

## Education Tax Credits

If you are currently paying higher education expenses, two Federal tax credits may help lessen your tax bill: the Hope Scholarship Credit and the Lifetime Learning Credit.

The Hope Scholarship Credit (American Opportunity Tax Credit) is worth \$2,500 in 2016. It is now available for all four years of college, and it can be used to cover the cost of course materials. Income phaseout levels for the credit begin at \$160,000 of modified AGI for joint filers and \$80,000 of modified AGI for single filers in 2016. In addition, 40% of the credit is refundable, which could enable lower-income taxpayers to get money back from the IRS.

The Lifetime Learning Credit, which applies to undergraduate study, as well as graduate and professional education pursuits, could be worth up to \$2,000. For 2016, eligibility begins phasing out for joint filers with modified AGI of \$111,000 (\$55,000 for single filers). If a student qualifies for both credits in the same year, you may claim either credit, but not both.

If you cannot claim either credit because your income is too high, your child can take the full credit if he or she has sufficient taxable income. However, you will not be able to claim a dependency exemption for the child. Your savings, therefore, will be the amount of the credit less the tax benefit of the lost dependency exemption. But, be aware that, based on your income, the exemption may be reduced.

## Other Education Benefits

- You may exclude from income up to \$5,250 of employer-paid educational expenses each year. This applies to both undergraduate and graduate programs.
- You can withdraw from your IRA to pay qualified higher education expenses without being penalized. The amount withdrawn will be subject to taxation, however.

You may get a larger Federal deduction in 2016 if you make your state 4th quarter estimated tax payment by December 31 (instead of by the required January 15, 2017). But, be wary of the AMT.

## ESTIMATED TAX PAYMENTS

Income tax is considered a pay-as-you-go tax, which means that tax must be paid as you earn or receive income during the year. You can either do this through withholding or by making estimated tax payments. Therefore, if you are self-employed or have additional sources of income outside of your regular job, you may be required to pay your Federal taxes four times annually.

To avoid penalties, make estimated payments in four installments equal to 90% of your 2016 tax liability or 100% of what you paid in 2015. If the AGI on your prior year's return was more than \$150,000 (\$75,000 if married filing separately), the percentage requirement increases to 110% of 2015 tax or 90% of 2016 tax, whichever is lower. The minimum threshold for paying estimated tax remains at \$1,000 for 2016.

## HEALTH INSURANCE

Health care reform passed in 2010 will bring a number of changes to the health insurance landscape in the coming years. Since 2014, all U.S. citizens and legal residents who are uninsured are required to obtain health care coverage or pay a penalty. Those who already have insurance, individually or through their employers, will not need to make any changes, provided the coverage meets certain minimal requirements.

Tax penalties for failure to maintain coverage will be phased in over time. In 2016, the penalty for an adult will be \$695 or 2.5% of income, whichever is greater, provided the amount does not exceed the cost of a basic health care plan (a bronze

plan) and will be indexed for inflation for following years. A family's total penalty generally cannot exceed 300% of the adult flat-dollar penalty or the cost of a basic health care plan, in 2016 that number is \$2,085. Under certain circumstances, exemptions to the penalty will be granted.

To assist those who cannot afford the full cost of premiums, the Medicaid program will be expanded to enroll uninsured individuals with incomes up to 133% of the Federal poverty level (FPL). Subsidies will be provided on a sliding scale to individuals with lower to mid-level incomes who do not qualify for Medicaid. Families and individuals with incomes up to 400% of the FPL may be eligible for a premium assistance tax credit to help them purchase basic coverage through an exchange.

To help raise revenue to cover the cost of subsidies, the new law will broaden the Medicare tax base for higher-income taxpayers. This includes an additional Hospital Insurance tax rate of 0.9% on earned income in excess of \$200,000 for individuals and \$250,000 for married couples filing jointly, as well as a 3.8% unearned income Medicare contributions tax on the lesser of net investment income or the excess of modified adjusted gross income (MAGI) over the same threshold amounts. Some trusts and estates will also be liable for this 3.8% tax.

Starting for tax years beginning after December 31, 2019, a 40% nondeductible excise tax will be imposed on health insurance providers or plan administrators for any "Cadillac" health insurance plan with annual premiums in excess of \$10,200 for individual and \$27,500 for family coverage, with both amounts adjusted for inflation and higher thresholds for employees in certain high-risk professions and non-Medicare retirees age 55 and older. Insurance providers and plan administrators are permitted to pass along the excise tax to consumers through higher premiums.







## SUPPORTING YOUR PARENTS

Growing numbers of Baby Boomers are supporting their parents. If you are among this group, you may qualify for some valuable tax breaks.

A \$4,050 dependency exemption can be claimed for each parent if criteria is met for five specific tests. The most relevant of these are the \$4,050 gross income test and the “greater-than-50%-support” test. If the exemption phaseout applies, some or all of the benefits may be lost.

If you are single and a parent qualifies as your dependent, you may be able to file as “head of household” and receive the lower marginal tax rates and larger standard deduction of that filing status. You must pay more than 50% of the cost of maintaining the household in which your parent resides; however, you do not need to live in the same house.

If you pay qualified expenses for a parent who is physically or mentally incapable of self-care and you live in the same house, you may be able to claim a dependent care credit. To qualify, the care must be necessary in order for you to hold gainful employment, though the care can be received either inside or outside the home.

For most taxpayers, this credit is limited to 35% of the first \$3,000 (\$6,000 for two qualifying parents) of eligible expenses. If you provide more than half of their support for the year, you may also deduct medical expenses paid on behalf of your parents, even if they do not qualify as your dependents.



## CHILDREN'S TAXES

While Congress has provided many favorable tax breaks to individuals in recent years, the “kiddie tax” has been expanded. Unearned income over \$2,100 for children under age 18 (age 19 if the child does not provide more than one half his/her own support or age 24 for full-time students) is taxed at the parents’ top rates. In 2016, children owe no taxes on the first \$1,050 of unearned income and are taxed at their own rate on the next \$1,050. Original law applied the kiddie tax to children under age 14. This permitted children 14 and older to file their own returns, allowing their taxable investment income, such as dividends and interest, to be taxed at rates most likely lower than their parents’ top rates.

## TAXES FOR DOMESTIC HELP

If you employ domestic help, such as a housekeeper or cook, you may be required to pay Social Security (FICA), Medicare, and unemployment taxes for those employees. FICA tax is due on a household employer’s 1040 for wages paid to domestic employees. There is an exception for annual cash wages of less than \$2,000 in 2016. To avoid underpayment penalties, increase your quarterly estimated payments or increase withholdings from your own annual wages to pay these amounts due.

Federal unemployment taxes (FUTA) are due for any household employees whom you hired during the year and to whom you paid \$1,000 in cash wages in any calendar quarter this year or last year. Unless you also pay the appropriate state unemployment taxes, the maximum Federal rate may be assessed. Contact us with questions about your liability, as exemptions and special rules may apply.

## EXEMPTION PLANNING

Personal and dependent exemptions reduce your gross income. Every taxpayer may claim a personal exemption, unless another taxpayer is entitled to take the exemption. In 2016, each personal exemption you claim reduces your taxable income by \$4,050. However, exemptions decrease for taxpayers with adjusted gross incomes (AGIs) exceeding certain thresholds.

You may be able to receive an exemption for relatives if one of the following applies: you pay more than half of their support, and they earn less than \$4,050 annually; they are younger than age 19; or they are full-time students under age 24.

If several family members share the support of a relative but no individual pays more than half, then no individual may claim the relative as a dependent. Consider filing a multiple support agreement or designating one family member to pay the majority of support and take the exemption.

### 2016 Exemption Phaseout Range

Married, Filing Jointly	\$311,300
Married, Filing Separately	\$155,650
Head of Household	\$285,350
Single	\$259,400



## 2016 Income Tax Phaseout Ranges

Provision	Single	Married Filing Jointly
Child Tax Credit <sup>1</sup>	Starts at \$75,000 AGI <sup>2</sup>	Starts at \$110,000 AGI <sup>2</sup>
Adoption Credit	\$201,920 – \$241,920 AGI	Same as single
Interest on Education Loans	\$65,000 – \$80,000 AGI	\$130,000 – \$160,000 AGI
Education Credits		
a) Hope Scholarship Credit	Starts at \$80,000 AGI	Starts at \$160,000 AGI
b) Lifetime Learning Credit	Starts at \$55,000 AGI	Starts at \$110,000 AGI
Coverdell Education Savings Accounts	\$95,000 – \$110,000 AGI	\$190,000 – \$220,000 AGI
Education Savings Bonds	\$77,550 – \$92,550 AGI	\$116,300 – \$146,300 AGI
Individual Retirement Accounts (IRAs)		
a) Active participant in another plan	\$61,000 – \$71,000 AGI	\$98,000 – \$118,000 AGI <sup>3</sup>
b) Not an active plan participant	No limitations apply	\$184,000 – \$194,000 AGI <sup>4</sup>
Contributory Roth IRAs	\$117,000 – \$132,000 AGI	\$184,000 – \$194,000 AGI

<sup>1</sup> The credit is reduced by \$50 for each \$1,000, or fraction thereof, of AGI above the threshold.

<sup>2</sup> AGI is adjusted gross income. Different modifications may apply depending on specific provisions.

<sup>3</sup> Applies when both spouses are active plan participants or only the participant spouse contributes.

<sup>4</sup> Applies if at least one spouse is not an active participant.

Even with the increase in age, there are steps you can take to plan around the kiddie tax. To avoid paying the higher rate, consider the following:

- Shift the child's investments to tax-free securities or growth stocks (which do not pay dividends) that defer taxes until the child is old enough to avoid the kiddie tax.
- Divide the child's income with a special trust. Only undistributed income is taxed to the trust; distributed income is taxed to the child. At age 21, or when the child satisfies the terms of the trust, the child will receive the principal and accumulated earnings. Be sure to contact us at that time because there may be tax consequences.
- Report your child's income on your return to take advantage of your child's capital gains and offset any capital losses that may otherwise be limited.

### IRAs FOR KIDS

If your child has earned income from outside the household, such as from a summer job or babysitting, consider opening an Individual Retirement Account (IRA). For 2016, your child can contribute \$5,500 (or his or her earned income, whichever is less) to an IRA.

Just how important is it to start an IRA for your child *now*? Suppose your 15-year-old daughter saves \$800 from babysitting and purchases a Roth IRA. If she makes no additional contributions and the funds grow 8% annually, she will have



Consider a deductible IRA, ROTH IRA, and Coverdell Education Savings Account for your child.

accumulated more than \$37,000 by age 65, which will be tax free upon withdrawal. Or, suppose she opens a Roth IRA with \$2,000 at age 15 and then makes annual contributions of \$2,000 for the next 10 years. The value of her tax-free account at age 65 will be about \$700,000 if the annual growth rate is 8%.

*NOTE: The hypothetical examples are for illustrative purposes only. They are not intended to reflect an actual security's performance. Investments involve risk and may result in a profit or a loss. Seeking higher rates of return involves higher risks.*

## TAXES & DIVORCE

Divorce and its associated tax issues can be complex. In many cases, neither spouse can file as single until the divorce is final. A joint return generally offers the lowest tax bracket, but each spouse is then responsible for the other's tax liability. The "innocent spouse" provisions of the tax law offer some protection to spouses who do not know about certain income and some relief from responsibility for the other's taxes.

One way for divorcing couples to avoid responsibility for the other's tax liability is to choose the married filing separately status. However, tax rates are generally higher, several potential credits may be lost, and if one spouse itemizes, both must do so.



Couples with children who lived apart during the last six months of the tax year have another option. The spouse paying the majority of household costs for a home that was also the children's home for more than half the year can file as head of household, which offers several additional credits over married filing separately and lowers certain marginal tax rates. Furthermore, the standard deduction for head of household filers is higher than the standard deduction for married filing separately or single filers.

The custodial parent is always entitled to the dependency exemption for each child (\$4,050 in 2016), unless that parent specifically waives the right.

### Qualified Domestic Relations Orders

During divorce, retirement funds, such as those in IRAs and 401(k) plans, may need to be divided. Early withdrawals from these accounts may incur penalties unless a Qualified Domestic Relations Order (QDRO) is obtained.\* The QDRO directs a retirement fund's administrator to pay a specific amount to a former spouse or child. The former spouse may defer tax on the payments by rolling them into an IRA within 60 days of receipt. Payments made to a child are taxed to the plan participant.

*\* The exception to the early withdrawal penalty only applies to 401(k)s and other qualified plans. An early withdrawal from an IRA would still be subject to penalty.*

## Property Transfers

The basis of property transferred in a divorce proceeding carries over from one spouse to the other. Therefore, it is important to consider not only the value of property received, but also its tax basis. The recipient of appreciated property may owe tax on its inherent appreciation when it is later sold. This future liability can be recognized, quantified, and properly reflected in the divorce settlement.

Gift tax consequences can be avoided if the transfers are made under the terms of a qualifying written agreement between spouses.

## Child Support & Alimony

To reduce tax liabilities, divorcing couples may reclassify child support payments as alimony. Child support is not included on the recipient's tax return, and the payer cannot deduct it. Conversely, alimony is included as income on the recipient's tax return and is an above-the-line deduction for the payer.

If the alimony or support payer is in a higher tax bracket than the recipient, both parties might save money if they "split the difference" and reclassify all, or part, of the amount paid as alimony rather than as child support. Special rules apply in determining the alimony deduction.

## TAX STRATEGIES FOR HOMEOWNERS

Your home can be the source of many itemized deductions. To make the most of your opportunities, contact us with any questions regarding deductions for your home.

### TAX TIP

#11

The IRS often audits individuals who take the home office deduction, so be sure you have the proper documentation.

## Home Offices

If you operate a business out of your home, you may qualify for a home office deduction, provided the office is your "principal place of business." A home office qualifies as a principal place of business if the following conditions are met:

1. You use the office to conduct administrative or management activities for the business.
2. There is no other fixed location at which you conduct these activities.

The home office space must be used regularly and exclusively for business. *Any* personal use of the area makes you ineligible for the deduction.

If you are an employee, the exclusive use of the home office must be for the convenience of your employer. If you set up a home office because your boss agreed to let you telecommute after your second child was born, for example, it was probably for your convenience, not for your employer. Thus, your home office would not qualify for the tax deduction.

You may deduct a portion of your homeowners insurance, home repairs, and utilities equal to the percentage of space the office occupies. You can also deduct office improvements if they relate to conducting business.

Homeowners are allowed to claim depreciation for the portion used for business, while renters deduct a portion of the rent. Deductions cannot exceed income from the business, but excess deductions can be carried forward. Under certain circumstances, the sale of your house could result in a capital gains liability if you have taken advantage of home office tax breaks.

## Home-Buying Fees

When buying and selling real estate, keep in mind the rules for deducting certain expenses. Homebuyers face two major fees: closing costs and points. Closing costs are generally not deductible, but they add to the cost basis of the home, reducing the gain when the house is sold.

Points, on the other hand, may be fully deducted in the year they are paid, if the following conditions are met:

- The loan is secured by your home.
- The loan is for the purchase or improvement of the primary home.
- The points are for the use of money (not a service charge).

If the purpose of the loan is not to acquire or improve your principal residence but the other two conditions are met, you can still deduct the points in monthly increments over the life of the loan. If the mortgage ends early because of prepayment or refinancing, you may deduct the remaining, or unamortized, points at that time.

When refinancing, points paid on a loan to improve the principal residence may be deducted immediately. If you are refinancing to improve your interest rate, the points are deductible over the life of the loan. Points paid by the seller are also deductible by the buyer.

## Home Equity Loans

Interest paid on home equity loans and lines of credit is generally deductible,\* and the loans may be used for any purpose—such as paying off consumer loans. The loan must be for an amount equal to or less than the equity in your home, up to a maximum of \$100,000. Remember, these loans are secured by your home, so you could lose the home if you default.

*\* If the proceeds are not used to purchase, construct, or substantially improve the residence, the interest is not deductible for AMT purposes.*

### TAX TIP

#12

If you own a second home, your deductions will depend on whether you use the vacation home solely for enjoyment or combine business and pleasure by renting the property part time. We can help you determine what expenses are deductible, according to your unique circumstances.



## Second-Home Deductions

Your cabin by the lake may provide you with more than rest and relaxation—it could also be a valuable source of deductions. For tax purposes, a qualified second home must have a place to sleep, a toilet, and cooking facilities, whether it be a condominium, recreational vehicle, boat, etc.

You may be able to deduct interest on a loan for a second home, provided your primary and secondary mortgages do not total more than \$1 million. You can also deduct interest on home equity loans that do not exceed an aggregate amount of \$100,000. If you rent out the second home, you must use it personally for more than 14 days or for more than 10% of the rental days, whichever is greater, for it to qualify as a personal residence. In addition to mortgage interest, you may be able to deduct property taxes and prorated monthly portions of your points paid over the life of the loan.

If you rent the home for more than 14 days per year and it qualifies as a personal residence, you can also deduct the appropriate portion of upkeep, insurance, utilities, and similar costs to offset rental income. The property may be depreciated, which can help reduce your rental income without expending cash. As long as you use the place yourself for less than 14 days or 10% of the rental days, it is considered rental property, and you can claim a rental loss (subject to certain limitations).

Finally, you can rent your secondary or primary home for less than 15 days without reporting the income. Rental expenses, however, are not deductible.

## Selling Your Home

Losses from home sales cannot be deducted. Business or rental property is subject to different rules. You can take extra deductions by staying in the home and converting part of it for business or rental use. When you sell your home, you can claim a business loss if the property declines in value below its current tax basis, but only on the portion of property that is actually used for business or rental purposes.

Married couples can exclude up to \$500,000 of gain when they sell their home (\$250,000 for singles). The home must have been the principal residence for at least two of the last five years. Homeowners can receive a portion of the exclusion based on how long they lived in the home, as long as the sale is due to a change in place of employment or health, or unforeseen circumstances. The exclusion can be used once every two years and at any age.



## MANAGING RECEIPT OF INCOME

When considering how to best manage your taxes, keep in mind that deductions are only part of the story. Income must also be considered. For example, if you expect to be in a higher income tax bracket next year, it may be a good idea to accelerate income into the current year. If, on the other hand, you expect to be in a lower tax bracket next year, then you would defer the receipt of income. However, tax brackets are not the only consideration.

Be sure to contact us before the end of the year if you have questions about your situation. We can help you determine if accelerating or deferring your income can provide tax benefits.



### More Tax-Saving Strategies

- ✓ Lower your taxable income by shifting income to other family members. However, watch out for the kiddie tax.
- ✓ Calculate the value of the tax benefits to see who should claim education deductions and/or credits—you or your child.
- ✓ Consider your plans for the near future. How will marriage, divorce, a new child, retirement, or other events affect your year-end tax planning?
- ✓ Take maximum advantage of your employer's Section 125 flexible spending account, 401(k) plan, health savings account (HSA), and health reimbursement arrangement (HRA).
- ✓ Consider filing separately if one spouse has many itemized deductions that are subject to a floor amount.
- ✓ For tax purposes, a deductible purchase is considered "paid" when charged. If you need the deductions this year but do not have the cash, consider charging contributions, medical expenses, business expenses, and some state tax payments. Just remember to pay them off quickly to avoid increasing debt.

## YEAR END TAX PLANNING TIPS

Tax planning is more advantageous when done during the year and well in advance of year's end. Opportunities exist for you to minimize tax liability, which will leave more income for you and/or your family.

Generally, people put off tax planning because paying income taxes is an obligation. This view may cause frustration. It is often simpler to say, "Let's see how everything shakes out between January 1 and April 15." However, after December 31, all you can do is deal with your tax liability. On the other hand, if you take care of the tax planning now, you may save more on April 15.

- 1 Do a trial tax return based on your projected personal income and deductions. Afterward, adjust your W-4 Form accordingly.
- 2 If you expect to have income that is not subject to withholding, review your required quarterly estimated tax payments. If you fail to have enough tax withheld or make sufficient estimated tax payments by the end of the year, you may be subject to penalties and interest. Adjust your W-4 or estimated payments to make up any shortfall.
- 3 Always keep an eye on what is happening in Congress. Tax reform is an ongoing process, and there may be more changes ahead.
- 4 If you can control when you receive income or take deductions, consider deferring income into next year if you expect to be in a lower tax bracket. Likewise, accelerate your deductions if you expect to be in a higher tax bracket this year as opposed to next. If you expect a tax change for the upcoming year, you may want to revisit this issue.
- 5 Watch out for the alternative minimum tax (AMT) if you expect to have any large tax items this year such as depreciation deductions, tax-exempt interest, or charitable contributions. To avoid the AMT, consider strategies such as re-positioning assets or delaying charitable contributions.

However, if you are subject to the AMT, consider accelerating next year's income into this year if your regular tax bracket would be higher than the AMT rate. If your itemized deductions increase the likelihood of triggering the AMT and do not generate significant tax savings, consider postponing deductions into next year if you are subject to the AMT this year.

By considering the above tips and establishing the most advantageous strategies for your situation, you may optimize your opportunities and minimize your liability. Consult one of our qualified tax professionals for more information according to your unique circumstances.

The American Taxpayer Relief Act raised the top tax rates on qualified capital gains and dividends to 20% from the top tax rate of 15%, which had been in effect since 2003. Proper planning can help you time your transactions and make tax-efficient investing decisions.

## DIVIDENDS

Qualified dividends are taxed at the same rates as long-term capital gains—15% for investors in the 25%, 28%, 33% and 35% tax brackets. Investors in the bottom two income tax brackets will pay zero tax on dividends. A 20% tax rate will apply to the extent that a taxpayer's income exceeds the thresholds set for the 39.6% income tax bracket: \$415,050 for single filers; \$441,000 for heads of households; and \$466,950 for married couples filing jointly.

## CAPITAL GAINS & LOSSES

Gains on assets held longer than a year are treated as long-term capital gains, subject to a 20% maximum rate for individuals in the top income tax bracket. Investors in the 10% or 15% income tax brackets will pay zero tax on long-term gains. Taxpayers in the 25%, 28%, 33%, and 35% tax brackets will pay 15%.

Under the Patient Protection and Affordable Care Act (PPACA), higher-income taxpayers will pay a 3.8% Medicare surcharge on net investment income if income threshold amounts exceed \$200,000 for single filers or \$250,000 for joint filers. Thus, the top tax rate for these higher-income taxpayers is 23.8% for long-term gains and 43.4% for short-term capital gains.

It is important to keep in mind that capital gains attributable to depreciation from real estate held longer than 12 months are taxed at 25%, and the gain on collectibles and certain small business stock is taxed at 28%. In addition, short-term gains on assets held one year or less are subject to tax at your regular income tax rate.

### TAX TIP

#13

When selling shares of stock purchased at different prices and at different times, inform your broker beforehand that you want to sell the shares with the highest basis. This can minimize taxable gain or maximize deductible loss.

## Timing Is Everything

When it comes to investing, timing is everything. So, unless you risk a significant loss by holding a volatile stock, consider the tax benefits of holding it for at least a year and one day. Even if the stock price drops, you may cut your taxes on the profit nearly in half if you wait.

For example, if you are in the 35% tax bracket and sell stock held for 11 months for a \$10,000 gain, your after-tax net proceeds would be \$6,500. If you sold just one month and one day later for an \$8,000 gain (20% less), your net proceeds would increase by \$300 to \$6,800 because the lower 15% rate would apply.

Timing is also important at the end of the year. If you have cashed in some big gains during the year, review your portfolio for unrealized losses. You may want to sell off stock unlikely to rebound and use the losses to offset your gains. If you end up with more losses than gains, you can use \$3,000 against ordinary income (i.e., compensation, dividends, and interest) and carry over remaining losses to next year.

Always review gains and losses before the end of the year so you can offset gains and make sure you have paid enough in estimated taxes.

## APPRECIATING INVESTMENTS

Investments that increase in value while paying no income to you are not taxed until they are sold. By timing that sale carefully, you can improve your tax and financial position.

For example, you can wait to sell investments until a year in which your tax rate is low. Or, you can give the investments to your children who are older than age 19 (or age 24 for full-time students); they may sell them and be taxed at their lower rate. (Be sure to consider potential gift tax implications.)

If you plan to pass the investment to your spouse tax free at your death under the unlimited marital deduction, you may wish to keep the investment. The investment may also pass to your beneficiaries tax free at your death if your gross estate is less than \$5.45 million or \$10.9 million for married couples (the estate tax exemption amount in 2016). In addition, your heirs can benefit from a step-up in the investment's basis to its fair market value at the date of your death. In other words, at the time of eventual sale, capital gains taxes are assessed only on the increase in property value from the time of inheritance to the time of sale by the heir.

When deciding whether to buy or sell, consider the costs associated with an appreciating investment, including brokers' fees, closing costs, and property taxes, as well as potential appreciation.

## MUTUAL FUNDS

Mutual funds usually pay capital gain distributions in November or December. If you buy into a fund before the distribution date, you can be taxed on the gains distributed even though they have already been reflected in your purchase price. Consider waiting until January to buy into the fund.

Although you have no control over the timing of sales in a mutual fund, you can look for mutual funds that employ certain tax-saving strategies. Some funds trade actively, while others employ a buy-and-hold strategy.

To calculate exact gains or losses on mutual fund investments, save every statement. Determining which shares are sold can reduce your gain, or at least qualify it as long-term gain, which is subject to lower tax rates. Also consider everything that comprises your basis:

- Commissions or fees paid when you bought the shares;
- Reinvested dividends for which you have been taxed;
- Nontaxable returns of capital.

## BONDS

Instead of borrowing money from a bank or a company, a municipality may sell bonds to investors to help raise capital. The interest on *tax-exempt bonds* (those issued by a municipality) is usually not taxed at the Federal level, but it may be subject to the AMT or cause Social Security benefits to be taxed. Typically, states do not tax bonds issued within their borders, but they often tax bond earnings from other states.

Companies issue *taxable bonds* in a number of varieties with varying risk/return tradeoffs. Zero-coupon bonds are sold at a price far below their face values. They pay no cash interest but reinvest earnings, which compound until the bonds mature. At maturity, they are redeemed at face value.

Earnings are taxed each year, although the investor receives no cash. Bonds purchased through a tax-exempt IRA avoid taxation until the funds are withdrawn.

## REAL ESTATE

Real estate professionals can deduct some rental real estate losses that might be lost by other investors. Generally, you are considered a real estate professional if you (or your spouse, if you file jointly) spend more than half your business time dealing with real estate. This can include time spent on rental properties. Keep detailed records of your time and expenses.

## Low-Income Housing Credit

If you are a real estate investor or builder, you can reduce your tax bill with the low-income housing tax credit. This annual credit applies to your qualified new low-income housing construction costs. The credit is granted for ten consecutive years. Some or all of it can be taken against tax on any type of income, and the unused credit can be carried forward or carried back. For Federally subsidized construction, and for existing housing acquisition, there is a similar credit.

## Like-Kind Exchanges

Some people who own real estate for investment purposes are reluctant to sell the property because they may incur a large income tax liability on the realized gain. However, the property can be exchanged and the gain postponed (but not eliminated) under the like-kind exchange rules. To qualify, the property received must also be real estate (land and/or buildings) intended for investment or income-producing purposes.

To defer gain on an exchange, you must identify one or more parcels as replacement property. The maximum number that you may identify is either three properties without regard to the fair market values, or any number of properties as long as their aggregate fair market value does not exceed 200% of the aggregate fair market value of all of the relinquished properties. You must identify the property within 45 days and complete the exchange within 180 days after you relinquish your property, or by the due date of your tax return (including extensions), whichever comes first. The like-kind exchange rules can also be used for personal property, such as vehicle trade-ins.

If you receive anything in addition to the property, such as cash, or if you are relieved of any liabilities, you must recognize the gain up to the value of this additional amount received. Any gain you defer reduces the basis of the

## TAX TIP

#14

Consider a like-kind exchange to defer gain on the sale of business or investment property. However, do not use loss property. Instead, sell the old property outright, deduct the loss, and then purchase the replacement property.

replacement property by that amount. While you do not have to recognize the gain, you also cannot recognize the loss.

## INVESTING IN SMALL BUSINESSES

If your stock meets certain requirements at the time of issue and it has been held for at least five years, you can exclude from tax a percentage of your gain from the sale of the stock. Under a provision of the Small Business Jobs Act of 2010, this exclusion was raised from 50% to 100% for stock purchased after September 27, 2010, and the excluded gain was not subject to the AMT. Under the American Taxpayer Relief Act of 2012, the 100% exclusion and preferred AMT treatment were extended for a second time to cover stock purchased before January 1, 2014. The Tax Increase Prevention Act of 2014 further extended this 100% exclusion to qualified small business stocks acquired in 2014, and the Protecting Americans from Tax Hikes (PATH) Act of 2015, retroactively extended it for 2015 and made it permanent. For the purposes of this provision, a small business is defined as a company with assets of less than \$50 million that conducts an active trade or business.

You may defer gain on the sale of publicly traded stock if you reinvest in a “specialized small business investment company.” Normally, your individual deduction for net capital losses cannot exceed \$3,000 each year. However, Section 1244 stock, a category created to encourage investment in small businesses, allows investors to deduct ordinary losses up to \$50,000 (\$100,000 for a married couple filing jointly).

The stock of most new businesses with no more than \$1 million of initial capitalization will be given Section 1244 status. However, only the original owners of Section 1244 stock qualify for ordinary loss treatment.

## More Tax-Saving Strategies

- ✓ Under kiddie tax rules, children’s unearned income over \$2,100 will be taxed at the parents’ generally higher marginal tax rate until the children reach age 18 (age 19 if the child does not provide more than one half his/her own support or age 24 for full-time students) in 2016.
- ✓ To avoid being taxed twice, count reinvested dividends as part of your tax basis when you sell stock.
- ✓ Exercising an incentive stock option (ISO) creates an AMT adjustment, but it produces no corresponding cash with which to pay any resulting AMT. Selling the stock to generate cash may not solve the problem if the stock has dropped in value or is sold prior to having met ISO time requirements.



## CHOOSING A BUSINESS STRUCTURE

As your business grows or your personal financial situation changes, the business form in which you operate may need to change, as well. Keep in mind that the business structure you choose impacts your personal liability, as well as the amount of tax owed by you and your company.

Each business structure has its advantages and disadvantages (refer to the chart on page 17). Meet with us to determine if the current structure of your business is appropriate for your unique circumstances.

### C Corporations

C corporations are taxed as entities separate from their shareholders. The corporation pays taxes (as shown in the chart below), and you pay taxes as an investor on dividends received—the so-called “double taxation.” C corporations can generally offer more benefits than S corporations and partnerships. However, C corporations may receive more IRS scrutiny. Salary paid to you and other shareholders must be reasonable, or a portion of it may be reclassified as a nondeductible dividend payment. If earnings are accumulated beyond the corporation’s reasonable needs, an additional tax of 15% may be imposed on these earnings.

### S Corporations

S corporations generally pay no tax, and income and losses are passed through to shareholders. The permissible number of shareholders is 100, and eligible members of the same family may be treated as a single shareholder. Estates, certain trusts, and tax-exempt organizations may also be shareholders.

S corporations avoid the double taxation inherent in C corporations, but they must follow strict rules. S corporations that were previously C corporations can trigger corporate-level tax in certain situations. The amount of time that an S corporation that has converted from a C corporation must hold on to its assets to avoid taxes on any built-in gains at the time of the conversion was shortened from ten years to seven years. Under the Small Business Jobs Act of 2010, this holding period was further shortened to five years, and under the Protecting Americans from Tax Hikes (PATH) Act of 2015, this change to five years was made permanent.

S corporations may own any percentage of the stock of other corporations. Fully owned subsidiaries may also elect “S” status, but the qualified subsidiary is a disregarded entity for tax purposes.

### Partnerships

Partnerships avoid corporate double taxation and usually allow more flexibility in distributions and allocations of tax items than either a C or S corporation.



**TAX TIP #15**

If you are a sole proprietor, you may want to consider an LLC. Single-owner LLCs are not tax-paying entities. The business shows up on your personal return as it has in the past, but you have the limited liability protection of the LLC entity.

In particular, family limited partnerships (FLPs) offer a number of benefits: You can split income with your children, realize estate tax savings, and continue to control assets transferred to the partnership. However, family limited partnerships must be carefully structured, as they are closely monitored by the IRS.

### LLCs & LLPs

Limited liability companies (LLCs) and limited liability partnerships (LLPs) generally offer limited liability and flow-through taxation. They have a flexible structure, which allows any entity, including a corporation, to be an owner. Special allocations of income and losses, as well as investments in other entities, are not limited.

### Sole Proprietorships

If you are a sole proprietor, your personal return is your business return. If you risk substantial business liability, consider some form of incorporation, LLC, or LLP to protect your personal assets.

### Corporate Income Tax Rates

If Taxable Income Is Between:	The Tax Is:	Of The Amount Over:
\$ 0 – \$ 50,000	15%	\$ 0
\$ 50,001 – \$ 75,000	\$ 7,500 + 25%	\$ 50,000
\$ 75,001 – \$ 100,000	\$ 13,750 + 34%	\$ 75,000
\$ 100,001 – \$ 335,000	\$ 22,250 + 39%	\$ 100,000
\$ 335,001 – \$10,000,000	\$ 113,900 + 34%	\$ 335,000
\$10,000,001 – \$15,000,000	\$3,400,000 + 35%	\$10,000,000
\$15,000,001 – \$18,333,333	\$5,150,000 + 38%	\$15,000,000
\$18,333,334 and above	A flat 35%	

Personal Service Corporations — 35% flat tax rate.

Capital Gains Tax Rate — Same as regular rate.

Which is right for you? Be sure to consult with your team of financial and legal advisors. Remember, to also consider state and local taxes when evaluating business structures. Call us to discuss your options.

## Choosing a Business Structure

C CORPORATIONS

### Tax Rates

Federal marginal tax rates range from 15% to 39%, with an overall maximum rate of 35%. Distributions may be taxed again. Shareholders pay tax on dividends. Losses do not pass through to shareholders.

### Liability

Shareholders are shielded from personal liability for business debts. Only their investment is at risk.

S CORPORATIONS

Generally, no Federal tax is imposed on the business entity. Income and expenses are allocated among shareholders. Taxable income is subject to individual rates from 10% to 39.6%, whether profits are distributed or not. Losses pass through to shareholders. Restrictions on loss deductibility apply. State treatment of S corporations may vary.

Shareholders are shielded from personal liability for business debts. Only their investment is at risk.

GENERAL PARTNERSHIPS

No Federal tax is imposed on the business entity. Income and expenses are allocated among partners, and each pays tax of 10% to 39.6% (plus self-employment tax, if applicable) on their share of partnership profits, whether distributed or not. Losses pass through to partners. Restrictions on loss deductibility apply.

Personal liability rests with each partner.

LLCS & LLPs

No Federal tax is imposed on the business entity. Income and expenses are allocated to members or partners, and each pays tax of 10% to 39.6% (plus self-employment tax, if applicable) on their share of LLC or LLP profit, whether distributed or not. Losses pass through to members or partners. Restrictions on loss deductibility apply.

Members or partners are shielded from personal liability for business debts. Only their investment is at risk.

SOLE PROPRIETORSHIPS

Reported on Schedule C of Form 1040, income is subject to individual rates of 10% to 39.6%, plus self-employment tax.

Proprietors are subject to personal liability for all aspects of the business.

## EMPLOYER-PROVIDED BENEFITS

Even in slow economic times, it is important for companies to offer generous benefit packages to attract and retain quality employees. Businesses can avoid payroll taxes on compensation shifted from salary to benefits. Employees who receive certain benefits in lieu of salary also decrease their taxable compensation. Such benefits may include retirement plans, group term life insurance (up to \$50,000), medical insurance, parking, employee discounts, and noncash gifts.

Employer-provided group term life insurance coverage for more than \$50,000 produces taxable income for covered employees. The amount of taxable income is determined by using a uniform premium table based on employee age.

### TAX TIP

#16

Benefits may help you retain valuable employees. Tax law changes have increased the benefit options in recent years. Now is the time to revisit your overall compensation and benefit package.

## Qualified and Nonqualified Retirement Plans

One of the most effective benefits for attracting and retaining employees is a company-sponsored retirement plan. Many pension and profit-sharing plans are “qualified” retirement plans. In other words, each employee’s share and earnings are held until the employee either leaves the company or retires. The employee pays taxes upon receiving the money, and the employer receives an immediate deduction when making contributions.

Pension plans usually base eventual benefits on wages and length of service. Profit-sharing plans typically define the employer’s annual contribution. Benefits are determined by the size of the contributions and their earnings.

Two types of qualified retirement plans—SIMPLEs and 401(k) plans—can be offered at little cost to a business. Contribution limits for these plans have increased over the years, so there is no better time to sponsor one. Refer to the chart on page 18 to determine which plan might be appropriate for your business.

Because qualified retirement plans often restrict the amount of benefits a higher-paid employee can receive, nonqualified plans can be attractive. Nonqualified plans do not have to cover every employee. There are no compensation, benefit, or contribution limits other than an overall reasonableness test. The bookkeeping and reporting requirements are minimal. However, nonqualified plans do have some disadvantages.

The main drawback is that the benefits are unsecured—they are merely “promises to pay.” A company cannot formally set aside funds as future benefits. Assets intended for these benefits must remain general company assets and, therefore, may be subject to a creditor’s claims. Another disadvantage is that payroll taxes are generally due when services are performed, not when compensation is paid. Finally, the employer does not receive a tax deduction until the benefits are actually paid to the covered employees.

## Which Is Best for Your Business? SIMPLE vs. Standard 401(k)

	SIMPLE IRA	SIMPLE 401(k)	Standard 401(k)
Maximum Business Size	100 or fewer employees	100 or fewer employees	No Limit
Individual Contribution Limit	\$12,500 in 2016	\$12,500 in 2016	\$18,000 in 2016
Discrimination Testing	No	Limited	Yes
Mandatory Employer Match	Yes, 1% – 3% of salary	Yes, 3% of salary	No
Vesting	Immediate	Immediate	Up to 7 years
Administration	Least	Medium	Most

### Health Insurance

Health insurance is another important benefit that can distinguish one employer from another when it comes to attracting and retaining employees. Over the last several years, rules regarding employer-sponsored health insurance have changed, as a result of health care reform passed in 2010. Small businesses with fewer than 25 employees that pay at least 50% of the health care premiums for their employees qualify for a tax credit of up to 50% of their premiums (up to 35% for nonprofits), if insurance is purchased through an exchange. The amount of the credit for a specific business is based on the number of its employees and the average wage.

While employers are not required to offer health insurance plans under current law, in 2016, a business with 50 or more full-time employees (defined as working 30 or more hours per week) will be required to provide health insurance to at least 95% of their fulltime equivalent employees (FTE) and dependents to age 26 or pay a penalty. The business must provide health insurance plans that meet “minimum value” standards, or ones that cover at least 60% of the total cost of medical services. If the employer’s plan fails to meet the minimum value requirement or costs more than 9.66% of an employee’s annual income, then the company will have to pay penalties. Companies that don’t offer affordable coverage will owe \$3,240 for every FTE employee who gains coverage through the marketplace. If an employer fails to offer any type of health insurance, then they will have to pay \$2,160 per FTE employee. The employer will only pay the penalty if an FTE employee enrolls in a subsidized health insurance plan on the marketplace. Companies are allowed to deduct the first 30 FTE employees from their calculations beginning in 2016. Employers that offer health care coverage may in some cases also be required to provide “free choice vouchers” to employees. Employers and other entities providing minimum health coverage are required to report the value of health benefits to the IRS, and this value appears on employee W-2 forms.



### Annual HSA Contribution Limits

- For single coverage, a maximum of \$3,350.
- For family coverage, a maximum of \$6,750.
- Individuals age 55 and older can contribute an additional \$1,000 for 2016 on a pre-tax basis. Amounts are doubled if the account beneficiary is married and both spouses are over age 55.

### Health Savings Accounts (HSAs)

When considering health care benefits, you may want to look at the health savings account (HSA). This portable health care account is available to those who are covered by a high-deductible health plan (HDHP). Employers of any size can set up an HSA plan, and contributions may be made through a flexible spending account (see page 19).

HSAs reimburse the same expenses as a health flexible spending account (FSA), without the “use-it-or-lose-it” consequences when the plan year ends or the participant changes jobs. In addition, HSA earnings accumulate tax free.

If funds accumulated in an HSA are used for anything other than eligible medical expenses, the account beneficiary is required to pay taxes, plus a 10% penalty. However, there is no penalty for distributions following disability, death, or retirement (at Medicare eligibility age).



## Health Reimbursement Arrangements (HRAs)

Another medical reimbursement account is an employer-provided plan called the health reimbursement arrangement (HRA). With an HRA, the employer funds an account from which the employee is reimbursed for qualified medical expenses, such as copays, deductibles, vision care, prescriptions, premiums for medical and long-term care insurance, and some dental expenses. Reimbursements are not taxed to the employee and are deductible by the employer. The employee can carry forward any unused HRA account fund from year to year. Employees may request reimbursement for medical expenses at the time services are rendered, accumulate expenses for reimbursement in the future, or save funds in the HRA for retiree health benefits.

## Flexible Spending Accounts

Flexible spending accounts (a.k.a. Section 125 plans) provide an IRS-approved way to lower taxes for both employers and employees. These plans allow employees to redirect compensation to pay for qualified unreimbursed medical expenses, dependent care expenses, adoption expenses, and certain insurance premiums before personal taxes are computed on their paychecks. Employees end up paying less tax because their taxable income is lower.

### TAX TIP

#17

Set up a flexible spending account to allow employees to pay for medical expenses that insurance does not reimburse, such as eye surgery, prescription drugs, orthodontia, copays, and deductibles.

The business pays less in Social Security matching funds because employees do not pay Social Security tax on amounts placed in their plan accounts. While sole proprietors, partners, members of an LLC or LLP (in most cases), and individuals owning more than 2% of an S corporation may not participate in flexible spending accounts, they may still sponsor a plan and benefit from lower payroll taxes.

## Medical Expense Reimbursement

Under current law, only medical expenses that exceed 10% of AGI are deductible on your tax return. Since many medical expenses are not covered by insurance plans, paying for them through a flexible spending account with tax-free dollars provides an opportunity for savings.

With a flexible spending account, certain medical expenses become, essentially, tax deductible. Covered expenses include insurance deductibles and copays, doctor's office visits, dental and orthodontia expenses, vision care, eye surgery, prescription drugs, and medical transportation costs.

## Dependent Care

Many flexible spending accounts allow employees to pay for up to \$5,000 of child and adult dependent care expenses each year with pre-tax dollars. Generally, a child or dependent must be younger than 13 or disabled to qualify.

It is important to keep in mind that dependent care expenses paid through a flexible spending account will reduce the amount of the taxpayer's Child and Dependent Care Tax Credit dollar for dollar.

## Health Insurance

By allowing employees to deduct health insurance premiums from their pay on a pre-tax basis, the employer can save on taxes. In fact, for every dollar employees spend on health insurance, the employer saves 7.65%, or the FICA match. Premium Only Plans are easy to set up and administer, and unlike other types of flexible spending accounts, they do not require filing claims or an IRS tax filing.



## Adoption Assistance

Employees adopting a child can be reimbursed through a flexible spending account for up to \$13,460 in 2016. Employees can only take the reimbursement once per child. If the adoption process spans several years, employees may want to consider which year they want to take this reimbursement.

Your employees may benefit by using the adoption assistance as a tax credit. The \$13,460 limit is the same as if the reimbursement were filed through a flexible spending account; if eligible expenses exceed \$13,460, both the flexible spending account and the tax credit may be utilized. If employees are in the 25% tax bracket or higher, paying for adoption expenses through the flexible spending account may save them more than the credit. This tax credit gradually phases out based on income levels. (Refer to the chart on page 10.)

## 529s at Work

Employers seeking innovative ways to attract and retain a qualified workforce may want to consider including a 529 college savings plan as an incentive in their benefit packages, which may be offered with or without company matching contributions. To ease the process for employees and to encourage a disciplined approach to saving, many companies arrange contributions through automatic payroll deductions.

Typically, 529 college savings plans provide participants with a variety of investment options and offer two tax advantages: 1) the potential for earnings to grow free of Federal income tax, and 2) the opportunity for withdrawals to be made free of Federal income tax, if funds are used for qualified education expenses, such as tuition, fees, room, and board. Certain state taxes may apply. For more information on 529 plans, review the chart on page 6.

## BUSINESS TAX CREDITS & DEDUCTIONS

Credits are a great way to cut your business' tax bill because they offer a dollar-for-dollar reduction in tax liability. To take full advantage of these credits, be sure to monitor changes in Federal law, as some incentives are temporary, while others are subject to Congressional renewal. We can help you monitor changes in tax law and determine which credits are available to you.

### Section 199 Deduction

Domestic manufacturers can take advantage of the Section 199 deduction. Qualified activities include certain types of film and video, computer software, and energy production, as well as certain agricultural processing, construction, engineering, and architectural activities. In 2016, businesses can deduct 9% of the lesser of their qualified production activities income (QPAI) or their taxable income. The deduction is limited to 50% of W-2 wages paid by the taxpayer that are allocable to domestic production gross receipts (DPGR) in calculating QPAI. Business owners must track the portion of an employee's time and pay related to qualifying activities.

### Section 179 Expensing

Business owners can use the Section 179 expense deduction for new business equipment, furniture purchases, vehicles, and off-the-shelf computer software. Because Section 179 expensing allows you to take an upfront deduction on purchases, it can be a convenient alternative to depreciating the cost of equipment over time.

In 2016, the expensing limit is set at \$500,000, with a total investment limit of \$2 million before phase-out begins. Starting in 2016, both limits are indexed to inflation. The \$250,000 cap related to Section 179 expensing of qualified real property is also removed starting in 2016.

#### TAX TIP #18

Plan your purchases to take advantage of Section 179 expense limits.



## Bonus Depreciation

The Protecting Americans from Tax Hikes (PATH) Act of 2015 extended through the end of 2019 the immediate deductibility of a percentage of the total cost of qualified property acquired and put into service during the current year for businesses of any size. The portion that can be expensed is 50% in 2015–2017, 40% in 2018, and 30% in 2019.

### Mid-Quarter Convention

Maximize your depreciation deduction by planning qualifying purchases before the end of the year. However, be sure to avoid having depreciation deductions reduced as a result of the “mid-quarter convention,” which occurs when more than 40% of your total new property is placed in service during the last three months of the tax year. Purchases fully deducted as Section 179 expenses are removed from the mid-quarter convention computation.

### Cost Segregation Studies

Capital cost segregation is a comprehensive study of real property to maximize allowable tax depreciation through faster cost recovery. Generally, real estate improvements must be depreciated over 27.5 or 39 years using a straight-line method.

A cost segregation analysis identifies property components and related costs that Federal tax law allows to be depreciated over five or seven years using 200% of the straight-line rate, or over fifteen years using 150% of the straight-line rate. Under these rules, it is possible to increase your allowable first-year depreciation tenfold. Examples of assets that may need proper classification include landscaping, site fencing, parking lots, decorative fixtures, cabinets, and security equipment.

*NOTE: The rules differ for certain property types, and not all states follow Federal depreciation rules. Businesses subject to the alternative minimum tax (AMT) may derive less benefit from cost segregation.*

#### TAX TIP #19

Do not overlook the tax savings that are hidden in your depreciable real property. A cost segregation study can help identify areas where you can accelerate depreciation.

## Business Vehicle Depreciation

The first-year depreciation limits for business vehicles placed in service in 2016 apply to automobiles, trucks, and vans. For passenger cars, the limits are \$3,160 for the first tax year, \$5,100 for the second, \$3,050 for the third, and \$1,875 for subsequent years. For trucks and vans, the limits are \$3,560 for the first tax year, \$5,700 for the second, \$3,350 for the third, and \$2,075 for subsequent years.

## Business Transportation

You can deduct all business travel expenses, including travel from one job site to another; travel to a temporary assignment (generally one year or less) that is outside your general area of residence; travel between primary and secondary jobs; and all other cab, bus, train, airline, and automobile expenses. Normal commuting expenses to your primary job cannot be deducted. If your home is your principal place of business, you can deduct daily transportation expenses from your home to any work location.

You may deduct expenses for an automobile you own in one of two ways: either record and deduct your actual expenses, including depreciation, or record your mileage and deduct a standard amount per mile of travel, plus parking and toll fees. The standard mileage rate is 54¢ per business mile in 2016.

### TAX TIP #20

Employers may redirect employees' salaries to reimburse them for parking costs or to provide them with transit passes. The amount that may be excluded from taxable income by employees who pay for qualified mass transit and van pools now equals the amount for parking.

If expenses include accelerated depreciation, deducting actual expenses may initially provide a larger deduction. But keep in mind that you may not switch to the standard mileage rate later when it provides the larger deduction. If you lease a vehicle, you can either deduct actual expenses or take the standard mileage deduction. Detailed recordkeeping is important to substantiate your deduction.

If your employer reimburses you for business travel, the reimbursement is not usually included in your income, and you are not permitted to deduct expenses. Travel expenses for which you are not reimbursed are deductible as miscellaneous itemized deductions subject to a 2% of AGI floor.

## Expense Reimbursement Plans

Companies may institute "accountable" or "nonaccountable" expense reimbursement plans. Generally, accountable plans better serve both the employer and employee.

Under accountable plans, employees submit mileage logs or actual expense receipts for which they are reimbursed at the standard mileage rate or for actual expenses. The company deducts the reimbursements in full, and employees do not report them as income or deduct related expenses.

Under nonaccountable plans, employees receive flat expense allowances. Employees must declare the allowance as income, and the expenses are taken as miscellaneous itemized deductions, subject to the deduction floor. The employer may owe FICA on the allowances.



## Travel & Entertainment

In general, travel, meal, and entertainment expenses are not deductible unless you can prove the expense was directly related to a business activity or discussion. Keep in mind that only 50% of your business meal and entertainment expenses may be deducted, and many club dues cannot be deducted.

### Substantiation Requirements

To substantiate deductions, be sure to keep supporting documents, such as canceled checks and receipts, for expenses of \$75 or more. Record items in a travel log or on the back of a receipt, indicating the following:

1. Date, place, amount, and business purpose of expenditure.
2. Name and business affiliation of person(s) you are entertaining, or business purpose of trip.
3. In the case of meals and entertainment, all of the above, plus evidence the activity directly preceded or followed a substantial business discussion associated with your business.

When obtaining and organizing documentation, be sure that any of your personal expenses are separated from your business expenses.

## Charitable Contributions

Corporations with excess inventory may donate surplus property to charitable organizations and receive a tax deduction. For example, if you contribute food or medical supplies to a charity that provides for the homeless, you may deduct not only the cost of the goods, but also half of the lost profit (not to exceed twice the cost). Corporate contribution deductions are limited to 10% of the corporation's taxable income before considering the donation.





## Employing Your Children

There are tax advantages to putting your teenage son or daughter to work in your business. Wages paid to your child are fully deductible as a business expense. If you are a sole proprietor or a partner in a partnership in which only you and your spouse are partners, you do not have to pay FICA on those wages if the child is under age 18, nor do you have to pay unemployment insurance if the child is under age 21. The child's wages may be subject to a lower tax rate than if you were to retain the same money as business earnings.

Children, who are likely in lower tax brackets, pay a 10% rate on earned income up to \$9,275, and 15% on the next \$28,374. A child with earned income receives a standard deduction of up to \$6,300 for 2016 and may qualify for an IRA deduction of \$5,500, which can total \$11,800 free from Federal income tax.

Children may also be partners in partnerships or shareholders in S corporations, which can reduce the overall family tax burden in certain situations.

## EMPLOYEE OR INDEPENDENT CONTRACTOR?

Your business may have already discovered the advantages of outsourcing projects or certain business functions, including payroll taxes, insurance, and benefit cost savings. Be aware, however, that the IRS continues to scrutinize whether a worker has been properly classified as an employee or an independent contractor. If an audit reveals a worker's status has been misclassified, the business may face penalties and additional employment taxes.

In determining whether a worker is an employee under common law, a business is advised to consider all the factors that might indicate its control or the worker's independence. According to the IRS, factors that provide evidence of control and independence fall into three categories: behavioral control, financial control, and type of relationship. Give us a call if you would like to discuss these factors.

## ALTERNATIVE MINIMUM TAX (AMT)

Like individuals, businesses that make substantial use of deductions may be subject to the AMT, which is a flat 20% rate on the amount of taxable income above the exemption amount.

Corporations that have average gross receipts of less than \$5 million for their three preceding tax years are exempt from the AMT. The exemption continues as long as the corporation has no more than \$7.5 million in average gross receipts for the previous three years. Once an exemption is lost, the corporation is liable for the AMT in the current year and future years. If you are concerned that your business may be subject to the AMT, call us. We can help you either avoid or reduce the AMT.

## CHOOSING THE BEST INVENTORY METHOD

In a period of rising prices, the use of the LIFO (last-in, first-out) inventory identification method can produce income tax savings. This method increases your cost of goods sold (thereby reducing your taxable income) by assuming that the higher priced inventory units you most recently purchased were the ones actually sold. If you use the LIFO method for tax purposes, you must also use it in preparing financial statements for credit purposes and reports to stockholders.

In times of falling prices, the FIFO (first-in, first-out) inventory identification method may provide larger tax savings. It assumes that the higher priced inventory units you purchased first are the ones that have been sold.

You can generally change from one inventory method to another, but you may need to obtain IRS approval. Depending on your situation, you may be able to realize income tax savings by choosing one method over the other. Some small businesses with gross receipts of \$10 million or less may be able to ignore inventories altogether. Call us to see if you qualify.

## BENEFITING FROM BUSINESS LOSSES

If your business has suffered losses, make sure you take advantage of every allowable deduction. Net operating losses (NOLs) are generated when a business' deductions for the tax year are more than its income. NOLs may be carried back two years to obtain a current refund and then carried forward for up to 20 years. Alternately, you may waive the carryback and carry all loss forward. Foregoing the carryback period could be beneficial if your marginal tax rate in the carryback years was unusually low. Corporate capital losses are also currently deductible, but only to the extent of capital gains. A three-year carryback and a five-year carryforward period apply.

If your business is not incorporated or operates as a partnership, S corporation, or LLC, you may deduct business losses on your personal tax return. But, losses may be limited because of the at-risk or passive activity loss rules. Keep in mind that you can only deduct your share of losses to the extent that you have sufficient income tax basis for your investment.

Also, take advantage of other possible loss deductions. You may deduct all or some bad business debts as ordinary losses when your good-faith collection efforts are unsuccessful. Inventory losses, casualty and theft losses (to the extent they are not covered by insurance), and losses from a sale of business assets may also be deductible.

## BUSINESS SUCCESSION PLANNING

On average, only one closely held business in three successfully passes on to the next generation. A lack of proper transition planning is often why businesses fail after their founders retire, sustain a disability, or die. By implementing a business succession plan, you can help protect your company's future. At a minimum, a sound plan may help you accomplish the following:

1. Transfer control according to your wishes.
2. Carry out the succession of your business in an orderly fashion.
3. Minimize tax liability for you and your heirs.
4. Provide financial security for you and your family after you step down.



To succeed, you need to examine the immediate, intermediate, and long-term goals of your family and your business. With a timeline in place, it is possible to fine-tune your plan based on the involvement you wish to have in the company and the future you envision for your business.

As you develop the appropriate tax and financial strategies, two important steps are valuing your business and deciding how to transfer ownership. There are many valuation methods. Depending on your situation, one technique may be more appropriate than another. The common goal for business owners selling their businesses is to reach a valuation that fairly compensates the owner for his or her interest, while making the price attractive to the potential buyer. Profit may be less of a concern for owners who are passing a business to children.

Owners have a variety of options for transferring ownership, and the most appropriate strategy depends on your specific situation, considering your personal financial and tax situation, your current form of business ownership (sole proprietorship, partnership, corporation, etc.), and the future owners (family, employees, third party, etc.). One or more of the following tax minimization strategies can play a key role in your planning process:

- Gift stock to family members. Begin now so ownership can be transferred while avoiding unnecessary transfer taxes.
- Employ a buy-sell agreement that fixes the estate tax value of your business. An effective agreement provides estate tax liquidity and provides your successors with the means to acquire your stock.
- Create an employee stock ownership plan (ESOP), and sell your stock to the plan. Special rules allow you to sell your stock to the ESOP and defer the capital gains tax if you reinvest in qualified securities. Ownership can be transferred to your employees over time, and your business can obtain income tax deductions for plan contributions.
- Plan to qualify for the estate tax installment payment option. It allows you to pay the portion of your estate tax attributable to your closely held business interest over a period of up to 14 years. Artificially low interest rates apply during the tax-deferral period. Other special rules apply.

Call us for help securing your company's future with a business succession plan. We can help guide you through this complex process.



### More Tax-Saving Strategies

- ✓ To the extent possible, shift income into next year and accelerate deductions.
- ✓ Consider whether your current form of business is still the most appropriate for you.
- ✓ Set up a nonqualified deferred compensation plan for your highest paid employees.
- ✓ Perform a compensation and fringe benefit study to see whether tax benefits can allow you to offer more generous benefits that help attract and retain qualified employees. For example, you may choose to "split the difference" with employees on compensation increases by providing benefits that are deductible by the company and tax free to the employee.
- ✓ Consider how state and local taxes and year-end strategies may affect your overall plan.

## RETIREMENT STRATEGIES

It is never too early to start saving for retirement. Recent tax reform has enhanced certain planning opportunities. You may still have time to accumulate sufficient retirement assets, provided you plan ahead, stay disciplined, and regularly review your strategies.

We can help you make sense of your options, as well as advise you on how tax law changes may impact your current plans. By choosing tax-favored retirement vehicles, you can save money now *and* later.

### Individual Retirement Accounts (IRAs)

IRAs remain an attractive option for retirement savings. Traditional IRA contributions may be tax deductible, depending on your income and participation in an employer-sponsored retirement plan. Contributions and earnings accumulate on a tax-deferred basis. However, income taxes are due when distributions are taken.

The contribution limit is \$5,500 in 2016 (and will be adjusted for inflation in subsequent years). If you are age 50 or older, you can contribute an additional \$1,000. The total of your contributions to one or more IRAs may not exceed these limits. Deductions phase out for active participants in an employer-sponsored plan as follows: for single filers with AGIs between \$61,000 and \$71,000, and for joint filers with AGIs between \$98,000 and \$118,000.

A “nonparticipant” spouse may make a deductible IRA contribution, as long as the couple’s AGI is less than \$194,000. Couples with a nonworking spouse can make a combined contribution of up to \$11,000 (plus catch-up, if applicable).

#### 2016 Retirement Contribution Limits

	Under Age 50	Age 50 and Over
IRA	\$5,500	\$6,500
401(k)	\$18,000	\$24,000
SIMPLE	\$12,500	\$15,500

#### Roth IRAs

Roth IRAs, with their tax-free distributions, continue to be popular savings vehicles. Contributions to Roth IRAs are not deductible, and are subject to income limitations. As with traditional IRAs, you may contribute up to \$5,500 to a Roth IRA in 2016 (\$6,500 if you are 50 or older). Again, combined contributions to one or more IRAs may not exceed these limits.



TAX TIP

#21

If you withdraw funds from your IRA before you reach age 59½, you may be subject to a 10% tax penalty. Withdrawals for qualified college expenses or to fund up to \$10,000 of a first home purchase are taxed, but you are not penalized for the early withdrawal.

Owners of traditional IRAs may now convert these accounts to Roth IRAs, regardless of income, allowing more taxpayers to take advantage of the Roth IRA through direct contributions or conversions. When converting, the distribution from your traditional IRA is taxed, but you are not penalized for the early withdrawal.

#### ROTH IRA Income Limits\*

	Contributions Reduced	Ineligible
Single Filers	\$117,000 – \$132,000	Over \$132,000
Joint Filers	\$184,000 – \$194,000	Over \$194,000

\*Modified Adjusted Gross Income

*NOTE: If you withdraw any of the amount rolled over or converted into a Roth IRA within five years of the rollover, you may be charged a 10% early withdrawal tax.*

#### Which IRA Is Best For You?

If you are fairly young, expect to be in a similar tax bracket when you retire, or are concerned about cash flow during retirement, a Roth IRA may be an appropriate choice.

If you are older and expect to be in a lower tax bracket, you may be a candidate for a deductible IRA. Keep in mind, however, that a number of factors need to be considered when choosing an investment vehicle. We can help you calculate which retirement savings strategies are right for you. For additional information on IRAs, see the chart on page 25.

Whichever IRA you choose, start making contributions now, and continue making them each year. Doing so will allow you to take full advantage of the tax benefits.



## Employer-Sponsored Plans

Employer-sponsored plans are a staple of retirement income for many individuals. There are two main types of plans: defined benefit plans and defined contribution plans. Defined benefit plans are traditional pensions, which typically offer retirement benefits based on salary and length of service. Retirement income from defined contribution plans depends on the amount of money contributed and the investment performance of the account.

Because employees are often responsible for taking the initiative to participate and fund defined contribution plans, tax planning is key. If you are employed by a company that offers matching contributions, take advantage of what is essentially free money by contributing at least enough to get the full match. In addition to lowering your current taxable income, your contributions have the potential for tax-deferred growth. Let's take a look at some popular defined contribution plans.

### 401(k) Plans

401(k) plans are qualified plans offered by many employers. As an employee, you can contribute a certain percentage of your salary, as defined by the plan, or up to the contribution dollar limit, whichever is less.

The limit for elective salary deferrals in 2016 is \$18,000. Those age 50 and older can contribute an additional \$6,000. You do not pay taxes on contributions until you receive money from the plan, which is usually when you retire and may be paying taxes at a lower rate.

Some employers match a portion of employee contributions and may also make additional contributions on behalf of the employees. Self-employed taxpayers may make deductible matching contributions to their plans. Employer contributions

may be distributed according to the plan's vesting schedule. So, if you leave a job before being fully vested, you may not receive all of the employer's contribution. You will, however, always be 100% vested in the funds you have contributed and their earnings.

### Roth 401(k)s

A Roth option may be available to those participating in traditional 401(k) plans. Like the Roth IRA, contributions to a Roth 401(k) are made with after-tax dollars, and earnings and distributions are tax free, provided you have owned the account for five years and are at least 59½ when you make withdrawals. However, unlike the Roth IRA, Roth 401(k)s have no income restrictions, and they are subject to the more generous elective salary deferral limits that apply to conventional 401(k)s—\$18,000 for taxpayers under the age of 50 and \$24,000 for older workers in 2016.

### TAX TIP

#22

If you will not need the accumulated Roth funds for retirement, you can bequeath the funds to your heirs. They may withdraw the money tax free over their lifetime.

You may choose to designate all or part of your elective 401(k) contributions as Roth contributions. However, matching contributions made by an employer must be invested in a traditional account, not a Roth. Participants in 401(k), 403(b), and 457(b) plans are permitted to roll over funds into Roth accounts within their plans, if available. Because contributions to traditional 401(k)s are made on a pre-tax basis, any funds transferred from traditional to Roth 401(k) accounts are taxed in the year of conversion.

## Traditional IRA or ROTH IRA? Which Is Best for You?

	TRADITIONAL	ROTH
<b>Eligibility Requirements</b>	Under age 70½ with compensation	Any age with compensation, subject to income limits
<b>Tax Benefit</b>	Tax-deferred growth	Tax-free growth
<b>Tax Treatment of Withdrawals</b>	Earnings and deductible contributions are taxed when withdrawn	Tax-free withdrawals (five-year requirement and other conditions must be met)
<b>Contributions</b>	Tax deductible (deductibility depends on retirement plan participation status and income limits)	Not deductible
<b>Maximum Annual Contribution (2016)</b>	\$5,500 or 100% of compensation, whichever is less, per person per tax year (aggregate to both a traditional or Roth IRA, plus an additional \$1,000 for those age 50 and older)	Same
<b>10% Early Withdrawal Penalty</b>	Yes, if under age 59½ and withdrawal is not for higher education expenses, qualified first home purchase, certain major medical expenses, or certain long-term unemployment expenses	Same
<b>Mandatory Distributions</b>	Distributions must start at age 70½	No requirement

## SIMPLE Programs

Savings Incentive Match Plans for Employees (SIMPLEs) can be adopted by companies with 100 or fewer employees who earned at least \$5,000 last year. The plan must be made available to every employee who made at least \$5,000 in each of the previous two years, and owner-employees are allowed to participate.

SIMPLE programs can be designed as either an IRA plan or as a simplified 401(k) plan. These plans have contribution requirements and are not subject to nondiscrimination rules.

Employees can contribute up to \$12,500 in 2016. The “catch-up” provisions also apply to participants in SIMPLE programs. If you are age 50 or older, you can contribute an additional \$3,000.

The employer must match the contribution dollar for dollar, up to 3% of the employee’s compensation, or make an overall 2% contribution to every eligible participant. All contributions to a SIMPLE account are immediately fully vested. For a comparison of SIMPLEs and 401(k) plans, see the chart on page 18.

## Preserving Retirement Funds

Many retirement plans allow you to take vested benefits with you if you change jobs before retiring. However, unless your retirement benefit from your former employer is paid directly to your IRA or to your new employer’s plan, 20% of your funds must be withheld for Federal taxes. These funds will be refunded when you file your tax return. Without a direct rollover, funds may be needed to pay taxes and penalties for early distribution.

### TAX TIP

#23

Be sure that your retirement benefits are properly transferred, and weigh your options when changing jobs. We can help you compare the costs and benefits of this strategy.

## Social Security Benefits

In retirement, up to 85% of your Social Security benefits may be taxed, depending on your income level. You may be affected if your modified adjusted gross income (AGI plus half of Social Security benefits plus tax-exempt income) exceeds \$32,000 (\$25,000 if you are single).

The age at which individuals may start collecting full Social Security benefits is increasing. Full retirement age will increase gradually for those born after 1937 from age 65 to age 67. Early retirement at age 62 is still an option, but your monthly benefit will be reduced.

Taking benefits at age 62 may be tempting, even with the reduced benefit. However, if you choose to continue working to supplement your Social Security income, your benefits may be reduced further if you earn more than the maximum amount allowed. If you are under the full retirement age, receive Social Security benefits, and earn additional income in 2016, your benefits will be reduced by \$1 for each \$2 earned over \$15,720. If you reach full retirement age in 2016, your benefits will be reduced by \$1 for every \$3 earned over \$41,880 in months

leading up to full retirement age. Upon reaching full retirement age, Social Security benefits are not reduced because of earnings.

The Social Security Administration offers online calculators to help you plan your retirement income. For more information, visit their website at [www.ssa.gov](http://www.ssa.gov).

## ESTATE PLANNING

For most people, transferring wealth to loved ones or a favorite charity is a long-term goal. Appropriate tax planning for your personal situation may help ensure you leave a legacy. Estate planning involves many strategies generally designed to preserve assets, minimize taxes, and distribute property according to your wishes.

If it has been awhile since you reviewed your estate plan, consider doing so, as the landscape of estate and gift planning is changing. It is also important to note that state estate tax laws may differ from Federal estate tax laws, and state estate tax laws may differ from state to state.



Federal regulations concerning the taxation of property owned at death contain a catch-all definition stating that the “gross estate of a decedent who was a citizen or resident of the United States at the time of his death includes the value of all property—whether real or personal, tangible or intangible, and wherever situated—beneficially owned by the decedent at the time of his death.” The first step in understanding the potential implications of the Federal estate tax is to know what major assets comprise your estate. Consider the following:

- *Personal assets*, such as personal property, savings, real estate, retirement plans, and proceeds from your life insurance policies.
- *Rights to future income*, such as payments under a deferred compensation agreement or partnership income continuation plan. These rights are commonly referred to as “income in respect of a decedent (IRD)” and may be includable at their present cash value.
- *Business interests*, whether as a proprietor, a partner, or a corporate shareholder.

It is important to note, however, that the value of Social Security survivor benefits, received as either a lump sum or a monthly annuity, is not includable in your gross estate.

Determining what may be included in your gross estate may require professional, in-depth analysis. It is also important to re-evaluate your estate plan periodically to help protect your beneficiaries and heirs from having to choose between fulfilling your wishes and meeting estate tax requirements.

Failure to plan your estate not only has the potential to increase your heirs' potential tax liability, but it also leaves responsibility to the state courts to divide your assets, assign guardians for your children, and dictate all other details in handling your estate. Your involvement now can help you prepare for your loved ones' future.

## Estate Tax Law Changes

The estate planning landscape has been marked by change and uncertainty over the past several years. Under 2001 tax law, the Federal estate tax became progressively generous in the run-up to 2010, when it was phased out completely for a single year. Under the 2010 Tax Relief Act, the Federal estate tax was reinstated. In 2016, there is a top tax rate of 40% and an exemption amount of \$5.45 million, or \$10.9 million for married couples.

Early preparation is key to developing appropriate strategies to minimize potential estate taxes and ultimately maximize the amount transferred to your heirs. With the reinstatement of estate taxes, the exemption allows you to transfer \$5.45 million to your children or other heirs tax free at death. (Bear in mind that an unlimited amount may be passed tax free to a spouse.) If you are married and your combined assets (including life insurance) surpasses \$10.9 million, consider implementing advanced planning tools, such as trusts, to help minimize taxes.



### Estate, Gift, and GST Tax Exemptions

Estate Tax Rate	Exemption	Gift Tax Rate	Exemption	GST Tax Rate	Exemption
40%	\$5.45 million	40%	\$5.45 million	40%	\$5.45 million

## The Portability Provision

The 2010 Tax Relief Act included a provision allowing the estate tax exemption to be transferred between spouses in 2011 or 2012, so that if one spouse dies and does not use the full exemption amount, the remainder can be used by the surviving husband or wife. This provision was made permanent for 2013 and beyond by the American Taxpayer Relief Act of 2012. To make use of this so-called "portability" option, the executor of the first spouse must actively elect it on the estate tax return, even if no liability is owed. Then, when the remaining spouse dies, the heirs will owe estate tax only on any amount above the combined exemption. This means that husbands and wives do not have to split assets between them, or be concerned about who holds the title on various assets.

Yet, these changes to the estate tax do not eliminate the need for planning. Wealthy taxpayers who currently fall within the exemption limits may still want to consider setting up a bypass trust in anticipation of future changes in the rules. In addition, couples with different sets of final beneficiaries, such as children from previous marriages, may wish to set up a bypass trust in order to clarify the beneficiaries of their separate assets. See chart on page 28 for more information about commonly used trusts.

## Gifts to Family Members

One way to gradually transfer your estate tax free is to use the annual exclusion and "gift" up to \$14,000 per person, per year, to an unlimited number of recipients. If you and your spouse choose to "split" gifts, then \$28,000 per year can be given away without you or the recipients paying transfer tax. (Gift-splitting is not necessary in community property states.)

### TAX TIP

#24

If you have stock that is temporarily depressed in value but has high appreciation potential, consider giving it to your children now. The gift tax impact (determined by the fair market value on the date of the gift) will be reduced. When the stock price recovers, you will enjoy a second benefit: The increase in value will not increase your estate tax base.

You may also want to take advantage of the lifetime gift tax exemption. Under the 2010 Tax Relief Act, the Federal lifetime gift tax was reunified with the estate tax, with a top tax rate of 40% and exemption of \$5.45 million in 2016.

If you would like to make a gift to a grandchild (or anyone else) and not be limited by the annual exclusion amount, make a direct payment to the providers for education (tuition only) and medical expenses. Gifts of this nature do not count toward the annual limit. You can also exclude gifts of tuition or medical payments made now for future services.

Gifts may be made directly to the donee or deposited in a trust for the donee's benefit. Many estates can be completely transferred to others in this way over time. There are special requirements when the trust beneficiary does not have a present interest in (does not enjoy current benefits from) the trust property. Gifts to such trusts do not qualify for the \$14,000/\$28,000 annual exclusions. In the case of trusts set up for minors, annual exclusion gifts are allowed, but beneficiaries must have full access to the trust assets at age 21.

### Gifting Benefits

1. Post-gift appreciation escapes the estate tax.
2. To the extent of the \$14,000/\$28,000 per donee, per year annual exclusion, no transfer tax is ever imposed.
3. Gift tax paid reduces your taxable estate. (Limited exceptions apply.)
4. Post-gift income produced is taxed to lower tax bracket donees.



## Commonly Used Trusts

TYPE	PURPOSE	BENEFITS
<b>Credit Shelter or Bypass Trust</b>	Created at death to hold and manage assets for your heirs in an amount equal to the estate tax exemption.	Distributes assets free of estate tax to heirs at a predetermined age.
<b>Irrevocable Living Trust</b>	Created by gifts to manage assets you transfer, for beneficiaries you designate. Terms are specified at your discretion.	Keeps trust assets out of your estate if you give up all control. Post-gift appreciation is also excluded. Can be set up so that you pay the taxes on trust income, maximizing the amount available to beneficiaries.
<b>Revocable Living Trust</b>	Protects and manages your assets in the event of your incapacity. Becomes irrevocable at death and provides for asset distribution.	Helps avoid probate and preserves privacy.
<b>Insurance Trust</b>	Owens life insurance policies on your life, and can be used to manage and distribute policy proceeds in accordance with your wishes.	Keeps insurance proceeds out of your estate. Can loan proceeds to your estate to help meet liquidity needs, such as paying estate tax.
<b>Charitable Remainder Trust</b>	Holds appreciated property you transfer for the benefit of a charity. Makes annuity payments to you (or other beneficiaries) and transfers any remainder to the charity at your death.	Gives you an immediate income tax deduction, avoids capital gains tax, provides you with annuity payments, and keeps the transferred property out of your estate.
<b>QTIP (Qualified Terminable Interest Property)</b>	Created at death for the benefit of your spouse and children. Pays all trust income to your spouse for life. Remainder then passes to your children.	Qualifies for the unlimited estate tax marital deduction. Gives you complete control over the final disposition of your property. Often used in second marriages to protect interest of children from a previous marriage.

One possible solution to the “present interest” problem is to create a “Crummey” trust for greater flexibility and control. This requires that you give each trust beneficiary a right of withdrawal when funds are transferred to the trust. Transfers subject to Crummey powers will qualify for the annual exclusions.

To enhance your gifting strategy, you may want to consider creating a family limited partnership (FLP), to which you can transfer property (such as rental property) and then gift interests to family members without relinquishing full control.

### Generation-Skipping Transfer Tax

Transfers to your grandchildren may be subject to the generation-skipping transfer (GST) tax. Under the 2010 Tax Relief Act, the generation-skipping transfer (GST) tax is equal to the highest estate and gift tax rate in effect for the year (40% for 2016). The GST tax may be avoided by making gifts that qualify for the annual exclusion directly to your grandchildren. (Crummey power trusts will not work for this purpose.)

### Trusts

A trust, simply defined, is an arrangement whereby one person holds legal title to an asset and manages it for the benefit of another. One of the valued characteristics of a trust is its

ability to bridge the gap between life and death, allowing a person to “rule from the grave,” so to speak. Generally, a trust may be established to last for many generations, ending 21 years after the death of the last named beneficiary, or after a specific number of years as permitted by state law.

During your lifetime, you could establish a trust for your own benefit. For example, you could use a trust to minimize taxes, obtain professional asset management, or accomplish other goals. You may want to participate in a new business venture with strong potential, but high risk. In this case, you could use a trust to help ensure your income in the event of business failure.

On the other hand, trusts can be established for the benefit of others, such as your spouse, parents, children, or grandchildren.

### TAX TIP

#25

If you wish to make gifts of more than \$5.45 million (the amount sheltered by the lifetime gift tax exemption), consider transferring assets in exchange for an installment note. The note can be forgiven (or distributed to the heirs) at death and be sheltered by the additional estate tax exemption. However, the transfer will be subject to income tax unless special planning techniques are used.

Perhaps you want to provide for beneficiaries who may require extra guidance upon your death, such as minors or other dependents with special needs. Trusts may also be created for the benefit of independent adults for many reasons, including freedom from management burdens, expert administration, mobility, and other practical purposes, like cash savings. While avoiding probate may be a consideration, the estate and gift tax savings associated with the use of trusts may also be important. See the chart on page 28 for other trusts used in estate planning.

## TAX TIP #26

In light of changing tax laws, it is important to review your estate conservation strategies, especially if your plan was established before 2002. We can help you develop appropriate strategies for your situation.

### Life Insurance Proceeds

If you own a life insurance policy, it is important for you to know that life insurance proceeds are subject to estate tax upon your death if you retain any powers over the policy (such as the right to change the beneficiary or borrow against the policy) or if the proceeds are made payable to your estate.

You can transfer a policy to certain life insurance trusts at least three years before you die, or you can give money to the trust to buy a new policy and pay the premiums. Under either method, the proceeds will be free from estate tax, although your initial gift and the premiums paid may be subject to gift tax. If the trust is properly structured, the insurance proceeds can still be available to meet the liquidity needs of your estate.

### Choosing an Executor or Trustee

An important consideration when planning your estate is the selection of a competent executor and perhaps a trustee to ensure your wishes are fulfilled. Generally, you have two choices:

1. Use the services of a financial institution's trust department.
2. Name a family member or friend.

Institutions offer the benefit of technical know-how and continuity over time and the benefits of these should not be understated. However, since they must adhere to established corporate policies, they charge fees, use conservative investment policies, and could possibly be less responsive to the needs of your beneficiaries.

Selecting a family member or trusted friend could potentially reduce or eliminate fees and add a personal touch to the process, but consider your choice carefully because the responsibilities are significant. Your executor needs to be adept at filing tax returns, making complex tax elections, and implementing investment strategies (but they may have limited knowledge of investments).

Just because a family member is the oldest surviving sibling or is willing to serve does not mean he or she is the most appropriate choice. Consider also choosing a successor executor or trustee. Then, if the designated individual cannot or will not serve, you have an alternative plan.

### Advance Directives

If you were to experience a debilitating illness or become incapable of managing your own affairs, who would make your important legal, financial, and health care decisions? On what authority would this individual act? Fortunately, *advance directives*—legal instructions that express your wishes regarding financial and health care decisions in the event that you become incapacitated—can help deal with such contingencies.

A *durable power of attorney* grants authority to another person to make legal and financial decisions on your behalf in the event of mental incapacity. The powers granted can be broad or limited in scope. A durable power of attorney can assist you with your personal finances, insurance policies, government benefits, estate plans, retirement plans, and business interests.

A *living will* generally allows you to state your preferences prior to incompetency regarding the giving or withholding of life-sustaining medical treatment. A *health care proxy* allows you to appoint an agent to make health care decisions on your behalf in the event of incapacity. These medical decisions are not limited to those regarding artificial life-support.

Advance directives by durable power of attorney, living will, or health care proxy are essential estate planning tools for all individuals, regardless of age. Without such documents, court intervention, involving a great deal of time, expense, and stress to your family, may be necessary to carry out your legal, financial, and health care wishes.

To learn more about state-specific advance directives, visit Caring Connections, a program of the National Hospice and Palliative Care Organization, at [www.caringinfo.org](http://www.caringinfo.org).



### More Tax-Saving Strategies

- ✓ Consider an IRA for children with earned income.
- ✓ Determine which type of IRA is best for you. Make your contribution before the due date of your tax return to obtain a current year deduction.
- ✓ Be mindful of distributions from your IRAs. Before age 59½, withdrawals are generally subject to penalty. But, once you reach age 70½, you must withdraw certain minimum amounts. Your withdrawal amount is based on an analysis of your life expectancy and your IRA balance.
- ✓ Contribute the maximum amount possible to a tax-deferred retirement plan, including "catch-up" contributions if you are 50 or older.
- ✓ Set up a trust to meet your long-term financial goals.
- ✓ Consider your life insurance needs in light of estate and gift tax changes.

## THE YEARS AHEAD

Over the past decade, Congress has passed historic tax reform that offers a number of tax relief provisions for individuals. Planning ahead is important because these, and other tax breaks currently in effect, may be temporary.

Given the complicated schedule and brief windows of opportunity, planning your tax and financial future is important

in order to take full advantage of the potential savings. We can help you explore the possibilities and keep you informed of any legislative action in Washington that may extend or eliminate current tax benefits.

### 2016 Quick Facts

#### Income Tax Rates

10%  
15%  
25%  
28%  
33%  
35%  
39.6%

#### 10% Bracket Income Limits

Single Filers \$ 9,275  
Joint Filers \$ 18,550

#### Child Tax Credit

Per Child \$ 1,000

#### AMT Exemption

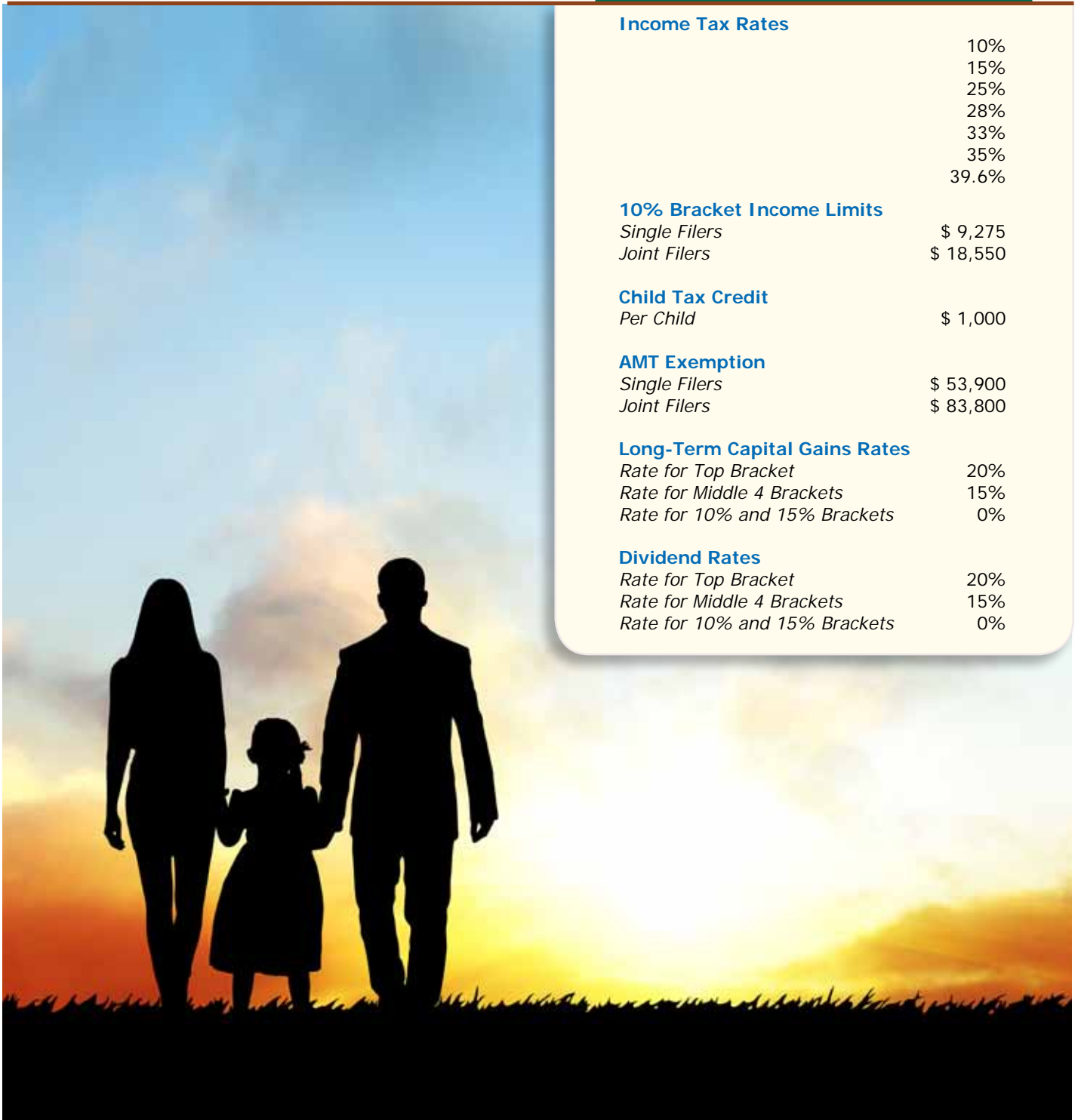
Single Filers \$ 53,900  
Joint Filers \$ 83,800

#### Long-Term Capital Gains Rates

Rate for Top Bracket 20%  
Rate for Middle 4 Brackets 15%  
Rate for 10% and 15% Brackets 0%

#### Dividend Rates

Rate for Top Bracket 20%  
Rate for Middle 4 Brackets 15%  
Rate for 10% and 15% Brackets 0%



**Be advised that this information was not intended or written to be used, and cannot be used, for the purposes of avoiding tax-related penalties; or for promoting, marketing, or recommending to another party any tax-related matters addressed herein.**

*This publication is designed to provide accurate and authoritative information and is distributed with the understanding that legal, tax, accounting, and financial planning issues have been checked with resources believed to be reliable. Some material may be affected by changes in law or in the interpretation of such laws. Do not use the information in this guide in place of personalized professional assistance. If you need to discuss any issues found in this guide, give us a call. Copyright 2016.*







## **A LITTLE HISTORY**

Twenty nine years ago, there were eight large accounting firms — and us.

Today, there are the "final four" large accounting firms — and us. Obviously, our growth has forced the large national firms to consolidate or cease operations.

Our Firm started in August 1987 as O'Brien Shortle Associates. We considered reversing the names to achieve a more rhythmic sound but felt the change would label us as SOBs before there was adequate justification to do so.

During the past 29 years, our assets (read "people") have grown to properly serve our ever-expanding clientele. Finally running out of stationery gave us the opportunity to admit two new partners and change to our present name. We are now the largest firm located at 54 North Main Street in Rutland, VT.

Celebrating 29 years of debits and credits — it doesn't get any better than that!

## **AND A THANK YOU**

We would like to use this space to thank our clients and friends for the opportunity to have served them during these 29 years. Whether called upon to provide accounting, auditing or tax services, business or personal financial planning or perhaps just to listen, we will always do our best to provide quality service.

We also would like to thank our staff. Without their tireless effort and dedication, we would not be able to serve our clients. We consider ourselves fortunate to have professionals and administrative people of the highest caliber.

Finally, we would like to thank the millions of readers of the Rutland Herald who voted us the Best Accounting Firm in the world.

O'Brien Shortle Reynolds & Sabotka takes this opportunity to wish our clients, staff and friends all the best. If you need us, we will be here.





**O'BRIEN SHORTLE REYNOLDS & SABOTKA, PC**

Certified Public Accountants