

44A What May Be Reimbursed?

日常津贴费可以包括哪些项目?

➤ Rev Proc. 20011-47; Notice 2014-57

Lodging 住宿 **Meals** 餐饮 **Incidentals** 相关开销

①. L, M & I Expenses 住宿、餐饮、相关费用

②. M & I Expenses 餐饮和相关费用

③. Incidentals 相关费用

No Lodging Only Rate Sec. 1

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44B Who May Use What Per Diems?

谁可以使用哪些日常津贴项目?

Lodging 住宿 **Meals** 餐饮 **Incidentals** 相关开销

①. Employees Only 仅限员工

②. Everyone 每个人

1. No 10% Corp. Owners
Rev. proc. 2006-41; § 6.07


2. No self-employed § 4.03
Starr, T.C. Memo 2000-35
Duncan, T.C. Memo 2000-269

③. Everyone 每个人


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44C How Much (Per Diem Rate)

日常津贴抵扣额 Go to slide 47



Lodging Meals & Incidentals
住宿、餐饮和相关费用



Meals & Incidentals
餐饮和相关费用

1. Daily rate based on Location
基于所在城市的每日标准额
2. High-Low Method 最高最低扣除法
High rate \$259 - 65 M&I = 194
Low rate \$172 - 52 M&I = 120

However, cannot be used by
不适用于
(1) self-employed; 个体户
(2) 10% corp. owners
公司10%以上的股东

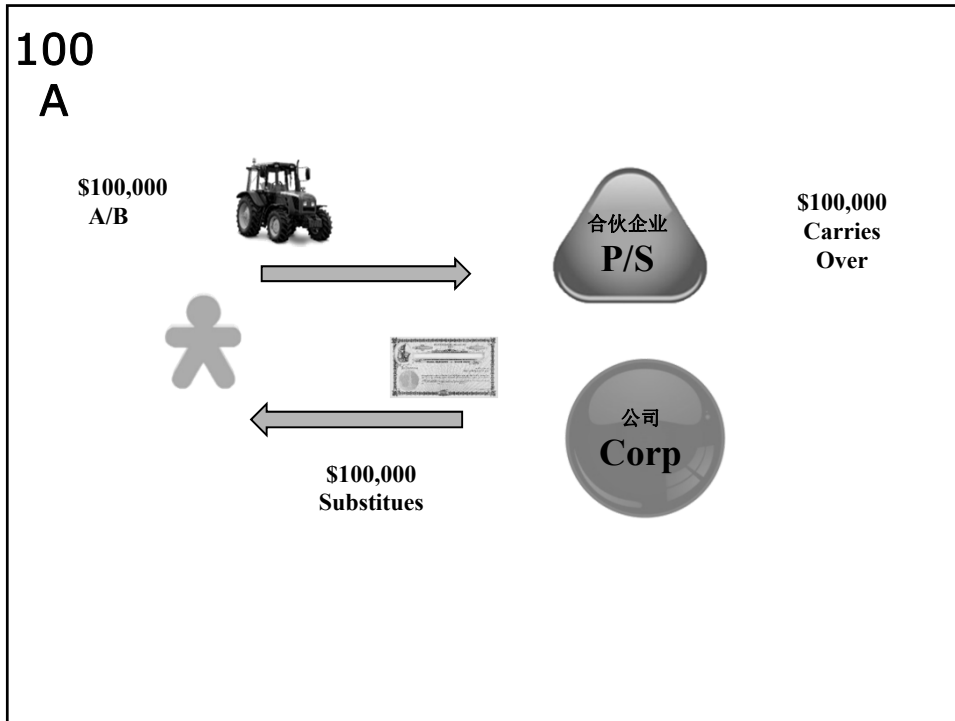
1. Daily rate
每日标准额
2. High Low Method § 5.01
能使用高低扣除法
3. Trans. Industry
\$ 59 - CONUS
\$ 65 - OCNUS

30% v. 50% for
§ 274(n) limit

3



4



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房产租赁 Leasing Real Estate




- What if Whole Building?
- When placed in service?


➤ What if one floor? →

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Mandatory Revaluation



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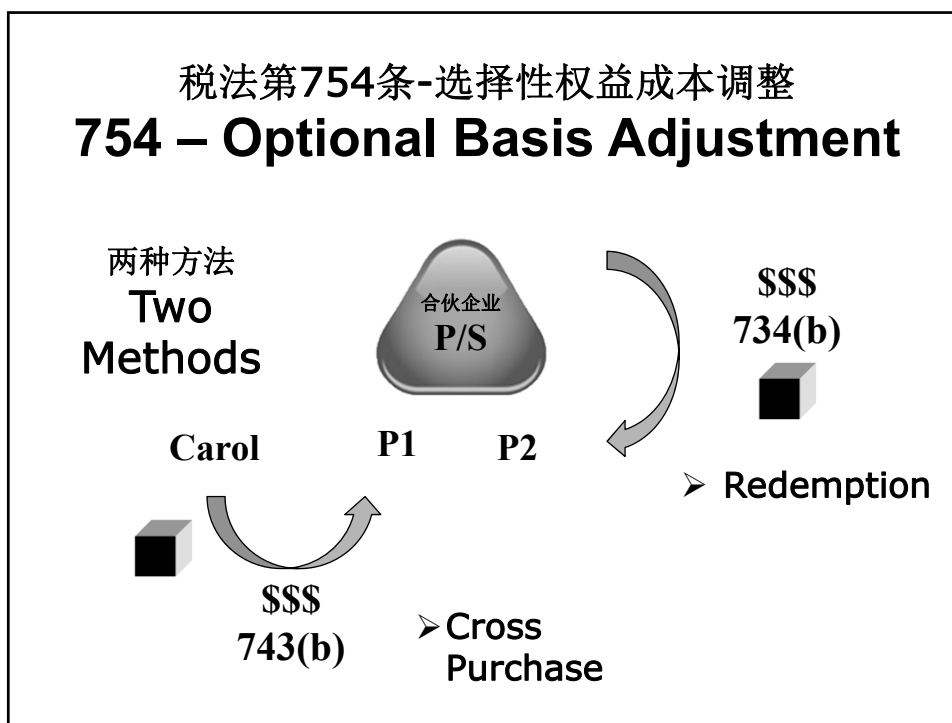
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- \$ for capital interest
- Capital interest for services
- Profits interest for services

➤ IRC § 704(c) – Revalue Other Partners

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Mandatory Revaluation

Any positive adjustment resulting from a revaluation due to IRC § 704(c) or the allocation of losses or expenditures, when a new partner is admitted in exchange for a contribution to the partnership for a partnership interest, the transfer of a partnership interest for services (i.e. a capital interest), or the transfer of a profits interest for services.

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A

Admitting a Profits Interest



10%

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B

Example Balance Sheet



Assume a
one person
partnership





Assets	A/B	FMV
Receivables	\$ 0	\$ 30
Equipment	0	10
Goodwill	0	60
Liabilities		
Note payable	(0)	(0)
	-----	-----
Net	\$ 0	\$ 100
		10%

FMV of property		\$ 10
		=====

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178 Book Capital Accounts After Deemed Liquidation

C

	Total	90%	10%
			
Book Capital Acct	\$ 0	\$ 0	\$ 0
Revaluation	100	100	0
K-1	0	(0)	0
Ending Book Capital Acct	<u>100</u>	<u>100</u>	<u>0</u>

- Xiaoyi's Interest has no value if immediately liquidated
- Liquidating distributions must be based on capital accounts

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What if Partnership Increases in Value?

- What if business value substantially increases in value? § 83(b)

■ Example:

- Service provider to receive 10% profits interest
- 3 Year Cliff Vesting



- FMV today – far less \$10 maybe \$1-\$ 2
- FMV three years later \$1 million

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E

What if Ship Sinks?





- No loss, not even a capital loss

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Section 199A

- Individuals and some trusts and estates a 20% imaginary deduction

	CREDIT UNION CHEQUE	0085
PAY TO THE ORDER OF _____	DATE _____	
Twenty thousand dollars	DOLLARS \$ 20,000	
MEMO QBI Deduction	SIGNATURE _____	
⑆155774587⑆ 834872695⑆ 0085		

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Combined Business Income

Slide 341

- 20% of the Qualified Business Income



- 20% of the Qualified REIT and Publicly Traded Partnership (PTP) Income

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Ceiling

- Lesser of Slide 340
 - 20% of Taxable Income or
 - Combined Business Income QBI ded
- | | | |
|-------------------------|----------|-------|
| ➤ Schedule C Income | \$28,000 | 5,600 |
| ➤ Married Std deduction | 24,000 | |
| | ----- | |
| Taxable Income before | 4,000 | |

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207 Carry Forwards

A Types of Income

Trade or Business
§ 162

§ 212
Rental Property

Portfolio Income

\$46 → **NOL**

1(0) → **CF**

CF → **Pre 2018** **After 2018**

QTB

3.8%

Passive NII

Loss CF

Capital Loss CF

Investment Interest CF

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Categories

Slide 336

Slide 338

Slide 337

<p>1</p> <p>S < 157,500</p> <p>J < 315,000</p> <p>SSTB</p> <p>QBI</p> <p>No wage/prop limit</p>	<p>2</p> <p>S 157,500 - 207,500</p> <p>J 315,000 - 415,000</p> <p>SSTB</p> <p>QBI</p>	<p>3</p> <p>S > 207,500</p> <p>J > 415,000</p> <p>QBI</p>
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What's a

- SSTB
- QTB
 - Trade or Business
 - § 162 Trade or Business or?
 - § 469 Trade or business

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从投资收入到营业收入 Passive to Trade or Business



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Land:**Cases**

Herbert v. Commr., 30 T.C. 26 (1958) - No

Residential Real Estate:

Espinosa v. Commr., 107 T.C. 146 (1996) - No

Swallows Holding, Ltd. v. Commr., 515 F. 3d 162 (3d Cir. 2008) – No

Curphey v. Commr. 73 TC 766 (1980) Yes – 6 properties, directly managed

Commercial Real Estate:

Pinchot v. Commr., 113 F.2d 718 (2d. Cir. 1940) - Yes; 11 parcels – co-owner agent managed;

Lewenhaupt v. Commr., 20 T.C. 151 (1953); *aff'd*, 221 F.2d 227 (9th Cir. 1955) – Yes - 3 commercial; 1 residential; managed by agent

Evelyn M. L. Neill, 46 B. T. A. 197 (1942) – No; 1 property, 1 tenant , net lease

Eleck v. Commr. 30 T.C. 731 (1958); Yes; 1 property, 15 resid tenants; 3 commercial; personally managed then father

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住宅大楼 Residential Property



- 6个房产
6 rentals
- 没有管理公司
No management company
- 房租收入不需缴纳个体营业税
Rental income not S.E.

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商业大楼 Commercial Property



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- 出租的房产个数
Number of Properties Rented
- 日常经营管理
Day-to-day involvement or management company
- 租赁类型：三重净利租赁、短期租赁、长期租赁
Type of leases: triple net; short term, or long term
- 其他按照商业经营活动填报-税表1099
Report as trade or business other purposes – Form 1099

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Material Participation Not Required


403
A

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小型股份制公司
S Corp

In Florida:
Passive
NII
QBI



50%



50%

Active
QBI

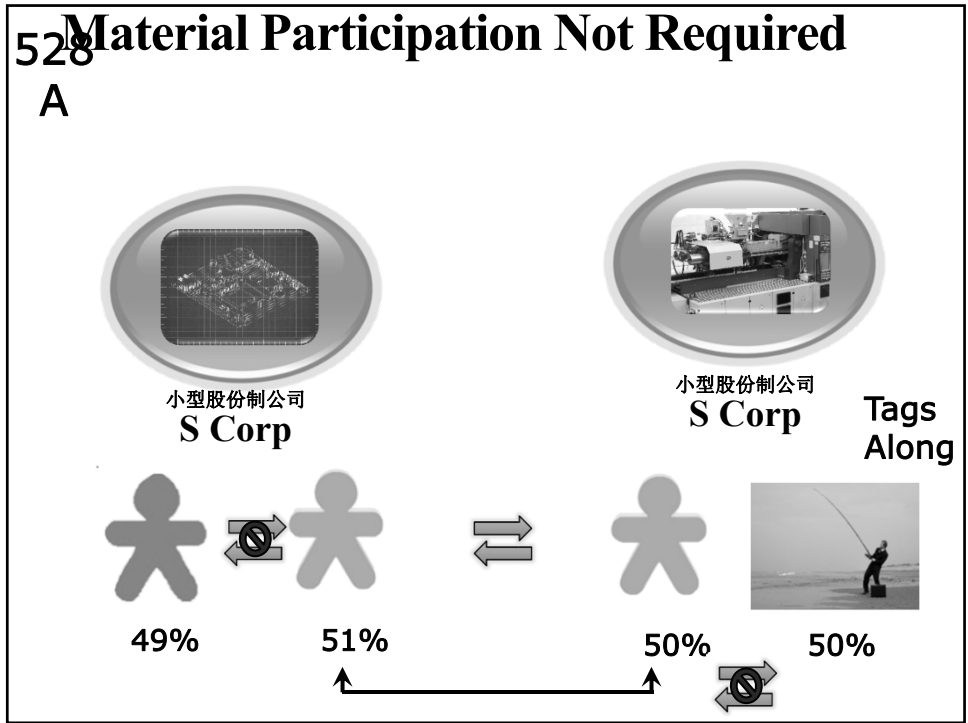
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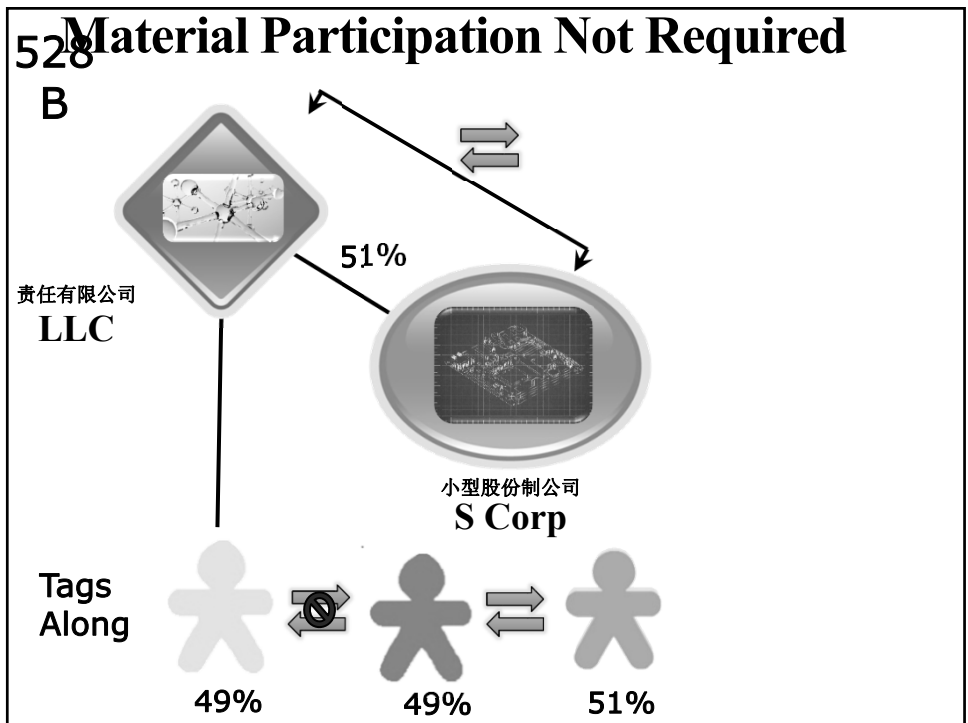
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