

# Table of Contents

STARTING THE PROCESS .....	1
PROBATE .....	2
Probate Process .....	3
Powers of Attorney .....	3
TAX RETURNS .....	4
Final Personal Income Tax Return .....	4
Estate Taxes .....	4
Fiduciary Income Tax Returns .....	5
GIFT TAX RETURNS .....	5
DECEDENT'S FINAL PERSONAL INCOME TAX RETURN .....	9
RESPONSIBILITY FOR FILING RETURN .....	9
SIGNING THE RETURN .....	9
E-FILING .....	10
JOINT RETURNS .....	10
QUALIFYING WIDOWS AND WIDOWERS .....	12
PERSONAL EXEMPTION .....	13
ESTIMATED TAXES .....	13
REFUNDS .....	14
REVIEW QUESTIONS .....	17
DECEDENT'S INCOME .....	19
Standard Deduction .....	20
TITLE TO ASSETS .....	21
Sole Ownership .....	21
Jointly Held Property .....	21
WAGES .....	26
DIVIDENDS AND INTEREST .....	26
Joint Tenants With Right of Survivorship .....	27
CAPITAL GAINS AND LOSSES .....	29
Community Property Considerations .....	29
TAX REFUNDS .....	29
OPERATING A BUSINESS .....	30
ALIMONY .....	30
FARM INCOME .....	30
SPECIAL ASSETS .....	31
Rental Real Estate .....	31
Partnership Interests .....	32
S Corporation Stock .....	35
Trust Income .....	37
E, EE, and I Bonds .....	39
Archer Medical Savings Account .....	43

Health Savings Account.....	44
Coverdell Education Savings Account .....	44
§529 Qualified Tuition Programs.....	45
Accelerated Death Benefits .....	45
Social Security Death Benefit .....	46
Stock Options .....	46
Death from Terrorist or Military Actions .....	48
1040 DEDUCTIONS.....	51
DATE OF PAYMENT.....	51
DEDUCTIONS IN RESPECT OF A DECEDENT .....	51
MEDICAL EXPENSES .....	52
General.....	52
Medical Expenses Not Paid by Estate.....	53
Insurance Reimbursements.....	54
Long-Term Care Expenses .....	54
Nursing Home Expenses.....	56
NET OPERATING LOSSES AND CARRYOVER DEDUCTIONS .....	56
IRA CONTRIBUTIONS .....	57
MOVING EXPENSES.....	57
ANNUITY CONTRACTS .....	57
MORTGAGES .....	59
TAX CREDIT CARRYOVERS .....	59
REQUEST FOR PROMPT ASSESSMENT OF TAX .....	60
REQUEST FOR DISCHARGE OF PERSONAL LIABILITY .....	63
ESTATE FORM 1041 .....	67
IMPORTANT TERMS .....	67
ADMINISTRATIVE ISSUES .....	68
TAXPAYER IDENTIFICATION NUMBER .....	69
FILING REQUIREMENTS .....	72
Form 56.....	72
Form 1041 .....	75
Due Date .....	76
Amended Form 1041 .....	76
E-FILING .....	76
ACCOUNTING PERIOD .....	77
ACCOUNTING METHOD .....	80
ESTIMATED TAX PAYMENTS.....	81
ELECTION TO TREAT TRUST AS PART OF ESTATE.....	84
EXTENSIONS .....	88
Form 7004 .....	88
Form 1127 .....	90
OTHER FORMS THAT AN ESTATE MAY BE REQUIRED TO FILE.....	90

ESTATE INCOME .....	93
FAI AND IDD .....	96
DNI .....	96
INCOME IN RESPECT OF A DECEDENT (IRD) .....	101
BASIS OF PROPERTY ACQUIRED FROM DECEDENTS.....	104
Alternate Valuation Date .....	105
Probate Assets .....	105
Inherited Property Subject to Debt .....	107
Nonprobate Assets .....	107
Community Property .....	109
Relation of Estate Tax Value to Income Tax Basis.....	111
Life Estates and Remainders .....	112
Property Not Qualifying for Date-of-Death Basis .....	113
THE SEPARATE SHARE RULE .....	114
INTEREST INCOME .....	117
DIVIDEND INCOME .....	118
CAPITAL GAINS AND LOSSES.....	120
Holding Period .....	120
Basis .....	120
S Corporation Stock Basis.....	123
Capital Losses and Loss Carryovers.....	124
Collectibles.....	124
Ordering Rules .....	125
Qualified Small Business Stock .....	125
Year of Termination .....	127
Gain or Loss on Distributions of Property .....	127
Capital Gains and The Decedent's Capital Loss Carryover .....	129
SPECIAL ASSETS.....	130
Sale of Personal Residence .....	130
Rental Real Estate Activities.....	132
Retirement Plans .....	137
Business Income or Loss .....	144
Installment Sales .....	144
Farm Income or Loss .....	145
MISCELLANEOUS INCOME .....	146
ESTATE DEDUCTIONS .....	151
INCOME TAX OR ESTATE TAX DEDUCTION .....	151
INTEREST .....	155
DEDUCTIBLE TAXES .....	156
FIDUCIARY FEES .....	157
CHARITABLE CONTRIBUTIONS .....	158
ADMINISTRATION EXPENSES .....	161
Two-Percent Floor .....	161
CASUALTY OR THEFT LOSSES .....	167

§179 .....	167
DEPRECIATION/DEPLETION .....	167
NET OPERATING LOSSES (NOL) .....	168
DEDUCTIONS IN RESPECT OF DECEDENT.....	170
THE INCOME DISTRIBUTION DEDUCTION .....	171
The 65-Day Election .....	172
DEDUCTION FOR ESTATE TAXES PAID.....	173
ALTERNATIVE MINIMUM TAX (AMT) .....	175
Reporting and Filing Requirements.....	176
HOUSEHOLD EMPLOYEES.....	176
TERMINATION OF THE ESTATE .....	177
EXEMPTIONS .....	177
CREDIT FOR TAXES PAID OR WITHHELD .....	178
ITEMS THE IRS WILL LOOK FOR .....	179
APPENDIX .....	185
INDEX .....	201