



IPB Tax, Trusts & Estates Newsletter

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In This Issue:

- **Recent Developments: Income Taxes and Real Property Interests** - IRS guidance on the Section 199A 20% pass-through deduction and two New York cases upholding double taxation for individuals domiciled outside of NY offer opportunities for real property owners to save taxes.
- **Foreign Investment in U.S. Real Estate - Non-U.S. individuals who own U.S. situs real property may have (i) income tax liability for rental income and capital gains, (ii) estate tax liability when the value of the individual's U.S. assets exceeds \$60,000, and (iii) gift tax liability when transferring property as a gift.**
- **Estate Planning Issues Specific to Real Property - Retitling or transfer of real property ownership to a trust may jeopardize beneficial tax status by triggering state transfer taxes and reassessment of property value. Exemptions from taxes apply in certain cases.**
- **Treatment of Cooperative Apartments at Death - A co-op located outside of the decedent's domicile will not be subject to state estate tax in such location or require the opening of an ancillary probate proceeding. Note that the co-op board may have discretion to approve ownership by a beneficiary named in the decedent's Will or an heir in an intestate estate.**
- **IPB in the News**