

Index

- Advisory privilege, 342
- Agent, charitable gift by means of, 194–195
- Alternative minimum tax considerations, 205–207
- Annual exclusion, 98
- Annuity interests, 182–184, 228–229
- Anticipatory income assignments, 16–17
- Antitrust laws, 245–246
- Appraisal requirements, 41, 131, 310–314
- Appreciation element, 25
- Ascertainability of charitable interests, 123–125
- Automobile expenses, 137
- Bargain sales:
 - basis, allocation of, 177–178
 - carryover rules and, 179–180
 - deduction reduction rule and, 178–179
 - defined, 176–177
- Basis, 99
- Burden of proof rules, 300–301
- Business expense deduction, 207
- C corporations, 10–11, 59, 153, 314
- Capital gain property, 24
- Carryover rules:
 - corporations, 87–88
 - individuals, 68–69, 70–71, 73–74, 79, 81, 179–180
- Charitable contributions:
 - advantages of, 4
 - by means of agent, 194–195
 - by charitable gift annuity, 238–239
 - by charitable lead trust, 243
 - by charitable remainder trust, 228–234
 - for charity auction, 162–163
 - by check, 47–48
 - of clothing, 351
 - of computer equipment, 142–143
 - of computer technology, 142–143
 - conditional, 197–200
 - of copyright interests, 52
 - for conservation purposes, 145–148, 346–347
 - by corporations, 58–59
 - by credit card, 48–49
 - of credit card rebate, 56
 - by debit card, 48–49
 - deductibility of, 11
 - definition of, 2–4
 - of donors' creations, 160–161
 - earmarking of, 273–276
 - for the use of charity, 81, 195–197
 - of fractional interests, 350–351
 - future interests in tangible personal property, 157–158
 - of household items, 351
 - of intellectual property, 135–137
 - of interests in properties, 181–182
 - via Internet, 61–62
 - of inventory, 138–141, 294–295
 - by letter of credit, 53
 - of license to use patent, 143–145
 - of money, 23–24, 47–48
 - to noncharitable organizations, 212–214
 - by note, 52–53
 - of partial interest, 186–189
 - by partnership, 10, 59–61
 - percentage limitations on, 63–91
 - by pooled income fund, 235–238

- Charitable contributions (*cont.*)
 - of property, 24–32
 - of property for unrelated use, 33–35, 346
 - of property subject to debt, 154–157
 - of property subject to option, 53–56
 - of real property, 57
 - of real property used for
 - conservation purposes, 145–148
 - from retirement accounts, 159–160, 347–348
 - of S corporation stock, 149–154, 347
 - of scientific research property, 142
 - of securities, 49–52
 - of services, 167–168
 - statistics as to, 21–22
 - of tangible personal property, 57
 - of taxidermy, 351
 - by telephone, 49
 - to charity, 81, 134
 - by trusts, 10, 180–186
 - of undivided portion of entire
 - interest in property, 242
 - unreimbursed expenses as, 168–172
 - use of property, 154
 - of vehicles, 131–135
 - of works of art, 130
- Charitable deductions:
 - carryover of, 68–69, 70–71, 73–74, 79, 81, 87–88, 179–180
 - estate, 108–109
 - gift, 100–102
 - income, 4
 - introduction to, 4
 - percentage limitations on, 67–88
 - pleasure as limit on, 172–176
 - timing of, 45–62
- Charitable family limited partnerships, 189–191
- Charitable gift annuities:
 - and charitable split-dollar plan rules, 264–265
 - in general, 238–239
- Charitable interests, ascertainment of, 123–125
- Charitable lead trusts, 21, 243
- Charitable organizations:
 - definition of, 2
 - as recipients of charitable gifts, 2
- Charitable pledges, 18
- Charitable remainder annuity trusts, 228–229
- Charitable remainder trusts:
 - charitable deduction for gifts to, 231–232
 - defined, 228
 - early termination of, 234–235
 - payout rules, 229–231
 - and split-dollar plan rules, 265
 - types of, 228–229
- Charitable remainder unitrusts, 229
- Charitable solicitation acts:
 - constitutionality of, 331–332
 - contents of, 328–329, 332–336
 - definitions of terms in, 327–328
 - exceptions from, 330–331
 - historical perspective of, 324–326
 - and states' police power, 326–327
- Charitable split-dollar insurance plans, 261–269
- Charity auctions:
 - deduction for items acquired, 163–165
 - deduction for items contributed, 162–163
 - and quid pro quo contribution rules, 166–167
 - and substantiation rules, 165–166
- Check, contribution by, 47–48
- Computer equipment, contribution of, 142–143
- Computer technology, contribution of, 142–143
- Conditions accompanying gifts:
 - material, 198–199, 200
 - negligible, 199–200
- Conduit rules, 273–280
- Conservation activities, 145–148, 346–347
- Consideration, 3
- Contributed property, disposition of, 309–310
- Contribution base, 66
- Copyright interest, contribution of, 52
- Corporate foundations, contributions to foreign charities by, 209–299

- Corporate sponsorships, 208–212
- Corporations:
 - C, 10–11, 59, 153, 314
- contributions by, 58–59, 87–88, 288–297, 314
 - S, 10, 59, 67, 205, 306, 313
 - taxable income of, 67
- Credit card, contribution by, 48–49
- Credit card rebate, contribution of, 56
- Debit card, contribution by, 48–49
- Deductibility of gifts, factors affecting, 11
- Deduction reduction rules, 29–30, 178–179, 204
- Deductions, reallocation of, 214–215
- Disclosure of gifts of property, 307–309
- Donation, definition of, 2–3
- Donative intent, 3–4
- Donor-advised funds:
 - defined, 342
 - disclosures by, 344
 - distributions from, taxable, 343–344
 - in general, 12–14, 342–345
 - private foundation rules and, 343
- Donor advisor, defined, 342
- Donor's creations, contribution of, 160–161
- Donors, types of, 10–11
- Earmarking of gifts:
 - for charities, 273–276
 - for individuals, 200–203
- Estate:
 - gross, 103–104
 - taxable, 107–108
- Estate planning principles, 111–119
- Estate tax, 103–110, 281–286, 287
- Expenditure responsibility, 291–299
- Expenses, automobile, 137
- Farm, gift of remainder interest in, 240–242
 - 50–percent limitation:
 - electable, 74–78
 - in general, 69–71
- For-the-use-of gifts, 81, 195–197
- Foreign charitable organizations,
 - contributions to:
 - by corporations, 272
 - by individuals, 271–273
- Foreign tax credit, 191–192
- Forms (IRS):
 - 990–T, 151
 - 990–W, 151
 - 1098–C, 133
 - 1120S, 152
 - 8282, 309–310
 - 8283, 308–309, 312–313
 - W-2, 303
- Fractional interests, contribution of, 350–351
- Fundraising regulation, state, 323–336
- Future interests in tangible personal property, contribution of, 157–158
- Generation-skipping transfers, 93, 114, 125–128
- Gift:
 - definition of, 2–3, 94–95
 - mandatory, 17
 - to noncharitable organizations, 2
- Gift tax, 94–103, 286–287, 287–288
- Gifts of property, disclosure of, 307–309
- Grantor trust rules, 12
- Household items, gifts of, 351
- Incidental benefit rule, 14–15
- Income, of trusts, 216–219, 228
- Income interests, 226–227, 228, 236–237
- Individual retirement arrangement,
 - contributions from, 159–160, 347–348
- Information or services, offering of, 315
- Information requirements, 86
- Insurable interest, 257–260
- Intellectual property, contribution of, 135–137
- Interests, ascertainment of, 123–125
- Intermediate sanctions, 135

- International charitable giving, 270–299
- Internet, contribution by, 61–62
- Inventory, contribution of, 138–141, 204–205, 314
- Letter of credit, contribution by, 53
- License to use patent, contribution of, 143–145
- Life insurance:
 - charitable contribution of, 247–248
 - charitable split-dollar plans, 261–269
 - concepts, 248–251
 - in gross estate, 107
 - insurable interests, 257–260
 - reportable acquisitions, 348–349
 - unrelated debt-financed income considerations, 261
- Limited liability companies, contributions by, 10
- Lobbying activities, 207–208
- Ordinary income property, 24
- Mandatory gifts, 17
- Marital deductions, 100, 109–110
- Material restrictions rules, 14
- Money, contribution of, 47–48
- Net operating loss carrybacks:
 - corporations, 88–89
 - individuals, 84
- Net operating loss carryovers:
 - corporations, 88
 - individuals, 83–84
- Noncharitable organizations:
 - contributions to, 2, 212–214
 - disclosure by, 320–323
- Note, contribution by means of, 52–53
- Notification requirement, 345–346
- Partial interest, contribution of, 186–189
- Partnerships, contribution by, 10, 59–61, 306, 313
- Pass-through entities, 10–11
- Penalties, 134, 219–223, 263–264, 346
- Percentage limitations, on charitable deductions:
 - blending of, 81–83
 - for corporations, 87–88
 - 50 percent limitations, 69–71, 74–78
 - interplay of, 79–80
 - overview of, 67–69
 - 30-percent limitations, 71–74, 78–79
 - 20-percent limitation, 80–81
- Personal residence, gift of remainder interest in, 240–241
- Planned giving, introduction to, 225–228
- Pleasure, limit on charitable deduction due to, 172–176
- Pledges, charitable, 18
- Police power, states, 326–327
- Political organizations, 98
- Pooled income funds, 235–238
- Powers of appointment, 96–106–107
- Private benefit, 134
- Private foundation, defined, 5
- Private inurement, 134
- Property:
 - appreciated, 25
 - nature of, 24–25
 - use of, 154
 - valuation of, 25, 41–44, 148, 185, 346
- Property subject to debt, contribution of, 154–157
- Property subject to option, contribution of, 53–56
- Public charity, defined:
 - donative publicly supported charities, 6–7
 - institutions, 6
 - service-provider publicly supported charities, 7–8
 - supporting organizations, 8–9, 339–342
- Public policy considerations, 18–21
- Qualified appreciated stock, 32
- Quid pro quo contribution rules:
 - charity auction, 166–167
 - in general, 317–320

- Real property, contribution of, 57
- Real property used for conservation purposes, contribution of, 145–148
- Reallocation of deductions, 214–215
- Recaptures, 185–186, 346
- Reformation, of remainder trusts, 121–123
- Registration requirements, charitable solicitation acts, 328–329
- Remainder interest:
 - defined, 119–123, 226–228
 - gifts of, 226–228, 239–242
 - reformation of, 121–123
- Reporting requirements:
 - charitable solicitation acts, 329
 - sales of gift property, 309–310
- Retirement accounts, contributions from, 159–160, 347–348

- S corporations, 10, 59, 67, 205, 306, 313
- S corporation stock, contribution of, 149–153, 347
- Scientific research property, contribution of, 142
- Securities, contribution of, 49–52
- Securities laws, 243–245
- Services, contribution of, 167–168
- Split-interest trust:
 - definition of, 227
 - filing requirement of, 350
- Sponsoring organization, definition, 342
- Spousal elective share law issue, 232–233
- Spouses, rules for, 84–86
- State fundraising regulation, 323–336
- Statute of limitations, 215–216
- Step transaction doctrine, 35–41
- Substantial compliance doctrine, 314
- Substantiation (gift) rules:
 - charitable split-dollar plans, 268–269
 - charity auction, 165–166
 - conservation gifts, 148
 - in general, 301–307
 - vehicles, contribution of, 131–135
- Supporting organizations, 8–9, 339–342
- Tangible personal property, contribution of, 57
- Tax shelters, 315–317, 349–350
- Taxidermy, contributions of, 351
- Telephone, contribution by, 49
- Terrorism, funding of, 215
 - 30-percent limitations, 71–74, 78–79
- Timing of charitable deduction:
 - in general, 45–47
 - set by statute, 57–58
- Timing of electable limitation, 79–78
- Treasury Department studies:
 - donor-advised funds, 345
 - supporting organizations, 345
- Trusts:
 - contributions by, 10, 180–187
 - income of, 216–219, 228
 - 20-percent limitation, 80–81
- Twice basis deductions, 204–205, 348

- Undivided portion of entire interest in property, gifts of, 242
- Unification of estate and gift taxes, 110–111
- Unified credit, 110–111
- Unitrust interests, 184–185
- Unreimbursed expenses, 168–172
- Unrelated business activities, 134
- Unrelated debt-financed income, 261
- Unrelated use, gifts for, 33–35, 346
- Use of property, contribution of, 154

- Value:
 - absence of, 15–16
 - of gift transfers, 99
 - of property, 25, 41–44, 148, 185, 346
- Vehicles, contribution of, 131–135

- Will contests, 121
- Works of art:
 - contribution of, 130
 - fractional interests in, 350–351
 - loan of, 130–131