

51A Middle Street Newburyport MA 01950 Phone: 800-588-7039 Fax: 877-902-4284 contact@bhfe.com www.bhfe.com

Course Information

Course Title: Tax Guide to Asset Protection #490216

Recommended CPE credit hours for this course

In accordance with the standards of the CFP Board, the National Registry of CPE Sponsors and the IRS, CPE credits have been granted based on a 50-minute hour.

CFP® 2 (All states) CFP Board Course ID# 195442

CFP Board sponsor number: 1008.

CPA 2.5 (All states)

National Registry of CPE Sponsors ID Number: 107615.

Sponsor numbers for states requiring sponsor registration:

Florida Division of Certified Public Accountancy: 4761 (Ethics #11467)

Hawaii Board of Public Accountancy: 14003 New York State Board of Accountancy: 002146 Ohio State Board of Accountancy: M0021 Texas State Board of Accountancy: 009349

EA/OTRP 2 (All States) IRS: Qualified Sponsor number: *FWKKO*.

CLU, ChFC/PACE Recertification 2

Course Description

The current litigation explosion has created tremendous Interest in asset protection. Not only does this area have financial and estate aspects but it directly impacts tax planning.

This mini-course is designed to survey opportunities for asset protection that can arise during tax planning and to determine how to properly report such transactions.

Program Delivery Method: Self-Study (NASBA QAS Self-Study/interactive)

Subject Codes/Field of Study

NASBA (CPA), CFP Board of Standards, Inc.: Taxes.

IRS (EA, OTRP): Federal Tax Law.

NAPFA: Taxes

Course Level, Prerequisites, and Advance Preparation Requirements

Program Level: CFP Board: Intermediate; NASBA/CPA, IRS: Overview.

This program is appropriate for professionals at all organizational levels.

Prerequisites: Basic familiarity with federal taxation

Advance Preparation: None

Course Content

Publication/Revision Date: 2/3/2016. Author: Danny Santuccci, J.D.

Final exam (online): Twenty questions (multiple-choice).

Instructions for taking this course

You must complete this course within one year of the date of purchase (if you do not complete the course within one year, contact us to determine whether an updated edition of the course is available, in which case we will provide you with a PDF of the updated course and the online exam at no charge).

A passing grade of at least 70% is required on the final exam for this course. You may retake the exam if you do not pass it on the first attempt (no charge).

Complete the course by following the learning objectives listed at the beginning of the course, studying the text, and studying the review questions at the end of each major section (or at the end of the course). Once you have completed studying the course and you are confident that the learning objectives have been met, answer the final exam questions (online).

Instructions for Taking the Final Exam Online

- · Login to your account online at www.bhfe.com.
- Go to "My Account" and view your course.
- Select "Take Exam" for this course and follow instructions.

Additional Information

- The exam may be started, stopped, then resumed at a later date.
- The exam is "open book," it is not timed, and it may be retaken if not passed on the first attempt (no charge).
- Results (correct, incorrect answers) and certificate appear immediately upon passing the exam.
- · CFP® and EA credits are reported weekly.

Have a question? Call us at 800-588-7039 or email us at contact@bhfe.com.

Learning Assignment & Objectives

As a result of studying the assigned materials, you should be able to meet the objectives listed below.

ASSIGNMENT

At the start of the materials, participants should identify the following topics for study:

- * Basic protection concepts & fraudulent transfers
- * Insurance
- * Individual titles and sole proprietorship
- * Corporations
- * Trusts
- * Co-tenancies
- * Partnerships
- * Limited liability companies
- * Marital property & separate property
- * Premarital & post-nuptial agreements

Learning Objectives

After reading the materials, participants will be able to:

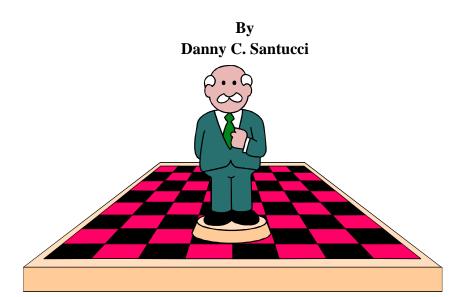
- **1.** Recognize misconceptions about and the main reasons for asset protection, determine fraudulent transfers noting how to structure asset protection planning transfers so that they are *not* fraudulent, identify goals associated with undertaking asset protection measures, and specify how life insurance can be used as an asset protection vehicle.
- **2.** Identify how the various types of entities relate to asset protection and how the various types of joint ownership of property and various trusts directly impacts asset protection and tax liability.
- **3.** Determine the concepts of common law property, community property, and equitable ownership noting which states base distribution laws on those concepts, specify asset division principles, and recognize premarital and post-nuptial agreements and how they can be used to advise clients in individual asset protection.

After studying the materials, answer the exam questions 1 to 20.

Notice

This course and test have been adapted from materials and information contained in the above text and any supplemental material provided. This course is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional advice and assumes no liability whatsoever in connection with its use. Since laws are constantly changing, and are subject to differing interpretations, we urge you to do additional research and consult appropriate experts before relying on the information contained in this course to render professional advice.

Tax Guide to Asset Protection



The author is not engaged by this text, any accompanying electronic media, or lecture in the rendering of legal, tax, accounting, or similar professional services. While the legal, tax, and accounting issues discussed in this material have been reviewed with sources believed to be reliable, concepts discussed can be affected by changes in the law or in the interpretation of such laws since this text was printed. For that reason the accuracy and completeness of this information and the opinions based thereon cannot be guaranteed. In addition, state or local tax laws and procedural rules may have a material impact on the general discussion. As a result, the strategies suggested may not be suitable for every individual. Before taking any action, all references and citations should be checked and updated accordingly.

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional service. If legal advice or other expert advice is required, the services of a competent professional person should be sought.

—From a Declaration of Principles jointly adopted by a committee of the American Bar Association and a Committee of Publishers and Associations.

Copyright January, 2016
Danny Santucci

Table of Contents

Course Information	ii
Learning Assignment & Objectives	iv
Table of Contents	vi
Asset Protection	1
Why Asset Protection?	1
Situations That Create Danger	3
Sources of Lawsuits	5
Basic Protection Concepts	7
Types of Creditors	9
Evading Creditors	9
Fraudulent Transfers	9
Badges of Fraud	10
Statute of Limitations	13
Criminal Penalties	13
Permissible Asset Transfers	
Asset Protection Goals	
Insurance	
Homeowners Insurance	
Automobile Insurance	
Disability Insurance	
Life Insurance	
Life Insurance Trust	
Buy-Sell Agreements	
Definition	
Ownership Vehicles & Entities	
Individual Titles & Sole Proprietorship	
Individual	
Sole Proprietorship	
Corporate	
C Corporation	
The S Corporation - §1361	
Trusts	
Types of Trusts	
Co-Tenancy	
Tenancy in Common	
Joint Tenancy with Right of Survivorship	
Tenants by the Entirety	
Partition	
Partnership	
Partnership Taxation	
Family Partnerships	
Limited Liability Company	
Suggested Uses	
Retirement Plan	
Custodianship	
Estate	
Divorce	

Marital Property	39
Common Law Property	
Community Property	
Equitable Distribution	
Separate Property	40
Asset Division Principles	
Premarital Agreements	
Uses & Benefits	
Control & Scope	43
Enforceability Requirements	
Post-Nuptial Agreements	45
Answers & Explanations to Review Questions	
Glossary	
Index of Keywords & Phrases	