

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 Bankruptcy #491620

Recommended CPE credit hours for this course

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

CPA 2 (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 (Ethics): 002146

Ohio State Board of Accountancy: M0021 Pennsylvania Board of Accountancy: PX178025 Texas State Board of Accountancy: 009349

EA, OTRP 2 IRS: Qualified Sponsor number: FWKKO.

CLU, ChFC Professional Recertification: 2

Course Description

The Bankruptcy Abuse Prevention and Consumer Protection Act was enacted to minimize abuse of the bankruptcy system. Included in this Act were tax law changes and other changes that individuals, partnerships, and corporations will see in the bankruptcy procedures and qualifications. This mini-course both examines these changes that debtors will face when filing for federal bankruptcy and also explores the many tax issues of bankruptcy. Practitioners will also learn about other issues such as homesteading and garnishment by creditors.

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

Subject Codes/Field of Study

NASBA (CPA): Taxes.

IRS (EA, OTRP): Federal Tax Law. (ERPA): Qualified Retirement Plan Matters

Course Content

Publication/Revision date: 2/11/2020. Course book: by Danny Santucci, J.D.

Final exam: Ten questions (multiple-choice).

Instructions for taking this course

Note: Downloading the PDF of this course will enable Bookmarks for easier navigation (on the left side of the document window, open the bookmarks pane).

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 on the following page, 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.
- 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:

- * Tax law changes
- * Bankruptcy types
- * Automatic stay
- * Preferences
- * Priorities
- * Debt discharge
- * Individual bankruptcy estate
- * Individual debtor
- * Corporate bankruptcy
- * Homesteading & garnishment

Learning Objectives

After reading the materials, participants will be able to:

- **1.** Identify changes made by the 2005 Bankruptcy Act, the common types of bankruptcy and filing qualifications.
- **2.** Determine the impact of an automatic stay, the treatment of preferential transfers, the priority of claims, and the discharge of debts.
- **3.** Recognize the creation and taxation of an individual bankruptcy estate specifying partnership & corporate bankruptcy differences.
- **4**. Identify the scope of and special rules for homesteading and garnishment.

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 Bankruptcy

By Danny C. Santucci

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, the 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 author's 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 2020
Danny Santucci

Table of Contents

Federal Bankruptcy		1
Means Testing		2
State Median Income Test		2
Means Test		2
Chapter 13 "Super discharge"		3
Subordination of Ad Valorem Ta	x Liens	3
Interest on Tax Claims		3
Bankruptcy Types		3
Chapter 7 - Liquidation		5
Exempt Assets		5
Availability		5
Trustee Appointment		5
Chapter 11- Reorganization		5
Creditors' Committee		7
Reorganization Plan		7
Chapter 13 - Wage-Earner Plan		3
Availability		3
	9	
Tax Assessment	1	11
	tation	
Levy		12
Tax Court		13
	1	
Preferences	1	14
	1	
- ·	1	
	1	
•		
	1	
	Tax Claims	
<i>5</i>		

Chapter 7 Discharge	
Chapter 11 Discharge	24
Chapter 13 Discharge	24
Discharge of Taxes	25
Tax Liens	25
Individual Bankruptcy Estate	27
Separate Entity	27
Tax Attribute Carryovers	28
Termination of the Estate	29
Filing Requirements	
Disclosure of Return Information	
Taxable Income	
Taxable Year	
Gross Income	
Deductions & Credits	
Administrative Expenses	
Net Operating Loss Carryback	
Transfers to Debtor	
Partnership & S Corporation Interests	
Request for Prompt Determination of Liability	
Tax Liability	
Individual Debtor	
Tax Year Election	
Annualizing Taxable Income	
Making the Election	
Later Bankruptcy of Spouse	
Election Considerations.	
Transfers between Debtor & Estate	
Net Operating Loss Carryback Limitation	
Partnership Bankruptcy	
No Separate Estate	
Discharge of Debts	
Corporate Bankruptcy	
Exemption Return Filing	
Personal Holding Company Tax	
Tax-free Reorganizations	
§354, §355, & §356	
Corporate Liquidations under Chapter 7	
Carryover of Tax Items - §381 & 382	
Bankruptcy Exception	
Reduction of Carryforwards	
Section 269 Presumption	
Homesteading	
Types of Homesteads	
Property & Equity Covered	
Who Can Homestead?	
Excluded Debts	
Garnishment	46