

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

Course Information

Course Title: Installment Sales #492519

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: 002146 Ohio State Board of Accountancy: M0021 Pennsylvania Board of Accountancy: PX178025 Texas State Board of Accountancy: 009349

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

CLU, ChFC Professional Recertification 2

Course Description

An installment sale is a sale of property where one or more payments are received after the close of the tax year. This mini-course discusses the particulars of installment sales, including requirements, calculation and pitfalls. Cross issues such as a combined installment sale and like-kind exchange, the impact of related parties, pledging, repossession and contingent payments are reviewed. Also, the importance of recognizing the dangers of dealer status, inventory, purchase price allocation, and installment note disposition are emphasized.

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

Subject Codes/Field of Study

NASBA (CPA): Taxes.

IRS (EA, OTRP): Federal Tax Law.

Course Level, Prerequisites, and Advance Preparation Requirements

Program Level: 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: 4/12/2019.

Author: Danny Santuccci, J.D.

Final exam (online): Ten 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 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 <u>www.bhfe.com</u>.
- 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:

- * Installment method
- * Installment income
- * Imputed interest & OID
- * Related party sales
- * Like-kind exchanges
- * Contingent payments or price
- * Sale of a business
- * Dealer dispositions
- * Installment notes in excess of \$5 million
- * Dispositions of installment obligations

Learning Objectives

After reading the materials, participants will be able to:

- **1.** Recognize the importance, particularly in tax deferral, of the installment method and, identify §453 requirements and installment method terminology.
- **2.** Specify the imputed interest, OID and §1038 repossession rules affecting installment sales and subsequent repossessions.
- **3.** Identify the following §453 pitfalls and complexities: the related party limitation, the regulations governing the use of the installment sale method in like-kind exchanges and the contingent payment sale rules.
- **4.** Determine how to allocate and report installments payments among identified asset classes using R.R. 76-110 and the residual method recognizing §453 prohibitions on certain assets regarding dealer dispositions and inventory.
- **5.** Identify the amount of interest payable on tax-deferred income when §453 dispositions exceed \$5 million and circumstances considered taxable dispositions of installment obligations to determine when any gain or loss is recognized.

After studying the materials, answer the exam questions 1 to 10.

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.



Installment Sales

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, 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.

This text is derived from IRS Publication 537 with selected editing and typesetting by the author. No copyright is asserted on government materials.

Copyright March 2019
Danny Santucci

Table of Contents

Installment Method	
Requirements	2
Formula	2
Dealers	2
Special Rule	4
Sale at a Loss	4
Installment Income	4
Interest Income	4
Gain	4
Definitions & Terminology	5
Installment Sale	5
Selling Price	6
Selling Price Reduction	6
Allocation	7
Basis & Adjusted Basis	7
Installment Sale Basis	
Selling Expense	7
Gross Profit	7
Contract Price.	7
Gross Profit Percentage	8
Income from Sale	
Payments in Year of Sale	
Electing Out of the Installment Method	
Selling Price	
Fair Market Value	
How to Elect Out	
When to Elect Out	
Payments	
Buyer's Note	
Assumed Expenses	
Mortgage Assumed	
Mortgage Less Than Basis	
Mortgage More Than Basis	
Wrap-around Mortgages	
Mortgage Canceled	
Debts	
Payments of Property	
Fair Market Value	
Third-Party Notes	
Bonds	
Guarantees	
Deposits	
Pledging	
Limit on Payment Treatment	
Exception	
Escrow Accounts	18

Escrow Established In a Later Year	19
Substantial Restriction	
Recapture	19
Imputed Interest & OID	21
Complexity	21
Sale at a Loss	21
Section 483 - Imputed Interest	21
Exemptions	21
Imputed Interest Rates	
Small Transaction Exception	
Intra-family Land Exception	
Timing	
Sections 1271-1274 – Original Issue Discount (OID)	
OID Rates	
Timing	
Cash Method Debt Instrument Exception	
Computation of OID	
Personal Use Property - Buyer's Deduction of Imputed Interest	
Repossession	
Section 1038 - Repossession by Seller	
Repossession of Principal Residence	
Sale of Depreciable Property	
Exception	
Resale Rule	
Related Persons	
Exceptions	
Like-Kind Exchanges	
Installment Payments	
Final Regulations & Delayed Exchanges	
Contingent Payments or Price	
Installment Sales Revision Act of 1980	
Contingent Payment Sale	
Maximum Selling Price Transactions	
Recomputation	38
Fixed Payment Term Transactions	
Losses	
Transactions with Neither Maximum Selling or Fixed Payment Term	40
Losses	40
Income Forecast Method	40
Election	41
Calculation	41
Special Rules	41
Qualification	
Single Sale of Several Assets	
Sale of a Business	
Residual Method	
How to report	
Inventory	
Sale of Partnership Interest	
Dealer Dispositions	

Definition	47
Residential Lot & Timeshare Exception	47
Interest Computation	47
Qualification	47
Installment Notes in Excess of \$5 Million	47
Computation of Interest	48
Definitions	48
Pledging	48
Dispositions of Installment Obligations	48
Gain or Loss	49
Exceptions	49
Substitution	50
Tax-free Transfers	50
Transfers between Spouses or Former Spouses	50
Gifts	50
Cancellation	50
Forgiving Part of the Debt	51
Assumptions	51
Death Transfers	51
Basis	51
Sale of Future Cash Flow	52.