

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

Course Information

Course Title: *Tax Guide to S Corporations #493218*

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[®] **1.5** (All states) CFP Board Course ID# 195452

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 Professional Recertification 2.5

Course Description

In this course, the intricacies of setting up and terminating an S corporation are detailed and taxation is discussed. The numerous advantages and disadvantages of this entity are identified to help practitioners determine whether the S corporation is most suitable for their clients. Eligible domestic corporations can avoid double taxation by electing to be treated as an S corporation under the rules of Subchapter S. Subchapter S provides an optional method of corporate taxation and allows small business corporations to elect unusual tax treatment. The S corporation is taxed like a partnership, but in other respects, S corporations are taxed like C corporations.

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: 3/7/2018. Author: Danny Santuccci, J.D. Final exam (online): Fifteen 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 <u>contact@bhfe.com</u>.

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:

- * Advantages & disadvantages
- * S corporation status
- * Termination
- * Income & expense
- * Built-in gain
- * Passive income
- * Basis of stocks & debts
- * Distributions
- * Form 1120S
- * Fringe benefits

Learning Objectives

After reading the materials, participants will able to:

1. Recognize a client's potential use of the S corporation format and its tax advantages and disadvantages by: citing the requirements for an S corporation election, identifying eligible S corporation shareholders, specifying the one-class-of-stock regulations, and determining the ways an S corporation election can be terminated.

2. Identify the concepts of S corporation taxation by:

a. Recognizing the application of passive income taxation, accumulated adjustments accounts, built-in gains, net operating losses, tax preference items, and potential capital gains taxes,

b. Determining a shareholder's stock basis from capitalization and loan activity,

c. Specifying the related party rules including their impact on deductions, available fringe benefits, and tax forms to use when filing as an S corporation.

After studying the materials, answer the exam questions 1 to 15.

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 S Corporations

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.

Copyright March 2018 by Danny Santucci

Table of Contents

	Course Information
	Learning Assignment & Objectives
	Table of Contents
0	
5 (Corporations
	Introduction

Introduction
Advantages
Planning
Disadvantages
Passthrough Entities - 20% Deduction
Becoming an S Corporation
S Corporation Status
Number of Shareholders
Individuals Only
Estates
Grantor Trusts
Voting Trusts
Testamentary Trust
Qualifying Simple Trusts
Electing Small Business Trusts
Aliens
C Corporations
Tax-Exempt Entities
Exception for S Corporation ESOP - §512
One Class of Stock
Affiliated Groups & Subsidiaries
Prior Law
Current Law
Domestic Corporation
Election Requirement
Making the Election
Form 2553
Invalid S Elections
Extension
S Corporation Termination
Revoking the Election
Procedure
Effective Date
Ceasing to Qualify
Effective Date
Passive Income - §1362
Effective Date
S Termination Year
Pro Rata Allocation
Allocation Based On Normal Accounting Rules
Annualization of 1120 Short Year

ii iv i

Taxation of S Corporations	25
S Corporation Income & Expense	26
Separately Stated Items	26
Nonseparately Stated Items	27
Interest Expense on Debt-Financed Distributions	27
Tax Exempt Income	27
Net Operation Losses	28
Carryover of C Corporation NOLs	28
Reduction of Pass-Thru Items	28
Built-In Gain - §1374	29
Net Recognized Built-In Gain	30
Recognized Built-In Gains	30
Recognized Built-In Loss	31
Deduction Items	31
Amount of Tax	31
Credits	32
Net Operating Loss Carryovers	32
Treatment of Certain Property	32
Transfer of Assets	32
Passive Income - §1375	32
Gross Receipts	33
Sales or Exchanges of Stock or Securities	33
Passive Investment Income	33
Royalties	34
Rents	34
Interest	34
Figuring the Tax on Excess Net Passive Income	35
Net Passive Income	35
Excess Net Passive Income	35
Special Provisions	35
Waiver of Tax	36
Tax Preference Items	36
LIFO Recapture Tax	39
Capital Gains Tax	39
Reducing Corporate Capital Gains	39
Figuring Corporate Taxable Income	39
Recapture of Investment Credit	40
Estimated Corporate Tax Payments	40
Basis of Stock & Debts	40
Adjustments to Basis	40 40
Limitation on Loss Deductions	40 41
Basis Limit	41
	41 43
Adjustments to Stock Basis Increases	43
Decreases	43
Adjustments to Debt Basis	44
Restoring Basis of Loans	44
Loan Repayments	44
Guarantees	44
At-Risk Rules - §465	45
Reasonable Compensation	46

Related Party Rules	46
Definition of Related Party	46
Stock Attribution Rules	46
Business Expenses & Interest	47
Distributions	47
Earnings & Profits	47
Accumulated Adjustments Account (AAA)	48
Dividend Election	50
Post-Termination Distributions	50
Transition Period	50
Order of Distribution	51
No Earnings & Profits	52
Appreciated Property Distributions	52
Taxable Year	53
Business Purpose	53
Change of Tax Year	53
Form 1120S	54
Extension	54
Late Filing	54
Reasonable Cause	54
Schedule K-1	55
Shareholder's Treatment Of S Corporation Items	55
Pro Rata Share	55
Optional 10-year Write-Off of Tax Preferences	56
Fringe Benefits	56
Health Insurance Premiums	57
Reporting Requirements	57
Medical Deduction	58
Glossary	66
Keywords & Phrases	67