

TAX TIPS & news

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Energy and Tax Savings Opportunity

With gas prices going through the roof, now is the perfect time to take advantage of the energy tax incentives available for the purchase of hybrid vehicles. If you purchase and place into service a certified hybrid vehicle during 2005, you are entitled to a deduction equal to 100% of the purchase price (limited to a maximum deduction of \$2,000). You are not required to use the vehicle for business to receive the deduction and it is an above-the-line deduction, which means you don't need to itemize your deductions to take advantage of it. If you use the vehicle for business, you can include the business use portion of that deduction in your business expenses. Bottom line: if you are in the 25% tax bracket, you can save as much as \$500 in taxes!

If you wait until 2006 to buy a hybrid vehicle, the deduction has been replaced with a tax credit that is made up of two separate credits: the increased fuel economy credit, ranging from \$400 to \$2,400, and the lifetime fuel savings credit, ranging from \$250 to \$1,000. Since these are tax credits, they directly offset your regular income tax and can provide a larger overall tax benefit, provided you are not taxed by the Alternative Minimum Tax (AMT). Unfortunately, under the law taking effect in 2006, the credit cannot be used to offset AMT. In addition, each manufacturer is limited to producing 60,000 vehicles on which these credits are available. Thus,



before you sign on the dotted line, you need to:

- (1) Make sure you are not in the AMT and can benefit from the credit,
- (2) Verify the amount of credit available for the vehicle you are purchasing, and
- (3) Make sure the credit is not limited because the manufacturer has exceeded the 60,000 car limit.

Additionally, you should evaluate whether the extra cost usually commanded for hybrid vehicles can be recouped by a combination of the tax benefit and anticipated fuel cost savings over the period you expect to drive the vehicle.

Standard Mileage Tax Strategy – If you use a vehicle for business, you have the option of deducting the actual expenses including fuel, repairs, insurance, etc., or deducting a standard amount for each business mile driven. The standard mileage rate is determined periodically by the IRS using average costs of operating a vehicle. With the increase in fuel costs, the IRS has raised the business mileage rate to 48.5 cents per mile. By using the standard mileage rate with a high fuel-efficient vehicle, it is conceivable that you could deduct more than the actual cost of operating the vehicle.

Please contact this office prior to making a hybrid purchase to ensure you will achieve the tax benefits promoted by a dealership in their sales pitch.

Penalty Disclaimer Required by IRS

Promoters of tax shelter investments provide tax opinion letters to potential investors which tout the upside of the investments and generally gloss over what might happen if the IRS disagrees with and challenges a tax opinion. As a result, the IRS now requires tax opinions to include a specifically worded penalty disclosure advising taxpayers that the opinion cannot be relied upon to avoid penalties should the position be challenged by the IRS.

Unfortunately, these new IRS regulations were ambiguous and did not exclude everyday tax advice between tax practitioners and their clients. Thus, from time to time, you may encounter such a disclaimer on communications from this firm.

The W-4 form that you provide to your employer establishes the amount of income tax that is to be withheld from your payroll. This form allows you to specify your filing status and the number of dependent exemptions to be claimed on your tax return. This is where a frequent error occurs. Let's say that you are married and have two dependents. On your tax return, you claim four exemptions. The natural thing for you to do would be to claim "married" and four exemptions on the W-4. However, for W-4 purposes, the exemption for the taxpayer and spouse are automatically built into the married rates and only two exemptions need to be claimed. The result, of course, is that the taxpayer ends up claiming more exemptions than he or she actually has, which can result in underwithholding if the standard deduction is used.



It is common practice and acceptable for taxpayers to claim additional exemptions when they have excessive withholding. The withholding tables do not account for large itemized deductions or other situations that might reduce their taxable income. It is also quite common for taxpayers to increase their exemptions to provide more take-home pay from their payroll checks. That might seem like a good idea now, but it could lead to an unexpected tax liability at tax time.

When the IRS believes a taxpayer is not withholding enough, they have a new policy of issuing what is referred to as a "lock-in" letter. If it is determined that not enough tax is being withheld for an employee, a "lock-in" letter will be issued to the employer. The lock-in letter will specify the maximum number of withholding exemptions permitted for the employee. The employee's copy of the letter will explain how the employee can ask the IRS to determine the appropriate number of exemptions within a defined period of time. The employer must forward the copy to the employee or, if the employee no longer works for the employer, respond to the IRS. An employer must make the lock-in withholding rate effective 45 days after the lock-in letter date unless told otherwise by the IRS.

If you wish to change your payroll withholding amount, we urge you to contact this office. We can help you determine the correct number of exemptions to produce the results desired.

How Katrina Tax Incentives Can Benefit You

Late in September, Congress passed the Katrina Emergency Act. This Act provides a vast number of tax benefits to individuals who were residents of the disaster area. In addition, it includes provisions that apply to all taxpayers whether or not they resided within the disaster area. The following is a brief summary of those provisions:

Increased charitable contributions – Generally, most charitable contributions are limited to 50% of a taxpayer's adjusted gross income (AGI). To provide an incentive for larger charitable contributions, that 50% limit has been increased to 100% for cash contributions made between August 28 and December 31, 2005, with a five-year carryover provision subject to the 50% limit for contributions in excess of the 100% of the AGI limitation for 2005. There may be other complications so consult our office if you anticipate making a substantial contribution. In addition, the contributions made during August 28 through December 31 of 2005 are not subject to the overall itemized deductions phase-out that applies to high-income taxpayers.

Additional exemption for housing Katrina-displaced individuals – Taxpayers who provide free housing in 2005 or 2006 for at least 60 days to qualified Katrina-displaced individuals will be entitled to an additional exemption of \$500 for each individual but it is not to exceed \$2,000 for the year. For higher-income taxpayers, these additional exemptions do not phase out like the regular taxpayer, spouse, and dependent exemptions. The deduction can be claimed in either 2005 or 2006, but not both years, by the taxpayer for the same individual.

Recontribution of home purchase withdrawals – Certain retirement plans or IRA withdrawals made after February 28, 2005 and before August 29, 2005 for home purchases in the Katrina disaster area that were cancelled due to Hurricane Katrina, can be returned to a qualified plan or IRA tax-free and without penalty. Under normal tax law provisions, these types of distributions cannot be recontributed and if they are not used towards purchasing a home, they are subject to the 10% early withdrawal penalty. Any amount of the withdrawn funds (not to exceed the total amount withdrawn) can be recontributed at any time during the period beginning on August 25, 2005 and ending on February 28, 2006.

Work Opportunity Credit for Katrina-displaced individuals – Employers may claim the work opportunity tax credit if they hire individuals who:

- On August 28, 2005, had a principal place of abode in the Katrina core disaster area, and who are hired during the two-year period beginning on August 28, 2005 for positions where the principal place of employment is located in the core disaster area, or
- On August 28, 2005 had a principal place of abode in the core disaster area, who are displaced from those abodes because of Hurricane Katrina, and who are hired during the period beginning on August 28, 2005 and ending on December 31, 2005.

Year-End Planning Strategies to Lower Your Taxes

The following is a checklist that might help you save taxes if you act before the year's end. Not all strategies will apply to everyone, but many clients will benefit from more than one item. Not all available strategies are listed either.

- If you are over 70^{1/2} years of age and have retirement plans, make sure you take the required minimum distribution before the end of the year. If you turned 70^{1/2} in 2005, you can wait until next year to take your distribution, provided you take it before April 3, 2006. You will still need to take another distribution for 2006, so if you delay the 2005 distribution until 2006, you will essentially be doubling your distributions for that year. The penalty for failing to make the proper distribution is an additional tax equal to 50% of the amount of the underdistribution.
- If you anticipate having a tax liability for 2005, you can increase your withholding for the balance of the year and eliminate or reduce underpayment penalties.
- If you have stocks that have declined in value, you may wish to sell them before the end of the year and use the loss to offset other gains for the year or to produce a deductible loss. The net capital loss on a tax return is limited to \$3,000 for the year, but any excess loss carries over to future years.
- If a job-related bonus is expected to be paid around the end of the year, you might be able to defer that income into the following year if that is appropriate in your situation. See if your employer is willing to put off payment until just after the first of the year.
- If itemizing deductions, a taxpayer can increase those deductions for the year by prepaying certain taxes. Consider one or more of the following:
 - Prepaying the next installment of your property taxes, or
 - Pay your 4th quarter state tax estimate in December.
- If your sales tax deduction is greater than your state income tax deduction, or if you live in a state with no state income tax and you are planning a large purchase (such as a car) in the future, it might be appropriate to make that purchase in 2005. This is because 2005 is the last year for the sales tax deduction under the current law.
Caution: *This strategy will not work if you are subject to the AMT, since taxes are not deductible for AMT purposes.*
- Reduce your gift and estate taxes by making gifts before the year's end. For 2005, the amount you may give without creating a gift tax filing requirement is \$11,000 per person. You can make gifts each year to an unlimited number of individuals, but you can't carry over unused annual gift tax exclusions from one year to the next. For 2006, the annual gift exclusion is expected to rise to \$12,000.
- If you own an interest in a partnership or S corporation, you may need to increase your basis in the entity so you can deduct a loss from it for this year.
- Consider using a credit card to prepay expenses that can generate deductions for this year.
- Business clients also should consider making expenditures that qualify for the \$105,000 business property expensing (Sec 179) election.
- If taxed by the AMT, you might consider deferring payments that would qualify as a "miscellaneous" itemized deduction, since you will receive no benefit for those expenses. On the other hand, if you are not taxed by the AMT, consider accelerating those expenses.
- If you're thinking of making non-cash charitable donations, do so before the end of the year to maximize your charitable deduction. And remember that if you write a check to make a charitable donation, it must be mailed by December 31 to count as a current year deduction.

These are some year-end strategies to help minimize your tax liability. You may wish to contact this office for a year-end planning session, so we can tailor a plan that best serves your needs.



Stealth Tax in Your Future?

There are two ways to determine your tax, the regular way that most everyone understands and the alternative method (AMT). Your tax for the year is the higher of the two. Barring any last minute Congressional changes, beginning in 2006, the AMT is going to affect a much larger number of taxpayers because a temporary increase of the AMT exemptions will expire at the end of 2005 and a number of tax credits will no longer offset the AMT. The changes may push you into the AMT, and if you are already taxed by the AMT, you can most likely expect an increase in tax for 2006. Here are the changes that will take effect in 2006:

(1) Reduced Exemptions – The tax code exempts a fixed amount of income from being taxed under the AMT method. Beginning in 2006, this AMT exemption amount will decrease by \$13,000 for joint and qualified surviving spouse (SS) filers and by \$6,500 for all others. This reduction in exemptions can result in tax increases of \$3,380 for joint and SS filers and \$1,690 for others who are taxed by the AMT and in the lowest AMT tax bracket.

(2) Nonrefundable Credits – Beginning in 2006, certain nonrefundable credits that currently offset both the regular tax and the AMT will no longer offset the AMT. Thus, if you are taxed by the AMT, you will receive no (or a reduced) benefit from these credits. The following is a summary of the nonrefundable credits that will no longer offset the AMT beginning in 2006.

- Education credits (Hope and Lifetime)
- Child and Dependent care expense credit
- Mortgage interest credit
- Electric vehicle credit
- Elderly and disabled credit
- DC homebuyer credit (Sunsets after 2005)

In addition, the new energy credits for home and fuel-efficient vehicles that will become available in 2006 do not offset the AMT.

Find out in advance whether you are in the AMT before making any financial decisions based on any of the credits mentioned above. Please call this office for assistance.



TAX TIPS & news

The purpose of this newsletter is to provide current information on tax, financial and business developments. It suggests general tax planning ideas that may only be appropriate when claiming tax benefits in a manner consistent with the statutes and Congressional purpose. The information and opinions are generalizations and may not apply to all taxpayers and cannot be used by a taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer. Therefore, it is important that you seek appropriate advice before implementing any of the ideas suggested.

November-December 2005:

Time for 2005 Year-End and 2006 Tax Planning. This is especially true if you have substantial increases in income or fewer deductions. Tax planning provides an opportunity to make adjustments before year's end that can improve your tax situation and minimize potential penalties. Please call for an appointment.

December 31, 2005:

- Last day to pay deductible expenses for 2005 return (this doesn't apply to IRA, SEP or Keogh contributions, all of which can be made after December 31, 2005).
- Last day to make minimum required withdrawal of funds from a Traditional IRA Account and avoid a penalty if you turned age 70½ before 2005.
- Last day to set up a Keogh Retirement Account if you plan to make a 2005 Contribution.

January 16, 2006:

Fourth-Quarter 2005 Federal Estimated Tax Payment due unless 2005 return is filed by January 31, 2006. **Caution:** Some states may have different filing dates.

January 31, 2006:

Deadline for providing 1099s and W-2s to those people you paid during 2005. If you're a business owner or rental property owner,

and you paid \$600 or more for the services of individuals (other than employees) during the year, you need to provide 1099s for those workers by January 31, 2006. "Services" can mean everything from labor and professional fees to rents on property. In addition, in order to avoid a penalty, copies of 1099s need to be sent to the IRS by February 28, 2006. If you would like this firm to prepare these documents for you, please give us a call.

February 28, 2006:

- Deadline for filing (sending) 1099s and W-2s to the government.

April 3, 2006:

Last day to withdraw funds from your Traditional IRA if you turned age 70½ in 2005 and you haven't taken your 2005 Distribution yet. In addition, this is the last day to withdraw funds from your SEP or Keogh plan if you're retired and turned age 70½ in 2005. Failure to take the required distributions can result in substantial penalties.

April 17, 2006:

- Deadline for individuals to file a 2005 Federal Return or request an extension of time to file.
- First Installment of 2006 Federal Estimated Tax Payment due.
- First Installment of 2006 Defined Benefit Pension Plan Contributions due.

Tax Calendar

Since You Asked...



Question: My wife and I are getting a divorce. As part of the property settlement, she will keep the home. What are the possible tax consequences that may arise?

Answer: When property is divided up in a divorce, there are no immediate tax consequences. Therefore, the transfer of your interest in the home to your spouse will not result in a taxable gain or loss to you or her. However, let's say she assumes the home at the community basis. Generally, community basis is what you jointly paid for the home plus the cost of improvements you've made. Thus, she would be responsible for reporting any gain in excess of the community basis when and if she sells the home. If she qualifies, she can exclude the first \$250,000 of gain; any part of the gain in excess of the exclusion will be taxable to her. As part of your divorce tax strategy, and assuming you qualify for the home gain exclusion, you might want to consider selling the home jointly. This will convert the asset to cash, which can then be divided up as part of the settlement. By doing so, you will have a combined \$500,000 home gain exclusion and will only be taxed on the amount, if any, in excess of this larger exclusion amount.

Question: I use a considerable amount of over-the-counter medication to combat my arthritis. To save on my prescription medication, I order it online from a foreign country. Can I deduct the cost of the over-the-counter drug if my doctor gives me a prescription for it? A friend also told me that prescribed drugs brought in from a foreign country are not deductible. Is that true?

Answer: Taxes can become complicated, even with something as simple as a medical deduction. Generally, only the cost of prescribed drugs can be taken as a deduction for medicine and drugs on your tax return. Tax law defines a prescribed drug as one that requires a prescription by a doctor for its use by an individual. Thus, even if your doctor prescribed an over-the-counter drug, it would not be deductible (with the exception of insulin). Prescription drugs acquired or imported illegally are also not deductible. Thus, even if prescribed, medications that are brought in (or ordered and shipped) from another country are not deductible.

Although a tax deduction isn't allowed for non-prescription medications, you may be reimbursed tax-free for their costs if your employer offers a health flexible spending account plan in which you participate. Under these arrangements, you can receive tax-free reimbursements for your over-the-counter medications as well as domestic prescriptions. This even helps individuals who don't itemize their deductions and those whose medical deductions are limited because of the 7½% of income limitation on medical expenses.

Increase the amount you set aside for next year in your employer's health flexible spending account so that you can get tax-free reimbursements for over-the-counter drugs such as aspirin and antacids. Also keep in mind that the cost of nutritional supplements, vitamins, herbal supplements, etc. cannot be included in medical expenses unless recommended by a medical practitioner as treatment for a specific medical condition diagnosed by a physician.