Problems and Solutions for Federal Income Taxation

Problems and Solutions for Federal Income Taxation

THIRD EDITION

John A. Miller

Professor of Law Emeritus University of Idaho College of Law

Jeffrey A. Maine

Maine Law Foundation Professor of Law University of Maine School of Law



Copyright © 2023 John A. Miller and Jeffrey A. Maine All Rights Reserved

Library of Congress Cataloging-in-Publication Data

Names: Miller, John A., 1950- author. | Maine, Jeffrey A., author.

Title: Problems and solutions for federal income taxation / John A. Miller and Jeffrey A. Maine.

Description: Third edition. | Durham, North Carolina : Carolina Academic Press, LLC, [2023] | Includes bibliographical references and index.

Identifiers: LCCN 2023022454 | ISBN 9781531027216 (hardback) | ISBN 9781531027223 (ebook)

Subjects: LCSH: Income tax — Law and legislation — United States. Classification: LCC KF6369.85 .M55 2023 | DDC 343.7305/2 — dc23 LC record available at https://lccn.loc.gov/2023022454

ISBN 978-1-5310-2721-6 e-ISBN 978-1-5310-2722-3

Carolina Academic Press 700 Kent Street Durham, North Carolina 27701 (919) 489-7486 www.cap-press.com

Printed in the United States of America

Contents

Foreword	vii
Chapter 1 · Introduction	3
Chapter 2 · Gross Income	7
Chapter 3 · Gains and Losses from Dealings in Property	13
Chapter 4 · Gifts and Inheritance	23
Chapter 5 · Discharge of Indebtedness	33
Chapter 6 · Fringe Benefits	41
Chapter 7 · Business and Investment Expense Deductions	47
Chapter 8 · Capital Expenditures	53
Chapter 9 · Depreciation and Amortization	61
Chapter 10 · Deductible Personal Expenses: Casualty and Theft Losses	71
Chapter 11 · Other Deductible Personal Expenses: Interest, Taxes, Charitable Gifts, and Medical Expenses	77
Chapter 12 · The Deduction Hierarchy: Adjusted Gross Income, the Standard Deduction, and the Dependency Rules	85
Chapter 13 · Timing Rules and Related Principles	93
Chapter 14 · Ordinary Tax Rates and Taxpayer Classification	101
Chapter 15 · Tax Credits	109
Chapter 16 · First Review Problem	117
Chapter 17 · Capital Gains and Losses	125
Chapter 18 · Quasi-Capital Assets	137
Chapter 19 · Recapture of Depreciation	143
Chapter 20 · The Charitable Contribution Deduction	151
Chapter 21 · Second Set of Review Problems	159

vi CONTENTS

Chapter 22 · Residential Real Estate	169
Chapter 23 · Hobby Losses	183
Chapter 24 · Like-Kind Exchanges	189
Chapter 25 · Involuntary Conversions	199
Chapter 26 · Installment Sales	205
Chapter 27 · Limitations on Deductions	211
Chapter 28 · Intellectual Property Development and Acquisitions	219
Chapter 29 · Intellectual Property Sales and Licenses	235
Chapter 30 · Assignment of Income	247
Chapter 31 · Alimony & Support	255
Chapter 32 \cdot Transfers of Property between Spouses or Incident to Divorce	261
Chapter 33 · Education Benefits and Costs	269
Chapter 34 · Personal Injury Recoveries and Punitive Damages	277
Chapter 35 · Attorney's Fees	285
Chapter 36 · Retirement Resources and Deferred Compensation	291
Chapter 37 · Overview of Entity Taxation	301
Chapter 38 · Corporate Formations	311
Chapter 39 · Partnership Formations	317
Chapter $40 \cdot$ Overview of International Income Taxation	327
Chapter 41 · Overview of Estate and Gift Taxation	335
Chapter 42 · Tax Practice and Procedure	343
Appendix — Tax Tables	349
Table of Internal Revenue Code Sections	353
Table of Treasury Regulations	361
Table of Cases	365
Table of Administrative Pronouncements	369
Topic Index	371

Foreword

The problems and solutions in this book can be used with any regular tax text-book to assist the student in learning federal tax law. This is because, in addition to a word index and a table of contents, this book contains tables that allow a student to access the appropriate problems and solutions by code section number, case name, treasury regulation or administrative pronouncement. Thus, for example, if you are studying like-kind exchanges addressed by code section 1031, you need only look in the code section table to locate the problem set in this book that addresses that topic (Chapter 24). Similarly, if you are studying the assignment of income doctrine addressed by *Lucas v. Earl*, you need only look it up in the case table to find where that topic is addressed (Chapter 30). The chapter structure in this book correlates precisely to the chapters in our own casebook, The Fundamentals of Federal Taxation: Problems and Materials, but you do not need to use our casebook in order to fully utilize this book.

At the beginning of each problem set we include an overview of the material addressed in the set. We also list the primary authorities relevant to the topic. The student who wishes to test her or his abilities could use those primary materials to attempt to solve the problems before looking at our answers.

The student seeking additional problems with answers may wish to check out I. Richard Gershon & Jeffrey A. Maine, A Student's Guide to the Internal Revenue Code (7th ed. 2019), also by Carolina Academic Press.