

Bus 225H – Taxation of Property Transactions

Professor Nellen

Early Spring 2011

Office Location:	Main campus: BT 955
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Office Hours:	20 minutes before and after class and by appointment; you can also email your instructor with questions
Class Days/Time:	Wednesdays, 1/5—2/23 6:00 – 10:00P; Saturdays 1/29 & 2/12; 9A – 1P
Pre- or co-requisites:	Bus 223A – Tax Research
Course website	http://www.cob.sjsu.edu/nellen_a/bus225H_reading.html

Course Description

Tax aspects of property transactions: real estate, intangibles, tangible property. Other topics include Corn Products, Arkansas Best, Arrowsmith court doctrines, passive activity losses, like kind exchanges and involuntary conversions, patents, and franchises, etc.

Student Learning Objectives

- To understand the various definitions relevant to the taxation of property transactions.
- To understand the various types of tax rules that can apply to the purchase, creation, ownership and disposition of property.
- To learn considerations in advising on the tax treatment and planning options for property transactions.
- To critique various proposals that would change a current rule on the taxation of property.

Required Readings

The reading materials are available online at:

http://www.cob.sjsu.edu/nellen_a/bus225H_reading.html

You will also need access to either RIA Checkpoint or CCH (available from your instructor).

Grading

Grades will follow the pattern of 90% or higher for an A, 80% or higher for a B, 70% or higher for a C, etc. Plus and minus grades will be used for scores within two percentage points of the grade breakpoint.

Assignment	Points
Quizzes (2)	20
Research questions	100
Final exam	80
Total	200

Professor Nellen's Philosophy for Graduate Tax Study

- The best way to learn the material is to actually apply it.
- Students can learn from working with fellow students in small groups to try to solve problems and come up with solutions and planning ideas. Everyone thinks and approaches problems differently and has something to offer to the group.
- Students must come to class prepared in order to get the most of out class discussions and to be an effective group member.
- Signing up for a class means that the student is committed to devoting the requisite time to successfully complete the course and contribute to class discussions. Missing a class should be a rare and unusual event.
- Graduate-level study should be challenging!

University Policies

Academic integrity

Students should know the University's Academic Integrity Policy that is available at http://www.sa.sjsu.edu/download/judicial_affairs/Academic_Integrity_Policy_S07-2.pdf Your own commitment to learning, as evidenced by your enrollment at San Jose State University and the University's integrity policy, require you to be honest in all your academic course work. Faculty members are required to report all infractions to the office of Student Conduct and Ethical Development. The website for Student Conduct and Ethical Development is available at http://www.sa.sjsu.edu/judicial_affairs/index.html

Instances of academic dishonesty will not be tolerated. Cheating on exams or plagiarism (presenting the work of another as your own, or the use of another person's ideas without giving proper credit) will result in a failing grade and sanctions by the University. For this class, all assignments are to be completed by the individual student unless otherwise specified. If you would like to include in your assignment any material you have submitted, or plan to submit for another class, please note that SJSU's Academic Policy F06-1 requires approval of instructors.

Be sure to read the following additional information on academic integrity and avoiding plagiarism from Professor Nellen at:

http://www.cob.sjsu.edu/nellen_a/ClassInfo.html#Integrity

Campus Policy in Compliance with the American Disabilities Act

If you need course adaptations or accommodations because of a disability, or if you need to make special arrangements in case the building must be evacuated, please make an appointment with me as soon as possible, or see me during office hours. Presidential Directive 97-03 requires that students with disabilities requesting accommodations must register with the DRC (Disability Resource Center) to establish a record of their disability.

SJSU Writing Center

The SJSU Writing Center is located in Room 126 in Clark Hall. It is staffed by professional instructors and upper-division or graduate-level writing specialists from each of the seven SJSU colleges. Our writing specialists have met a rigorous GPA requirement, and they are well trained to assist all students at all levels within all disciplines to become better writers. The Writing Center website is located at

<http://www.sjsu.edu/writingcenter/>

Course Schedule

The course website has the reading posted for each class meeting.

Class	Date	Topics, Research Question Due Dates and Final Exam Date
1	1/5	Introduction to the course Introduction to the topic What is property? Property classifications Depreciation/MACRS basics Forms of ownership
2	1/12	Basis <ul style="list-style-type: none"> ▪ Basis of property – general and special rules ▪ Relevance of debt ▪ Capitalization basics ▪ Adjustments to basis other than depreciation (credit adjustments, casualty losses, other) DUE – Research Question #1
3	1/19	Realization/Sales/Other Transfers – Part 1 <ul style="list-style-type: none"> ▪ Definitions ▪ Calculations ▪ What is a realization event? ▪ What is a sale and its significance?

		<ul style="list-style-type: none"> ▪ Relevance of debt ▪ Abandonment ▪ Worthlessness <p>DUE – Research Question #2</p>
4	1/26	<p>Effects of Debt on Property Transactions</p> <ul style="list-style-type: none"> ▪ Effects of debt related to property ▪ COD income and its relevance to property transactions ▪ Workouts ▪ Planning considerations <p>DUE – Research Question #3</p>
5	1/29	<p>Capital Assets</p> <ul style="list-style-type: none"> ▪ Definition ▪ Significance ▪ <i>Corn Products</i> and its progeny ▪ Tax policy and capital gains ▪ IRC §1202 and §1045 <p>Intangible Assets</p> <ul style="list-style-type: none"> ▪ §197 intangibles ▪ Domain names ▪ Carbon offsets and emission allowances
6	2/2	<p>Realization/Sales/Other Transfers – Part 2</p> <ul style="list-style-type: none"> ▪ Sale of an entire business ▪ Deferred sales – installment sales, OID ▪ Loss limitations including §469 ▪ Related party transactions ▪ Rescissions ▪ Reporting obligations ▪ Leases <p>DUE – Research Question #4</p>
7 & 8	2/9 and 2/12	<p>Special Rules on Exchanges, Conversions and Sales</p> <ul style="list-style-type: none"> ▪ §121 sale of a principal residence ▪ §1031 like-kind exchanges

		<ul style="list-style-type: none">▪ §1033 involuntary conversions▪ §1041 transfers incident to divorce▪ Other tax-deferred transactions DUE – Research Question #5 (due 2/12/11)
9	2/16	Special Rules on Exchanges, Conversions and Sales – continued Property tax basics Review for final exam DUE – Research Question #6
10	2/23	Final Exam