

Index

A

Appreciation

Closely held business assets, 2.12–.17

Assets

Passive, 6.6

Attribution of Ownership

Generally, 4.66

B

Basis

Closely held businesses, 2.12–.17, 4.61, 6.26–.28
Marital property, 6.27

Beneficiary

Electing small business trust, 2.29

Buy-Sell Agreements

Generally, ch. 4
Attorney conflict of interest, 4.24
Forms and sample clauses, 4.10, 4.14, 4.19, 4.22, 4.30, 4.72–.73
Mandatory, 3.14, 4.4
Marital property agreement, 4.48, 4.56–.57
Optional, 3.15, 4.4

C

C Corporations

Sale or liquidation, 2.16
Tax consequences of, 2.5–.11, 2.16, 2.19

Children

Family business transfer to, ch. 3
Unequal treatment, 3.5

Classification of Property

Business interests, 4.41–.51
Life insurance, 4.52–.57

Closely Held Businesses

Distributions of income, 2.18–.21, 3.23
Forms of ownership, ch. 2
Inadvertent transfer by nonholding spouse, 4.45–.50
Liability, 2.4
Liquidation, 2.16–.17, 4.20–.22
Marital property agreement, 4.48, 4.56–.57
Transfer restrictions, ch. 5
Transfer to children, ch. 3
Valuation, 3.8, 3.18, 3.24, 4.5–.22, 4.31–.39, 6.7

Consent

Life insurance beneficiary designation, 4.56–.57

Corporations

Liability, 2.4

D

Definitions

Business owner, 1.1
Closely held business, 6.4
Limited liability company, 2.2
Limited liability partnership, 2.2
Partnership, 2.2
Sole proprietorship, 2.2

E

Employee Benefits and Compensation

Owner-employees, 2.10–.11

F

Family Limited Partnership

Valuation discount, 3.18

Federal Estate Tax

Deferred payment, 6.1–.14

Valuation discount, 3.18

Valuation of assets, 4.31–.39

Federal Gift Tax

Stock transfer, disproportionate, to family member, 3.17

Valuation discount, 3.18

Federal Income Tax

Accumulated earnings tax, 2.11

Closely held businesses, 2.5–.31

—buy-sell agreements, 4.61–.66, 4.69–.70

—redemption of stock to pay death taxes, 6.15–.25

Corporate alternative minimum tax, 4.69

G

Gifts (Lifetime)

Buy-sell agreement restrictions, 4.37

In contemplation of death, 6.6

Qualification for postmortem tax benefits, 6.6, 6.17

H

Health and Disability Insurance

Closely held businesses, 2.10

L

Lease

Business-related assets, 3.10–.13

Liability

Closely held businesses, 2.4

Personal representative, 6.9–.12

Life Insurance

Buy-sell agreement funding, 4.52–.57, 4.68, 4.70

Nonoperating children (family business), 3.9

Limited Liability Company

Agreement, 5.13

Basis adjustment, 6.26–.28

Defined, 2.2

Tax consequences of form of ownership, 2.5–.11, 2.15, 2.21

Limited Liability Partnership

Defined, 2.2

Liability, 2.4

Limited Partnership

Liability, 2.4

Losses

Closely held businesses, 2.8

Deductible, 2.8

M

Management and Control

Business interests, 4.51

Marital Property

Basis adjustment, 6.27
Buy-sell agreements, 4.60

Marital Property Agreements

Business interests, 4.48, 4.56–.57

Mixing Property

Business interests, 4.43

O
Options to Purchase

Generally, 3.15, 5.7
Long-term lease, 3.13
Marital property business interests,
4.49–.50

Options to Sell

Generally, 3.15

Ownership, Form of

Closely held businesses, ch. 2

P
Partnership

Agreement, 5.12
Basis adjustment, 2.14, 6.26–.28
Defined, 2.2
Limited partnership, 2.4
Sale after death, 2.14
Tax consequences of form of
ownership, 2.5–.11, 2.14, 2.21

Personal Representative

Deferred estate tax election, 6.8–.12
Liability, 6.9–.11

Profits

Closely held businesses, 2.7

Promissory Notes

Stock redemption, 6.22

Q
Qualified Subchapter S Trust

Generally, 2.28

R
Real Estate

Special use valuation, 6.29–.31

Retirement Plans

Closely held businesses, 2.9

Right of First Refusal

Generally, 5.6

S
S Corporations

Generally, 2.24–.31
Electing small business trust as
shareholder, 2.29
Sale or liquidation, 2.17
Tax consequences of form of
ownership, 2.5–.11, 2.17, 2.20
Trusts as shareholders, 2.26–.31

Sole Proprietorship

Defined, 2.2
Safe after death, 2.13
Tax consequences of form of
ownership, 2.5–.11, 2.13, 2.21

Spouses

Representation,
—buy-sell agreement, 4.51

Stock

Redemption agreements, 4.58–.72,
6.23–.25
Redemption to pay death taxes, 6.1–
.11
Transfer restrictions, 5.1–.13

Valuation discount, 3.18
Valuation freezing, 3.17

T

Testamentary Gifts

Nonoperating children (family
business), 3.8

V

Valuation

Business, 3.8, 3.18, 3.24, 4.5–.22,
4.31–.39, 6.6
Buy-sell agreement, 4.5–.22, 4.31–
.39

Discount, 3.18, 3.24
Federal estate tax, 4.31–.39
Freezing, 3.17
Special use valuation, 6.29–6.31

Voting Trust

S corporation stock, 2.30

W

Waiver

Family attribution rules, 4.66

Wisconsin Estate Tax

Installment payment, 6.14