

# MILLER, MONSON, PESHEL, POLACEK & HOSHAW

A PARTNERSHIP OF PROFESSIONAL LAW CORPORATIONS

## MAY 2020 NEWSLETTER

501 WEST BROADWAY, SUITE 700  
SAN DIEGO, CALIFORNIA 92101-3563  
TELEPHONE: (619) 239-7777  
FAX NUMBER: (619) 238-8808

### Yes – We are working and available to help you!

Our team at Miller Monson has been here for you, your family and your business for more than 60 years, and we are here for you today. While we are not holding in-person meetings unless critical, we are available by email and telephone, and we can host conference and Zoom calls. We can also send a notary to your home or office so you can sign your documents. We value you, and will continue to meet your changing needs.

### FIRM NEWS



We are proud to announce Katie A. Lepore has been awarded a **2020 Super Lawyers** Rising Star Award, as voted by her peers and then independently verified. The Rising Star Award is reserved for the top 2.5% of nominated attorneys in San Diego County who are under age 40. Congratulations, Katie!

### IN THIS ISSUE

- **Paycheck Protection Program (PPP) Loans: Qualification and Forgiveness** by *Katie A. Lepore, CPA, J.D., LL.M., Taxation*
- **College Students and Coronavirus** by *DeEtte L. Loeffler, J.D., LL.M., Taxation*
- **Federal Tax Update** by *Katie Lepore, CPA, J.D., LL.M., Taxation*
- **State Tax News** by *Katie Lepore, CPA, J.D., LL.M., Taxation*



### PAYCHECK PROTECTION PROGRAM (PPP) LOANS: QUALIFICATION AND FORGIVENESS

*By Katie Lepore, CPA, J.D., LL.M., Taxation*

The recent bills passed through Congress have been hot topics for discussion, including the *Paycheck Protection Program* (“PPP” or “Program”), instituted under the *CARES Act*. The Program, intended to help small

businesses, has mostly been in the news for loans being made to not-so-small businesses.

The initial \$349 billion allocated funding was exhausted before all small business applicants could be approved for the loan, which led to a second round of funding of \$310 billion on April 24, 2020. As most people are aware, the PPP loan can be forgiven if used in the prescribed manner, namely, on payroll for small businesses, as an incentive to keep people employed. The Program is administered by the U.S. Small Business Administration (“SBA”). Because the law was passed and

instituted rapidly, new guidance is being issued on a regular basis and there are still several unanswered questions. The Question and Answer (“Q&A”) published on the SBA website is one of the clearest sources of guidance.

### Qualification for Loan

Most businesses with fewer than 500 employees are eligible to apply for a PPP loan. Sole proprietors, independent contractors, and self-employed individuals are eligible. However, independent contractors and sole proprietors are *not* employees and must obtain their own loans (see SBA Q&A #15). The last day to apply for and receive a loan is June 30, 2020, though funding is expected to be exhausted prior to that date. Loan proceeds can be paid during an 8-week period after funding to generally qualify for forgiveness.

### Loan Amount

The maximum amount of loan allowable is the lesser of: a) the average monthly payroll based upon the previous year multiplied by 2.5, plus any outstanding amount of Economic Injury Disaster Loan made for the same purpose, or b) \$10 million. If the business is new and does not have payroll for the prior year, the payroll from January through February 2020 can be used for calculations.

### Qualified Expenses

The loan proceeds may be used to pay payroll including: a) wages, commissions, and other income of employees, b) vacation, medical, family leave and sick leave (see SBA FAQ #8), c) certain employee benefits relating to healthcare such as payments of group health care benefits, including insurance premiums, d) employer share of retirement benefits, e) allowance for separation or dismissal, and f) state and local taxes.<sup>1</sup> Compensation for any employee over \$100,000 is specifically excluded, as are the employee’s and employer’s share of payroll taxes such as

Social Security and Medicare. Salary is based on a gross amount, prior to calculating taxes, though payroll taxes are not qualified wage expenses under the Program (see SBA Q&A #16).

Certain other expenses that can also be paid with the PPP proceeds and qualify for loan forgiveness include mortgage interest, rent, utilities, and interest on other debt incurred prior to February 15, 2020. However, payroll costs must constitute at least 75% to qualify for forgiveness.

Furthermore, the loan proceeds cannot be used to pay wages under the *Family Medical Leave Act* (FMLA) if a credit is available under the newly passed *Families First Coronavirus Response Act* (FFCRA). Mortgage principal is not a qualified expense and the mortgage cannot be prepaid unnecessarily. Creative strategies, such as providing unusual bonuses to employees or paying a greater portion of employee healthcare costs, should be undertaken with caution and only after careful analysis. There has not been clear guidance about whether borrowers can pre-pay expenses such as future rent during the 8-week period.

Because there is a \$100,000 salary cap for each employee, no individual employee can be paid more than \$15,385 during the covered period (100,000/52 weeks x 8 weeks), or else those wages will not qualify for loan forgiveness and will not be considered a qualified use of the funds. Salary over \$100,000 may be paid partially from PPP funds (ideally from a separate account for recordkeeping), and partially from an existing payroll bank account in order to maximize wages that are eligible for forgiveness, while still meeting contractual salary requirements.

It is also important to note that contributions to employee retirement or payments for healthcare are in addition to wages, meaning payroll for any given employee could be greater than \$15,385, if the additional amount

---

<sup>1</sup> See

<https://www.federalregister.gov/documents/2020/04/15/2020-07672/business-loan-program-temporary-changes-paycheck-protection-program>

is for retirement plans or other non-wage compensation (see SBA Q&A #7).

Since the loan funding date might not coincide with the start of the business's pay period, a pay period may end up being partially funded with PPP monies and partially from an existing payroll bank account, especially for companies that pay bi-monthly. For instance, the last pay period within the 8-week cycle may be partially in week 8 and partially in week 9. Employers can consider accelerating payroll by one week to maximize usage of the PPP funds by cutting checks twice, once from PPP funds for week 8 and once from existing bank accounts for week 9.

### Loan Forgiveness

As mentioned earlier, if the loan proceeds are used for permitted expenses, the principal and accrued interest can be forgiven. For rent, mortgage interest, and utilities to qualify, the service or contract must have begun prior to February 15, 2020. The February 15, 2020 qualification does not appear to apply to payroll, insinuating that businesses could possibly hire new people during the covered period, and those payroll costs would also be eligible for forgiveness. However, there is no guidance yet on this issue.

There are some restrictions on forgiveness, requiring the otherwise allowable amount for forgiveness to be multiplied by a fraction. The fraction's numerator is the average amount of full-time employees during the period. The denominator is the lesser of: a) the average number of full-time employees between February 15 and June 30, 2019, or b) the average number of full-time employees between January 1 and February 29, 2020.

Furthermore, reductions in employee headcount during the 8-week covered period, or reductions in employee wages may alter the amount eligible for forgiveness. Specifically, if an employee who earned less than \$100,000 in 2019 had his or her wages reduced 25% or more in the immediate prior quarter in 2020,

then the loan forgiveness is reduced by that amount of wage reduction.

Borrowers should be sure that all rent, mortgage interest, and utilities that are incurred during the covered period are paid within the period. It is currently unclear whether expenses need to be both paid *and* incurred, or simply paid *or* incurred, during the covered period to be eligible for forgiveness.

A borrower requesting forgiveness will need to provide documentation regarding use of the proceeds, number of employees on the payroll, cancelled checks, bills, and other relevant documentation. A formal application needs to be submitted requesting forgiveness, and lenders must give notice of a decision within 60 days of such request. However, any loans in excess of \$2 million will automatically be reviewed by the SBA.

### Amount Not Forgiven

For any amount of loan proceeds that are not forgiven, the loan term is 2 years at a 1.0% interest rate, with interest being due after six months. The interest for the first six months is not abated, it just is deferred. There is no pre-payment penalty.

### Effect on Income Tax

The PPP loan forgiveness is excluded from gross income and would not be considered cancellation of indebtedness income for federal tax purposes. California has not yet conformed to that tax treatment, but AB 3208 (in committee) would exclude such loan forgiveness from state taxable income.

However, the IRS reported in Notice 2020-32 that any costs that are paid with the loan and subsequently forgiven are not eligible for an income tax deduction. While ordinarily businesses would deduct payroll and rent costs as ordinary business expenses, if they were paid with PPP loan proceeds and subsequently forgiven, they cannot be deducted. This means some businesses may find themselves with higher taxable income than normal, if their

income remains steady. Presumably many businesses will have less income in this current economic environment, with long-term economic effects still unknown. If income does decline, the taxable income year over year may be somewhat consistent with the elimination of these ordinary deductions, but using the PPP loan proceeds will likely result in higher taxable income for 2020 than if the business did not use PPP loan proceeds for payroll, rent, utilities, etc. Therefore, the effect of the forgiveness amount could essentially be reduced by the business's effective tax rate.

This may prove complicated, because the business's 2020 tax return may be due before the loan is forgiven. There are also varying opinions as to whether the IRS Notice complies with Congress's initial intent or is contrary to the underlying law.

#### Term

As mentioned earlier, there were two separate rounds of funding from Congress, meaning businesses received funding at various dates, with some businesses receiving funding possibly weeks after early recipients. According to the SBA, "The eight-week period begins on the date the lender makes the first disbursement of the PPP loan to the borrower. The lender must make the first disbursement of the loan no later than ten calendar days from the date of loan approval" (see SBA Q&A #20).

#### Record Keeping

It is advisable to place the PPP loan proceeds in a separate bank account to make record keeping easier. We recommend putting aside all bills or other expenses paid with PPP funds to have them ready when documentation is needed to apply for forgiveness.

#### Conclusion

Evidently, the Program has been chaotic, as to be expected with a program of such massive size instituted immediately. Additional guidance is being issued almost daily, and borrowers are encouraged to carefully read

new guidance to ensure payments are made properly.



### **COLLEGE STUDENTS AND CORONAVIRUS**

*By DeEtte L. Loeffler, J.D.,  
LL.M., Taxation*

---

Many college students have returned home early this year. For graduating students, the timing of the pandemic has deprived them of the opportunity to celebrate their accomplishments. While it is still unknown whether college campuses will reopen in the fall, now may be an opportune time to plan for that event.

You might ask – why would an 18-year-old need an estate plan? He or she has no real “estate” at this point... but an estate plan consists of much more than just a Will and/or a trust. An estate plan also includes certain documents that every parent needs to help a young adult who is away from home. Furthermore, we have all heard and read stories about younger people needing hospital care for Coronavirus, which can be a daunting and formidable experience. While your students are home and healthy is the perfect time to make plans, prior to returning to campus and mingling again with other college-age students.

#### Advance Health Care Directive

Most parents mistakenly assume they can continue to make medical decisions for their children as long as those children remain “dependent.” On the contrary, once a child attains the age of 18 and graduates from high school, only that child (now a legal adult) has the right to make these decisions. A medical power of attorney is therefore an essential document for any student headed off (or back) to college.

An Advance Health Care Directive allows the child to express his or her desires regarding

medical care and end-of-life medical decisions. It also grants the named agent a right to make medical decisions for the child if he or she is unable make them for himself or herself. Without one, parents may be unable to obtain information about their adult child's medical condition after an accident or serious illness. Moreover, treatment for the adult child may be delayed or care provided that is inconsistent with the child's desires.

### Financial Power of Attorney

Students are busy and often need help managing their bank, UTMA, 529 plan or other financial accounts, and paying tuition and other bills in a timely manner. However, now that your child is age 18, you, as a parent, no longer have legal authority to manage your child's bank and/or investment accounts unless you are also named on those accounts. In addition, you do not have legal authority to deal with your child's creditors (such as cell phone providers or insurance companies) or to access your child's financial records (such as the student's tuition and housing accounts). You also cannot obtain copies of medical bills so you can pay them for a sick child. Oral approval by the student for access to online accounts, or to deal with creditors, is usually not legally sufficient for dealing with third parties.

A financial power of attorney can grant the parent the ability to handle any and all financial issues arising for the child while he or she is at college. This can simplify the student's, and by extension, the parents' lives.

### Authorization to Release Medical Information

Another critical medical care document to have is an Authorization to Release Medical Information (also called a "HIPAA waiver"). Under current federal and California law, health care providers are prohibited from discussing an individual's sensitive medical information without the written consent of the patient. A HIPAA waiver provides that written consent. Simply put, a HIPAA waiver would allow parents to obtain information about a sick or

injured student to help them to make better decisions regarding their care.

In addition, a HIPAA waiver is essential if the parent is to deal with medical bills incurred by the child. For example, if the adult child was injured and received care at a hospital near the university, the parents will need this waiver in order to obtain copies of the bills so they can be paid.

This critical document can be especially important if a child experiences a mental health issue, such as depression. With an Advance Health Care Directive, Power of Attorney, and HIPAA waiver, the parents would be able to accompany the adult child to the mental health care facility, assist with the admission process, and deal with the medical and other bills while the adult child receives care. And in this terrifying time where family members are sometimes not allowed to visit loved ones in the hospital with Coronavirus, the HIPAA waiver should allow you to receive updates from doctors even though you cannot be there in person.

### Optional Documents

Additional documents which the adult child may want include a Nomination of Conservator, a Will, and if appropriate, a trust. The Nomination of Conservator is a short form that allows the adult child to recommend someone to be appointed to care for their person and/or property in the event they become legally incapacitated. This document is less necessary than those listed above because courts generally appoint the parents to serve as Conservators. Individuals from a divided family, or who prefer to name a particular person, should sign a Nomination.

Finally, your adult child may want a Will. Without one, the laws of the state will control who inherits the adult child's assets in the event of untimely death. Under California law, the assets of a childless person who dies intestate (i.e., without a Will) are distributed first to the parents (equally), then to the

brothers and sisters, then to more remote family members. If the adult child wishes to change this distribution plan, a Will is required. So long as the value of the adult child's estate is valued at less than \$166,250 and does not include real property, the assets can be transferred to the heirs through the use of a small probate process. If the child has assets in excess of \$166,250, or owns an interest in real property, a trust should be considered.

### Refunds from Universities

Some lucky parents are receiving partial refunds from universities for housing and meal plans for the last several months of the school year. If the housing or meal plan was originally paid from a 529 Plan, it likely should be paid back into that 529 Plan to ensure it remains tax-free. If the refund is not deposited back into the 529 Plan, it might be considered a non-qualified distribution, which may subject the taxpayer to income tax on the distribution, plus a 10% penalty.

### Conclusion

Being prepared for financial and medical issues can provide both the adult child and the parents with peace of mind. If you have an adult child headed off (or back) to college, we recommend you and your child consider adding an estate plan to your preparations. This is particularly true in light of the current pandemic where the virus is widespread and fast-acting.



### **FEDERAL TAX UPDATE**

*By Katie Lepore, CPA, J.D., LL.M., Taxation*

---

Beware of Scams. The IRS and other federal agencies have been regularly alerting citizens to be wary of a large number of scams that have arisen in the current environment. The Social Security Administration has warned that many SSA recipients are receiving letters that

their benefits will be suspended while offices are closed.<sup>2</sup> The IRS has reported several scams related to the stimulus checks and inputting taxpayer information online or by mail in order to receive your stimulus check. Please be wary of any letter or correspondence you receive asking for your personal information, or that seems unusual to you.

IRS Clarifies IRC Section 67(e) Deductions for Estates and Trusts. The *Tax Cuts and Jobs Act of 2017* restricted the deductibility of Section 67(g) miscellaneous itemized through 2025. On May 7, 2020 the IRS released Proposed Regulations clarifying that Section 67(e) deductions available to an estate or trust are not considered miscellaneous itemized deductions and disallowed under IRC Section 67(g). In addition, the regulations indicate that any Section 67(e) deductions in the trust or estate's year of termination will retain their character and be eligible for deduction on the beneficiaries' income tax returns under Section 67(h), thus allowing for some above-the-line deductions on individual returns.

Estate and Gift Tax Returns Extended. The IRS recently issued Notices 2020-20 and 2020-23, which, among other things, extend the filing date for federal estate and gift tax returns that would have been due between April 1 and July 15, 2020 to July 15, 2020. The IRS also issued extensive FAQs that clarify that the deadline for disclaiming an asset, filing for portability, and filing Form 8971, *Information Regarding Beneficiaries Acquiring Property from a Decedent* are also extended. As reported in our [April 2020 newsletter](#), several other types of tax returns and filings also have extended due dates.

Changes if Charitable Deduction Limits. Included in the recent *CARES Act* legislation is a provision which allows all individual taxpayers, including those who do not otherwise itemize their deductions, to take a charitable deduction of up to \$300 on their

---

<sup>2</sup> See <https://www.myfederalretirement.com/social-security-covid-scam/>

2020 tax return. Further, the AGI limitation for itemized filers has increased from 60% of AGI to 100% of AGI for cash charitable deductions.

NOL Carryback Allowed. Under the *CARES Act*, net operating losses are now allowed to be carried back in limited circumstances. NOLs generated in tax year 2018, 2019, or 2020 may now be carried back to the previous five tax years, possibly generating an immediate tax refund. This could cause a significant refund since corporate tax rates were higher prior to the December 2017 *Tax Cuts and Jobs Act*. The 80% limit on taxable income is also temporarily suspended. Additional information is outlined in Revenue Procedures 2020-23 and 2020-24, and Notice 2020-26.

Section 7520 Rate at Historical Low. The Section 7520 rate, which is related to calculating the Applicable Federal Rate (AFR), often used for interest for intra-family transactions, is at one of its lowest points in history. The May 2020 rate is at a mere 0.80%<sup>3</sup>. This creates a unique opportunity for certain estate planning techniques and gifting, such as intra-family loans, some charitable giving, grantor retained annuity trusts, and other vehicles.

Social Security Estimates Increased Wage Base for 2021. The Social Security Administration estimates the 2021 wage base will be \$141,900, increasing from \$137,700 in 2020. Employees and employers will be responsible for paying 6.2% Social Security taxes on wages up to the Wage Base, in addition to 1.45% on all wages. Employees may also be subject to an additional 0.9% Medicare tax on wages in excess of \$200,000 for single filers or \$250,000 for joint filers. The final wage base increase will be released in October.

Bill Proposed to Provide More Cash Payments to Americans. Representatives Tim Ryan (D-

OH) and Ro Khanna (D-CA) introduced the *Emergency Money for the People Act* on April 14, 2020 in the House of Representatives. The bill, which is currently referred to the Ways and Means Committee, would provide additional cash payments of up to \$2,000 per month to Americans hurt by the current pandemic. The payments would be distributed to single taxpayers age 16 or older who make less than \$130,000 per year, until employment returns to pre-COVID-19 levels. Married couples who make less than \$260,000 annually could be eligible for up to \$4,000 per month. Like the *CARES Act*, an additional \$500 would be available for children. The bill also would specifically include college students and adults with disabilities, and dependent elders, which groups were generally excluded from the *CARES Act* stimulus checks. The estimated cost of this bill is \$3 Trillion.<sup>4</sup>



## STATE TAX NEWS

By Katie Lepore, CPA, J.D.,  
LL.M., Taxation

---

Reminder: Rent Control Exclusion Language Effective July 1. In accordance with our [October 2019 newsletter](#), landlords with real properties that are exempt from statewide rent control, such as single family homes or condos, must include specific language indicating the rental is exempt from the statewide rent control laws for leases that begin or renew after July 1, 2020.

State Tax Deadlines Postponed; Conformity to CARES Act. The Franchise Tax Board issued Notice 2020-02, extending tax deadlines to July 15, 2020, including claims for refunds and some appeals. Accordingly, the time for the FTB to issue a tax assessment is also extended. The FTB also issued guidance

<sup>3</sup><https://www.forbes.com/sites/leonlabrecque/2020/04/30/low-values-and-record-low-irs-interest-rates-a-perfect-opportunity-for-estate-planning/#3ea9e716aec3>

<sup>4</sup> <https://www.forbes.com/sites/ryanguina/2020/05/11/a-2000-monthly-stimulus-check-could-cost-a-staggering-10-trillion/#45d03bd650d0>

indicating that the unemployment and stimulus payments are not subject to California tax, but California does not yet conform to all CARES Act provisions. The NOL carryback provisions, charitable deductions, business interest limitations, and other provisions are not mirrored in California tax laws currently. AB 3208, the bill regarding not taxing PPP loan forgiveness, is still under review by the Revenue and Tax committee.

Governor's Order Makes All COVID-19 Cases Presumed Work Related. On May 6, 2020, Governor Newsom signed an executive order declaring that all workers who contract COVID-19 while working will be eligible for workers compensation. The workers will have a rebuttable presumption that if they test positive for COVID-19 they contracted the virus while at work. It will be up to employers to rebut that presumption to prove otherwise. The order states "Those eligible will have the rebuttable presumption if they tested positive for COVID-19 or were diagnosed with COVID-19 and confirmed by a positive test within 14 days of performing a labor or service at a place of work after the stay at home order was issued on March 19, 2020. The presumption will stay in place for 60 days after issuance of the executive order."<sup>5</sup>

Measure to Partially Repeal Prop 13 Moves Forward. Prop 13, the 1978 law that limited property taxes to 1.0% of the purchase price and capped annual increases on retained real property to no more than 2.0%, is under attack again. The *California Tax on Commercial and Industrial Properties for Education and Local Government Funding Initiative*, which has qualified for the November ballot, would repeal Prop 13 with regard to commercial and industrial properties, allowing them to be taxed at market value and reassessed every 3 years; Prop 13 would be retained for residential properties. Also exempted is property zoned

for commercial agriculture (i.e., farms) and commercial and industrial properties owned by independent small businesses (defined as those owning a combined value of \$3 million or less in California and having 50 or fewer full-time employees). The tax would be distributed 11% to community colleges, and the balance to public schools, charter schools, and county education. The tax would be phased in beginning in 2022 and when fully implemented is estimated to generate \$8 to \$12 billion in revenue.<sup>6</sup>

Possible Property Tax Relief. Because Governor Newsom declared a state of emergency, 2020 property tax assessments may be eligible for disaster relief, possibly allowing for assessment reductions. "Damage" may possibly include a reduction in value in certain circumstances under Revenue and Taxation Code 170. You should seek the advice of an attorney if you feel your property has been drastically de-valued by the pandemic. Separately, the San Diego County Treasurer-Tax Collector announced it will cancel late penalties for taxpayers directly affected by COVID-19, if requested under the TTC's special penalty cancellation request form. This was further reiterated in an executive order signed by Governor Newsom on May 6, 2020, waiving penalties for property taxes paid after April 10 for those who experienced financial hardship due to COVID-19.

Stimulus Payments Not Subject to Garnishment. On April 23, Governor Newsom issued an executive order stating that generally the stimulus payments from the CARES Act are exempt from garnishment, attachment, levy, or execution.<sup>7</sup> Federal payments were not made distributed from garnishment for child support arrears.

---

<sup>6</sup> See [https://www.thecentersquare.com/california/california-initiative-would-raise-property-taxes-by-billion/article\\_b0980c18-4f34-11ea-aacb-ffd02f22a1f9.html](https://www.thecentersquare.com/california/california-initiative-would-raise-property-taxes-by-billion/article_b0980c18-4f34-11ea-aacb-ffd02f22a1f9.html)

<sup>7</sup> See <https://www.gov.ca.gov/wp-content/uploads/2020/04/4.23.20-EO-N-57-20.pdf>

---

<sup>5</sup> See <https://www.gov.ca.gov/2020/05/06/governor-newsom-announces-workers-compensation-benefits-for-workers-who-contract-covid-19-during-stay-at-home-order/>

Possible State-Wide Expansion on Eviction Moratoriums. The California Legislature is considering bills which would protect commercial and residential tenants from evictions and foreclosures. SB 939 would retroactively prohibit evictions of commercial tenants after the state of emergency was declared on March 4<sup>th</sup>. AB 828 also would prevent foreclosures and unlawful detainer actions for residential residents, ending 15 days after the state of emergency is terminated. At the tenant's election, a court could analyze whether the inability to pay was directly related to COVID-19, and if so, this may allow forgiveness of rent or rent reduction. In turn, the landlord can show the reduction in rent would cause a material economic hardship for the landlord. The bill presumes that the non-payment of rent would not constitute an economic hardship for landlords with more than 10 units, and would constitute an economic hardship for those landlords with less than 3 units.

Los Angeles Expands Eviction Moratorium. In addition to the bills mentioned above, the Los Angeles City Council voted on May 6 to prohibit evictions of commercial and residential tenants for failure to pay rent due to COVID-19. For residential tenants, the ordinance is effective for 12 months after the Mayor's emergency declaration period and for commercial tenants, effective for an additional 3 months.

Clarification:  
In our April 2020 newsletter, we would like to clarify in our article entitled "Ways to Take Advantage of Coronavirus" that if a family member wishes to assist another member to purchase a home, the inter-family loan should be if the parent acts as a mortgage lender, purchasing the house and then collecting mortgage payments at the AFR, rather than loaning money for the down payment.

\*\*\*\*\*  
**Disclaimer: This newsletter is provided to share knowledge and expertise with our colleagues with the goal that all may benefit. The content of this newsletter is for general information purposes only.**

***The information contained within this newsletter is not intended to serve as legal advice or as a guarantee, warranty or prediction regarding the outcome of any particular legal or tax matter. Nothing contained within this newsletter should be used as a substitute for legal advice and does not create an attorney-client relationship between the reader and Miller, Monson, Peshel, Polacek and Hoshaw. Legal advice depends on the specific facts and circumstances of each individual's situation. You should not rely on this newsletter without first consulting with a qualified, licensed attorney.***  
\*\*\*\*\*

## AREAS OF PRACTICE

### *ESTATE PLANNING*

#### **& ADMINISTRATION**

WILLS & TRUSTS  
ESTATE & GIFT TAX PLANNING  
INSURANCE TRUSTS  
FAMILY LIMITED PARTNERSHIPS  
GENERATION SKIPPING/DYNASTY TRUSTS  
ESTATE/GIFT TAX DISCOUNT PLANNING  
CHARITABLE GIFT PLANNING  
PROBATE & TRUST ADMINISTRATION  
ESTATE & GIFT TAX RETURNS  
PRE-MARITAL AGREEMENTS

#### **VALUATION SERVICES**

BUSINESS APPRAISAL SERVICES/DISCOUNT  
OPINIONS  
VALUATIONS FOR ESTATE AND GIFT TAX PURPOSES

#### **TAXATION**

IRS RULING REQUESTS  
TAX REPRESENTATION

#### **TAX PLANNING**

BUSINESSES & INDIVIDUALS  
REAL PROPERTY TRANSACTIONS &  
REORGANIZATIONS  
BUSINESS ACQUISITIONS/SALES  
EMPLOYEE COMPENSATION

#### **BUSINESS & CORPORATE LAW**

BUSINESS MERGERS, ACQUISITIONS, & SALES  
CORPORATIONS, PARTNERSHIPS  
LIMITED LIABILITY COMPANIES  
BUY/SELL AGREEMENTS  
EMPLOYMENT MATTERS  
REORGANIZATIONS  
ASSET PROTECTION

#### **REAL ESTATE**

SALES & LEASES  
FINANCING  
SHARED EQUITY AGREEMENTS  
CO-OWNERSHIP ARRANGEMENTS

#### **LITIGATION**

ERISA LITIGATION  
FIDUCIARY LITIGATION  
PROBATE & TRUST LITIGATION  
WILL CONTESTS  
REAL PROPERTY MATTERS  
BUSINESS & COMMERCIAL DISPUTES  
LABOR LAW LITIGATION

#### **EMPLOYEE BENEFITS & ERISA**

PENSION, PROFIT SHARING, & 401(k) PLANS  
LONG & SHORT TERM DISABILITY MATTERS



### **MILLER, MONSON, PESHEL, POLACEK & HOSHAW**

A Partnership of Professional Law Corporations  
Providing quality legal services since 1959

[THOMAS M. MONSON](#)  
[MARY J. PESHEL](#)  
[TIMOTHY C. POLACEK](#)  
[WILLIAM D. HOSHAW†](#)  
[SUSAN L. HORNER](#)  
[DeETTE L. LOEFFLER](#)  
[BRADFORD N. DEWAN](#)  
[KATHLEEN A. LEPORE](#)  
†OF COUNSEL

RALPH GANO MILLER  
1926 – 2016

<https://www.mmpph.com>



*DeEtte L. Loeffler, Esq.*  
Newsletter Editor

©Miller Monson Peshel Polacek & Hoshaw, 2020