





Income Tax Consequences Important Questions:

Is there a Loss or a Gain? Tax Year to Claim a Loss Sell & Buy or Rebuild

Decisions & Opportunities...

THANK YOU ...

- LARIMER COUNTY, Suzanne Bassinger Fire Recovery Manager
- BOULDER COUNTY, Garry Sanfacon Flood Recovery Group of Boulder County
- EL PASO COUNTY, County Commissioners: Sallie Clark, Darryl Glenn, Peggy Littleton Recovery Manager: R. C. Smith Public Information Staff: Dave & Nancy

WALDO CANYON FIRE VOLUNTEERS UNITED POLIGYHOLDERS, "UP" PERSONNEL & VOLUNTEERS including Kerri Olivier

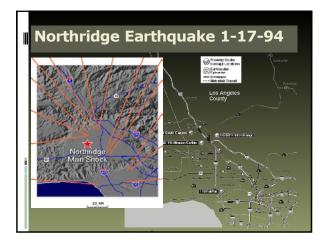


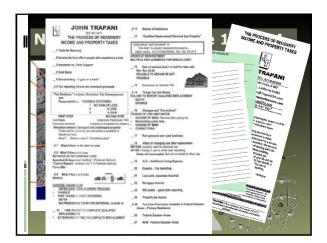
JOHN TRAPANI

Certified Public Account

Circular 230 Disclosure

This material covers income tax laws based on the author's understanding. This is a general discussion. Application to specific cases will involve aspects that requiring additional fact finding. Relying solely on this material does not qualify as tax advice for purpose of mounting a defense of a tax position with the taxing authorities





MOST IMPORTANT TODAY TAX IMPACT MAY NOT BE CLEAR IN TIME TO FILE 2013 TAX RETURNS • ALWAYS FILE RETURNS TIMELY AND REPORT WHAT YOU KNOW: • COST BASIS • INSURANCE RECEIVED • (AND PROJECTED FUTURE PROCEEDS, IF ABLE) • REPLACEMENTS TO DECEMBER 31ST

MOST IMPORTANT TODAY "DON'T RUSH TO DEDUCT A LOSS" IT MAY TURN OUT NOT TO BE A LOSS **A LOSS MAY TURN INTO A GAIN** IF YOU FILE A LOSS USING FORM 4684 TODAY AND LATER YOU RECEIVE ADDITIONAL PROCEEDS **THE RESULTS COULD BE A NEW CATASTROPHE**

MOST IMPORTANT TODAY

• FOR YOUR LOSS THERE IS A FILING DEADLINE TO CONSIDER: APRIL 15, 2014...

You may have a choice of filing an amended 2012 tax return to claim the 2013 loss against your previously reported 2012 taxable income.



COLORADO MAJOR DISASTERSNumberDateIncident Description41459/14/13Severe Storms, Flooding,
Landslides, and Mudslides41347/26/13Black Forest Wildfire41337/26/13Royal Gorge Wildfire40676/28/12High Park And Waldo Canyon
Wildfires

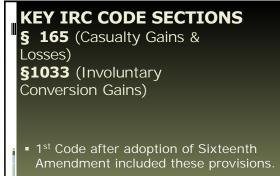
"TAX LAW EMPATHY"

• Tax Law provisions to keep taxes from adding to your tragedy?

BUT...

 Application of these tax provisions are not a substitute for filing an insurance claim

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KEY IRC CODE SECTIONS

§ 165 (Casualty Gains & Losses)§1033 (Involuntary Conversion Gains)

WHAT IS AN INVOLUNTARY CONVERSION?

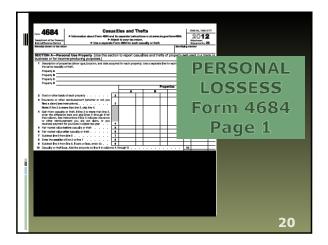


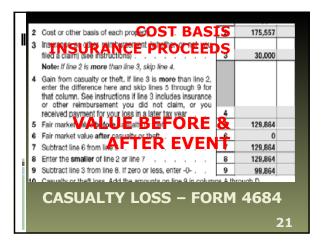
YOUR SITUATION... IS UNIQUE..

WHERE TO START?

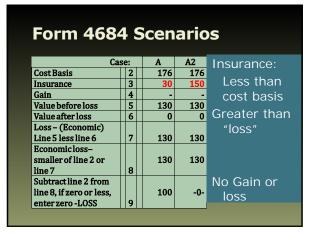
possibly... REPORTING A LOSS...

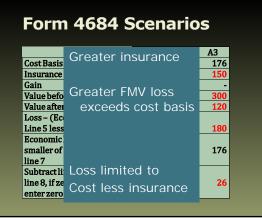
Form 4684

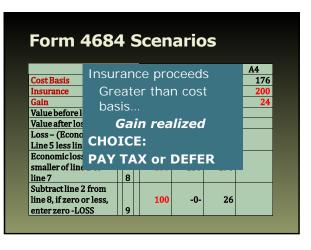




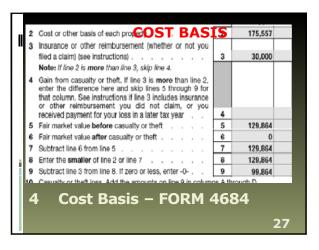
	Case:		Α
Cost Basis	2	2	176
Insurance	3	3	30
Gain	4	ł	-
Value before loss	5	5	130
Value after loss	6	5	0
Loss – (Economic)			
Line 5 less line 6		7	130
Economic loss-			
smaller of line 2 or			130
line 7	8	3	
Subtract line 2 from	ι		
line 8, if zero or less	,		100
enter zero -LOSS	9)	

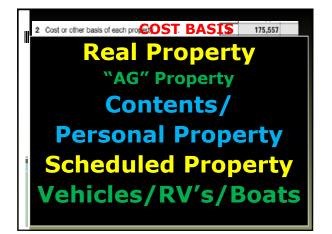


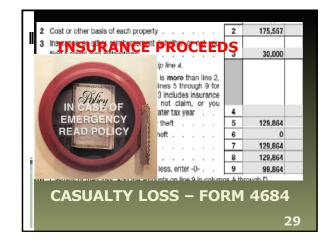


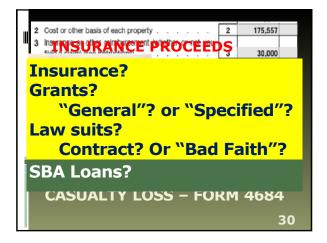






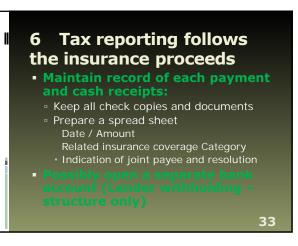


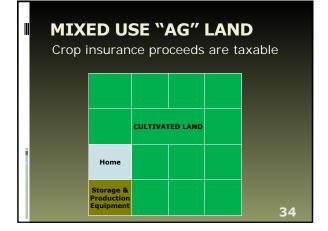




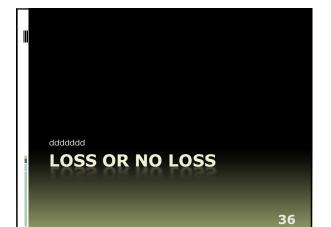








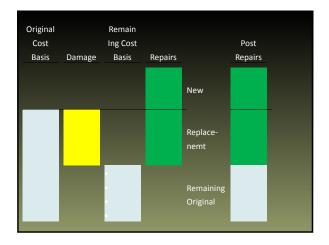


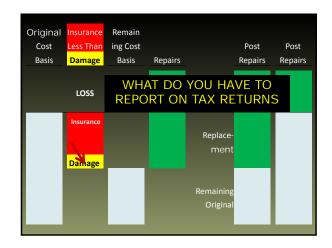


Original Cost Basis



 In the bar charts the height of the bar indicates an amount of value: cost basis of an asset, loss of value, money received or spent on repairs

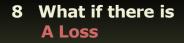




Original Cost	Insurance Less Than	WHAT DO YOU		
Basis	Damage	REPORT ON TAX	(RE	TURNS
		Ca	se:	Α
	LOSS	Cost Basis	2	376
	1033	Insurance	3	200
		Gain	4	-
	Insurance	Value before loss	5	400
		Value after loss	6	150
		Loss – (Economic)		
		Line 5 less line 6	7	250
	Damage	Economic loss- smaller of line 2 or line 7	8	250
		Subtract line 2 from line 8, if zero or less, enter zero -LOSS	9	50

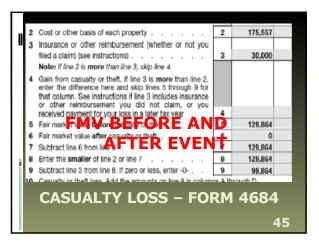






- Who can deduct a loss
 - Ownership personal / corporation
- Special entities
- When to deduct a loss
 - Closed Transaction: "Sustained = Occurs & Settled" Vagary of meaning "Settled"





METHODS OF DETERMINING A LOSS: VALUATION METHODS:

 Appraisal (& Appraiser) (Preferred Method)

"Cost of Repairs" (NOT A Preferred Method)

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Appraisal (& Appraiser) method: (Preferred Method) FAIR MARKET VALUE -Immediately Before and Immediately after event SPECIAL CONSIDERATIONS Debris & debris removal, "Temporary" Buyer resistance DEFINITION OF AN APPRAISER







"Cost of Repairs" method: (NOT A Preferred Method)

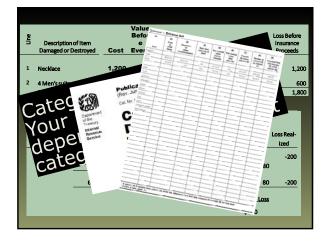
- **FMV** before event still required
- Must Complete Repairs First
 - To pre-event status

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- Before deduction may be Computed
- Debris removal / Code upgrades
- CLAIM ON RETURN FOR YEAR REPAIRS
 ARE COMPLETED

	Cost of Poppi Case:		Α	
Co	ostBasis	2		
In	surance	3		•
Ga	ain	4		
- V	alue before loss	5	130	
Va	alue after loss	6		
	oss – (Economic) Line 5 less ne 6	7		
	conomic loss-smaller of line 2 · line 7			
		8		EPAIRS
	ibtract line 2 from line 8, if ero or less, enter zero -LOSS			
		9		

Form 4684 Loss Reporting
 Net all gains and losses
 Adjustments - Reductions:
Deduct \$100 / Event (Not per column) &
Deduct 10% of Adjusted Gross Income
 Ordinary loss
 Potential "Net Operating Loss"
• Extended three year carryback provision
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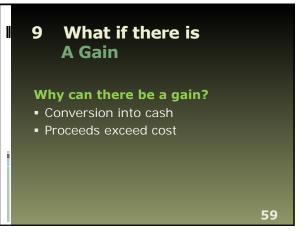


If the remaining two items are combined, the following is the reporting on the Form 4684,		Necklace & 4 Men's
resulting in no loss.		suits
Cost Basis	2	\$4,000
Insurance	3	3,880
Gain	4	-
Value before loss	5	1,800
Value after loss	6	0
Loss – (Economic) Line 5 less line 6	7	1,800
Economic loss – smaller of line 2 or line 7	8	1,800
Subtract line 2 from line 8, if zero or less, enter		0
zero -LOSS	9	0

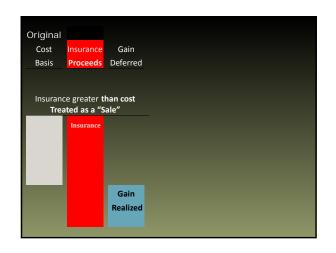
If the items are reportable separately, the there is a net loss of \$120 before the \$10 adjustment and the reduction of 10% of Adjusted Gross Income.	Necklace	4 Men's suits	
Cost Basis	2	\$1,200	\$2,800
Insurance	3	1,000	2,880
Gain	4	-	80
Value before loss	5	1,200	
Value after loss	6	0	
Loss – (Economic) Line 5 less line 6	7	1,200	
Economic loss– smaller of line 2 or line 7	8	1,200	
Subtract line 2 from line 8, if zero or		Loss	Gain
less, enter zero -LOSS	9	200	80
Net Loss		Net Lo	ss 120

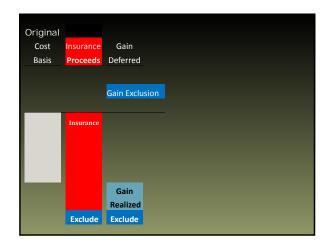


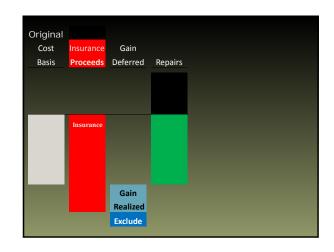


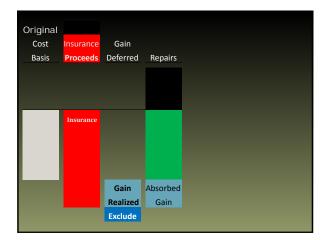


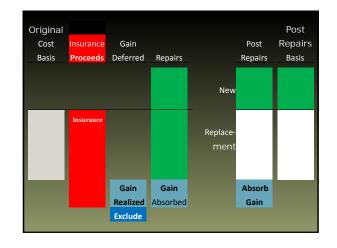














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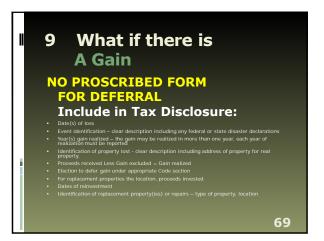
9 What if there is A Gain
 DALD EXCLUSION
 • IRC § 121 (CCA 200734021)
 • Omplete destruction (Defined)
 • Omplete destruction (Defined)
 • Unforeseen circumstances
 DEMAINING GAIN
 67

9 What if there is A Gain DEFER GAIN & TAX

- Post §121 gain exclusion amount
 Equals adjusted total proceeds
- Decision not to be taken lightly.
- Disclosure on tax returns:Starting with the year of the event ...

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DEFER

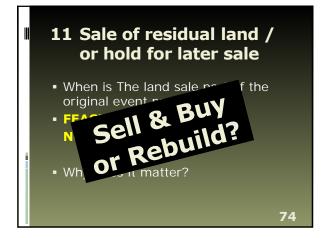












11 Sale of residual land / or hold for later sale

- When is The land sale part of the original event proceeds?
- FEASIBLE TO REPAIR OR
 NOT FEASIBLE
- Why does it matter?

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FEASIBLE TO	REPAIR?
Insurance	<u>Basic</u> 700,000
Total Proceeds Cost	<u>700,000</u> 400,000
Sec. 121 Exclusion	300,000
Gain subject to deferral	<u>-0-</u>
Required Reinvestment	<u>0-</u>

NOT FEASIBLE TO REPAIR

			With
		<u>Basic</u>	Lot Sale
	Insurance	700,000	700,000
	Lot Sale		300,000
	Total Proceeds	<u>700,000</u>	<u>1,000,000</u>
	Cost	400,000	400,000
	Sec. 121 Exclusion	300,000	500,000
Î			
I	Gain subject to deferral	<u>-0-</u>	<u> 100,000 </u>
	Required Reinvestment	<u>-0-</u>	<u>400,000</u>

NOT FEASIBLE TO REPAIR

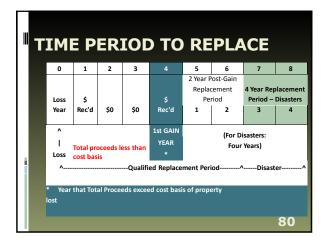
			With	Only
		Basic	Lot Sale	Lot Sale
	Insurance	700,000	700,000	
	Lot Sale		300,000	<u>300,000</u>
	Total Proceeds	<u>700,000</u>	<u>1,000,000</u>	<u>300,000</u>
	Cost	400,000	400,000	-0-
	Sec. 121 Exclusion	300,000	500,000	200,000
i	Gain subject to		400.000	Taxable Gain
l	deferral	<u>-0-</u>	<u> 100,000</u>	<u>100,000</u>
	Required Reinvestment	<u>-0-</u>	400,000	na
l				



 Replacement period generally "two years"



- **TWO BEGINNING DATES**:
 - Date of Event
 - End of 1st year total proceeds exceed cost basis







15 Things Can Get Worse PROPERTIES TAXPAYER DOES NOT REPORT AS ACQUIRED AS REPLACEMENTS

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16 Changes and "Corrections"

- 1. "I want to reinvest. I originally reported a gain and paid tax."
- 2. "I originally reported a loss and then received additional proceeds."
- 3. "I want to pay tax and not rebuild, not reinvest."





25 Federal Disaster Areas

ALL AFFECTED TAXPAYERS

- Deferral of many federal
 - tax filing,
 - compliance and enforcement
 - due dates under IRC Section 7508A.
 - Rev. Proc. 2007-56

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25 Federal Disaster Areas

LOSSES

- Allows
- Deduction of 2013 loss on
- 2013 tax return or
- 2012 tax return (amended if necessary)

APRIL 15, 2014 DEADLINI

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25 Federal Disaster Areas

LOSSES: Possible Amended Return

- If the prior year return has been filed, an amended return may be filed.
- The amended return must be filed no later than April 15, 2014 for 2013 disaster losses claimed in 2012.
- No extensions are permitted available.

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25 Federal Disaster Areas

LOSSES

ORDER TO DEMOLISH:

- An order to demolish will increase the loss Is it a separate loss?
- Additional loss resulting from an order to demolish issued within 120 days of the original event can be included in original loss calculation.



26 Federal Disaster Areas – Primary Residence

GAINS §1033(h)(1)

- CONTENTS
- Most difficult aspect of casualty loss
- Personal property insurance proceeds for do not have to be reported and –
- No computation, for tax purposes needed to determine gains on contents
- Does not preclude a claim for a loss

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26 Federal Disaster Areas – Primary Residence

GAINS \$1033(h)(1) CONTENT \$1033(h)(1) EXCLUSION DOES NOT APPLY TO "SCHEDULED PROPERTY" VEHICLES, RV's or BOATS

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26 Federal Disaster Areas – Primary Residence

GAINS "QUALIFIED REPLACEMENT PROPERTY"

Definition of is expanded.

- For a <u>personal use primary home</u> Structure and Scheduled Personal Property Proceeds
 - A common pool of funds
 - May be reinvested in otherwise qualified Personal Use Real Estqte Scheduled property, <u>also General Contents</u>.

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26 Federal Disaster Areas – Primary Residence

Structure Proceeds	<u>1,000,000</u>
Net of & §121 Exclusion	500,000
Scheduled Property Proceeds	100,000
Total Proceeds to Reinvest	600,000
Replace structure	360,000
Purchase scheduled property	120,000
Purchase general household items	<u>120,000</u>
Total reinvested	<u> 600,000</u>

26 Federal Disaster Areas – Primary Residence

GAINS §1033(h)(1)

 The number of replacement period years is <u>four years</u> not two years for the reinvestment period.

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APRIL 15TH DEADLINE

The choice of filing an amended 2012 tax return to claim a 2013 disaster loss

MOST IMPORTANT TODAY

BUT...

"DON'T RUSH TO DEDUCT!"

Your Most Important Asset During the Recovery Process...

PERSONAL RESILIENCE













