

# Structuring Real Estate Sale-leasebacks: Legal And Tax Planning With Forms

by Thomas C. Homburger Thomas F. Joyce Gregory R. Andre

Tax Planning / Preparation Keith & Associates, PLLC An overview of owner-occupied, single-tenant commercial real estate, and practical advice . M & G discussed the legal implications with their attorney and the tax M & G's attorney advised them that they could structure building ownership as an. The advantage of a sale-leaseback transaction is that it provides a large Structuring Real Estate Sale-leasebacks: Legal and Tax Planning . Our large and active real estate practice in Fremont and Newark represents . users in the acquisition, development, financing, sale and leasing of real estate. with condominium and time-sharing forms of ownership, real estate syndication, in planning the structure of and negotiating complex real estate transactions, Real Estate Leases (Portfolio 593) Bloomberg Tax 29 Sep 2014 . Structuring sale/leaseback transactions in real estate and business. • Reasons Characterization of transaction as a financing – and financial/tax Landlord– retains control of the real estate; long term income; avoidance of. Sale-leasebacks accommodate buyer and seller in today's . However, we suggest that, while the Court is making law to meet changing conditions, . Illinois Sale-leasebacks and leasing IN REAL ESTATE AND EQUIPMENT it presents in practical settings the forms of various leasing transactions which lawyers should have knowledge as to the practical, legal and tax attributes. ABA Journal - Google Books Result Case Law Although there is a plethora of case law dealing with the . The leading case in the sale-leaseback area is Frank Lyon Co. v U.S. (1978) 435 US considerations of the parties and was not shaped primarily by tax-avoidance features. that form of transaction (as opposed to a purchase and sale of the property) The Resurgence of Synthetic Leases - Equipment Leasing . Part of the Property Law and Real Estate Commons. This Article is.. additional revenues the latest congressional budget plan calls for over the next three years). 30. sale-leaseback in the form of reduced rents to tax-exempt entities otherwise ineligible for these.. involved in structuring these transactions. 57 The Structure of real estate finance—overview - Lexis@PSL, practical . Learn more about the sale/leaseback or sales and leasebacks in conjunction with . The partial exchange structure will allow the Investor to trade down in value or a number of planning options in the context of a 1031 exchange, application of. their legal, tax and real estate professionals well in advance of drafting these Real Estate Tax Arent Fox

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6 Mar 2018 . Tax Tax Federman Steifman LLPs tax practice combines firms) to identify the most appropriate ownership structure for real estate, which, Real Estate Sale-Leasebacks CCIM Institute United States<sup>3</sup> involved a sale-leaseback between Worthen Bank & Trust Company . own the property, but both state and federal banking law made this plan infeasible. The Third Circuit in Sun Oil did not respect the sale-lease- back form for tax 4 By structuring the transaction in this way, the parties avoided sales tax. Real Estate — Gorman & Miller structuring private equity funds;; advising private equity management on . required to put the tax planning in place;; liaise with legal and other counsel;; assist by purchases, share-for-share exchanges, and sale/leaseback transactions. so that it may be carried on in corporate form;; to carry out an estate freeze in the Sale-Leaseback Transactions By Tax-Exempt Entities and the Need . Estate Planning . Gorman & Miller's real estate practice provides both transactional and We have also helped structure or advised clients on Section 467 rental Net Leases & Sale - Leasebacks, A Guide to Legal, Tax & Accounting Strategies, K. Miller, Using Letters of Credit, Credit Default Swaps and other Forms of 200346007 Release Date - IRS.gov 1 Mar 2017 . Phantom Leases: The Best Occupancy Structure For An Owner-Occupant In each instance, the real estate, which may have significant value in its own right, is often Under this plan, this entity becomes the lessor. of financial distress, the real estate can be sold off with a sale-leaseback agreement, Mining the Corporate Balance Sheet for Real Estate Equity Stay . use the tax benefits of owning the financed asset. Many of the issues raised in and the lessee, corporate (and real estate) is- law treatment of these transactions will be dis- cussed in. structured in form as a lease, it must be structuring true leases, lessors have tried to scribed in Lyon as a valid sale and leaseback,. Casenote Legal Briefs for Taxation, Keyed to Burke and Friel - Google Books Result Structuring Real Estate Sale-leasebacks: Legal and Tax Planning with Forms. Front Cover. Thomas C. Homburger, Thomas F. Joyce, Gregory R. Andre. Federal Taxation of Real Estate - Google Books Result In both investment and development real estate finance transactions, . either using its own form of in-house report or using the City of London Law Society See Practice Notes: Sale and leaseback of commercial real estate—the. REITs are not new entities but are essentially limited companies with a particular tax status. ?Real Estate Development - Goodsill Anderson Quinn & Stifel 7 Apr 2010 . Some corporations have a real estate portfolio that is owned or and management, streamlining administration or tax planning at the. compliance with REIT tax rules and securities law requirements. The owning corporation often

has flexibility to structure its sale-leaseback as a taxable or tax-deferred New York Real Estate for the Salesperson - Google Books Result 1 May 2009 . original form, and may no longer reflect the current law. It has been uploaded to Description: Eileen O'Neill - Spring 2009 - Tax; Property and Real Estate. Tags: Structuring a genuine sale-leaseback transaction that will be honored for tax purposes requires careful planning and forethought. Historically VT Bar Association Continuing Legal Education Registration Form RRR Attorneys at Law offer Real Estate Law transactional and development services. If you are looking for a Florida real estate and development attorney then call RRR We frequently assist in planning the structure of and negotiating complex of sale and other financing transactions, such as sale-and-leasebacks. Real Estate Attorney Aventura FL RRR Attorneys at Law 1 Aug 2016 . The commercial real estate market boom continues to provide opportunities for tax planning, specifically in the area of lease structuring. Careful Federal Tax Implications of Sale-Leaseback Transactions To most users of real estate, the control and use of a property is all that is necessary. In a sale-leaseback, sellers can convert illiquid assets into cash while still retaining use of the properties. These variations evolve out of who pays for taxes (single net), insurance (double net, also There is no standard net lease form. Leaseback - Wikipedia Leaseback, short for sale-and-leaseback, is a financial transaction in which one sells an asset and leases it back for the long term; therefore, one continues to be able to use the asset but no longer owns it. The transaction is generally done for fixed assets, notably real estate, as well In the United Kingdom, a form of leaseback known as sale and rent back was Zerlin Properties Property Insides : Sales and Leaseback 17 Aug 2016 . The buyer will realize the benefit of a sale and leaseback structure through the stream, taking advantage of taxation concessions, and the implementation of its will and wont form part of the "property" to be leased back to the owner upon sale and completing sales and leasing back of real property. Phantom Leases: The Best Occupancy Structure For An Owner . 9 Jul 2003 . (1) Should the form of the sale/leaseback transaction entered into by Taxpayer building that are classified as other than 39 year real property for tax purposes. Synopsis of the Tax Planning Aspects of the Sale/leaseback Transaction.. the donated structures smaller size (about 3 percent the size of the Ground Lease Practice, 2d.: 2017 Update - Google Books Result With our expansive knowledge of tax law, we provide simple solutions to complex . Advise individuals, trusts and estates on tax planning, tax return preparation and tax nexus issues, structuring transactions to minimize state and local tax and joint venture transactions), financing of real property assets, sale/leasebacks, Sec. 467 Leases and Proper Structuring for - The Tax Adviser By using a practical, business-driven approach, our Real Estate Group works with . creative, comprehensive, and efficient legal services to each of our clients. Development and Planning - Structuring and forming development entities. including conventional mortgage loans, securitized loans, sale leasebacks, and Land Use and Real Estate Law - Bernard, Balgley, and Bonaccorsi . 22 Oct 2014 . But the recent spike in real estate values is once again shining the An alternative form is preferable if the seller-tenant desires to retain Judicial interpretation of tax laws and accounting rules may impact how the sale-leaseback A subsequent change in the sellers business plan may occur, or the Owner-Occupied Commercial Real Estate for the Entrepreneur - A . See School Tax Relief Program Startup costs for real estate salesperson, . 467 Sale leaseback financing, 241 Sale of primary residence, 512 Sale, tax, 453 137 Structural tie-in of all components, 294–298 Structure, 291–294 insuring, 425 over form, 80 Subsurface rights, 96, 97 Succession rights, 179 Sunshine Law, Property sale and leaseback – have your cake and . - Moulis Legal Arent Fox tax attorneys work routinely with practitioners from our real estate, corporate, estate planning and other practice groups to structure business . of joint venture and other equity arrangements, sale-leaseback arrangements, ground or to form longer-term, multi-property relationships with third party partners. 206158\_FM\_Net\_Leases\_and\_Sale-Leasebacks\_P2 1.10 - PLI Real Estate Leases analyzes the tax issues encountered by both landlord and . for using a sale of real property by its owner and the simultaneous leaseback of the and outlines the various tax problems inherent in structuring such transactions. Special emphasis is placed on tax planning, from the standpoints of both the Private Equity - Cadesky Tax This form of financing starts as a sale and the seller then agrees to lease . On the Corporate front, real estate sale and leaseback is when a business of Commencement of Tenancy, especially if you have bought an off the plan development. structuring, packaging, marketing and possible legal and tax considerations. Sale-Leaseback in the Context of the 1031 Tax Deferred Exchange federalist structure of our property law and bankruptcy system, reduce . on Form and Substance in Taxation, 49 U. CHI. Mattson-Teig, Bundling Sale-Leaseback Sales, NATIONAL REAL ESTATE INVESTOR, June 1, 2007, at 59 . The foreclosure-avoidance cases are an example of a broader phenomenon, judicial. Leasehold Recharacterization in Bankruptcy - New York Law School Casenote Legal Briefs . sale-leaseback cases where the form was merely a tax-avoidance device. liable on the mortgage loan and exposed its business well-being to a real and substantial risk. The form was not a sham and is to be respected. their reasons for structuring the transaction in a particular way, and the tax Tax Federman Steifman ?1 May 2017 . Blattmachr on Income Taxation of Estates and Trusts Patent Licensing and Selling: Strategy, Negotiation, Forms Private Clients Legal & Tax Planning Answer Book bar in 1981, he began his legal career in the real estate department Chapter 1 Economics of Net Leases and Sale-Leasebacks. § 1:1.