CONTENTS

Introduction vii

Overview of the IRS Enforcement Program 1
Involving IRA Issues
 IRS Audits of Individual Retirement Accounts 3
 IRS Form 5329 5
 Statute of Limitations Involving IRA Penalties 6
 Personal Liability of the Fiduciary for Debts to the U.S. Government 10
 IRS Levy on IRA to Satisfy Federal Tax Debts 12
 Early Distribution Penalty Violation 13
 Waiver of Required Minimum Distribution Penalty 15
 Examples Involving Required Minimum Distribution Penalties 17
 Important IRA Distribution Tax Traps to Know About 20
 Excess Contributions 23
 Correction of Excess Contribution by Legal Representative of Estate of Deceased 32
 Violations of the Rollover Rules by Non-Spouse Beneficiary When an Inherited IRA Is Involved 37
 Estate Planning Letter Involving an IRA Owner of a Traditional IRA Who Died Survived by Multiple Non-Spouse Beneficiaries 39
 Letter Ruling 200620025 50
 IRAs Payable to Non-QTIP IRA Trusts 59
 Disclosure Issues and IRA Trusts 76
 IRA Trust Instructions 82
Loss of Creditor Rights Protection of Decedent’s IRA in State Court 86
Use of Separate Irrevocable Spendthrift Trust as Beneficiary of an Inherited IRA for Asset Protection Purposes 89
Executive Summary: Asset Protection for Inherited IRAs 91
Appendix A 93
  Table I—Single Life Expectancy 94
  Table II—Uniform Lifetime Table 95
Appendix B 97
  IRA Trust Checklist 98
  Letter Ruling 200809042 124
  Letter Ruling 201128036 134
  Revenue Ruling 2006-26 141
  Sample IRA Designation of Beneficiary Form for Single IRA Trust 152
  Sample IRA Designation of Beneficiary Form for Multiple IRA Trusts 154
  Don’t Be Blind-Sided by Default IRA Beneficiary Forms 157
  Letter Ruling 199936052 160
  Power of Attorney Issues 164
Index 167