

## ***Small Business Jobs Act of 2010* restores some familiar tax breaks and adds some new rules**

If you are a small business owner who thought all the best tax breaks were behind you, think again. The recently passed *Small Business Jobs Act of 2010* restores

some familiar tax perks and adds a few new ones. The law was signed by President Obama on September 27, 2010.

### ► **Depreciation rules**

The new law extends the first-year 50% bonus depreciation rule that had expired last year, and makes it retroactive to include qualified new equipment purchases made any time in 2010.

Congress also expanded the Section 179 business expensing provision to allow a deduction of up to \$500,000 for purchases of new or used equipment in 2010 and 2011. The previous limit was \$250,000. In addition, under the old rule, the deduction was reduced for companies with annual equipment purchases above \$800,000. Now the threshold has been raised to \$2 million.

### ► **Credit carryback**

The *Small Business Jobs Act* expands the business tax credit carryback limitation from one year to five for private companies with gross receipts of no more than \$50 million. And capital gains tax on sales of

qualified small business stock will be reduced to zero for original issue stock purchased by the end of 2010. However, you still need to hold the stock for five years to qualify.

### ► **Start-up costs**

If you start a new business this year, you might score an added tax perk. The annual start-up cost deduction of \$5,000 was raised to \$10,000 for 2010. The deduction is reduced dollar-for-dollar for any start-up expenses exceeding \$60,000.

### ► **Retirement conversion**

Roth IRAs are back in the news. You probably knew that a traditional IRA could be converted into a Roth in 2010 with the resulting taxable income spread equally in 2011 and 2012. Now you can do the same thing with a 401(k), 403(b) or 457(b) plan, if your retirement plan will allow it.

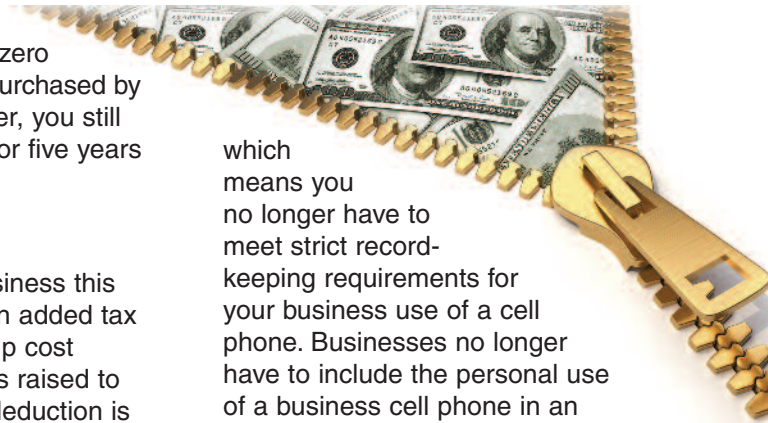
### ► **Cell phones**

One very practical and welcome tax change is the removal of cell phones from the "listed property" category,

which means you no longer have to meet strict record-keeping requirements for your business use of a cell phone. Businesses no longer have to include the personal use of a business cell phone in an employee's income.

Waiting for the catch to all this good tax news? Here it is. The new law calls for even more information return filing and increased penalties for failing to file such information. Beginning in 2011, rental property owners will be required to report payments of \$600 or more made to goods and service providers.

The new small business tax law gives business owners a lot to think about and not much time to act. To discuss ways to maximize the benefits for your business, give our office a call today. Also visit [www.laciak.com](http://www.laciak.com) for a detailed look into the provisions of this Act. ♦



# As the IRS gets tougher, here's how to respond to an audit notice

**T**he number of IRS audits has doubled over the past ten years. Coupled with the new informational

filing requirements for businesses, your chances of an IRS audit notification are not insignificant. If the IRS should come calling, here are some things to consider.

First, be aware that the IRS can contact you either by mail or phone. The majority of audits take the form of a mailed notice requesting certain information. These are often easily handled, but don't automatically assume that you know what the IRS wants. The best first step is to contact our office and provide us with a copy of the notice. It's critical to reply to the request by the deadline shown on the notice. For added safety, respond using certified mail.

However, the IRS might first notify you of an audit by phone. Phone notifications are on the rise, and, unfortunately, scam artists are taking advantage of this fact. The call you receive might not be from the IRS at all, but instead from an imposter hoping to gain access to your personal information.

If it is truly the IRS on the line, be aware that the agent will carefully document every word you say and perhaps use those words against you. To protect yourself, simply take down the agent's name and contact information, and tell the agent that your professional representative will be following up with him or her. Don't engage in idle chitchat or answer any questions, even innocent-sounding ones.



## JOE'S TAX TALK

By Joe Laciak

Later on, the audit might result in a personal visit to your home or business to allow the agent to gather more information. These audits are referred to as field audits. You could also be summoned to the agent's office. In either case, keep us and/or your attorney abreast of all developments. And never just ignore a notice – that could make matters much worse.

Your best defense against an audit might be to take steps to minimize your risks. Maintain complete and accurate records. Save important tax receipts for seven years. And stay familiar with the latest tax rules.

The odds of an IRS audit might be rising, but knowing what to do, and who to contact first can make the experience less stressful. Our office stands ready to assist you should the IRS ever call your number. ♦

## Health care reform brings 2011 changes



Time and Congress change things. Here are three tax law changes resulting from health care reform that will take effect January 1, 2011.

### 1. Limited health plan reimbursements.

New rules apply to your withdrawals from health savings accounts (HSAs), Archer medical savings accounts (MSAs), health flexible spending arrangements (FSAs), and health reimbursement arrangements (HRAs).

Beginning January 1, you'll no longer be able to use funds in these accounts to pay for over-the-counter medicines or drugs unless you have a prescription from your doctor. Insulin and certain medical devices and supplies continue to qualify for tax-free reimbursement.

*Tip:* Depending on your plan, you may be able to request reimbursement in 2011 for over-the-counter items purchased by December 31, 2010.

### 2. Higher penalties on non-qualified distributions.

Amounts you withdraw from your HSA or Archer MSA for "qualified" medical expenses such as prescription medicine and drugs are tax- and penalty-free. "Nonqualified" distributions are included in income and are generally subject to a penalty.

Starting on January 1, the penalty for nonqualified distributions from an HSA or Archer MSA is 20% of the amount you withdraw.

### 3. Optional health coverage reporting.

Reporting the value of health benefits you provide to employees is optional, not mandatory, for the year ending December 31, 2011.

You can choose to report the premiums paid for benefits such as health insurance, prescription drug coverage, and dental and vision plans on Forms W-2 for 2011. The reported value is not taxable income to employees.

Times keep changing, and so do the rules. Call for up-to-date information about new tax laws affecting you and your business. ♦

*Thanks!* We appreciate you!

Thank you for selecting our firm for your tax and accounting needs. We appreciate the confidence you have shown in us, and we remain ready to assist you at any time.

Also, thank you for recommending us to your family, friends, and associates. Your referrals are appreciated.

We wish you and yours a joyful holiday season and a prosperous 2011.



# With mortgage interest rates at historic lows, is it time to refinance?

**M**ortgage interest rates are at historic lows. According to the Mortgage Bankers Association, the average interest rate on

30-year, fixed-rate mortgages dropped to 4.25% in September, 2010, and the average rate for 15-year mortgages fell to 3.73%. These are the lowest rates in almost 50 years.

If you're currently paying mortgage interest at a higher rate, you may be tempted to refinance your existing mortgage, even if you already refinanced once or twice before. But should you do it? The decision may not be as simple as it first seems.

Comparing interest rates is not enough. Here are some other factors to consider before you refinance.



## ▶ **Compare apples to apples.**

Always request a good-faith cost estimate from any lender. This report should disclose all the fees and closing costs, such as points, credit report fees, inspection fees, private mortgage insurance, and appraisal fees. Use this information to evaluate competing loan proposals.

▶ **Calculate your breakeven period.** This is the length of time it takes you to recover the costs a lender typically charges to refinance your mortgage. To do this, divide your refinancing costs by your monthly savings (your current loan payment minus your new loan payment). If you

plan on selling your home in the near future, refinancing may not save you money because it usually takes several years to recover refinancing costs through a lower monthly payment.

▶ **Check for prepayment penalties.** Before you pay off your existing loan, check for an early payment penalty clause. Your note agreement will spell out the exact terms of the prepayment penalty, if any, or you can check with your lender. A prepayment penalty will lengthen your breakeven period.

▶ **Analyze the loan term.** To save interest, avoid stretching out your total loan period when you refinance. Let's say you've been paying for ten years on a 30-year loan. If you take out a new loan with a 30-year term, you will increase your total payoff period to 40 years. Instead, consider making your new loan term coincide with the remaining term of your old loan (in this example, 20 years).

Another alternative is to continue making the same monthly payment toward your new 30-year loan. If you do that, you'll pay off your loan in a shorter period of time. This could save you a substantial amount of interest.

▶ **Take taxes into account.** In evaluating a refinancing, don't overlook the potential tax deductions.

• **Loan points.** Most lenders charge points, also known as a loan origination fee, on home loans. If you itemize deductions on your tax return, you can generally deduct points paid on a refinancing, but not all in the first year.

Instead you must spread your deduction pro rata over the life of the new mortgage. To qualify, paying points must be an established practice in your area, and the amount paid can't be more than what is normally charged in the area.

If you've refinanced in the past, you could be eligible for another deduction. When you pay off a prior refinancing, you can immediately deduct any remaining points from the previous mortgage.

If you refinance to get a lower interest rate or shorter loan term and also to tap your equity to make improvements to your home, points attributable to the home improvement portion can be deducted immediately. Any remaining points must be deducted pro rata over the loan's term.

• **Other deductions.** If the lender charges a prepayment penalty for paying off the previous loan early, you can generally deduct the amount paid. Most other closing costs, such as appraisal or title insurance fees, are not deductible. However, you should bring your loan documents to your tax appointment because there could be additional deductions.

Other factors may also come into play. For instance, after you refinance, you may have to adjust your tax withholding or estimated tax payments to reflect a lower interest deduction. Also, lenders now require more detailed financial information and documentation. We can help you with the paperwork and with making the best choices in your particular circumstances. ♦



## Because Your Money Matters

By Geoff Laciak

# Talk finances with your elderly parents

One day you may find yourself taking care of an elderly parent who is in declining physical or mental health. This can be stressful, both emotionally and financially. On the financial side, there are steps you may want to take to prepare for this situation.

Talk to your parents about their financial affairs. Someone needs to know where their important financial papers are located. Here's a general overview of the topics you might want to cover with your parents.

### Vital statistics

- Where are social security cards, driver's licenses, and passports kept?
- Where are marriage or divorce records and family birth certificates?

- Where are military service records and pension records?

### Financial records

- Help your parents make a list of their financial assets, bank accounts, investments, etc.
- Review the beneficiaries they have designated and how accounts are titled.
- Do they have a safe deposit box? Record the location and box number.
- Find the name of their accountant and copies of tax returns.

### Physical assets

- Locate mortgage records and the deed to their house or other property.
- Locate vehicle titles.
- Do they own any assets stored elsewhere?

### Insurance

- Locate records for home, vehicle, health, and life insurance.

### Estate planning

- Do they have a will or living trust?
- What is the name of their attorney?
- Discuss any special wishes for bequests; encourage your parents to put them in writing.
- Have they set up directives for medical care (living wills)?
- Have they set up a Power of Attorney in case they become disabled?

Wherever possible, involve your parents in putting their own affairs in order. You may find it's a great opportunity to bond with your parents in their golden years. ♦



## JANUARY

**18** – Due date for the fourth installment of 2010 individual estimated tax.

**31** – Employers must furnish W-2 statements to employees. 1099 information statements must be provided to payees. (1099B and consolidated statements must be provided by February 15.)

**31** – Employers must file 2010 federal unemployment tax returns and pay any tax due.

## FEBRUARY

**28** – Payers must file information returns (such as 1099s) with the IRS.\*

**28** – Employers must send W-2 copies to the Social Security Administration.\*

## MARCH

**15** – Deadline for calendar-year corporations to elect S status for 2011.

**15** – 2010 calendar-year corporation income tax returns are due. ♦

\* March 31 if filing electronically.