



# The Tax Law of Charitable Giving, 2008 Cumulative Supplement

*Bruce R. Hopkins*

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"The 2008 Cumulative Supplement" contains information on the following new developments: The Pension Protection Act including the temporary rules pertaining to the exclusion from gross income for certain distributions from individual retirement arrangements; enhancements to the rules concerning contributions of inventory; the new law pertaining to recapture of tax benefits derived from certain gifts of tangible personal property; changes in the law concerning contributions for conservation purposes; the new rules as to gifts of fractional interests; the changes in the law concerning appraisals and appraisers, and yes, the rules governing charitable contributions of taxidermy. The IRS has addressed the following issues: timing of the charitable deduction in connection with gifts of stock options; gifts where the donor retains the ability to manage the gift property; final regulations concerning the charitable remainder trust characterization and ordering rules; and, a controversial (and withdrawn) proposal concerning the impact of spousal elective share laws on the qualification of charitable remainder trusts. Two court opinions were issued concerning the deductibility of contributions of conservation easements. The IRS is engaged in a major auditing effort, targeting organizations such as credit counseling and down payment assistance organizations. Some principles pertaining to charitable giving law are emerging (one in particular is the matter of 'mandatory contribution'). The Katrina Emergency Tax Relief Act of 2005 is summarized in Appendix K.

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