

Family Law and Practice Section MCLE Program Webinar October 20, 2020

12:00 PM - 1:00 PM Welcome/Announcements and Introduction

Vicki Kelly - Family Law and Practice Section Chair

Program

Beyond Taxable Income: The Real Numbers to Maintenance Tom Levato, CPA, CFE, CFF Levato Consulting Group

Speaker Bio - see attached

Presentation Summary

Mr. Levato will discuss how an individual's income on their federal income tax return does not equate to that individual's cash flow. He will demonstrate how to evaluate and prepare a proper cash flow and how to evaluate the difference between taxable income versus case flow. Mr. Levato will also discuss other sources of income that do not appear on the individual federal tax return.

Link to Evaluation

The evaluation must be completed in order to receive CLE credit. https://www.surveymonkey.com/r/FamilyLaw10202020

Upcoming Events:

October 29th - <u>DCBA Family Law Bonfire and Unwind</u>, Edgerton and Edgerton, West Chicago

November 19th - <u>Lawyers Lending a Hand Coat Drive</u> - Bar Center

December 10th - Lawyers Lending a Hand Toy Drive - Bar Center

Next Meeting:

November 17, 2020 – Pamela Rak – The Three Reasons Every Law

Practice Needs a Mental Health Professional Resource



COVID Relief Fund

The DCBA and the DuPage Bar Foundation have established an assistance fund for lawyers facing personal hardship due to the downturn in work caused by the COVID-19 pandemic. Please help us promote the availability of this fund, and, if you are in need, please submit a confidential application at www.dcba.org/reliefapply. Donations to the fund are also welcome at www.dcba.org/reliefdonate."

Earn CLE Online!

DCBA OnDemand CLE is Now Powered by IICLE The Illinois Institute for Continuing Legal Education (IICLE®) and the DuPage County Bar Association (DCBA) are excited to offer a new IICLE®Share collaboration to provide DCBA members a high quality and reliable online learning experience. Members can find the link to The Illinois Institute for Continuing Legal Education (IICLE) on the DCBA website under "Legal Community" →OnDemand CLE →Online CLE Catalog. You must be logged into your DCBA Membership Profile in order to view courses for free or at a reduced price.

View & Print CLE Certificates through the DCBA Website:

Manage Profile -> Professional Development (under content & features) and choose the icon to the left of each meeting to print your certificate directly or choose to have them emailed to you to save to your computer (you <u>MUST</u> be logged in to view this feature)

LEVATO CONSULTING GROUP

Tom Levato, CPA, CFE, CFF

Managing Member

Tom Levato, CPA, CFE, CFF is the founder and managing member of Levato Consulting Group, a forensic accounting, financial consulting and dispute advisory firm.

Mr. Levato has 25 years of experience as an accountant, auditor and litigation consultant in the private sector and with local and national accounting firms. He has provided forensic accounting, fraud investigations, dispute advisory and financial consulting services for numerous purposes, including marital dissolutions, professional liability, shareholder disputes, commercial litigation, economic damage analysis, breach of contract, fraud investigations and other tax, corporate and litigation related matters.

Mr. Levato has testified in State court on marital dissolution, fraud, forensic analyses, economic damages and professional liability matters.

Mr. Levato's representative matters are:

- Financial consultant and testifying expert advising non-asset spouse in a marital dissolution matter with an estate in excess of \$100 million. Matter involved preparing financial analyses of 30 investment portfolios to trace money flows amongst accounts, determine cash flow and asset revenue generation and preparation of settlement analysis.
- Testifying expert in marital dissolution matter involving preparation of marital lifestyle over a 6-year period and tracing of pre-marital and post-marital assets in 4 accounts over a 15-year period.
- Financial consultant and testifying expert advising client in a marital dissolution matter involving identification and verification of assets more than \$350 million dollars; tracing assets amongst 10 separately owned entities; tracing of distributions and cash transfers amongst 5 accounts over a 7-year period.
- Financial consultant advising non-asset spouse in a marital dissolution matter with an estate more than \$100 million. Matter involved preparing financial analyses of 30 investment portfolios to determine cash flow, cash tracing and asset revenue generation, recalculate loan repayments of marital funds invested in non-marital entities and portfolio's, asset income generation, cash flow analysis, balance sheet preparation and preparation of settlement analysis.
- Performed forensic investigations involving defalcations in law firms, insurance companies, title companies, construction companies and auto dealers. Matters involved cash theft by partners and employees and asset theft. and



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Beyond Taxable Income

The Real Numbers Behind Maintenance

Tom Levato, CPA, CFE, CFF

Learning Objectives

- What are key sources of income on the tax return
- How certain sources could be over- or under-represented
- Why cash flow may be better than taxable income
- Where extra cash flow can be found

Note: For this presentation, federal and state income taxes and the effect on the cash flow will not be discussed in detail.



Little bit about me

- Tom Levato CPA, CFE, CFF is the founder and managing member of Levato Consulting Group, a forensic accounting, financial consulting and dispute advisory firm.
- Mr. Levato has 24 years of experience as an accountant, auditor and litigation consultant in the private sector and with local and national accounting firms. He has provided forensic accounting, dispute advisory and financial consulting services for numerous purposes, including marital dissolutions, professional liability, shareholder disputes, commercial litigation, economic damage analysis, breach of contract, fraud investigations and other tax, corporate and litigation related matters.
- Mr. Levato lives in La Grange with his wife and four children. He is active in his community as the Treasurer and Board member for the LaGrange Business Association and a commissioner on the LaGrange Board of Fire and Police.



Taxable Income versus Cash Flow

Taxable income as reported on an individual income tax return does not necessarily represent cash received by the taxpayer. This is especially true of the taxable income related to a person's ownership interests in partnerships, limited liability companies, S corporations and other 'flow-through' or 'pass-through' entities. Pass-through entities are generally not subject to tax on income at the entity level. Rather, income (interest, dividend and ordinary income) generated by these entities is passed through to the shareholders, members, or partners of the entity, and subsequently taxed on the federal and state returns of the shareholder, member or partner, even if the interest holder does not receive the cash proceeds. Conversely, distributions made by a pass-through entity to its shareholders, members, or partners generally represent cash amounts paid to those shareholders, members or partners.



Federal 1040 Return: Sources of Income

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If joint return, s	pouse's	s first name and m	niddle initial	Last	name					Spouse's s	ocial security number
Home address	(numbe	er and street). If yo	ou have a P.O. box,	see instru	ctions.				Apt. no.	Check here if	al Election Campaign you, or your spouse if filing 3 to go to this fund.
City, town or p	ost offic	e, state, and ZIP	code. If you have a f	oreign ad	dress, als	io complete sp	aces below (see inst	ructions).			x below will not change you You Spouse
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Sources of Income

- > Wages
- ➤ Interest Income
- > Dividends
- Capital Gains
- ➤ Other Income (Schedule 1)
 - Business Income or Loss (Schedule C)
 - Rental real estate, royalties, partnerships,
 S-Corporations, trusts, etc. (Schedule E)



Federal 1040 Return Wages

a Control number	This information is being furnished to the Internal Revenue Service. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fall to report it.							
b Employer identification number		1 Wages, tips, other compensation 2 Federal income tax withheld						
c Employer's name, address, and ZIP code		3 Social security wages 4 Social security tax withheld						
		5 Medicare wages and tips 6 Medicare tax withheld						
		7 Social security tipe 8 Allocated tips						
d Employee's social security number		9 Advance EIC payment 10 Dependent care benefits						
e Employee's first name and initial Last name	•	11 Nonqualified plans 12a See instructions for box 12						
		13 Statutory Referent Third-party 12b						
		14 Other 12c						
		12d						
f Employee's address and ZIP code								
15 State Employer's state ID number 16	State wages, tips, etc. 17 Stat	te income tax 16 Local wages, tips, etc. 19 Local income tax 20 Locality nam						
W-2 Wage and Tax Statement	•	Department of the Treasury—Internal Revenue Service						

1. W-2 Wages

• Box 1 of the W-2 identifies the individuals W-2 income only. It excludes any elective retirement amount.

2. Elective deferrals

Most common deferral is the traditional 401(k).
 This amount is excluded from Box 1 of the W-2 but should be included in cash flow.



Federal 1040 Return Wages

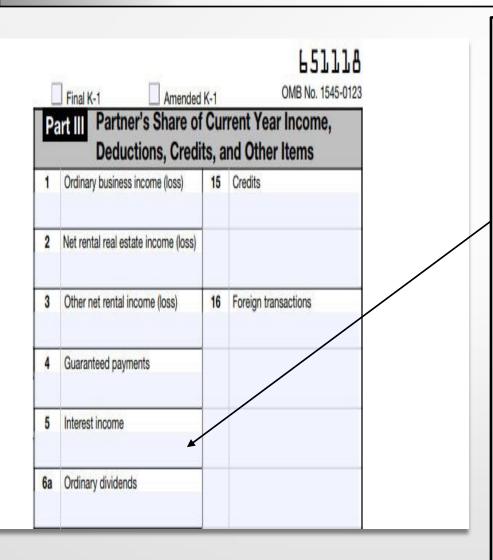
A 401 (k) deferral is a voluntary contribution which reduces the individuals taxable W-2 income, therefore, adding back the deferral gives a true indication of W-2 cashflow

	2017		20	18	2019	
	Tax-Basis	Cash Flow	Tax-Basis	Cash Flow	Tax-Basis	Cash Flow
Income						
Wages, Salaries, Tips, etc.						
Mr./Mrs XXXX's Wages (XXXX Inc)	\$ 76,491	\$ 94,491	\$ 87,200	\$ 105,200	\$ 120,800	\$ 139,800

> Increased cash flow by maximum deferral allowed per year.



Federal 1040 Return Dividend Income (including K-1)



- ➤ Interest from a K-1 would be included in the tax return as taxable income under Schedule B.
- ➤ Interest income that is reported on an individuals K-1 does not get distributed to that individual. The interest income becomes part of the K-1 distribution. This will become clearer (I HOPE) when I discuss the Partnership K-1 cash flow.



Federal 1040 Return Interest Income (including K-1)

	20)17	20	18	2019		
	Tax-Basis	Cash Flow	Tax-Basis	Cash Flow	Tax-Basis	Cash Flow	
Taxable Interest (Schedule B)							
Charles Schawb #xxx4	474	474	432	432	402	402	
Charles Schawb #xxx5	152	152	372	372	160	160	
Charles Schawb #xxx6	3	3	1	1	2	2	
Charles Schawb #xxx7	832	832	804	804	49	49	
JP Morgan #xxx2	5	5	29	29	127	127	
JP Morgan-Chase Bank	33	33	340	340	15	15	
JP Morgan-Chase Bank	47	47	49	49	52	52	
JP Morgan #xxx3	57	57	60	60	63	63	
KBB & Co LP (K-1 Interest)	138	-	152	-	175	-	
BBK & Co LP (K-1 Interest)	350	-	425	-	395	-	
Merrill Lynch #xxxx5	54	54	258	258	369	369	
Merrill Lynch #xxxx6	25	25	71	71	32	32	
LCG & Co LP (K-1 Interest)	275	-	432	-	448	-	
MST & Co LP (K-1 Interest)	185	-	196	-	168	-	
Morgan Stanley #xxxxx7	53	53	49	49	63	63	
Tax-Exempt Interest	5,748 \$ 8,431	5,748 7,483	7,772 \$ 11,442	7,772 \$ 10,237	5,318 7,838	5,318 \$ 6,652	

As shown in table above, K-1 interest income should be excluded from the cash flow column. Again-I will clear this up a bit later in partnerships.



Federal 1040 Return Dividend Income (including K-1 dividends)

1099-OID, or substitute statement from a brokerage firm list the firm's name as the payer and enter the total interes shown on that form.	١,				
	2	Add the amounts on line 1	2		
	3	Excludable interest on series EE and I U.S. savings bonds issued after 1989. Attach Form 8815	3		
	4				
	4	Subtract line 3 from line 2. Enter the result here and on Form 1040 or 1040-SR, line 2b	4		
	Note	: If line 4 is over \$1,500, you must complete Part III.		Amount	
Part II	5	List name of payer ▶			
Ordinary Dividends					
(See instruction and the instructions for Forms 1040 and 1040-SR, line 3	i		5		
Note: If you received a Form 1099-DIV or substitute statement from a brokerage firm list the firm's name as the					

If the individual has ownership interest in a C-Corporation whether in part or at a 100% level, the dividend income will be included in Part II and will be part of cash flow. The taxpayer may opt for dividend re-investment but that does not change the fact that the dividend was paid in some form. There is no difference in taxable income or cash flow.



Federal 1040 Return Dividend Income (including K-1)

	20)17	20)18	2019		
	Tax-Basis	Cash Flow	Tax-Basis	Cash Flow	Tax-Basis	Cash Flow	
Ordinary Dividends							
Charles Schawb #0672	7,887	7,887	31,972	31,972	33,250	33,250	
Charles Schawb #2504	9,105	9,105	8,500	8,500	7,905	7,905	
Chase Schwab #6101	353	353	1	1	2	2	
Chase Schwab #6102	22,435	22,435	23,497	23,497	24,635	24,635	
Charles Schwab #9218	34,023	34,023	32,867	32,867	36,033	36,033	
KBB & Co LP (K-1 Dividend)	1,802	1,802	1,203	1,203	2,465	2,465	
BBK & Co LP (K-1 Dividend)	7,454	7,454	6,429	6,429	7,872	7,872	
Merrill Lynch #20625	7,892	7,892	6,958	6,958	5,986	5,986	
Merrill Lynch #27514	4,952	4,952	6,170	6,170	76	76	
Merrill Lynch #20635	10,863	10,863	11,732	11,732	7,861	7,861	
Morgan Stanley #167677	1,333	1,333	1,285	1,285	1,396	1,396	
LCG & Co LP (K-1 Dividend)	3,726	3,726	4,367	4,367	4,218	4,218	
MST & Co LP (K-1 Dividend)	5,898	5,898	5,835	5,835	4,935	4,935	
	\$ 117,723	\$ 117,723	\$ 140,816	\$ 140,816	\$ 136,634	\$ 136,634	

As shown in the display above, dividend income is both included in the taxable income column as well as the cash flow column.



SCHEDULE D (Form 1120) Department of the Treasu

Internal Revenue Service

Capital Gains and Losses

► Attach to Form 1120, 1120-C, 1120-F, 1120-FSC, 1120-H, 1120-IC-DISC, 1120-L, 1120-ND, 1120-PC, 1120-PCL, 1120-REIT, 1120-RIC, 1120-SF, or certain Forms 990-T.

OMB No. 1545-0123

Schedule D (Form 1120) 2019

1120-POL, 1120-REIT, 1120-RIC, 1120-SF, or certain Forms 990-T.

Go to www.irs.gov/Form1120 for instructions and the latest information.

Did the corporation dispose of any investment(s) in a qualified opportunity fund during the tax year? If "Yes," attach Form 8949 and see its instructions for additional requirements for reporting your gain or loss. Part I Short-Term Capital Gains and Losses (See instructions.) (g) Adjustments to gain (h) Gain or (loss) Subtract column (e) from 8949, Part I, line 2, This form may be easier to complete if you round off cents to (sales price) (or other basis) column (g) the result with column (g) 1a Totals for all short-term transactions reported on Form 1099-B for which basis was reported to the IRS and for which you have no adjustments (see instructions). However if you choose to report all these transactions on Form 8949, leave this line blank and go to line 1b 1b Totals for all transactions reported on Form(s) 8949 with Box A checked 2 Totals for all transactions reported on Form(s) 8949 with Box B checked 3 Totals for all transactions reported on Form(s) 8949 4 Short-term capital gain from installment sales from Form 6252, line 26 or 37 5 Short-term capital gain or (loss) from like-kind exchanges from Form 8824 6 Unused capital loss carryover (attach computation) 7 Net short-term capital gain or (loss), Combine lines 1a through 6 in column h Part II Long-Term Capital Gains and Losses (See instructions. See instructions for how to figure the amounts to enter on the lines below. (g) Adjustments to gain (h) Gain or (loss) or loss from Form(s) Subtract column (e) from Proceeds 8949. Part II. line 2. This form may be easier to complete if you round off cents to column (d) and combine (sales price) (or other basis) the result with column (a) 8a Totals for all long-term transactions reported on Form 1099-B for which basis was reported to the IRS and for which you have no adjustments (see instructions). However, if you choose to report all these transactions on Form 8949. leave this line blank and go to line 8b 8b Totals for all transactions reported on Form(s) 8949 with Box D checked 9 Totals for all transactions reported on Form(s) 8949 with Box E checked with Box F checked 12 Long-term capital gain from installment sales from Form 6252, line 26 or 37 13 Long-term capital gain or (loss) from like-kind exchanges from Form 8824 14 Capital gain distributions (see instructions) 15 Net long-term capital gain or (loss). Combine lines 8a through 14 in column h Part III Summary of Parts I and II 16 Enter excess of net short-term capital gain (line 7) over net long-term capital loss (line 15) 17 Net capital gain. Enter excess of net long-term capital gain (line 15) over net short-term capital loss (line 7) 17 18 Add lines 16 and 17. Enter here and on Form 1120, page 1, line 8, or the proper line on other returns . . . Note: If losses exceed gains, see Capital Losses in the instructions.

For Paperwork Reduction Act Notice, see the Instructions for Form 1120.

Federal 1040 Return (Schedule D) Capital Gains/(Losses)

First, capital gains or losses are an accounting metric defined as the difference between the sales price of an asset and the purchase price (or basis) of an asset. This gain or loss does not represent cash received by the holder of the property. Second, capital gains and losses are one-time events. Assuming the taxpayer is not a trader of investment assets or an investment banker, the transaction triggering the gain or loss will most likely not occur again in the future.



Federal 1040 Return (Schedule D) Capital Gains/(Losses)

As shown in table above, Capital Gains/(Losses) should be excluded from the cash flow column.



SCHEDULE 1 (Form 1040 or 1040-SR)

Additional Income and Adjustments to Income

Department of the Treasury Internal Revenue Service

► Go to www.irs.gov/Form1040 for instructions and the latest information.

2019
Attachment
Sequence No. 01

Name(s) shown on Form 1040 or 1040-SR Your social security number At any time during 2019, did you receive, sell, send, exchange, or otherwise acquire any financial interest in any Part | Additional Income Date of original divorce or separation agreement (see instructions) Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E. Other income, List type and amount ▶ 9 Combine lines 1 through 8, Enter here and on Form 1040 or 1040-SR, line 7a Part II Adjustments to Income 11 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Moving expenses for members of the Armed Forces, Attach Form 3903 c Date of original divorce or separation agreement (see instructions) 22 Add lines 10 through 21. These are your adjustments to income. Enter here and on Form 1040 or

Cat, No. 71479F

Schedule 1 (Form 1040 or 1040-SR) 2019

For Paperwork Reduction Act Notice, see your tax return instructions,

Schedule 1: Other Sources of Income (Schedule C and Schedule E)

Schedule C-Business Income

Schedule C can include personal expenses.

Schedule E-Rental real estate

- Schedule E can include personal expenses.
- ➤ Partnerships: Must adjust taxable income to actual K-1 distribution.



SCHEDULE C (Form 1040 or 1040-SR)

Profit or Loss From Business (Sole Proprietorship)

OMB No. 1545-0074

Department of the Treasury

► Go to www.irs.gov/ScheduleC for instructions and the latest information.

20**19**Attachment

Internal	Revenue Service (99) ► Attach to	Form '	1040, 1040-SR, 1040-NR, o	r 1041	; partnerships generally must file F	orm 10	065. S	equence N	o. 09
	f proprietor					Social	security n	umber (SS	N)
	Company					-			120-100
A	Principal business or profession	on, incl	uding product or service (se	e instr	uctions)	B Ente	er code from	n instructio	
C	Business name. If no separate	la cala	and wanted beauty bloods			D Emm	oloyer ID nui		
C	business name. If no separate	busin	ess name, leave blank.				1 3		
E	Business address (including s	uite or	room no.) ► 123 Main Stre	eet					
	City, town or post office, state								
F		∠ Casl		-	Other (specify)				
G					2019? If "No," see instructions for li			0.573 3.0	☐ No
н									
1					n(s) 1099? (see instructions)				
J		e requi	red Forms 1099?					✓ Yes	☐ No
Par				10 00	Lorent N	1	T		
1					this income was reported to you on	1		10	1,862,000
2	Returns and allowances					2			62,000
3	Subtract line 2 from line 1 .					3			1,800,000
4	Cost of goods sold (from line	42) .				4			800,000
5	Gross profit. Subtract line 4	from li	ne3			5		100	1,000,000
6	Other income, including feder	al and	state gasoline or fuel tax cre	dit or	refund (see instructions)	6			0
7	Gross income. Add lines 5 a	nd 6 .				7			1,000,000
Part	Expenses. Enter expenses.	enses	for business use of you	r hom	ne only on line 30.				
8	Advertising	8	100,000	18	Office expense (see instructions)	18			15,000
9	Car and truck expenses (see			19	Pension and profit-sharing plans .	19			
	instructions)	9	72,000	20	Rent or lease (see instructions):				
10	Commissions and fees .	10		а	Vehicles, machinery, and equipment	20a	_		
11	Contract labor (see instructions)	11	128,000	ь	Other business property	20b	-		250,000
12 13	Depletion	12		21	Repairs and maintenance	21			
13	Depreciation and section 179 expense deduction (not			22	Supplies (not included in Part III) .				5,000
	included in Part III) (see		00.000	23	Taxes and licenses	23			
	instructions)	13	92,000	24	Travel and meals:				10,000
14	Employee benefit programs			a	Travel	24a	+		10,000
15	(other than on line 19) Insurance (other than health)	14		b	Deductible meals (see	24b			5,000
16	Interest (see instructions):	13		25	instructions)		_		5,000
а	Mortgage (paid to banks, etc.)	16a	110,000		Wages (less employment credits).	26			
b	Other	16b	1.15/555	27a	Other expenses (from line 48)	10000000			
17	Legal and professional services	17	25,000	1	Reserved for future use				
28			business use of home. Add	lines	8 through 27a	28			812,000
29	Tentative profit or (loss). Subt					29	1		
30	Expenses for business use of	f your	home. Do not report these	expe	nses elsewhere. Attach Form 8829	8			
	unless using the simplified me	thod (s	see instructions).						
	Simplified method filers only	: enter	the total square footage of:	(a) you	ur home:	a			
	and (b) the part of your home	used fo	or business:		. Use the Simplified				
	Method Worksheet in the inst	ruction	s to figure the amount to en	ter on l	line 30	30			
31	Net profit or (loss). Subtract	line 30	from line 29.						
	 If a profit, enter on both S 	chedu	le 1 (Form 1040 or 1040-S	R), line	e 3 (or Form 1040-NR, line				1200 / 1200 / 1200 / 1200
	13) and on Schedule SE, line		you checked the box on lin	e 1, se	ee instructions). Estates and	31			188,000
	trusts, enter on Form 1041, li				ſ				
	If a loss, you must go to lir				,				
32	If you have a loss, check the b								
	If you checked 32a, enter					320	☐ All inv	/estment	ie at riek
	Form 1040-NR, line 13) and			ecked t	the box on line 1, see the line		☐ Some		
	 31 instructions). Estates and tr If you checked 32b, you mu 			av be l	limited.	020	at risk		

Schedule 1: Other sources of Income (Schedule C)

- ➤ Car and truck expense
- > Contract labor
- > Depreciation
- ➤ Interest/Mortgage
- ➤ Legal and professional services
- ➤ Office expense
- > Rent or lease
- Supplies
- > Travel and meals



Schedule 1: Schedule C Profit or Loss from Business

- Car and truck expense: Is the business really in need of a vehicle? Does the type of vehicle match the service provided; i.e. do you need a Corvette to deliver goods? Is the company expensing 100% of the vehicle cost, lease or payment while the vehicle is used primarily for personal proposes?
- Contract labor: Is there a ghost employee? Is the spouse or other family member on payroll whose duties do not reflect the level of pay?
- Depreciation: This is a non-cash transaction that's needs to be added back since it's a reduction in the value of the asset and not a cash expenditure.
- Mortgage/Interest: This line item can be utilized as an area for additional cash from the owner of an entity. Did a new or increased mortgage appear on the books? Did the money leave the business to another business or for unusually large purchases that appear to be unrelated to the business.
- Legal and professional services: Are these all business related? Do you see the family law firm in this account? Personal tax returns?
- > Supplies: This may be smaller dollar amounts, but a review of the general ledger is always warranted.
- Travel and meals: Are these all business? Is business likely to have travel and meals? Are sporting tickets included in this account?



Federal 1040 Return (Schedule C) Profit or Loss from Business

	2017		20	18	2019		
	Tax-Basis	Cash Flow	Tax-Basis	Cash Flow	Tax-Basis	Cash Flow	
Business Income or (Loss) (Schedule C)							
ABC Company	190,000	282,000	180,000	272,000	188,000	280,000	

- As shown in table above, the adding back of the non-cash depreciation gives a better indication of what the taxpayer has regarding net income from the Company.
- > I will be addressing personal expenses in the business later in the presentation.



SCHEDULE E (Form 1040 or 1040-SR)

Supplemental Income and Loss

(From rental real estate, royalties, partnerships, S corporations, estates, trusts, REMICs, etc.)

OMB No. 1545-0074

2019

Attachment
Sequence No. 13

Department of the Treasury Internal Revenue Service (99) Name(s) shown on return

Your social security number

		D D			16					
Part		s From Rental Real Estate and Ro instructions). If you are an individual, rep								
A Dic		nts in 2019 that would require you to							-	
		ou file required Forms 1099?								
1a		each property (street, city, state, ZIF								
A	123 Main street	odon proporty (otroot, oity, otdio, zii	ood	<u> </u>						
В										
С										
1b	Type of Property	2 For each rental real estate prop	erty I	isted		Fair	Rental	Persor	nal Use	0.07
	(from list below)	above, report the number of fa	ir rent	al and		1	Days	Da	ıys	ďΛ
A	4	only if you meet the requireme	QJV b	file as	Α		360			
В		above, report the number of fa personal use days. Check the only if you meet the requireme a qualified joint venture. See in	struct	ions.	В					
С	T				С					
Type o	of Property:					•		•		
1 Sing	le Family Residence	3 Vacation/Short-Term Rental	5 La	nd		7 Self	-Rental			
	ti-Family Residence	4 Commercial	6 Ro	yalties		8 Oth	er (describe	e)		
Incom	e:	Properties:			Α			В		С
3	Rents received		3			250,000)			
4	Royalties received .		4							
Expen	ses:									
5	Advertising		5							
6	Auto and travel (see in		6			25,000)			
7	Cleaning and mainter		7							
8	Commissions		8							
9	Insurance		9							
10		essional fees	10			15,000				
11			11			120,000				
12		d to banks, etc. (see instructions)	12			15,000)			
13	Other interest		13							
14	Repairs		14			F 00/				
15	Supplies		15			5,000	,			
16	Taxes		16							
17 18		e or depletion	17			50,000	,			
19			19			50,000	'			
20	Total expenses Add	lines 5 through 19	20			230,000	1			
			20			230,000				
21		line 3 (rents) and/or 4 (royalties). If instructions to find out if you must								
		· · · · · · · · · · · · · · · · · · ·	21			20,000				
22		l estate loss after limitation, if any.				20,000				
		estructions)	22	()()()
23a		eported on line 3 for all rental prope				23a		250,0	00	
b		eported on line 4 for all royalty prop				23b		,	0	
c		eported on line 12 for all properties				230			0	
d	Total of all amounts re	eported on line 18 for all properties				23d			0	
е	Total of all amounts re	eported on line 20 for all properties				23e			0	
24	Income. Add positive	e amounts shown on line 21. Do no	t inclu	ude any	losses	s		2	4	20,000
25	Losses. Add royalty lo	sses from line 21 and rental real estate	losse	s from I	ine 22.	Enter to	tal losses he	ere . 2	5 (0)
26	Total rental real est	ate and royalty income or (loss).	Comb	ine line	s 24 a	ınd 25.	Enter the re	esult		
	here. If Parts II, III,	IV, and line 40 on page 2 do not	apply	to you	u, also	enter t	his amoun	nt on		
		040 or 1040-SR), line 5, or Form 1								
	amount in the total or	n line 41 on page 2						2	6	20,000

Schedule 1: Other sources of Income Schedule E

- ➤ Auto and travel expense
- Legal and professional services
- ➤ Management fees
- ➤ Mortgage Interest
- Supplies
- > Depreciation



Schedule 1: Schedule E Rental Real Estate, royalties, partnerships, S-Corp

- Auto and travel expense: Is the business really in need of a vehicle? Does the type of vehicle match the service provided; i.e. do you need a Corvette to deliver goods? Is the company expensing 100% of the vehicle cost, lease or payment while the vehicle is used primarily for personal proposes?
- Legal and professional services: Are these all business related? Do you see the family law firm in this account? Personal tax returns?
- Management fees: Are these reasonable or fair market?
- Mortgage Interest: This line item can be utilized as an area for additional cash from the owner of an entity. Did a new or increased mortgage appear on the books? Did the money leave the business to another business or for unusually large purchases that appear to be unrelated to the business.
- Supplies: This may be smaller dollar amounts, but a review of the general ledger is always warranted.
- Depreciation: This is a non-cash transaction that's needs to be added back since it's a reduction in the value of the asset and not a cash expenditure.



Federal 1040 Return (Schedule E) Rental Real Estate, royalties, partnerships, S-Corp

	20	17	20	18	2019	
	Tax-Basis	Cash Flow	Tax-Basis	Cash Flow	Tax-Basis	Cash Flow
S-Corp, Rental Real Estate, Partnerships, etc. (Schedule E)						
123 Main Street	75,000	125,000	78,000	128,000	82,000	132,000

- As shown in table above, This has the same effect as the Schedule C Depreciation. By adding back the non-cash depreciation, it gives a better indication of what the taxpayer has regarding net income from this partnership.
- ➤ I will be addressing personal expenses in the business later in the presentation



651119

Schedule K-1 (Form 1065) 20 19				Part III Partner's Share of Current Year Income, Deductions, Credits, and Other Items						
	tment of the Treasury al Revenue Service For cale	endar year 2019, or tax year	1	Ordinary business income (loss) (100,000)	15	Credits				
	beginning / / 2019 ending		2	Net rental real estate income (loss)						
	tner's Share of Income, Deduc dits, etc. ► See back of form	tions, and separate instructions.	3	Other net rental income (loss)	16	Foreign transactions				
	art I Information About the Parti	nership	4a	Guaranteed payments for services						
Α	Partnership's employer identification number 12345		4b	Guaranteed payments for capital						
В	Partnership's name, address, city, state, and ZIP of	code	4c	Total guaranteed payments						
			5	Interest income						
С	IRS Center where partnership filed return ▶		_	10,000						
D	Check if this is a publicly traded partnership (F		6a	Ordinary dividends						
E	Partner's SSN or TIN (Do not use TIN of a disregar		6b	Qualified dividends						
F Tor	Name, address, city, state, and ZIP code for partner	entered in E. See instructions.	6c	Dividend equivalents	17	Alternative minimum tax (AMT) items				
	Not main street		7	Royalties						
G	General partner or LLC X Limited member-manager member	d partner or other LLC er	8	Net short-term capital gain (loss)						
H1 H2	☐ Domestic partner ☐ Foreign ☐ If the partner is a disregarded entity (DE), ente		9a	Net long-term capital gain (loss)	18	Tax-exempt income and nondeductible expenses				
11	TIN Name What type of entity is this partner?	. the parties of	9b	Collectibles (28%) gain (loss)						
12	If this partner is a retirement plan (IRA/SEP/Keogh/		9с	Unrecaptured section 1250 gain						
J	Partner's share of profit, loss, and capital (see instr Beginning	ructions): Ending	10	Net section 1231 gain (loss)						
l	Profit 40 %	40 %			19	Distributions				
	Loss 40 % Capital 40 %	40 % 40 %	11	Other income (loss)	а	200,000				
	Check if decrease is due to sale or exchange of pa				20	Other information				
к	Partner's share of liabilities: Beginning	Ending	12	Section 179 deduction						
	Nonrecourse \$	\$	13	Other deductions						
	Qualified nonrecourse financing \$	\$								
l	Recourse \$	\$								
l	Check this box if Item K includes liability amounts									
L	Partner's Capital Account A									
l			14	Self-employment earnings (loss)						
l	Beginning capital account \$	1,000,000	_							
	Capital contributed during the year \$	(100,000)	l							
	Current year net income (loss) \$ Other increase (decrease) (attach explanation) \$	(100,000)	21	More than one activity for at-risk	DUTTE	ses*				
	Withdrawals & distributions \$ (200,000)		More than one activity for passiv						
	Ending capital account \$	700,000	_	e attached statement for add						
		,								
м	Did the partner contribute property with a built-in g	gain or loss?	o							
L	Yes X No If "Yes," attach statement		IRS Use Only							
N	Partner's Share of Net Unrecognized Section	n 704(c) Gain or (Loss)	RS							
I	Beginning		'n							

Federal 1040 Return K-1 Distribution

Distributions

- This is the key number that needs to be utilized to properly identify cash flow from a K-1 entity. The assumption is that the distributions is of cash and marketable securities.
- The distributions incorporate all the income that the individual will receive from the entity, i.e. interest that was discussed prior.



Federal 1040 Return K-1 Distribution

An adjustment should be made to the taxpayers' Schedule E income in determining the taxpayers' cash flow. Schedule E income related to the taxpayers' ownership interest in any pass-through entities (and reported to them on Schedule K-1s for each entity) have been removed, as these amounts represent income on which the taxpayer are taxed and not cash amounts received by the taxpayer. Second, distributions received by the taxpayer related to the interests in any pass-through entities have been added to Schedule E cash flow, as these items represent cash received by the taxpayer that is not included in the taxpayers' taxable income.



Schedule 1: Review of General Ledger Personal Expenses, Schedule C and Schedule E

ABC and 12345 Company FY2019 - General Ledger - Detail

Account	Date	Document Number	Name	Debit
Recruitment & Training	11/30/2019	ER867	Smith, John	\$ 91.00
Recruitment & Training	9/28/2019	2018-09 Amex	American Express Business	61.38
Recruitment & Training	10/29/2019	2018-10 Amex	American Express Business	140.77
Selling Expense	1/29/2019	2018-01 Amex	American Express Business	710.28
Selling Expense	2/26/2019	2018-02 Amex	American Express Business	1,226.46
Selling Expense	3/29/2019	2018-03 Amex	American Express Business	1,342.64
Computer Expenses	5/29/2019	2018-05 Amex	American Express Business	639.72
Computer Expenses	6/28/2019	2018-06 Amex	American Express Business	956.57
Computer Expenses	7/29/2019	2018-07 Amex	American Express Business	164.25
ABC Family Law	11/28/2019	2017-11 Amex	American Express Business	5,599.50
Corporate Auto Expense	1/29/2019	2018-01 Amex	American Express Business	1,451.01
Corporate Auto Expense	2/28/2019	ER877	Smith, John	192.68
Corporate Auto Expense	3/29/2019	2018-03 Amex	American Express Business	259.00
Corporate Auto Expense	3/31/2019	ER891	Smith, John	142.35
Home Insurance	1/29/2019	2018-01 Amex	American Express Business	7,031.00
Home Insurance	1/31/2019	ER876	Smith, John	2,125.00
Home Insurance	2/28/2019	ER877	Smith, John	3,290.62
Employee Medical Insurance Premium	1/29/2019	2018-01 Amex	American Express Business	120.00
Employee Medical Insurance Premium	1/31/2019	ER876	Smith, John	309.17
Employee Medical Insurance Premium	2/28/2019	ER877	Smith, John	12,109.81
Office Expense	11/28/2019	2017-11 Amex	American Express Business	1,242.45
Office Expense	5/29/2019	2018-05 Amex	American Express Business	1,022.31
Office Expense	7/29/2019	2018-07 Amex	American Express Business	1,322.43
				\$41,550.40



Schedule 1: Review of General Ledger (Cont.) Schedule C and Schedule E and Personal Expenses

	ABC and 1234.	5 Company					
FY2019 - General Ledger - Detail							
Account	Date	Document Number	Name	Debit			
Payroll	5/29/2019	2018-05 Amex	Smith, Emily	\$ 8,520.00			
Payroll	12/31/2019	ER878	Smith, Emily	14,350.00			
				\$22,870.00			
	ABC and 1234	5 Company					
	FY2019 - General	Ledger - Detail					
Account	Date	Document Number	Name	Debit			
Contract Labor	3/31/2019	ER891	Smith, John	\$ 7,218.33			
Contract Labor	11/28/2019	2017-11 Amex	Smith, Tim	3,867.60			
				\$11,085.93			



	Tax-Basis	Cash Flow	Tax-Basis	Cash Flow	Tax-Basis	Cash Flow
Income						
Wages, Salaries, Tips, etc.						
Mr./Mrs XXXX's Wages (XXXX Inc)	\$ 76,491	\$ 94,491	\$ 87,200	\$ 105,200	\$ 120,800	\$ 139,800
Taxable Interest (Schedule B)						
Charles Schawb #xxx4	474	474	432	432	402	402
Charles Schawb #xxx5	152	152	372	372	160	160
Charles Schawb #xxx6	3	3	1	1	2	2
Charles Schawb #xxx7	832	832	804	804	49	49
JP Morgan #xxx2	5	5	29	29	127	127
JP Morgan-Chase Bank	33	33	340	340	15	15
JP Morgan-Chase Bank	47	47	49	49	52	52
JP Morgan #xxx3	57	57	60	60	63	63
KBB & Co LP (K-1 Interest)	138	-	152	-	175	-
BBK & Co LP (K-1 Interest)	350	-	425	-	395	-
Merrill Lynch #xxxx5	54	54	258	258	369	369
Merrill Lynch #xxxx6	25	25	71	71	32	32
LCG & Co LP (K-1 Interest)	275	-	432	-	448	-
MST & Co LP (K-1 Interest)	185	-	196	-	168	-
Morgan Stanley #xxxxx7	53	53	49	49	63	63
Tax-Exempt Interest	5,748	5,748	7,772	7,772	5,318	5,318
Ordinary Dividends						
Charles Schawb #0672	7,887	7,887	31,972	31,972	33,250	33,250
Charles Schawb #2504	9,105	9,105	8,500	8,500	7,905	7,905
Chase Schwab #6101	353	353	1	1	2	2
Chase Schwab #6102	22,435	22,435	23,497	23,497	24,635	24,635
Charles Schwab #9218	34,023	34,023	32,867	32,867	36,033	36,033
KBB & Co LP (K-1 Dividend)	1,802	1,802	1,203	1,203	2,465	2,465
BBK & Co LP (K-1 Dividend)	7,454	7,454	6,429	6,429	7,872	7,872
Merrill Lynch #20625	7,892	7,892	6,958	6,958	5,986	5,986
Merrill Lynch #27514	4,952	4,952	6,17 0	6,170	76	76
Merrill Lynch #20635	10,863	10,863	11,732	11,732	7,861	7,861
Morgan Stanley #167677	1,333	1,333	1,285	1,285	1,396	1,396
LCG & Co LP (K-1 Dividend)	3,726	3,726	4,367	4,367	4,218	4,218
MST & Co LP (K-1 Dividend)	5,898	5,898	5,835	5,835	4,935	4,935
Tax-Exempt Interest	57,485	57,485	77,729	77,729	53,184	53,184



Ordinary Dividends						
Charles Schawb #0672	7,887	7,887	31,972	31,972	33,250	33,250
Charles Schawb #2504	9,105	9,105	8,500	8,500	7,905	7,905
Chase Schwab #6101	353	353	1	1	2	2
Chase Schwab #6102	22,435	22,435	23,497	23,497	24,635	24,635
Charles Schwab #9218	34,023	34,023	32,867	32,867	36,033	36,033
KBB & Co LP (K-1 Dividend)	1,802	1,802	1,203	1,203	2,465	2,465
BBK & Co LP (K-1 Dividend)	7,454	7,454	6,429	6,429	7,872	7,872
Merrill Lynch #20625	7,892	7,892	6,958	6,958	5,986	5,986
Merrill Lynch #27514	4,952	4,952	6,170	6,170	76	76
Merrill Lynch #20635	10,863	10,863	11,732	11,732	7,861	7,861
Morgan Stanley #167677	1,333	1,333	1,285	1,285	1,396	1,396
LCG & Co LP (K-1 Dividend)	3,726	3,726	4,367	4,367	4,218	4,218
MST & Co LP (K-1 Dividend)	5, 898	5,898	5,835	5,835	4,935	4,935
Tax-Exempt Interest	57,485	57,485	77,729	77,729	53,184	53,184
Taxable Refunds, Credits, or Offsets	-	n/a	-	n/a	_	n/a
Alimony received	-	-	-	-	-	-
Business Income or (Loss) (Schedule C)						
ABC Company	190,000	282,000	180,000	272,000	188,000	280,000
Capital Gain or (Loss) (Schedule D)	(3,000)	n/a	(1,500)	n/a	182,929	n/a
Other Gains or (Losses) (Form 4797)	-	-	-	-	-	-
IRA Distributions	-	-		-	-	-
Pensions and Annuities	-	-		-	-	-
S-Corp, Rental Real Estate, Partnerships, etc. (Schedule E)				-	-	-
123 Main Street	75,000	125,000	78,000	128,000	82,000	132,000
12345 Company (K-1)	100,000	125,000	125,000	75,000	(100,000)	200,000
Farm Income or (Loss) Unemployment Compensation	-	-	-		-	
Social Security Benefits	- -	_	_			
Other Income - Miscellaneous	-		-		-	-
Subtotal Pre-Tax Income	622,130	809,182	698,687	808,982	671,385	948,270
Personal expenses paid by ABC and 12345 Company		30,000		15,000		41,550
Excess payroll paid by ABC and 12345 Company		10,000		20,000		22,870
Excess Contract Labor paid by ABC and 12345 Company		5,000		8,000		11,086
Zacess contract Labor paid by 11Do and 12545 company		2,000		0,000		11,000
Total Adjusted Pre-Tax Gross Income / Cash Flow	\$ 622,130	\$ 854,182	\$ 698,687	\$ 851,982	\$ 671,385	\$1,023,776
Increase in Cash Flow over Taxable Income		\$ 232,052		\$ 153,295		\$ 352,391



Added Bonus:

(As lawyers I hope you appreciate this disclosure: I am not, nor have I been qualified as a valuation expert BUT my work has been utilized to assist in the normalization of the income statements of companies-So I can give you MY view)

How can all this also affect the Valuation of the Company?



Questions?



Thank you



Tom Levato, CPA, CFE, CFF

Tom@levatoconsultinggroup.com

708-257-3509