



July 2024

Sunset of the Tax Cuts and Jobs Act

Impact and Opportunities for Clients and Prospects

City National Rochdale's Comprehensive Wealth Assessment Team

Comprehensive Wealth Assessment Team



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Agenda

- ♦ Impact of the Tax Cuts and Jobs Act
- Opportunities for HNW, UHNW, and Business Owner Clients
- Competitive Advantage of CNR's Comprehensive Wealth Assessment Modeling Capabilities



The Tax Cuts and Jobs Act



Introduction to the Tax Cuts and Jobs Act

The Tax Cuts and Jobs Act (TCJA) was signed into law in December 2017

Most provisions went into effect on January 1, 2018
Which significantly impacted





Note that the TCJA also effected other entities not outlined above



Key TCJA Provisions

Individuals



Reduced Federal Income Tax Rates

Modified/Eliminated Individual Deductions & Exemptions





Restricted Like-Kind Exchanges

Introduced Qualified Opportunity Zones





Increased Gift, GSTT ¹, and Estate Lifetime Exemption



 $^{^{\}rm 1}\,{\rm Generation}$ Skipping Transfer Tax

Key TCJA Provisions

Businesses



Reduced Corporate Tax Rate

Introduced Qualified Business Income Deduction



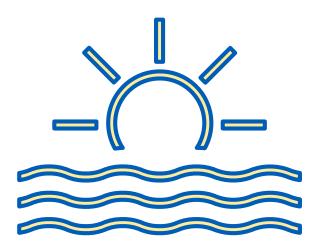


Eliminated/Limited Net Operating Loss (NOL) Carrybacks and Carryforwards

Amended or Eliminated Other Business Deductions



Sunset of the Tax Cuts and Jobs Act





Since the TCJA was passed via Budget Reconciliation, many of its provisions are scheduled to expire (sunset) on December 31, 2025

Planning for All Possible Outcomes

Considerations

What can Financial Advisors do to ensure clients are prepared?



Under the Current Law

 Many key provisions of the Tax Cuts and Jobs Act are scheduled to sunset on December 31, 2025



Political Winds May Increase Potential for Future Legislation to

Extend, reduce, or eliminate certain provisions of the law



Clients Are Going to Have Questions

- 2024 Election Results?
- Impact on Client's Financial Situation?
- What Actions Should Be Taken Today?



Sunset of the TCJA Individual Tax Provisions



Marginal Federal Income Tax Rates

Individual Tax Provisions

The TCJA reduced most marginal income tax rates

These changes are scheduled to expire and revert to prior law on 12/31/2025

Current Tax Rates Under TCJA	Future Tax Rates Post-TCJA Sunset	Change
37%	39.6%	+ 2.6%
35.0%	35.0%	0.0%
32.0%	33.0%	+ 1.0%
24.0%	28.0%	+ 4.0%
22.0%	25.0%	+ 3.0%
12.0%	15.0%	+ 3.0%
10.0%	10.0%	0.0%



Income Tax Brackets

Individual Tax Provisions

The TCJA restructured most of the seven individual income tax brackets

Many of these changes are scheduled to expire and revert to prior law on 12/31/2025

Top 3 Federal Income Tax Rates and Brackets

Current / Sunset Tax Rates	Current Tax Brackets Under TCJA	Future Tax Brackets Post-TCJA Sunset ¹
37.0% / 39.6%	\$609,350+	\$418,400 +
35.0% / 35.0%	\$243,726 - \$609,350	\$416,701 - \$418,40
32.0% / 33.0%	\$191,951 - \$243,725	\$191,651 - \$416,700
37.0% / 39.6%	\$731,200 +	\$470,700 +
35.0% / 35.0%	\$487,451 - \$731,200	\$416,701 - \$470,700
32.0% / 33.0%	\$383,901 - \$487,450	\$233,351 - \$416,700
	Tax Rates 37.0% / 39.6% 35.0% / 35.0% 32.0% / 33.0% 37.0% / 39.6% 35.0% / 35.0%	Tax Rates Under TCJA 37.0% / 39.6% \$609,350 + 35.0% / 35.0% \$243,726 - \$609,350 32.0% / 33.0% \$191,951 - \$243,725 37.0% / 39.6% \$731,200 + 35.0% / 35.0% \$487,451 - \$731,200

¹ Amounts to be adjusted for inflation



Individual Deductions & Exemptions

Individual Tax Provisions

The TCJA altered certain individual tax deductions

Many of these changes are scheduled to expire and revert to prior law on 12/31/2025

Tax	
Provision	

Current Law Under TCJA

Future Law Post-TCJA Sunset



Standard Deduction

Single: \$12,400 Married: \$24,800 Single: \$6,500 ¹
Married: \$9,550 ¹



State and Local Tax Deduction ² Deduction is capped at \$10,000

Unlimited Deduction



Mortgage Interest Deduction ²

Interest is deductible on first \$750k of debt

Interest is deductible on first \$1M of debt and first \$100k of home equity loan



Charitable Deduction ²

May deduct up to 60% of AGI

May deduct up to 50% of AGI



¹ Amounts to be adjusted for inflation

² Applicable only if taxpayer is itemizing deductions

Individual Deductions & Exemptions

Individual Tax Provisions

The TCJA eliminated certain individual tax deductions & exemptions

Many of these changes are scheduled to expire and revert to prior law on 12/31/2025

Tax Provision

Current Law Under TCJA

Future Law Post-TCJA Sunset



Miscellaneous Deductions ² (subject to 2% AGI floor)

Eliminated

Legal fees, investment/advisory fees, etc. are deductible ³



Personal Exemption

Eliminated

\$4,050 per taxpayer & qualified dependent ¹



¹ Amounts to be adjusted for inflation

² Applicable only if taxpayer is itemizing deductions

³ To the extent these exceed 2% of Adjusted Gross Income (AGI)

Like-Kind Exchanges & Qualified Opportunity Zones

Individual Tax Provisions

Like-Kind Exchanges (IRC Section 1031)

The TCJA permanently eliminated like-kind exchanges of personal & intangible property

Intangible business assets, vehicles, equipment, machinery, artwork, collectibles, or patents and other intellectual property are no longer eligible for exchange

Like-kind exchanges of real property are still permitted

Qualified Opportunity Zones (IRC Section 1400Z)

The TCJA introduced Qualified Opportunity Zones (QOZ)

Initiative designed to preserve qualified capital gains & deliver potential tax benefits for reinvesting in designated communities

Many tax incentives have **expired** since initial legislation went into effect

Deferral of gain by investing in a QOZ expires on 12/31/2026



Generation Skipping, and Gift & Estate Tax Lifetime Exemptions

Individual Tax Provisions

The TCJA significantly increased the Lifetime Exemption

Lifetime Exemption

The amount any individual can gift during their lifetime or leave to heirs after death on a gift and estate taxfree basis

\$13.61M per individual for tax year 2024

Excess Wealth

Lifetime Exemption Amounts gifted or bequeathed over the exemption are subject to a 40% federal gift or estate tax



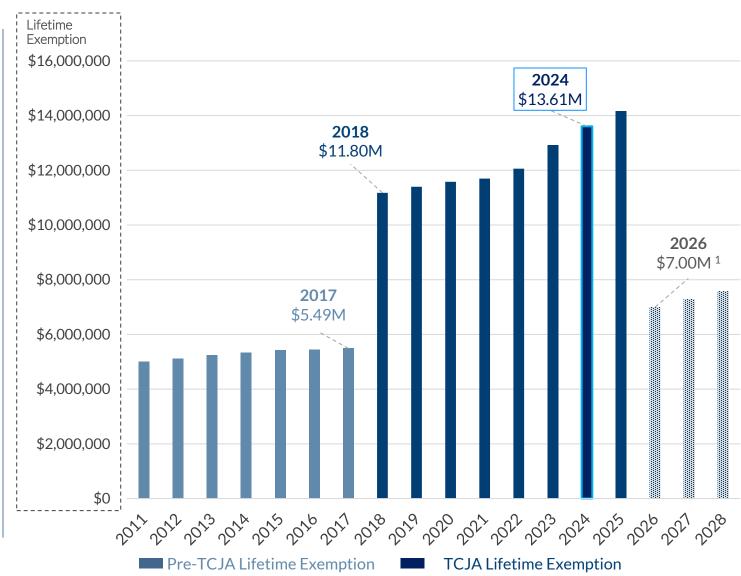
Generation Skipping, and Gift & Estate Tax Lifetime Exemptions

Individual Tax Provisions

TCJA Changes for Tax Years 2018 to 2025

- For tax year 2018, the Lifetime
 Exemption
 increased from \$5.49M per person to \$11.80M
- Annually adjusted for inflation through tax year 2025

These changes are scheduled to expire and revert to prior law on 12/31/2025



¹ Approximate inflation-adjusted amount

Post-Sunset Lifetime Exemption

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Summary of Key Provisions & Sunset

Individual Tax Provisions

Tax Provision	TCJA Law	Sunset Date	Post-Sunset Law
Income Tax Rates	Reduced most marginal tax rates Top marginal rate decreased from 39.6% to 37.0%	12/31/2025	Revert to prior law Top marginal rate will increase to 39.6%
Income Tax Brackets	Restructured most tax brackets Top tax bracket for Single: \$609,350 + Married: \$731,200 +	12/31/2025	Revert to prior law Top tax bracket for Single: \$426,700 + 1 Married: \$480,050 + 1
Individual Deductions and Exemptions	Altered or eliminated many deductions Standard Deduction: \$12k / \$24k (S / MFJ) ¹ State and Local Tax: \$10k cap Mortgage Interest: deductible up to first \$750k Charitable: deduct up to 60% of AGI Miscellaneous (2% AGI Floor): Eliminated Personal Exemption: Eliminated	12/31/2025	Revert to prior law Standard Deduction: \$6,350 / \$12,700 (S / MFJ) ¹ State and Local Tax: No cap Mortgage Interest: deductible up to first \$1M Charitable: deduct up to 50% of AGI Miscellaneous (2% AGI Floor): Reinstated Personal Exemption: \$4,050 ¹
Like-Kind Exchange	Eliminated exchange of personal & intangible property	Permanent	N/A
Qualified Opportunity Zones	Introduced Qualified Opportunity Zones	12/31/2026	Program expires
Lifetime Exemption	Increased Exemption \$5.49M to \$11.80M Adjusted annually for inflation	12/31/2025	Revert to prior law \$5.00M ¹ Adjusted annually for inflation

 $^{^{\}rm 1}\,{\rm Amounts}$ to be adjusted for inflation



Sunset of the TCJA Business Tax Provisions



Corporate Tax Rate & Net Operating Losses

Business Tax Provisions

The TCJA modified certain business tax provisions These changes were made permanent or not anticipated to expire

Tax Provision

Current Law Under TCJA

Future Law Post-TCJA Sunset



Federal Corporate
Income Tax Rate

21%

N/A



Net Operating Loss (NOL)

Limited to 80% of taxable income and can only be carried forward indefinitely

No change anticipated



Section 179
Deduction

Deduction cap raised to \$1M with phase-out beginning at \$2.5M^{1,2}

No change anticipated



¹ Amounts to be adjusted for inflation

² Further expanded by the Small Business Jobs Act

Business Tax Deductions

Business Tax Provisions

The TCJA modified certain business tax provisions

Many of these changes are scheduled to expire and revert to prior law on 12/31/2025

Tax Provision

Current Law Under TCJA

Future Law Post-TCJA Sunset



Qualified Business Income (QBI) Deduction

Deduction up to 20% of QBI for owners of certain types of businesses

Set to expire 12/31/25



Section 163(J)

Limit on business interest deduction for certain taxpayers and removed certain addbacks to adjusted taxable income (ATI)

Add-backs to ATI set to expire 12/31/25



Bonus Depreciation

60% bonus depreciation in 2024, 40% in 2025 and 20% for 2026

0% bonus depreciation beginning in 2027



Opportunities for HNW, UHNW, & Business Owner Clients



Awareness & Education

Opportunities for Clients

With only six quarters left until many critical provisions of the Tax Cuts and Jobs Act expire...





HNW, UHNW, & Business Owner Clients should be educated on

- The potential impact this may have on their wealth
- Opportunities still available to help meet their financial goals & objectives



Income Tax Planning Opportunities



All Clients



Consider the Timing of Certain Income and Deduction Items

- Timing of charitable donations
- Delaying payment of certain expenses that may not be deductible under current law



Review Current Portfolio Holdings with Your Investment Manager

- Consider accelerating income recognition prior to the sunset
- Consider Roth conversions



Advanced Planning Strategies

Income & Capital Gain Tax Mitigation

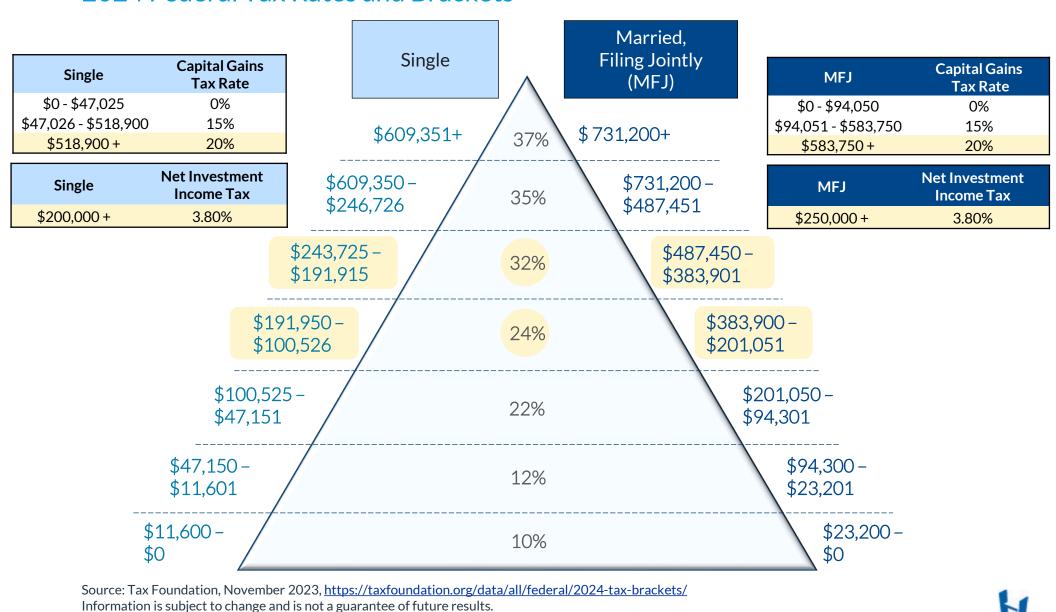
- Donor Advised Funds (DAF)
- Charitable Remainder Trust (CRT) & Charitable Lead Trust (CLT)
- Qualified Opportunity Zones

Income Shifting

- Family Limited Partnership (FLP)
- Irrevocable Non-Grantor Trust (ING)



2024 Federal Tax Rates and Brackets



Illustrations

"Generational" Roth-to-the-Line

Married couple (*G2*) has taxable income of \$283,900

\$100k of additional income needed to reach the ---32% marginal bracket



Converting \$100k to Roth results in additional income tax liability of approximately \$24k

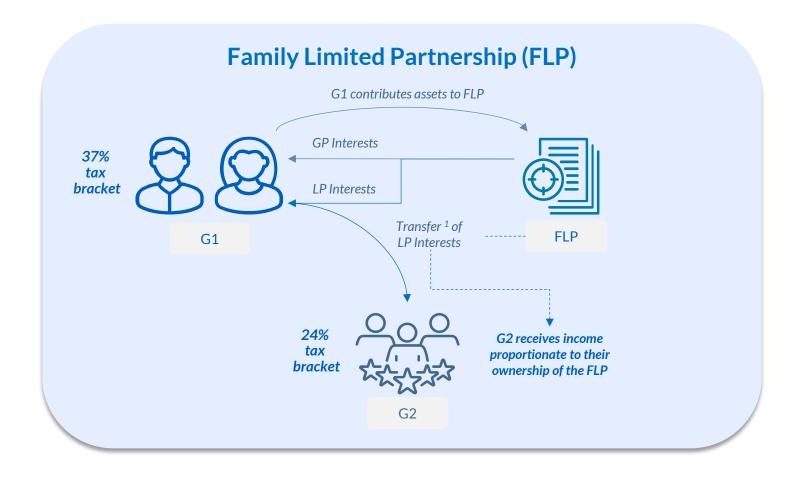
Parents (G1) may gift this amount to the couple (G2) to cover the tax



G1 - Generation 1

G2 - Generation 2

Illustrations





¹ Transfer may mean gift, sale, or loan

Gift & Estate Planning Opportunities



HNW and UHNW Clients



Utilizing Annual Exclusion Gifts

- \$18k per person / \$36k per married couple for 2024
 - Outright to heirs
 - Advanced planning alternatives



Utilize Current Lifetime Exemption

- For married couples feasible to max out both spouse's exemptions?
- Decision to "lock-in" one spouse's exemption vs. reduced gifts from both
- Valuation Discounts
- > Control and access considerations



Consider Advanced Planning Strategies

- Spousal Lifetime Access Trust (SLAT)
- Intentionally Defective Grantor Trust (IDGT)
- Family Limited Partnership (FLP)
- "Wait and See" Approach



Additional Considerations if Lifetime Exemption Depleted

- Loans / Sales to Irrevocable Trusts
- Grantor Retained Annuity Trust (GRAT)
- > Tax Basis Planning with "Swaps" 1
- Life insurance
- Lifetime and testamentary charitable giving





Illustrations

Annual Exclusion Gifts

Married couple with 3 children makes annual exclusion gifts each year for 20 years

> \$36,000 x 3 children x 20 years equals \$2,160,000 total amount gifted

\$2,160,000 x 40% estate tax rate \$864,000 additional to heirs ¹

"Lock-In" Lifetime Exemption

Lifetime Exemption As of Today

\$7,000,000 Lifetime Exemption Post-Sunset

"Bonus" Exemption

\$13,610,000

\$6,610,000

One Exemption

\$6.61M

x 40% estate tax rate

\$2.65M additional to heirs ¹

Two Exemptions

\$6.61M x 2

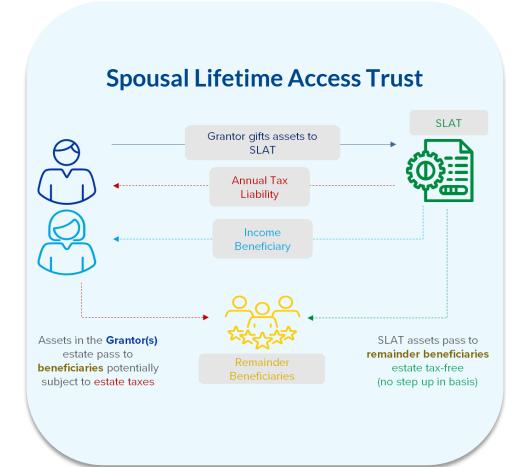
x 40% estate tax rate

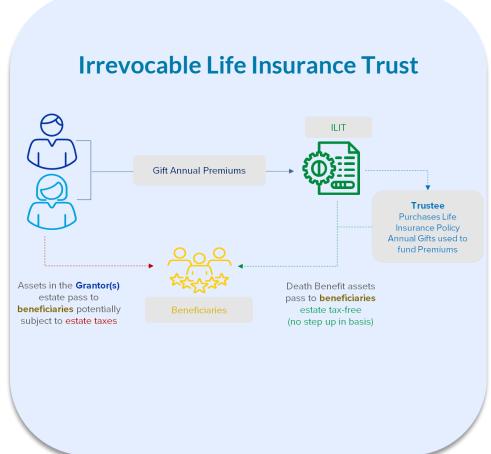
\$5.3M additional to heirs ¹

- 1 Assumes the taxpayer has a taxable estate.
- 2 Please note this illustration does not include inflationary adjustments to the annual exclusion gifts.



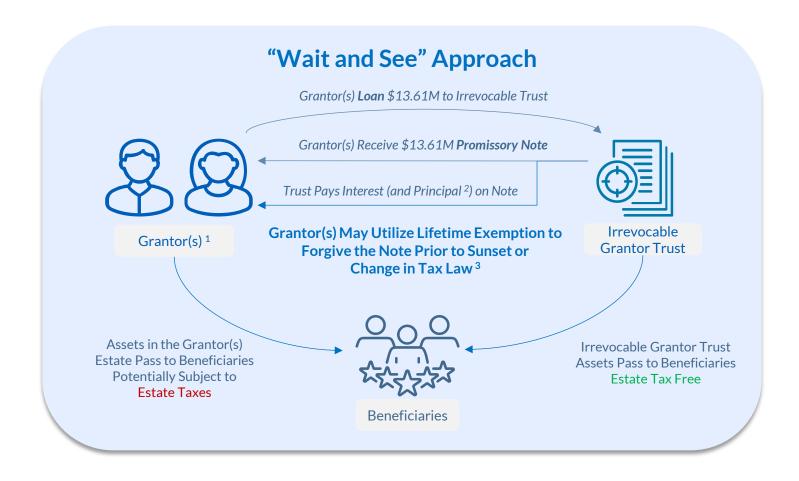
Illustrations







Illustrations



- 1 Note that in this illustration, the grantor is responsible for annual tax liability after loan is forgiven
- 2 Depending on how loan is structured interest must be paid on the note. It may be structured as interest-only or include principal
- 3 Please note that there is a possibility of retroactive application of the law



Planning for All Possible Outcomes

Considerations

What can Financial Advisors do to ensure clients are prepared?



Under the Current Law

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Political Winds May Increase Potential for Future Legislation to

Extend, reduce, or eliminate certain provisions of the law



Clients Are Going to Have Questions

- 2024 Election Results?
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Estate Planning Example "Right-Sizing" Gifts to SLATs



Assumptions

John & Joanne Smith are both retired and are exploring certain strategies to decrease their overall estate tax exposure before the 2026 Sunset.

2024 Balance Sheet			
Non-Qualified Investments	\$30,000,000		
Qualified Retirement Accounts	\$8,000,000		
Primary Residence	\$2,000,000		
Total Net Worth	\$40,000,000		

General Assumptions			
Ages	John – age 65 Joanne – age 65		
End of Plan	Year 2049 (John & Joanne's ages 90)		
State of Residence	Florida		
Annual Personal Living Expenses *adjusted annually for inflation*	\$400,000		
Inflation	2.49%		
Assumed Rate of Return on All Portfolio Assets	6.75%		

Estate Planning Strategies for Consideration

Prior to 2026 Sunset:

- 1) Two Max SLATs Gift \$13.61M of Taxable Investments to Each (\$27.22M Total)
- Two Smaller SLATs Gift \$12M of Taxable Investments to Each (\$24M Total)

FOR ILLUSTRATIVE PURPOSES ONLY

All decisions regarding the tax/legal implications of your investment/estate planning should be made in consultation with your independent tax or legal advisor.



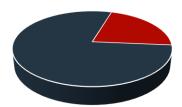
Summary of Results - Year 2026

Baseline

In-Estate Portfolio \$44,634,716

Estate Tax Liability \$ 12,995,147

Total to Heirs \$33,792,720



- In-Estate Assets
- Estate Tax Liability
- Out-of-Estate Assets

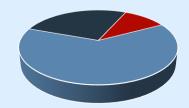
1) Two Max SLATs

\$7,527,601 Additional to Heirs

In-Estate Portfolio \$11,526,576

Estate Tax Liability \$5,471,891

Total to Heirs \$41,320,321



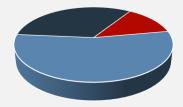
2) Two \$12M SLATs

\$5,958,701 Additional to Heirs

In-Estate Portfolio \$15,440,166

Estate Tax Liability \$7,037,327

Total to Heirs \$32,062,921



Please refer to the appendix for supporting reports.

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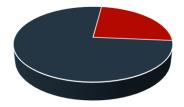
Summary of Results - Year 2048

Baseline

In-Estate Portfolio \$107,207,845

Estate Tax Liability \$35,503,476

Total to Heirs \$74,975,213



- In-Estate Assets
- Estate Tax Liability
- Out-of-Estate Assets

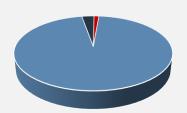
1) Two Max SLATs

\$27,410,757 Additional to Heirs

In-Estate Portfolio \$0

Estate Tax Liability \$1,245,012

Total to Heirs \$102,385,970



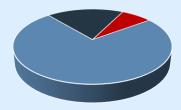
2) Two \$12M SLATs

\$26,973,715 Additional to Heirs

In-Estate Portfolio \$18,931,399

Estate Tax Liability \$8,880,897

Total to Heirs \$101,948,928



Please refer to the appendix for supporting reports.

FOR ILLUSTRATIVE PURPOSES ONLY

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Partnering with Private Wealth Solutions

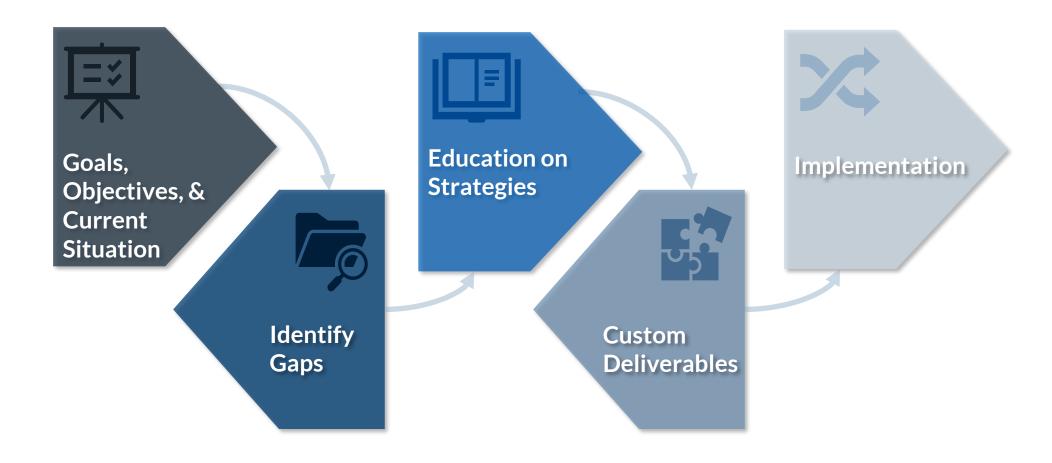
Private Wealth Solutions

Intelligently personalized services offered in collaboration with your advisor to support you with the more complex issues you face when your investable assets exceed \$10mm.



Comprehensive Wealth Assessment (CWA)

A complimentary, holistic service offered in collaboration with financial advisors to supplement their existing value proposition





Strategic Pillars of Wealth

CWA
Specializes in
Advanced
Planning
within the
Strategic
Pillars of
Wealth



Awareness & Education

Opportunities for Clients

With only six quarters left until many critical provisions of the Tax Cuts and Jobs Act expire...





HNW, UHNW, & Business Owner Clients should be educated on

- The potential impact this may have on their wealth
- Opportunities still available to help meet their financial goals & objectives



Next Steps







Identify your top UHNW & Business Owner clients and prospects. Review your book of business and engage with Centers of Influence (COI). Reach out to SIC to schedule meeting with the Private Wealth Solutions Team.

Visit our website for additional information https://www.cnr.com/content/cnr/en/what-we-do/private-wealth-solutions.html



Appendix



Terms & Definitions

- 1. Grantor(s) an individual who establishes a trust.
- 2. Trustee(s) a person or firm that holds and administers property or assets held by a trust for the benefit of a third party.
- 3. Beneficiary(ies) individual(s) for whom a trust is created.
- 4. CRT Charitable Remainder Trust an irrevocable trust where the grantor generally contributes appreciated assets or cash and the CRT provides payments to an initial income beneficiary(s). At the end of the trust term, any remaining assets will pass to one or more charitable remainder beneficiaries, which may include a private family foundation
- 5. CRUT Charitable Remainder Unitrust an irrevocable trust where the grantor generally contributes appreciated assets or cash and the CRUT provides fixed payments to an initial income beneficiary(s). The income is set at a fixed percentage of the annually appraised value of the assets held.
- 6. SLAT Spousal Lifetime Access Trust an irrevocable trust where one spouse (grantor) makes a gift into a trust to benefit the other spouse (income beneficiary) and other family members (remainder beneficiaries) while removing the assets from their taxable estate.
- 7. CLAT Charitable Lead Annuity Trust a split-interest irrevocable trust with two or more beneficiaries. The "lead" income beneficiary is the charity(ies) named under the terms of the CLAT and the "remainder" beneficiary(ies) is generally either the Grantor (Grantor CLAT) or the Grantor's heirs (Non-Grantor CLAT).
- 8. IDGT Intentionally Defective Grantor Trust an irrevocable trust set up by an individual (grantor) to benefit another person(s) (beneficiaries). Any assets gifted to the trust are removed from the individual's taxable estate for gift and estate tax purposes, but the grantor assumes any income tax liability on all income generated by assets held in the trust.
- 9. Basic Exclusion Amount aka "Lifetime Exemption" the amount of property that an individual can give away over the course of their lifetime without having to pay a gift tax
 - a) Current Law ^a this amount is \$13,610,000 for tax year 2024
 - b) 2026 Law b this amount is approximately \$7,000,000 for tax year 2026. This is an estimate of what the lifetime exemption will be after the Estate and Gift Tax Provision in the Tax Cuts & Jobs Act of 2018 (TCJA) sunsets on December 31, 2025 the provision states that this amount will revert to its pre-2018 level of \$5,000,000, as adjusted for inflation.
- 10. FLP Family Limited Partnership a business or holding company owned by two or more family members within a partnership structure.
- 11. DAF Donor Advised Fund a vehicle that allows current tax deductions for irrevocable charitable gifts, without first identifying the specific qualified nonprofit organization(s) who will ultimately receive the funds. A DAF is considered to be a "public charity" and provides an immediate income tax deduction of up to 60% of donor's adjusted gross income (AGI) for gifts of cash and up to 30% of AGI for gifts of appreciated assets.
- 12. GRAT Grantor Retained Annuity Trust an irrevocable trust that provides for annual payments to the grantor for a fixed term of years. At the end of the term, the remainder of the trust can be transferred to named beneficiaries. The payout rate is chosen by the grantor and the amount of the gift is based on the term of the trust and the Section 7520 Rate for that month. The value of the remainder, which can be zero, is reported as a taxable gift to the beneficiaries.



a – source: https://www.irs.gov/businesses/small-businesses-self-employed/estate-tax

b – source: https://www.irs.gov/newsroom/estate-and-gift-tax-fags

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As with any investment or estate planning strategy, there is no guarantee that objectives, strategy and/or goals will be met. All investing and estate planning is subject to risk.

Monte Carlo Analysis is a simulation based forecast method, which explicitly accounts for the impact of volatility predictions associated with expected returns. The simulation attempts to replicate the uncertainty associated with financial markets with an illustration of potential outcomes.

Past performance or performance based upon assumptions is no guarantee of future results



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