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<u>TITLE 26</u> > <u>Subtitle A</u> > <u>CHAPTER 1</u> > <u>Subchapter O</u> > <u>PART III</u> > Sec. 1040.

Sec. 1040. - Transfer of certain farm, etc., real property

(a) General rule

If the executor of the estate of any decedent transfers to a qualified heir (within the meaning of section 2032A(e)(1)) any property with respect to which an election was made under section 2032A, then gain on such transfer shall be recognized to the estate only to the extent that, on the date of such transfer, the fair market value of such property exceeds the value of such property for purposes of chapter 11 (determined without regard to section 2032A).

Search this title:

(b) Similar rule for certain trusts

To the extent provided in regulations prescribed by the Secretary, a rule similar to the rule provided in subsection (a) shall apply where the trustee of a trust (any portion of which is included in the gross estate of the decedent) transfers property with respect to which an election was made under section 2032A.

Notes Updates

Parallel authorities (CFR)
Topical references

(c) Basis of property acquired in transfer described in subsection (a) or (b)

(a)

or

(b)

The basis of property acquired in a transfer with respect to which gain realized is not recognized by reason of subsection (a) or (b) shall be the basis of such property immediately before the transfer increased by the amount of the gain recognized to the estate or trust on the transfer

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<u>TITLE 26</u> > <u>Subtitle B</u> > <u>CHAPTER 11</u> > <u>Subchapter A</u> > <u>PART III</u> > Sec. **2032A**.

Sec. 2032A. - Valuation of certain farm, etc., real property

- (a) Value based on use under which property qualifies
- (1) General rule

If -

(A)

the decedent was (at the time of his death) a citizen or resident of the United States, and

(B)

the executor elects the application of this section and files the agreement referred to in subsection (d)(2),

then, for purposes of this chapter, the value of qualified real property shall be its value for the use under which it qualifies, under subsection (b), as qualified real property.

(2) Limitation on aggregate reduction in fair market value

The aggregate decrease in the value of qualified real property taken into account for purposes of this chapter which results from the application of paragraph (1) with respect to any decedent shall not exceed \$750,000.

(3) Inflation adjustment

In the case of estates of decedents dying in a calendar year after 1998, the \$750,000 amount contained in paragraph (2) shall be increased by an amount equal to -

(A)

\$750,000, multiplied by

(B)

the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting "calendar year 1997" for "calendar year 1992"





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<u>TITLE 26</u> > <u>Subtitle B</u> > <u>CHAPTER 11</u> > <u>Subchapter A</u> > <u>PART I</u> > Sec. 2001.

Sec. 2001. - Imposition and rate of tax

(a) Imposition

A tax is hereby imposed on the transfer of the taxable estate of every decedent who is a citizen or resident of the United States.

(b) Computation of tax

The tax imposed by this section shall be the amount equal to the excess (if any) of -

(1)

a tentative tax computed under subsection (c) on the sum of -

(A)

the amount of the taxable estate, and

(B)

the amount of the adjusted taxable gifts, over

(2)

the aggregate amount of tax which would have been payable under chapter 12 with respect to gifts made by the decedent after December 31, 1976, if the provisions of subsection (c) (as in effect at the decedent's death) had been applicable at the time of such gifts.

For purposes of paragraph (1)(B), the term "adjusted taxable gifts" means the total amount of the taxable gifts (within the meaning of section 2503) made by the decedent after December 31, 1976, other than gifts which are includible in the gross estate of the decedent.

- (c) Rate schedule
- **(1)**

In general







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TITLE 26 > Subtitle B > CHAPTER 11 > Subchapter A > PART I > Sec. 2002.

Sec. 2002. - Liability for payment

The tax imposed by this chapter shall be paid by the executor.

Notes

Updates

Parallel authorities (CFR)

Topical references

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