

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
A. <u>The Role of Life Insurance in Estate Planning</u>	1
1. In General.....	1
2. Replacement of Income.	1
3. Providing Liquidity.....	3
4. Business Uses.....	5
5. Role in Planning.....	5
B. <u>Terminology</u>	6
1. Basic Terms.	6
2. Applicant and Owner.	6
3. Riders.	7
4. Dividends.	7
C. <u>Types of Policies</u>	8
1. Term Life Insurance.....	8
2. Whole Life Insurance.....	10
3. Endowment Contract.	11
4. Universal Life Insurance.....	12
5. Variable Insurance.	13
6. Survivorship Insurance.	13
D. <u>Employer-Provided Insurance</u>	14
1. Group Term Insurance.	14
2. Split-Dollar Life Insurance Arrangements.....	15
3. Retirement Plans.	17
E. <u>Information Needed for Planning</u>	19
1. Essential Facts.....	19
2. Obtaining Information; Beneficiary Designations.....	20
II. INCOME TAXATION	20
A. <u>Exclusion from Gross Income and Exceptions</u>	21
1. General Rule; Transfer-for-Value Rule.	21
B. <u>Cash Values</u>	29
1. Increase in Cash Values; Dividends.	29
2. Withdrawals.	29
C. <u>Definition of Life Insurance</u>	31
1. In General.....	31
2. Cash Value Accumulation Test.	31
3. Guideline Premium and Cash Value Corridor Test.	31
D. <u>Special Rules on Exchanges, Premium Payments, and Interest on Policy</u> <u>Loans</u>	32
1. Exchanges of Life Insurance Policies.	32
2. Nondeductible Premium Payments.....	33
3. Deductible Premium Payments.....	34
4. Premiums Included in Income of Employee.....	34
5. Interest on Policy Loans.....	36

III.	TRANSFER TAXATION	37
A.	<u>Valuation for Gift and Estate Tax Purposes.</u>	37
1.	Gifts of Life Insurance Policies, Premiums, or Proceeds.	37
2.	Valuation of Permanent Life Insurance Policies.	38
3.	Transfer Tax Valuation of Term Insurance Policies.	40
4.	Split-Dollar Life Insurance.	40
5.	Policy Loans.....	40
B.	<u>Includibility of Proceeds in the Insured's Gross Estate.</u>	41
1.	General Rule.	41
2.	Transfers Within Three Years of Death.....	44
IV.	THE IRREVOCABLE LIFE INSURANCE TRUST.....	48
A.	<u>Planning Considerations.</u>	48
1.	Smaller Estates.....	48
2.	Larger Estates.....	48
3.	Irrevocable Trust as Owner.....	50
B.	<u>Qualifying for the Annual Exclusion.</u>	52
1.	In General.....	52
2.	Outright Transfers v. Transfers to an Irrevocable Trust.	52
3.	Qualifying for the Annual Exclusion.....	53
4.	Designing the <i>Crummey</i> Power.	54
C.	<u>Gift Tax Consequences to Beneficiaries.</u>	63
1.	Failure to Exercise Right of Withdrawal.	63
D.	<u>Income Tax Consequences to Beneficiaries.</u>	67
1.	Beneficiary Treated as Owner of Trust Assets.	67
2.	After Original Grantor Dies.....	68
E.	<u>Estate Tax Consequences to Beneficiaries.</u>	69
1.	Avoiding Inclusion in Gross Estate of a Beneficiary.....	69
2.	Trustee's Powers.....	70
F.	<u>Generation-Skipping Transfer Tax Consequences.</u>	71
1.	In General.....	71
2.	GST Annual Exclusion before TAMRA.....	71
3.	Post-TAMRA GST Annual Exclusion Rules.	72
4.	Allocation of GST Exemption.	72
G.	<u>Drafting Considerations.</u>	82
1.	Designing the Agreement.	82
2.	Using Proceeds to Pay Estate Taxes.	84
3.	Creating Flexibility.....	84
H.	<u>Conclusion.</u>	85