

WILMINGTON TRUST

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PROVIDING STRATEGIC TRANSITION PLANNING AND SOLUTIONS

Year-End Estate and Tax Planning 2022: Fundamentals to the Forefront

Alvina Lo

Chief Wealth Strategist

Dolly Donnelly

Director of Wealth Strategies

Matthew Mancini, CFP[®], ChFC[®], AEP[®]

Wealth Planning Team Leader

October 20, 2022



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Year in Review

Unsettling dynamics

Volatile markets

Major drops and gains in the markets have affected portfolio values

Increasing interest rates

Rapid rise in interest rates from historic lows

High inflation

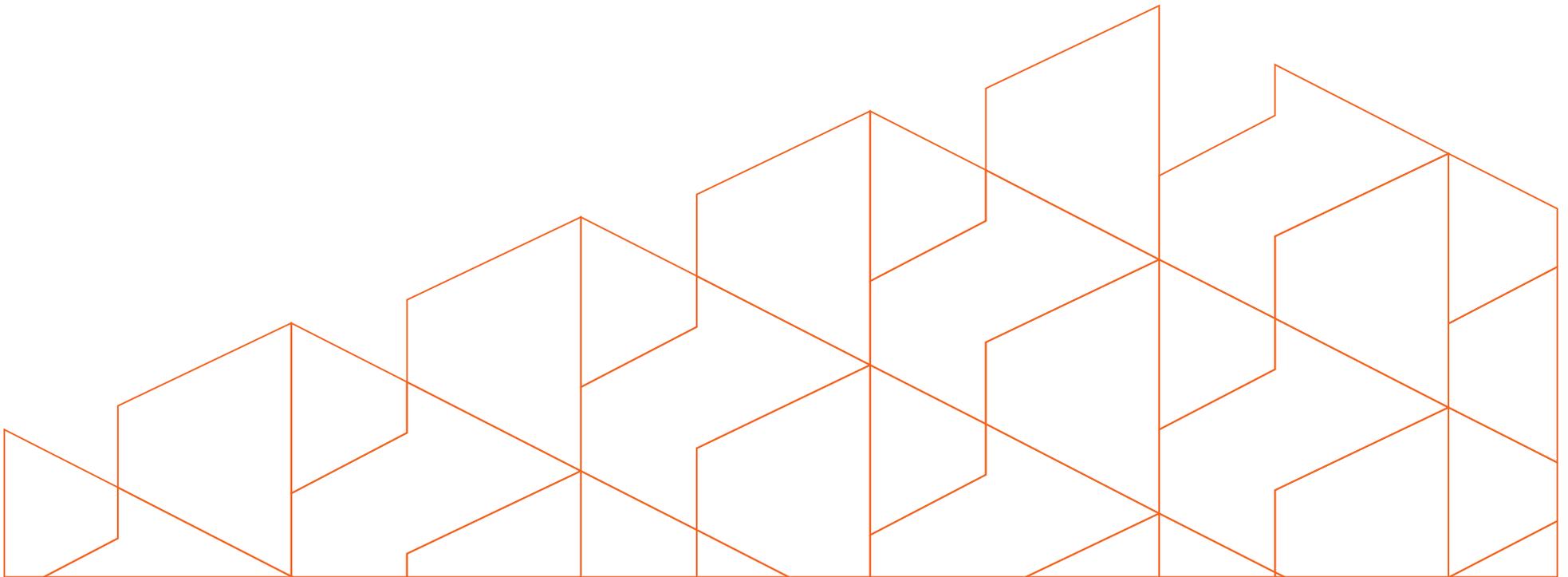
Highest level of inflation in recent history

The constant

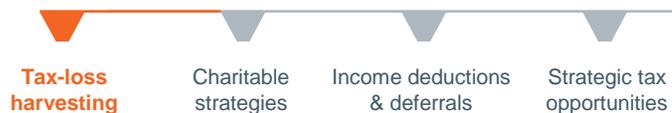
Tax legislation

No substantial new changes to tax laws after varying proposals over the last couple of years

Review your income tax picture



Tax-loss harvesting



Tax-loss
harvesting

Charitable
strategies

Income deductions
& deferrals

Strategic tax
opportunities

What is tax-loss harvesting

- Realization of capital losses to offset taxable gains

Key considerations

- Potentially greater losses than usual this year due to market volatility
 - Carry forward any unused capital losses to use in future years
- Avoid the wash sale rule
 - Avoid repurchase for 30 days, before or after selling the loss-generating security
 - Purchase a similar but not “substantially identical” security
- Maintain your investment strategy
 - Don’t let tax mitigation cause you to sell assets that play a strategic role in your portfolio

Charitable strategies



Year-end gifting

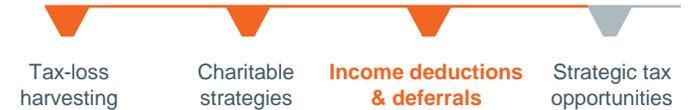
- Year-end charitable gifts could offer additional tax benefits

Strategies to consider

- “Bunching” strategy maximizes deductions in a high-tax year
 - Make several years worth of contributions into one year
- Qualified charitable distribution (QCD) from an individual retirement account (IRA)*
 - Up to \$100,000 available to distribute directly to charity from an IRA
 - Gift to charity not included in income
 - Must be age 70½ to utilize a QCD
- More complex charitable gifting
 - Charitable trust
 - Private foundation

*Source: Retirement Plans FAQs regarding IRAs Distributions Withdrawals | Internal Revenue Service (irs.gov)

Additional income deductions and deferrals



Contribute to tax-advantaged accounts

401(k), 403(b), and IRA

Double tax advantage

- Reduces current year taxable income
- Tax-deferred growth

Health Savings Account (HSA)

Triple tax advantage

- Reduces current year taxable income
- Tax-free growth
- Tax-free distributions for qualified medical expenses

529 College Savings Plan

Additional tax advantages

- Some states offer a tax deduction for contributions
- Tax-free growth
- Tax-free distributions for qualified education expenses

Potential disadvantages:

Nonqualified distributions from these accounts may be subject to penalty and/or income taxation

Strategic tax opportunities

Tax-loss
harvesting

Charitable
strategies

Income deductions
& deferrals

**Strategic tax
opportunities**

Strategies to consider if you are in a *lower taxable year*

Harvest capital gains on appreciated assets

- Lock in gains, particularly if you have losses to offset them

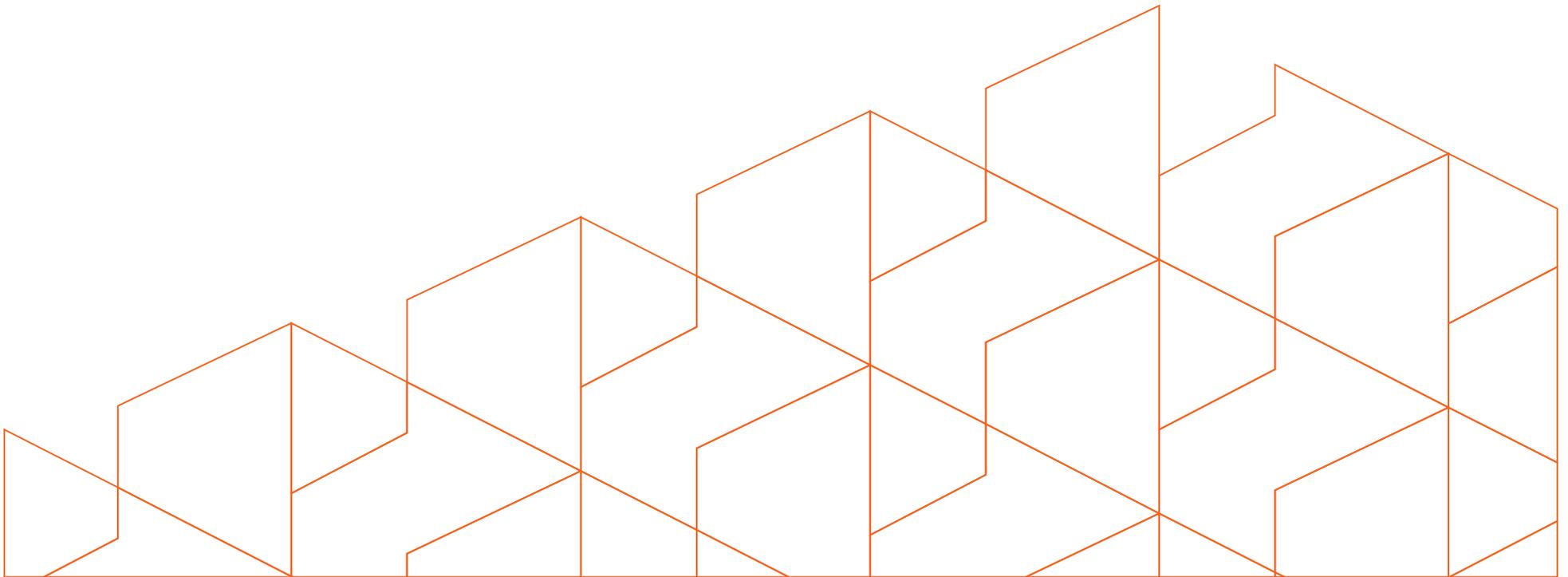
Distributions from your retirement plans

- Pay tax on IRA withdrawals at a lower rate than in the future
- Reduce value of IRA to decrease required distributions in the future

Roth conversion

- Consider converting your pre-tax IRA funds to a Roth IRA
- Conversion amount included in income
- Opportunity in 2022:
 - Lower IRA value makes conversion “cheaper”
 - Allow the rebound of the IRA value to occur in a tax-free Roth account

Assess estate and gift tax exposure



Overview of annual exclusion gifting and lifetime gifting exemption

Annual exclusion gifting*

- Every individual can make a \$16,000 tax-free gift annually in 2022
 - \$32,000 for married couples in 2022
 - Amount increased from 2021
 - Will increase to \$17,000 per individual and \$34,000 per married couple in 2023
 - No limit to number of recipients

Lifetime gifting exemption*

- For high-net-worth individuals, there is an opportunity to make substantial gifts during your lifetime
- Federal lifetime gifting exemption amount in 2022
 - \$12.06 million per person
 - \$24.12 million per married couple
- Federal lifetime gifting exemption amount in 2023
 - \$12.92 million per person
 - \$25.84 million per married couple
- Without additional legislative action, the federal exemption amount will sunset in 2026
 - \$5 million per person (indexed for inflation)

*Source: Frequently Asked Questions on Gift Taxes | Internal Revenue Service ([irs.gov](https://www.irs.gov)) and Revenue Procedure 2022-38

Polling Question #1

Are you planning to make large gifts?

A. I already have

B. By the end of the year

C. In the next couple of years

D. Never

Fundamental gifting strategies

Popular strategies to consider

- Outright gifts and gifts to trusts
- 529 education savings plans
 - Limit the use of a gift made to children
 - Provide for long-term education funding
- Direct payments to medical or educational institutions do not count toward annual exclusion or use of lifetime exemption
- Be mindful of timing requirements for gifts to qualify as being made in 2022

Strategic tax opportunities

Strategies to consider for 2022

Gifts of assets with depressed values

- Opportunity to shield growth in assets outside taxable estate

Swap assets in grantor trusts

- Move out low-basis assets for high basis assets
- Take advantage of step-up in basis

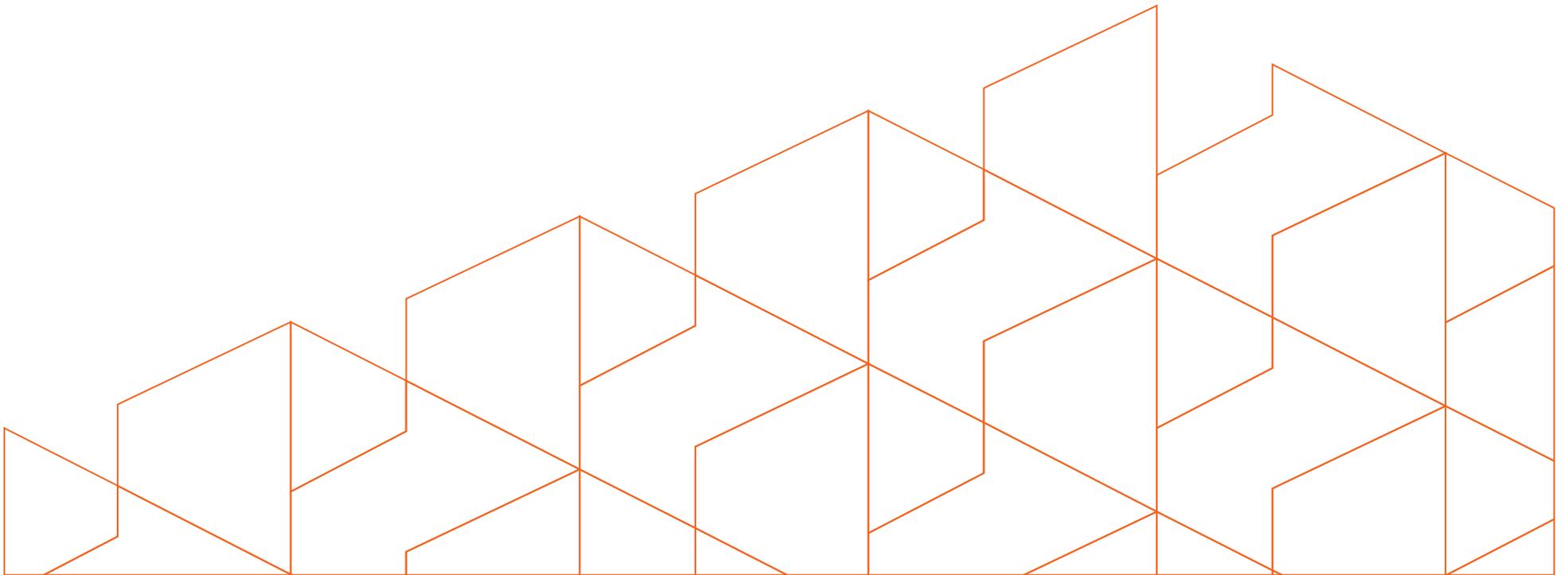
Grantor retained annuity trusts (GRAT) and intrafamily loans

- Rising interest rates make these *less* attractive
- Consider implementing now before rates continue to rise

Qualified personal residence trust (QPRT)

- Rising interest rates make these *more* attractive
- Transfer a primary residence into trust to remove it, and the appreciation, from your estate

Revisit financial and estate plans



Polling Question #2

How often do you update your financial and estate plans?

- A. Every year**
- B. Every 3-5 years**
- C. When I have a life-changing event**
- D. I have to review my plan?**

Financial plan review

Year-end financial plan review

- Determine if you are still on track to meet your long-term goals

Stress test your assumptions

- Higher inflation this year could cause you concern
 - Tweak your financial planning projections
 - What if the expectation of long-term inflation is higher?
 - Implement steps to combat a higher-than-expected inflation rate

Broader considerations

- Rebalancing your portfolio
- Adjusting your retirement time horizon
- Amending major financial goals (gifts to family, charitable giving, vacation home purchase, etc.)

Estate plan review

Year-end estate plan review

Helpful to ensure your wishes for distribution are met

- Especially important if asset values have changed
- Consider coordinating estate plan with lifetime gifting strategies

Key considerations

Do you have a complete plan in place?

- Will*
- Trust*
- Powers of attorney* for health or financial matters

Who have you named to act?

- Key fiduciaries:* executor,* trustee,* agents* (health and financial)
- Ensure they can fulfill their roles

Are your beneficiary designations current?

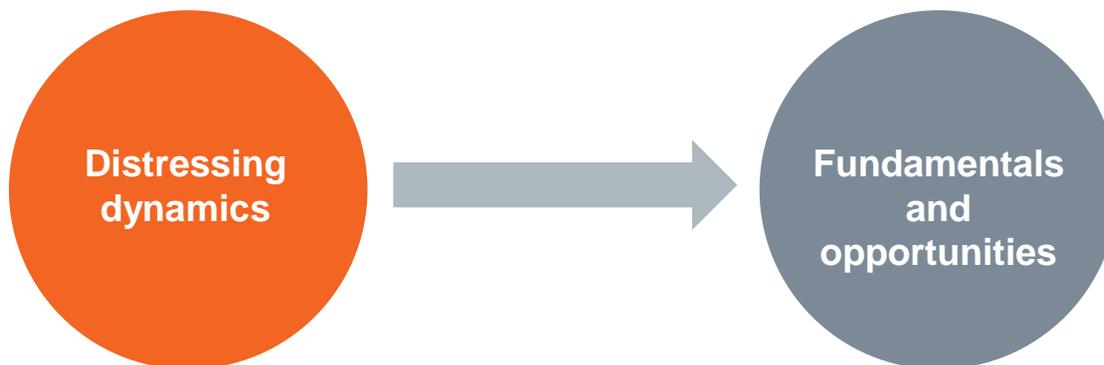
- Review named beneficiaries* of retirement accounts, life insurance policies, and transfer-on-death accounts

*See Definition of Terms on the last slide.

Year-end planning summary

In review

- It is important not to overlook foundational year-end planning, even when there may be no imminent changes to tax laws as a motivating factor
- Moreover, periods involving an uncertain market and economic environment can present unique planning strategies to consider implementing
- Implementing a plan that combines both fundamental strategies with opportunities specific to the market environment in 2022 may help optimize your tax and financial situation



Q&A

Alvina H. Lo

Chief Wealth Strategist



Contact Information

350 Park Avenue
9th Floor
New York, NY 10022
Phone | 212.415.0567
alo@wilmingtontrust.com

Specializing in:

- Estate and trust planning
- Succession planning
- Life insurance planning
- Cross-border planning
- Family office services

As part of the Wilmington Trust Emerald Family Office & Advisory® team, Alvina is responsible for wealth planning, family office services, and thought leadership development for Wilmington Trust's Wealth Management division. She oversees a national team of wealth strategists, family office services professionals, and thought leaders, who together, serve as advisors to high-net-worth individuals and families, business owners, entrepreneurs, and foundations.

Prior to joining Wilmington Trust, Alvina was a director at Citi Private Bank where she served as an advisor to U.S. and international ultra-high-net-worth clients. Previous to that, she served as a wealth strategist with Credit Suisse Private Wealth and practiced law at Milbank Tweed Hadley & McCloy, LLP. Earlier in her career, she was a consultant for Deloitte Consulting and Scient Corporation.

Alvina holds a bachelor's degree in civil engineering from the University of Virginia where she was a Thomas Jefferson Scholar. She received her JD from the University of Pennsylvania, where she was a member of the Law Review and Order of the Coif. She also holds a Professional Tax Certificate in Estate Planning from New York University School of Law.

Alvina has been named as a recipient of the 2021 Outstanding 50 Asian Americans in Business Award by the Asian American Business Development Center. She also has been recognized by Crain's New York Business as one of their Most Notable Women in Financial Advice in 2020. The honor recognizes leading women executives in New York City for their dedication to excellence in the financial industry and significant professional, civic, and philanthropic contributions. In addition, she was recognized as one of Worth's Groundbreakers 2020: 50 Women Changing the World.

A Fellow with the American College of Trust and Estate Counsel, Alvina is a published author and frequent lecturer at leading industry conferences for the American Bankers Association, American Bar Association, Delaware Trust Conference, Hawaii Tax Institute, and Barron's Top Women Advisors Summit. She has been quoted in the New York Times, Wall Street Journal, Barron's, Bloomberg, and Business Insider. She is also a member of the Society of Trust and Estate Practitioners (STEP) and Women In America, a professional mentoring group. She is active with the American Bankers Association as a Board member for Wealth Management and Trust and adjunct professor of the Advanced Trust School. She is currently Chair of the New York City Walentas Scholars Program for the University of Virginia. Alvina is bilingual and speaks fluent Chinese-Cantonese and basic Chinese-Mandarin.

Dolly Donnelly

Director, Wealth Strategies



Contact information

3 City Center
180 South Clinton Avenue
7th Floor
Rochester, NY 14604
Phone | 585.258.8301
ddonnelly@wilmingtontrust.com

Specializing in:

- Estate planning and administration
- Trust administration
- Wealth planning

As part of the Wilmington Trust Emerald Family Office & Advisory® team, Dolly is responsible for providing strategic and holistic wealth planning advice to high-net-worth individuals, successful entrepreneurs, executives, and their families by reviewing and illustrating their current plans, highlighting potential deficiencies, and modeling effective tax and estate planning strategies.

Prior to joining Wilmington Trust, Dolly practiced law with Boylan Code LLP in Rochester, New York. In that role, she specialized in trusts and estates and counseled clients on estate planning and administration, as well as income, estate, and gift tax issues. Dolly also provided clients guidance on long-term health care, Medicaid, and special needs issues. Earlier in her career, Dolly worked in the public sector and with law firms in Washington, DC.

She holds a JD from the University of Miami School of Law, where she was a member of the Law Review and the International Moot Court team, and a bachelor's degree in international affairs from The George Washington University. She is admitted to the practice of law in New York and Florida and is a member of the New York State, Monroe County, and Florida Bar Associations.

Dolly serves on the executive committee for the Estate Planning Council of Rochester, the board of directors for the Highland Park Conservancy, and the planning board for the Village of Cayuga. She was named to the 2021 and 2022 editions of *Best Lawyers: Ones to Watch* for her work in trusts and estates.

Matthew J. Mancini, CFP[®], ChFC[®], AEP[®]

Wealth Planning Team Leader



Contact Information

285 Delaware Avenue
3rd Floor
Buffalo, NY 14202
Phone | 716.848.7564
mmancini@wilmingtontrust.com

Specializing in:

- Financial statement analysis
- Cash flow sustainability
- Retirement planning

As part of the Wilmington Trust Emerald Family Office & Advisory[®] team, Matthew is responsible for developing customized wealth management strategies and financial plans for successful individuals, families, and business owners. He works closely with other professional and family advisors to analyze financial positions and develop plans to help clients achieve future personal and financial goals.

Matthew, who joined M&T Bank in 2009, holds a bachelor's degree in finance from Canisius College and earned the CERTIFIED FINANCIAL PLANNER[™] designation in 2011, and the CHARTERED FINANCIAL CONSULTANT[®] designation in 2015 from The American College. Matthew has also received the ACCREDITED ESTATE PLANNER[®] designation from the National Association of Estate Planners and Councils in 2019.

Matthew is an active member of the Financial Planning Association of Western New York and the Western New York Estate Planning Council.

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Definitions of terms

Agent

A person authorized to act on behalf of another person.

Beneficiary

The person or entity named or otherwise entitled to receive the principal or income or both from a trust.

Executor

Individual(s) appointed to manage a person's estate when deceased. Responsible for managing the assets in accordance with the decedent's wishes as outlined in the will and trust documents. Also responsible for estimating the value of the estate at the time of death and pay estate taxes, debts, and expenses.

Fiduciary

A person (or organization) trusted by another party. A fiduciary is legally and ethically obliged to act in the best interests of their clients. Executors, trustees, agents, and health care representatives are fiduciary appointments in estate planning matters. That is, a trustee has a fiduciary duty to act in the best interest of the beneficiary.

Power of Attorney

A POA is a person who is given the authority to act on behalf of another person in specified legal, financial, or medial matters. A fiduciary appointment made in a POA is called an Agent.

Trustee

Individual designated by the grantor to assume legal ownership and manage the assets of a trust. Responsible for ensuring assets are administered in accordance with the trust terms.

Trust

A fiduciary relationship between two parties--the trustor and the trustee. The first transfers a right to a holding to the second who manages the asset in the best interest of the designated beneficiaries under the terms of distribution established by the trustor.

Will

A legal document that provides direction about the distribution of an individual's assets when they die.