

**Saturday, January 20, 2024**

**8:30 – 11:45 a.m.**

**Tax Law Section**

**3.0 MCLE Credit Hours, 2.0 Estate Planning Specialization and 3.0 Taxation**

**Specialization Credit Hours**

**Supreme Court Commission on CLE Course #: 240034**

**Room Location: Magnolia**

## **Tax and Business Exit Planning for the Generational Family Business: and 2024 Tax Update**

This advanced level seminar will cover three distinct topics: (1) Substantive Tax Policy, Procedure, and Case Law Updates; (2) Taxation of Unrealized Income Under the 16<sup>th</sup> Amendment; and (3) Tax and Business Exit Planning for the Generational Family Business.

During the first portion of the presentation, Jason Luther and Adam Neil with the South Carolina Department of Revenue will provide you with an overview of recent trends and developments in South Carolina's State and Local Tax jurisprudence. Jason and Adam will also provide relevant case law updates in the South Carolina Supreme Court, Court of Appeals, and Administrative Law Court involving matters litigated or argued by the South Carolina Department of Revenue during the past year, as well as recent legislative and policy changes implemented by the South Carolina General Assembly.

During the second portion of the presentation, Clint Wallace with the University of South Carolina School of Law will discuss the pending United States Supreme Court Case Moore vs. United States, which addresses the constitutionality of taxing unrealized income under the 16<sup>th</sup> Amendment.

During the final portion of the presentation, you will be guided through the hypothetical sale of a generational family business for a purchase price of \$100M. During this portion of the presentation, you will learn the critical role played by tax counsel, the CPAs, and the financial planner (collectively, the "Tax Team") beginning 1 – 2 years before the sale, immediately before the sale, during the sale, immediately following the sale, and in the decades thereafter. You will also learn the importance of having a fully integrated Tax Team deeply involved in the entire sale process. This portion of the presentation will also incorporate sophisticated tax planning techniques, such as the use of Spousal Lifetime Access Trusts, Intentionally Defective Grantor Trusts, Charitable Trusts, and Dynasty Trusts. This portion of the presentation will conclude by comparing the long-term tax impact of a well-planned, tax focused, business exit with a business exit that fails to fully incorporate and integrate an effective Tax Team.

### **Agenda**

**8:30 – 9:20 a.m.**

#### **Tax Update**

Jason P. Luther  
*South Carolina Department of Revenue*  
*Columbia, SC*

Adam J. Neil  
*South Carolina Department of Revenue*  
*Columbia, SC*

9:20 – 10 a.m.      **Taxing Unrealized Income Under the 16<sup>th</sup> Amendment**

Clinton G. Wallace  
*USC School of Law  
Columbia, SC*

10 – 10:15 a.m.      **Break**

10:15 – 11:45 a.m.      **Tax and Business Exit Planning for the Generational Family Business**

Phillip J. Martin  
*Merline & Meacham, P.A.  
Greenville, SC*

V. Verne McGough, Jr.  
*Merline & Meacham, P.A.  
Cayce, SC*

Robert T. Victor  
*Foster Victor Wealth Advisors, LLC  
Greenville, SC*

R. Andrew Rogers  
*Elliott Davis LLC  
Greenville, SC*

**Course Planner/Moderator:**      Andrew D. Merline  
*Merline & Meacham, P.A.  
Greenville, SC*