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26 CFR § 1.351-1 TRANSFER TO CORPORATION CONTROLLED BY ...

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26 U.S. Code § 351. Transfer to corporation controlled b y ...

whole or in part) to the transferor under this section, and (2) such exchange is not in pursuance of a plan of reorganization , section 311 shall apply to any transfer in such ex change b y the controlled corporation in the same manner as if such transfer were a distribution to which subpart A of part I applies. (g) N

PART I SECTION 351 TRANSFER

26 U.S.C. § 351. Download PDF. Current through P.L. 116-91 (12/19/2019) Section 351 - Transfer to corporation controlled by transferor. (a) General rule. No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock in such corporation and immediately after the exchange such person or persons are in control (as defined in section 368 (c)) of the corporation.

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Abstract Section 351 (a) applies only if there is a transfer of property to a corporation in exchange for the transferee's stock or securities. I.e. "transfer" and "property" are critical requirements for qualifying under Section 351.

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If the requirements of section 355 (or so much of section 356 as relates to section 355) are met with respect to a distribution described in paragraph (1), then, solely for purposes of determining the tax treatment of the transfers of property to the controlled corporation by the distributing corporation, the fact that the shareholders of the distributing corporation dispose of part or all of ...

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PART I SECTION 351.-TRANSFER TO CORPORATION CONTROLLED BY ...

IRC Section 351, a broad rule applying to corporations, generally defers from taxation any gain or loss incurred on property transferred to a corporation in exchange for stock. The requirements of IRC Section 351 are discussed below. Example: Eric decides to contribute his heavy machinery to a newly formed corporation.

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PART I SECTION 351 TRANSFER TO CORPORATION CONTROLLED BY ...

I.R.C. § 351 (a) General Rule —. No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock in such corporation and immediately after the exchange such person or persons are in control (as defined in section 368 (c)) of the corporation.

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What is a Section 351(a) Tax-Free Exchange? Generally, transferring property into a corporation in exchange for its stock is a taxable event. The transaction is treated as if you sold property to the corporation in return for cash.

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In the absence of Section 351, a person who transfers property to a corporation in exchange for a corporation's stock recognizes gain under Section 1001 equal to the difference between the fair

market value of the stock received and the adjusted tax basis of the property transferred. Section 351(a) provides an exception to this general rule.

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General Rule Under Section 351 (a) No gain or loss shall be recognized if - 1 - Property is transferred to a corporation by one or more persons solely in exchange for stock in such corporation and 2 - Immediately after the exchange such person or persons are in control of the corporation (as defined in IRC Section 368 (c).

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