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IRC Section 1202

Small Business Stock Capital Gains Exclusion



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Beckett G. Cantley



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new C corporation ventures and small businesses Manufacturing construction and retail wholesaling industries appear to be some of the main areas promoted by the expanded exclusion since the definition of qualified trade or business excludes many other major areas of industry This Article provides an overview of the IRC Section 1202 tax free business sale provision the history behind the development of the IRC amendments the apparent intent for enactment the likelihood the Act will achieve its purposes the statute s ambiguities and some policy implications of creating a tax free business sale provision Qualified Small Business Stock Under Irc §1202 Christopher A. Karachale,2017 After a short analysis of policy considerations regarding qualified small business stock QSBS this article explains the general requirements to obtain the gain exclusion provided under IRC 1202 The article also considers the related tax deferral provisions for QSBS contained in IRC 1045 Finally the article provides a comprehensive review of the concededly small universe of case law and administrative guidance from the Internal Revenue Service on QSBS **Small Business Corporation Stock** Anthony P. Polito, discusses and analyzes a number of Code provisions providing special incentives to invest in small businesses Its principal emphasis is the three provisions benefitting various small business corporations Section 1045 allows the tax deferred rollover of gain realized on the sale of stock in one qualified small business corporation into stock of another qualified small business corporation Section 1202 allows a significant exclusion up to 100% for gains recognized with respect to stock of qualified small business corporations Neither of these two incentives is available for investments in S corporations Section 1244 allows ordinary loss treatment with respect to the stock of small business corporations both C corporations and S corporations In addition this Portfolio describes 1242 which grants ordinary loss treatment for losses sustained with respect to stock in small business investment companies

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