Decision Tree for Gifting

1 **Do you have or anticipate having a taxable estate at your passing?**
(current exemption of $23.4M per couple; $12M per couple in 2026)

YES → 2

NO → No need to gift in excess of annual exclusion amounts.

2 **Do you have an interest in shifting assets to the next generation now?**

YES → 3

NO → The government will likely be a Significant Beneficiary of your estate

3 **Are you charitable or philanthropically inclined?**

YES → 4

NO → The government will likely be a Significant Beneficiary of your estate

4 **Have you made any gifts in excess of annual exclusion giving?**
($16k per person in 2022)

YES → 5

NO → Strategy for gifting From scratch

5 **Consider maximizing use of charitable giving techniques, such as:**

- *Donor Advised Fund*
- *Charitable Remainder Trusts*
- *Naming Charity as a beneficiary of a traditional IRA*

6 **How much of your lifetime exemption amount ($12.06 in 2022) have you utilized?**

a) **$1 - $6M** – if you want plan to give more than $6M do so immediately
(sunset of this level occurs in 2025) – see question 7 for types of gifting

b) **Over $6M but less than $12.06M** – consider giving any additional amount possible
(ideally to the maximum) – see question 7 for types of gifting

c) **Fully utilized exemption** – use non-gift gifting strategies such as self-canceling
Installment notes or zeroed out GRATs; also for any defective grantor trust vehicles previously funded, exercise swap powers if available

a or b → 7

7 **Do you have a considerable amount of privately held investments?**

YES → **Consider a Family Partnership**, funded with private investments that can utilize discounting techniques to leverage gifting

NO → **Consider a spousal lifetime access trust** (if married) in order to shift assets from estate but retain access for emergency purposes

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