

September 2012

Selected Bibliography¹

Mary Ambrose, Note, *Giving Away Your Art Collection*, 7 CHARITY L. & PRAC. REV. 187 (2002).

Michael Anft & Noelle Barton, *As More Donors Offer Real-Estate Gifts, Charities Are Urged to Take Caution*, CHRON. PHILANTHROPY, Aug. 20, 2009, at 24.

Ellen P. Aprill, *An Overview of Tax Issues for Religious Congregations*, 25 PRAC. TAX LAW. 55 (2010).

Monica D. Armstrong, *Facade Easements Get a Facelift*, A.B.A. SEC. TAX'N NEWS Q., Winter 2008, at 9.

Tyler Arnold, Note, *Double Eagle: Internal Revenue Code Section 170(h)*, 15 SOUTHEASTERN ENVTL. L. J. 457 (2007).

THOMAS S. BARRETT & JANET DIEHL, THE CONSERVATION EASEMENT HANDBOOK (1988).

Mark E. Battersby, *What's It Worth to You? New IRS Appraisal Rules Help Both Donors and Donees Put the Proper Price Tag on Gifts of Property*, FOUND. NEWS, July-Aug. 1989, at 66.

James A. Beavers, *No Deduction Allowed for Contribution of Easement*, 43 TAX ADVISER 418 (2012).

Douglas J. Bell, *Changing I.R.C. § 170(e)(1)(A): For Art's Sake*, 57 CASE W. RES. L. REV. 536 (1987).

Harvey Berger, *Appraisal Requirement for Charitable Deduction*, 31 TAX ADVISER 78 (2000).

Peter M. Berkery, *Missing Appraisal Limits Charitable Deductions*, ACCT. TODAY, Nov. 24, 1997, at 10.

George S. Bittner, *Innovations in Charitable Gift Planning Through Hard-to-Value Assets*, in 2004 NATIONAL COMMITTEE ON PLANNED GIVING CONFERENCE PROCEEDINGS 59 (2004).

Robert A. Boisture, *Proposed Regulations Clarify Valuation and Substantiation of Charitable Contributions*, 7 J. TAX'N EXEMPT ORG. (WGL) 131 (1995).

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September 2012

Patrick J. Boyle, *Gifts, Partial Gifts, Split Receipting, and Valuations*, 20 PHILANTHROPIST 205 (2006).

Samuel L. Braunstein & Carol F. Burger, *The IRS Gets Less Charitable*, A.B.A. J., Dec. 2007, at 50.

William P. Brown & Evelyn C. Hume, *IRS Promises Crackdown on Improper Conservation Easement Contributions*, TAX'N EXEMPTS, July 2005, at 39.

MacKenzie Canter, *When a Donor Asks 'Will the Charity's Re-Sale Price Undermine My Appraisal?' What Do You Tell Him?*, PHILANTHROPY MONTHLY, Sept. 1985, at 9.

Lisa Chiu, *Despite Stricter Rules, Some Charities Still Seek Car Donations*, CHRON. PHILANTHROPY, Feb. 23, 2012, at 11.

Jeremiah Coder & Fred Stokeld, *Proposed Regs Clarify Charitable Contribution Substantiation*, 61 EXEMPT ORG. TAX REV. 277 (2008).

Kelly A. Cole, *A Market-Based Approach to the Protection of Instream Flow: Allowing a Charitable Contribution Deduction for the Donation of a Conservation Easement in Water Rights*, 6 HASTINGS W.-N.W. J. ENV. L. & POL'Y 325 (2000).

Roger Colinvaux, *The Conservation Easement Tax Expenditure: In Search of Conservation Value*, 37 COLUM. J. ENVTL. L. 1 (2012).

Jeffrey W. Comfort & Scott R. Lumpkin, *A Practical Approach to Valuing Planned Gifts*, in 2004 NATIONAL COMMITTEE ON PLANNED GIVING CONFERENCE PROCEEDINGS 43 (2004).

Stacy E. Costello et al., *Allocating Charitable Conservation Easement Deductions to Equity Investors*, 19 REAL EST. FIN. J. 43 (2004).

Richard G. Cummings & Larry R. Garrison, *The Charitable Reform Provisions of the Pension Protection Act of 2006*, CPA J., Jan. 2007, at 14.

Robyn L. Dahlin & Alex R. Pederson, *The Pension Protection Act Encourages Charitable Giving with Some Caveats*, 34 REAL EST. TAX'N 93 (2007).

Daniel L. Daniels & David T. Leibell, *Donating Real Estate*, TR. & EST., Oct. 2006, at 46.

DAVID J. DIETRICH & CHRISTIAN DIETRICH, *CONSERVATION EASEMENTS: TAX AND REAL ESTATE PLANNING FOR LANDOWNERS AND ADVISORS* (2011).

Elizabeth Dillinger, Comment, *A Not So Starry Night: The Pension Protection Act's Destruction of Fractional Giving*, 76 UMKC L. REV. 1045 (2008).

September 2012

William A. Drennan, *Charitable Donations of Intellectual Property: The Case for Retaining the Fair Market Value Tax Deduction*, 2004 UTAH L. REV. 1045.

William A. Drennan, *Where Generosity and Pride Abide: Charitable Naming Rights*, 80 U. CINCINNATI L. REV. 45 (2011).

Ted D. Englebrecht, *An Analysis of the Tax and Valuation Attributes of Scenic Easements*, 67 APPRAISAL J. 147 (1999).

Jason Felch & Doug Smith, *Inflated Art Appraisals Cost U. S. Government Untold Millions*, L.A. TIMES, available at <http://www.latimes.com/news/la-me-irs2mar02,0,4136424.story?track=ntothtml> (Mar. 2, 2008).

Bill Finley, *Seeking to Assure That Clothing Donations Go to the Needy*, N.Y. TIMES, May 3, 2009, at NJ6.

Nicholas J. Fiore, *Giving Percentage Interests in Art*, J. ACCT. (WGL), Aug. 1997, at 28.

Emily J. Follas, Note, *"It Belongs in a Museum": Appropriate Donor Incentives for Fractional Gifts of Art*, 83 NOTRE DAME L. REV. 1779 (2008).

Richard L. Fox, *Charitable Limitations and Reforms of the Pension Protection Act*, EST. PLAN. (WGL), Dec. 2006, at 3.

Richard L. Fox, *New Charitable Provisions — Charitable Incentives and Limitations of the Pension Protection Act*, EST. PLAN. (WGL), Nov. 2006, at 3.

Craig W. Friedrich, *Claims Court Grants IRS Summary Judgment Denying Deduction for Claimed Conservation Easement*, 25 J. REAL EST. TAX'N (WGL) 194 (1998).

Wendy C. Gerzog, *Excluding Expert Valuation Testimony*, 132 TAX NOTES (TA) 1423 (2011).

Wendy C. Gerzog, *Facade Easement: Inexpert Valuation*, 136 TAX NOTES (TA) 199 (2012).

Richard W. Gilmore, *Conservation Easements Primer*, TR. & EST., Oct. 2009, at 47.

David Gonzalez, *Clothing Gifts to Charities May Not Reach Needy*, NEW YORK TIMES (May 7, 1991), available at <http://www.nytimes.com/1991/05/07/nyregion/clothing-gifts-to-charities-may-not-reach-needy.html?pagewanted=all&src=pm>.

Manuel E. Gonzalez & Michael L. Duffy, *Valuing Art*, TR. & EST., Feb. 2005, at 53.

September 2012

Daniel Halperin, *A Better Way to Encourage Gifts of Conservation Easements*, 70 EXEMPT ORG. TAX REV. 193 (2012).

Larry Hamilton, *Charitable Contribution of Qualified Conservation Easement*, 40 TAX ADVISER 806 (2009).

James K. Hasson, *Appraisal and Substantiation Requirements for “In-Kind” Contributions: A Summary of the Complex Temporary Regulations Issued Following DEFRA*, 15 NYU TAX PLAN. CHARITABLE SECTOR 9-1 (1987).

Tom Herman, *Scam Highlights Abuses in Charitable Write-Offs*, WALL ST. J., July 16, 2008, at D13.

Ellen Hoffman, *If You Donate Your Clunker: What You Should Know If You’re Thinking of Giving a Car to Charity*, BUS. WK., Apr. 14, 2003, at 89.

Bruce Hopkins, *Appellate Court Overturns Tax Court’s Determinations as to Qualified Appraisals*, NONPROFIT COUNSEL, Aug. 2012, at 2.

Bruce Hopkins, *Charitable Deductions Denied for Gift of Façade Easement Due to Nonqualified Appraisal*, NONPROFIT COUNSEL, Aug. 2012, at 3.

Bruce Hopkins, *Tax Court Denies Deductions for Façade Easement Gifts*, NONPROFIT COUNSEL, July 2012, at 4.

Internal Revenue Service, *Conservation Easement Audit Techniques Guide* (Jan. 3, 2012), available at <http://www.irs.gov/Businesses/Small-Businesses-&-Self-Employed/Conservation-Easement-Audit-Techniques-Guide>.

PAMELA J. JACKSON, CHARITABLE CONTRIBUTIONS OF FOOD INVENTORY: PROPOSALS FOR CHANGE (CRS Report for Congress, 2007).

Deborah L. Jacobs, *Beyond the Gift of Cold, Hard Cash*, N.Y. TIMES, Nov. 12, 2007, at H39.

Laura Kalick & Janet Buehler, *Charitable Contributions: Substantiation and Valuation Requirements*, 20 TAX ADVISER 242 (1989).

Catherine A. Karayan, Note, *What Artworks May Come (to a Museum Near You): The State of Fractional Charitable Giving at the Intersection of Museology and Tax Policy*, 20 S. CAL. INTERDIS. L.J. 459 (2011).

Sidney Kess, *Appraisals for Charitable Donations*, N.Y. L.J., Dec. 29, 1997, at 3.

September 2012

Mary Ann King & Sally K. Fairfax, *Public Accountability and Conservation Easements: Learning from the Uniform Conservation Easement Act Debates*, NAT. RESOURCES J., Winter 2006, at 65.

Tim Krumwiede & Larry Witner, *Substantiation Rules for Charitable Gifts*, 12-06 TAX ADVISER 724 (2006).

Tim Krumwiede et al., *A Changing Environment in the Substantiation and Valuation of Charitable Contributions*, 74 TAXES (CCH) 251 (1996).

David T. Leibell & Daniel L. Daniels, *Art Donors and Museums Rejoice*, TR. & EST., Sept. 2009, at 14.

David T. Leibell & Daniel L. Daniels, *Practical Planning Strategies for Art and Collectibles*, EST. PLAN. (WGL), Mar. 2006, at 27.

Kenneth L. Levine, *The Complete Picture on Donations of Art*, 4 J. TAX'N EXEMPT ORG. (WGL) 23 (1992).

C. Timothy Lindstrom, *A Guide to the Tax Aspects of Conservation Easement Contributions*, 7 WYOMING L. REV. 441 (2007).

James B. Lyon, *Reflections on Deductibility of Contributions of Items of Tangible Personal Property to Museums*, 55 EXEMPT ORG. TAX REV. 187 (2007).

Robert E. Madden et al., *Charitable Deduction Disallowed for Facade Easement Estate of Kaufman*, EST. PLAN. (WGL), Aug. 2011, at 36.

Julius J. Marke, *Determining Tax Value of Gifts to Libraries*, N.Y. L.J., Jan. 20, 1998, at 5.

Vivian Marino, *Giving to Charity: Through Real Estate*, N.Y. TIMES, Nov. 11, 2007, at B32.

Scott D. McClure et al., *Courts to IRS: Ease Up on Conservation Easement Valuations*, 64 EXEMPT ORG. TAX REV. 255 (2009).

Victoria L. McCollum, *IRS Scrutiny of Charitable Conservation Easements*, 35 TAX ADVISER 603 (2004).

Hal McKinney, *Deferred Giving of Art: The Joy of Keeping Your Treasure Just a Little Bit Longer*, 28 TAX ADVISER 474 (1997).

Nancy A. McLaughlin, *Conservation Easements: Perpetuity and Beyond*, 34 ECOLOGY L.Q. 673 (2007).

September 2012

Nancy A. McLaughlin, *Increasing the Tax Incentives for Conservation Easement Donations — A Responsible Approach*, 31 *ECOLOGY L.Q.* 1 (2004).

James E. Merritt & Tony M. Edwards, *DRA Changes Affecting Charitable Contributions, Estate and Gift Tax Valuations and Appraisers*, 16 *TAX ADVISER* 140 (1985).

David William Murrills, *Donating Inventory: Section 170(e)(3) and Fair Market Value*, 58 *TAX NOTES (TA)* 655 (1993).

Alistair M. Nevius, *AICPA Comments on Charitable Contribution Substantiation Prop. Regs.*, 40 *TAX ADVISER* 4 (2009).

Jessica Owley, *Exacted Conservation Easements: Emerging Concerns with Enforcement*, *PROB. & PROP.*, Jan. 2012, at 51.

Jessica Owley, *Exacting Conservation Easements in California*, *ENVTL. L. NEWS*, Winter 2012, at 3.

Jessica Owley, *The Enforceability of Exacted Conservation Easements*, 36 *VT. L. REV.* 261 (2011).

Ryan J. Padden, Note, *Valuing Perpetual Conservation Easements for Purposes of Section 170: Browning v. Commissioner*, 52 *TAX LAW.* 209 (1998).

Theresa M. Peeler & Edward N. Polisher, *A Collector's Guide to Art, Taxes and Charitable Deductions*, *TR. & EST.*, Sept. 1997, at 26.

Christopher Quay, *Bush Seeks Tougher Conservation Easement Enforcement*, 51 *EXEMPT ORG. TAX REV.* 219 (2006).

Christopher Quay, *Changes to New Noncash Charitable Contribution Form Address Vehicle Donations, Conservation Easements*, 51 *EXEMPT ORG. TAX REV.* 121 (2006).

Burgess J.W. Raby & William L. Raby, *Identifying "Relevant Markets" for Tax-Oriented Valuations*, 75 *TAX NOTES (TA)* 1875 (1997).

Burgess J.W. Raby & William L. Raby, *Property Contributions: The Devil is in the Details*, 110 *TAX NOTES (TA)* 1307 (2006).

Robert F. Reilly, *Valuation Requirements for Charitable Contribution Deductions*, 41 *VALUATION* 55 (1997).

David M. Repass, Special Report, *Exempt Organization Provisions Under the Pension Protection Act of 2006*, *NON-PROFIT LEGAL & TAX LETTER*, Dec. 29, 2006, at 1.

September 2012

Jennifer Anne Rikoski, *Reform but Preserve the Federal Tax Deduction for Charitable Contributions of Historic Facade Easements*, 59 TAX LAW. 563 (2006).

Dawn Robins & Ted D. Englebrecht, *Conservation Easements: Tax and Valuation Attributes of Partial Interests in Property*, 17 J. TAX'N INVEST. 195 (2000).

Phillip G. Royalty, *Service Issues Transition Guidance on Appraisal Requirement for Noncash Charitable Contributions*, 38 TAX ADVISER 7 (2007).

Elizabeth Schwinn, *Charity Leaders Seek to Decipher New Rules Designed to Curb Abuses*, CHRON. PHILANTHROPY, Sept. 2006, at 21.

Nancy Shurtz, *Survey the Landscape of Conservation Easements*, EST. PLAN. (WGL), Mar. 2012, at 37.

Julie Silas et al., *Valuation of Assets*, FOUND. NEWS & COMMENTARY, July 1997, at 34.

Mike Spector, *A Portrait of Art as a Tax Deduction*, WALL ST. J., July 22, 2008, at D1.

Fred Stokeld, *Charities Not Thrilled with Latest IRS Guidance on Vehicle Donations*, 51 EXEMPT ORG. TAX REV. 118 (2006).

Stephanie Strom, *I.R.S. Focuses on Noncash Donations to Charities*, N.Y. TIMES, Dec. 24, 2003, at A18.

Conrad Teitell, *Appraisal Rules Not Followed — Large Deduction Lost*, TAXWISE GIVING, June 2012, at 2.

Conrad Teitell, *Appraisals for Charitable Gifts — Katzenstein's Suggestions to the IRS*, TAXWISE GIVING, May 2012, at 7.

Conrad Teitell, *Art Advisory Panel — Latest Valuations*, TAXWISE GIVING, June 2012, at 14.

Conrad Teitell, *Auto Gifts — IRS Warning*, TAXWISE GIVING, Jan. 2006, at 3.

Conrad Teitell, *Conservation Easements — Piecemeal Primer*, TAXWISE GIVING, Apr. 2012, at 6.

Conrad Teitell, *Conservation Easements: Inside Story on IRS Audits*, TAXWISE GIVING, Jan. 2012, at 1.

Conrad Teitell, *Deductions Can Be Denied Without a Qualified Appraisal*, TR. & EST., Aug. 1998, at 103.

September 2012

Conrad Teitell, *Facade Easement — Not Deductible*, TAXWISE GIVING, July 2010, at 8.

Conrad Teitell, *Facade Easement — Valuation and Substantiation*, TAXWISE GIVING, Oct. 2009, at 1.

Conrad Teitell, *Gift of Undersea Lodge — Deduction Reduced*, TAXWISE GIVING, May 2006, at 5.

Conrad Teitell, *Gifts of Patents — Guidance on Notification to IRS*, TAXWISE GIVING, June 2005, at 11.

Conrad Teitell, *House Given to Fire Department for Demolition*, TAXWISE GIVING, August 2010, at 2.

Conrad Teitell, *Lack of Appraisal on Charitable Gift of Realty*, N.Y. L.J., May 20, 1998, at 3.

Conrad Teitell, *Lack of Qualified Appraisal Fatal to Deduction*, TR. & EST., Feb. 1998, at 65.

Conrad Teitell, *McVeigh Discovery Material Is “Ordinary Income” Property — Lawyer’s Deduction Disallowed*, TAXWISE GIVING, June 2009, at 8.

Conrad Teitell, *McVeigh Discovery Materials Case — Supreme Court Review Requested*, TAXWISE GIVING, Oct. 2009, at 8.

Conrad Teitell, *Substantiation and Reporting Requirements for Charitable Deductions...Proposed Regulations*, TAXWISE GIVING, Sept. 2008, at 1.

Conrad Teitell, *The Boat Gift—Valuation Is Capsized*, TR. & EST., Oct. 1998, at 98.

Conrad Teitell, *Timeshare Gift — No Appraisal, No Deduction*, TAXWISE GIVING, Oct. 2010, at 1.

Suzanne Thau & Jonathan G. Blattmachr, *Introduction to Tax Effects of Conservation Easements — Part 1*, EST. PLAN. (WGL), Dec. 2011, at 3.

Suzanne Thau & Jonathan G. Blattmachr, *Introduction to Tax Effects of Conservation Easements — Part 2*, EST. PLAN. (WGL), Feb. 2012, at 12.

Alexandra O. Thomas, *Transferring Donated Software to 501(c)(3) Clinics Qualifies as Care of the Ill*, 53 EXEMPT ORG. TAX REV. 287 (2006).

Erin Thompson, *The Relationship Between Tax Deductions and the Market for Unprovenanced Antiquities*, 33 COLUM. J.L. & ARTS 241 (2010).

September 2012

Joseph P. Toce, *Establishing the Value of a Charitable Gift*, 16 TAX'N EXEMPTS 136 (2004).

Janet Trewin & Anthony P. Curatola, *Charitable Contributions by Donors and the Pension Protection Act*, STRATEGIC FIN., June 2007, at 11.

Mary Van Leuven, *IRS Tightens Vehicle Donation Rules*, 37 TAX ADVISER 330 (2006).

Susan E. Wagner, Note, *The Implications of Changing the Current Law on Charitable Deductions — Maintaining Incentives for Donating Art to Museums*, 47 OHIO ST. L.J. 773 (1986).

Matthew L. Wald, *Giving a Car to Charity May Aid Giver the Most*, N.Y. TIMES, May 11, 2003, at A1.

Samuel G. Wiczorek, *Winokur, Lose, or Draw: Art Collectors Lose an Important Tax Break*, 8 HOUS. BUS. & TAX L.J. 90 (2008).

Leonard Wiener, *Valuing Your Charitable Castoffs Can Be as Daunting as Cleaning out the Attic*, U.S. NEWS & WORLD REP., Jan. 8, 2001, at 49.

Robert W. Wood, *Conservation Easements, Valuation, and Substantiation*, 2010 REAL EST. TAX'N 132.

Robert W. Wood, *Conserve Tax Deductions for Conservation Easement Contributions*, PRAC. TAX STRATEGIES, Jan. 2008, at 23.

Robert W. Wood, *Deciding Whether, and How Much, Real Estate Has Been Given to Charity*, 30 REAL EST. TAX'N 39 (2002).

Howard M. Zaritsky, *IRS Restricts Methodology for Valuing Facade Easements*, EST. PLAN. (WGL), Jan. 2008, at 48.