GST

Of Swifties and Skippies

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A mashup of GST tax deep cuts and a pop culture phenomenon.

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The year of 2023 was a big year for the number 13. Taylor Swift, who undeniably had the biggest year of any person on the planet in 2023, is often associated with this number with the reputation for being unlucky (ironically bringing her darn good fortune). Her obsession with these double digits is well documented. The number can often be seen on a piano, guitar, or the back of her hand during a performance. Her Eras Tour (both live and film versions) were *the* tickets to have in 2023, each having a record breaking year.[1] Guess who is also fond of number 13? ME![2] Just as Taylor Swift has her reasons for forming a kinship with number 13 (just ask any Swiftie[3] for the details), the author's connection to number 13 is rooted in Chapter 13 of the Internal Revenue Code.[4] Dear reader,[5] one might recall (perhaps a little all too well[6]) an article previously written by the author detailing 13 false assumptions about Chapter 13 of the Code.[7] As if nothing has happened since 2018, the author is right where you left me,[8] talking about good old Chapter 13. Like a Swiftie effortlessly connecting songs to album releases, a Skippie[9] knows Chapter 13 falls within Subtitle B of the Code and pertains to the generation-skipping transfer tax.[10] Additionally,

Skippies know their own number 13 had a big year in 2023, receiving several mentions in the "General Explanations of the Administration's Fiscal Year 2024 Revenue Proposals."[11] Three of the four GST proposals mentioned in the 2024 Greenbook were new releases, leaving Skippies to wonder if this increased attention by Treasury is here to stay. There has also been a renewed focus on GST exemption lately (pun intended) with the urgency to utilize one's bonus five-million GST exemption in the form of a late allocation to a non-exempt trust before the provisions under current law sunset.[12]

2023 revealed Taylor Swift's unique ability to capture a fanbase spanning multiple generations, defying the notion of assigning her audience to a singular generation. In honor of the wealth transfer tax extremely concerned with generation assignments,[13] the author has assembled seven[14] GST faves and deep cuts alongside song titles and lyrics from the one (or the 1)[15] who singlehandedly started the buzz about 13. The result is a mashup of GST tax and a pop culture phenomenon. Here we go again...ready for it?[16]

"22"[17]

Let's begin with a classic cut from Taylor Swift's *Red* that perfectly sums up Chapter 13 of the Code. In her song titled "22," Taylor Swift sings about feelings and situations that are both *"miserable and magical at the same time."* Isn't that phrase just the epitome of many of the sections comprising Chapter 13? The sections of Chapter 13—all 22 of them—are textured and layered like sounds on a well-produced song. Reciting code sections like song lyrics, Skippie's know

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that Chapter 13 is full of nuances and catchy hooks, connecting them to their beloved section of the Code like an invisible string.[18] For starters, let's take a closer look at Section 2632, which pertains to the allocation of GST exemption.

There are two ways that a transferor[19] can allocate GST exemption to a transfer of property by gift or at death. First, a transferor can make a manual allocation of GST exemption on the appropriate return reporting the transfer.[20] Second, in lieu of making a manual allocation, a transferor can instead rely on the deemed allocation rules (also known as automatic allocation).[21] The donor allocates GST exemption to lifetime transfers on Form 709 (also known as the Federal Gift Tax Return); an executor allocates a decedent's unused GST exemption on Form 706 (also known as the Federal Estate Tax Return) to transfers occurring at a decedent's death.

Here's the magical thing about automatic allocation of GST exemption: a transferor does not need to file a Federal Gift Tax Return or Federal Estate Tax Return in order for these rules to take effect. This can be a lifesaver in situations where a transferor mistakenly believed a direct skip transfer in

trust qualified for the annual exclusion for gifts under Section 2503(b) and as a nontaxable gift under Section 2642(c).[22] These often do not travel hand in hand like Swifties heading off to their next show on the Eras Tour. Additionally, these automatic allocation rules are convenient in cases where the filing of a Federal Estate Tax Return is not required, preventing an executor of a decedent's estate from having to file Form 706 just to manually allocate the decedent's remaining GST exemption.[23] Or, as sometimes is the case, Form 706 is filed but its attached Schedule R is left completely empty, a blank space,[24] if you will, amongst other completed schedules. In these situations, the automatic allocation rules at death will apply to exhaust a decedent's unused GST exemption to the fullest extent possible.[25] It's last call for GST exemption, since allocations can only be made up to the date for filing a decedent's Federal Estate Tax Return (including any extension).[26] The ordering rules for automatic allocation at death first require allocation to any direct skips (similar to the automatic allocation rules for lifetime transfers).[27] Secondly, the rules apply to trusts with respect to which the decedent is the transferor and from which a taxable distribution or taxable termination might occur at or after the decedent's death.[28] Now here's the miserable part of the automatic allocation rules intertwined with its magic: allocation occurs on a pro rata basis within each category (i.e., direct skips and then to other trusts).[29] The allocation is made based on the nonexempt portion of the property transferred (in the case of direct skip) or nonexempt portion of the trust property (in the case of trusts with the potential for future taxable distributions or taxable terminations).[30] In doing so, a decedent's unused GST exemption will be allocated pro rata to property or the non-exempt portions of trusts based on their date of death values.[31] This could encompass many, many non-exempt trusts created by the decedent during lifetime or at death, all competing for a pro rata allocation of unused GST exemption. Identifying the universe of potential trusts to receive an automatic allocation of GST exemption, determining their values as of the decedent's date of death, calculating each trust's pro rata allocation, and redetermining each trust's applicable fraction and inclusion ratio under Section 2642 are all tasks to which a practitioner will need to *allocate* a serious amount of time to complete. While these automatic allocation rules work to exhaust a decedent's remaining GST exemption—certainly a saving grace—there is just something about the arduous mechanics of this rule when applied to trusts that makes it feel less heroic (and more complicated) than when applied to direct skips occurring at a decedent's death

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(unless there is not enough remaining GST exemption to produce an inclusion ratio of zero for all of the testamentary direct skips, then the process is not very clean[32] and can be just as messy as when applied to trusts which are not direct skips). There you have it: Section 2632(e), the anti-hero[33] of the automatic allocation rules for GST exemption.

“Wildest Dreams”[34]

The fiscal budget prepared by the current administration, known as the Greenbook, is often considered to be a wish list. Perhaps, in Treasury's wildest dreams, some of these proposals might actually be included in a bill that becomes law (some readers might be old enough to recall the song “I'm Just a Bill” from the iconic Schoolhouse Rock! animated segment under the same name from the 1970's). In some instances, a few of these tax dreams ultimately come true (e.g., the 2012 Greenbook which initially proposed making portability of the basic exclusion amount permanent, which was subsequently included as part of the American Taxpayer Relief Act of 2012[35]). As previously mentioned, the Treasury Department's Fiscal Year 2024 Revenue Proposals contained four GST tax provisions, three of which were new tracks while the fourth was essentially a mashup of a prior provision seeking to limit the duration of GST exemption. The 2024 Greenbook is not the Billboard Hot 100 and, generally, it's a list you don't want to be on if you are a section of the Code. Perhaps Chapter 13 should briefly embrace the renewed attention with the hopes of quickly shaking it off,[36] happy instead to hide behind its older, and more widely known, wealth transfer tax siblings.

The limitation on the duration of GST exemption first appeared in the 2012 Greenbook. Seeking to reign in the power and longevity of GST exemption as a result of many jurisdictions extending or eliminating the common law rule against perpetuities, this provision initially proposed to eliminate GST exemption allocated to a trust on the 90th anniversary of the trust's creation.[37] This equated to a trust's zero inclusion ratio going out of style.[38] Subsequent Greenbooks released for fiscal years 2013–2017 contained this same 90-year expiration date. Once a trust's 90-year shelf life expired, its inclusion ratio would flip from zero to one. Following a four-year Greenbook hiatus under President Trump, the Greenbook returned in 2021 (for Fiscal Year 2022) containing not a single wealth transfer tax provision (not even a repeat of the limitation on the duration of GST exemption, which had become one of the Greenbook's greatest hits). The 2023 Greenbook, released in March 2022, was more like its former self, containing several wealth transfer tax proposals. It even included the oldie but goodie limitation on GST exemption. However, this time the limitation on GST exemption had been remixed and remastered. Gone was the 90-year time period. Under the new proposal, GST exemption would endure until the death of the last beneficiary to die who was living at the time the transferor created the trust. So, if a transferor is lucky to have lived a very long life, a trust could possibly include descendants from three generations below the transferor (e.g., children, grandchildren, and great grandchildren). The good news is that GST exemption under this revamped provision possibly survives longer than the originally proposed 90-year time period. This same modified limitation appeared verbatim in the 2024 Greenbook. And what a banger the 2024 Greenbook turned out to be! Going from no wealth transfer tax proposals two years prior to several provisions impacting Chapters 11, 12, & 13, four of which directly pertained to the GST tax. Call it what you want[39] —wish list, hit list, pipe dream— but Treasury seems to have taken a renewed interest in Subtitle B of the Code. Should this be

cause for concern amongst tax and estate planning professionals? Those of you who are all worried and

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anxious, you just need to calm down.[40] Remember, very few of these proposals actually end up becoming law. But the one GST proposal that interests the author the most has to do with expanding the list of tax exempt organizations that are *not* deemed to have an interest in a trust for purposes of Section 2652(c).

"You Belong With Me"[41]

Definitions are key to understanding Chapter 13. Tricky terminology is one reason why this particular chapter of Subtitle B can be difficult to warm up to. Many of the terms used within Chapter 13 are unique to the GST tax. For example, Section 2611 defines "generation-skipping transfer." We quickly learn that a generation-skipping transfer is not a single event, but one of three possible taxable events, each a generation-skipping transfer in their own right.[42] These three generation-skipping transfers are subsequently defined under Section 2612. Reading through the definition for each generation-skipping transfer—taxable termination, taxable distribution, and direct skip—yields a clear conclusion: a generation-skipping transfer only occurs when a skip person receives an interest in property.[43] The common denominator in each generation-skipping transfer is a skip person. When a skip person receives an interest in property, it means that the property attempted to evade the wealth transfer tax base (i.e., estate or gift taxation) at a higher generation level. Preserving the wealth transfer tax base was the reason for introducing the GST tax into the Code in 1976.[44] Therefore, if an interest in property escapes estate or gift taxation with respect to a particular generation, then we all know who comes a-calling. Can't you just hear the singing in the background? That's Chapter 13, belting out the refrain from Taylor Swift's "Anti-Hero" as the GST tax inserts itself into the place where the estate or gift tax should have been: *"It's me, hi/I'm the problem, it's me."*[45] Yet the imposition of the GST tax in these situations, however, is not the problem. Rather the GST tax is the solution to preserving the wealth transfer tax base and ensuring that interests in property are taxed within each successive generation.[46]

Identifying skip and non-skip persons with respect to the transferor is essential to determining when a generation-skipping transfer has occurred. Chapter 13 is binary by design, assigning persons into one of two categories: one is either a skip person or non-skip person with respect to the transferor.[47] There are so many important definitions in Chapter 13, with transferor, skip person, and non-skip person being just a few examples. While defined under Section 2613, the definitions of skip persons and non-skip persons really come to life under Section 2651, where generation assignments are determined. Skip persons occupy a generation at least two generations below the transferor.[48] A person's generational assignment is determined based on

whether one is a lineal descendant of a grandparent of the transferor.[49] The generational assignments of persons who are not lineal descendants are instead determined by age differentials between the person in question (i.e., the donee who has received an interest in property from our transferor) and the transferor.[50] Tax exempt organizations under Section 511(a) are assigned to the same generation as the transferor and are therefore considered non-skip persons.[51] These include charities and other organizations described under Section 501(c).[52] This is an important fact to comprehend as one engages in the exercise of determining who has an interest under Section 2652.

Why should a student of Chapter 13 be interested in the definition of "interest" under Section 2652(c)? Determining whether a skip or non-skip person has an interest in trust is essential to determining whether a direct skip or a taxable termination has occurred.[53] Organizations described under Section 2055(a) (which, by extension, include Section 501(c)(3) charitable organizations) do not have an interest in trust unless the charity has a mandatory right (other than a future right) to receive trust income or corpus.[54] Naming a Section 501(c)(3) charitable organization as a permissible current recipient of income or corpus from the trust (i.e., having a present *discretionary interest* to receive income or corpus) is not going to cut it under Section 2652(c). In such cases, the charity's interest will be ignored.[55] However, if the organization is described under Section 2055(a) and the charity has a remainder interest in a trust that is either a CRAT, CRUT, or pooled income fund, then the charity is deemed to have an interest.[56] This is all very important information to know from the perspective of the transferor (and, for that matter, the draftsperson of the trust agreement), especially in cases where the only permissible current recipients of income or corpus from the trust are the transferor's grandchildren (who would be skip persons) and a Section 501(c)(3) charitable organization. With no non-skip

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person deemed to have an interest in the trust under Section 2652(c)(1), the result would be a direct skip.[57]

While tax exempt organizations are treated as non-skip persons with respect to a transferor, not all tax exempt organizations are treated the same under Section 2055, specifically for purposes of determining if the tax exempt organization has an interest in trust under Section 2652(c). Organizations described under Section 2055(a) who are permissible current recipients of income or corpus (i.e., may receive distributions in the trustee's discretion) do not have an "interest" in the trust. Jumping to Chapter 11 and the federal estate tax, Section 2055(a) addresses the charitable deduction for a decedent's estate. So only those organizations listed under Section 2055(a)—those organizations qualifying for a charitable deduction from a decedent's gross estate—are *not* considered to have an "interest" in a purely discretionary trust.[58] Social welfare organizations described under Section 501(c)(4), however, are not organizations described under Section 2055

(i.e., contributions are not eligible for the estate tax deduction). Section 501(c)(4) organizations are gaining in popularity due to their flexibility, privacy, and fewer restrictions (as compared to private foundations). So Section 501(c)(3) charitable organizations and Section 501(c)(4) social welfare organizations are not treated equally under Section 2652(c) as a result of receiving different treatment under Section 2055(a). This has created a loophole for GST purposes. Therefore, a social welfare organization under Section 501(c)(4) named as a permissible current recipient of income or corpus would be deemed to have an interest in a trust under Section 2652(c)(1)(B).

Given the risk that a Section 501(c)(4) organization could be inserted into a trust agreement as a permissible current recipient of income or corpus in order to avoid a direct skip or taxable termination—despite the prohibition contained under Section 2652(c)(2)[59] — has led Treasury to play matchmaker in its 2024 Greenbook with respect to this particular GST tax proposal. The distance between Section 501(c)(3) and 501(c)(4) organizations has been eliminated and, for purposes of Section 2652(c), these tax-exempt organizations would be treated the same, lumped together and forever intertwined (and equally ignored) when either is included as a permissible current recipient of trust income or corpus.[60] Who would have thought that the 2024 Greenbook was part love story?[61] Treasury can be so romantic sometimes.

Long Story Short[62]

In a nutshell, the regulations under Section 2601 pertain to a special category of trusts. Due to their creation date, these trusts are not subject to the provisions of Chapter 13. The title to the Regulations under Section 2601 takes the plural form of “date” (i.e., effective date*s*) since there are a few of note therein. If a transfer occurred prior to, or within, a particular timeframe described in the regulations, or under a specific set of circumstances, then it is not subject to Chapter 13.[63] These regulations contain various cut-off points when a trust (or an addition to a trust) is either subject to, or free from, GST tax imposed under Chapter 13, creating a silly dance akin to the GST hokey pokey (where sometimes

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you step into the application of the rules, while other times you escape their grasp). Here's the thing: there is no official name under these regulations to this category of trusts excluded from the application of Chapter 13. There exist, however, a few terms used to describe them that have become part of the GST vernacular over the last four decades, none more commonly used than “grandfathered,” despite the term's absence from Chapter 13 and, most notably, the Regulations under Section 2601.[64] The term “grandfathered,” however, is found within private letter rulings issued by the Service. Often the term is used to contrast these special trusts not subject to Chapter 13 to those trusts created after Chapter 13's effective date (with a few exceptions) and having a zero inclusion ratio due to a transferor's allocation of GST exemption (zero inclusion ratio

trusts).[65] For simplicity sake, the author will continue to use the term "grandfathered" within this Article as it applies in the context of the GST tax but appreciates the reasons for using a more appropriate term in the future in this particular case as well as in broader applications.[66]

There are hundreds of private letter rulings pertaining to grandfathered trusts. These rulings often involve some sort of modification to the trust, whereby the taxpayer seeks confirmation from the Service that the modification did not affect the trust's "exempt status" under the safe harbors provided within the Regulations for Section 2601.[67] While not strictly prohibited, these modifications must be handled with great care so as to not detrimentally impact a trust's "exempt status." It would be very bad karma[68] to modify a trust in such a way that the Service declares that everything has changed,[69] including no longer being free from the application of Chapter 13's provisions. Most practitioners understand that tinkering with a grandfathered trust is akin to flying close to the sun with wings made of wax and feathers, thereby instead choosing to soar, i.e., modify, under the cover provided by the four, cloudlike safe harbors under the regulations (which can be quite nebular in and of themselves).[70] These safe harbors, however, also apply when modifying zero inclusion ratio trusts. This is a truth that comes to light like an epiphany[71] as one pours over the numerous private letter rulings issued by the Service with respect to modifications of zero inclusion ratio trusts. It turns out that whenever a modification of a trust is being contemplated, a zero inclusion ratio trust is just as delicate[72] as a grandfathered trust when it comes to retaining its exempt status.

By now, Skippies can recite the boilerplate language contained in these private letter rulings like Swifties singing the lyrics to their favorite songs. The words at some point just become ingrained in one's motor memory. So it goes:[73]

> No guidance has been issued concerning the modification of a trust that may affect the status of a trust that is exempt from GST tax because sufficient GST exemption was allocated to the trust to result in an inclusion ratio of zero. At a minimum, a modification that would not affect the GST status of a grandfathered trust should similarly not affect the exempt status of such a trust.[74]

These oft-repeated sentences were interpreted to mean that the four safe harbors found under the Regulations for Section 2601—those applying to grandfathered trusts—also apply to zero inclusion ratio trusts. Yet some practitioners twisted this language around, bending the words like branches of a willow[75] in the wind, all for the sake of giving zero inclusion ratio trusts the benefit of the doubt. Certainty in this area recently washed ashore on dry land in the form of a private letter ruling,[76] and its words were like a message in a bottle[77] sent from the Service. To the surprise of all Skippies who closely follow private letter rulings like Swifties following Taylor Swift's Instagram posts, this particular private letter ruling diverged from offering the standard two-sentence

response contained within the boiler plate language to which Skippies have become well accustomed. Instead of

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reading nothing new[78] in those same two sentences, the Service decided to change things up by including some additional language. Not only did this new language contain a reference to the specific modification at issue (a merger), it also tacked on a THIRD SENTENCE!

> Accordingly, the merger must meet the requirements of §26.2601-1(b)(4)(i)(A), (B), (C), or (D) in order for [the trust] to retain its GST exempt status with respect to all properties held in [the trust] subsequent to the merger.

Better than a mic drop, this last sentence had the effect of a hidden track secretly contained at the end of a recorded piece of music (e.g., back in the day when recordings were issued on cassette tape or compact disc).[79] Or, more on point, like the surprise song you never expected to hear played during a show on The Eras Tour. This additional third sentence within private letter ruling 202215015 likely went unnoticed by more casual private letter ruling readers, but was clear as a bell to a Skippie. No need to deploy the expert decoding skills of a Swiftie analyzing the lyrics of a song. Rather, this additional sentence confirmed what Skippies always knew to be true: the universal application of the Regulations under Section 2601 and its safe harbors to modifications of zero inclusion ratio trusts. Oh Section 2601, I knew you were trouble.[80]

Would've, Could've, Should've[81]

Did you ever do something that you really regretted the next day, week, or...tax season? A real Swiftie can easily rattle off a number of Taylor Swift songs filled with regretful lyrics.[82] The song title to this section encapsulates the gut punch feeling felt by practitioners who later learn, after preparing and filing a client's Federal Gift Tax Return, that an election could've—and should've—been made to treat transfers as having been made to a “GST trust” under the automatic allocation rules for lifetime transfers to indirect skips.[83] This might not be a situation, however, where the practitioner offers a up a modern day *mea culpa.*[84] In fact, a practitioner's actions for making or not making a particular election might be completely innocent[85] and free from blame.[86] The important thing to remember is that one has options for dealing with a trust that has an inclusion ratio other than zero following a transfer.[87] There is no need for bad blood[88] to exist between client and advisor.

In the event that an election should have been made but was not, and such election is prescribed by regulation (e.g., the Regulations under Section 2632), then relief is available to a taxpayer under Section 2642(g).[89] This relief will allow a taxpayer to make a late election and have such election treated as having been timely made. As of the time of writing this article, Treasury has yet

to release final regulations under Section 2642(g).[90] Therefore, taxpayers are left to follow the procedures for requesting a private letter ruling.[91] This, however, can be a costly proposition, but it will achieve the goal of having GST exemption treated as if it had been allocated to a transfer on a timely basis.[92] A timely allocation of GST exemption receives the benefit of using date of transfer values (or date of death values for transfers occurring at a decedent's death) for purposes of determining a transfer's inclusion ratio.[93]

In the alternative, if the client has plenty of available GST exemption as a result of the amount doubling under the recent tax act with the long official name,[94] but commonly referred to as the Tax Cuts and Jobs Act,—call it what you want[95] — the client should consider making a late allocation of GST exemption to a non-exempt trust. This would be a wise move to make now if the client does not plan on using their “bonus” exemption before the amount sunsets on January 1, 2026.[96] At that time, absent new legislation to the contrary, the GST exemption will return to the base amount established under the American Taxpayer Relief Act of 2012 ($5 million, indexed for inflation using the chained consumer price index (C-CPI-U), which remains permanent).[97] Moreover, even if the client has used all of their additional $5 million in GST exemption, having fully taken advantage of the gold rush[98] in GST exemption benefiting taxpayers since 2018, there remains the opportunity to gift again each year on January 1st when taxpayers annually

receive an inflation adjustment to the base GST exemption amount. This inflation adjusted amount can be allocated to existing non-exempt trusts in the form of a late allocation. These inflation adjustments can be quite significant, with the 2023 amount having increased by $860,000 over the 2022 exemption amount; the 2024 amount is up $690,000,[99] over the 2023 GST exemption amount, still trending high due to a continual rise in consumer prices and sustained economic turbulence over the past few years.

One thing to keep in mind when making late allocations of GST exemption: even if one is lucky to have sufficient GST exemption to produce an inclusion ratio of zero following a late allocation to an existing non-exempt trust, the inclusion ratio is not final under the three-year limitations period provided under Section 6501.[100] In general, when an allocation of GST exemption is timely made (i.e., reported on a timely filed return), the denominator of the transfer's applicable fraction consists of values as finally determined for purposes of Chapter 11 or Chapter 12.[101] As a result, the expiration for the period of assessment for tax imposed under Chapters 11 or 12 is three years from the date a return is filed.[102] Once the limitations period has closed, the values reported on a timely filed return with respect to the denominator of the transfer's applicable fraction can no longer be adjusted.[103] At that time, the transfer's inclusion ratio becomes final. This rule, however, is different for late allocations of GST exemption. As a result, one is not out of the woods[104] three years from the date of filing a return on which a late allocation of GST exemption has been made.

Instead, the much longer limitations period provided under the regulations for Section 2642 will apply for determining when the inclusion ratio ultimately becomes final.[105] Finality might not occur until several years after the transferor's death. And you thought the wait in line for Eras Tour merch was long?

We Are Never Ever Getting Back Together[106]

Some breakups are for the best. That is certainly the case within Chapter 13 for trusts with an inclusion ratio greater than zero but less than one (also known as a mixed inclusion ratio). Gwyneth Paltrow used the term “conscious uncoupling” to describe her divorce from former husband, Chris Martin, in 2014. The equivalent to a conscious uncoupling within Chapter 13 is the division of a trust pursuant to a qualified severance.[107] If authorized under the governing instrument or state law, any trustee can exercise their fiduciary power to divide a trust. It's a garden-variety power. No big deal, right? However, it takes some purposeful planning in order for the division to satisfy the requirements under Chapter 13 and be treated as a qualified severance. A qualified severance allows the resulting trusts created from the division to be treated as separate for GST purposes.[108] Separate trust treatment under the qualified severance regulations permits the inclusion ratio of each resulting trust to differ from the original trust prior to division (assuming the original trust had an inclusion ratio greater than zero but less than one).[109] Additionally, when a single trust is divided into two trusts pursuant to a qualified severance, each resulting trust will have a different inclusion ratio (i.e., either zero or one).[110] This is essentially your end game[111] when setting out to divide a trust pursuant to a qualified severance. Now this is a big deal because the ability to begin again[112] with a new inclusion ratio after the expiration of time for allocating GST exemption (i.e., 15 months following a decedent's date of death[113]) was unheard of prior to the Economic Growth and Tax Relief Reconciliation Act of 2001.[114] Section 2642(a)(3) and its regulations[115] allows a trustee to ruefully say *“I forgot that you existed”*[116] to that ex-trust's inclusion ratio, no longer needing to be concerned with rounding the former inclusion ratio to the nearest one-thousandth[117] (that's three places to the right of the decimal, in case your memory recall from middle school math is a bit sketchy, your brain enveloped in a lavender haze[118] of memories that have subsequently replaced those from your early days of pre-algebra).

A qualified severance is an option available to a trustee regardless of whether the transferor is living or

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deceased. However, in cases where a late allocation of GST exemption by a living transferor is insufficient to produce a redetermined applicable fraction of one and an inclusion ratio of zero, a qualified severance can be an effective solution to isolate the exempt and non-exempt portions into separate trusts. These trusts are treated as separate for property law purposes too, allowing the

trustee to choose from which trust to make discretionary distributions, as well as to invest each trust differently for asset allocation purposes. Furthermore, a qualified severance of a trust with an inclusion ratio greater than zero but less than one provides the trustee with the ability to strategically assign inclusion ratios to the resulting trusts. This is particularly important when skip and non-skip persons have an interest in the trust prior to its division.

Just as Swifties have their favorite Taylor Swift songs, Skippies have their favorite examples under the Treasury Regulations. When it comes to qualified severances, you'll be hard pressed to find a better one than Example 8.[119] This example demonstrates that if a taxable termination occurs by reason of the qualified severance, the qualified severance is deemed to precede the taxable termination.[120] Under Example 8, one of the resulting trusts created pursuant to the qualified severance is a skip person, while the other is not. Therefore, the trustee assigned the inclusion ratio of zero to the skip person trust; the inclusion ratio of one is assigned to the other trust that happens to be a non-skip person. The skip person trust is now treated as being exempt due to the qualified severance, and its exempt status is deemed to occur before the taxable termination. Therefore, no GST tax was due upon the creation and funding of the skip person trust under this example since the applicable rate of the GST tax on the taxable termination was zero.[121] Now aren't you glad you ditched that old inclusion ratio? Your tax lawyer was right—you deserved better.

Mirrorball[122]

Taylor Swift began rerecording the first of her six albums back in 2021, starting with “Fearless,” her second album from 2008.[123] As of the time of writing this article, Ms. Swift has rerecorded four of her six original albums[124] The author will leave it up to the music critics and real Taylor Swift fans —legit Swifties, not this poser simply trying to make you forget you're reading an article about the GST tax—to discuss the differences between the original and rerecorded versions. Following the release of “Fearless (Taylor's Version),” a comparison of the two versions by one esteemed music critic offered these observations:

> Yet differences between originals and remakes are minuscule: more space in the mixes, no fiddle echo in the intro to “Tell Me Why,” the absence of an organ note 10 seconds into “Fearless,” alterations like those in the tiniest details. Fans who have been singing along to the original album since 2008 won't have to adjust at all for “Taylor's Version;” it's almost a clone. Almost.[125]

Being more qualified to compare and contrast wealth transfer tax statutes and their regulations than pop music recordings, the author has always found it fascinating that the rules pertaining to the alternate valuation election for the GST tax and estate tax reflect similar provisions, but they are not the same. Almost clones, yet not quite mirror images of each other. The distinction between

the two rules, however slight, can easily frustrate the casual preparer of Form 706-GS(T) (Generation-Skipping Transfer Tax Return For Terminations). A failure to note the subtle differences just might prevent one from taking advantage of alternate valuation for a taxable termination.

The deadline for timely filing a Federal Estate Tax Return is nine months after a decedent's date of death.[126] However, when it comes to filing Form 706, number fifteen[127] is top of mind. That's because the standard nine month filing deadline, if extended, can be pushed to fifteen months following a decedent's date of death.[128] Executors wishing to make an alternate valuation election must do so no later than one year after the time prescribed by law (including extensions) for filing such return.[129] Generally, in the author's experience, most Federal Estate Tax Returns are filed on or before fifteen months following a decedent's date of death, and the election to adopt alternate valuation is made on the return at that time, despite the calculations having been performed several months earlier in order to determine if the alternate valuation election was even a possibility under Section 2032(c) (i.e., the election must decrease the value of the gross estate and the estate tax due).

If one is experienced with preparing and filing Form 706 but new to the nuances of Form 706-GS(T), it is only natural to focus on the return's due date (including extension) and, if warranted,

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making the alternate valuation election on the return at the time of filing (even though the assets subject to the termination were valued six months following the termination date, or earlier, as provided in the Code[130]). For taxable terminations, the due date for filing a return and paying the GST tax is the 15th day of the fourth month after the close of the taxable year following the year of the taxable termination.[131] While a six month extension is available for filing Form 706-GS(T), such extension of time does not operate to extend the time for the payment of the GST tax.[132] Therefore, the GST tax must be paid by the original due date to avoid interest and penalties. In the author's experience, most taxable termination returns are extended until on or around October 15th of the year following the year of the taxable termination. However, thinking that one has until approximately October 15th to file Form 706-GS(T) to make the alternate valuation election is a common, but treacherous,[133] assumption. Just like an executor for a taxable estate, a trustee filing Form 706-GS(T) for a taxable termination caused by the death of an individual may also make an alternate valuation election with respect to the property subject to the taxable termination.[134] The difference between the alternate valuation rules of Chapters 11 and 13 comes down to timing. Chapter 11 essentially gives an executor 27 months following a decedent's date of death to make an alternate valuation election (yet in reality, the election is generally made on a return filed on or before 15 months following a decedent's date of death, using the extended date as a point of reference for the election).[135] Yet in order for a trustee to make the alternate

valuation election for a taxable termination caused by an individual's death, the election on Form 706-GS(T) must be filed “on or before the 15th day of the 4th month after the close of the calendar year in which the taxable termination occurred, or on or before the 10th month following the month in which the death that resulted in the taxable termination occurred, whichever is later.”[136] So using the extended date as one's point of reference—on or around October 15th of the year following the taxable termination—will likely cause one to miss the deadline for making this election, overshooting it by several months in some cases.

Many preparers don't notice this nuance until it's too late. There it is, the rule in the regulations gleaming off the page (or the computer screen) like light shining off a mirrorball.[137] The author has been there too—counting the months on fingertips —beginning with the month following the month of the taxable termination and counting down to the time falling “on or before the 10th month” following that first month.[138] The Eras Tour is defined by stages in Taylor Swift's musical career with each album representing a different era. The rules for alternate valuation, however, are defined by months. Whether one is able to take advantage of this election (assuming the election results in a reduction in estate or GST tax[139]) in the end might be dictated by how well you diary your calendar rather than by asset performance. Better set a reminder on your phone.

It's time to go[140]

Well there you have it. Look what you made me do, Chapter 13.[141] While it was enjoyable to set these GST tax concepts to a Taylor Swift soundtrack, the author meant no offense to any Swiftie finding themselves reading this Article (yet, honestly, the probability of an actual Swiftie reading this Article is likely so remote as to be negligible!).[142] Written with the sincerest intentions and a perfectly good heart,[143] this was the author trying[144] to make Chapter 13 more approachable and less complicated for anyone who has ever had a question[145] about the GST tax. Stay curious, Skippies!

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1 Both CNN Business and The New York Times reported that ticket sales from the Eras Tour were projected to be in the billions of dollars, setting the record for the largest grossing tour of all time, topping the previous record of approximately $939 million set by Sir Elton John. The Eras Tour concert film debuted in movie theaters on the 12th of October, 2023, one day earlier than the scheduled October 13th release date, setting the box office record for a concert film.

2 Taylor Swift, “ME!” (featuring Brendon Urie of Panic! At The Disco), *Lover* (2019). “Me” i.e., the object pronoun, referring to the author, Steve Bonneau, born in Rhode Island—one of the original 13 colonies, the 13th state to ratify the Constitution, and whose state flag displays a ring of 13 gold stars—which just so happens to be where Taylor Swift's now famous summer

home, Holiday House, is located. See also, Taylor Swift, “The last great american dynasty” *folklore (deluxe version)* (2020).

3 The term given to a devoted fan of Taylor Swift.

4 26 U.S.C sections 2601-2664; the Internal Revenue Code of 1986, as amended, is herein referred to as the “Code.”

5 Taylor Swift, “Dear Reader” *Midnights* (2022).

6 Taylor Swift, “All Too Well” *Red (Taylor's Version)* (2021).

7 Bonneau, 45 ETPL 14 (January 2018).

8 Taylor Swift, “right where you left me” *evermore (deluxe version)* (2020).

9 The author's self-coined term for those practitioners especially fond of, and slightly obsessed with, Chapter 13.

10 Chapter 13's official title is “Tax on Generation-Skipping Transfers.”

11 Often known as the “Greenbook.” Here's a suggestion: how about just getting rid of the long title to the administration's budget and officially change the name to “Greenbook,” followed by the name of the acting President in brackets to designate the version at issue? For example, calling the General Explanations of the Administration's Fiscal Year 2024 Revenue Proposals the “2024 Greenbook (Biden's Version)” just like Taylor Swift does with her rerecorded albums and reissued songs.

12 P.L. 115-97; $10,000,000 GST exemption amount scheduled to sunset on 1/1/26 and return to the base amount established under the American Taxpayer Relief Act of 2012, Pub. L. No. 115-97, indexed for inflation using the chained consumer price index.

13 I.R.C. Section 2651.

14 Taylor Swift, “seven” *folklore (deluxe version)* (2020).

15 Taylor Swift, “the 1” *folklore (deluxe version)* (2020).

16 Taylor Swift, “...Ready For It?” *reputation* (2017).

17 Taylor Swift, “22” *Red (Taylor's Version)* (2021).

18 Taylor Swift, “invisible string” *folklore (deluxe version)* (2020).

19 Under I.R.C. Section 2652(a), in the case of a lifetime transfer, the transferor means the donor and is the last person to make a transfer subject to the gift tax. In the case of a transfer at death, the transferor means the decedent and is the last person to make a transfer subject to estate tax. Exceptions apply, e.g., in cases where a reverse QTIP election is made under I.R.C. Section 2652(a)(3).

20 I.R.C. Section 2631.

21 I.R.C. Section 2632(b), (c).

22 See, e.g., I.R.C. Section 2642(c)(2) for requirements; see also 45 ETPL 14 (Jan. 2018).

23 Schedule R (Generation-Skipping Transfer Tax) to Form 706 is where a manual allocation of a decedent's GST exemption is made.

24 Taylor Swift, “Blank Space” *1989 (Taylor's Version)* (2023).

25 I.R.C. Section 2632(e).

26 Treas. Reg. 26.2632-1(a).

27 I.R.C. Section 2632(e)(1)(A); also I.R.C. Section 2632(c)(2); see also Treas. Reg. 26.2632-1(b)(1), (2).

28 I.R.C. Section 2632(1)(B); some exceptions apply. For example, no automatic allocation will be made to a trust that will have a new transferor with respect to the entire trust prior to the occurrence of any generation-skipping transfer with respect to the trust. Also, if no generation-skipping transfer can occur with respect to a trust nine months following the decedent's date of death, then no automatic allocation will be made to any such trust. See Treas. Reg. 26.2632-1(e)(2).

29 I.R.C. Section 2632(e)(2)(A).

30 I.R.C. Section 2632(e)(2)(B).

31 Treas. Reg. 26.2632-1(e)(2) .

32 Taylor Swift, “Clean” *1989 (Taylor's Version)* (2023).

33 Taylor Swift, “Anti-Hero” *Midnights* (2022).

34 Taylor Swift, “Wildest Dreams” *1989 (Taylor's Version)* (2023).

35 Pub. L. No. 112-240.

36 Taylor Swift, “Shake It Off” *1989 (Taylor's Version)* (2023).

37 General Explanations of the Administration's Fiscal Year 2012 Revenue Proposals (Department of Treasury, Feb. 2011).

38 Taylor Swift, “Style” *1989 (Taylor's Version)* (2023).

39 Taylor Swift, “Call it what you Want” *reputation* (2017).

40 Taylor Swift, “You Need to Calm Down” *Lover* (2019).

41 Taylor Swift, “You Belong With Me” *Fearless (Taylor's Version)* (2021).

42 Under I.R.C. Section 2611(a), a generation-skipping transfer means a taxable distribution, a taxable termination, and a direct skip.

43 I.R.C. Section 2612.

44 Staff of the Joint Committee of Taxation, 94th Congress, General Explanation of the Tax Reform Act of 1976 (1976).

45 Taylor Swift, “Anti-Hero” *Midnights* (2022).

46 However, a transfer spanning multiple generations is subject to the GST tax only once (e.g., a direct skip from the transferor to a great-grandchild). See Treas. Reg. 26.2612-1(a), (d).

47 I.R.C. Section 2652(a); Treas. Reg. 26.2652-1(a); see also I.R.C. Section 2613.

48 I.R.C. Section 2613(a).

49 I.R.C. Section 2651(b).

50 I.R.C. Section 2651(d).

51 I.R.C. Section 2651(f)(3).

52 I.R.C. Section 2651(f)(3)(A) references organizations described under I.R.C. Section 511(a)(2), which includes those tax exempt organizations under I.R.C. Section 501(a); I.R.C. Section 501(a) includes those organizations described under I.R.C. Sections 501(c)(3),(4).

53 I.R.C. Section 2612.

54 I.R.C. Section 2652(c)(1)(A).

55 I.R.C. Section 2652(c)(1)(B).

56 I.R.C. Section 2652(c)(1)(C).

57 I.R.C. Section 2612. See also I.R.C. Section 2613(a)(2). This would also be important in the case of a trust created for the transferor's child (a non-skip person) and a I.R.C. Section 501(c)(3) charity, providing child with a mandatory income interest during child's lifetime, with child's income interest passing to grandchild (a skip person with respect to the transferor) following child's death; the charity may only receive distributions of income or corpus in the trustee's discretion. Child's death would cause a taxable termination since no non-skip person would have an interest in the trust following child's death.

58 I.R.C. Section 2652(c)(1)(B).

59 I.R.C. Section 2652(c)(2) states that "an interest which is used primarily to postpone or avoid any tax imposed under Chapter 13 shall be disregarded." Contrast this language toTreas. Reg. 26.2612-1(e)(2)(ii) which mentions that "an interest is considered as used primarily to postpone or avoid the GST tax if a significant purpose for the creation of the interest is to postpone or avoid the tax."

60 The proposal would "ignore trust interests held by additional tax-exempt organizations for purposes of the GST tax." See General Explanations of the Administration's Fiscal Year 2024 Revenue Proposals, page 128. See also, footnote 39, also on page 128 of the 2024 Greenbook which states that "the proposal would treat an organization described in section 501(c)(4) through (29) other than (c)(10) for GST purposes in the same way as an organization described in section 2055(a)."

61 Taylor Swift, "Love Story" *Fearless (Taylor's Version)* (2021).

62 Taylor Swift, "long story short" *evermore (deluxe version)* (2020).

63 Treas. Reg. 2601-1. See also, Staff of the Joint Committee of Taxation, 99th Congress, General Explanation of the Tax Reform Act of 1986 (1987). The amended Chapter 13 of the Code under the Tax Reform Act of 1986 applies to generation-skipping transfers after the date of enactment of October 22, 1986, subject to a handful of exceptions. These exceptions include: i) inter vivos transfers occurring after September 25, 1985 but before October 23, 1986, which shall be deemed to be treated as if made after October 22, 1986 and subject to Chapter 13; ii) any generation-skipping transfer under a trust that was irrevocable on September 25, 1985, except to the extent that the generation-skipping transfer is attributable to additions made to the trust corpus after September 25, 1985; iii) transfers pursuant to wills or revocable trusts in existence before October 22, 1986 provided that the governing instrument was not amended after that date and, in the case of a revocable trust, no additions

were made after that date, so long as in either case the decedent died before January 1, 1987; and, iv) transfers under a trust to the extent that such trust property was included in the gross estate of the decedent or which were direct skips occurring by reason of the death of the decedent if the decedent was incompetent continuously from October 22, 1986 until the date of the decedent's death.

64 For an excellent commentary on the use of the term “grandfathered” in the GST context in light of the historical issues surrounding, and racist origins of, this term, see commentary written by Ron Aucutt in conjunction with, and with the affirmation of, ACTEC's Diversity, Equity and Inclusivity Committee; Aucutt, *Comments On The Word “Grandfathered” and its Variants*, The American College of Trust and Estate Counsel, May 25, 2023, https://www.actec.org/comments-on-the-word-grandfathered/

65 See, e.g., P.L.R. 201814005 (Dec. 13, 2017); P.L.R. 201418001 (Jan. 9, 2014); P.L.R. 201417001 (Dec. 10, 2013); P.L.R. 201320004 (Jan. 14, 2013); but see P.L.R. 202216001 (Jan. 21, 2022); in lieu of using the term grandfathered, this PLR contrasts trusts exempt from GST tax because of sufficient GST exemption having been allocated “as opposed to obtaining GST exempt status under [Section 1433(a) of the Tax Reform Act of 1986] and §26.2601-1(b)(1).”

66 Aucutt, *supra,* note 64.

67 “Exempt status” in this context and under the Regulations for I.R.C. Section 2601 refers to those trusts that are not subject to Chapter 13 as a result of the trust's creation date (e.g., irrevocable before September 25, 1985, and to which no actual or constructive additions have been made to the trust after that date), not to those trusts that are subject to the provisions of Chapter 13 and which have a zero inclusion ratio due to the allocation of GST exemption.

68 Taylor Swift, “Karma” *Midnights* (2022).

69 Taylor Swift, “Everything Has Changed” *Red (Taylor's Version)* (2021).

70 Treas. Reg. 26.2601-1(b)(4).

71 Taylor Swift, “epiphany” *folklore (deluxe version)* (2020).

72 Taylor Swift, “Delicate” *reputation* (2017).

73 Taylor Swift, “So It Goes...” *reputation* (2017).

74 See, e.g., P.L.R. 201814005 (Dec. 13, 2017); P.L.R. 201417001 (Apr. 28, 2014); P.L.R. 201320004 (Jan. 14, 2013).

75 Taylor Swift, “willow” *evermore (deluxe version)* (2020).

76 P.L.R. 202215015 (Jan. 19, 2022).

77 Taylor Swift, “Message in a Bottle” *Red (Taylor's Version)* (2021).

78 Taylor Swift, “Nothing New” *Red (Taylor's Version)* (2021).

79 See, e.g., Guster, “Two At A Time” *Keep It Together* (2003); 30 second pause between final listed song (“I Hope Tomorrow Is Like Today”) and, wait for it, the hidden track (“Two At A Time”). The secret track was the precursor to the “bonus songs” artists include on a new album or, in the case of Taylor Swift, drop just a few hours following the release of a new album. See e.g., “3am tracks” released hours after her 2022 album *Midnights*.

80 Taylor Swift, “I Knew You Were Trouble” *Red (Taylor's Version)* (2021).

81 Taylor Swift, “Would've, Could've, Should've” *Midnights* (2022).

82 Rather than the author who is merely pretending to know something about these songs.

83 I.R.C. Section 2632(c).

84 E.g., Taylor Swift, “I Did Something Bad” *reputation* (2017).

85 Taylor Swift, “Innocent” *Speak Now (Deluxe Edition)* (2010).

86 Taylor Swift, “Don't Blame Me” *reputation* (2017).

87 I.R.C. Section 2642; trusts that are GST non-exempt have an inclusion ratio of one (1), or an inclusion ratio greater than zero (0) but less than one (1) (herein collectively referred to as “non-exempt”). Trusts that have an inclusion ratio of zero are herein referred to as “exempt.”

88 Taylor Swift, “Bad Blood” *1989 (Taylor's Version)* (2023).

89 See, e.g., the relief provisions available under I.R.C. Section 2642(g)(1) (“Relief from Late Elections”).

90 Prop. Reg. 26.2642-7, 73 Fed. Reg. 20,870 (April 17, 2008).

91 See Notice 2001-50 (Aug. 20, 2001) and Treas. Reg. 301.9100.

92 See e.g., Rev. Proc. 2023-1, Appendix A (Jan. 3, 2023); see also Treas. Reg. 301.9100-3.

93 I.R.C. Section 2642(b); Treas. Reg. 26.2642-2.

94 Pub. L. No. 115-97 (2017), officially referred to as "An Act To provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018;" unofficially still referred to by its short name ("The Tax Cuts and Jobs Act") despite the fact that it was ultimately stricken by the Senate parliamentarian.

95 Taylor Swift, "Call It What You Want" *reputation* (2017).

96 Pub. L. No. 115-97.

97 Pub. L. No. 112-240; see *also* Pub. L. No. 115-97 (regarding permanence of C-CPI-U).

98 Taylor Swift, "gold rush" *evermore (deluxe version)* 2020.

99 See Rev. Proc. 2023-34.

100 I.R.C. Section 6501 ("Limitations on Assessment and Collection").

101 Treas. Reg. 26.2642-2(a)(1), (b)(1).

102 I.R.C. Section 6501.

103 Reported on a timely filed Form 709 with respect to transfers made during a donor's lifetime or Form 706 with respect to transfers occurring at a decedent's death.

104 Taylor Swift, "Out of the Woods" *1989 (Taylor's Version)* (2023).

105 Treas. Reg. 26.2642-5.

106 Taylor Swift, "We Are Never Ever Getting Back Together" *Red (Taylor's Version)* (2021).

107 I.R.C. Section 2642(a)(3); see also Treas. Reg. 26.2642-6.

108 I.R.C. Section 2642(a)(3)(A); Treas. Reg. 26.2642-6(a).

109 Treas. Reg. 26.2642-6(a).

110 Treas. Reg. 26.2642-6(a).

111 Taylor Swift, "End Game" (featuring Ed Sheeran & Future), *reputation* (2017).

112 Taylor Swift, "Begin Again" *Red (Taylor's Version)* 2021.

113 I.R.C. Section 2632(a).

114 Pub. L. No. 107-16 (2001) (added I.R.C. Section 2642(a)(3) to the Code).

115 T.D. 9348, 72 Fed. Reg. 42291 (8/2/07), amended by T.D. 9421, 73 Fed. Reg. 44649 (7/31/08).

116 Taylor Swift, "I Forgot That You Existed" *Lover* (2019).

117 Treas. Reg. 26.2642-1(a).

118 Taylor Swift, "Lavender Haze" *Midnights* (2022).

119 Treas. Reg. 26.2642-6(j), Ex. (8).

120 Treas. Reg. 26.2642-6(f)(2).

121 I.R.C. Section 2641.

122 Taylor Swift, "mirrorball" *folklore (deluxe version)* (2020).

123 Taylor Swift, "*Fearless (Taylor's Version)"* (2021).

124 Taylor Swift, "*1989 (Taylor's Version)"*, released on October 27, 2023.

125 Jon Parles, chief popular music critic at The New York Times, taken from an article written in conjunction with fellow New York Times music critics Jon Caramanica, Joe Coscarelli, Ben Sisario, and Lindsay Zoladz, *"Taylor Swift Remade 'Fearless' as 'Taylor's Version.' Let's Discuss,"* The New York Times, published April 9, 2021, updated October 11, 2021.

126 I.R.C. Section 6075(a).

127 Taylor Swift, "Fifteen" *Fearless (Taylor's Version)* (2021).

128 I.R.C. Section 6081; see Form 4768.

129 I.R.C. Section 2032(d)(2); see also Treas. Reg. 20.2032-1(b)(3).

130 See I.R.C. Section 2032(a) ("in the case of property distributed, sold, exchanged, or otherwise disposed of, within 6 months after the decedent's death such property shall be valued as of the date of distribution, sale, exchange, or other disposition").

131 I.R.C. Section 2662; basically on or around April 15th depending on the day of the week on which April 15th falls in any given year.

132 Treas. Reg. 20.6081-1(e); see also, I.R.C. Section 2661.

133 Taylor Swift, "Treacherous" *Red (Taylor's Version)* (2021).

134 I.R.C. Section 2624(c), which only applies to a taxable termination caused by the death of an individual. Otherwise, the property shall be valued as of the time of the generation-skipping transfer. See I.R.C. Section 2624(a).

135 I.R.C. Section 2032(d)(2).

136 Treas. Reg. 26.2662-1(d)(2).

137 Taylor Swift, "mirrorball" *folklore (deluxe version)* (2020).

138 Treas. Reg. 26.2662-1(d)(2). Query: what does it mean for a deadline to fall "on a month?" The author supposes this to mean that the 1st day of the tenth month following the month in which the taxable termination occurred is the last day to make the alternate valuation election on Form 706-GS(T).

139 I.R.C. Section 2032(c); see also, I.R.C. Section 2624(c).

140 Taylor Swift, "it's time to go" *evermore (deluxe version)* (2020).

141 Taylor Swift, "Look What You Made Me Do" *reputation* (2017).

142 Meaning it can be ascertained by actuarial standards that there is less than a five percent probability that an actual Swiftie will ever find themselves reading this article. See, e.g., Treas. Reg. 26.2612-1(b)(1)(iii), (d)(2)(ii); see also, Treas. Reg. 26.2632-1(c)(2)(ii)(A)

143 Taylor Swift, "A Perfectly Good Heart" *Taylor Swift (Bonus Track Version)* (2006)

144 Taylor Swift, "this is me trying" *folklore (deluxe version)* (2020)

145 Taylor Swift, "Question...?" *Midnights* (2022)

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