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Law in a Flash

Federal Income Taxation

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QIT 35 FED INCOME TAXATION

Spat, Inc. is a small, closely held corporation that manufactures Spat Cola, a banana-flavored soda with white the outline of normal soda. The company's net income for this year year is \$200,000. Its CEO, A. Deconation, decides to retain all \$200,000 of these earnings to invest in some high-tech banana products. Assume this income would get Spat into the top corporate tax rate of 35% and that each of the shareholders falls into the 20% bracket. How will these facts be reported if Spat, Inc. is a C corporation? If it's an S corporation?

The treatment will be different.

Under subchapter S, retained earnings are treated as income to the taxpayers as if they were distributed to them as dividends—they are attributed to the stockholders in proportion to their stock ownership. Under subchapter C, retained earnings are taxed at the corporate level; they are not subject to taxation at the shareholder level.

Here, Spat is retaining all of its earnings for the year. If it is a subchapter C corporation, the \$200,000 will be taxed at the corporate rate of 35%. There will be no tax to the individuals because no dividends have been paid to them. If Spat qualifies under subchapter S, the \$200,000 will also be taxed only once—but at the individual rate of 20%.

FOC, ¶9,20.005, 23,050

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