



## **Douglas L. Youmans**

### **PARTNER**

State Bar No. 96255

J.D., M.B.A. (Taxation)

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#### **General Information**

With over 30 years of in-depth experience in business, estate, real estate, tax planning and controversy work, Mr. Youmans has developed a practice designed to provide multi-dimensional legal services to individuals, executives and business owners who must comply with today's complex legal system. Mr. Youmans provides expert legal services directly to clients, as well as to their primary attorneys, accountants, financial advisers and other representatives.

#### **Practice Areas**

##### **Real Estate**

Represents several real estate development companies as general counsel. He counsels clients on various real estate related matters include acquisitions, sales, exchanges, financing, reorganizations, debt restructuring, leases, partnerships, joint ventures, broker-agent relationships, bond issues, options, licenses, easements, subdivisions, landlord-tenant issues, foreclosures, homeowner associations, syndications, private placements, condemnation, race track leases, development agreements, cost sharing agreements, shared appreciation mortgages, and litigation support. Lawyered transactions ranging from hundreds of thousands to hundreds of millions of dollars.

##### **Business Law**

Represents companies as general counsel in connection with owner relationships and dispute resolution; mergers and acquisitions; employment matters; contracts; leases; deferred compensation plans; and general business law. Representation has included small start-up companies with but few employees, to large established companies with hundreds of employees.

##### **Tax Law**

Represents companies and individuals in virtually all aspects of tax planning and controversy resolution before federal and state taxing authorities including litigation in tax and appellate court. Representative cases include: 100% employment tax penalty; income tax and fiduciary liability; fraud and negligence; income reconstruction; tax-free exchanges; reallocation of income; substantiation; timing; characterization; mergers; consolidated returns; and collections. Case values have ranged from thousands to millions of dollars.

### **Estate Planning**

Represents individuals in all aspects of estate planning, probate and trust administration. Estate plans have included living trusts, marital deduction trusts, irrevocable trusts, life insurance trusts, charitable trusts and foundations, and grantor retained income trusts. Representation has included individuals whose net worth range from hundreds of thousands to millions of dollars. Succession planning has included recapitalizations, buy/sell agreements, split interest acquisitions, partnerships, estate freezes, private annuities, self-cancelling installment notes and gifting. Probate and trust administration has included contested matters, asset identification and evaluation, beneficiary identification and determination of distributive shares, post-mortem tax planning, trustee and beneficiary representation and representation in estate and gift tax audits. Asset protection has included analysis of favorable jurisdictions, utilization of trusts, buy/sell agreements, limited liability companies, corporations and limited partnerships.

### **Health Law**

Represents various health professionals in connection with their business, tax and estate planning, entity selection, employment agreements, leases, deferred compensation plans, buy sell arrangements, merger and acquisitions, third party contracts, practice sales, equipment leasing, and other matters.

### **Expert Witness/Consultant**

Has been retained as an expert in legal/accounting malpractice cases, as well as real estate, tax, and trust/probate cases.

### **Education**

Temple University, B.A. (Magna Cum Laude); 1977  
McGeorge School of Law, University of the Pacific, J.D., 1980  
Golden Gate University, M.B.A., Taxation 1984

### **Academic Activities**

Adjunct Professor: Golden Gate University, 1985 to Present: Business Law; Tax Research; Estate and Gift Taxation; Estate Planning; Federal Tax Procedures; Tax Aspects of Marital Dissolution; Tax Accounting Periods and Methods; Tax Characterization of Income and Expenses; California State University at Sacramento, 1984-1985: Introduction to Accounting; Managerial Accounting.

Lecturer: 1982 to Present for various professional societies and organizations, including Continuing Education of the Bar, Northern California Tax Conference, Sacramento Board of Realtors, Society of California Accountants ("SCA"), Society of Enrolled Agents, California Society of CPAs ("CALCPA"), International Association of Financial Planners, Gold Country Estate Planning Council, Sacramento Estate Planning Council, Sacramento CPA Law Forum, Internal Revenue Service, Sacramento County Bar Tax Section, Sacramento County Bar Real Estate Section, State Bar, State Bar Tax Section, (Lonnie McGee's) Annual Tax & Estate Planning Forum.

### **Affiliations**

- State Bar of California
- Executive Committee of the Taxation Section of the State Bar of California, Chair for the 2012-2013 year
- Author and paper presenter for several of the California State Bar Taxation Section's Annual delegations to Washington D.C.

- Chair of the Corporations and other Business Entities Committee of the State Bar of California Taxation Section
- State Bar of California Probate, Practice Management and Tax Sections, Member
- American Bar Association
- Sacramento County Bar Association
- Society of California Accountants (SCA)
- California Society of CPAs (CALCPA)
- American Institute of CPAs (AICPA)
- Internal Revenue Service Sacramento District Practitioners Liaison Committee, Charter Member and Former Chair
- Franchise Tax Board Advisory Group
- AV Peer Review Rated

#### ▪ Admissions

State Bar of California, 1980; Certified Specialist, Taxation Law, 1988  
 U.S. District Court, Eastern District of California, 1982  
 U.S. Tax Court, 1983  
 U.S. Court of Appeals, 7<sup>th</sup> Circuit, 1987  
 Licensed as a CPA by the State Board of Accountancy, 1983

#### ▪ Representative Publications and Presentations

- Advanced Estate Planning
- Family Entities
- Generation Skipping Transfer Taxes
- Circular 230
- Estate Planning for Small Businesses
- Single Member LLCs—Estate and Gift Tax Treatment
- How to Draft Wills and Other Estate Planning
- Nuts and Bolts of Corporate Dissolutions
- Retirement Plan Distributions
- Tax Aspects of Bankruptcy
- Tax Consequences of Partnership Dissolutions
- Estate Planning for Family Business Owners
- Domestic Partnerships
- Tax Deferred Exchanges
- Tax Issues in Personal Injury Claims
- Tax Planning for Real Estate Dispositions and Exchanges
- Taxation of Capital Assets
- Using California Trusts: Planning, Implementing, Administering and Terminating
- Choice of Entity
- Tax Updates
- Nuts and Bolts of S Corporations
- Asset Protection
- Tax Aspects of Co-Ownership of Property
- Tax Patents
- ULPA 2008
- Repeal of the State Death Tax Credit

- Beyond Section 2036; Dealing with Family Entities
- Income, Fiduciary and Other Taxes and Issues Dealing with Family Entities
- Single Member LLCs and the Effect of the Check the Box Regulations for Estate and Gift Tax Purposes
- Don't Rock the Section 2053 Boat, You'll Tip the 706 Over