

## \*넥슨 故김정주 유족, 지주회사 지분 30% 상속세로 정부에 물납



### \*김정주 넥슨 창업자 유족, 6조원대 상속세 신고

- 지난해 2월 별세한 창업자 고(故) 김정주 회장의 유족이 물려받은 지분의 상당수를 상속세로 정부에 물납했다.
- 김 창업자 유족이 적용받는 상속세율은 65%다.
- 상속 재산이 30억원을 넘으면 상속세 최고세율 50%에 보유 지분이 과반 이상인 경우 최대주주 할증까지 붙는다. 상속 자산 규모를 10조원으로 가정하면, 상속세는 6조5천억원에 달한다.
- (연합뉴스2023-05-31)

## 상속세 내려고 주식 담보대출 4조원 받은 삼성가

거액의 대출은 상속세 납부 때문이다.  
삼성 오너 일가가 내야 할 상속세는 12조원에 달하는데,  
연부연납 제도를 활용해 2021년 4월부터 5년에 걸쳐  
상속세를 분할해 납부하고 있다.

6조원가량을 납부했고, 3년간 6조원가량을 더  
내야 한다.

(news 1 2023-06-06)



## 상속세\_상속세율표

계산방법 : 과세표준 x 세율 - 누진공제

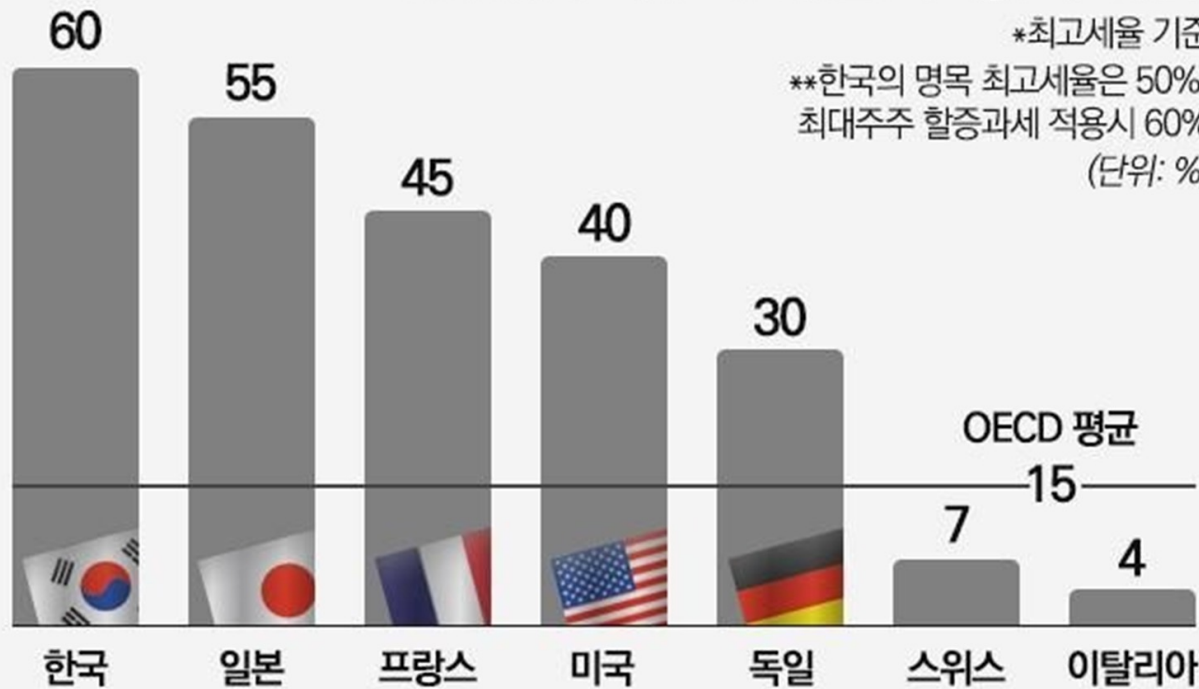
과세표준	세율	누진공제
1억원 이하	10%	0 원
5억원 이하	20%	1000만 원
10억원 이하	30%	6000만 원
30억원 이하	40%	1억6000만 원
30억원 초과	50%	4억6000만 원

<https://blog.naver.com/pratia05>

## OECD 주요 회원국 상속세율

\*최고세율 기준

\*\*한국의 명목 최고세율은 50%,  
최대주주 할증과세 적용시 60%  
(단위: %)



자료=OECD

조세일보 / 그래픽 = 서윤영

# NOT JUST FOR THE WEALTHY

- I don't have any assets!
  - Yes, you do. (\$184,500 for Californians in 2023)
  - If you do nothing, Estate assets include:
    - All bank accounts
    - Investment accounts: Mutual Funds, Stocks, Bonds
    - Retirement accounts: 401(k), IRAs
    - Pension Plans & Annuities
    - Life Insurance Proceeds
    - Real Estate (Primary residence, vacation home)
    - Car
- (Be Sure to Assign PODs, TODs, Beneficiaries!)**



# **ESTATE PLANNING FOR HIGH NET WORTH INDIVIDUALS**

1. TRUST PLANNING
2. ESTATE TAX PLANNING

# ESTATE PLANNING FOR HIGH NET WORTH INDIVIDUALS

## 1. TRUST PLANNING STRATEGIES

- Living Trust
- ILIT
- CRAT
- IDGT/IDIT
- -Dynasty Trust
- Personal Residency Trust
- Generation Skipping Trust
- Medicaid Asset Protection Trust
- Special Needs Trust
- QDOT
- Charitable Remainder Trust

**REVOCABLE? or IRREVOCABLE?**

# Estate Planning Strategy

## A **Living Trust** Enables You To:

- Maintain control during your lifetime
- Plan for incapacity
- Avoid costs and delays of probate
- Guarantee privacy



ESTATE TAX (유산세)



(주는 사람 책임)

vs.

INHERITANCE TAX (상속세)



(받는 사람 책임)

상속세(inheritance tax)와 유산세(estate tax)는 다르다는 점이다.

유산세(estate tax)는 고인이 유산을 물려주기 전 모든 부채를 제하고 남은 순수익에서 내는 세금을 말한다. 반면 상속세(inheritance tax)는 고인으로부터 재산을 물려 받은 사람 즉, 상속인이 내는 세금이다.

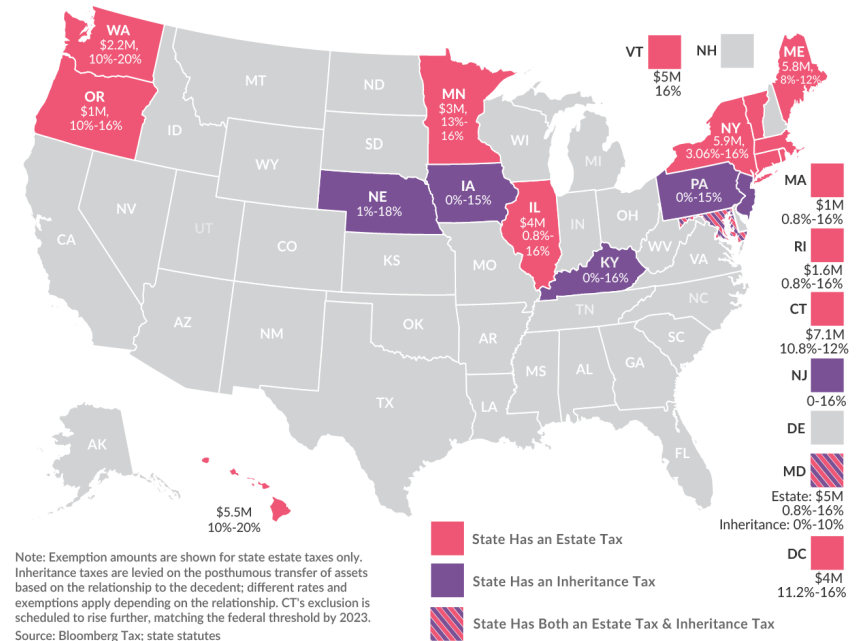
2023년 기준으로 개인 1,292만달러, 부부 2,384만달러 이상이면 연방정부에 초과 부분에 한해 유산세를 내야 한다. 모든 부채를 제한 순 자산이므로 연방 상속세를 내는 사람들은 매우 적다. 미국내 11개주는 별도로 유산세(estate tax)를 부과한다.

하지만 상속을 받은 사람이 내는 상속세(inheritance tax)는 연방정부에서 받지 않는다. 다만 미국내 6개주는 상속세를 받는다.

연방정부 상속세를 없다고 해도 물려 받은 재산이 증자 됐다면 증자된 부분에 대해서는 세금을 낸다.

### Does Your State Have an Estate or Inheritance Tax?

State Estate & Inheritance Tax Rates & Exemptions in 2021



			California	Maryland
피상속인	Estate Tax 유산세	연방(Federal)	40%	40%
		주(State)	X	16%
상속인	Inheritance Tax 상속세	연방(Federal)	X	X
		주(State)	X	10%
<b>TOTAL</b>			<b>40%</b>	<b>66%</b>



# Filing Requirements

- Estate Return Filing (Form 706)
- Estate Return Timely Filing (Section 6651)
- Within 9 Months (plus 6 months extension) = 15 months
- Payment Due With Timely Filing (within 9 months)

# Estate Valuation

## VALUATION/APPRAISAL

- All Interests of the Deceased – Liabilities = Estate
- Deduction- Marital  
Charitable  
Liabilities (mortgage, etc. )  
Estate Admin. Expenses

### NOTE:

- Probate and Non-Probate Assets Included
- Assets In-Control (i.e, revocable trust) Included

# Estate Valuation

- Imposition of Accuracy (Section 6662)  
@ Fair Market Value  
= Cost Basis for the Recipient
- Underpayment Penalty = 20% of the underpayment amount

# Estate TAX Planning Strategies

- 공제액 Portability 활용
- Unlimited Marital Deduction:
  - If all goes to the spouse → Deferral of the estate tax until the surviving spouse's death.
- Deceased Spouse Unused Election (DSUE)

The U.S. gift and estate tax rules applicable to foreign nationals is summarized in the table\* below.

Assets Transferred From	Assets Transferred To	Annual Gift Tax Exclusion	Gift Tax Exemption	Estate Tax Exemption	Gift and Estate Tax Marital Deduction
<b>U.S. Citizen or Resident Foreign National</b>	U.S. Citizen Spouse	N/A due to unlimited marital deduction	\$12,920,000	\$12,920,000	Unlimited
	U.S. Citizen Non-Spouse	\$17,000	\$12,920,000	\$12,920,000	N/A
	Foreign National Spouse	\$175,000	\$12,920,000	\$12,920,000	Allowed if assets are transferred to a QDOT
	Foreign National Non-Spouse	\$17,000	\$12,920,000	\$12,920,000	N/A
<b>Nonresident Foreign National</b>	U.S. Citizen Spouse	N/A due to unlimited marital deduction	\$0	\$60,000	Unlimited
	U.S. Citizen Non-Spouse	\$17,000	\$0	\$60,000	N/A
	Foreign National Spouse	\$175,000	\$0	\$60,000	Legal ambiguity on the availability of QDOT
	Foreign National Non-Spouse	\$17,000	\$0	\$60,000	N/A

\*Figures assume the transfer occurs in 2023.

# 미국의 Estate Tax History & Rate

**TABLE 1**  
Estate, Gift, and GST Tax Rates and Exemptions under Current Law  
2007–2020



Year	Estate and Generation-Skipping Transfer (GST) tax rate	Gift tax rate	Estate and GST tax exemptions	Lifetime gift exemptions	Annual gift exclusion <sup>a</sup>
2007	45%	45%	\$2 million	\$1 million	\$12,000
2008	45%	45%	\$2 million	\$1 million	\$12,000
2009	45%	45%	\$3.5 million	\$1 million	\$13,000
2010	0% <sup>a</sup>	35%	N/A <sup>b</sup>	\$1 million	\$13,000
2011	35%	35%	\$5 million	\$5 million	\$13,000
2012	35%	35%	\$5.12 million	\$5.12 million	\$13,000
2013	40%	40%	\$5.25 million	\$5.25 million	\$14,000
2014	40%	40%	\$5.34 million	\$5.34 million	\$14,000
2015	40%	40%	\$5.43 million	\$5.43 million	\$14,000
2016	40%	40%	\$5.45 million	\$5.45 million	\$14,000
2017	40%	40%	\$5.49 million	\$5.49 million	\$14,000
2018	40%	40%	\$11.18 million	\$11.18 million	\$15,000
2019	40%	40%	\$11.40 million	\$11.40 million	\$15,000
2020	40%	40%	\$11.58 million	\$11.58 million	\$15,000

Source: Internal Revenue Code.

(a) The exemption, which was \$10,000 in 1998, is indexed for inflation in \$1,000 increments.



## 2023 Tax Reference Guide

### Tax Brackets for 2023

<b>Single</b>		
\$0 – \$11,000	10%	
\$11,001 – \$44,725	12%	
\$44,726 – \$99,375	22%	
\$99,376 – \$182,100	24%	
\$182,101 – \$231,250	32%	
\$231,251 – \$578,125	35%	
over \$578,126	37%	
<b>Married, Filing Jointly</b>		
\$0 – \$22,000	10%	
\$22,001 – \$89,450	12%	
\$89,451 – \$190,750	22%	
\$190,751 – \$364,200	24%	
\$364,201 – \$469,500	32%	
\$469,501 – \$693,750	35%	
over \$693,751	37%	
<b>Married, Filing Separately</b>		
\$0 – \$11,000	10%	
\$11,001 – \$44,725	12%	
\$44,726 – \$99,375	22%	
\$99,376 – \$182,100	24%	
\$182,101 – \$231,250	32%	
\$231,251 – \$469,500	35%	
over \$469,501	37%	
<b>Head of Household</b>		
\$0 – \$15,700	10%	
\$15,701 – \$59,850	12%	
\$59,851 – \$95,350	22%	
\$95,351 – \$182,100	24%	
\$182,101 – \$231,250	32%	
\$231,251 – \$578,100	35%	
over \$578,101	37%	
<b>Estates and Trusts</b>		
\$0 – \$2,000	10%	
\$2,001 – \$10,500	20%	
\$10,501 – \$14,450	35%	
over \$14,451	37%	
Corporate tax rate	21%	
<b>Estate Tax</b>		
Transfer Tax rate	40%	
Estate Tax Exemption	\$12.92M	
Gift Tax Exemption	\$12.92M	
Generation-skipping transfer Exemption	\$12.92M	
Gift Tax Exclusion	\$17,000	

### Long-Term Capital Gains/Qualified Dividend Rates

0.0% Rate when Taxable Income is Below:	
Married, Filing jointly	\$89,250
Married, Filing Separately	\$44,625
Head of Household	\$59,750
Single	\$44,625
Estate and Trusts	\$2,800
15% Rate when Taxable Income is Below:	
Married, Filing jointly	\$553,850
Married, Filing Separately	\$276,900
Head of Household	\$429,000
Single	\$492,300
Estate and Trusts	\$13,300
20% Rate applies to higher taxable income amounts:	
Standard Deduction	
Married, Filing jointly	\$27,200
Single or Married, Filing Separately	\$13,600
Head of Household	\$20,800
Blind or over 65 add \$1,500 if married, add \$1,850 if single or head of household. If both blind and over 65 the deduction amount is doubled.	
Capital Loss Limit	
Single or Married, Filing jointly	\$3,000
Married, Filing Separately	\$1,500
If your capital loss exceeds your capital gains.	

### Retirement (continued)

<b>Retirement</b>	
IRA and Roth Contributions	
Under age 50	\$6,500
Aged 50 and older	\$7,500
Phaseout for deducting IRA Contribution (qualified plan participants)	
Married, Filing jointly	\$116,000 – \$136,000 MAGI
Single or Head of Household	\$73,000 – \$83,000 MAGI
Married, Filing Separately	\$0 – \$10,000 MAGI
Spousal IRA	\$78,000 – \$228,000 MAGI
Phaseout of Roth contribution eligibility	
Married, Filing jointly	\$218,000 – \$228,000 MAGI
Single or Head of Household	\$138,000 – \$153,000 MAGI
Married, Filing Separately	\$0 – \$10,000 MAGI

### Retirement (continued)

<b>SEP Contribution</b>	
Up to 20% of compensation limit	\$66,000
To participate in SEP	\$750
Max Compensation used	\$330,000
501(c)(3) Elective Deferral	
Under age 50	\$15,500
Aged 50 and over	\$19,000
<b>Qualified Plan Contributions</b>	
2019, 2020, 457 and SIMPLE	\$22,500
Aged 50 and older	\$30,000
Annual benefit limit on defined contribution plans	\$66,000
Annual benefit limit on defined benefit plans	\$265,000
Highly compensated employee makes Annual compensation taken into account for qualified plans	\$330,000
<b>Education</b>	
Kiddie Tax	earned income is taxed at single tax bracket rates
529 Plan Contributions:	
Accelerate 5 Years of Gifting into 1 Year:	
per Individual	\$80,000
per Couple	\$160,000
Lifetime Learning Credits – Phaseout	
Married, Filing jointly	\$10,000 – \$180,000
Single	\$80,000 – \$90,000
Coverdell Education Savings Account Contribution	\$2,000
Phaseout	
Married, Filing jointly	\$190,000 – \$220,000
Phaseout – All Others	\$95,000 – \$110,000
Student Loan Interest Deduction Limit	\$2,500
Phaseout	
Married, Filing jointly	\$155,000 – \$185,000 MAGI
Phaseout – All Others	\$75,000 – \$100,000 MAGI
Phaseout of Tax-free Savings Bonds Interest	
Married, Filing jointly	\$17,800 – \$157,800 MAGI
All Others	\$91,850 – \$106,850 MAGI

Estate Tax Transfer Tax Rate 40%

Estate Tax Exemption \$12.92M

Gift Tax Exemption \$12.92M

Generation-Skipping Transfer Exemption \$12.92M

Gift Tax Exclusion \$17,000



## 2010 LAW

- Under the pre-2010 estate tax law and under the TRA Law, the assets of the decedent receive a tax basis for income tax purposes equal to the fair market value of the assets at the date of death. This is referred to as the “step-up” in basis.

## 2010 LAW

Under the 2010 Law, the estate and the beneficiaries take over the decedent's basis in his assets. However, the 2010 Law gives the executor the ability to step up the basis of assets to a limited extent.

The executor can allocate \$1.3 million of basis increase to assets passing to persons other than a spouse, and \$3.0 million of basis increase to assets passing to a spouse

.

The form for making this basis election is Form 8939.

## Basic Exclusion Amount for Year of Death

### 2026 Changes to Estate and Gift Tax Limits May Impact Your Current Estate Plan

- The current “high” exclusion amounts were created by The Tax Cuts and Jobs Act of 2017, which increased gift and estate tax exclusion amounts beginning in 2018 through 2025. However, on January 1, 2026, the exclusion amount will “sunset” and revert back to the 2017 amount of \$5 million, adjusted for inflation. That’s a significant difference – especially considering estate taxes of 40% will be applied to anything over the threshold. Those with considerable assets may want to consider making some significant gifts before the current estate and gift tax exclusion amount drops in 2026.

Year of Death	Basic Exclusion Amount
2011	\$5,000,000
2012	\$5,120,000
2013	\$5,250,000
2014	\$5,340,000
2015	\$5,430,000
2016	\$5,450,000
2017	\$5,490,000
2018	\$11,180,000
2019	\$11,400,000
2020	\$11,580,000
2021	\$11,700,000
2022	\$12,060,000
2023	\$12,920,000

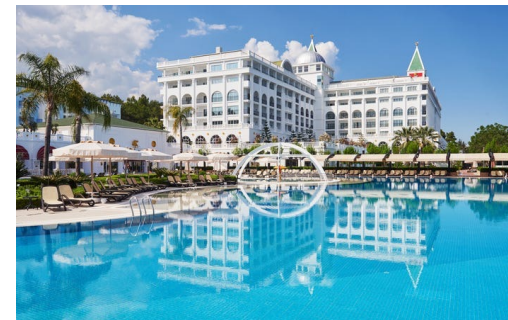
# Estate Tax Calculation

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In 2023,

Total Assets:	20 MM
Estate Tax Exemption:	12.9 MM
Taxable Estate:	7.1 MM
Estate tax (40%)	<b>2.8 MM</b>

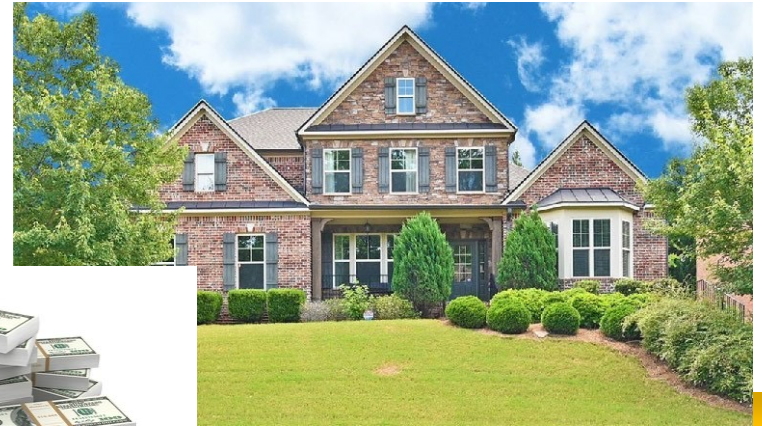
To be paid in cash within 9 mos.



# After January 1, 2026

## 65세 부부

비즈니스	12 MM
부동산	60 MM
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총자산	72 MM
예상 상속세 공제액 (6 MM X 2)	12 MM
Taxable Estate	60 MM
예상 상속세율 (40%)	24 MM



# Portability Sample Case

Ms. L, 73 Years Old, Female, CEO

Husband passed in 2018 (Estate Exemption: \$11,180,000)

2018 Estate Net Value: \$6.9 million

- No 706 filed

2022 Asset Value: \$26 million

(Real Estate: 14 million + Business Value: 8 million + Other Assets: 2 million)

## Estate Tax Planned on Current Net Asset of \$26 million

On or Before December 31, 2025:

Actual

$$\$26 \text{ mm} - \$12.9 \text{ mm} = \$13.1 \text{ mm} \times 40\% = \$5.24 \text{ mm}$$

706 Filed & DSUE USED

$$\$26 \text{ mm} - 12.9 \text{ mm} - \$11.18 \text{ mm} = \$1.92 \text{ mm} \times 40\% = \$768\text{k}$$

On or After January 1, 2026:

Actual

$$\$26 \text{ mm} - \$6 \text{ mm} = \$20 \text{ mm} \times 40\% = \$8 \text{ mm}$$

706 Filed & DSUE USED

$$\$26 \text{ mm} = \$6 \text{ mm} - \$11.18 \text{ mm} \times 40\% = \$3.52 \text{ mm}$$

# Gift Tax Filing Requirements

Gift Tax Filing: Form 709

- 4/15 and 10/15 deadline
- IRS has 3 years to examine the filing
- 5% penalty per month, maximum 25%
- No Statute of Limitations runs, if not filed

\$17000 (annual exclusion) **+\$1 triggers** Gift Tax Filing

Up to \$12.9 million (2023) may be gifted, then taxed at Transfer Tax Rate

\*\*Exemption= Tuitions and Medical Bills



## **Estate Tax Strategy**

Ms. Lee wants to gift the 10 million business to her son prior to 2026. (\$12.9 mm may be gifted with 709 filing.)

Cost Basis for the son will be \$500k.

## **Capital Gain Tax Strategy**

Step Up Basis → Estate Tax Outstanding

# Estate & Gift Tax Sample Case

Mr. & Mrs. K  
Estate Planning Consultation in 2022

Total Asset Value = \$41 mm

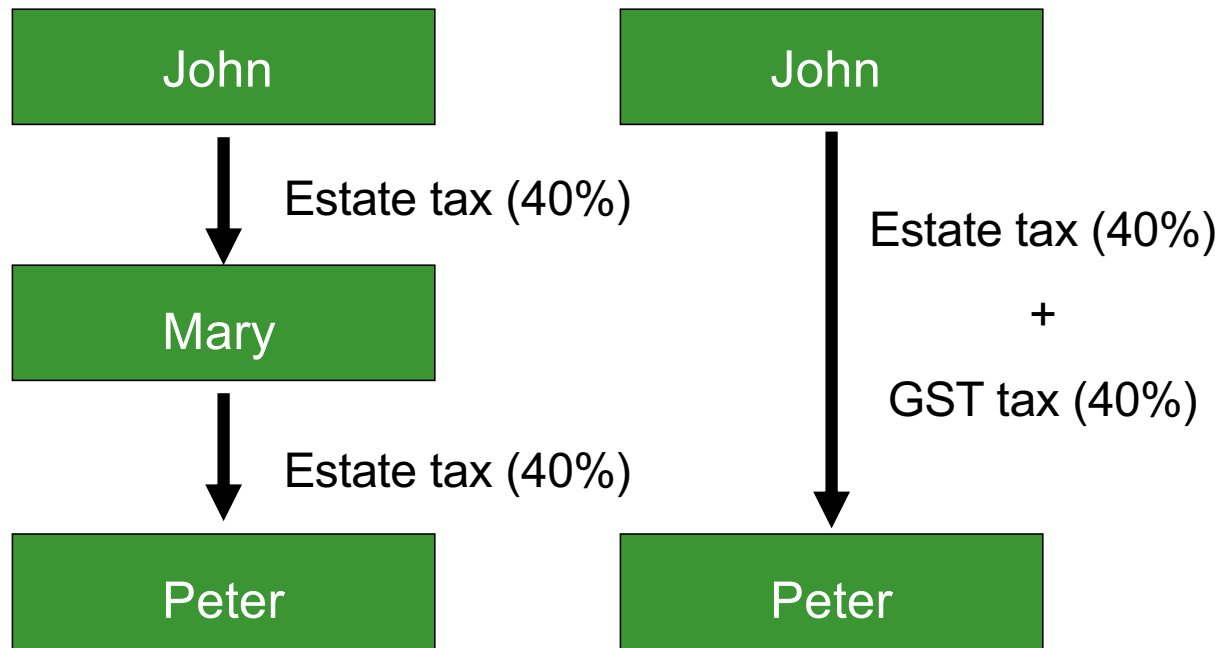
3 Sons' Total Asset Value = \$22 mm

- Real Estate ownerships were shared with 3 sons during acquisitions.
- Business Interests were shared with 3 sons at the start of new business.

**NO GIFT RETURN FILED during the past 18 years!!!**

\* Donor is responsible for paying the gift tax.

# Generation-Skipping Transfer Tax (GSTT)



# FOREIGN NATIONAL (NRA)

- Estate Tax Exemption is \$60,000

## **EXAMPLE:**

- \$2 mm Property Purchased In Irvine & Owned by NRA in Korea

Estate Tax Calculation:

\$2,000,000

- 60,000 (Exemption)

\$1,940,000 x 40%

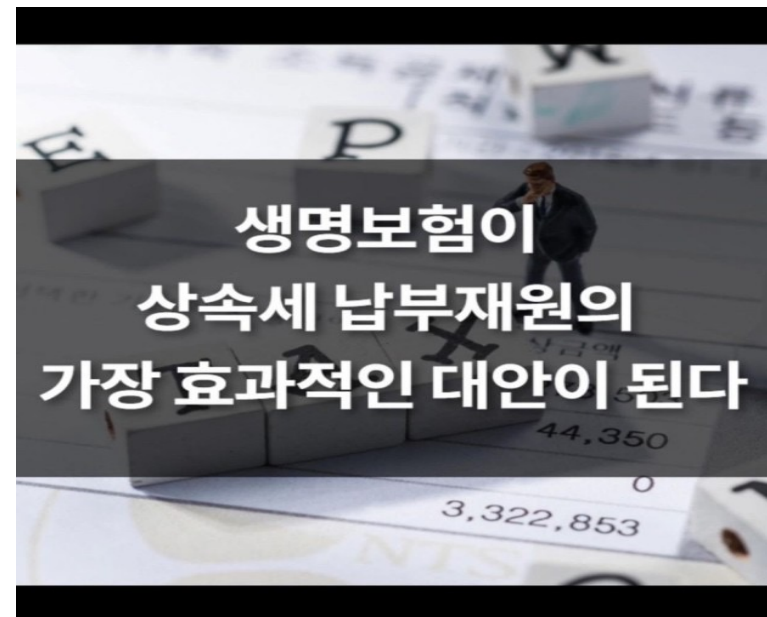
= \$776,000 (Due within 9 months, in cash)

\$ 2 mm investment → Resulted in \$1,224,000

# Estate Tax Planning Tools & Strategies

- Life Insurance
- Charitable, LLC
- Irrevocable Life Insurance Trust
- Personal Residence Trust
- Buy-Sell Arrangement
- QTIP
- Dynasty Trust
- Charitable Remainder Trust
- Family Limited Partnership
- GRATs

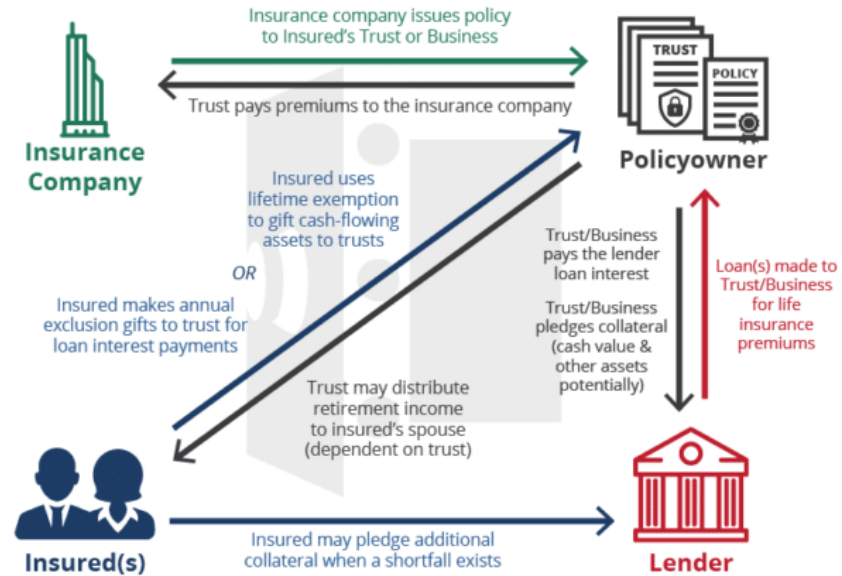
# SOLUTIONS





# Premium Financing

## Premium Finance During Insured's Lifetime





Worthington  
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