

NEW JERSEY ASSOCIATION OF PUBLIC

ACCOUNTANTS

NEWSLETTER

MAY 2010

President's Message

Well, Tax Season is over and I hope it was successful and profitable. I want to address Assembly Bill 2396 and Senate Bill 672 which were proposed by the NJ Assembly and NJ Congress. The Bills include Tax Preparation Services and need clarification. Section 9 of the Bill lists individuals of which the provisions of this act shall not apply to: Attorneys, Certified Public Accountants, An Enrolled Agent, and an Employee hired to fill a permanent position with an employer, who in connection with his duties as an employee has incidental duty of preparing tax returns for the business of the employer only, and any employee of the State. The Bill does not include Public Accountants who are regulated by the New Jersey State Accountancy Board, the same as Certified Public Accountants but they would not be exempt from this act. Since NJAPA was concerned with some of the language contained in the Bill, I submitted a letter addressing those concerns with the help of Roger Berryman NSA Chairman of the Right to Practice Committee. Those letters were sent to Senator Barbara Buono and Congressman Frank A. LoBiondo and the Three Assemblyman who wrote the Bill. I set up a meeting with one of the Assemblyman to address our concerns and I will submit my report to the Members as to the results of the meeting. I would encourage the Members to write to your Congressman or Senator in your District NJAPA's position on the Bill. A copy of the Bill can be obtained at jmesq16650@aol.com.

Just a reminder, the NJAPA Annual Spring Seminar will be held May 24th 2010 (One day only) at the Sheraton Hotel in Eatontown. The Speaker Mike Schlesinger on May 25th apologizes for cancelling since his wife became very ill and could not make his presentation. The NJAPA hopes that Mike's wife makes a speedy recovery. The Executive Director made every attempt to recruit a replacement but with short notice it was very difficult. However, for Monday, we will have Withum, Smith + Brown, a Peter Weitsen, Tax Partner and Ruben Cardona, Partner to speak about Tax Examination, Estate Tax, Taxation of Real Estate, and State Tax/Nexus. (4 Hours CPE Taxation). Also, we will have Sheldon Whitman, CPA, Drucker, Math, & Whitman, P.C. who will present New Jersey Ethics. (4 Hours CPE Ethics). I would certainly encourage our Members to attend especially for the Ethics Session and a Bonus of 4 Hours of Taxation. Mark the date in your book: Monday June 28th and Tuesday June 29th 2010 for the NJAPA Convention 2010. It will be held at the Sheraton Eatontown Hotel with the Installation Dinner to be Aboard the Cornucopia Cruise Line out of Hoboken. I am excited about the Convention since it will be the first time in a long time to be held in New Jersey. This should make for a good turnout of our Members. Please join us with a great opportunity to interact on a social level with your fellow professionals. I am looking forward to seeing you there. A flyer will be sent out shortly with all the details and cost information. I will close with a Thank You for your assistance and cooperation in making my position as President a success. It could not be accomplished without your support.

If you have any questions regarding NJAPA, please reach out to me at jmesq16650@aol.com.

Sincerely,
Joseph J. Mesquita
President

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1410 Shore Road
Northfield, NJ 08225

ANY CHANGES IN NAME, ADDRESS, PHONE NUMBER OR EMAIL MUST BE FORWARDED TO THE EXECUTIVE DIRECTOR'S OFFICE ASAP. THANK YOU.

Please Note:

If you have any information that you think we should put in the newsletter, please fax (732-536-2659) or e-mail jwilner500@aol.com

NEWSLETTER ADVERTISING
Rate - \$20 per column inch. All columns are two inches wide. Business Card Ad - \$40

Note: A one inch ad is not available. Ads must be paid in advance of being published in the Newsletter. We accept checks, Master Card and Visa. Ads with payment should be received at least one week prior to newsletter printing (first of month). Call the Executive Office, Niles Breslau, Executive Director at 609-645-8880, for more details. Advertising forms can be downloaded from the NJAPA website (www.njapa.info).

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SEMINARS & CONFERENCES

MEETINGS

The Sheraton Hotel
Eatontown

Trustee Meetings

Monday, May 24 - 7:00 pm

Executive Board Meetings

Sunday, May 23 - 3:00 pm

CHAPTER MEETINGS

Atlantic Chapter

All meetings are held the last Wednesday of the month (Sept., Oct., Nov., Jan., May & June) at the Blue Heron Pines. They are breakfast meetings beginning at 8:30am. Cost is \$15 per person.

Wednesday, May 19

Bergen-Passaic Chapter

All seminars are held at the Brownstone in Paterson. Contact Richard Olster at 973-423-3061, fax 973-423-9346 or e-mail rich.olster@rolstercpa.com.

Central Jersey Chapter

All meetings are held the second Wednesday at 6:00 pm at the Ria Mar Restaurant, South River. The first meeting will be in October. Cost is \$25.00 which includes dinner or \$3.00 per CPE without dinner. Contact Burt Zocks at 732-738-0770.

Essex-Hudson-Union Chapter

All seminars will be held at the Alumni House, East Campus at Kean University, Union. Meetings are held after the seminars. Contact Alice Weinstein, President at 973-379-3275 or e-mail alvid@aol.com for details.

Mercer Chapter

For additional information call President John Duffy at 609-586-1990

Thursday, May 27
Speaker TBA

Thursday, June 17
Speaker TBA

Monmouth-Ocean Chapter

All seminars are held at 6:30 pm at the North Dining Room at Georgian Court College, Lakewood. Contact Tony Sonatore at 732-787-8000.

Wednesday, June 2

Julian Wilner
Tax and Accounting Roundtable
Bring your issues and we will try to solve them

Wednesday, September 1

Scott Hanula & Ted Durante
Long Term Health Care and Senior Planning

Wednesday, October 6

Glenn Gizzi
Important Tax Changes for 2010

Wednesday, November 3

Jacob Foy & Jim Gordon
What's New in NJ Taxes

Wednesday, December 8*

Andy Hanlon
Successful Investment Strategies
* This meeting is 2nd Wednesday and FREE to members

Wednesday, January 5
Anthony Sonatore
2010 Tax Updat

Morris-Sussex-Warren Chapter

All meetings will be held at
Zeris Inn-Chrisandis
372 Route 46 East
Mountain Lakes, NJ 07869
(973) 627-3636
Social Hour 6 PM
Speaker & Dinner 7 PM
Contact Jerry Dunn (973-479-
2447)
for reservations

South Jersey West Chapter

All meetings are held at the
Carriage House in Voorhees unless
specified otherwise. Visit the
restaurant's website for directions:
www.carriagehousevoorhees.com
Registration is from 6:00 pm, start
time is at 6:30 pm. Contact Nancy
at 609-387-2127 for registration
information.

Wednesday, June 9 \$20.00
 2 CPE

NJAPA Website

As promised, the new NJAPA
website is up and running. The
current site is more user friendly
and will continue to improve with
your help. **Note the new link
name.**

Please take a minute to go to:
www.njapa.info. On the left hand
side of the screen you will see a
heading that says Members Only
with a place for you to login. Each
member has been assigned a unique
user-id and temporary password, so
you will not be able to log in
immediately. Instead, click on the
"More Information" link and
complete the form that comes up.
Your user-id and temporary
password will be emailed to you. If
your email address is not found,
you can call Niles' office (609-645-
8880) and ask for your user ID and
password. Once you are able to
login, you can immediately change
your password, update your
personal information (address,
phone number, fax number, email

address) and have those updates
automatically recorded.

For those of you trying to access your
chapter's membership listing, please
do the following:

1. Go the NJAPA website
(www.njapa.info)
2. Type your ID number and
password which will bring
you to "Your Info"
"Membership Listing"
"Logout"
3. Click "Membership Listing"
4. Look at drop down box for
"All Chapters"
5. Click the chapter you want
access to and then click
"Search"
6. This will bring a listing of that
particular chapter's members
7. Look above the membership
list and you can bring up the
membership listing in excel
format. Remember, you must
have access to Excel for this
work.

Please remember that we are still
updating many sections of the website,
so if you see a heading without any
information listed, just be patient. As
you browse through the various tabs
and access each area, let Joan Kenyon
know if there is something else you
would like to see. This website is for
your benefit and will work best if you
let us know exactly what you want it to
have available for you.

NJAPA members now have the ability
to enter their Designation on the
member information portion of the
NJAPA website, such as CPA, PA,
EA, Tax Preparer, or Other
Designation. To do this, just go into
the website (www.NJAPA.info), enter
your ID and Password, click on "Your
Info" and at the bottom you will see a
field marked "Designation". Please
take a moment to update your member
profile, as this will provide useful
professional demographic information
about the association.

If you have any questions, let Niles
Breslau know.



NJ Association of Public
Accountants has teamed-up with
Liberty Mutual to offer you Group
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Joseph.Siriano@LibertyMutual.com,
or visit
www.libertymutual.com/jospehsiriano
and mention Special Invitation
Number 4110.

Charitable Donations of Devalued Real Estate

Some taxpayers have seen the value
of their investment real estate decline
precipitously during the recent
economic downturn. In response,
they may have abandoned the idea of
making money on their investment
and are looking for a way out.
Making a charitable gift of the
investment real estate to save on
taxes may seem like the way to go.
However, individuals thinking of
donating their devalued property to
charity and taking a charitable gift
tax deduction should perform a
careful analysis to ensure the most
favorable result.

Taxpayers considering a donation of
property that has decreased in value
should note a charitable deduction is
limited to the property's fair market
value (FMV) at the time of
contribution and not necessarily the
original purchase price. And, the loss
sustained from the decline in value is
not deductible for federal income tax
purposes. Thus, it is generally better
from a tax standpoint to sell the real
estate, recognize the loss (if

allowable), and donate the proceeds to charity. See the following example.

Example: Contribution of property that has decreased in value.

Fred and Cathy have a large net worth, substantial income, and are charitably inclined. They own a parcel of real estate (raw land) held for investment they would like to gift to their church. They purchased the property six years ago for \$180,000. Unfortunately, the property has declined in value, and a recent appraisal indicates a current value of only \$40,000.

If Fred and Cathy donate the property to their church, their charitable contribution deduction is limited to the *lower* of the property's cost (\$180,000) or FMV (\$40,000), and no deduction for the \$140,000 loss will be allowed. Alternatively, a sale of the property would result in the recognition of a \$140,000 long-term capital loss. A gift of the sale proceeds to the church would then result in a \$40,000 charitable contribution deduction, the same deduction amount as donating the property. But, by selling the property, they would have a \$140,000 investment loss that could be used to offset a like amount of investment gains. The loss could also be used to offset ordinary income, but is generally limited to the amount of investment gains (if any) plus \$3,000 of ordinary income per year (filing jointly).

This example demonstrates a facet of the tax code some taxpayers might find surprising. But, as you probably know, that is not unusual. Please contact us if you have any tax compliance or planning questions or if you just want to discuss some tax-saving ideas.

Golf Carts and the Plug-in Electric Drive Motor Vehicle Credit

There has been great deal of confusion lately concerning which vehicles actually qualify for the Plug-in Electric Drive Motor Vehicle Credit. The confusion seems to center mainly around

whether golf carts qualify. As background, taxpayers can take a tax credit related to the purchase of a new qualified plug-in electric drive motor vehicle. Among other requirements, the vehicle must be manufactured primarily for use on public streets and able to reach a speed of 20 miles per hour on level payment. The maximum credit available in 2010 is \$7,500, and it must be claimed in the year the vehicle is placed in service.

In response to media reports describing a tax credit for the purchase of golf carts, the IRS clarified that electric golf carts do not qualify for the credit because they are not manufactured primarily for use on public streets. In addition, most golf carts cannot attain the required 20 mph. So, media reports describing a tax credit for golf carts are generally erroneous.

The IRS has also clarified that there is no limit on either the number of vehicles a taxpayer may purchase or the amount of credit a taxpayer may report as a result of purchasing these vehicles

Increased Producer Deduction for 2010

The Domestic Production Activities Deduction, also known as the Section 199 deduction or "Producer Deduction," was initially 3% of *qualified production activities income*, jumped to 6% in 2007, but has increased again. The Producer Deduction was established by the American Jobs Creation Act of 2004.

The definition of *qualified production activities*, or QPAI, is very broad. These activities include, but are not limited to, traditional manufacturing of tangible personal property; domestic construction; civil engineering and architectural services for U.S. projects; production of electricity, gas, and potable water; software production; film and videotape production and licensing; growing of agricultural products and food (farming); and processing agricultural products for food.

The deduction has increased once again in 2010 and is now set at 9% of QPAI. (The deduction remains at 6% for certain oil-related qualified production.) So, if you qualified for

this deduction in prior years, your federal tax bill may decrease a bit in 2010 if you continue to qualify. If you did not qualify in prior years, or you did qualify but the benefit was minimal, you might want to take another look at your financials in light of the increased deduction available.

The Producer Deduction is available to individual business owners as well as C corporations, S corporations, partnerships, and other entities.

Filing Status and the Final 1040

Although we can't escape death or taxes, we may be able to minimize the federal income taxes due on our final Form 1040. Filing a tax return after we die (we are then known as the "decendent") is probably not something most of us think much about. But, a final Form 1040 generally must be filed for the year of our death, and, just as in life, is typically due by April 15th of the following year. Normal tax accounting rules regarding the recognition of income and deductions generally apply for this final return. And, as is the case during life, tax planning opportunities are available both when death is imminent and after death. For instance, several decisions can affect the income or deductions reported on that final return. However, as we will discuss below, a major decision for married individuals concerns whether to file a joint return for the year of death.

When a married taxpayer dies, and the surviving spouse does not remarry during the year, the spouse may file a joint return with the decedent for the year of death, but is not required to do so. The joint return will include income and deductions for the decedent prior to the date of death and the surviving spouse's income and deductions for the entire year. If the surviving spouse remarries before the close of the tax year that includes the date of death, a separate return must be prepared for the decedent. Listed below are some of the advantages and disadvantages for joint filers to consider when filing that final return.

Advantages of Filing a Joint Return

Since the surviving spouse's tax year does not end upon the death of the decedent, it may be possible to reduce their combined income tax liability. They can accomplish this by accelerating or postponing income or deductions to maximize use of the joint tax rates. Some other benefits include, but are not limited to: (a) use of one spouse's excess deductions against the income of the other spouse (e.g., excess charitable contributions); (b) an increase in the IRA contribution limit (because of the spousal IRA rules); and (c) the ability of the decedent's net operating loss (NOL), capital loss, and passive activity loss (subject to the limitation) carryovers to offset income of the surviving spouse. Note that any NOL or capital loss carryover of the decedent that is not used on the final return (whether separate or joint) will expire unused.

Disadvantages of Filing a Joint Return

Filing a joint return with the surviving spouse is not always the best option. One disadvantage of filing a joint return for the decedent's final tax year is that the decedent's estate and the surviving spouse are jointly and severally liable for any tax, interest, and penalties due on the joint return. In addition, when the surviving spouse is not the sole beneficiary of the estate, the decedent's personal representative may not be willing to expose the estate to potential unknown liabilities (e.g., tax on the surviving spouse's unreported income). Potentially, this exposure may be avoided because of the innocent spouse rules. Also, filing a joint return can negatively impact the amount of the decedent's deductions that are subject to adjusted gross income (AGI) limitations (e.g., medical, casualty, miscellaneous itemized) since AGI is based on joint income rather than separate income. Finally, the surviving spouse must cooperate with the decedent's personal representative by sharing the

information necessary to prepare the return and by signing the return once it is prepared.

Planning for that final 1040 is something we may not think much about, but it is a good idea all the same.

Using Employee Stock Ownership Plans (ESOPs)

The owner of a closely held corporation, including an S corporation, who wants to sell an interest in the business but does not have a buyer, can often use an Employee Stock Ownership Plan (ESOP) to create a market for the company's stock. An ESOP is a special type of qualified retirement plan established for the benefit of the corporation's employees. Unlike the typical qualified plan, an ESOP invests primarily in the employer's stock. An ESOP may be a stock bonus plan or a combination of a stock bonus plan and a money purchase plan, which has been designed to include the various tax and regulatory requirements of an ESOP.

To create a market for the business, the owner arranges to sell his or her shares in the corporation to the ESOP. The corporation establishes the ESOP for the benefit of its employees and funds it with tax-deductible cash contributions. The ESOP uses the contributed cash to purchase qualifying employer securities from shareholders, who may either remain with the company or retire. ESOPs may also borrow money from the employer, its shareholders, or third parties to purchase stock, and these loans are exempt from the prohibited transaction rules. An ESOP holding S corporation stock is counted as a single shareholder for the 100-shareholder limit, regardless of the number of ESOP participants.

The stock acquired by the ESOP is allocated to employees' accounts, typically on the basis of compensation. As a qualified plan, amounts allocated to employees' accounts are not taxable to the employees when contributed. Instead, they accumulate on a tax-deferred basis until the employee retires, becomes disabled, dies, or otherwise terminates employment. The employee or beneficiary recognizes

income when the stock is distributed or when the stock is sold and the proceeds are distributed to the employee.

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973-921-8441

Sandy.Jackson@BollingerInsurance.com
m

IMPORTANT TELEPHONE NUMBERS AND WEBSITES IRS

IRS Accountants Hotline
866-860-4259
(7:30 am – 5:30 pm)

Taxpayer Advocate Hotline
877-777-4778

IRS Assistance
800-829-1040

IRS Lien Release
(7:30 am – 4:00 pm)
973-921-4301
FAX 973-921-4363

IRS Fraud Hotline
800-829-0433

Small Business & Specialty Tax Line
800-829-4933

Refund Hotline
(Only for 1040 and Joint Filers)
800-829-1954

Forms and Publications
800-829-3676

IRS E-Help desk
1-866-255-0654

Electronic Federal Tax Payment
System Hotline (EFTPS)
800-555-4477 or
800-945-8400

Tax-Exempt-Government Entities
(TE/GE) Help
877-829-5500

Estate and Gift Tax Return Status
Form 706
866-699-4083

Financial Management Service
800-304-3107

Business Owners link to US Gov.
www.business.gov

Employer Identification Numbers
800-829-4933
Mon.-Fri. 7:30am-10pm (local
time)
<http://www.irs.gov>

IRS Where to File
For correct mailing address for all
tax returns
www.irs.gov/file

Transcript Delivery System
www.irs.gov/efile

Internal Revenue Service
www.irs.ustreas.gov

IRS Tax Tips
www.irs.gov
Search IRS site for AT-2002
Click on Tax Tips for the Current
Filing Season

Free Federal Tax Law Research
<http://www.legalbitstream.com/>

Taxpayer Education and
Communication offers "Headliner"
articles on a wide range of IRS
services and programs at
www.irs.gov/businesses/small

For a list of local offices, addresses,
hours and telephone numbers
www.irs.gov/localcontacts

Get refund status at any time
Need SSN, filing status & refund
amount
www.irs.gov/individuals/index.html

Stimulus Payment Link
<https://sa1.www4.irs.gov/irfof/IRServlet?app=IRACTC&selectLanguage=en>

E-file for Business
Practitioners can get all the
information they need on business e-
filing at
<http://www.irs.gov/efile/article/0,,id=98470,00.html>

Small Business/Self-Employed
<http://www.irs.gov/smallbiz>

Depreciation of gasoline pump station
canopies
For guidance see
<http://www.irs.gov/newsroom/article/0,,id=109582,00.html>

New Jersey

Customer Service Center
609-292-6400

NJ TaxFax
609-826-4500

Automated Tax Information
1-800-323-4400
609-826-4400
TTY Users
1-800286-6613

NJ Accountants Hotline
Personal 609-633-6657
Business 609-633-6905
S Corp. 609-292-5256

Div. of Employer Accounts Hotline
609-633-6400

Status Reports for Annual Reports
www.state.nj.us/njbgs
(609) 292-9292

PAAD, Lifeline, HAAAD, or Senior
Gold
1-800-792-9745

Estate Recovery Unit
609-588-2900
E-mail
taxation@tax.state.nj.us

Website
www.state.nj.us/treasury/taxation/

NJ Div of Taxation What's New?
www.state.nj.us/treasury/taxation/whatsnew.htm

Streamlined Sales and Use Tax
<http://www.state.nj.us/treasury/taxation/streamchanges.htm>

NJ Dept. of the Treasury
www.state.nj.us/treasury

NJ Taxation – John Kelly
jkelly@tax.state.nj.us

Dissolving/withdrawing a profit
corporation
www.state.nj.us/treasury/revenue/dissolvewithdraw.htm

NJ Division of Taxation
www.state.nj.us/treasury/taxation

NJ Dept. of Labor
www.state.nj.us/labor

NJ Dept. of Labor
Division of Employer Accounts
609-292-2327
William.burns@dol.state.nj.us

Registering a New Business
www.state.nj.us/njbgs

NJ Employer Updates
www.state.nj.us/labor/update/update.html

NJ Division of Revenue
www.state.nj.us/treasury/revenue

Quick Alerts E-filing
www.envoyprofiles.com/QuickAlerts

Nursing Home Ratings
www.medicare.gov/NHCompare/home.asp
Related site:
www.state.nj.us/health/ltc

Other

Social Security Administration
To verify W-4/W-8 information
800-772-6270

Social Security Number
Verification Service
<http://www.socialsecurity.gov/employer/ssnv.htm>

Social Security
State and Local Coverage
Handbook
<http://www.socialsecurity.gov/slge>

New York State Workers'
Compensation
www.wcb.state.ny.us

Accountants World
www.accountantsworld.com

Tax Links
www.taxlinks.com

NJAPA
www.NJAPA.info

Tax Law Information
www.findlaw.com

NJ Society of Enrolled Agents
Tax Professionals
www.njsea.org

Trust and Estate Planning & Asset
Protection
<http://profs.lp.findlaw.com>

Living Wills
www.state.nj.us/health
(check "Advance Directives")
www.njrtd.org(check "Will to Live")

Valuation Guide for Donated Items
www.salvationarmyusa.org
click on "ways to give" and then
"donation – receipts valuation guide"

Bond Information Calculator
<http://www.publicdebt.treas.gov/bpd/bpdhome.htm>

Payroll Calculator
www.paycheckcity.com

Attorney Locator
www.Martindale.com

Cell Phone Do Not Call
888-382-1222
www.donotcall.gov

Better Business Bureau
Wise Giving Alliance
www.give.org

In-home Caregiver Internet Resources
www.agenet.com
www.caregiver.org
www.caregivershome.com
www.nahc.org

www.seniors.gov
www.seniorresourcesonline.com
www.familycaregivers.org
www.nlm.nih.gov/medlinepulse/caregivers.html
www.aoa.gov/prof/aoaprof/caregiver/caregiver.asp
www.aginghelp.com/caregiver.html
www.alz.org/resources/topicindex/caregivers.asp
www.suite101.com/welcome/cfm/elderly_caregiving
www.caregiver.com
www.caregiving.com
www.thefamilycaregiver.org
www.thirdage.com
www.rightathome.net

Federal Student Aid website
<http://studentaid.ed.gov/PORTALSWebApp/students/english/IBRPlan.jsp>

Financial Websites

The University of Pennsylvania offers an extensive directory of finance and investment websites for your personal use at <http://gethelp.library.upenn.edu/guides/business/financeandinvestment.html>. The directory lists websites for market analysis, bonds, corporate financials, mutual funds, and numerous other investment topics.

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