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To:

Cc:

Subject: RE: Information: ACT: Who signs form 8283 for appraisal

There is no exception for the referenced entities. If someone other than the person(s) who conducted the appraisal is signing the appraisal then the appraisal is not a qualified appraisal for purposes of section 170 and the claimed deduction may be disallowed. This is regardless of whether the person signing is or is not an appraiser.

The person who signs the 8283 and the appraisal must be the appraiser who conducted the appraisal. Attaching a properly executed 8283 (i.e., "appraisal summary") is required to substantiate the contribution, so failure to do so should lead to disallowance of the deduction.

However, we are not aware of any cases where the 8283 was not signed by the right person. Some Tax Court cases have taken the view that "substantial compliance" with certain substantiation requirements under the 170 regs is sufficient (e.g., Bond and Simmons). Both of those cases had to do with the appraisal itself, though -- not the 8283. It is, therefore, uncertain how the Tax Court would resolve this issue. Furthermore, this creates a Circular 230 issue, as previously discussed, because the Service must be able to hold the appraiser responsible for any false or fraudulent overstatement in the appraisal.