

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In Re:

Case Type: Special Administration
Court File No: 10-PR-16-46
Judge: Kevin W. Eide

Estate of Prince Rogers Nelson,

Decedent.

**DECLARATION OF CARL WELLS
HALL IN SUPPORT OF
MOTION TO INSTITUTE PROTOCOLS
TO FACILITATE CLOSURE OF THE
ESTATE**

Carl Wells Hall, III hereby states and declares as follows:

1. I am currently a partner with the law firm of Nelson Mullins Riley & Scarborough LLP, a law firm with more than 25 offices and 850 attorneys. My practice focuses on federal, state, and multi-state tax aspects of acquisitions, reorganizations, restructuring of business entities, private equity transactions, and estate and gift tax planning. I have practiced law for more than 45 years and have extensive experience and familiarity with federal, state and multi-state tax matters including estate tax disputes. I am admitted to practice before and have litigated numerous tax cases in the U. S. Tax Court, the Court of Federal Claims, the federal District Courts, and state courts.

2. For four decades, I have been actively involved with the Section of Taxation of the American Bar Association, including my current role as the Chair Elect (2021- 2022) and previous service as Vice Chair of Pro Bono and Outreach (2013 – 2016). In addition, I have been the President of the American College of Tax Counsel. I have served as the Chair of the National Association of State Bar Tax Sections, and the Chair of the Southeast Region IRS/Bar Liaison Committee, among other positions.

3. I am currently ranked as Band 1 - Tax Law in North Carolina by Chambers USA. I have been named among The Best Lawyers in America in the Tax Law field from 2017 – 2022 and the Trusts and Estates field from 2017 - 2020, as well as North Carolina Super Lawyers from 2006 – 2020.

4. I have consulted with L. Londell McMillan, who I understand is an advisor to three of the living heirs to the Estate of Prince Rogers Nelson, namely, Sharon Nelson, Norrine Nelson and John Nelson (the “Heirs”), and is also an Interested Person to the Estate. Over the past few months Mr. McMillan and I, along with other partners of my firm in various offices, have discussed the potential engagement of myself and my law firm to advise the Heirs and Mr. McMillan as to Estate tax issues arising related to closing the Estate, transition tax planning, corporate reorganization, and the tax implications of certain state transactions.

5. I understand that my declaration is being submitted in support of a motion filed in the District Court of Carver County in Minnesota by the Heirs, Mr. McMillan and another Interested Person seeking for the Court to establish certain protocols and to approve a request to engage me and my law firm as tax counsel to the Heirs and certain Interested Persons.

6. I have reviewed certain tax filings and other publicly available information concerning the tax proceedings in the Prince Estate, and discussed the same with Mr. McMillan. It is my observation that the low valuations reported on Form 706 have resulted in penalties that would not have been assessed against the Estate by the Internal Revenue Service had more reasonable valuation positions have been taken on the original estate tax return, as well as potential delays in resolving the federal tax liability issues. It does not appear that the input of the Heirs and Interested Persons was obtained with respect to the valuation of the assets or that a copy of the Form 706 was even shared with the Heirs and Interested Persons prior to filing the return,

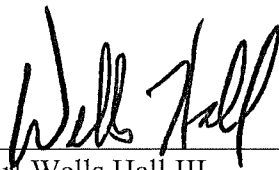
notwithstanding their significant financial interest in the estate. The approval of the Heirs and Interested Persons of the valuation positions may have avoided the risk of substantial tax penalties for undervaluation and negligence penalties.

7. It is my further observation that the Heirs and Interested Persons have received no satisfactory explanation as to why the IRS and state tax audits were not resolved within the three-year statute of limitations and in particular, why negotiations with the IRS appear not to have occurred prior to the issuance of the statutory notice or prior to filing of the petition in the Tax Court. It is my experience that failure to perform these actions within these time frames will very likely serve to draw out tax proceedings that could more quickly and efficiently be resolved and settled more favorably.

8. In my professional opinion, the engagement of separate tax counsel going forward to advise the Heirs and Interested Persons, while working collaboratively with the Personal Representative's legal counsel, will provide assurances to the Heirs and the Interested Persons that their interests are being protected, and that the administration of the Estate will not be unduly prolonged by protracted litigation in the Tax Court. Continued litigation will be costly, time consuming, and may not result in favorable outcomes given the potential value of all of the assets of the estate.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Signed on August 13, 2021.



Carl Wells Hall III



C. Wells Hall, III

Partner

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Wells advises clients on the federal, state, and multi-state tax aspects of acquisitions, reorganizations, restructuring of business entities, and private equity transactions, and estate and gift tax planning in connection with such transactions.

Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

Experience

- Represented taxpayers before the Internal Revenue Service, the North Carolina Department of Revenue, the North Carolina Employment Security Commission, and Tax Commissions of multiple states in individual and corporate tax audits and appeals.
- Handled transactions and tax planning involving pass-through entities, including merger and acquisition transactions when an S corporation or LLC is the target. Much of his legal experience has been involved in the finance, healthcare, and real estate sectors.
- Represented sponsors of real estate investment funds, including limited partnerships, limited liability companies, real estate investment trusts, UPREITs, and combined fund structures.
- Recently participated in preparation of comments by the ABA Section of Taxation regarding the need for published guidance with respect to the scope of a specified service trade or business within the meaning of new section 199A; also participated in preparation of comments by the ABA

Education

Duke University School of Law, JD (1973)

- Editor in Chief, Duke Legal Research Program

North Carolina State University, BS, with honors (1970)

- Dean's List
- Phi Beta Kappa

Admissions

North Carolina

South Carolina

Supreme Court of the United States

U.S. Court of Appeals for the District of Columbia Circuit

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Federal Claims

U.S. District Court for the Middle District of North Carolina



C. WELLS HALL, III
PARTNER

Section of Taxation on the proposed Treasury Regulations under Section 1411 of the Internal Revenue Code (net investment income tax).

Recognitions

The bar rules of some states require that the standards for an attorney's inclusion in certain public accolades or recognitions be provided. When such accolades or recognitions are listed, a hyperlink is provided that leads to a description of the respective selection methodology.

- [Business North Carolina Magazine Legal Elite](#) — Tax and Estates (2012, 2014, 2015, 2021)
- [Martindale-Hubbell® AV Preeminent®, Peer Rated for Highest Level of Professional Excellence; Distinguished, Peer Rated for High Professional Achievement](#) (AV rated since 1985)
- [N.C. Pro Bono Honor Society](#) — N.C. Pro Bono Resource Center (2017–2020)
- [The Best Lawyers in America®](#) — Tax Law (2017–2022); Trusts and Estates (2017–2020)
- [North Carolina Super Lawyers](#) — Tax (2006–2020)
- [Chambers USA: America's Leading Lawyers for Business](#) — Tax — North Carolina (2020–2021)

Professional Activities

- American Bar Association, Section of Taxation, Chair-Elect (2021–2022) Vice Chair, Pro Bono and Outreach (2013–2016), Member of Council (2007–2010); Chair, Special Projects Committee (2006–2008); Chair, S Corporation Committee (1996–1998)
- American College of Tax Counsel, President (2018–2020), Vice President (2018), Secretary/Treasurer (2017–2018), Regent (2013–2016)
- American College of Trust and Estate Counsel, North Carolina State Chair (1997–2002), Regent (2002–2005)
- American College of LLC and Partnership Attorneys, Founding Fellow (2021)
- American Tax Policy Institute, Trustee (2018–present)
- North Carolina Bar Association; Chair, Young Lawyers Division (1984–1985); Chair, Tax Section (1986–1988);

U.S. District Court for the Western District of North Carolina

U.S. Tax Court

Practice Areas

[Tax](#)

[Private Wealth Services](#)

[Executive Compensation, ERISA, Employee Benefits](#)

[Mergers & Acquisitions](#)

[Opportunity Zones](#)

[Real Estate Investment Trusts](#)

[State & Local Tax](#)

[Tax Controversy](#)

Industries

[Banking & Financial Services](#)

[Healthcare](#)

[Real Estate](#)

[Sports & Entertainment](#)



C. WELLS HALL, III
PARTNER

Board of Governors (1989–1992); Chair, Joint Subcommittee of the Taxation and Business Law Sections to draft the 1999 Revised North Carolina Limited Liability Company Act

- One of original drafters of the North Carolina S Corporation Income Tax Act, and the Model S Corporation Income Tax Act endorsed by the American Bar Association and the Multi-State Tax Commission (1987)
- Member of drafting committee for the original enactment and subsequent revision of the North Carolina Limited Liability Company Act (1993, 1999, 2013)
- Columnist, *Journal of Passthrough Entities*, Walters Kluwer CCH
- Editorial Board, *Journal of Business Entities*, Thomas Reuters (2000–2016)
- Editorial Board, *Journal of Multi-State Taxation and Incentives*, Thomson Reuters (2000–2012)
- Chair, National Association of State Bar Tax Sections (1990–1991)
- Board of Advisors, Planning Committee, J. Nelson Young Tax Institute (1981–present)
- Chair, Southeast Region IRS/Bar Liaison Committee (1989–1990)
- Chair, Young Lawyers Division, Mecklenburg County Bar (1982–1983)

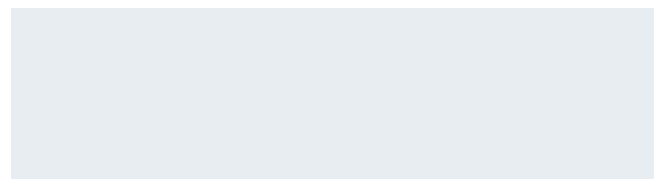
Community

- President, North Carolina 4-H Development Fund, Inc. (2009–2010); Board of Directors (2006–present); Vice President (2007–2008)
- Board of Directors, North Carolina FFA Foundation, Inc. (2015–present)
- Board of Directors, Opera Carolina, Charlotte, North Carolina (2003–2012); Chair (2007–2009), Endowment Board (2009–present)
- Board of Visitors, Duke University School of Law (2007–present)
- Advisory Board, Duke Law School Low Income Taxpayer Clinic (2006–2008)
- Greater Charlotte Heart Ball, American Heart Association, Charlotte Chapter, Member of Executive Committee, Co–



C. WELLS HALL, III
PARTNER

Chair, Auction Committee; Co–Chair, Charlotte Heart
Society Patron Committee (2005–2012)



Articles & Speeches

Insights

[21% and Rising – What Business Owners Should Consider When Considering Higher Tax Rates](#), *Bloomberg Tax* - Co-Author (July 9, 2021)

PLI Corporate Practice Series: [The Road Between Subchapter C And Subchapter S – It May Be A Well-Traveled Two-Way Thoroughfare, But It Isn't Free Of Potholes And Obstacles](#) - Co-Author (2021)

[21% and Rising: What Tax Pros Should Consider with Higher Rates](#), *Accounting Today* - Co-Author (July 2, 2021)
[American Rescue Plan Act of 2021](#) - Co-Author (March 18, 2021)

[North Carolina Conforms Definition of Apportionable Income to Multistate Tax Commission UDITPA Model](#) - Co-Author (March 18, 2021)

[Nelson Mullins Tax Report: Coronavirus Response and Relief Act](#) - Co-Author (Jan. 4, 2021)

PLI Corporate Practice Series: [Planning for Real Estate Professionals and Investors Under the Net Investment Income Tax and the Self-Employment Tax](#) - Author (2021)

PLI Corporate Practice Series: [Acquisitions and Dispositions of Interests of Closely Held Corporations](#) - Author (2020)

[North Carolina Governor Signs Bill Addressing IRS Conformity and Other Significant Changes to North Carolina Tax Law](#) - Co-Author (July 6, 2020)

[Treasury Releases Relief for Opportunity Funds Affected by COVID-19](#) - Co-Author (June 8, 2020)

[IRS Says 'No Sale' on Transfer of LLC Interest From Subtrust to Deemed Owner Under Section 678](#) - Co-Author (June 5, 2020)

[Treasury Releases Corrections to Final Qualified Opportunity Zone Regulations](#) - Co-Author (May 12, 2020)

[IRS Announces Position on Deduction of Business Expenses Associated With PPP Loan Forgiveness](#) - Co-Author (May 4, 2020)

[Treasury Releases Guidance for Taxpayers Seeking to Take Advantage of CARES Act Provisions Relaxing Interest Deduction Limitations and Providing Full Expensing of Qualified Improvement Property](#) - Co-Author (April 28, 2020)

[IRS Announces Relief for BBA Partnerships to File Amended Tax Returns in 2018 and 2019](#) - Co-Author (April 17, 2020)

[Treasury Releases Relief Guidance for REMICS and Investor Trusts Holding Mortgage Loans Entitled to Coronavirus-Related Forbearance Programs](#) - Co-Author (April 17, 2020)

[Tax Provisions of the Coronavirus Aid, Relief, and Economic Security Act](#) - Co-Author (March 30, 2020)

[Employer Tax Credits Available Under The Families First Act](#) - Co-Author (March 23, 2020)

[Tax Report – Qualified Opportunity Zones: Final Regulations Released](#) - Co-Author (January 9, 2020)

[Tax Report — Treasury Department Publishes Foreign Tax Credit Guidance, Includes GILTI Relief for R&D Expenses](#) - Co-Author (December 11, 2019)

[U.S. Supreme Court Limits North Carolina's Attempt to Tax Undistributed Income of Non-Resident Trust Based on In-State Residence of a Contingent Trust Beneficiary](#) - Co-Author (June 25, 2019)



C. WELLS HALL, III
PARTNER

[Tax Report – Qualified Opportunity Zones Guidance: Second Set of Proposed Regulations Released](#) - Co-Author (May 21, 2019)

[Updates on Implementation of New Partnership Audit Regime](#) - Co-Author (February 18, 2019)

[Proposed Regulations Provide Guidance on 20% Deduction for Qualified Business Income](#), *CCH's Journal of Passthrough Entities*, Vol. 21, Issue 6 - Author (November/December 2018)

[New Qualified Opportunity Zones Guidance: Proposed Regulations and Revenue Ruling 2018-29](#) - Co-Author (October 31, 2018)

[Proposed Regulations on Charitable Contributions and State and Local Tax Credits and Deductions](#) - Co-Author (September 21, 2018)

[Proposed Regulations Provide Guidance on 20% Deduction for Qualified Business Income](#) - Co-Author (September 14, 2018)

New Section 199A and the Configurations of Qualified Business Income - Leveling the Playing Field for Pass-thru Entities After the C Corporation Rate Cut, *Journal of Passthrough Entities* - Author (March-April 2018)

IRS Announces it Will No Longer Rule in Three Areas Involving S Corporations, *Journal of Passthrough Entities* - Author (July-August 2017)

Tax Court Gives Professional Practices Operating as C Corporations Another Reason to Convert to S Status, *Journal of Passthrough Entities* - Author (November-December 2016)

[PATH Act Permanently Reduces S Corporation Built in Gains Recognition Period to 5 Years](#) - Co-Author (February 17, 2016)

Events/Speaking Engagements

[Special Purpose Acquisition Companies \(SPACs\) Webinar](#) (April 27, 2021)

Structuring Mergers, Acquisitions, and Private Equity Recaps When the Target is an S Corporation, 79th Annual NYU School of Professional Studies Institute on Federal Taxation Webcast - Presenter (November 19, 2020)

The Alphabet Soup of "ACE," "PHC," and "PSC" - The Accumulated Earnings Tax, the Personal Holding Company Tax, and the Personal Service Corporate Rules After the 2017 Tax Act, 69th Annual Tulane Tax Institute Webcast - Presenter (November 18, 2020)

Merger & Acquisition and Other Corporate Transactions After Tax Reform, 81st Annual Symposium, ncaCPA Webcast - Presenter (November 16, 2020)

20th Annual Oregon Tax Institute Webcast: Don't Forget the Acronyms "AET," "PHC," and "PSC" — The Accumulated Earnings Tax, the Personal Holding Company Tax, and the Personal Service Corporation Rules After the 2017 Tax Act - Speaker (September 15, 2020)

[NYU School of Professional Studies Tax Conference: Structuring Mergers, Acquisitions, and Private Equity Recaps When the Target is an S Corporation](#) - Speaker (July 24, 2020)

The Road Between Subchapter C and Subchapter S – It May Be a Well-Traveled Two-Way Thoroughfare, But It Isn't Free of Potholes and Obstacles, *NYU 78th Institute Federal Taxation* - Presenter (October 24 and November 14, 2019)

The Alphabet Soup of "ACE," "PHCs," and "PSCs": Accumulated Earnings Tax, Personal Holding Companies and Personal Service Corporations, *Southern Federal Tax Institute* - Speaker (October 22, 2019)

Distributions and Liquidations of S Corporations, *New York University Summer Institute* - Speaker (July 26, 2019)

Mergers, Acquisitions and Other Corporate Reorganizations After Tax Reform, *University of Virginia* - Speaker (June 6, 2019)

Acquisitions and Dispositions of Interests in Closely Held Corporations, *NYU 77th Institute on Federal Taxation* - Co-Presenter (October 25 and November 15, 2018)

[Wells Hall to Present at NYU School of Professional Studies Tax Conference](#) - Presenter (July 27, 2018)

[Choice of Entity and Business Tax Planning under the 2017 Tax Act](#) - Speaker (April 26, 2018)



C. WELLS HALL, III
PARTNER

[Four Nelson Mullins Attorneys Participating in Southeast Regional State Tax Seminar](#) - Speaker (April 10, 2018)
[Business Tax Planning During a Time of Tax System Instability, 60th Annual Tulane Tax Institute](#) - Presenter (November 29, 2017)
[Estate Planning For Owners of Closely-Held Businesses, 2017 76th Annual NYU Institute on Federal Taxation](#) - Presenter (November 16, 2017)
[Estate Planning For Owners of Closely-Held Businesses, 2017 76th Annual NYU Institute on Federal Taxation](#) - Presenter (October 26, 2017)
[Mergers and Acquisitions of Closely-Held Businesses, NYU Summer Institute in Taxation – Wealth Planning for High Net Worth Individuals and Owners of Closely Held Corporations](#) - Presenter (July 27, 2017)
[Tax Issues Arising In Connection With Dividends and Redemptions by Closely Held Corporations, The Florida Tax Institute](#) - Presenter (March 30, 2017)
[Tax Issues Arising In Connection With Dividends and Redemptions by Closely Held Corporations, The 51st Annual Southern Federal Tax Institute](#) - Speaker (September 20, 2016)

Blogs

[American Rescue Plan Act of 2021, Tax Reports](#) - Co-Author (March 18, 2021)
[North Carolina Conforms Definition of Apportionable Income to Multistate Tax Commission UDITPA Model, Tax Reports](#) - Co-Author (Jan. 8, 2021)
[Nelson Mullins Tax Report: Coronavirus Response and Relief Act, Tax Reports](#) - Co-Author (Jan. 4, 2021)
[North Carolina Governor Signs Bill Addressing IRS Conformity and Other Significant Changes to North Carolina Tax Law, Tax Reports](#) - Co-Author (July 6, 2020)
[Treasury Releases Relief for Opportunity Funds Affected by COVID-19, Tax Reports](#) - Co-Author (June 8, 2020)
[IRS Says 'No Sale' on Transfer of LLC Interest From Subtrust to Deemed Owner Under Section 678, Tax Reports](#) - Co-Author (June 5, 2020)
[Treasury Releases Corrections to Final Qualified Opportunity Zone Regulations, Tax Reports](#) - Co-Author (May 12, 2020)
[IRS Announces Position on Deduction of Business Expenses Associated With PPP Loan Forgiveness, Tax Reports](#) - Co-Author (May 4, 2020)
[Treasury Releases Guidance for Taxpayers Seeking to Take Advantage of CARES Act Provisions Relaxing Interest Deduction Limitations and Providing Full Expensing of Qualified Improvement Property, Tax Reports](#) - Co-Author (April 28, 2020)
[IRS Announces Relief for BBA Partnerships to File Amended Tax Returns in 2018 and 2019, Tax Reports](#) - Co-Author (April 17, 2020)
[Treasury Releases Relief Guidance for REMICS and Investor Trusts Holding Mortgage Loans Entitled to Coronavirus-Related Forbearance Programs, Tax Reports](#) - Co-Author (April 17, 2020)
[Treasury Extends Deadline for Filing and Payment of 2019 Income Tax Returns, Tax Reports](#) - Co-Author (March 30, 2020)
[Tax Provisions of the Coronavirus Aid, Relief, and Economic Security Act, Tax Reports](#) - Co-Author (March 30, 2020)
[Employer Tax Credits Available Under The Families First Act, Tax Reports](#) - Co-Author (March 23, 2020)
[Tax Report – Qualified Opportunity Zones: Final Regulations Released, Tax Reports](#) - Author (January 9, 2020)
[Tax Report — Treasury Department Publishes Foreign Tax Credit Guidance, Includes GILTI Relief for R&D Expenses, Tax Reports](#) - Co-Author (December 11, 2019)
[U.S. Supreme Court Limits North Carolina's Attempt to Tax Undistributed Income of Non-Resident Trust Based on In-State Residence of a Contingent Trust Beneficiary, Tax Reports](#) - Author (June 25, 2019)

C. WELLS HALL, III
PARTNER

[Tax Report – Qualified Opportunity Zones Guidance: Second Set of Proposed Regulations Released](#), Tax Reports - Author (May 21, 2019)

[Updates on Implementation of New Partnership Audit Regime](#), Tax Reports - Author (February 18, 2019)

[New Qualified Opportunity Zones Guidance: Proposed Regulations and Revenue Ruling 2018-29](#), Tax Reports - Author (October 31, 2018)

[Proposed Regulations on Charitable Contributions and State and Local Tax Credits and Deductions](#), Tax Reports - Author (September 21, 2018)

[Proposed Regulations Provide Guidance on 20% Deduction for Qualified Business Income](#), Tax Reports - Author (September 14, 2018)

[PATH Act Permanently Reduces S Corporation Built in Gains Recognition Period to 5 Years](#), Tax Reports - Author (February 17, 2016)

Reed J. Hollander

Partner

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Raleigh, NC 27612

reed.hollander@nelsonmullins.com



Reed J. Hollander handles a wide range of litigation, including contract disputes, business torts, unfair competition, administrative law, eminent domain and condemnation, technology, trade secret law, intellectual property, and constitutional and First Amendment issues. He focuses in the area of state and local taxation, including property tax, sales and use tax, corporate and individual income tax, and excise taxes, and has spoken and published articles on state and local tax controversy issues regionally and nationally.

Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Extensive experience with North Carolina state and local tax matters, including tax strategy, administrative challenges and appeals, contested cases before the North Carolina Property Tax Commission and Office of Administrative Hearings, and handling of appeals of tax matters before the North Carolina Court of Appeals and North Carolina Supreme Court
- Has tried jury and non-jury cases in state courts and before administrative agencies
- Has handled a variety of litigation in North Carolina federal district courts, including intellectual property matters, tax matters, business torts and unfair competition, and other matters
- Has handled appeals of cases to the North Carolina Court of Appeals, the North Carolina Supreme Court, the Fourth

Education

Duke University School of Law, JD, with honors (1996)

University of Illinois at Urbana-Champaign, BA, English, honors and distinction (1993)

Admissions

North Carolina

Supreme Court of the United States

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Tax Court

U.S. District Court for the Eastern District of North Carolina

U.S. District Court for the Middle District of North Carolina

U.S. District Court for the Western District of North Carolina

Practice Areas

[Appellate Practice & Legal Strategies](#)

[Commercial Litigation & Business Torts](#)

[False Advertising & Unfair Trade Practices](#)

[State & Local Tax](#)



REED J. HOLLANDER
PARTNER

WORKING TOGETHER

U.S. Circuit Court of Appeals, and the United States
Supreme Court

Recognitions

The bar rules of some states require that the standards for an attorney's inclusion in certain public accolades or recognitions be provided. When such accolades or recognitions are listed, a hyperlink is provided that leads to a description of the respective selection methodology.

- [N.C. Pro Bono Honor Society](#), N.C. Pro Bono Resource Center (2017-2019)
- [Recognized by the Triangle Business Journal as one of the "40 Under 40" Leadership Award](#) (2007)

Professional Activities

- Adjunct Tax Faculty, State and Local Tax Course, University of Miami School of Law (2014–2020)
- Member, American Bar Association, Litigation and Tax Sections
 - ABA Tax Section, State and Local Tax Committee – Executive Committee Member and Ad Valorem Tax Subcommittee Member (2020)
- Member, North Carolina Bar Association, Tax, Litigation, and Appellate Practice Sections
- Council Member, North Carolina Bar Association Tax Section (2019–2020)
- Member, North Carolina Bar Association Appellate Rules Committee (2015–2020)
- Member, Institute for Professionals in Taxation
- Member, Council On State Taxation and Author of North Carolina Tax Updates
- Chair, North Carolina Bar Association Constitutional Rights and Responsibilities Section (2006–2007)
- Wake County/10th Judicial District Bar

Community

- Legal counsel, North Carolina Jaycees (2001–2005)
- Legal counsel, Raleigh Jaycees (2003–2004)

[Tax Controversy](#)

[Tax Planning & Consulting](#)

Industries

[Banking & Financial Services](#)

[Consumer Products & Retail](#)

[Healthcare](#)

[Hospitality, Leisure & Travel](#)

[Manufacturing](#)

[Pharmaceuticals & Medical Devices](#)

[Real Estate](#)

[Sports & Entertainment](#)

[Technology](#)

[Transportation](#)



REED J. HOLLANDER
PARTNER

WORKING TOGETHER

- Held numerous officer positions with the Durham Jaycees, including service as President of the Durham Jaycees in 2000

Articles & Speeches

Insights

North Carolina Tax Updates, *Council on State Taxation* - Author (annually since 2016)

[How to Overcome 'Special Purpose' Property Classification in Ad Valorem Valuation: In re Appeal of Corning Inc., Long Leaf Law, The Blog of the NCBA](#) - Co-Author (October 2016)

In Re Ocean Isle Palms LLC: The North Carolina Supreme Court Restricts the Ability of Assessors to Change Property Values Outside of County-Wide Revaluations, *Institute for Professionals in Taxation's Tax Report* - Co-Author (April 2013)

Litigating State Property Tax Cases in Federal Court: A Case Study of AMCC v. Onslow County and Craven County, *Institute for Professionals in Taxation* - Co-Author (July 2010)

Timeliness of County-Level Appeals in North Carolina, *Institute for Professionals in Taxation's Tax Report* - Co-Author (May 2010)

US Supreme Court Review - Gonzales v. Raich, *The Constitutionalist* - Co-Author (November 2005)

Events/Speaking Engagements

Kaestner Trust v. NCDOR: A View From the Trenches - Speaker (March 30, 2020)

[State and Local Taxation](#) - Guest Lecturer (January 6-9, 2020)

[A Discussion of NCDOR v. Kaestner Trust and its Impact on State Income Tax Planning](#) - Speaker (November 14, 2019)

Federal and State Aspects of the Kaestner Trust Case, *NASBTS Conference Panel* - Speaker (October 25-26, 2019)

50th Annual Conference of the Council on State Taxation: "Property Tax Practices: Process, Procedure, and Practical Pointers" - Speaker (October 24, 2019)

Implications of Wayfair – What Issues and Taxpayer Protections Exist Post-Wayfair, *COST 50th Annual Meeting* - Speaker (October 22-25, 2019)

Giving Due Process Its Due, *ABA Tax Section Fall Meeting* - Co-Presenter (October 2019)

Property Tax Process and Procedure, *50th Annual Council on State Taxation (COST) Meeting* - Author and Presenter (October 2019)

Kaestner: A View from the Trenches, *National Association of State Bar Tax Sections (NASBTS)* - Presenter (October 2019)

The Kaestner Trust Case and Related Due Process, *ABA Tax Section Meeting* - Speaker (October 3-5, 2019)

Forced Combinations, *18th Annual North Carolina/South Carolina/Georgia Tax Section Workshops* - Co-Presenter (May 15, 2019)

[Four Nelson Mullins Attorneys Participating in Southeast Regional State Tax Seminar](#) - Speaker (April 10, 2018)

Ten Tips for Managing North Carolina Property Taxes, *North Carolina Chamber of Commerce's Tax Conference* - Speaker (November 9, 2016)

REED J. HOLLANDER
PARTNER

WORKING TOGETHER

Tips for Avoiding Costly Property Tax Litigation, *Council on State Taxation's Annual Meeting* - Speaker (October 19, 2016)

State Tax Cases, Issues and Policy Matters to Watch – Including Certain Federal Legislation, *Council on State Taxation Southeast Regional Conference* - Speaker (November 13, 2014)

Officer Liability—How to Keep Your Boss Out of Trouble, *Institute for Professionals in Taxation Annual Conference, Phoenix, AZ* - Speaker (June 29, 2014)

Sales and Use Tax in North Carolina (held in Raleigh and Greensboro, NC) (April 29 and May 6, 2014)

EXTREME MAKEOVER: Tax Edition - The Impact of Session Law 2011-390 and the New North Carolina Combined Reporting Regime, *N.C. Association of CPAs Conference* - Speaker (November 2011)

Alerts

[U.S. Supreme Court's Wayfair Opinion Substantially Expands States' Powers to Impose Sales Taxes on Interstate and E-Commerce](#), Additional Nelson Mullins Alerts (June 22, 2018)

[2015 North Carolina Tax Law Updates in Review](#), Additional Nelson Mullins Alerts (March 25, 2016)

Blogs

[North Carolina Conforms Definition of Apportionable Income to Multistate Tax Commission UDITPA Model](#), Tax Reports - Co-Author (Jan. 8, 2021)

[North Carolina Governor Signs Bill Addressing IRS Conformity and Other Significant Changes to North Carolina Tax Law](#), Tax Reports - Co-Author (July 6, 2020)

[U.S. Supreme Court Limits North Carolina's Attempt to Tax Undistributed Income of Non-Resident Trust Based on In-State Residence of a Contingent Trust Beneficiary](#), Tax Reports - Author (June 25, 2019)

Maurice D. Holloway

Partner

Greenville ONE T 864.373.2300
2 W. Washington Street F 864.373.2925
Suite 400
Greenville, SC 29601

maurice.holloway@nelsonmullins.com



Maurice Holloway practices in the areas of corporate and business entity law, taxation, estate planning, and business law.

Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

Experience

- Experience in the formation of corporations, partnerships, and limited liability companies; structuring like-kind exchanges; estate and business succession planning; probate administration, trusts and estates litigation, and mergers and acquisitions

Professional Activities

- American Bar Association
 - Member, Real Property, Trust and Estate Law Section
 - Member, Business Law Section
 - Member, Tax Section
- South Carolina Bar Association
 - Past Chair, Tax Law Section Council
 - Member, Tax Law Section
 - Member, Corporate Law Section

Education

University of Florida Levin College of Law, LLM, Taxation (1995)

University of South Carolina School of Law, JD, cum laude (1994)

- The Order of the Coif
- South Carolina Law Review
- Order of Wig and Robe

Clemson University, MA, Accounting (1988)

Clemson University, BS, Accounting (1987)

Admissions

South Carolina

Practice Areas

[Trusts & Estate Planning](#)

[Executive Compensation, ERISA, Employee Benefits](#)

[Mergers & Acquisitions](#)

[Non-Profit Organizations](#)

[Opportunity Zones](#)

[Private Equity](#)

[Tax Controversy](#)

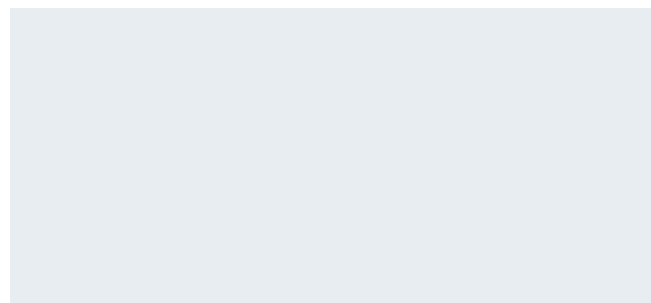
[Tax Planning & Consulting](#)



MAURICE D. HOLLOWAY
PARTNER

WORKING TOGETHER

- Member, Estate Planning, Probate, and Trust Law Section
- Greenville County Bar Association
- American Institute of Certified Public Accountants
- South Carolina Association of Certified Public Accountants



Articles & Speeches

Insights

- [Larry King Will Contest — Key Takeaways](#), *The National Law Review* - Co-Author (March 15, 2021)
- [Mistakes in a Will or Trust May Be Corrected by the Court in Narrow Circumstances](#), *The National Law Review* - Co-Author (March 11, 2021)
- [Time Is Running Out to Use the 65 Day Rule](#), *The National Law Review* - Author (Feb. 22, 2021)

Blogs

- [Larry King Will Contest — Key Takeaways](#), The Estate Planning & Probate Litigation Blog - Co-Author (March 15, 2021)
- [Mistakes in a Will or Trust May Be Corrected by the Court in Narrow Circumstances](#), The Estate Planning & Probate Litigation Blog - Co-Author (March 10, 2021)
- [Time is Running Out to Use the 65-Day Rule](#), The Estate Planning & Probate Litigation Blog - Author (Feb. 24, 2021)
- [Nelson Mullins Tax Report: Coronavirus Response and Relief Act](#), Tax Reports - Co-Author (Jan. 4, 2021)
- [No Contest Clauses – To Include or Not to Include?](#), The Estate Planning & Probate Litigation Blog - Co-Author (Dec. 3, 2020)
- [IRS Says 'No Sale' on Transfer of LLC Interest From Subtrust to Deemed Owner Under Section 678](#), Tax Reports - Co-Author (June 5, 2020)
- [IRS Announces Position on Deduction of Business Expenses Associated With PPP Loan Forgiveness](#), Tax Reports - Co-Author (May 4, 2020)
- [Treasury Releases Guidance for Taxpayers Seeking to Take Advantage of CARES Act Provisions Relaxing Interest Deduction Limitations and Providing Full Expensing of Qualified Improvement Property](#), Tax Reports - Co-Author (April 28, 2020)
- [Tax Report – Qualified Opportunity Zones: Final Regulations Released](#), Tax Reports - Author (January 9, 2020)
- [Tax Report – Qualified Opportunity Zones Guidance: Second Set of Proposed Regulations Released](#), Tax Reports - Author (May 21, 2019)
- [New Qualified Opportunity Zones Guidance: Proposed Regulations and Revenue Ruling 2018-29](#), Tax Reports - Author (October 31, 2018)
- [Proposed Regulations on Charitable Contributions and State and Local Tax Credits and Deductions](#), Tax Reports - Author (September 21, 2018)
- [Proposed Regulations Provide Guidance on 20% Deduction for Qualified Business Income](#), Tax Reports - Author (September 14, 2018)

Nelson Mullins Tax Highlights

March 24, 2021



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For informational purposes. Past success does not indicate the likelihood of success in any future legal representation.

Nelson Mullins Riley & Scarborough LLP
nelsonmullins.com

FIRM OVERVIEW





About the Firm

Making legal decisions guided by business sense



Nelson Mullins delivers real value: experience and judgment at a reasonable cost. Flexibility, practical business sense, and tireless advocacy are among the firm's service hallmarks. That's what clients want. Our measured growth reflects what our clients need — a multidisciplinary platform that provides trusted advice to meet a broad range of business needs.

We are now a firm of more than 850 attorneys, policy advisors, and professionals located across 25 offices that span coast to coast.

- ▶ Our litigation attorneys have handled cases in most states in the United States and have argued before many appellate courts.
- ▶ Our corporate and transactional teams provide high-quality corporate, securities, finance, venture capital, commercial real estate, real estate capital markets, and technology services.
- ▶ Our government relations team serves clients at the federal, state, and local levels and includes former high-ranking government officials.
- ▶ Our intellectual property group has been recognized nationally for IP litigation and provides a full-range of IP services for clients across industry sectors.
- ▶ Our Nelson Mullins Encompass team is a dedicated practice group that provides integrated e-discovery and information governance services to clients on a flexible and scalable basis.

Nelson Mullins is diversified across practices and geographies



A deep knowledge of your industry trends, challenges, and opportunities

Banking & Financial Services

Business Services

Construction

Consumer Products & Retail

Education

Energy & Utilities

Global Club & Branded Residences

Health Insurance

Healthcare

Hospitality & Tourism

Human Capital Management

Infrastructure & P3

Insurance

Manufacturing

Pharmaceuticals & Medical Devices

Real Estate

Sports

Technology

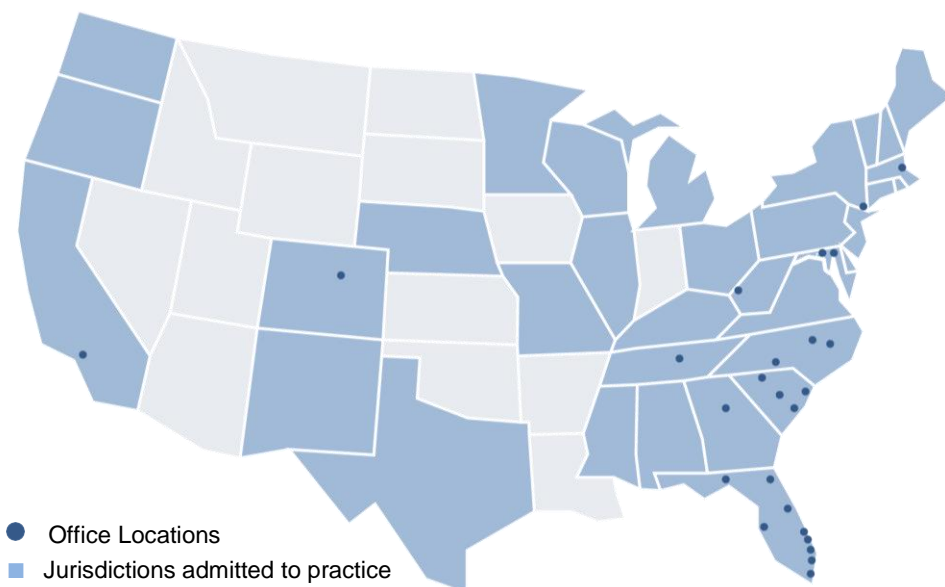
Transportation

2020 Am Law ranking

68



From coast to coast



Nelson Mullins attorneys are leaders in the profession and government

Past Professional Association Presidents

- ▶ ABA, DRI – The Voice of the Defense Bar, Lawyers for Civil Justice, National Foundation for Judicial Excellence

Former Government Officials

- ▶ U.S. Secretary of Education, U.S. Ambassador, Members of Congress, Lt. Governor of North Carolina, Governor of South Carolina, and other government and community leaders

Working Together



Helping clients **grow their businesses** and **solve problems**

- ▶ Sharing good practices and lessons learned.
- ▶ Providing cost-efficient, high-caliber services.

We take our responsibility to give back to our communities seriously

Pro Bono
48,000+
Hours in 2020

- ▶ ABA Pro Bono Publico Award
- ▶ Janet Spragen ABA Pro Bono Award
- ▶ Legal Service Corporation Pro Bono Service Award
- ▶ NLADA Arthur von Briesen Award
- ▶ Georgia Appleseed Good Apple Award



Recognized for our work toward promoting and achieving diversity

- ▶ Street Law Diversity Pipeline Program
- ▶ Leadership Council on Legal Diversity
- ▶ Nelson Mullins Diversity Scholarship

Why Nelson Mullins?

- ▶ Practical business mindset and experience
- ▶ Multidisciplinary team
- ▶ Cost efficiency and budget predictability
- ▶ Industry and government office relationships
- ▶ Understanding your business world and working side by side with you toward shared goals

Diversity, Equity & Inclusion

Embracing diversity and inclusive excellence

Maintaining a steadfast commitment to inclusive excellence and achieving and maintaining robust diversity in all aspects of firm life are core tenets of our diversity and inclusion goals.

This core belief transcends a wide array of backgrounds, characteristics, and life experiences among our professionals. Whether seeking to work with us as a Nelson Mullins professional or client, we hope you will lean in with us on our journey.

Advancing diversity & inclusion within the firm and our profession

Nelson Mullins is committed to achieving and maintaining diversity in all aspects of firm life. Our Diversity Commitment details the principles that we embrace. The Nelson Mullins Diversity, Equity & Inclusion Committee provides leadership for the pursuit of key initiatives and for achieving firm diversity and inclusion goals.

Our diversity initiatives and partnerships include:

Leadership Council on Legal Diversity

Nelson Mullins is a member of the Leadership Council on Legal Diversity, an organization of more than 200 corporate chief legal officers and law firm managing partners whose mission is to create a truly diverse U.S. legal profession. In addition, we participate in the LCLD's Fellows program and in LCLD's 1L Scholars Program.

Lean In

Nelson Mullins is a platform partner for Lean In, a global community committed to offering women the encouragement and support to "lean in" to their ambitions. Lean In principles are based on the book "Lean In: Women, Work, and the Will to Lead," authored by Facebook COO Sheryl Sandberg and focused on core professional issues faced by women. Lean In promotes partnerships to bring about organizational change to achieve greater diversity in leadership roles.



In the Profession

Nelson Mullins attorneys dedicate significant efforts associated with diversity and inclusion goals in outside firm professional activities, including support of minority law student scholarship programs and providing leadership in ABA, state, and minority bar diversity efforts.



Mentoring/High Potential Program

The firm supports a dedicated business development program with the purpose of helping women attorneys plan their careers, learn how to generate business, and grow leadership potential. This program provides career pathway guidance to participants who work with designated partner-sponsors and both internal and external executive coaches.

Pipeline Initiatives & Scholarships

The firm sponsors and participates in several minority recruitment initiatives and educational opportunities.

- **NM Diversity Scholarship Program** is open to 2L law students and is primarily designed to increase the number of diverse law students interested in summer and long-term employment with Nelson Mullins. Awardees will receive a \$10,000 scholarship and a salaried summer associate position at one of the firm's offices. The selection process coincides with Nelson Mullins' regular summer associate recruiting process.
- **The Nelson Mullins Riley & Scarborough LLP Scholarship Fund — a part of the Massachusetts Continuing Legal Education (MCLE) General Scholarship Endowment** — is supported by contributions from the firm. The fund is the first MCLE scholarship fund honoring a law firm. It benefits lawyers who serve the public interest, including legal services staff attorneys, private practitioners who accept pro bono cases, and other deserving lawyers who, without financial assistance, would not be able to attend MCLE programs.
- **The M&A Externship Program** provides 2L and 3L students from the University of Georgia School of Law with work experience in mergers and acquisitions for academic credit. Designed by attorneys in the Atlanta office, this program was shortlisted on Chambers USA's Diversity & Inclusion Awards in 2019.
- Nelson Mullins partners with Claflin University (an HBCU in Orangeburg, S.C.) for pre-law scholarships.
- Since 2012, Nelson Mullins has partnered with clients and high schools in Columbia, S.C. to deliver Street Law diversity pipeline programs.
- The firm participates in the Atlanta Bar Association's Minority Clerkship Program, which places minority first-year students from Georgia law schools with several large law firms in the Atlanta area.



Affinity Groups

To create an inclusive and welcoming work environment, Nelson Mullins has active affinity groups that bring together attorneys with similar backgrounds, allowing networking, access to professional and social activities, and opportunities to learn and share leadership skills.

- ▶ **Diverse Attorney Affinity Group** works to support the professional development and success of the firm's diverse attorneys while providing resources and tools to aid in their recruitment and retention.
- ▶ **LGBTQ+ Affinity and Ally Group** serves as a resource and outreach group for LGBTQ+ attorneys of the firm as well as their allies.
- ▶ **The Women's Affinity Group**, also known as Women on the Go, works to enhance the recruitment and retention of women attorneys and promote their leadership.

Pro Bono

Seeking Justice for Those in Need

Pro Bono is powerful for those who receive it and equally for firm members who have the privilege to provide it.

Our Pro Bono Program strives for liberty and justice for all in legal need. The program was created with the mission to serve the less fortunate and nonprofits providing services in our communities and beyond.

Pro Bono Runs Deep in Our Culture

Nelson Mullins is committed to serving the most vulnerable in our society with legal, social, and economic issues through pro bono service. The firm engages in complex pro bono litigation, policy and legislative advocacy, and provides individual representation to a diverse group of individuals and organizations whose mission is to serve people with limited means.

Justice Through Legislative Reform and New Courts

Through hands-on involvement, Nelson Mullins attorneys have been integral in the creation of new legal frameworks and new, specialized courts to meet needs that were previously unmet.

- ▶ Race, Law Enforcement, and Law Project
- ▶ Statewide Review Seeking Improved Services for Vulnerable Adults
- ▶ Homeless Courts

Veterans Assistance

Nelson Mullins' attorneys are committed to serving those who have served their country and fellow citizens in the military.

- ▶ Lawyers 4 Vets
- ▶ Adopt-A-Base
- ▶ K9 For Warriors

Protecting the Rights of the Incarcerated

Nelson Mullins attorneys work to protect the rights of individuals under the jurisdiction of the criminal justice system who otherwise would have no access to justice.

- ▶ Changing the Parole System
- ▶ Clemency Project 2014
- ▶ Appellate Indigent Defense Project



Historic Impact Litigation

Nelson Mullins has a legacy of taking on large-scale litigation matters to promote the well-being of disadvantaged classes of individuals.

- ▶ Advocacy for Prisoners with Mental Health Illnesses
- ▶ Protecting the Rights of Schoolchildren



Wills for Heroes

After the tragic events of September 11, 2001, the firm created the Wills For Heroes Program that provides free, simple wills and medical directives to first responders. Since the program's inception, thousands of wills have been created for these individuals who protect us daily in our communities in Georgia, South Carolina, and West Virginia. The firm has expanded its wills programs to include the creation of **Habitat for Humanity Wills Project**, the **Zeb Alley Wills for Veterans**, and the **Wills for Holocaust Survivors Project**. Several attorneys assisted GA Applesseed with the **Promised Land Project** to provide simple wills to low-income rural farmers.



Children and the Law

Nelson Mullins' attorneys have deep experience in protecting the legal rights of children who are unable to protect themselves.

- ▶ Reuniting Parents with their Abducted Children
- ▶ Making a Better Life for Special Needs Children: Guardianship Projects – SC and GA
- ▶ Special Education Program

Representing Victims of Domestic Violence

Nelson Mullins attorneys fight for the silent victims of violent crimes within the households across the firm's footprint.

Numerous attorneys in several states are trained to represent domestic violence victims who cannot afford representation. Our lawyers have successfully represented their clients to ensure their safety and to help reclaim their lives after enduring abusive situations by participating in the following organized programs:

- ▶ Atlanta Volunteer Lawyers Domestic Violence Project
- ▶ DC Volunteer Lawyers Project
- ▶ Safe Alliance, Charlotte, NC
- ▶ SC Attorney General's Criminal Domestic Violence Project

Corporate Lawyers Supporting Nonprofits

The firm has a very strong commitment to provide pro bono service to charitable, religious, civic, community, governmental, and educational organizations whose mission is to address the needs of persons of limited means.



Addressing Safe Housing and Wrongful Evictions

When Princeton University began compiling and publishing national eviction rates in 2016, the data was staggering. Low-income women, especially poor women of color, were identified as having a higher risk of eviction than other groups. Recognizing that unstable housing leads to poverty, poor youth educational performance, and homelessness, Nelson Mullins attorneys began assisting organizations in providing legal support to tenants facing wrongful evictions, disputes with landlords over leases, and deplorable living conditions.

BUSINESS SENSE



Tax Controversy

Defending rights to fair & equal tax treatment



When you need tenacious and creative tax advocacy, we

- thoroughly investigate the facts of your case to develop a deep understanding of your tax situation and the tax authority's position
- develop creative advocacy strategies designed to maximize your opportunities to obtain the result you seek while minimizing the cost and disruption of trial
- are able to represent you through the entire process, from the initial auditor review, in mediations and negotiations, through trial and appeal when needed
- combine skillful representation in the litigation process with sophisticated tax advice

Broadly experienced team

- Former in-house counsel with IRS
- Former counsel to South Carolina State Tax Commission
- Former chair of North Carolina Property Tax Commission
- Certified public accountants and former members of accounting firms
- Former and current adjunct professors at multiple top law schools
- Fellows of American College of Tax Counsel
- Leaders in ABA Tax Section and State Tax Sections
- Experienced tax litigators

We represent taxpayers across a range of businesses

- Fortune 100 and 500 companies
- Industrial and manufacturing companies
- Commercial, retail, and wholesale companies
- REITs and other large property owners
- Service industries
- High income individuals
- Non-profit organizations

Related Practice Areas

[Dispute Resolution](#)
[Economic Development](#)
[E-Discovery - Encompass](#)
[E-Discovery & Information Governance](#)
[Executive Compensation, ERISA, Employee Benefits](#)
[Government Relations](#)
[Litigation](#)
[Non-Profit Organizations](#)
[Real Estate Investment Trusts](#)
[State & Local Government Relations](#)
[State & Local Tax](#)
[Tax](#)
[Tax Lien Resolution & Litigation](#)
[Tax Planning & Consulting](#)
[Taxable & Tax Exempt Entities](#)

Related Industries

[Banking & Financial Services](#)
[Construction](#)
[Consumer Products & Retail](#)
[Education](#)
[Energy & Utilities](#)
[Health Insurance](#)



Our tax controversy team has the right blend of tax knowledge, business understanding, and powerful advocacy to protect your interests

Our attorneys work closely with your in-house tax team (including CFOs, Tax Directors, and Tax VPs) to understand your business, appreciate the tax challenges you face and the solutions you need, and develop creative advocacy solutions designed to get you through the audit and litigation process efficiently, cost-effectively, and maximizing your opportunity to prevail.

Our tax advocates are problem solvers, working to achieve your tax goals efficiently and creatively

- **Proactive planning and problem solving** – to identify and develop coordinated, multi-state tax controversy solutions, working closely with our many professional contacts in government tax offices and with legislators to resolve tax issues
- **Tax controversy representation** – through discovery, settlement negotiations, alternative dispute resolution, trials before administrative bodies and courts, and appeals
- **Audit strategies** – assisting clients during the audit process, answering IDRs, dealing with auditors, and formulating overall audit strategies
- **Handling a wide range of tax issues** – advising on and handling contested matters in federal, state, and local tax, including corporate and individual income tax; franchise tax; sales and use, gross receipts, and other excise taxes; property tax; estate and gift tax; and the intersection of federal tax issues with state and local tax issues
- **Expert witnesses and opinions** – working closely with experts such as auditors, appraisers, brokers, transfer pricing experts, and economists to verify that they are fully knowledgeable, their written product withstands tax authorities' and courts' scrutiny, and their oral testimony is persuasive and credible
- **Opposing expert strategies** – thoroughly investigating and examining opposing experts and their written product to identify weaknesses for use in negotiations and trials
- **Access to Firm's government relations experts** to develop legislative and administrative solutions when legislation or rulemaking can effectively resolve a tax dispute
- **Economic development strategies** that integrate tax solutions with economic development incentives and negotiations

Healthcare

Hospitality, Leisure & Travel

Insurance

Manufacturing

Pharmaceuticals & Medical Devices

Real Estate

Sports & Entertainment

Technology

Transportation



Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Served as lead counsel in a high-profile income tax evasion trial representing former public official
- Represented prominent high net worth executive targeted by DOJ's criminal tax division for income tax evasion in connection with an alleged offshore FOREX tax shelter fraud, resulting in case being declined without prosecution
- Resolved criminal investigations of syndicated conservation easement promoters and participants, resulting in no indictments or criminal penalties
- Achieved victory in North Carolina Supreme Court in case of first impression preventing coastal county from revaluing thousands of oceanfront residential lots for property tax purposes in non-revaluation year
- Won victories in South Carolina Court of Appeals and Supreme Court obtaining refund in tax credit case and rejecting SCDOR imposition of alternative apportionment
- Obtained federal district court summary judgment preventing county tax assessment of on-base military housing, applying Enclave Clause of U.S. Constitution
- Won case before North Carolina Court of Appeals defending win before North Carolina Property Tax Commission lowering value of industrial real property from approximately \$150 million to \$30 million
- Represented multiple high net worth individuals in tax domicile disputes with state Departments of Revenue
- Successfully represented for-profit hospital in challenge to county valuation of hospital real property by demonstrating invalidity of appraisal methods used by county expert appraisal witness
- Obtained ruling applying collateral estoppel doctrine to prevent county tax authority from changing position on real versus personal property classification, negating attempted double-taxation
- Negotiated favorable settlement of sales tax audit for major retailer in complex retailer-contractor dispute with North Carolina Department of Revenue
- Negotiated settlements for regional retail chain resolving complex real versus personal property classification issues, avoiding need to litigate multiple appeals
- Successfully obtained and defended property tax exemptions and exclusions for non-profit mental health rehabilitation facility, addiction treatment facility, business incubator, religious institutions, and Native American tribe

Private Wealth Services

Proactive, integrated solutions



When you need

- advice on individual tax and estate planning matters such as a will, revocable trust, advanced directives, life insurance trust, pass-through entities, and private foundations
- succession planning for a closely held or family business
- onshore asset-protection strategies or advice on cross-border tax issues
- gift and estate tax preparation and compliance, including representation in tax law controversies, such as audits of gift and estate tax returns
- prenuptial or postnuptial agreements
- sophisticated charitable planning
- litigation counsel in estate administration disputes or other trust and probate litigation matters, including will or trust challenges and fiduciary controversies such as surcharge proceedings and document interpretation and reformation

we can help.

Estate planning and probate from an experienced, highly responsive multidisciplinary team

- Experienced trust and estate-planning attorneys with domestic and international experience
- Integrated representation that provides access to a broad spectrum of legal services, tailored to meet clients' needs
- Attorneys experienced in will contests, intentional interference with inheritance claims, challenges to capacity, undue influence, fraud, and related claims
- Lead counsel with experience in both defending fiduciaries against damages claims and pursuing fiduciaries for breaches of duties
- Tax attorneys involved in developing local and national legislation and regulations
- Solution-minded litigation attorneys with local and nationally recognized experience in trial and appellate courts in matters between trust and/or estate fiduciaries, beneficiaries, and governmental entities
- Attorneys with alternative dispute resolution experience to avoid litigation among beneficiaries and fiduciaries

Related Practice Areas

[Appellate Practice & Legal Strategies](#)
[Banking & Financial Services](#)
[Litigation](#)
[Private Equity](#)
[Probate Litigation](#)
[Real Estate Investment Trusts](#)
[Tax Controversy](#)
[Tax Planning & Consulting](#)
[Trusts & Estate Planning](#)

Related Industries

[Banking & Financial Services](#)
[Business Services](#)
[Real Estate](#)



Our clients include individuals from many backgrounds and varying needs

- CEOs and business executives
- Tax-exempt organizations
- Small and large business owners
- Financial institutions and trust departments
- Professional service providers
- Multiple generations of families
- Personal representatives
- Trustees
- Trust protectors
- Special administrators
- Trust administrators
- Beneficiaries
- Professional advisors
- Attorneys-in-fact (holder of power of attorney)
- Other fiduciaries

Understanding your needs and goals in estate planning, probate, or related dispute resolution

Through knowledge and experience, Nelson Mullins listens to your story and crafts a plan designed to protect and preserve your wealth, efficiently transfer assets to your desired beneficiaries, and minimize the cost of estate administration. When the inevitable happens, Nelson Mullins provides trusted and steady advice to help your representatives navigate the probate process. If the estate-planning and probate process results in disputes, our experienced litigators will help you resolve disputes before they turn into litigation or, alternatively, guide you through the litigation and alternative dispute resolution process.

Our services help you to

- **Plan for the future** – to give peace of mind that you and your family/company are protected
- **Protect your assets** – with asset protection planning
- **Minimize taxes** – with tax-effective techniques to transfer of wealth to the next generation
- **Smoothly transition control of the family business** – to avoid disruptions and loss of value
- **Ensure that your assets will be distributed to the appropriate beneficiaries** – by guiding your representatives through the process



- **Keep up with changes** – in state and federal laws that may impact your family or business interest
- **Rest easier** – knowing that your assets and beneficiaries are protected

While having tools available when things don't go as planned

- **Litigation readiness** – experienced litigation counsel in many state and federal jurisdictions ready to protect your rights when needed
- **Consultation with fiduciaries** – such as trustees, trust protectors, attorneys-in-fact, general partners, or others concerning whether conduct complies with applicable law
- **Fiduciary litigation** – over alleged misconduct or breaches of duties to beneficiaries
- **Professional liability defense** – when attorneys, accountants, and other professionals are accused of potential liability to a trust or estate for malpractice or other claims
- **Multidisciplinary team approach and perspectives from Nelson Mullins attorneys** – in related practice areas such as tax, estate-planning, fiduciary duties, corporations, partnerships, real estate, and probate
- **Network of other counsel** – with needed skills in various jurisdictions where multi-state disputes arise or when particular experience, such as IRS litigation, is necessary
- **Experience with key expert witnesses** – to be prepared to address accounting, tax, mental capacity, undue influence, fiduciary responsibilities, and other issues
- **Coordination among multiple parties** – when client interests are aligned with those of others, we are able to represent multiple parties effectively to achieve a common solution

Nelson Mullins brings a thoughtful, balanced approach to trust and estate conflicts, which can be personal and complicated

Unfortunately, disputes over trusts and estates are often bitter conflicts with the family's wealth—no matter how large or small that might be—at risk. With an aging baby boomer population and ever-evolving estate-planning tools and options, families are increasingly at risk of conflict over how assets are to be shared or distributed. In addition, professional advisers are often drawn into trust and estate conflicts. Our commitment is to provide the highest level of professionalism in these difficult times, never forgetting that the livelihoods of real people, and sometimes even generations of people, are at stake.

Our attorneys have handled complex disputes involving hundreds of millions of dollars and also simple probate court actions with more modest assets in the balance. Our litigators are accomplished trial counsel in state and federal courts who have created new legal precedents in litigation over novel challenges to estate plans. Whether major assets are at risk or questions of interpretation of a will or trust arise, our team brings the same skills as would be required by Fortune 500 corporations in their major commercial disputes. But when the better course is to make peace, we are adept at tailoring cost-effective solutions.



Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Represented individuals with a net worth of \$2 million to in excess of \$100 million as estate-planning counsel
- Provided complex planning for high net worth clients including the use of revocable trusts, irrevocable trusts, grantor trusts, pass-through entities, qualified residence trusts, and charitable trusts
- Represented fiduciaries and beneficiaries in estate litigation in state and federal courts
- Assisted in estate and gift tax litigation with the Internal Revenue Service
- Represented institutions and individuals in administration and litigation related to probate, trusts, guardianships, and conservatorships
- Provided asset protection advice or business succession advice
- Counseled beneficiaries through avoidance of potential liabilities that could have been incurred through inheritance of real estate
- Represented family seeking efficient transfer of a significant family owned business from one generation to the next
- Defended trustee accused of breaches of fiduciary duty arising from investment of funds from family trust, resulting in a settlement
- Defended family against allegations of breaches of duty and fraud and seeking to void a complex estate plan conveying hundreds of millions of dollars of family wealth
- Defended trustees in litigation brought by trust protector and co-trustee over distributions from irrevocable grantor trust, including substantial counterclaims
- Counseled family concerning options for recovery of damages from a trustee who misappropriated funds, resulting in a favorable resolution and removal of trustee
- Represented family members suing other family members over undue influence, intentional interference with inheritance, defamation, and other allegations in a substantial estate dispute
- Handled litigation concerning enforceability of "no contest" clauses

Trusts & Estate Planning

Guiding & planning for the inevitable



When you need

- a will, revocable trust, durable power of attorney, living will, health care power of attorney, life insurance trust, family partnership or limited liability company
- gift and estate tax returns and help with audits of gift and estate tax returns
- assistance with handling estate disputes, including contested guardianships or conservatorships, will or trust challenges, and general estate litigation, if the need arises

we can help.

We work with clients to help manage

- Smooth and efficient transfer of assets in complex estates
- Difficult family disputes arising from the death or incapacity of a family member
- Family business continuation issues
- Minimization of federal estate and gift tax

Estate planning and probate from a multidisciplinary team

- Estate-planning attorneys with more than 200 years of combined experience
- Tax attorneys include former Assistant Attorney General for the State of South Carolina, serving as counsel to the South Carolina Tax Commission
- Probate litigation attorneys with trial experience throughout South Carolina and North Carolina

Our clients include individuals from many backgrounds and varying needs

- CEOs and business executives
- Small and Large business owners
- Professional service providers

Related Practice Areas

[Banking & Financial Services](#)
[Probate Litigation](#)
[Tax](#)

Related Industries

[Banking & Financial Services](#)



Understanding your needs and goals in estate planning, probate, or related dispute resolution

Through knowledge and experience, Nelson Mullins listens to your story and crafts a plan designed to protect and preserve your wealth, efficiently transfer assets to your desired beneficiaries and minimize the cost of estate administration. When the inevitable happens, Nelson Mullins provides trusted and steady advice to help your representatives navigate the probate process. If the estate-planning and probate process results in disputes, our experienced litigators will help you resolve disputes before they turn into litigation or, alternatively, guide you through the litigation and alternative dispute resolution process.

Our services help allow you to

- **Plan for the future** - to give peace of mind that you and your family/company are protected
- **Protect your assets** - with asset protection planning.
- **Minimize taxes** - to maximize the transfer of wealth to the next generation
- **Smoothly transition control of the family business** - to avoid disruptions and loss of value
- **Ensure that your assets will be distributed to the appropriate beneficiaries** - by guiding your representatives through the probate process.
- **Rest easier** - knowing that your assets and beneficiaries are protected.

Why Nelson Mullins?

- Knowledge and experience representing clients like you
- Team approach that embraces other professionals involved in your estate planning
- Experience in both planning and litigating estate and trust matters
- Team includes attorneys certified as experts in both estate planning and probate law and taxation law
- Trial ready but settlement savvy on litigation matters



Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Represented individuals with a net worth of \$2,000,000 to \$100,000,000 as estate planning counsel
- Provided complex planning for high net worth clients including the use of revocable trusts, irrevocable trusts, grantor trusts, family limited partnerships, qualified residence trusts, and charitable trusts
- Represented fiduciaries and beneficiaries in estate litigation in all state courts
- Assisted in estate and gift tax litigation with the Internal Revenue Service
- Representation in administration or litigation related to guardianships and conservatorships
- Provided asset protection advice
- Provided estate planning for LGBT client
- Represented family seeking efficient transfer of a significant family owned business from one generation to the next

WORKING TOGETHER

