

**Statute of Limitation - Impact of UBS John Doe Summons  
20-Mar-12**

**Issue**

Did the John Doe Summons issued to UBS suspend the normal three-year statute of limitation and possible six-year statute of limitation for taxpayers who were accountholders at that bank? **Yes.**

**Law**

IRC 7609(e)(2) Special procedures for third-party summonses, Suspension after 6 months of service of summons, provides "In the absence of the resolution of the summoned party's response to the summons, the running of any period of limitations under section 6501 or under section 6531 with respect to any person with respect to whose liability the summons is issued (other than a person taking action as provided in subsection (b)) shall be suspended for the period - (A) beginning on the date which is 6 months after the service of such summons, and (B) ending with the final resolution of such response."

For a John Doe summons, the IRC 7609(e)(2) suspension applies to each member of the John Doe class.

John Doe Class - Account holder any time during the period 2002 through 2007.

**Relevant Dates/Days**

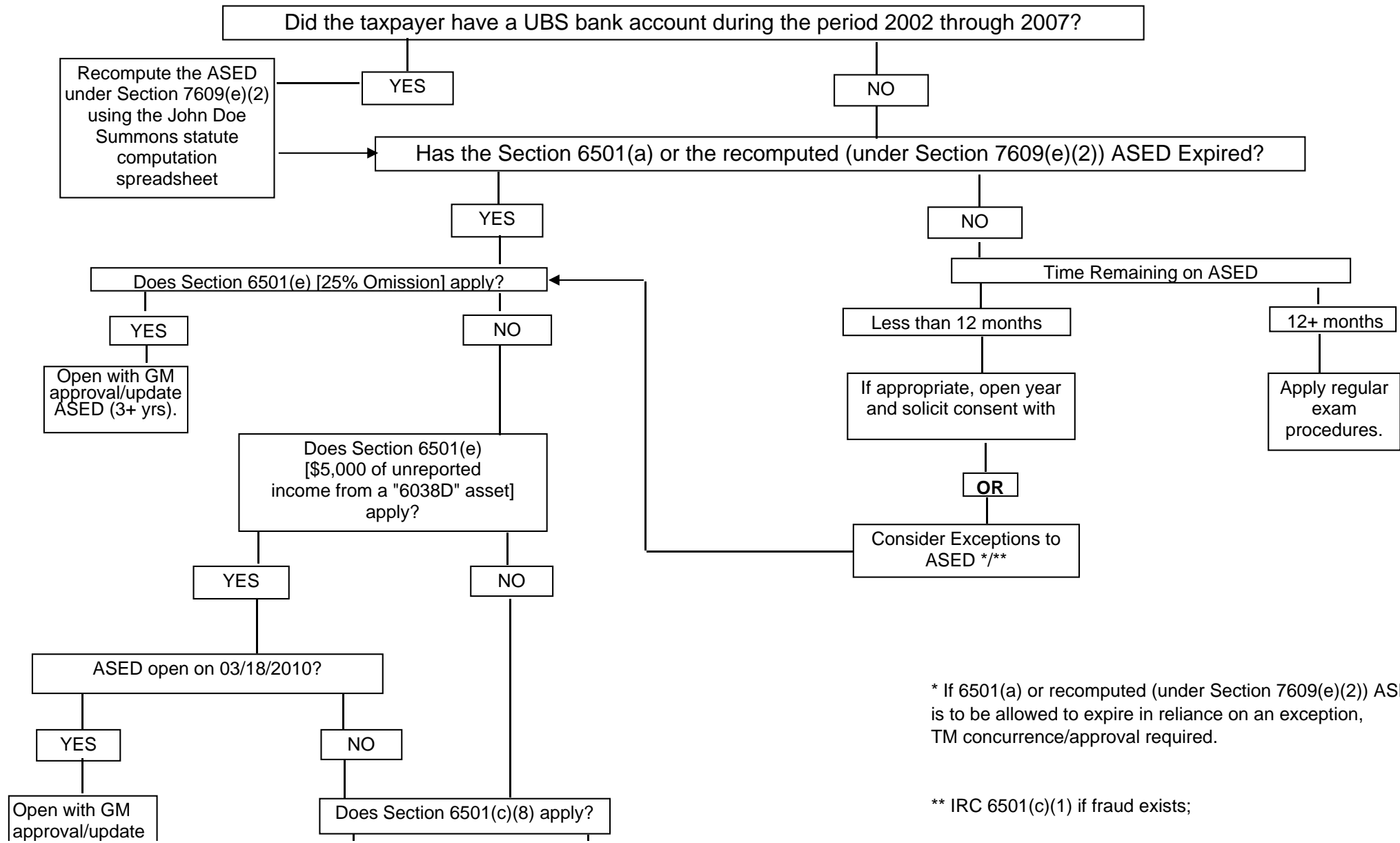
Day/Date	Action/Impact
7/21/2008	UBS John Doe Summons Served
1/21/2009	Six Month Anniversary of the Service of Summons
11/16/2010	Notification to UBS Advising of the Withdrawal of the Summons (Final)
664 Days	Period of Statute Suspension (January 1, 2009 - November 16, 2010)

**Year by Year Analysis - Including Analysis of 25% Omission of Income and FATCA (IRC 6501[e])**

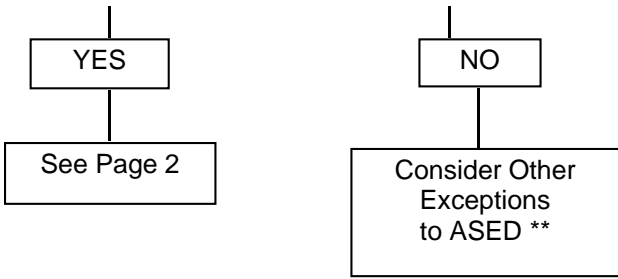
Year	Due Date/ Filed Date (2)	Convention	Statute Date	Does Suspension Period Apply?	Recomputed Statute Date (3)	
2002	4/15/2003	Normal 3 Year	4/14/2006	No - Suspension started	4/14/2006	
2002	4/15/2003	25% Income	4/14/2009	Yes - In Full	2/7/2011	
2003	4/15/2004	Normal 3 Year	4/15/2007	No - Suspension started	4/15/2007	
2003	4/15/2004	25% Income	4/15/2010	Yes - In Full	2/8/2012	
2004	4/15/2005	Normal 3 Year	4/15/2008	No - Suspension started	4/15/2008	
2004	4/15/2005	25% Income	4/15/2011	Yes - In Full	2/7/2013	
2005	4/15/2006	Normal 3 Year	4/15/2009	Yes - In Full	2/8/2011	
2005	4/15/2006	FATCA (1)	4/15/2012	Yes - In Full	2/8/2014	
2005	4/15/2006	25% Income	4/15/2012	Yes - In Full	2/8/2014	
2006	4/15/2007	Normal 3 Year	4/15/2010	Yes - In Full	2/8/2012	
2006	4/15/2007	FATCA (1)	4/15/2013	Yes - In Full	2/8/2015	
2006	4/15/2007	25% Income	4/15/2013	Yes - In Full	2/8/2015	
2007	4/15/2008	Normal 3 Year	4/15/2011	Yes - In Full	2/7/2013	
2007	4/15/2008	FATCA (1)	4/15/2014	Yes - In Full	2/8/2016	
2007	4/15/2008	25% Income	4/15/2014	Yes - In Full	2/8/2016	
2008	4/15/2009	Normal 3 Year Statute	4/15/2012	No: Class Limited to 2002- 2007	N/A	
2008	4/15/2009	FATCA (1)	4/15/2015	No: Class Limited to 2002- 2007	N/A	
2008	4/15/2009	25% Income Omission	4/15/2015	No: Class Limited to 2002- 2007	N/A	
2009	4/15/2010	Normal 3 Year Statute	4/15/2013	No: Class Limited to 2002- 2007	N/A	
2009	4/15/2010	FATCA (1)	4/15/2016	No: Class Limited to 2002- 2007	N/A	1/16 will update
2009	4/15/2010	25% Income Omission	4/15/2016	No: Class Limited to 2002- 2007	N/A	
2010	8/21/2012	Normal 3 Year Statute	8/22/2015	No: Class Limited to 2002- 2007	N/A	
2010	8/21/2012	FATCA (1)	8/22/2018	No: Class Limited to 2002- 2007	N/A	Will update to 8/21/2018 to be conservative
2010	8/21/2012	25% Income Omission	8/22/2018	No: Class Limited to 2002- 2007	N/A	

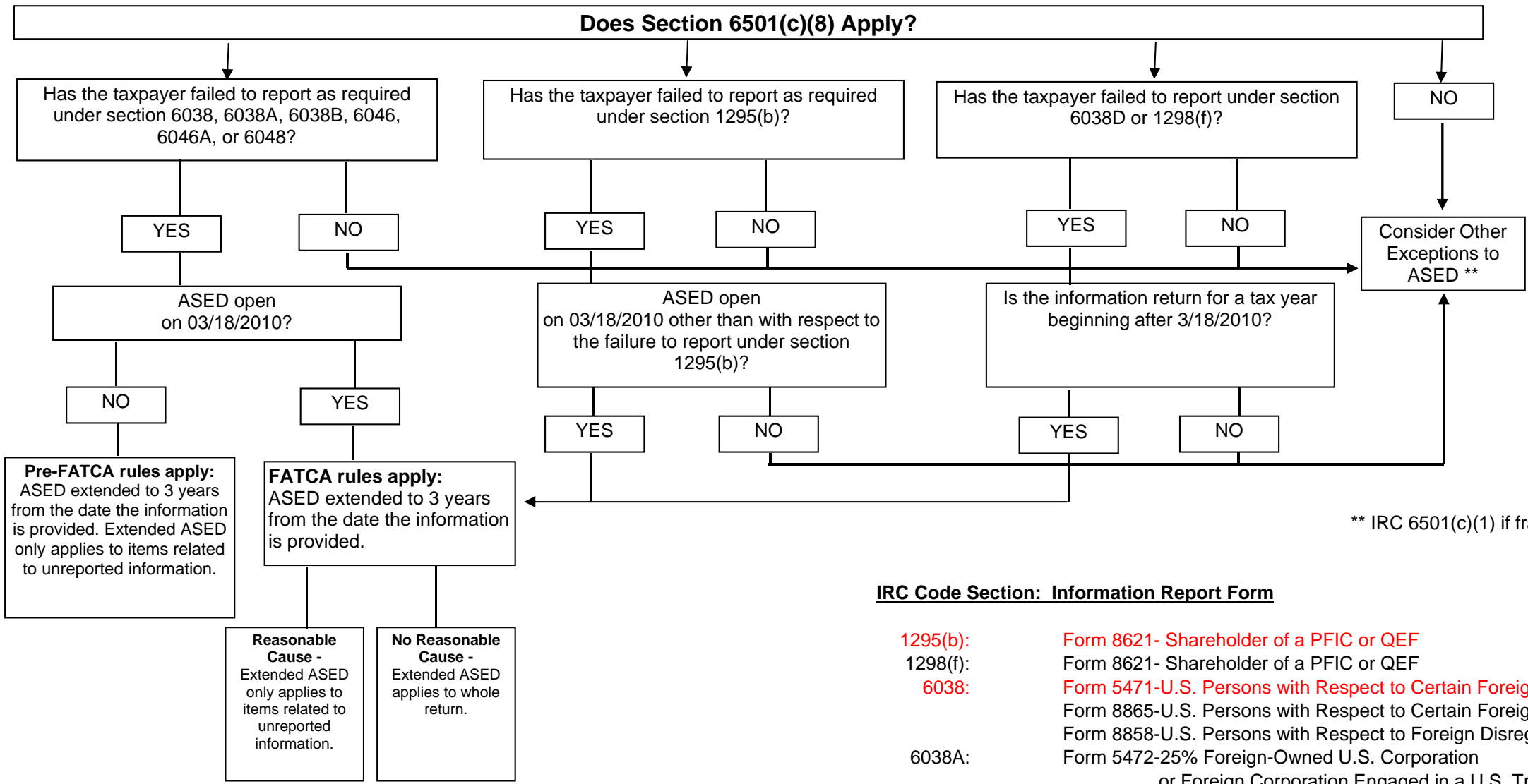
**Footnotes**

- (1) 3-Yr Statute open on 3/18/10
- (2) Adjust actual filed date by year (if on extension or delinquent) and statute date and recomputed statute date will automatically update
- (3) If the recomputed statute date computed per this chart falls on a Saturday or Sunday, users will have to self correct the actual recomputed statute date, as appropriate



ASED (3+ yrs)





\*\* IRC 6501(c)(1) if fraud exists,

**IRC Code Section: Information Report Form**

- 1295(b): Form 8621- Shareholder of a PFIC or QEF
- 1298(f): Form 8621- Shareholder of a PFIC or QEF
- 6038: Form 5471-U.S. Persons with Respect to Certain Foreign Corporation;  
Form 8865-U.S. Persons with Respect to Certain Foreign Partnership;  
Form 8858-U.S. Persons with Respect to Foreign Disregarded Entity
- 6038A: Form 5472-25% Foreign-Owned U.S. Corporation  
or Foreign Corporation Engaged in a U.S. Trade or Business
- 6038B: Form 926 -U.S. Transferor of Property to a Foreign Corporation

6038D: Form 8865-U.S. Persons with Respect to Certain Foreign Partnership  
Form 8938 (NEW) Information with Respect to Foreign Financial Ass  
6046: Form 5471-U.S. Persons with Respect to Certain Foreign Corporatio  
6046A: Form 8865-U.S. Persons with Respect to Certain Foreign Partnership  
6048: Form 3520-Transactions with Foreign Trusts/Receipt of Certain Forei  
Form 3520-A-Foreign Trust with a U.S. Owner

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