

holding company income, neither of these deductions is allowable.

[T.D. 6500, 25 FR 11737, Nov. 26, 1960, as amended by T.D. 7207, 37 FR 20796, Oct. 5, 1972; T.D. 9100, 68 FR 70704, Dec. 19, 2003]

**§ 1.556-2T Adjustments to taxable income (temporary).**

(a) through (e)(2)(vi) [Reserved]. For further guidance, see § 1.556-2(a) through (e)(2)(vi).

(e)(2)(vii) In the case of a return for a taxable year beginning before January 1, 2003, a copy of the contract, lease, or rental agreement;

(e)(2)(viii) through (xi) [Reserved]. For further guidance, see § 1.556-2(e)(2)(viii) through (xi).

(3) If the statement described in § 1.556-2(e)(2) is attached to a taxpayer's income tax return for a taxable year beginning after December 31, 2002, a copy of the applicable contract, lease or rental agreement is not required to be submitted with the return, but must be retained by the taxpayer and kept available for inspection in the manner required by § 1.6001-1(e).

(f) [Reserved]. For further guidance, see § 1.556-2(f).

[T.D. 9100, 68 FR 70705, Dec. 19, 2003; 69 FR 5017, Feb. 3, 2004]

**§ 1.556-3 Illustration of computation of undistributed foreign personal holding company income.**

The method of computation of the undistributed foreign personal holding company income may be illustrated by the following example:

*Example.* (a) The following facts exist with respect to the M Corporation, a foreign personal holding company, for the calendar year 1954:

(1) The gross income of the corporation as defined in section 555 amounts to \$300,000, of which \$85,000 represents its distributive share of the undistributed foreign personal holding company income of another foreign personal holding company in which it is a shareholder, \$200,000 consists of dividends, \$10,000 consists of fully taxable interest, and the remainder (\$5,000) consists of rent received from the principal shareholder of the corporation for the use of property owned by the corporation.

(2) The expenses of the corporation amount to \$85,000, of which \$75,000 is allocable to the maintenance and operation of the property used by the principal shareholder and \$10,000 consists of ordinary and necessary office ex-

penses allowable as a deduction. The claim for deduction for the expenses of, and depreciation on, the rented property in excess of the rent received for its use is not established as provided in section 556(b)(5). The yearly depreciation on the rented property amounts to \$30,000.

(3) Federal income tax withheld at the source on the income of the corporation from sources within the United States amounts to \$59,125.

(4) No gain from the sale or exchange of stock or securities is realized during the taxable year, but losses in the amount of \$10,000 are sustained from the sale of stock or securities which constitute capital assets. Such losses are not allowed as a deduction in any amount. See section 1211(a).

(5) Contributions, payment of which is made to or for the use of donees described in section 170(b)(1)(A) for the purposes therein specified, amount to \$15,000, of which \$5,000 is deductible in computing taxable income under section 63.

(6) Dividends paid by the corporation to its shareholders during the taxable year amount to \$50,000.

(b) The taxable income of the corporation (including the distributive share of the undistributed foreign personal holding company income of the other foreign personal holding company) is \$180,000, computed as follows (assuming for the purposes of this example only that the expenses of, and depreciation on, the rental property are deductible under sections 162 and 167):

<i>Income (Section 61)</i>	
Dividends .....	\$200,000
Interest .....	10,000
Rent .....	5,000
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Gross income as defined in section 61	215,000
Add:	
Distributive share of undistributed income of the other foreign personal holding company (considered as a dividend) .....	85,000
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Gross income as defined in section 555 .....	300,000
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<i>Deductions (Section 161)</i>	
Expenses allocable to operation of the rented property .....	\$75,000
Depreciation of the rented property .....	30,000
Ordinary and necessary expenses (office) .....	10,000
Contributions (within the 5-percent limitation specified in section 170(b) (2) .....	5,000
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Taxable income for purposes of computing undistributed foreign personal holding company income .....	180,000

(c) The undistributed foreign personal holding company income of the corporation is \$160,875, computed as follows:

Taxable income for purposes of computing undistributed foreign personal holding company income .....	\$180,000
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**§ 1.561-1**

Add (see section 556(b)):	
Contributions deductible in computing taxable income under section 63 .....	5,000
Excess property expenses and depreciation over amount of rent received for use of property (\$105,000 - \$5,000) .....	100,000
<b>Total</b> .....	<b>105,000</b>
Deduct (see section 556(b)):	
Federal income taxes .....	59,125
Contributions (within the percentage limitations specified in section 170(b)(1) (A) and (B), determined under the rules provided in section 556(b)(2)) .....	15,000
<b>Total</b> .....	<b>74,125</b>
Net additions under section 556(b) .....	30,875
Taxable income, as adjusted under section 556(b) .....	210,875
Less: Deduction for dividends paid (see section 561) .....	50,000
Undistributed foreign personal holding company income .....	160,875

**DEDUCTION FOR DIVIDENDS PAID**

**§ 1.561-1 Deduction for dividends paid.**

(a) The deduction for dividends paid is applicable in determining accumulated taxable income under section 535, undistributed personal holding company income under section 545, undistributed foreign personal holding company income under section 556, investment company taxable income under section 852, and real estate investment trust taxable income under section 857. The deduction for dividends paid includes:

- (1) The dividends paid during the taxable year;
- (2) The consent dividends for the taxable year, determined as provided in section 565; and
- (3) In the case of a personal holding company, the dividend carryover computed as provided in section 564.

(b) For dividends for which the dividends paid deduction is allowable, see section 562 and § 1.562-1. As to when dividends are considered paid, see § 1.561-2.

[T.D. 6500, 25 FR 11737, Nov. 26, 1960, as amended by T.D. 6598, 27 FR 4093, Apr. 28, 1962]

**§ 1.561-2 When dividends are considered paid.**

(a) *In general.* (1) A dividend will be considered as paid when it is received by the shareholder. A deduction for

dividends paid during the taxable year will not be permitted unless the shareholder receives the dividend during the taxable year for which the deduction is claimed. See section 563 for special rule with respect to dividends paid after the close of the taxable year.

(2) If a dividend is paid by check and the check bearing a date within the taxable year is deposited in the mails, in a cover properly stamped and addressed to the shareholder at his last known address, at such time that in the ordinary handling of the mails the check would be received by the shareholder within the taxable year, a presumption arises that the dividend was paid to the shareholder in such year.

(3) The payment of a dividend during the taxable year to the authorized agent of the shareholder will be deemed payment of the dividend to the shareholder during such year.

(4) If a corporation, instead of paying the dividend directly to the shareholder, credits the account of the shareholder on the books of the corporation with the amount of the dividend, the deduction for a dividend paid will not be permitted unless it be shown to the satisfaction of the Commissioner that such crediting constituted payment of the dividend to the shareholder within the taxable year.

(5) A deduction will not be permitted for the amount of a dividend credited during the taxable year upon an obligation of the shareholder to the corporation unless it is shown to the satisfaction of the Commissioner that such crediting constituted payment of the dividend to the shareholder within the taxable year.

(6) If the dividend is payable in obligations of the corporation, they should be entered or registered in the taxable year on the books of the corporation, in the name of the shareholder (or his nominee or transferee), and, in the case of obligations payable to bearer, should be received in the taxable year by the shareholder (or his nominee or transferee) to constitute payment of the dividend within the taxable year.

(7) In the case of a dividend from which the tax has been deducted and withheld as required by chapter 3 (section 1441 and following), of the Code