MILLER JOHNSON Attorneys

Raj A. Malviya

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Raj A. Malviya has been practicing law since 2005. His practice is focused on estate and tax planning and asset protection for individuals and organizations, and all aspects of estate and trust administration, including tax compliance and informational reporting. Mr. Malviya is also well versed in all aspects of planning for families with foreign ties.

Estate and Wealth Transfer Planning

Mr. Malviya provides estate planning services to all ranges of private clients and incorporates tax planning, managed succession and asset protection in the planning. Private clients with a need for protection include, but are not limited to, business owners, licensed professionals including physicians, dentists, chiropractors, architects, and attorneys, various types of film and music artists,   and public figures, including, heads of State, government officials and diplomats.   His focus is:

- General estate planning: preparing foundational estate plans that include living trusts, wills, durable power of attorney and health care directives.
- Asset protection: implementing "life-planning"

Practice Areas

- Personal Legal Services
- Private Client
- Probate
- Estate Planning
- International
- Vacation Home Planning
- Family Owned Business and Closely Held Companies
- Personal Taxation
- Business and Corporate

Education

- LLM in Tax, *with honors*, Northwestern University Pritzker School of Law
- J.D., Valparaiso University School of Law
- B.A., Hope College

Bar Admissions

- Michigan

Honors

- Fellow, *American College of Trust and Estate Council* (ACTEC)
- Fellow, American Bar Association Real Property, Trust and Estate Law Section, ACTEC Young Leader Program, 2016-2018
- Fellow, American Bar Association, Real Property, Trust and Estate Law Section, Fellows Program,

strategies through reliance on statutory protections, proper asset titling, beneficiary designations, trust and entity formation and related techniques to protect assets from an individual's creditors, predators and themselves.

- Retirement plans: using assets including qualified plans, government plans, IRAs, deferred compensation plans, split dollar plans, executive bonus plans, and carve out plans.
- Transfer tax and income tax: utilizing trusts, gifting techniques, entities and various "estate freeze" strategies including installment sale arrangements, private annuities, qualified personal residence trusts (QPRTs), grantor retained annuity trusts (GRATs), and sales to intentionally defective grantor trusts (IDGTs).
- Generation and business succession: preparing for the next generation on a tax-advantaged basis using gifting and sales techniques, GRATs, life insurance trusts, sales to IDGTs, and family limited partnerships and limited liability companies.
- Charitable giving: planning with gifting techniques to utilize and leverage charitable income tax and transfer tax deductions by using various types of irrevocable trusts including charitable remainder trusts (CRTs) and charitable lead trusts (CLTs).

Planning for US and Non US persons with Foreign Ties

Mr. Malviya handles various matters in the international estate and tax planning field. This involves tax and non-tax planning for US citizens, residents, and nonresidents (NRAs) who have ties to foreign jurisdiction (residency, family, assets). Among the services he provides are:

- Coordinate with immigration planning for global executives, physicians, and scientists undergoing inbound and outbound transfers by addressing all aspects of income and transfer tax planning, and conducting treaty and totalization agreement analysis.
- Estate planning for US citizens, residents, and NRAs to address specific needs of the individual while taking into account the tax and property regime rules that govern the planning.
- Preparation and review of nonresident specific tax returns, including Form 1040NA, Form 706NA, and Form 1041 when foreign person is a beneficiary of a US based estate or trust.
- Advise US persons on all aspects of informational reporting including Foreign Account Tax Compliance Act (FATCA), Foreign Bank and Financial Account (FBAR), Report of Gifts from Foreign Persons, Report of Foreign Trusts, Passive Foreign Investment Company (PFIC), and expatriation and related inheritance tax regimes.

Estate and Trust Administration

Mr. Malviya assists clients with a full range of post-death estate settlement and trust administration, including the administration and tax planning for decedent's estates, preparation of estate tax returns, fiduciary income tax returns and fiduciary accounts, and support with IRS review and audits. He represents fiduciaries, beneficiaries and claimants during administration of the trust or estate.

Professional Affiliations, Activities and Honors

Mr. Malviya is involved in a number of professional associations, including the American Bar Association Taxation Section, the State Bar of Michigan Probate and Estate Planning Section, and several sections with the Grand Rapids Bar Association (GRBA) including Probate and Estate Planning, Real Property, and Tax Sections. He is also a member of the Society of Trusts & Estates Professionals (STEP).

Mr. Malviya was appointed in September 2014 to the State Bar of Michigan Probate and Estate Planning Council. In August 2014, he was selected from among many qualified candidates across the country to be a Fellow in the American Bar Association Section of Real Property, Trust and Estate Law. He served a two year term from 2014-2016. For 2016-2017, Mr. Malviya was selected to be a member of the ACTEC Foundations ACTEC Young Leaders Program. In 2017, he was elected an ACTEC Fellow by their Board of Regents.

Mr. Malviya was the Co-Founder and Past President of the South Asian Bar Association of Michigan. He served as the Michigan Liaison to the North American South Asian Bar Association (NASABA) and helped form NASABA's Tax Section made up of attorneys, educators, law students and other professionals. Mr. Malviya was also an alum of the 2014 Fellows Program of the Leadership Council on Legal Diversity.

Mr. Malviya is recognized by “Best Lawyers in America®” for Trusts and Estates Law as well as Tax Law. He was named as *Best Lawyers* 2019 Grand Rapids Lawyer of the Year for Tax Law. He was also selected for inclusion in Super Lawyers–Rising Stars for Estate Planning and Probate 2008-2017.

Mr. Malviya also serves as chair of the firm’s Business Section.

In 2016, Mr. Malviya was one of West Michigan’s young professionals being honored by the *Grand Rapids Business Journal* in their “40 Under Forty.” Criteria for consideration included accomplishments, and professional and community board contributions, as well as volunteer activity.

Community Activities

Mr. Malviya currently serves on the Spectrum Health Community Council, the Porter Hills Retirement Community Planned Giving Council and the United Way Professional Advisor Committee.

Education

Mr. Malviya earned his LL.M. in Taxation, *with honors*, from Northwestern University Pritzker School of Law. He earned his JD from Valparaiso University School of Law where he was a *Charles Gromley Scholarship* recipient. He earned his undergraduate degree from Hope College. He is admitted to practice in all Michigan state and appellate courts.

Articles and Presentations

Mr. Malviya regularly speaks and publishes on a variety of tax and estate planning and asset protection topics to groups of attorneys, accountants, investment and financial advisors, physicians and other medical professionals and business owners. Recent activity includes:

- Malviya, Raj and Ross, Brandon. “Gift Tax Return Review: Ten Common Mistakes”, *Leimberg Information Services Newsletter* (LISI) (February _____, 2018)
- Malviya, Raj and Ross, Brandon. “Gift Tax Return Review: Ten Common Mistakes”, *Annual Heckerling Institute on Estate Planning,* White Paper prepared on behalf of the ABA Real Property and Trust & Estate Law (January, 2018)
- Malviya, Raj, Harrison, Ellen and Friedman, Caryn. “Using Partnerships for Income and GST Tax Purposes and International Estate Planning After Tax Reform”, ABA Section Real Property, Trust and Estate Law, Income and Transfer Tax Planning Committee Conference Call (January 18, 2018)
- Malviya, Raj. “State Fiduciary Income Tax Checkup: Drafting to Avoid State Income Taxes”, Presentation for 27th Annual Drafting Estate Planning Documents Seminar, Michigan Continuing Legal Education (ICLE), University of Michigan Press (January, 2018)
- Malviya, Raj. “Estate Planning and Asset Protection 101,” Anesthesia Practice Consultants, Continuing Education, (November 8, 2017)
- Malviya, Raj. “Estate Planning for the International Family: An Introduction and Hidden Tax Issues”, Presentation for Meritas Fall Meeting, Trust & Estate Practice Group, New Orleans, LA, (November 3, 2017)

- Malviya, Raj. “Michigan Domestic Asset Protection Trust Planning”, Educational Seminar for Chemical Bank Private Client, (October 27, 2017)
- Malviya, Raj. “Estate Planning for the International Family: An Introduction and Hidden Tax Issues”, Presentation for the Traverse City Estate Planning Council Meeting (September 18, 2017)
- Malviya, Raj. “Estate Planning for the International Family: An Introduction and Hidden Tax Issues”, Presentation for the Northern Michigan Estate Planning Council Meeting (September 14, 2017)
- Malviya, Raj. “The International Family: Five Tax Traps.” Presentation for the Grand Rapids Association of Realtors International Real Estate Practitioner Series (September 11, 2017)
- Malviya, Raj. “Fiduciary Income Tax Checkup, Part 1: Trust Nexus in Michigan”, *The Michigan Tax Lawyer*, Vol. XLII, Issue 2, Summer 2017)
- Malviya, Raj, Ranadive, Rahul. “Current Issues in Tax Reform”, Panel Organizer, South Asian Bar Association of North America, Annual Convention in Washington, DC, (July 13, 2017)
- Malviya, Raj. “Federal Tax Issues in Estate Administration”, ABA Section Real Property, Trust and Estate Law, Income and Transfer Tax Planning Committee Webinar (June 20, 2017)
- Malviya, Raj. “Fundamentals of Trust Administration and Fiduciary Income Tax”, ABA Section Real Property, Trust and Estate Law, Income and Transfer Tax Planning Committee Webinar (May 25, 2017)
- Malviya, Raj. Probate and Estate Planning Institute. “State Fiduciary Income Tax Checkup

and Planning: Does Your Trust Have a Tax Nexus?", MI Institute of Continuing Legal Education, University of Michigan Press, (ICLE) (May 18, 2017)

- Malviya, Raj. 2017 Spring Symposia. "International Tax Current Developments", Panelist, ABA Section Real Property, Trust and Estate Law, Symposium (April 20, 2017)
- Malviya, Raj. 2017 Spring Symposia. "Novel Approaches to Adapt an Irrevocable Trust to Meet Today's Needs", Organizer, ABA Section Real Property, Trust and Estate Law Symposium (April 21, 2017)
- Malviya, Raj; Beer, Jonathan. "The FBAR Has a New Filing Deadline, Are You Compliant?", Miller Johnson ***Client Alert*** (March, 2017)
- Malviya, Raj. "Estate Planning Considerations Post-Election." Presentation for 26th Annual Drafting Estate Planning Documents Seminar, Michigan Continuing Legal Education, University of Michigan Press (January, 2017)
- Malviya, Raj. "New Year's Resolutions for Trustees and Beneficiaries: Ten Fiduciary Income Tax Planning Considerations", The Michigan Probate and Estate Planning Journal, Vol. 36, No.1. (January, 2017)
- Malviya, Raj. "The Physician's Checklist on Asset Protection", ***Probate and Property*** (in progress) (January, 2017)
- Malviya, Raj. "Estate Planning and Asset Protection 101," Grand Rapids Ophthalmology Continuing Education (December, 2016)
- Malviya, Raj. "Michigan Getting With the Times on Domestic Asset Protection Trusts: The New Qualified Dispositions in Trust Act." Miller Johnson ***Client Alert*** (December, 2016)

- Malviya, Raj. Quoted on foreign trust and asset protection article “U.S. Seizure of 1MDB Assets Moves on With Jho Low’s Family Sidelined”: Bloomberg BNA (December, 2016)
- Malviya, Raj; Barker, Michael, Kruse, Toni Ann, Mertens, Jeremy, “Primer on Key Tax Election: Business Succession Planning.” American Bar Association Fall Joint Meeting in Boston, Massachusetts (September, 2016)
- Malviya, Raj A., “IRC 2704: Proposed Regulations Seek To Dump Discounts” Transfer Tax Committee:, State Bar of Michigan, Probate and Estate Planning Council Meeting (September, 2016)
- Malviya, Raj. “Primer on Key Tax Elections: Business Succession Planning” course materials, Georgetown University Law Center (Fall, 2016)
- Malviya, Raj. Business and Tax Law, Hope College (Fall 2016 and Winter 2017)
- Malviya, Raj, “IRS Proposed Regulations Seek to Limit Planning Opportunities” Miller Johnson *Client Alert* (August, 2016)
- Malviya, Raj, “Asset Protection Planning for Physicians” Presentation for Michigan Association of Physicians of Indian Origin (MAPI) (August, 2016)
- Malviya, Raj. “The International Family: Five Tax Traps.” Presentation for the Grand Rapids Association of Realtors International Real Estate Practitioner Series (September, 2016).
- Malviya, Raj. Estate Planning for Clients with International Ties, MI Institute of Continuing Legal Education, University of Michigan Press, (ICLE) (May 16, 2016)
- Malviya, Raj; Rosati, Claire, “Estate Planning for Clients with Foreign Ties.” On-demand Seminar,

Michigan Institute of Continuing Legal Education, University of Michigan (March, 2016)

- Malviya, Raj, “International Estate Planning.” Chapter 23: *The Michigan Estate Planning Handbook*, Michigan Institute of Continuing Legal Education, University of Michigan Press, 3rd edition 2016
- Malviya, Raj, Gregory, George. “Drafting Trusts for the Net Investment Income Tax.” Presentation for 25th Annual Drafting Estate Planning Documents Seminar, Michigan Continuing Legal Education, University of Michigan Press (January, 2016)
- Malviya, Raj, “New Real Property Tax Legislation Fixes Hole in Uncapping Exemption” Miller Johnson *Client Alert* (December, 2015)
- Malviya, Raj, “Year End Gifts from Washington: 2015 Tax Extenders” Miller Johnson *Client Alert*. (December, 2015)
- Malviya, Raj, Huber, Andrew, Ren, Jenny, Ranadive, Rahul. “Year-End Tax Planning Tips: Income Tax and Estate/Gift Tax.” Webinar presentation for the NASABA Tax Section. (December, 2015)
- Malviya, Raj. “Understanding Basic Asset Protection in Connection with Estate Planning.” Presentation for Anesthesia Practice Consultants (October, 2015)
- Malviya, Raj. “Five Levels of Asset Protection.” Presentation for The Doctor’s Company, Michigan (September, 2015)
- Malviya, Raj, Kayan, Marianne, Bowman, Scott, Liss, Stephen, et. al. “Comments on Guidance under Section 2801. Submission to United States Treasury on Proposed Regulations issued under Section 2801 of the Internal

Revenue Code (May, 2016)

- Malviya, Raj. "Proposed Regulations Anticipated on Further Eliminating Discounts." Miller Johnson *Client Alert* (August, 2015)
- Malviya, Raj. "The International Family: Five Tax Traps." Presentation for the Grand Rapids Association of Realtors International Real Estate Practitioner Series (September, 2015)
- Malviya, Raj. "Estate Planning for Resident and Nonresident Aliens and U.S. Citizens with Foreign Ties", Institute of Continuing Legal Education, University of Michigan Press, (ICLE), University of Michigan Press (Summer, 2015)
- Malviya, Raj. "Asset Protection for Physicians." Presentation to Grand Rapids physicians sponsored by Oppenheimer Co. Investments (May, 2015)
- Malviya, Raj; Kapur, Dina; Leckie Gavin; Malviya, Raj. "Cross Border Investments in Financial Assets: Structuring and Compliance Considerations for Inbound Investment." American Bar Association Spring Symposia Meeting in Washington, DC (April, 2015)
- Malviya, Raj. Fundamentals of Estate Administration, Institute of Continuing Legal Education, University of Michigan Press, (ICLE) (February, 2015)
- Malviya, Raj. "Real Estate and International Family: Five Tax Traps." Presentation for the Grand Rapids Association of Realtors International Real Estate Practitioner Series (February, 2015)
- Malviya, Raj. "GRATs and Other Freeze Techniques." Lunch presentation for Adamy Valuation Advisors (January, 2015)
- Malviya, Raj; Belcher, Dennis; Packman, Kevin;

Toni Ann Kruse; "Heckerling Highlights: Observations from the 2015 Annual Heckerling Estate Planning Institute." American Bar Association Joint International Tax Planning and Transfer Tax Committee Conference Call (January, 2015)

- Malviya, Raj; Kruse, Toni Ann, "Buying Real Estate From A Foreigner." American Bar Association Joint International Tax Planning and Transfer Tax Committee Conference Call (January, 2015)
- Malviya, Raj; Starck, Eric; Wolford, Robert. "Buying Real Estate From A Foreigner? FIRPTA Imposes a Withholding." Miller Johnson ***Priority Read-Business Law Update*** newsletter (January, 2015)
- Malviya, Raj; Murphy, Lauretta; Nicholson, Sara. "Estate Planning Outlook: 2015." Miller Johnson ***Client Alert***. (January, 2015)
- Malviya, Raj; Aguilar, Kathleen; Ammon, Jeffrey, "Cottage Succession: Family Transfer Exemption and New Transfer of Ownership Guidelines." Miller Johnson ***Client Alert***. (January, 2015)
- Malviya, Raj; Nicholson, Sara. "Late 2014 Tax Extenders Include IRA Charitable Rollover." Miller Johnson ***Client Alert*** (December, 2014)
- Malviya, Raj. "Estate Planning for the International Family: An Introduction." Presentation for the Greater Lansing Estate Planning Council Meeting (October, 2014)
- Malviya, Raj; Aguilar, Kathleen; Ammon, Jeffrey, "Cottage Succession: Family Transfer Exemption Changes!" Miller Johnson ***Client Alert*** (October, 2014)
- Malviya, Raj; Pendery, Mark. "Foreign Bank and

Financial Accounts Reporting: Are You or Your Financial Agent in Compliance?" Miller Johnson *Priority Read-Business Law Update* newsletter (September, 2014)

- Malviya, Raj. "Expatriates Leaving Without a Trace? Not Exactly. The Silent and Deadly Inheritance Tax under IRC 2801." *The Michigan Probate and Estate Planning Journal*, Vol. 33, No. 3 (Summer, 2014)
- Malviya, Raj; Pendery, Mark. "Foreign Bank Account Reporting: Are You and Your POA Agent In Compliance?" Miller Johnson *Client Alert* (July, 2014)
- Malviya, Raj; Jenson, Benetta; Renchen, Nicole; Li, Annie. *Executives Going Global: Inbound and Outbound Tax Considerations*. Presented for SABA North America Annual Convention in Chicago, IL (June, 2014)
- Malviya, Raj. "Fiduciary Income Tax Planning: Including Capital Gains in Distributable Net Income (DNI)." *The Michigan Tax Lawyer*, Vol. XL, Issue 2, Summer 2014)
- Malviya, Raj; Ammon, Jeffrey; "*Cottage Succession Planning: How To Avoid Uncapping Your Property Taxes"*. Presentation for Miller Johnson clients and friends in Grand Rapids, MI (June, 2014)
- Malviya, Raj; Koryto, John; *Inbound and Outbound Transfers of Global Executives*. Presented for Meritas Annual Meeting in Boston, MA (May, 2014)
- Malviya, Raj. Annual Probate and Estate Planning Institute. "Estate Planning for Resident and Nonresident Aliens and U.S. Citizens with Foreign Ties", Institute of Continuing Legal Education, University of Michigan Press, (ICLE)

(May 9, 2013)