



# THE IRS IS AFTER ME, NOW WHAT?

A Step-By-Step Guide to Tax Resolution

**Eric A. Stamps**

Tax Attorney—Top Rated Tax Relief

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# **PREFACE**

This is a guide to issues involving the most powerful and aggressive creditor of all, The IRS. At Top Rated Tax Relief we handle all IRS issues and turn your IRS problem into No problem.

Owing back taxes is serious so, in order to lighten things up, I have included a joke at the beginning of each chapter for your enjoyment.

# DEDICATION

To all the hardworking Americans who have been devastated by the IRS coming after you. You are not alone. We are here to help you get your life back and protect you from the aggressive IRS.

Thanks to Michael Rozbruch and the staff at Roz Strategies for all of your insight and instruction. You are greatly appreciated.

Thanks to my parents for all of your guidance and direction. To my brothers for always being there for me. To my wife for all you do. To my children for all of the joy you bring to me.

And most importantly to God, for providing this world and life and salvation through Jesus Christ.

# **DISCLAIMER**

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## **Stamps & Stamps Attorneys at Law TOP RATED TAX RELIEF**

### **Dayton Office**

3814 Little York Road  
Dayton, OH 45414

### **| Beaver Creek Office**

| 4031 Colonel Glenn Highway  
| Beaver Creek, OH 45431

### **Centerville Office**

205 W. Franklin Street  
Centerville, Ohio 45459

**[www.TopRatedTaxRelief.com](http://www.TopRatedTaxRelief.com)**

Call Us: (937) 898-9440

Text Us: (937) 265-6418

Fax Us: (937) 890-4694

# TESTIMONIALS

*“When I came to the Stamps Law Office they didn't hesitate to help me. They understood what I was going through and knew exactly how to handle my situation. The outcome of my problem was handled professionally and the results were better than expected for me. If you have a legal problem, you could not ask for a better law office than the Stamps & Stamps lawyers. Thanks to them so much.”*

**– M.C. Dayton**

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*“Very understanding, very knowledgeable and completely understanding no matter what your case involves. I would highly recommend speaking to either Eric or Dana.”*

**– W. R.S.**

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*“Always have been very helpful.”*

**– Lyndsay B.**

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## ABOUT THE AUTHOR



Eric is a partner in the law firm of Stamps & Stamps and founder of Top Rated Tax Relief. He concentrates his practice in Debt Law, including Bankruptcy and Tax Resolution. Eric has been asked to speak on various topics of Debt Law. Eric is dedicated to helping others reach their legal goals and he looks forward to helping you.

Eric has a wonderful wife, Sara, and three fabulous children, Matthew, Nicholas, and Madison. Eric enjoys spending time with his family, playing sports, and coaching youth basketball, soccer, and baseball. Eric also volunteers in his church and the community to help others in need. He is a proud member of the Yaqub Life Group and Koinos Church.

# CHAPTER 1

## TAX RESOLUTION



**[ON THE LIGHT SIDE:** (Two men are stranded on a deserted island. One despairs, but the other one claps at him assuredly on the back and says, “Don’t worry, they will definitely find us, and soon. Really? Why do you think so? I owe the IRS five years of taxes.”])

Tax resolution is dealing with any type of tax debt when people haven’t paid or filed their tax returns.

## ***Tax Resolution Options***

One of the main tax resolution options is an offer in compromise. This is an agreement to a reduced amount and a payment plan. There is also tax abatement or penalty abatement. When you have the ability to get rid of large penalties, sometimes tens of thousands or hundreds of thousands of dollars can be completely eliminated.

### ***Will The IRS Continue To Harass Me Once You Get Started On My Case?***

Once I am representing you, the IRS will be communicating with me and then I will be communicating with you.

### ***Do I Have To Have Any Further Communication With The IRS Once I Hire Your Firm?***

Most of the time, you wouldn't have to have any further direct contact with the IRS once you've hired an attorney.

### ***Can We Stop Additional Penalties From Accruing While Working To Resolve My Case?***

Usually, stopping additional penalties from accruing will be a part of the resolution process.

## ***How Do I Stop The IRS From Levying My Bank Account Or Garnishing My Wages?***

Once you hire an attorney and start the resolution process, the IRS is generally not going to engage in any type of levying or garnishing actions. Sometimes, we can even get them removed, if they have already started.

## ***I Have A CPA And A Family Law Attorney. Why Do I Need A Tax Resolution Attorney?***

Generally, neither a CPA nor a family law attorney generally deals with any type of tax issues. They don't know the ins and outs of the IRS Code or process, or even what documentation to gather. They have no idea what can be done. If they try to deal with it, they are going to be up against a knowledgeable IRS agent, who is going to run circles around them, and they are not going to get you a very good result.

## ***I Applied For A Mortgage But Have A Tax Lien. Can I Get That Removed Quickly?***

Nothing with the IRS is quick but it can be done. It's a matter of assessing what needs to be done and then

taking the proper steps to be able to do that. Generally, it is not going to happen quickly.

### ***How Long Does It Take To Resolve A Tax Case?***

Many cases take six months or longer to actually reach a resolution. In the meantime, we take over and deal with it, so you can continue to live your life and not have to worry about it.

## CHAPTER 2

# DANGERS OF FALLING BEHIND ON BUSINESS TAXES



**[ON THE LIGHT SIDE:** (A man about to have a heart transplant was offered the heart of a 26-year-old marathon runner or a heart of 62-year-old IRS agent. He replied, “I will take the heart of the 62-year-old IRS agent because it has never been used.” Unknown]

The IRS has the strongest powers of any creditor to collect debts owed to it. If you don't file your tax returns and/or don't pay the tax when due, it is a crime. The IRS has the authority to take your business assets, require that

your customers pay their outstanding balances to the IRS, force the sale of the business, or other methods that could cause the business to shut down.

### ***Penalty For Not Filing Business Taxes***

Depending on the type of tax, most business taxes that are not paid come with a 100% penalty. For example, if you don't pay the payroll tax of \$10,000, you owe an additional \$10,000 in penalties and it will incur interest.

### ***What Are The Options To Resolve My Tax Issues As A Small Business Owner?***

Various options exist to resolve your tax issues if you contact that correct tax resolution professional. Payment agreements including reduced amounts owed while having the ability to operate your business while proper arrangements are made and taxes paid. Maybe the business is closed and the debt is currently non collectible (CNC).

### ***How Should I Handle The IRS?***

Contact a tax resolution professional immediately.

## ***Should I Provide The IRS With Any Financial Information?***

Once you have a tax resolution pro, you will be guided by that pro as to the steps to take.

## ***Can The IRS Take My Business?***

They have broad power to seize assets including business assets that other creditors do not. Don't let that happen, contact a tax resolution pro today.

## ***Could I Potentially Go To Jail Or Lose My Home?***

If any of your actions are criminal, including not filing or not paying, it is possible to go to jail. However, if we are representing you and you follow our advice, that's not very likely to happen. As far as losing your home or other property, the IRS has absolute powers to seize any type of property, including your house, if you are not paying the proper amount of taxes or not following through on an agreement you've reached with them. That's why it is important to have us on your side, guiding you and protecting you.

## ***Does The IRS Offer Payment Plans For Businesses?***

Yes. That is often the best solution.

## ***Are There Offer In Compromise Agreements Available For Small Businesses?***

Yes, offer in compromise agreements are available for small businesses under certain circumstances.

## ***What Is “Uncollectible” Status? Can I Use It?***

Currently non collectible (CNC) means your current finances are such that you are unable to pay your debt. You might qualify for CNC.

## ***Is Bankruptcy An Option To Consider For My Small Business Tax Debt?***

Not likely, you will typically still owe the taxes if you file bankruptcy. There are some exceptions depending on the facts of your situation.

## ***Can The IRS Go After Me Personally For Past Due Payroll Taxes?***

Depending on the ownership of the business and the title you held, the role you held, the IRS could come

after you for past due payroll taxes. If that happens, in most cases we are able to resolve it with you paying back only a small portion, if any, on the back taxes.

### ***Can We Verify The Amount The IRS Says My Small Business Owes?***

Yes. If the IRS got it wrong, it is important to dispute it and figure out the correct amount

### ***Will The IRS Be Willing To Work With Us If We Haven't Filed Our Taxes For Several Years?***

You must be current on tax filings in order to work something out with the IRS. Therefore, part of the resolution process will be to file the back returns.

### ***What Can My Tax Attorney Do To Help My Small Business?***

The tax attorney is able to walk you through the process, guide you as to what you should and should not do, work with the IRS to come up with the correct amount of taxes owed, work out a resolution to pay the tax at a reduced rate or in full, help you keep the business/personal assets and help to keep your business operating while the process unfolds.

## CHAPTER 3

# WHAT IS AN OFFER IN COMPROMISE?



(“What is the difference between a taxidermist and a tax collector? The taxidermist takes only your skin.” Mark Twain)

An Offer in Compromise is an agreement between the taxpayer and IRS to reduce the amount owed.

## ***Who Is An Ideal Candidate For The IRS Offer In Compromise Programs?***

A taxpayer that does not have the necessary income and/or assets to pay back the debt in full.

## ***How Do I Apply For The Offer In Compromise?***

Dealing with the IRS is a convoluted mess. There are many steps to get a proper Offer in Compromise submitted and accepted. It is like going through an intense labyrinth.

## ***Do I Need To Give The IRS Information About My Bank Accounts And Assets?***

Yes. Information about your finances is required.

## ***Do I Need An Attorney To Apply For The Offer In Compromise?***

Preferably. As a tax attorney, I am uniquely positioned to represent you in IRS matters including in the U.S. Tax Court. Not many attorneys are admitted to practice in the U.S. Tax Court.

## ***Is There A Way To Find Out If The IRS Will Accept My Offer In Compromise Before I Send The Application Fee And All The Paperwork?***

There is no 100% guarantee that an Offer in Compromise will be accepted. When working with a qualified tax pro, your chances increase significantly.

## ***How Is An Offer In Compromise Calculated?***

The IRS must look at all income and allowable expenses as well as all assets and allowable deductions. The combination of the two determines the amount to be proposed in the Offer in Compromise.

## ***Should I Pay My Offer In Compromise In Full Upon Acceptance?***

No. An Offer in Compromise is a compromise to a figure less than full. Other options are available if a taxpayer is able to pay in full.

## ***How Long Does The Offer In Compromise Process Take?***

The process is not quick. A typical Offer in Compromise takes between 6-12 months. Some take longer.

## ***What If I Never Hear Back About An Offer In Compromise?***

After 24 months, it becomes accepted. But that almost never happens.

## ***What Can I Do If The IRS Rejects My Offer In Compromise?***

Appeal. If the offer is not accepted, the taxpayer has the option to ask for the decision to be reviewed. Also, the taxpayer is able to submit a new offer.

## ***Difference Between An Offer In Compromise And Currently Not Collectible***

Currently Not Collectible is a status where the IRS agrees with the taxpayer that the tax is not able to be collected based upon the taxpayer's current situation. That situation can change and the tax from the taxpayer can become collectible later. During the period the taxpayer is in Currently Not Collectible status, no attempts are made to collect the debt. In an accepted Offer in Compromise, even if the taxpayer's circumstances change for the better, the agreement remains in effect and the taxpayer only owes the agreed to amount.

## ***How Much Time Do You Think We Will Have To Resolve My IRS Accounts?***

Depending on where you are at in the IRS collection process and what letters you have received, you may have to act quickly. It's important to not delay.

## CHAPTER 4

# DOES MY SPOUSE HAVE TO BE LISTED ON THE FINANCIAL FORM?



[ON THE LIGHT SIDE: (“People who struggle with their taxes can be divided into two categories, men and women.” Unknown author)]

Yes, for certain purposes but not all purposes. A non-liable spouse’s income is taken into consideration when determining allowable expenses.

## ***If My Account Is Placed Under Currently Not Collectible, Will It Continue To Be Assessed?***

Yes. Penalties and interest continue to accrue. The statute of limitations, which is the amount of time the IRS is legally allowed to collect, will continue to run.

## ***Where Do My Payments Get Applied?***

You are able to designate where your payments go. However, if no designation is made, the IRS will apply the payments in a way most advantageous to the IRS.

## ***Is The IRS Able To Levy My SSA (Social Security) Income?***

Yes. The IRS has the broadest levy ability of any creditor. There is virtually no income or asset safe from IRS collections.

## ***Is The IRS Able To Levy My Bank Accounts?***

Yes. The IRS has the broadest levy ability of any creditor. There is virtually no income or asset safe from IRS collections.

## ***Is The IRS Able To Levy A Pension/IRA/Or Retirement Account?***

Yes. The IRS has the broadest levy ability of any creditor. There is virtually no income or asset safe from IRS collections.

## ***If I Obtain A Settlement, Do I Have To Pay The Entire Amount Upfront?***

Typically, the settlement involves an agreement to pay in monthly installments. The length of time depends on various factors, including the amount of tax owed. Lump-sum payments are possible when advantageous to our clients.

## CHAPTER 5

# FREQUENTLY ASKED QUESTIONS



**[ON THE LIGHT SIDE:** (What is the difference between a Rottweiler and an IRS agent? The Rottweiler lets go.)]

### ***Will The IRS Notify Me Before They Send Me To Collections?***

No. You will receive a CP14 Letter which is a Collections Process letter telling you that you have a balance due.

## ***Does The IRS Use Third Party Debt Collectors Like Credit Card Companies Do?***

Yes. Sometimes they use The CBE Group Inc. and others to collect on their behalf. However, it is usually better to get it back with the IRS so that your case will be worked within the rules of the IRS (IRM-Internal Reference Manual).

## ***What Happens If The IRS Sends You To Collections?***

You need to contact an experienced Tax Resolution professional immediately because liens, levies, etc. are coming soon and penalties and interest are accumulating.

## ***Can I Delay A Collection With The IRS?***

A Tax Resolution professional has the tools to get delays in the collections process based upon the facts of your situation and your eligibility.

## ***What Is A Stay Of Collection?***

The stay simply means stop. The collection process stops while another action is in place.

## ***What Is The IRS Fresh Start Program?***

It is a program that began May 21, 2012. The program provides more favorable terms to settling certain tax debt for those who qualify.

## ***Is There A One-Time Tax Forgiveness?***

No. There is a possibility of a First Time Penalty Abatement but that does not eliminate the actual tax owed.

## ***I've Heard My IRS Debt Will Be Forgiven After 10 Years. Is That True?***

IRS Code 6502(a) states that tax debt is not able to be collected after 10 years from the assessment date. Therefore, obtaining the assessment date is critical.

## ***What Is An IRS Installment Agreement And Who Qualifies?***

There are multiple types of Installment Agreements including full pay and partial pay. The facts of each situation determine what, if any, Installment Agreement you are eligible for.

## ***Is An Installment Agreement Always Accepted By The IRS?***

No. Not all installment agreements are accepted by the IRS.

## ***What Is The Minimum Monthly Payment For An IRS Installment Plan?***

The monthly payment is determined by the amount of tax owed and the type of installment agreement entered into.

## ***What Happens If I Miss A Payment Or Default On My Agreement?***

Any breach of the agreement terminates it.

## ***Can I Work With The IRS To Reduce Or Remove Penalties Or Interest On My Total Amount Due In My Installment Agreement?***

Working with the IRS is like attempting to go through a complicated labyrinth. It is strongly advised that you don't try it on your own. Make sure you have a tax resolution professional to take you through the labyrinth.

## ***Do I Need Both A CPA And A Tax Attorney To Represent Me Before The IRS?***

If you want the best results, hire a tax resolution professional who knows the inner workings of the IRS.

## ***Does The IRS Know How Much Money I Have In The Bank?***

No. However, they are able to issue a levy to take the money in the bank.

## ***Can A Creditor Take All Money In My Bank Account?***

The IRS will take what is in the bank, therefore, you need to hire representation as soon as you receive the first letter from the IRS or even before if you know you owe the IRS.

## ***How Can The IRS Garnish My Wages? How Severe Would My Debt Have To Be Before The IRS Will Garnish My Wages?***

The IRS sends a letter to your employer telling the employer to pay your wages to them until the IRS debt is

paid. This is ongoing. The IRS would typically take this action on taxpayers who owe \$10,000.00 or more.

### ***What Is The Maximum Amount The IRS Can Garnish From Your Paycheck?***

The IRS is only required to leave you with the minimal amount needed for basic necessities. There are specific guidelines setting the amounts based upon the number of dependents you have, including yourself. As you can imagine, the number is small.

### ***What Income Cannot Be Garnished?***

The IRS is the greatest of all creditors when it comes to enforcement powers. The limits of the IRS in garnishing wages are minimal.

### ***Can I File A Hardship On A Garnishment?***

If you have circumstances that cause a hardship on you and/or your dependents, a petition for hardship may be filed. Factors for hardship include (1) Long term illness, (2) Unable to meet basic living expenses, (3) Elderly, (4) the liquidation would leave you destitute.

## CHAPTER 6

# SHOULD I WORK WITH IRS WITHOUT HIRING AN ATTORNEY?



**[ON THE LIGHT SIDE:** (I'm not going to pay my taxes. When the IRS says I'm going to prison, I'll say "No, prison cost taxpayers a lot of money. You keep what it would have cost to incarcerate me, and we'll call it even."  
Jimmy Kimmel)]

It is a crime if you do not file your tax returns or if you do not pay your taxes. People trying to resolve tax issues on their own could incriminate themselves and put

themselves in a very tough position with the IRS, along with the prosecuting agency. The IRS agents are going to try to do what's best for the IRS, not what is best for you. You need an experienced tax attorney on your side, helping to protect you.

### ***Information My Attorney Needs To Help In Resolving My Tax Debt Issues?***

At the first appointment, I'm going to get an idea of what's going on in your tax situation. Then, I am going to get an authorization signed, so that I can access your tax transcripts. Once I review the tax transcripts, I will know what I need from you. There is also a form that I will have you fill out, asking for specific items.

### ***Can You Settle My Back Taxes?***

Yes. Our goal is for you to pay the minimum amount of tax owed by law. The design of the tax resolution is to get you in compliance and work out an agreement on back taxes.

### ***Is Your Firm Able To Assist Me?***

Yes. We are highly trained in tax resolution and help people with IRS issues, like yourself.

## ***I Owe The IRS More Than I Can Ever Afford To Pay. How Can You Help Me?***

We are going to look at what you owe and what you can afford as part of our assessment to figure out what type of program you need to be in. It may be that you can't afford to pay anything and that's called currently not collectible. It may be that you can afford to pay some, but not all of it, and that can be an offer in compromise, where it's a more manageable monthly payment. Other options are also available to fit your situation.

## ***How Do I Know When I Must Contact A Tax Resolution Attorney?***

When you have received a notice from the IRS and the amount of the debt is \$10,000 or more, you need to contact a tax resolution attorney.

## ***What To Look For When Researching Tax Resolution Attorneys?***

It's important to have a professional experienced in tax resolution, preferably an attorney. Many tax resolution companies do not have tax attorneys doing tax resolution.

They may have accountants or other people in the tax profession handling.

### ***What Are Some Warning Signs While Choosing The Right Attorney?***

A tax attorney should be asking you questions about your situation. If you contact one, they should want to know what's going on in your life regarding your taxes. Some of them are just going to try to take your money and not even find out what's going on.

### ***What Will A Tax Resolution Attorney Do For Me?***

A tax resolution attorney is first going to figure out what needs to be done to protect you. Second, they are going to contact the IRS to start the process to get it done. Finally, they are going to reach the best resolution for you and walk you through that process to make sure that you are not going to encounter any pitfalls that can cost you the resolution that has been agreed to.

**And I will leave you with a final joke [ON THE LIGHT SIDE: ("A little boy prayed for \$100 bill. He then wrote a letter to the Lord asking for \$100 and he**

addressed it to Lord, USA. Not knowing where to deliver it, the post office delivered it to the president. The president thought it was humorous so he instructed his secretary to send the boy \$5. The boy opened the letter from the president, Washington DC, and was delighted to see \$5. He then said, I don't know why the Lord sent the letter through Washington DC, but as usual, those jerks took 95%." Unknown]

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# NOTES





# THE IRS IS AFTER ME, NOW WHAT?

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Text Us: (937) 265-6418

Fax Us: (937) 890-4694