

Office of Chief Counsel
Internal Revenue Service
Memorandum

Number: 200840001
Release Date: 10/3/2008
CCOA: 04
OL: 1200401-04

LRUC: 6021 00-00

Date: August 28, 2008

to: Richard T. Cummings
General Attorney (Hattford)
(Small Business/Small Employer)

from: Peter J. Davis
Chief, Branch 4
(Procedure & Administration)

subject: Successor Liability

This Chief Counsel Advice responds to your request for assistance. This advice may not be used or cited as precedent.

ISSUE

May the IRS rely on the state law doctrine of successor liability to collect a corporation's or LLC's federal tax liability from its successor or interest?

CONCLUSION

Yes. A federal tax liability owed by a corporation or LLC may be collected from its successor or interest if the successor corporation or LLC is liable under the relevant state law.

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Emilie Sanchez



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