

COMPARISON OF ESTATE TAX RATES AND PROPOSALS
October, 2008

	2008	2009	2010	2011	Obama	McCain
Unified Credit Exclusion Equivalent	\$2,000,000	\$3,500,000	Unlimited	\$ 675,000	\$3,500,000	\$ 5,000,000
Spousal Portability¹	No	No	No	No	Yes	Yes
Max. Marginal Rate	45%	45%	0%	50%	45%	15%

¹ **Spousal Portability** means that the unified credit exemption would be *shared* between spouses. Hence, in an Obama administration for example, provided that Congress passed a change in the estate tax law, a husband and wife would be able to shelter \$7,000,000 in property irrespective of how the property was titled and irrespective of the order of death. Where, under present law, we have to be certain that each spouse's estate has the requisite amount of property to take advantage of the unified credit exemption. If portability was enacted, it theoretically would no longer be necessary to transfer property between spouses to maximize use of the credit shelter exclusion.