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TECHNIQUES OF AVOIDANCE OF INTERNATIONAL DOUBLE ESTATE TAXATION

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Particularly in these days of high taxes, the imposition of estate taxes upon the same property of a decedent's estate by two or more countries results in a great reduction and sometimes virtual destruction of the estate.

The inherent injustice of such double taxation is unquestioned. The representatives of many countries, including our own, are currently striving through negotiation of new conventions to eliminate such inequities. Such action is commendable. A few conventions with several foreign countries have resulted. They make progress toward curing these injustices, but leave much to be desired.

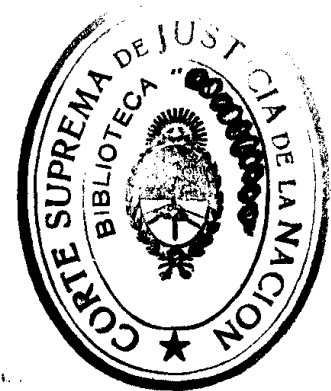
These current conventions prescribe that their provisions are effective only as to estates of decedents who died on or after a given date, usually the date of exchange of ratifications.

What is to be done about the estate of a decedent who died before such effective date? Are the beneficiaries to stand by and watch both countries deplete the estate through double taxation, and pass this off with the casual, "Too bad he didn't die a little later"? Also, what about the situation where no current convention has been negotiated or contemplated?

The purpose of this article is to point out other possible remedies. Avoidance of destruction of estates through double taxation is worth the attempt.

Almost from the time of its founding our country has been concluding treaties with many foreign powers guaranteeing reciprocal rights of our citizens to own and dispose of their property abroad, and the corresponding rights of their beneficiaries to receive it. It may well be that some of those old treaties, many of which are still in force, will afford the desired relief. If, for example, an American citizen died in 1944 with personal property

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