

PRECEDENTIAL
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 12-2275

NEAL CRISPIN,
Appellant,

v.

COMMISSIONER OF INTERNAL REVENUE,

On Appeal from the United States Tax Court
(No. 28980-07)
Judge: Hon. Diane L. Kroupa

Argued
January 8, 2013

Before: RENDELL, FISHER, and JORDAN, *Circuit
Judges.*

(Filed: March 19, 2013)

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ORDER AMENDING OPINION

JORDAN, *Circuit Judge*.

IT IS NOW ORDERED that the above-captioned opinion be amended as follows:

Footnote 3 shall now read:

The Commissioner contends that that step in the CARDS transaction “is predicated on an invalid application of the ... basis provisions of the Internal Revenue Code.” (Appellee’s Br. at 4.)

Specifically, I.R.C. § 1012 provides that a taxpayer's basis in property is generally equal to the purchase price paid by the taxpayer. That purchase price includes the amount of the seller's liabilities assumed by the taxpayer as part of the purchase, on the assumption that the taxpayer will eventually repay those liabilities. *See Comm'r v. Tufts*, 461 U.S. 300, 308-09 (1983). But in a CARDS transaction, the Commissioner argues, the taxpayer and the foreign borrower agree that the taxpayer will repay only the portion of the loan equal to the amount of currency the taxpayer actually purchases.

/s/ Kent A. Jordan
Circuit Judge

DATED: March 19, 2013