Michael C. Zahrt

Shareholder

1700 East Beltline, N.E.
Suite 200
Grand Rapids, MI 49525-7044
T: 616.726.2223
F: 616.726.2299
mzahrt@fosterswift.com

Mike is a business and estate planning lawyer in the Grand Rapids office of Foster Swift and is the current leader of the firm's Agri-Business sub-practice group. His area of expertise is business succession planning. This involves not only transitioning businesses to the next generation of ownership, but also serving as outside general counsel to the business and estate planning counsel to its owners and former owners.

- **Business Formations and Transactions.** Mike assists individuals and businesses throughout numerous industries in a variety of matters, including entity selection and formation; drafting shareholder and operating agreements, taxable and tax-free purchases and sales of businesses (stock purchase, asset purchases, and mergers), and detailed analysis of a variety of federal income tax matters, including corporate, partnership, individual, and transfer tax issues.
- **Business and Farm Succession Planning.** He identifies tax efficient exit strategies for the owners of a wide variety of businesses to achieve their goals (including estate tax planning), including the sale of a successful business to fund the owner's retirement or charitable goals and passing a family-owned business on to the next generation. This often includes planned gifting, estate planning, and part-gift/part-sale transactions. Mike is also familiar with the particular needs and goals of family-owned farming operations and the unique planning challenges in that industry.
- **Estate Planning.** Mike assists individuals with estate planning needs on a wide range of matters including drafting of wills, revocable living trusts, charitable lead trusts, charitable remainder trusts, irrevocable life insurance trusts, grantor retained annuity trusts as well as intentional grantor trusts/intentionally defective trusts.

PRACTICE AREAS

Agri-Business
Business & Tax
Business Succession Planning
Deal Team - Mergers & Acquisitions
Employee Benefits
Employee Stock Ownership Plans (ESOPs)
Entity Selection, Organization & Planning
Estate Planning
Family Owned Businesses
Federal Taxation
International Taxation
Michigan Tax
Non-Profit Corporate Law
Startup Entrepreneurial Emerging Development (S.E.E.D)
State and Federal Audits and Tax Disputes
Tax Exempt Organizations
Tax Law

EDUCATION

Michigan State University College of Law, J.D., 2014, *summa cum laude*
Calvin University, B.A., 2010

BAR AND COURT ADMISSIONS

Michigan

- **Estate Administration.** Mike represents trustees in the administration of trust estates and personal representatives in the administration of probate estates, providing counsel to clients on their rights and duties under Michigan law when serving as a fiduciary.
- **Agri-Business.** Mike works on a variety of agricultural and cooperative law matters. This includes assisting with cooperative formation and governance, compliance with the Capper-Volstead Act, contract drafting and review, entity selection and governance for farm operations and detailed analysis of state and federal tax issues.

Mike received his undergraduate degree from Calvin University and his Juris Doctorate from the Michigan State University College of Law. He graduated *summa cum laude* and was a Dean King Honors Scholar. Mike attended Michigan State on a full tuition scholarship and was an active member of the MSU Law Review for two years.

REPRESENTATIVE MATTERS

- Drafting a variety of transactional documents, including the purchase of business assets valued at $500,000, a stock purchase of more than $350,000 and the purchase of commercial real property.
- Developing administrative procedures and spending requirements to achieve charitable goals while complying with applicable laws, including the establishment of a scholarship program, a Christian private operating foundation to perform missionary work, and a supporting organization for the benefit of local area Christian organizations.
- Reviewing the organizational documents of for-profit and non-profit organizations for discrepancies or inconsistencies, revising the documents as necessary to ensure they reflect the client's goals and comply with state and federal law.
- Assisting in the creation of a business succession plan for the owner of a family business that transferred ownership of a company to children involved in the business while also providing income to the owner's spouse and non-business children and eliminating an estimated estate tax liability of over $175,000.

HONORS & RECOGNITIONS

Best Lawyers in America©
2021-2022, 2024 "One to Watch"
(Employee Benefits (ERISA) Law)

- Assisting in the creation of a farm succession plan for an operation with assets exceeding $10 million, including the selection and creation of business entities to hold and transfer farm assets. The succession plan gradually transferred responsibilities to the next generation while also providing a reliable source of income for the older generation and off-farm children.
- Assisting in the estate plan of an individual with a net worth of more than $11 million, utilizing gifting strategies and an irrevocable life insurance trust to accomplish the client's estate planning goals while eliminating potential estate tax liability.

SPEAKING ENGAGEMENTS

Estate Planning Essentials for Agriculture, *2024 Take Root Farm Succession & Estate Planning Conference: Presented by Michigan Farm Bureau*, February 27, 2024

Hot Legal Topics in Ag for 2023, *AgroExpo 2023*, August 15, 2023

How the Inflation Reduction Act Impacts Farmers, *Iowa State University*, October 13, 2022

Estate Planning Essentials for Agriculture, *Farm Bureau*, February 18, 2022

Tax Issues Associated with Financially Distressed Clients, *MICPA: 2021 Agribusiness Conference*, October 21, 2021

Estate Planning Seminar, *Farm Bureau*, September 18, 2021

Round 2: Recent Changes to the Payroll Protection Program, *Foster Swift*, January 26, 2021

2020 Year End Tax Planning: Updates and Strategies, *Foster Swift*, December 9, 2020

Tax Through an Agribusiness Lens – Part 1, *Michigan Association of CPAs (MICPA)*, June 30, 2020

The PPP Loan Forgiveness Form is Out: Next Steps to Ensure Forgiveness for your PPP Loan, *Foster Swift*, May 21, 2020

Webinar: Planning to Ensure Full Forgiveness for Your PPP Loan, *Foster Swift Collins & Smith, PC*, May 7, 2020

Michigan Executive Order 2020-41 Impacts On Notarization, *Michigan Business Network*, April 20, 2020

Succession Planning for the Family Farm, *Michigan Pork Producers Association*, February 20, 2020

New Qualified Opportunity Zone Funds, *MICPA: West Michigan Tax Symposium*, November 13, 2019

Growth Beyond Tax Reform for Agribusinesses, *MICPA: CPE Mega Conference/Agribusiness Conference*, October 30, 2018

PUBLICATIONS

State of Michigan Issues New Guidance on "Rolling Stock" Exemption for Interstate Motor Carriers, *Foster Swift Agricultural Law News*, April 8, 2024

Dept. of Treasury Changes Course Regarding Biogas Property: Upgrading Equipment Included Again, *Foster Swift Agricultural Law News*, March 20, 2024

How to Talk to Your Family About Succession Planning, *Foster Swift Agricultural Law News*, December 19, 2023

Senate Passes Extension of 2018 Farm Bill, *Foster Swift Agricultural Law News E-blast*, November 16, 2023

Michigan EGLE Issues CAFO Consent Order, *Foster Swift Agricultural Law News*, October 3, 2023

2023 Legal and Regulatory Developments for Agribusinesses, *Foster Swift Agricultural Law News*, August 30, 2023

How the Inflation Reduction Act Impacts Farmers, *Foster Swift Agricultural Law News*, August 23, 2022

Rising Temperatures Could Trigger Farm OSHA Inspections, *Foster Swift Agricultural Law News E-Blast*, June 15, 2022

Agricultural Groups Seek Extension to Commenting Period Regarding Proposed SEC Rule, *Foster Swift Agricultural Law News*, May 9, 2022

Succession Planning for Business Owners: More Important than Ever, *Yahoo! Finance*, December 30, 2021

Budget Reconciliation – A Congressional Time Machine?, *Foster Swift Agricultural Law News*, September 16, 2021

Loss of Basis Step-Up at Death and Increase in Capital Gains Tax, *Foster Swift Trust & Estates Law News*, February 2, 2021

2020 Year End Tax Planning Tips, *Foster Swift Business & Tax Law E-blast*, December 10, 2020

New PPP Legislation Provides Flexibility to Borrowers, *Foster Swift Legal Update E-blast*, June 5, 2020

Updates to PPP Forgiveness Regulations Released, *Foster Swift Legal Update E-blast*, May 26, 2020

An Update to PPP Certification, *Foster Swift Legal Update E-blast*, May 13, 2020

Remote Notarization and Witnessing Services Available, *Foster Swift Legal Update E-blast*, April 15, 2020

Key Details of the Paycheck Protection Program Under the CARES Act, *Foster Swift Legal Update E-blast*, April 3, 2020

Tax Planning for Farm Losses, *Foster Swift Agricultural Law News*, November 1, 2019

Three Myths about Farm Succession Planning, *Foster Swift Agricultural Law News*, January 28, 2019

UCC Corner: Missing Contract Terms – Pricing, *Foster Swift Business & Corporate News*, January 15, 2018

What Impact Will Tax Reform Have on You?, *Foster Swift E-Blast*, January 11, 2018

UCC Corner: What is a Firm Offer?, *Foster Swift Business & Corporate Newsletter*, October 9, 2017

UCC Corner: Do You Have A Contract? (Part 2), *Foster Swift Business & Corporate Law News*, August 9, 2017

UCC Corner: Do You Have A Contract?, *Foster Swift Business & Corporate Law News*

UCC Corner: Introduction to Article 2, *Foster Swift Business & Corporate Law News*, April 28, 2017

Farm Data FAQs, *Foster Swift Agricultural Law News*, January 30, 2017

Year-End Tax Strategies for Farmers, *Foster Swift Agricultural Law News*, December 21, 2016

Alternatives to Section 179 for Year-End Tax Planning, *Foster Swift Business & Corporate Law News*, November 21, 2016

Should Your Farm Use the Section 179 Deduction this Year?, *Foster Swift Agricultural Law News*, November 18, 2016

Is Section 179 Right for You?, *Foster Swift Business & Corporate Law News*, October 31, 2016

Is Your Warranty "Full" or "Limited"?, *Foster Swift Business & Corporate Law News*, September 30, 2016

Does Your Warranty Comply with Federal Law?, *Foster Swift Business & Corporate Law News*, August 26, 2016

What Warranties Apply To Your Products?, *Foster Swift Business & Corporate Law News*, June 29, 2016

Firing a Sales Representative? Make Sure to Read Your Commission Agreement First, *Foster Swift Business & Corporate Law News*, April 6, 2016

Planning Around Section 179, *Foster Swift Agricultural Law News*, November 30, 2015

Contract Considerations for Farm Data, *Foster Swift Agricultural Law News*, July 17, 2015

President Obama Signs Tax Increase Prevention Act, *Foster Swift Business & Corporate Law Report*, December 22, 2014

Is Your Business Exempt from Personal Property Tax?, *Foster Swift Business & Corporate Law Report*, December 2, 2014

MEMBERSHIPS & AFFILIATIONS

- Start Garden
    - Mentoring Program
- Wedgwood Foundation
    - Vice-Chair of the Board of Directors
- Church of the Servant CRC
    - Stewardship Committee Member

RECENT BLOG POSTS

BizTech Law Blog

The Impact of PPP Loans on Mergers & Acquisitions

Recent Questions Regarding PPP Forgiveness Applications

Health Care Law Blog

Provider Relief Fund: Changes in Calculation Result in Potential Overpayment

Tax Law Blog

Strategies and Resources for Year End Tax Planning

IRS Finalizes 199A Safe Harbor for Rental Property

S Elections for ESOP Companies

Year-End Tax Planning Considerations

How Does the New Pass-Through Deduction Work?

IRS to Announce Proposed Regulations on Full Expensing

Should You Convert Your Business to a C Corporation?