

Windows Live Hotmail Print Message

<http://sn131w.sm131.mail.live.com/mail/PrintMessages.aspx?cid=...>

## Ra3 Tax Depreciation

From: Greg Shepard (greg@bfsmail.com)  
Sent: Thu 10/14/10 8:14 AM  
To: neldon@iaus.com  
Cc: glendaejohnson@hotmail.com

Neldon, I give you the following for your tax attorney.

1. The ARRA (American Recovery and Reinvestment Act) has made the depreciation for 2009 and hopefully 2010 easy. We just use a Section 179 Depreciation and use IRS Publication 946 (2009) as proof of our position and cite the section on Energy Property which is the same wording as the "Placed in Service" Tax Credit instructions.
2. However, the question as to Material Participation still looms for being an active participant. The fact that Systems are purchased and then rented back is problematic.
3. An opinion on the seven criteria for determining active participation would be essential.

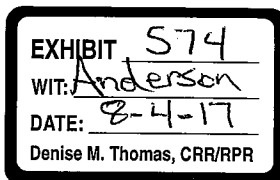
Thanks, Greg

Greg Shepard  
RaPower3-Chief Director of Operations  
843 W 2400 S  
Salt Lake City, UT 84119  
Cell 801-699-2284  
Fax 801-975-1159  
[www.rapower3.com](http://www.rapower3.com)

NOTICE: This copyrighted email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed and may be subject to legal privilege. If you have received this email in error, please notify the system manager. You should not disseminate, distribute or copy this email. If you are not the intended recipient, you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

1 of 1

10/14/2010 8:42 AM



Anderson 000141

Anderson 000141