5 T.C. 1289 (1945)

A charitable deduction for estate tax purposes is disallowed if the value of the charitable remainder interest is not ascertainable at the time of the decedent's death due to a trustee's broad discretion to invade the trust corpus for the benefit of a life beneficiary.

Summary

The estate of John W. Holmes sought to deduct a charitable bequest from the gross estate. Holmes's will created a trust providing income to his niece for life, then to other beneficiaries, with the remainder to a charitable organization. The trustee could invade the corpus if the income was insufficient

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