

## 2015 Arizona Fiduciary Income Tax Return

### For information or help, call one of the numbers listed:

Phoenix (602) 255-3381  
From area codes 520 and 928, toll-free (800) 352-4090

### Tax forms, instructions, and other tax information

If you need tax forms, instructions, and other tax information, go to the department's website at [www.azdor.gov](http://www.azdor.gov).

### Income Tax Procedures and Rulings

These instructions may refer to the department's income tax procedures and rulings for more information. To view or print these, go to our website and click on *Legal Research* then click on *Procedures* or *Rulings* and select a tax type from the drop down menu.

### Publications and Brochures

To view or print the department's publications and brochures, go to our website and click on *Publications*.

## General Information

### Estates

An Arizona resident estate is the estate of a decedent who was a resident of Arizona at the time of death. The starting point for the Arizona income tax computation for a resident estate is the estate's federal taxable income.

A nonresident estate is an estate that is not a resident estate. The starting point for a nonresident estate is that portion of the estate's federal taxable income derived from Arizona sources.

### Trusts

An Arizona resident trust is a trust of which the fiduciary is a resident of Arizona. If the trust has more than one fiduciary, the trust is a resident trust if at least one of the fiduciaries is a resident of Arizona. If a corporate fiduciary engaged in interstate trust administration is the sole fiduciary of a trust, or is a co-fiduciary with a nonresident, the trust is a resident trust only if the corporate fiduciary conducts the administration of the trust in Arizona. The starting point for the Arizona income tax computation for a resident trust is the trust's federal taxable income.

A nonresident trust is a trust that is not a resident trust. The starting point for a nonresident trust is that portion of the trust's federal taxable income derived from Arizona sources.

## Who Must File

The fiduciary, or fiduciaries, must file a return for an estate or trust if one of the following applies:

1. The estate or trust has any Arizona taxable income for the tax year.
2. The estate's or trust's gross income for the tax year is \$5,000 or more, regardless of the amount of the Arizona taxable income.

This also applies to bankruptcy estates.

The fiduciary does not have to file a return if the income does not exceed the amounts shown in items 1 or 2.

**NOTE:** *The fiduciary must file a final return for an estate when the fiduciary is requesting a tax certificate required by the probate court. In this case, the fiduciary must file a final return regardless of the estate's income. See instructions for requesting a certificate on page 3.*

## Fiduciary Filing Return on Arizona Form 140

A personal representative must file a return on Arizona Form 140 if any of the following apply:

- The gross income of a single decedent was \$15,000 or more.
- The Arizona adjusted gross income of a single decedent was \$5,500 or more.
- The Arizona adjusted gross income of a married decedent for which the representative will file a separate return was \$5,500 or more.
- The gross income of a married decedent for which the representative will file a separate return was \$15,000 or more.
- The Arizona adjusted gross income of a married decedent and his or her surviving spouse for which a joint return will be filed was \$11,000 or more.
- The gross income of a married decedent and his or her surviving spouse for which a joint return will be filed was \$15,000 or more.

For individual filing purposes, gross income is gross income as defined under the Internal Revenue Code (IRC) less income included in gross income that is excluded from Arizona taxation.

**For Example:** A taxpayer died on June 29, 2015. The decedent had wages of \$9,700 and interest income of \$920 received through the date of death. The personal representative files a final Arizona Form 140 for the period January 1, 2015, through June 29, 2015. The personal representative notes on the Form 140 that the taxpayer is deceased as of June 29, 2015. The personal representative reports the wage and interest income of \$10,620 on the Form 140. The personal representative reports all income that the estate receives from June 30, 2015, forward on the Form 141AZ.

A fiduciary who has charge of the income of an individual must file a return of income on Form 140 if that individual's income meets the filing requirements. Such fiduciaries include guardians of minors and guardians or committees of legally incompetent persons. Where several fiduciaries exist, a return filed by one of two or more joint fiduciaries is sufficient.

## Filing for a Charitable Remainder Trust

Charitable remainder trusts should file on Arizona Form 141AZ. The fiduciary should indicate that the return is for a charitable remainder trust by checking the appropriate box on line 6.

The trustee should not enter any numerical figures on the face of the return. The trustee should not complete an Arizona Form 141AZ, Schedule K-1, or Schedule K-1(NR) for any of its beneficiaries.

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## Grantor Trusts

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Grantor trusts file only an information return since the income reverts to the grantor. The grantor reports this income on the individual income tax return (Arizona Form 140). Do not enter any numerical figures on the face of the return. Go directly to the signature line. The fiduciary should indicate that the return is for a grantor trust by checking the appropriate box on line 6.

### Qualified Subchapter S Trusts (QSST)

A QSST that is treated as a grantor trust for federal purposes will be treated the same for Arizona purposes.

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## Where Should You Mail the Return?

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If you are **expecting a refund, or owe no tax, or owe tax but are not sending a payment**, mail the return to:

Arizona Department of Revenue  
PO Box 52138  
Phoenix, AZ 85072-2138

If you are **sending a payment** with this return, mail the return to:

Arizona Department of Revenue  
PO Box 52016  
Phoenix, AZ 85072-2016

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## When Should You File?

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Your 2015 calendar year tax return is due no later than midnight, April 18. You must file a return made on a fiscal year basis by the 18th day of the fourth month following the close of the fiscal year. Your original filing date must be the same for Arizona as it is for federal purposes.

**For calendar year filers:** *Because Emancipation Day (legal holiday) is on Saturday, April 16, 2016, and will be observed on April 15, 2016, you have until Monday, April 18, 2016, to file the extension.*

You may request an extension if you know you will not be able to file on time. An extension does not extend the time to pay the income tax. Failure to pay at least 90% (.90) of the tax due by the original due date will result in a penalty.

**NOTE:** *Arizona will grant a five-month extension. For more information, see Fiduciary Tax Ruling FTR 09-1.*

Arizona charges interest on any unpaid tax. The extension underpayment penalty is ½ of 1% (.005) of the tax not paid for each 30-day period or fraction of a 30-day period. The extension underpayment penalty cannot exceed 25% of the unpaid tax.

## To Get a Filing Extension, You Can Either

1. Apply for a state extension (Form 141AZ EXT). To apply for an automatic 5-month state extension, file Form 141 AZ EXT by April 18. See Form 141AZ EXT for details. You do not have to include a copy of the extension with your return when you file, but make sure that you check extension box 82E on page 1 of the return. If you must make a payment, use Arizona Form 141AZ EXT.
2. Use your federal extension. File your Arizona return by the same due date. You do not have to include a copy of the extension with your return, but make sure that you check extension box 82E on page 1 of the return.

## Does an Estate or Trust Have to Make Estimated Payments?

An estate or trust does not have to make estimated payments. An estate or trust may elect to make Arizona estimated tax payments on Arizona Form 141AZ ES.

## What if You File or Pay Late?

If you file or pay late, we will charge you interest and penalties on the amount you owe. If the U.S. Post Office postmarks your 2015 calendar return by April 18, 2015, your return will not be late. You may also use certain private delivery services designated by the Internal Revenue Service (IRS) to meet the “timely mailing as timely filed” rule.

## Late Filing Penalty

If you file late, we will charge you a late filing penalty. This penalty is 4½% (.045) of the tax required to be shown on the return for each month or fraction of a month the return is late. This penalty cannot exceed 25% of the tax found to be remaining due.

## Late Payment Penalty

If you pay your tax late, we will charge you a late payment penalty. This penalty is ½ of 1% (.005) of the amount shown as tax for each month or fraction of a month for which the failure continues. We charge this penalty from the original due date of the return until the date you pay the tax. This penalty cannot exceed a total of 10% of the unpaid tax.

## Extension Underpayment Penalty

If you file your return under an extension, you must pay 90% of the tax shown on your return by the return's original due date. If you do not pay this amount, we will charge you a penalty. This penalty is ½ of 1% (.005) of the tax not paid for each 30-day period or fraction of a 30-day period. We charge this penalty from the original due date of the return until the date you pay the tax. This penalty cannot exceed 25% of the unpaid tax. If we charge you the extension underpayment penalty, we will not charge you the late payment penalty under Arizona Revised Statutes (A.R.S.) § 42-1125(D).

**NOTE:** *If you are subject to two or more of the above penalties, the total cannot exceed 25%.*

**Interest**

We charge interest on any tax not paid by the due date. We will charge you interest even if you have an extension. If you have an extension, we will charge you interest from the original due date until the date you pay the tax. The Arizona interest rate is the same as the federal rate.

**Amended Returns**

If you are filing an amended Form 141AZ, check the amended return box on line 6. Complete the entire return, correct the appropriate line(s) with the new information, and recompute your tax liability.

On a separate schedule, explain the reason(s) for the amendment(s) and identify the line(s) and amount(s) being changed on the amended return. Also, include a copy of the amended federal Form 1041.

**NOTE:** *You must plainly mark an amended return "Amended" by checking the appropriate box on line 6. The period covered by this return must be the same accounting period as covered by the original return. If you are amending a prior year return, use Form 141AZ for that taxable year.*

**Copy of Will or Trust Instrument**

Upon the department's request, the fiduciary must submit a copy of the will or trust instrument when the estate's or trust's gross income is \$5,000 or more. The fiduciary must swear that the will or trust instrument is a true and complete copy.

**Reporting Payments Made by an Estate or Trust**

An estate or trust that paid salaries or wages may have to report those payments to the department.

**Request for Certificate of Payment of Taxes**

**IMPORTANT:** *Make requests for this income tax certificate separately. Do not include requests for the income tax certificate with Form 141AZ. The department can issue certificates only if required by the probate court.*

Mail requests to:

Attention: Fiduciary Unit  
Arizona Department of Revenue  
Box B-06  
1600 West Monroe  
Phoenix, AZ 85007-2650

If an estate is in probate, the probate court may require a certificate from the department that shows no income tax is due. The probate court may require this before approving the fiduciary's final account.

Arizona law requires a certificate only when **all** of the following apply.

1. The estate is subject to probate.
2. The value of the assets of the estate at the decedent's date of death exceeds \$20,000.
3. The estate has a beneficiary that is not an Arizona resident.

In order for the department to issue a certificate, **all** of the following must be met.

1. The fiduciary has filed Arizona Form 210 - *Notice of Assumption of Duties in a Fiduciary Capacity*.
2. A return was filed by, or on behalf of, the decedent and for the estate for each taxable year in which the respective incomes of the decedent or estate exceeded the requirements for filing returns.
3. A final Arizona fiduciary return is filed when the certificate is requested. This return must be filed regardless of the gross or net income for the year. If there is no income, submit a return with "zero" on all lines.

If filing a final return and you are **sending a payment** with this return, mail the return to

Arizona Department of Revenue  
PO Box 52016  
Phoenix, AZ 85072-2016

If filing a final return and you are **expecting a refund, or owe no tax, or owe tax but are not sending a payment**, mail the return to

Arizona Department of Revenue  
PO Box 52138  
Phoenix, AZ 85072-2138

4. The request must contain a statement regarding the status of returns filed by, or on behalf of, the decedent, or for the estate for the four taxable years immediately preceding the date of the request. The fiduciary must make the statement under declaration of perjury. The statement must indicate the following:
  - The years for which returns were filed.
  - The years for which the gross and Arizona taxable incomes were less than the amount necessary to require the filing of returns.

If you have any questions, call us at (602) 716-7809.

**Additional Arizona Returns or Forms You May Have to File**

- Arizona Form 140, 140PY, or 140NR to report a decedent's income for the period to the date of death
- Arizona Form 210 - *Notice of Assumption of Duties in a Fiduciary Capacity* - Filed for all estates
- Form 141AZ EXT - *Application for Filing Extension for Fiduciary Returns Only*
- Form 141AZ ES - *Estate or Trust Estimated Tax Payment*

**Line-by-Line Instructions****Period Covered**

The accounting period for the return must be the same for Arizona as it is for federal purposes. If the period is for a fiscal year, it cannot exceed a 12-month period. A fiscal year period cannot end on the last day of December.

For each return filed in the future, you must keep the same accounting period unless you receive written permission from the department to change it.

If filing for a fiscal year, enter the beginning and ending dates.

**Lines 1 through 4 -**

Enter the name of the estate or trust. Enter the name, title, address, and ZIP Code of the fiduciary. Enter the employer identification number (EIN) of the estate or the trust.

**Foreign Addresses**

If the estate, trust or fiduciary has a foreign address, enter the information in the following order: city, province or state, and country. Follow the country’s practice for entering the postal code. Do not abbreviate the country’s name.

**Lines 5a through 5d – Check Box (only one)**

If you are filing this return for a:	check box
resident estate	5a
nonresident estate	5b
resident trust	5c
nonresident trust	5d

**Line 6 -**

Check the box(es) that identify the type of return you are filing.

**Line 7 - Federal Taxable Income of Fiduciary**

An Arizona resident estate or trust should enter the federal taxable income shown on page 1 of the federal fiduciary return, Form 1041.

A nonresident estate or trust must complete Form 141AZ, Schedule A, before entering an amount on line 7. For a nonresident estate or trust, the fiduciary should enter the amount from Form 141AZ, Schedule A, line A6 on line 7.

**NOTE:** Before completing the rest of page 1 of Form 141AZ, complete Schedules A, B, C, D and E, as necessary.

**Schedule A - Nonresident Estate or Trust Source Income Schedule**

Use Schedule A to compute the federal taxable income of the estate or trust from Arizona sources.

All nonresident estates and nonresident trusts must complete Schedule A.

*Resident estates and resident trusts should skip Schedule A.*

**Federal Column**

Enter all items of income and deductions that correspond to those items listed on the federal fiduciary return. Line A5 should equal the federal taxable income reported on the federal fiduciary return.

**Arizona Column**

Enter that part of each item of income and deductions reported in the federal column that is derived from Arizona sources. Intangible income will not be considered to be from Arizona

sources except where it is part of a business, trade, or occupation carried on in Arizona.

**Schedule B - Fiduciary Adjustment**

**Fiduciary adjustment increasing federal taxable income**

Use lines B1 through B4 to figure the amount of fiduciary adjustment that increases federal taxable income.

**Line B1 - Positive Arizona Fiduciary Adjustment From Another Estate or Trust**

Use this adjustment only if the estate’s or trust’s Arizona Form 141AZ, Schedule K-1, indicates a difference between federal and state distributable income. If the amount shown on the Arizona Form 141AZ, Schedule K-1, is a positive number, enter that amount here.

**Line B2 - Non-Arizona Municipal Bond Interest**

Arizona taxes interest received from non-Arizona municipal bonds. Enter the amount of this type of interest income that you did not include on the federal return.

You may exclude any expenses incurred to purchase or hold the bond(s). Reduce the interest income by the amount of expenses that you could not deduct on your federal return.

**Line B3 - Other Additions to Federal Taxable Income**

Enter any other additions, including those shown below, to federal taxable income. Include your own schedule.

**A. Total Depreciation Included in Arizona Gross Income**

Enter the amount of depreciation deducted on the federal return that is included in Arizona gross income. If you make an entry here, also see the instructions for line B9, “Other Subtractions From Federal Taxable Income.”

**B. Net Operating Losses**

Arizona does not have specific provisions for calculating the net operating loss of estates or trusts. Generally, the net operating loss deduction included in the federal taxable income is the amount allowable for Arizona purposes. There are, however, instances when the amount allowable for Arizona may be different.

You must adjust the net operating loss deduction included in the federal taxable income if the estate or trust has already deducted any amount of the net operating loss included in federal taxable income for Arizona purposes. Enter on line B3, the amount of net operating loss included in federal taxable income that was previously deducted for Arizona purposes.

Usually, Arizona conforms to the federal net operating loss and the carryback provisions. Arizona, however, did not conform to the special federal net operating loss rules for 2008 and 2009. Under the special rules for 2008 and 2009, a taxpayer could have elected to carry the net operating loss back for 3, 4, or 5 years, instead of the normal 2 years.

This election would have been allowed under IRC § 172(b)(1)(H) as amended by the American Recovery and

Reinvestment Act of 2009 or the Worker, Homeownership, and Business Assistance Act of 2009. If a taxpayer deducted a federal net operating loss carryback under the federal American Recovery and Reinvestment Act of 2009 or the federal Worker, Homeownership, and Business Assistance Act of 2009, see the instructions for line B9, (K).

For information on deducting a net operating loss carryback in cases where a taxpayer did not make an election under IRC § 172(b)(1)(H), see the Income Tax Procedure, ITP 99-1.

### C. Annuity Income in Excess of Contributions

Make this adjustment if both of the following apply.

1. The estate or trust received annuity income and the first payment received from the annuity was before December 31, 1978.
2. The sum of the proceeds received from the annuity in all taxable years prior to and including the current tax year exceeds the total consideration premiums paid.

### D. Excess of a Partner's Share of Partnership Taxable Income or Loss

Make this adjustment if the Arizona Form 165, Schedule K-1, shows a difference between federal and state distributable income.

If the difference reported on the Arizona Form 165, Schedule K-1, is a positive number, enter that difference as an addition. Enter the addition on line B3.

If the difference reported on the Arizona Form 165, Schedule K-1, is a negative number, enter that difference as a subtraction. Enter the subtraction on line B9.

### E. Claim of Right Adjustment for Amounts Repaid in 2015

You must make an entry here if **all** of the following apply.

1. During 2015, the estate or trust was required to repay amounts held under a claim of right.
2. The amount required to be repaid was subject to Arizona income tax in the year included in income.
3. The amount required to be repaid during 2015 was more than \$3,000.
4. The estate or trust took a deduction for the amount repaid on its 2015 federal income tax return.
5. The deduction taken on the estate's or trust's federal income tax return is reflected in the Arizona taxable income.

If all of the above apply, enter the amount deducted on the federal income tax return that is reflected in the Arizona taxable income.

For more information on the Arizona claim of right provisions, see the department's Individual Income Tax Procedure, ITP 95-1.

### F. Claim of Right Adjustment for Amounts Repaid in Prior Taxable Years

You must make an entry here if **all** of the following apply.

1. During a year prior to 2015, the estate or trust was required to repay amounts held under a claim of right.

2. The estate or trust computed its tax for that prior year under Arizona's claim of right provisions.
3. A net operating loss or capital loss was established due to the repayment made in the prior year.
4. The estate or trust is entitled to take that net operating loss or capital loss carryover into account when computing its 2015 Arizona taxable income.
5. The amount of the loss carryover included in the estate's or trust's federal income is more than the amount allowed to be taken into account for Arizona purposes.

Enter the amount by which the loss carryover included in the federal income is more than the amount allowed for the taxable year under Arizona law.

### G. Nonqualified Withdrawals From 529 College Savings Plans

Make this adjustment if both of the following apply.

1. The estate or trust received a nonqualified withdrawal from a 529 college savings plan.
2. The amount of withdrawal was not included in the federal taxable income.

The amount that the fiduciary must add is the amount of withdrawal, but no more than the difference between the amount of contributions subtracted in prior years and the amount added in any prior years.

A nonqualified withdrawal is a withdrawal other than any of the following.

- A qualified withdrawal. A qualified withdrawal is a withdrawal from an account to pay the qualified higher education expenses of the designated beneficiary of the account.
- A withdrawal made as the result of the death or disability of the designated beneficiary of an account.
- A withdrawal that is made on the account of a scholarship, or the allowance or payment described in IRC § 135(d)(1)(B) or (C), and that is received by the designated beneficiary, but only to the extent of the amount of this scholarship, allowance, or payment.
- A rollover or change of designated beneficiary.

### H. Original Issue Discount (OID) on Reacquisition of Debt Instrument

For federal purposes, when an estate or trust made the special election to defer discharge of indebtedness (DOI) income under IRC § 108(i), the estate or trust was not allowed to take a deduction with respect to the portion of any OID that accrued with respect to that DOI income, during the income deferral period. In this case, the estate or trust had to deduct the aggregate amount of the OID deductions disallowed ratably over a 5-year period, beginning with the period in which the income was includible in federal adjusted gross income.

Arizona did not adopt the federal provisions requiring an estate or trust to defer the OID deduction in cases where the estate or trust federally deferred the DOI income.

For Arizona purposes, the estate or trust had to report the DOI income from a debt reacquisition in the year in which it reacquired the debt, and it was allowed to subtract any OID related to that DOI income in the year the OID accrued. (See the instructions for “Other Subtractions From Federal Taxable Income” line B9, (L).) If the estate’s or trust’s federal taxable income includes a deduction for any accrued OID already subtracted for Arizona purposes, make an addition to Arizona income for the amount of deferred OID deducted on the federal return. Generally, this addition will apply to taxable years 2014 through 2018. On line B3, enter the amount of any previously deferred OID deducted in computing the estate’s or trust’s 2015 federal taxable income, to the extent that the amount was previously subtracted from Arizona taxable income.

**I. Estate Loss of an Arizona Nonprofit Medical Marijuana Dispensary (NMMD) included in Federal Adjusted Gross Income**

If the NMMD was registered to an individual as a sole proprietorship and the NMMD becomes part of the individual’s estate after the individual died, the estate is required to add the amount of the loss from the dispensary that is included in the computation of the estate’s federal adjusted gross income. Include the amount of the loss on line B3.

**J. Other Adjustments**

Other special adjustments may be necessary. You may need to make an addition for depreciation or amortization. Call one of the numbers listed on page 1 of these instructions if any of the following apply.

1. You sold or disposed of property that was held for the production of income and your basis was computed under the Arizona Income Tax Act of 1954.
2. You elected to amortize the basis of a pollution control device or the cost of a childcare facility under Arizona law in effect before 1990. You are still deducting amortization or depreciation for that device or facility on your federal income tax return.

**Line B4 - Total Adjustments Increasing Federal Taxable Income**

Add lines B1 through B3. Enter the total.

**Fiduciary Adjustment Decreasing Federal Taxable Income**

Use lines B5 through B10 to figure the amount of fiduciary adjustment that decreases federal taxable income.

You may only subtract those items for which statutory authority exists. Without such authority, you cannot take a subtraction. If you have any questions concerning subtractions from income, call one of the numbers listed on page 1 of these instructions.

**NOTE:** *You cannot subtract any amount that is allocable to income excluded from Arizona taxable income.*

Enter the following other subtractions from federal taxable income. Include your own schedule.

**Line B5 - Negative Arizona Fiduciary Adjustment From Another Estate or Trust**

Use this adjustment only if the Arizona Form 141AZ, Schedule K-1, indicates a difference between federal and state distributable income. If the amount shown on the Arizona Form 141AZ, Schedule K-1, is a negative number, enter that amount here.

**Line B6 - Interest Received on U.S. Obligations**

Enter the amount of interest income from U.S. Government obligations included on page 1, line 7. U.S. Government obligations include obligations such as U.S. savings bonds and treasury bills. You cannot deduct any interest or other related expenses incurred to purchase or carry the obligations. If such expenses are included in Arizona gross income, you must reduce the subtraction by such expenses. Reduce the subtraction only by the amount of such expenses included in your Arizona gross income.

**NOTE:** *Do not subtract interest earned on FNMA or GNMA bonds since this interest is taxable by Arizona. For details, see the Income Tax Ruling, ITR 06-1.*

Do not subtract any amount received from a qualified pension plan that invests in U.S. Government obligations. Do not subtract any amount received from an IRA that invests in U.S. Government obligations. These amounts are not interest income. For more information, see Income Tax Rulings ITR 96-2 and ITR 96-3.

**Line B7 - Refunds From Other States**

Enter any state income tax refunds received from states other than Arizona. Enter an amount only to the extent it is included on page 1, line 7 of Arizona Form 141AZ.

**Line B8 – Reserved**

Do not enter an amount on line B8.

**Line B9 - Other Subtractions From Federal Taxable Income**

Enter any other subtractions, including those shown below, to federal taxable income. Include your own schedule.

**A. Exclusion for U.S. Government, Arizona State, or Local Government Pensions**

If the estate or trust received pension income from any of the sources listed below, subtract the amount received or \$2,500, whichever is less. Only include amounts which the estate or trust reported as income on the federal return.

**Public pensions from the following sources qualify for this subtraction:**

- the United States Government Service Retirement and Disability Fund,
- the United States Foreign Service Retirement and Disability System,
- retired or retainer pay of the uniformed services of the United States,
- any other retirement system or plan established by federal law,

**NOTE:** *This applies only to those retirement plans authorized and enacted into the U.S. Code. This does not apply to a retirement plan that is only regulated by federal law (i.e., plans that must meet certain federal criteria to be qualified plans).*

- the Arizona State Retirement System,
- the Arizona State Retirement Plan,
- the Corrections Officer Retirement Plan,
- the Public Safety Personnel Retirement Plan,
- the Elected Officials' Retirement Plan,
- a retirement plan established for employees of a county, city, or town in Arizona,
- an optional retirement program established by the Arizona Board of Regents under Arizona Revised Statutes, and
- an optional retirement program established by an Arizona community college district.

**NOTE:** *Public retirement pensions from states other than Arizona do not qualify for this subtraction.*

This subtraction does not apply to nonresident estates or trusts.

### **B. Qualified Wood Stove, Wood Fireplace, or Gas Fired Fireplace**

Arizona allows a subtraction for converting an existing fireplace to one of the following:

- a qualified wood stove,
- a qualified wood fireplace, or
- a gas fired fireplace and non-optional equipment directly related to its operation.

You may subtract up to \$500 for converting an existing fireplace on property located in Arizona to a qualified wood stove, qualified wood fireplace, or gas fired fireplace.

### **C. Claim of Right Adjustment for Amounts Repaid in Prior Taxable Years**

You must make an entry here if **all** of the following apply.

1. During a year prior to 2015, the estate or trust was required to repay amounts held under a claim of right.
2. The estate or trust computed its tax for that prior year under Arizona's claim of right provisions.
3. A net operating loss or capital loss was established due to the repayment made in the prior year.
4. The estate or trust is entitled to take that net operating loss or capital loss carryover into account when computing its 2015 Arizona taxable income.
5. The amount of the loss carryover allowed to be taken into account for Arizona purposes is more than the amount included in your federal income.

Enter the amount by which the loss carryover allowed for the taxable year under Arizona law is more than the amount included in your federal income.

### **D. Certain Expenses Not Allowed For Federal Purposes**

The estate or trust may subtract some expenses that it cannot deduct on its federal return when the estate or trust claims certain federal tax credits. These federal tax credits include the following:

- the federal work opportunity credit
- the empowerment zone employment credit
- the credit for employer-paid social security taxes on employee cash tips; and
- the Indian employment credit.

If the estate or trust claimed any of these federal tax credits for 2015, enter the portion of wages or salaries it paid or incurred during the taxable year equal to the amount of those federal tax credits it received.

A nonresident estate or trust should enter the amount of wages or salaries that it paid or incurred during the taxable year that is related to the income sourced to Arizona. The subtraction is equal to the amount of the federal credits it received.

### **E. Agricultural Crops Given to Charitable Organizations**

Arizona allows a subtraction for qualified crop gifts made during 2015 to one or more charitable organizations. To take this subtraction, **all** of the following must apply:

- The estate or trust must be engaged in the business of farming or processing agricultural crops.
- The crop must be grown in Arizona.
- The gift must be made to a charitable organization located in Arizona.
- The charitable organization must be exempt from Arizona income tax.

The subtraction is the greater of the wholesale market price or the most recent sale price for the crop given. The amount of the subtraction cannot include any amount deducted under IRC § 170 with respect to the crop contribution that exceeds the cost of producing the contributed crop.

To determine if the estate's or trust's crop gift qualifies for this subtraction, see Income Tax Procedure, ITP 12-1.

### **F. Installment Sale Income From Another State Taxed by the Other State in a Prior Taxable Year**

The estate or trust may subtract any income from an installment sale that has been properly subjected to income tax in another state in a prior tax year. Enter the amount of such income included in Arizona gross income in the current taxable year.

**This subtraction does not apply to nonresident estates or trusts.**

### **G. Subtraction for World War II Victims**

The estate or trust may subtract distributions made to it for the decedent's or settlor's persecution by Nazi Germany or any other Axis regime for racial, religious, or political reasons. The estate or trust may also subtract distributions made for the persecution of the ancestors of the decedent or settlor. If the estate or trust is the first recipient of such distributions, enter the amount of the distributions that it had to include in the estate's or trust's federal taxable income.

The estate or trust may also subtract certain items of income, if the decedent or settlor was persecuted by Nazi Germany or any other Axis regime for racial, religious, or political reasons before, during, or immediately after World War II. The income

must be attributable to, derived from, or related to assets that were stolen or hidden from the decedent or settlor. If the estate or trust is the first recipient of such income, enter the amount of income that it had to include in the estate's or trust's federal taxable income.

A nonresident estate or trust should enter such payments only to the extent included in Arizona taxable income.

**H. Recalculated Arizona Depreciation  
Resident Estate or Trust**

For assets placed in service in taxable years beginning before December 31, 2012, enter the total amount of depreciation allowable pursuant to IRC § 167(a) for the taxable year calculated as if the taxpayer had elected not to claim bonus depreciation for eligible properties for federal purposes.

For assets placed in service during taxable years beginning from and after December 31, 2012 through December 31, 2013, the amount of the subtraction for these assets depends on the method you used to compute the depreciation for these assets.

**NOTE:** For more information, see the department's individual income tax procedure, ITP 15-1.

For assets placed in service in taxable years beginning from and after December 31, 2013, enter the total amount of depreciation allowable pursuant to IRC § 167(a) for the taxable year calculated as if the bonus depreciation is 10% of the amount of federal bonus depreciation pursuant to IRC § 168(k).

Add all amounts together and enter the total on line B9.

**Nonresident Estate or Trust**

For assets placed in service in taxable years beginning before December 31, 2012, enter the total amount of depreciation attributable to assets used in an Arizona business allowable pursuant to IRC § 167(a) for the taxable year calculated as if the taxpayer had elected not to claim bonus depreciation for eligible properties for federal purposes.

For assets placed in service during taxable years beginning from and after December 31, 2012 through December 31, 2013, the amount of the subtraction for these assets depends on the method you used to compute the depreciation for these assets. Enter the total amount of depreciation attributable to assets used in an Arizona business.

**NOTE:** For more information, see the department's individual income tax procedure, ITP 14-3.

For assets placed in service in taxable years beginning from and after December 31, 2013, enter the total amount of depreciation attributable to assets used in an Arizona business allowable pursuant to IRC § 167(a) for the taxable year calculated as if the bonus depreciation is 10% of the amount of federal bonus depreciation pursuant to IRC § 168(k).

Add all amounts together and enter the total on line B9.

**I. Basis Adjustment for Property Sold or Otherwise Disposed of During the Taxable Year**

With respect to property that is sold or otherwise disposed of during the taxable year by a taxpayer who has complied with the requirement to add back all depreciation with respect to that property on tax returns for all taxable years beginning from and after December 31, 1999; enter the amount of depreciation that was allowed pursuant to IRC § 167(a), to the extent that the amount has not already reduced Arizona taxable income in the current or prior years. (Note: The practical effect of this is to allow a subtraction for the difference in basis for any asset for which bonus depreciation has been claimed on the federal return.) A nonresident estate or trust may make this adjustment for only property that was used in an Arizona business.

**J. Federal Estate Taxes Paid by an Estate**

An estate may subtract the amount of federal estate tax paid by the estate in the current taxable year. Enter the amount of federal estate taxes paid in 2015.

**K. Net Operating Loss Adjustment**

This subtraction applies to only those estates or trusts that made an election under the special federal net operating loss rules for 2008 and 2009. Under these federal rules for 2008 and 2009, an estate or trust could have elected to carry the net operating loss back for 3, 4, or 5 years, instead of the normal 2 years.

This election would have been allowed under IRC § 172(b)(1)(H) as amended by the American Recovery and Reinvestment Act of 2009 or the Worker, Homeownership, and Business Assistance Act of 2009.

Arizona did not adopt the special federal net operating loss rules for losses incurred during 2008 or 2009. For Arizona purposes, estates or trusts must deduct a net operating loss as if the loss was computed under IRC § 172 in effect prior to the enactment of those special rules.

**Resident Estate or Trust**

If the estate or trust made an election to deduct a 2008 or 2009 federal net operating loss under IRC § 172(b)(1)(H), the estate or trust may have to enter an amount here. Figure how much of the net operating loss carry forward would have been allowed as a deduction on the estate's or trust's 2012 federal income tax return, if the election described in IRC § 172(b)(1)(H) had not been made in the year of the loss. On line B9, enter the amount that exceeds the actual net operating loss carry forward that was deducted in arriving at federal taxable income.

**Nonresident Estate or Trust**

Figure how much of the net operating loss carry forward would have been allowed as a deduction on the estate's or trust's 2015 federal income tax return, if the election described in IRC § 172(b)(1)(H) had not been made in the year of the loss. Then figure how much of the carry forward computed under that method was derived from Arizona source losses. The amount the estate or trust may take as a subtraction is the



difference between the amount of Arizona source net operating loss carryover allowable as a deduction for federal purposes under the as if calculation and the amount of the Arizona source net operating loss deduction actually taken for federal purposes that the estate or trust included in its Arizona gross income. On line B9, enter the amount of allowable Arizona source loss carry forward deduction that exceeds the actual amount of Arizona source net operating loss carry forward deduction that was deducted in arriving at Arizona gross income.

**NOTE:** *As an Arizona nonresident estate or trust, the estate or trust may have had a loss from prior year Arizona business operations. However, the loss cannot offset this year's income unless the as if calculation results in an Arizona source net operating loss deduction for federal purposes. The estate or trust can only take this subtraction if the as if federal net operating loss deduction for 2015 includes Arizona source losses that have not been absorbed by non-Arizona income in any intervening years. The estate or trust cannot subtract any amount of that net operating loss that has been absorbed by non-Arizona income in any intervening years. The estate or trust also cannot take a subtraction for any amount that has already been deducted for Arizona purposes.*

**L. Previously Deferred Discharge of Indebtedness (DOI) Income Adjustment**

Generally, when a loan is settled for less than the amount owed, DOI income is realized by the debtor and usually must be included in the debtor's gross income. The amount of DOI income is generally equal to the amount of loan forgiveness. DOI income also occurs when a debtor repurchases its own debt at a discount (a price lower than the adjusted basis issue price of the debt instrument). In debt repurchase transactions, the amount of DOI income is generally equal to the difference between the adjusted issue price and the price paid for the debt instrument.

For federal purposes, an estate or trust may have made a special election for taxable years 2009 or 2010 to include DOI income in connection with the reacquisition of a business debt instrument, ratably over a 5-year period.

An estate or trust that made this election will generally include this income in federal taxable income beginning with the 2014 taxable year. An estate or trust would have made the federal election under IRC § 108(i) as added by the American Recovery and Reinvestment Act of 2009. Arizona did not adopt the special federal DOI income deferral provisions for the 2009 or 2010 taxable year.

For Arizona purposes, if a taxpayer made the federal election to defer the inclusion of DOI income under IRC § 108(i), the estate or trust was required to add the amount of deferred DOI income to Arizona income for the year for which the estate or trust made the election. If the estate or trust made the required addition to Arizona income on the Arizona return filed for the year in which the estate or trust reacquired the debt instrument (2009 or 2010), Arizona will not tax that DOI income twice. In the year in which the estate or trust includes that deferred

DOI income in federal taxable income, the estate or trust may take a subtraction for the amount included for that year.

**Resident Estate or Trust**

On line B9, enter the amount of previously deferred DOI income included in federal taxable income for the current taxable year to the extent that the amount was previously added to the Arizona income.

**Nonresident Estate or Trust**

On line B9, enter the amount of previously deferred Arizona source DOI that the estate or trust included in its Arizona gross income for the current taxable year to the extent that the amount was previously added to the estate's or trust's Arizona income.

**M. Estate Income of an Arizona Nonprofit Medical Marijuana Dispensary (NMMD) included in Federal Adjusted Gross Income**

If the NMMD was registered to an individual as a sole proprietorship and the NMMD becomes part of the individual's estate after the individual died, the estate may subtract the amount of the income from the dispensary that is included in the computation of the estate's federal adjusted gross income. Include the amount of the income on line B9.

**N. Other Adjustments**

Other special adjustments may be necessary. Call one of the numbers listed on page 1 of these instructions if any of the following apply:

- You sold or disposed of property that was held for the production of income and your basis was computed under the Arizona Income Tax Act of 1954.
- You deferred exploration expenses determined under IRC § 617 in a taxable year ending before January 1, 1990, and you have not previously taken a subtraction for those expenses.

**Line B10 - Total Adjustments Decreasing Federal Taxable Income**

Add lines B5 through B9. Enter the total.

**Line B11 - Net Fiduciary Adjustment**

Subtract the amount on line B10 from the amount on line B4. If the result is a negative number, enter the result in brackets. Also, enter the result on Form 141AZ, line 8.

**Schedule C - Fiduciary Adjustment Allocation**

Use Schedule C to determine the allocation of the shares of the Arizona fiduciary adjustment. This adjustment is divided among the beneficiaries and the fiduciary in proportion to their share of the federal distributable net income. If there is no federal distributable net income, each beneficiary's share of the adjustment is in proportion to each share of the estate or trust income distributed. Any balance of the adjustment not allocated to the beneficiaries is allocable to the fiduciary.

**Lines C1 through C10 -**

In column (a), enter the name of each beneficiary. In column (b), enter each beneficiary's share of the federal distributable net income. In column (c), enter the percentage of the estate

or trust to be distributed to each beneficiary in accordance with the documents or laws controlling distribution of the estate or trust. If the estate or trust has more than 10 beneficiaries, complete an additional schedule. The schedule should show the same information required on lines C1 through C10.

**Line C11 -**

Add the amounts on lines C1 through C10 in column (b). Add the percents on lines C1 through C10 in column (c). If the fiduciary completed an additional schedule because there are more than 10 beneficiaries, include the amounts from the additional schedule on line C11.

**Line C12 -**

In column (b), enter the fiduciary's share of the federal distributable net income. In column (c), enter the percentage of the fiduciary's share of federal distributable net income computed in accordance with the documents or laws controlling distribution of the estate or trust.

**Lines C13 through C16 -**

Complete lines C13 through C16 as instructed on the form.

**Schedule D - Federal Distributable Net Income From Arizona Sources**

Schedule D is used to determine the net estate or trust income reportable to Arizona by **nonresident beneficiaries**. Use the information in Schedule D to complete Forms 141AZ, Schedule K-1(NR) for nonresident beneficiaries.

The fiduciary should complete Schedule D only if the trust or estate has Arizona nonresident beneficiaries. If the trust or estate does not have any nonresident beneficiaries, the fiduciary should skip Schedule D.

**Lines D1 through D9 -**

In column (b), enter an amount for each item from which federal distributable net income is comprised. The total entered on line D9, column (b), should equal the federal distributable net income.

In column (c), enter that portion of federal distributable net income derived from Arizona sources. Such income includes Arizona rental and business income, and gains on the sale of Arizona property.

**Schedule E - Questions**

Answer the questions on lines E1 through E7.

**Tax Computation**

**Line 12 - Electing Small Business Trust (ESBT) Income**

Enter the federal taxable income of Electing Small Business Trusts (ESBT) from the IRC § 641(c) worksheet included with your federal Form 1041. Include a copy of the worksheet with the Arizona return. A nonresident trust should enter the amount of ESBT income received from the S corporation that was derived from sources within Arizona.

**Line 13 -**

Add lines 11 and 12. Enter the total.

**Line 14 - Undistributed Net Capital Gain from Investment in Qualified Small Business**

The estate or trust may subtract the amount of any undistributed net capital gain included in federal adjusted gross income for the taxable year derived from investment in a qualified small business as determined by the Arizona Commerce Authority.

**CAUTION:** *If the amount entered on line 14 includes a long-term capital gain from an investment made **after** December 31, 2011, you cannot include that portion of the net capital gain in your computation of the allowable subtraction for any net long-term capital gain from assets acquired after December 31, 2011 and included in federal adjusted gross income. For more information, see the instructions on page 14 for the amount to enter on line 13, columns (c) through (e) on the net long-term capital gain worksheet at the end of these instructions.*

**Lines 15a through 15e - Net Capital Gain or (Loss) and Net Long-Term Capital Gain Subtraction for assets acquired after December 31, 2011.**

The estate or trust may subtract a percentage of any net long-term capital gain included in the federal taxable income of a resident estate or trust (or the Arizona gross income of a nonresident estate or trust) that is derived from an investment in an asset acquired after December 31, 2011. For 2015, the percentage is 25% (.25).

The estate or trust must complete the worksheet at the end of these instructions, *Worksheet for Net Long-Term Capital Gains Subtraction for Assets Acquired after December 31, 2011*, to take the allowable subtraction.

**Line 15a - Total Net Capital Gain or (loss)**

Enter the total net capital gain or (loss) reported on the Capital Gain or (Loss) line on page 1 of the estate's or trust's federal return. This amount should be reported in federal taxable income.

**Line 15b - Total Net Short-Term Capital Gain or (Loss)**

Enter the total amount of net short-term capital gain or (loss) reported on the Capital Gain or (Loss) line on page 1 of the estate's or trust's federal return. This amount should be reported in federal taxable income.

**Line 15c - Total Net Long-Term Capital Gain or (Loss)**

Enter the total net long-term capital gain or (loss) from the worksheet on line 14, column (a).

**Line 15d - Net Long-Term Capital Gain From Assets Acquired after December 31, 2011**

Enter the total net long-term capital gain from assets acquired after December 31, 2011, from the worksheet, line 14, column (d).

Only include net long-term capital gain gains on this line if it can be verified that the asset was acquired after December 31, 2011. For purposes of this line, an asset acquired by gift or

inheritance is considered acquired on the date that it was acquired by the gift-giver deceased individual.

### **Line 15e - Net Long-Term Capital Gain Subtraction from Income**

Multiply the amount on line 15d by 25% (.25) and enter the result on line 15e.

### **Line 16 - Arizona Taxable Income**

Subtract lines 14 and 15e from line 13. Enter the difference.

### **Line 17 - Tax Amount**

Compute the tax on the amount on line 16 from the tax table on page 17 of these instructions.

### **Line 18 - Credit for Taxes Paid to Another State or Country**

If both Arizona and another state or country considers an estate or trust to be a resident, Arizona will allow the estate or trust a tax credit against the Arizona income tax liability for taxes paid to the other state or country.

The credit allowed on the Arizona fiduciary return is subject to the following conditions:

1. The credit is allowed only for the proportion of the taxes paid to the other state or country that the income taxable to Arizona and also subject to tax in the other state or country bears to the entire income on which the taxes paid to the other state or country are imposed.
2. The credit cannot exceed the proportion of the tax payable to Arizona that the income subject to tax in the other state or country and also taxable to Arizona bears to the entire income that is taxable to Arizona.
3. The credit is not allowed for taxes paid to the other state or country on income from sources within Arizona.

If claiming this tax credit, the estate or trust must include the following items with the Arizona Form 141AZ:

1. a copy of the other state or country's income tax return, and
2. a schedule showing how the credit was calculated.

### **Line 19 - Balance of Tax**

Subtract line 18 from line 17 and enter the difference. If line 18 is more than line 17, enter "0".

## **Payments**

### **Line 20 - Arizona Estimated Tax Payments**

If you made any estimated tax payments to the State of Arizona for 2015, enter that amount.

### **Line 21 - Payment With Extension**

Enter the amount of payment made with an extension request on Form 141AZ EXT.

### **Line 22 - Arizona Income Tax Withheld**

Use line 22 to claim a credit for any Arizona income tax withheld (and not repaid) by:

1. an employer on wages and salaries of a decedent received by the decedent's estate,
2. a payer of certain gambling winnings (e.g., state lottery winnings), or

3. a payer of distributions from pensions, annuities, retirement, or profit-sharing plans received by a decedent's estate or trust.

Include a copy of each Form W-2, Form W-2G, or Form 1099-R with the return.

### **Line 23 - Payment With Original Return (if amending)**

Enter the payment sent with the original Form 141AZ return. Also, include any additional tax payments made after the return was filed.

### **Line 24 - Total Payments**

Add lines 20 through 23. Enter the total.

Also, do the following if the estate or trust computed the 2015 tax under Arizona's claim of right provisions.

1. Write "A.R.S. 43-1029" and the amount of the prior year tax reduction in the space to the left of the total payment amount.
2. Include the credit for the prior year tax reduction in the total entered on line 24.
3. Include a schedule explaining the amounts repaid and the computation of the tax reduction for the prior year(s).

For more information on Arizona's claim of right provisions, see Individual Income Tax Procedure, ITP 95-1.

### **Line 25 - Refund From Original Return (if amending)**

Enter any refunds received from your original filing.

### **Line 26 - Balance of Payments**

Subtract line 25 from line 24. Enter the difference.

## **Overpayment or Balance Due**

### **Line 27 - Balance Due**

Subtract line 26 from line 19. The estate or trust owes this amount. Make the check payable to the Arizona Department of Revenue.

Be sure to write the estate's or trust's EIN and tax year on the front of the check. Include the check with the return.

### **Line 28 - Refund Due**

Subtract line 19 from line 26. This is the amount the State of Arizona owes the estate or trust.

### **Line 29 - Amount of Line 28 to be Applied to the 2016 Estimated Tax**

If the estate or trust wants all or part of the refund applied to next year's Arizona estimated taxes, enter that amount.

### **Line 30 - Balance of Refund/Overpayment**

Subtract line 29 from line 28. Enter the difference.

## **Declaration**

The individual or authorized officer of the organization receiving or having custody, control, or management of the income of the estate or trust must sign the declaration.

If two or more individuals act jointly as fiduciaries, any one of them may sign the declaration.

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## Filing Reminder to Fiduciary Filers

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1. **DO NOT STAPLE THE RETURN. DO NOT STAPLE ANY DOCUMENT, SCHEDULE OR PAYMENT TO THE RETURN.**
2. Be sure to use the correct year's form to file the return. Also, be sure to clearly mark the period covered by the return.
3. Enter the correct EIN on the return.
4. If the estate or trust is ready to file but has not yet received an EIN, it may file the return. Let us know what the number is as soon as it is received.

Mail the correspondence to:

Taxpayer Information and Assistance  
 Arizona Department of Revenue  
 PO Box 29086  
 Phoenix, AZ 85038-9086

5. Write the estate's or trust's EIN and tax year on the front of all checks and correspondence. Include the check with the return.
6. Do **not** attach correspondence to the back of the return. Mail all correspondence separate from returns to:  
 Taxpayer Information and Assistance  
 Arizona Department of Revenue  
 PO Box 29086  
 Phoenix, AZ 85038-9086
7. When filing returns that generate a refund due to any previous payments (i.e., amount paid with extension, amount paid as estimated payment, amount paid with original returns), it may speed the refund process if a copy of the canceled check of the previous payment accompanies the return generating the refund.
8. If the estate or trust is a fiscal year filer (for periods not ending on December 31), use the Tax Table for the prior year. Example: If filing for April 1, 2014, to March 31, 2015, use the 2014 Tax Table. If this return is for a short taxable year, use the 2015 Tax Table. Example: If filing for June 1, 2015, to November 30, 2015, use the 2015 Tax Table.
9. If the income is taxable but deductions bring the return to zero, make sure all necessary lines are filled in to support this declaration.
10. Grantor trusts file an information return using Form 141AZ showing no numerical figures for lines 7 through 30. Taxable income on a grantor trust reverts to the grantor. The grantor reports this income on the Arizona individual income tax return. The fiduciary should indicate that the return is for a grantor trust by checking the appropriate box on line 6.
11. When filing an amended Form 141AZ return, be sure the return is marked as an amended return. You must plainly mark an amended return "amended" by checking the appropriate box on line 6. If amending the 2015 return use the 2015 form. If amending a different tax year, use the Form 141AZ for that tax year.

12. File returns on time to avoid late filing and/or late payment penalties. Returns are due on the 15th day of the fourth (4th) month from the date the tax period ends.

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## Taxpayer Identification Numbers

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All returns, statements, and other documents filed with the Arizona Department of Revenue require a taxpayer identification number (TIN). The TIN for a trust or an estate is its EIN.

Taxpayers who fail to include the proper TIN may be subject to a penalty. Please check the return to be sure that all required identification numbers are accurate and written clearly. Missing, incorrect, or unclear identification numbers may cause delays in processing the returns.

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## Identification Numbers for Paid Preparers

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If you pay someone else to prepare your return, that person must also include an identification number where requested.

A paid preparer may use any of the following

- his or her PTIN,
- his or her SSN, or
- the EIN for business.

A paid preparer who fails to include the proper numbers may be subject to a penalty.

**Worksheet for Net Long-Term Capital Gain Subtraction for Assets Acquired After December 31, 2011**

Original return     Amended return

Long-Term Capital Gain or (loss) as reported on federal Schedule D (or other form or schedule) <i>Enter the total net long-term capital gains or (losses) from the following forms in each applicable column. See page 14 for instructions.</i>		(a) Total net long-term capital gain or (loss) included in Arizona gross income from all assets ( <b>see instructions</b> )	(b) Net long-term capital gain or (loss) included in column (a) from assets acquired before January 1, 2012	(c) Net long-term capital gain or (loss) included in column (a) from assets acquired after December 31, 2011	(d) Amount from column (c) taxable to the estate or trust (amount that is undistributed to beneficiaries)	(e) Amount from column (c) distributed to all beneficiaries
1	Long-term capital gain or (loss) amounts reported directly on federal Schedule(s) D and D-1 ( <i>combine</i> the amounts and enter the result).					
2	Form(s) 2439 <i>Notice to Shareholder of Undistributed Long-Term Capital Gains</i>					
3	Form(s) 4684 <i>Casualties and Thefts</i>					
4	Form(s) 6252 <i>Installment Sale Income</i>					
5	Form(s) 6781 <i>Gains and Losses from Sec. 1256 Contracts and Straddles</i>					
6	Form(s) 8824 <i>Like-Kind Exchanges</i>					
7	Partnerships, S corporations, and other estates and trusts – from AZ 120S Schedule K-1; AZ 165 Schedule K-1; and AZ 141 Schedule K-1					
8	Form(s) 4797 Sales of Business Property (Gain in Part I)					
9	Form(s) 1099-DIV <i>Dividends and Distributions</i>					
10	Subtotal: for each column, <i>combine</i> the amounts and enter the total.					
11	Long-term capital loss carryover - See the instructions for the amount(s) to enter, if any, in each applicable column.					
12	Subtract line 11 from line 10 and enter the difference in each applicable column.					
13	For amount to enter on line 13, columns(c) through (e), see the worksheet instructions.					
14	Net long-term capital gain or (loss) <i>Subtract</i> line 13 from line 12 and enter the result in each applicable column.					

Estate and Trust

- **Total net long-term capital gain or (loss):**  
Enter the amount on line 14, column (a) on Form 141AZ, line 15c.
- **Net long-term capital gain or (loss) from assets acquired after December 31, 2011:**  
If the amount on line 14, column (d) is a net *gain*, enter the amount from line 14, column (d) on Form 141AZ, line 15d.  
If the amount on line 14, column (d) is a net *loss*, the estate or trust cannot take a subtraction for any net long-term capital gain from assets acquired after December 31, 2011.

## Instructions For Completing The Worksheet For The Subtraction From Arizona Gross Income For The Net Long-Term Capital Gain From Assets Acquired After December 31, 2011.

### Purpose of the Worksheet

The estate or trust may subtract a percentage of any undistributed net long-term capital gain included in its federal taxable income (resident estate or trust) or its Arizona gross income (nonresident estate or trust) that is from an investment in an asset acquired after December 31, 2011. The worksheet is used to identify a *qualified* asset. For purpose of this subtraction, “qualified” means a capital asset acquired after December 31, 2011 and held for more than one year.

To take the allowable subtraction, you must know whether the capital gain or (loss) is considered short-term or long-term. Only the net long-term capital gain from qualified assets is used to compute the allowable subtraction. For more information about determining whether a gain or (loss) is short term or long term, see federal *Publication 544* at [www.irs.gov](http://www.irs.gov).

If you cannot verify that the capital gain is from the sale of an asset acquired after December 31, 2011, then the capital gain should be included in column (b) of the worksheet as a capital gain from an asset acquired before January 1, 2012.

An asset acquired by gift or inheritance is considered acquired on the date it was acquired by the gift-giver or the deceased individual.

### Who Should Complete this Worksheet?

Complete the worksheet to compute the allowable subtraction if the estate or trust has a net long-term capital gain included in federal taxable income (resident estate or trust) or its Arizona gross income (nonresident estate or trust) and the gain includes assets purchased *after* December 31, 2011.

Do *not* complete this worksheet if either of the following applies.

- The estate or trust does not have any capital gains to report for the current tax year; or
- The estate or trust does not have any net capital gain from qualified asset(s) acquired *after* December 31, 2011, to report for the current tax year.

### General Instructions

1. Check the box if this worksheet is for an original or an amended return.
2. Keep this worksheet for the estate’s or trust’s records.

### Line-by-Line instructions for completing the worksheet

Lines 1 through 8, lists the federal forms reported on Schedule D (Form 1041). Line 9 identifies the total capital gain distributions reported on Form(s) 1099-DIV.

- **Column (a)** is the total amount of *net* long-term capital gains or (losses) included in Arizona gross income. For a

resident estate or trust, the Arizona gross income is the federal taxable income. For a nonresident estate or trust, the Arizona gross income is that part of the federal taxable income derived from Arizona sources.

- **Column (b)** is the amount of the long-term capital gains or (losses), included in column (a) for assets acquired before January 1, 2012.
- **Column (c)** is the amount of the long-term capital gains or (losses), included in column (a) for assets acquired *after* December 31, 2011.
- **Column (d)** is the amount of the long-term capital gains or (losses) for assets acquired *after* December 31, 2011, taxable to the estate or trust.
- **Column (e)** is the amount of the long-term capital gains or (losses) for assets acquired *after* December 31, 2011, distributed to all beneficiaries.

### Lines 1 through 8 - Capital Gains or (Losses) Reported on Federal Schedule D

Enter the long-term capital gain or (loss) from the federal form listed that was reported on the estate’s or trust’s federal Schedule D and included in federal taxable income. (resident estate or trust) or its Arizona gross income (nonresident estate or trust).

### Line 9 - Form(s) 1099-DIV Dividends and Distributions

Enter the long-term capital gain or (loss) reported on Form(s) 1099-DIV and included in the estate’s or trust’s federal taxable income (resident estate or trust) or its Arizona gross income (nonresident estate or trust).

Capital gains listed on a 1099-DIV are gains passed on from a fund, such as a mutual fund, from the sale of assets within the fund. Generally, such funds do not provide the information needed to determine when the asset that was sold was acquired. In this situation, the capital gains will be considered as acquired before January 1, 2012, and would not qualify for this subtraction.

**NOTE:** *Some taxpayers are not required to file Schedule D. In these cases, the long-term capital gains or (losses) are reported directly on the taxpayer’s income tax return. Enter those items on line 9.*

### Line 10 - Subtotal

For each column, combine the amounts listed on lines 1 through 9 and enter the result.

### Line 11 - Long-Term Capital Loss Carryover

- Column (a), enter the total amount of long-term capital loss carryover *actually used* on the federal return for the current table year.
- Column (b), enter the portion from column (a) that is from assets acquired before January 1, 2012.
- Column (c), enter the portion from column (a) that is from assets acquired after December 31, 2011.

**Line 12 -**

Subtract line 11 from line 10 and enter the difference in each applicable column.

**Line 13 -**

To determine the amount to enter on line 13, columns (c), (d) and (e); answer the following questions.

Did the estate or trust take a subtraction for any net capital gain included in federal adjusted gross income for the taxable year derived from investment in a qualified small business on Form 141AZ, page 1, line 14?

- If “no”, enter zero on line 13, columns (c), (d) and (e).
- If “yes”, does that amount include any net long-term capital gain from an investment made **after** December 31, 2011?
  - If “no”, enter zero on line 13, columns (c), (d) and (e).
  - If “yes”, enter in column (c) the total amount of any net long-term capital gain from an investment made after December 31, 2011, and included in the amount subtracted on Form 141AZ, page 1, line 14.

Enter in column (d) the amount of undistributed net long-term capital gain from an investment made after December 31, 2011, and included in the amount subtracted on Form 141AZ, page 1, line 14.

Enter in column (e) the amount of distributed net long-term capital gain from an investment made after December 31, 2011, and included in the amount subtracted on Form 141 AZ, page 1, line 14.

**Line 14 - Undistributed Net Long-Term Capital Gain or (Loss)**

Subtract line 13 from line 12 and enter the result in each applicable column.

- Enter the amount on line 14, column (a) on Form 141AZ line 15(c). If the result for line 14, column (d) is a net capital gain, enter the result on Form 141AZ, page 1, line 15d.
- If the amount on line 14, column (d) is a net capital loss, the estate or trust cannot take a subtraction for any net long-term capital gain from assets acquired after December 31, 2011.

*Note: Follow the instructions on Arizona Form 141AZ Schedule K-1, Part 2; or Schedule K-1 (NR), Part 3, for amounts to report to the beneficiaries.*

**Example of the computation of Arizona fiduciary income tax, resident beneficiary's Arizona fiduciary adjustment, and nonresident beneficiary's Arizona source income.**

**The federal Form 1041 for the Judy Jones estate showed the following items of income and deduction:**

Interest Income	\$ 32,614
Dividends	4,800
Net Rent Income (AZ)	<u>16,832</u>
Total Income	<u>\$ 54,246</u>
Less: Fiduciary Fees	6,000
Accountant's Fees	<u>1,500</u>
Total Fees	<u>(7,500)</u>
Adjusted Total Income	<u>\$ 46,746</u>
Less: Income Distribution Deduction	34,189
Exemption	<u>600</u>
Total Deductions	(\$ 34,789)
Taxable Income	<u>\$ 11,957</u>

The estate also had \$2,476 in non-Arizona municipal bond interest during the taxable year. \$24,000 was distributed to Jane Jones, an Arizona resident and \$12,000 to June Jones, a nonresident of Arizona. The estate had \$8,700 in U.S. Government interest.

**The shares of federal distributable net income (DNI) are as follows:**

Jane Jones	\$ 24,000	48.76%
June Jones	12,000	24.38%
Judy Jones Estate	<u>13,222</u>	<u>26.86%</u>
Total	\$ 49,222	100.00%

**The estate's Arizona taxable income is figured as follows:**

Federal taxable income	\$ 11,957
Modifications increasing federal taxable income: Non-Arizona municipal bond interest	\$ 2,476
Modifications decreasing federal taxable income: U.S. Government Interest	<u>\$ 8,700</u>
Net Modifications	\$(6,224)
Allocated to the estate @ 26.86%	<u>\$ (1,672)</u>
Arizona taxable income	<u>\$ 10,285</u>

**June Jones income reportable to Arizona is figured as follows:**

Share of federal distributable net income	\$ 12,000
From Arizona sources @ 29.67%	3,561

Arizona source income is figured as follows:

Rental income (Arizona)	<u>\$16,832</u>	
Total income \$56,722 (\$54,246 + \$2,476)	=	29.67%

This can be verified as follows:

**June's share of income \$12,000**

DNI \$49,222 (\$46,746+\$2,476)	=	29.67%
Share of rental income \$16,832 X 24.38%	=	\$4,104
Share of fees \$7,500 X 24.38% X 29.67% *	=	<u>(543)</u>
Net Arizona income		<u>\$3,561</u>

\* Share of fees allocated to rental income

**Jane Jones share of the Arizona fiduciary adjustment is figured as follows:**

Share of non-Arizona municipal bond interest \$ 2,476 x 48.76%	\$ 1,207
Share of U.S. Government Interest \$ 8,700 x 48.76%	<u>4,242</u>
Net modification	<u>\$(3,035)</u>



**2015 Tax Table for Estate or Trust**

(a)		(b)	(c)	(d)	(e)	(f)
If taxable income from Form 141AZ, page 1, line 16 is:		Enter the amount from Form 141AZ, page 1, line 16	Multiply the amount entered in column (b) by	Enter the result	Subtract	Tax Round the difference and enter this amount on Form 141AZ, page 1, line 17
<b>Over</b>	<b>But not over</b>					
\$0	\$10,163	X	.0259 =	-	0 =	
\$10,163	\$25,406	X	.0288 =	-	\$ 29.00 =	
\$25,406	\$50,812	X	.0336 =	-	\$ 151.00 =	
\$50,812	\$152,434	X	.0424 =	-	\$ 599.00 =	
\$152,434	and over	X	.0454 =	-	\$ 1,056.00 =	