



# Instructions for Form 706-GS(D)

(Rev. October 2008)

## Generation-Skipping Transfer Tax Return for Distributions

Section references are to the Internal Revenue Code unless otherwise noted.

### What's New

- The Small Business and Work Opportunity Tax Act of 2007, P.L. 100-28, extends the application of return preparer penalties to all tax return preparers. See *Penalties and Interest, Return preparer* below for more information.

## General Instructions

### Purpose of Form

Form 706-GS(D) is used by a skip person distributee to calculate and report the tax due on distributions from a trust that are subject to the generation-skipping transfer (GST) tax.

### Who Must File

In general, anyone who receives a taxable distribution from a trust must file Form 706-GS(D). Trustees are required to report taxable distributions to skip person distributees on Form 706-GS(D-1), Notification of Distribution From a Generation-Skipping Trust.

Even if you receive a Form 706-GS(D-1), however, you do not need to file Form 706-GS(D) if the inclusion ratio found on Form 706-GS(D-1), Part II, line 3, column d is zero for all distributions reported to you. If you are required to file Form 706-GS(D), you do not have to include any distributions that have an inclusion ratio of zero.

### When To File

The generation-skipping transfer tax on distributions is figured and reported on a calendar year basis, regardless of your income tax accounting period. You must file Form 706-GS(D) on or after January 1 but not later than April 15 of the year following the calendar year when the distributions were made.

If you are not able to file the return by the due date, you may request an

automatic 6-month extension of time to file by filing Form 7004. The extension is automatic, so you do not have to sign the form or provide a reason for your request. You must file Form 7004 on or before the regular due date of Form 706-GS(D). See Form 7004 for more information.

### Where To File

File Form 706-GS(D) at the following address:

Department of the Treasury  
Internal Revenue Service Center  
Cincinnati, OH 45999

### Penalties and Interest

Section 6651 provides penalties for both late filing and late payment unless there is reasonable cause for the delay. The law also provides penalties for willful attempts to evade payment of tax.

The late filing penalty will not be imposed if the taxpayer can show that the failure to file a timely return is due to reasonable cause. Taxpayers filing late (after the due date, including extensions) should attach an explanation to the return to show reasonable cause.

Section 6662 provides a penalty for underpayment of GST taxes which exceed \$5,000 that is attributable to valuation understatements. A substantial valuation understatement occurs when the reported value of property listed on Form 706-GS(D) is 65% or less of the actual value of the property.

Interest will be charged on taxes not paid by their due date, even if an extension of time to file is granted. Interest is also charged on any additions to tax imposed by section 6651 from the due date of the return (including any extensions) until the addition to tax is paid.

**Return preparer.** The Small Business and Work Opportunity Tax Act of 2007 (Act) extends the application of return preparer penalties to all tax return preparers. Under section 6694, as amended by the Act, and the transitional relief

provided by Notice 2007-54, 2007-27 I.R.B. 12, tax return preparers, who prepare any return or claim for refund which reflects an understatement of tax liability due to willful or reckless conduct, are subject to a penalty of \$5,000 or 50% of the income derived (or income to be derived), whichever is greater, for the preparation of each such return. See section 6694; Notice 2008-11, 2008-3 I.R.B. 279; Notice 2008-13, 2008-3 I.R.B. 282; and Notice 2008-46, 2008-18 I.R.B. 868 for more details.

### Signature

Either the distributee or an authorized representative must sign Form 706-GS(D).

If you fill in your own return, leave the Paid Preparer's space blank. If someone prepares your return and does not charge you, that person should not sign the return.

Generally, anyone who is paid to prepare the return must sign the return in the space provided and fill in the *Paid Preparer's Use Only* area. See section 7701(a)(36)(B) for exceptions.

In addition to signing and completing the required information, the paid preparer must give a copy of the completed return to the distributee.

**Note.** A paid preparer may sign original or amended returns by rubber stamp, mechanical device, or computer software program.

## Specific Instructions

### Part I

#### Line 1a

If the skip person distributee is a trust, enter the name of the trust here.

#### Line 1b

For skip person distributees who are individuals, enter the distributee's social security number (SSN) here and leave line 1c blank. If the skip

person distributee is a trust, see the instructions for line 1c. Do not enter a number on both line 1b and line 1c.

### Line 1c

If the skip person distributee is a trust, enter the trust's employer identification number (EIN) and leave line 1b blank. Do not enter a number on both line 1b and line 1c.

### Line 2a

If the skip person distributee is a trust, enter the trustee's name here. If the skip person distributee is a minor or is under some disability that precludes the individual from filing the return, enter the name of the person who is legally responsible for conducting the affairs of the distributee, such as a parent or guardian. Also, include the title or relationship to the distributee.

### Line 2b

Enter the address at which you wish to receive correspondence from the IRS regarding this return. If there is an entry on line 2a, the address entered here will normally be that of the person listed on line 2a, rather than the individual or trust listed on line 1a.

## Part II

Report all the taxable distributions with inclusion ratios greater than zero that you received during the year. The trustee will report these distributions to you on Form 706-GS(D-1). Attach to this return a copy of each Form 706-GS(D-1) you received during the year. You should also keep a copy for your records.

If you need more space than is provided in Part II, attach an additional sheet of the same size and use the same format that is used in Part II. Make sure that the total tentative transfers from the continuation sheet are included on line 3 of Part II.

### Column b

In column b, use the same item number that was used for the corresponding distribution on Form 706-GS(D-1). If you receive distributions from more than one trust, you may need to repeat item numbers.

### Column c

There may be instances when the trustee has either not completed columns e (value) and f (tentative transfer) of Form 706-GS(D-1) or when you disagree with the amounts

the trustee entered. If this occurs, attach a statement to this return showing what you think are the correct amounts and how you figured them.

To figure the tentative transfer (column c of this form), multiply the applicable inclusion ratio from Form 706-GS(D-1), Part II, column d by the value of the distribution. Use the following guidelines to determine the value of the distribution. See the Instructions for Form 706, United States Estate (and Generation-Skipping Transfer) Tax Return, for more information. You can get Form 706, and other IRS forms and publications, by calling 1-800-TAX-FORM (1-800-829-3676) or by accessing the IRS website at [www.irs.gov](http://www.irs.gov).

You must determine the value of the property distributed as of the date of the distribution. The date of distribution is listed in Form 706-GS(D-1), Part II, column c.

The value of a distribution is its fair market value on the date of distribution. *Fair market value* is the price at which the property would change hands between a willing buyer and a willing seller, when neither is forced to buy or to sell, and both have reasonable knowledge of all the relevant facts. Fair market value may not be determined by a forced sale price, nor by the sale price of the item in a market other than that in which the item is most commonly sold to the public. The location of the item must be taken into account whenever appropriate.

Reduce the value of any property being reported in Part II by the amount of any consideration provided by the distributee.

Stock of close corporations or inactive stock must be valued on the basis of net worth, earnings, earning and dividend capacity, and other relevant factors. For such stock, attach balance sheets, particularly the one nearest the date of the distribution, and statements of net earnings or operating results and dividends paid for each of the 5 preceding years.

Reduce the reported value of real estate by the amount of any outstanding lien against the property on the date of distribution. Attach copies of any such liens. Explain how the reported values were determined and attach copies of any appraisals.

## Part III

### Line 4

You may deduct from the amount of the distribution you received any adjusted allowable expenses incurred in connection with the preparation of this Form 706-GS(D) or any other expenses incurred in connection with the determination, collection, or refund of the GST tax reported or which should have been reported on this return.

Adjusted allowable expenses are equal to the total allowable expenses multiplied by the inclusion ratio. If you have more than one inclusion ratio in Part II, column d, of Form 706-GS(D-1), prorate the total expense among the inclusion ratios based on the relative value of each distribution made at the various inclusion ratios.

You may deduct an expense even though it has not been paid at the time the return is filed as long as the amount of the expense is clearly ascertainable at that time. If an additional allowable expense is incurred after the return is filed, file Form 843, Claim for Refund and Request for Abatement, to claim a refund.

**Example.** The following example illustrates the rules above.

You listed three distributions in Part II of Form 706-GS(D). The value of the first distribution is \$10,000 and has an inclusion ratio of .25. The value of the second distribution is \$20,000 and has an inclusion ratio of .33. The value of the third distribution is \$30,000 and has an inclusion ratio of .50. You received the completed return from the preparer along with the bill for the preparer's fee on April 14 and filed the return on April 15. You paid the preparer's \$200 fee on April 20. The adjusted allowable expense you should report on line 4 of Part III is \$80, calculated as follows.

$$\begin{array}{r} \frac{\$10,000}{\$60,000} \times 200 = 33.33 \times .25 = 8 \text{ (rounded)} \\ \frac{\$20,000}{\$60,000} \times 200 = 66.67 \times .33 = 22 \text{ (rounded)} \\ \frac{\$30,000}{\$60,000} \times 200 = 100 \times .50 = 50 \\ \hline \text{Adjusted allowable expense} = 80 \end{array}$$

### Line 6

Enter, using the table on page 3, the maximum federal estate tax rate in effect at the time the

generation-skipping distribution occurred.

**Table of Maximum Tax Rates**

<b>If the generation-skipping transfer occurred . . . . .</b>	<b>The maximum tax rate is</b>
After December 31, 2002 but before January 1, 2004	49%
After December 31, 2003 but before January 1, 2005	48%
After December 31, 2004 but before January 1, 2006	47%
After December 31, 2005 but before January 1, 2007	46%
After December 31, 2006 but before January 1, 2010	45%

**Line 9**

Make your check payable to the "United States Treasury." Please write your SSN (or EIN), the year, and "Form 706-GS(D)" on the check to assist us in posting it to the proper account. Enclose, but do not attach, the payment with Form 706-GS(D).

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**Privacy Act and Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. We need it to figure and collect the right amount of tax. Subtitle B, Estate and Gift Taxes, of the Internal Revenue Code imposes a tax on certain distributions from a trust to a skip person. This form is used to determine the amount of the taxes that you owe. Section 6109 requires you to provide your taxpayer identification number (SSN, ITIN, or EIN). If you fail to provide this information in a timely manner, you may be subject to penalties and interest. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its

instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The average estimated time is:

- Recordkeeping . . . . .** 6 min.
- Learning about the law or the form . . . . .** 13 min.
- Preparing the form . . . . .** 18 min.
- Copying, assembling, and sending the form to the IRS . . . . .** 20 min.

If you have comments concerning the accuracy of these estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:T:T:SP, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Do not send the form to this address. Instead, see *Where To File* on page 1.

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