

Instructions for Form 706-GS(D)

(Rev. February 2011)

Generation-Skipping Transfer Tax Return for 2010 Distributions



Department of the Treasury
Internal Revenue Service

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

What's New

- For generation-skipping transfers made in 2010, the rate determined by section 2641 will be zero. See the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, Public Law 111-312, section 302(c).
- For generation-skipping transfers made after December 31, 2009, but before December 17, 2010, the due date of the return will be September 19, 2011 (not including extensions).
- In accordance with T.D. 9501, the paid preparer signature block has been revised. Paid preparers must sign the return and furnish the information requested in the *Paid Preparer Use Only* area.

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.

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, generally, 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.

However, for distributions made in 2010, the due dates are modified as follows: For distributions made between January 1, 2010, and December 16, 2010, the due date for Form 706-GS(D) will be September 19, 2011. See Pub. L. 111-312, section 302(d)(2); IRC section 7503. For 2010 distributions made December 17, 2010, or later, the due date for Form 706-GS(D) will be April 18, 2011, due to the Emancipation Day holiday in the District of Columbia. See section 7503.

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, Application for Automatic Extension of Time To File Certain Business Income Tax, Information, and Other Returns. 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
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.

A return is late when it is filed after the due date, including extensions. 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 should attach an explanation to the return to show reasonable cause.

Section 6662 provides a penalty for underpayment of GST taxes which exceeds \$5,000 if the underpayment 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) extended the application of return preparer penalties to all tax return preparers. Under section 6694, as amended by the Act, and the final regulations announced by T.D. 9436, 2009-3 I.R.B. 268, 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.

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 Use Only* 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 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 a copy of each Form 706-GS(D-1) you received during the year to this return. 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.

The value of a distribution is its fair market value on the date of distribution. *Fair market value* (FMV) 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. FMV 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.

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.

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

Value the stock of close corporations or inactive stock 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.

For more information, see the Instructions to Form 706, United States Estate (and Generation-Skipping Transfer) Tax Return. You can get the Instructions to Form 706, and other IRS forms and publications, by calling 1-800-TAX-FORMS or by visiting IRS.gov.

Part III

Line 4

You may deduct 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 from the amount of the distribution you received.

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.

$$\frac{\$10,000}{\$60,000} \times 200 = 33.33 \times .25 = 8 \text{ (rounded)}$$

$$\frac{\$20,000}{\$60,000} \times 200 = 66.67 \times .33 = 22 \text{ (rounded)}$$

$$\frac{\$30,000}{\$60,000} \times 200 = 100 \times .50 = 50$$

Adjusted allowable expense = 80

Line 6

Enter, using the table below, the applicable rate in effect at the time the generation-skipping distribution occurred.

Table of Maximum Tax Rates

If the generation-skipping transfer occurred	The maximum tax rate is
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%
After December 31, 2009, but before January 1, 2011	0%
After December 31, 2010, but before January 1, 2013	35%

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).

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; section 6109 requires you to provide your identification number. This form is used to determine the amount of the taxes that you owe. Failure to provide this information in a timely manner, or providing false or fraudulent information, may subject you to penalties. We may disclose this information to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. commonwealths and possessions 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*.