



STATE OF ARKANSAS

2008 Fiduciary Tax Return and Instructions

This information applies to both the AR1002 and the AR1002NR tax forms.

WHO MUST FILE

The Fiduciary Return is used to report the income of an estate or trust. Every fiduciary, or at least one of the joint fiduciaries, must file a return for the estate or trust for which he/she acts, provided **any** of the following apply:

1. Any **income** of such estate or trust is currently distributable;
2. The **tax** is payable by the beneficiaries or by the grantor;
3. The net income of such estate or trust is **\$3,000** or over **and/or**
4. Any beneficiary of such estate or trust is a **nonresident**.

WHEN TO FILE

The due date is April 15th for calendar year filers. Fiscal year filers must file on or before the fifteenth (15th) day of the fourth (4th) month following the close of the fiscal year.

An extension of time for filing may be granted if good cause exists and the request is made before the date prescribed by law for filing the return. Mail Form **AR1055**, Request for Extension of Time for Filing Income Tax Returns, to:

Individual Income Tax Section
P.O. Box 3628
Little Rock, AR 72203-3628

WHERE TO MAIL

Mail **Tax Due** Returns to: State Income Tax
P.O. Box 2144
Little Rock, Arkansas 72203-2144

Mail **Refund** Returns to: State Income Tax
P.O. Box 1000
Little Rock, Arkansas 72203-1000

Mail **No Tax Due** Returns to: State Income Tax
P.O. Box 8026
Little Rock, Arkansas 72203-8026

Mail **Amended** Returns to: State Income Tax
P.O. Box 3628
Little Rock, Arkansas 72203-3628

INTEREST AND PENALTIES

Interest will be charged on taxes not paid by their due date even if an extension of time to file is granted. The law also provides a late filing penalty and a failure to pay penalty.

UNDERPAYMENT OF ESTIMATED TAX (FORM AR2210)

You may have to pay an additional penalty if the tax you owe is more than \$1,000 and you did not file a Declaration of Estimated Tax required by Arkansas Tax Codes **or** you did not pay adequate installments on your estimated tax.

If you are claiming an exception from the Underestimate Penalty, complete and attach Form 2210 **and** list the exception number in Part III of Form AR2210.

FOR ASSISTANCE CALL:

(501) 682-1100 or (800) 882-9275

NOTE: Through Act 613 of 2007, Arkansas adopted IRC Section 179 as in effect on January 1, 2007, thus allowing greater dollar limits and phase out thresholds. The legislation became effective when the Arkansas CFO certified that additional funding is available to replace the revenue reduction for fiscal years 2008 and 2009. The maximum deduction allowed for property placed in service during the tax year is now \$115,000. The deduction is decreased "dollar for dollar" for property over \$460,000, and no deduction is allowed for property over \$575,000. See IRS website for more information.

INSTRUCTIONS

If you file a **fiscal year return**, fill in the fiscal year at the top of the form. The moment of death determines the end of the decedent's tax year and the beginning of the estate's tax year.

The **Federal Employer Identification Number** must be entered in the space provided on the top right side of the form. A separate Federal Employer Identification Number is required for each estate or trust.

Fill in the exact **name** of the estate or trust, the **address**, and the **date the trust was created**. Check the appropriate box for "**Type of Entity**." Indicate whether you are filing an **Original Return**, an **Amended Return**, or a **Final Return**.

INCOME

Line 1. Enter total taxable interest income received or credited to the account of the estate or trust. Attach schedule showing all interest income and identify any nontaxable interest.

Line 2. Enter total of all taxable dividends. Attach schedule.

Line 3. Enter net profit (or loss) from a trade or business. Attach federal schedule.

Line 4. If you have gains or losses from the sale of real estate, stocks, bonds, or gains or losses from capital assets from Partnerships, S Corporations or Fiduciaries, complete worksheet on back of AR1002/AR1002NR and enter total here.

Line 5. Enter net rent and royalty income, the estate's or trust's share of profits from a partnership, and income from another estate or trust (whether received or not). **Attach schedule.**

Line 6. Enter net profit (or loss) from farming. **Attach federal schedule.**

Line 7. Enter taxable income not reported elsewhere. **Attach statement** identifying the source.

Line 8. Add Lines 1 through 7 and enter total.

DEDUCTIONS

Line 9. Enter any taxes paid during the tax year that are not deducted elsewhere. DO NOT include assessments for local benefit of a kind tending to increase the value of the property assessed. DO NOT include federal or Arkansas taxes, nor taxes imposed upon the estate or trust on its corporation which are paid by the estate or trust. **Attach schedule** detailing all taxes.

Line 10. Enter any interest paid that is not deducted elsewhere. DO NOT include interest on capital invested in or advanced to the business by the estate or trust.

Line 11. Enter amount paid or permanently set aside during year for charitable organizations.

Line 12. Enter deductible attorney, accountant, return preparer, or fiduciary fees paid or incurred by the fiduciary for administering the estate or trust during year.

Line 13. Enter any other authorized deductions allowed by Arkansas law. Include on this line: bad debts, casualty losses, and involuntary conversion of property not used in a trade or business. **Attach schedule** listing and explaining all deductions.

Line 14. Add Lines 9 through 13 and enter total.

Line 15. Subtract Line 14 from Line 8 and enter difference.

Line 16. Enter total amount of income or loss to be distributed to all beneficiaries during year.

Line 17. Subtract Line 16 from Line 15 and enter difference.

Line 18. Do not adjust these amounts.

Line 19. Subtract Line 18 from Line 17 and enter difference.

Line 20. Compute tax on the amount on Line 19B if you are using Form AR1002. Compute tax on the amount on Line 19A if you are using Form AR1002NR. Use the enclosed "Regular Tax Table" and enter amount here.

Line 21. Do not adjust this amount.

Line 22. Enter total amount of state income tax liability to other state(s). This credit is allowable only to resident estate(s) or trust(s) when the income was reported and taxable on the other state(s) tax return(s) and on the Arkansas Fiduciary Return. **Attach a copy** of the tax return(s) filed with the other state(s).

Line 23. Enter total allowable credits from AR1020BIC. **Attach AR1020BIC and supporting documents.**

Line 24. Add Lines 21 through 23 and enter total.

Line 25. Subtract Line 24 from Line 20 and enter difference.

The instructions for Lines 25A through 25D are for use with Form AR1002NR only. If using Form AR1002, skip this section and go to the instructions for Line 26.

TAX APPORTIONMENT (AR1002NR ONLY)

Line 25A. Enter amount from Line 17 Column B.

Line 25B. Enter amount from Line 17 Column A.

Line 25C. Divide amount on Line 25A by amount on Line 25B to arrive at the Arkansas percentage. Round percentage to nearest whole percent. DO NOT ROUND TO ZERO.

Line 25D. Multiply amount on Line 25 by percentage on Line 25C and enter total.

TAX AND PAYMENTS

Line 26. Enter Arkansas tax withheld. **Attach Form(s) AR1099PT and/or 1099R.**

Line 27. Enter estimated tax paid.

Line 28. Enter amount paid with extension.

Line 29. Enter payments made with or after the filing of original return.

Line 30. Add Lines 26, 27, 28, and 29 and enter total.

Line 31. Enter total of all overpayments/refunds received from previously filed returns.

Line 32. Subtract Line 31 from Line 30 and enter total.

Line 33. If Line 32 is larger than Line 25 of AR1002 or Line 25D of AR1000NR, enter difference.

Line 34. Enter amount of your refund you want carried forward. The overpayment from your 2008 AR1002 or AR1002NR will be applied to your 2009 estimated account.

Line 35. Subtract Line 34 from Line 33. This is the amount to be refunded to you.

Line 36. If Line 25 of AR1002 or Line 25D of AR1002NR is larger than Line 32, enter difference. This is the amount of tax due. Mail your payment to the Department of Finance and Administration. Write Federal Identification Number on check or money order.

SCHEDULE B: INCOME DISTRIBUTION

Beneficiaries' share of income must be listed in this section. Include all information requested. If additional space is needed attach a separate schedule. Any income properly paid, credited, and/or distributable to a beneficiary is taxable to the beneficiary.

Resident beneficiaries must include distributions from any estate or trust in their total Arkansas income to determine if an AR1000 should be filed. **Nonresident beneficiaries** who have distributions from an Arkansas estate or trust must file an Arkansas Individual Income Tax Return (AR1000NR) that reports total income received from Arkansas sources regardless of the amount of distribution.