



Instructions for Form IT-205-A Fiduciary Allocation

Changes for 1995

- The New York State maximum tax rate on income is reduced to 7.59375%.
- Some brackets within the New York City tax rate schedule have been changed.
- The lines on Form IT-205-A have been renumbered.

Note: Refer to the front page of Form IT-205-A to determine which schedules of Form IT-205-A should be completed.

Schedule 1

Computation of New York tax of a nonresident estate or trust or part-year resident trust

Enter amounts in column (a), lines 1 through 13 following line instructions below.

Enter in column (b) the portion of each amount which is derived from the city of New York.

Line 1 — Enter in column (a) the amount from line 30, column (a).

Lines 2 through 4 of column (a) are similar to lines 18 through 20 on page 1 of federal Form 1041. Enter on each applicable line of column (a) the amount reported on federal Form 1041.

Line 7 New York modifications relating to amounts allocated to principal — The same modifications listed in the instructions for line 2 of Form IT-205 are to be added or subtracted here to

the extent that they apply to amounts not includable in federal distributable net income of the estate or trust. Attach a statement giving full details of any modifications.

Line 10 — Transfer the amount from line 10, column (b) to the *Part-Year New York City Resident Tax Worksheet A* on page 2.

If the estate or trust used Form IT-230, *Part II*, to figure the tax on the capital gain portion of the estate's or trust's lump-sum distribution, include the amount of tax from Form IT-230, line 2, in the total for line 11. Attach Form IT-230 to the fiduciary return.

Line 12 Income percentage — **Note:** New York additions and subtractions that relate to intangible items of income, such as interest or dividend income, are only required to the extent the property that generates the income is employed in a business, trade, profession or occupation carried on in New York State.

If the trust was a part-year resident trust, include the portion of any additions and subtractions, from lines 7 and 9, that relates to the trust's New York State resident period in the computation of the New York State income percentage on lines d and e. Also, for the period the trust was a nonresident trust, include in the computation of the New York State income percentage on lines d and e the portion of any additions and subtractions to the

extent that it is attributable to a business, trade, profession or occupation carried on in New York State or is from real or tangible personal property located in New York State.

If the estate or trust is a shareholder of a federal S corporation that did not make the election to be a New York S corporation, include in the computation of the New York State income percentage on lines d and e (substitute Yonkers income percentage for **Worksheet B**, on page 2) additions 612(b)(19), 612(b)(20) and 612(b)(21) and subtraction 612(c)(22) **only** if the S corporation stock was held as an asset of another business carried on by the shareholder in New York State. For example, if the S corporation's stock is held as an asset of a sole proprietorship operated by the shareholder in New York State, the shareholder is required to include the above additions and subtraction in the computation of the New York State income percentage on lines d and e.

Include in the computation of the New York State income percentage on lines d and e any additions and subtractions that relate to S corporation items of income, gain, loss or deductions **only** if the S corporation stock is held as an asset of another business carried on by the shareholder in New York State. For example, if the S corporation's stock is held as an asset of a sole proprietorship operated by the shareholder in New York State, the shareholder is required to include any of the additions and subtractions below in the computation of the New York State income percentage on lines d and e.

Line 11 New York State Tax

Complete New York adjusted gross income (NYAGI) worksheet as follows:

1. Enter federal adjusted gross income (as computed using federal Form 1041, line 15b instructions) 1. _____
2. Enter amount from Form IT-205-A, column (a), line 7 2. _____
3. Enter the net amount of the fiduciary share of additions and subtractions from Form IT-205, lines 60 through 66, included in the computation that relate to the income reported on Form IT-205-A, lines 14 through 22 3. _____
4. Add lines 2 and 3 4. _____
5. New York adjusted gross income (line 1 and add or subtract line 4; enter here and on Form IT-205, page 1, item B) 5. _____

Tax Computation

- If line 5 above is \$100,000 or less, find your New York State tax on the amount on Form IT-205-A, line 10, using the *New York State Tax Rate Schedule* on page 4 of these instructions. Enter the tax amount on Form IT-205-A, line 11.
- If line 5 above is more than \$100,000 but not more than \$150,000, you must compute your tax using *Tax Computation Worksheet I* below.
- If line 5 above is more than \$150,000, you must compute your tax using *Tax Computation Worksheet II* below.

Tax Computation Worksheet I

1. Enter the amount from line 5 above 1. _____
2. Enter your taxable income from Form IT-205-A, line 10 2. _____
3. Multiply line 2 by 7.59375% (.0759375) 3. _____
4. Enter your New York State tax on the line 2 amount from the *New York State Tax Rate Schedule* on page 4 4. _____
5. Subtract line 4 from line 3 5. _____
6. Enter the excess of line 1 over \$100,000 (cannot exceed \$50,000) 6. _____
7. Divide line 6 by \$50,000 and carry the result to four decimal places (cannot exceed 1.0000) 7. _____
8. Multiply line 5 by line 7 8. _____
9. **Add lines 4 and 8.** (enter here and on Form IT-205-A, line 11) 9. _____

Tax Computation Worksheet II

1. Enter your taxable income from Form IT-205-A, line 10 1. _____
2. Multiply line 1 by 7.59375% (.0759375) (enter here and on Form IT-205-A, line 11) 2. _____

Complete the following worksheet to compute the income percentage:

New York State Income Percentage

- a. Enter the amount from line 22, column (b) a. _____
- b. Enter the portion of any administration costs, income distribution deduction, exemption and other deductions used in determining federal adjusted gross income that relate to items of income, gain, loss and deduction derived from or connected with New York sources b. _____
- c. Subtract line b from line a c. _____
- d. Enter amount from line 7, column (a), that relates to NY source income (see line 12 Note above) d. _____
- e. Enter amount from line 9, column (a), that relates to NY source income (see line 12 Note above) e. _____
- f. Line d and add or subtract line e f. _____
- g. Balance (line c and add or subtract line f) g. _____
- h. Divide line g above by line 5 from the NYAGI worksheet on this page. Carry the result to four decimal places and enter on line 12 h. _____

If you completed Form IT-230, *Part II*, you must use the *Nonresident and Part-Year Resident Income Percentage Schedule* on Form IT-230-I (instructions for Form IT-230), back page, to figure the income percentage to enter on line 12.

Computation of New York City and City of Yonkers tax of a part-year resident trust

Part-year New York City resident tax

Complete *Worksheet A* below to compute the trust's part-year New York City resident tax:

Worksheet A	
Part-year New York City Resident Tax	
a.	New York City taxable income (from line 10, column (b))..... a. _____
b.	Figure the part-year New York City tax on the amount on line a using the <i>New York City Tax Rate Schedule</i> on page 4 of these instructions. Also enter tax on Form IT-205, line 18..... b. _____

Part-year Yonkers resident income tax surcharge

— Complete *Worksheet B* below and *Worksheet C* on the last page to compute the trust's Yonkers resident income tax surcharge. (See *Note for Line 12, Income Percentage*, on page 1.)

If the trust was a New York State resident trust the entire year but changed its Yonkers resident status, complete line 1, *Worksheet C*, on the last page.

If the trust was a New York State resident trust for only part of the year and also changed its Yonkers resident status, complete lines 2 through 6 of *Worksheet C*, on page 4.

Worksheet B - Yonkers Income Percentage	
a.	Enter the amount from line 22, column (d)..... a. _____
b.	Enter the portion of any administration costs, income distribution deduction, exemption and other deductions used in determining federal adjusted gross income that relate to items of income, gain, loss and deduction derived from or connected with city of Yonkers sources..... b. _____
c.	Subtract line b from line a..... c. _____
d.	Enter amount from line 7, column (a) that relates to city of Yonkers resident period (see Line 12 <i>Note</i> on page 1)..... d. _____
e.	Enter amount from line 9, column (a) that relates to city of Yonkers resident period (see line 12 <i>Note</i> on page 1)..... e. _____
f.	Line d and add or subtract line e..... f. _____
g.	Balance (line c and add or subtract line f)..... g. _____
h.	Divide line g above by line 5 from the NYAGI worksheet (page 1) .. h. _____

Worksheet C, line 8 Net state tax — If the trust was a New York State resident trust the entire year, compute its net state tax on line 8, *Worksheet C* on page 4 of these instructions.

Worksheet C, line 9 Net state tax — If the trust was a New York State resident trust for only part of the year, compute its net state tax on line 9, *Worksheet C* on page 4 of these instructions.

Worksheet C, line 11 Part-year city of Yonkers resident income tax surcharge — If the trust was a New York State resident trust the entire year, multiply line 8 by line 10, *Worksheet C* on page 4 of these instructions and enter this amount on Form IT-205, line 23. If the trust was a New York State resident trust for only a part of the year, multiply line 9 by line 10, and enter this amount on Form IT-205, line 23. If the estate or trust received wages or net earnings from self-employment from New York City sources during the estate's or trust's city nonresident period, see Form NYC-206, *City of New York Nonresident Fiduciary Earnings Tax Return*, with instructions. If the estate or trust received wages or net earnings from self-employment from Yonkers sources during the estate's or trust's city nonresident period, see Form Y-206, *City of Yonkers Nonresident Fiduciary Earnings Tax Return*, with instructions.

Schedule 2

Fiduciary's and beneficiary's share of income from New York State sources

Allocate the federal distributable net income from New York State sources (line 38, column (b)) in Schedule 2 to the estate or trust (fiduciary) and its beneficiaries in proportion to their respective shares in the federal distributable net income of the estate or trust.

Column (1) — Enter the respective shares of federal distributable net income of each beneficiary and of the fiduciary on the appropriate lines of column (1). Use the same letter (a or b) as used in Schedule C of Form IT-205 to identify each beneficiary. Note that solely for purposes of determining the allocation of income from New York State sources that applies among the nonresident taxpayers, entries must be made for both resident and nonresident beneficiaries. If you are required to complete Form IT-205, Schedule C, columns (3), (4) and (5), the entries in columns (3) and (4) will be identical to the entries in Form IT-205-A, Schedule 2, columns (1) and (2).

Column (2) — Determine the percentage interest of each beneficiary and the fiduciary in the federal distributable net income of the estate or trust based upon amounts in column (1). Enter these percentages in column (2).

Column (3) — Enter on the total line of column (3) the total income from New York sources included in federal distributable net income of the estate or trust (from line 38, column (b)). The share of each nonresident beneficiary or of the fiduciary of a nonresident estate or trust or part-year resident trust in the total amount is determined by multiplying the total income from New York sources (column (3) total) by the column (2) percentage. No entry is required in this column with respect to a resident beneficiary or the fiduciary of a resident estate or trust.

Schedule 3

Nonresident beneficiary's share of income, deduction and tax preference items from New York State sources

Use the same letter (a or b) as used in Form IT-205, Schedule C, to identify each beneficiary.

Columns (1) through (4) — Enter in the appropriate column each nonresident beneficiary's share of income, gain or loss included in his or her share of distributable net income from New York State sources as reported on Form IT-205-A, Schedule 2, column (3). (See column (5) instructions below for separate attachment for reporting deductions.) Amounts are to be reported by the nonresident beneficiaries on the appropriate lines 1 through 18 of their nonresident return (Form IT-203) as income from New York State sources.

Column (5) — Attach a separate schedule showing each nonresident beneficiary's share of other deductions from New York State sources included in the beneficiary's total share of distributable net income.

Column (6) — Attach a separate schedule showing each nonresident beneficiary's share of federal tax preference items derived from New York State sources and the amount of any modifications that apply. See Form IT-220 and instructions.

Schedule 4

Details of federal distributable net income and amounts from New York State sources

Enter in column (a) the amount reported on federal Form 1041 for the applicable items listed in Schedule 4. **If the fiduciary was a part-year resident trust, also include in the Federal amount column all items the trust would be required to include if the trust were filing a federal return on the accrual basis.** Enter in column (b) the portion of each such amount that is derived from New York sources.

Enter in column (c) the portion of each amount that was received during the period of New York City residency. Enter in column (d) the portion of each amount that was received during the period of Yonkers residency.

New York City and Yonkers Resident Trust

If any amount from the trust is subject to the New York City or Yonkers resident income tax, substitute *New York City* or *Yonkers* for *New York State* in the following instructions and include that portion in the applicable column (c) or (d).

Lines 14 and 15 Interest and Dividends — Report lines 14 and 15, column (b), income from interest and dividends included in column (a) that is income from a trade or business carried on in New York State.

Line 16 Business income (or loss) — Enter in column (h) the net profit from a trade or business carried on in New York State by the estate or trust. If business is carried on both in and out of New York State and the New York income can be determined from the books and records of the business, enter in column (b) on line 16 the net profit from business carried on in New York State, and in column (b) on the proper lines the other items relating to the New York operations. If the New York income of the business cannot be determined from the books of the business, income must be allocated to New York State in accordance with the formula in Schedule 5 or an approved alternate method. Apply the business allocation percentage (on line 46) to line 16 of column (a) and to each allocable item of business income, gain, loss or deduction reported in column (a) on other lines of Schedule 4 to determine the New York amounts.

Line 17 Capital gain (or loss) — Enter in column (b) the gain shown on line 75, column (3). If line 75, column (3), is a net loss, compute the amount of the loss deductible on line 17 following the instructions for Part II of federal Schedule D. (See *Schedule 7* instructions on page 4.)

Line 18 Rents, royalties partnerships, other estates and trusts, etc. — Include in column (b) the portion derived from New York State sources of the estate's or trust's share of income, gain, loss or deduction from net rents and royalties from (1) real property situated in New York State, whether or not used in or connected with a business; (2) tangible personal property not used in a business if such property has an actual situs in New York State; and (3) tangible and intangible personal property used in or connected with a trade or business carried on in New York State by the estate or trust. Note that the Schedule 5 business allocation percentage does not apply to income from tangible personal property not used in a business or real property, since this income is 100% includable if the property is located in New York State and 100% excludable if the property is located outside New York State.

Also include in column (b) the portion derived from New York State sources of the estate's or trust's share of income, gain, loss or deduction from (1) a partnership (which may ordinarily be obtained from Form IT-204); (2) from an S-corporation (see Form CT-3-S or CT-4-S); (3) from other estates or trusts (see Form IT-205 or IT-205-A); and (4) from REMICs.

Any portion of the estate's or trust's share of such income, gain, loss or deduction not reported here must be included elsewhere in Schedule 4, column (b), on the appropriate line describing the nature of the income (e.g., a partnership's New York capital gain would be included on line 17, column (b)).

Passive activity loss limitations — Any deduction for passive activity losses for an estate or a trust must be recomputed to determine the amounts which would be allowed if the federal adjusted gross income took into account only items of income, gain, loss or deduction derived from or connected with New York sources.

If the trust was a part-year resident trust, you must recalculate your passive activity loss limitations as if separate federal returns were filed for the trust's resident and nonresident periods.

Line 19 Farm income (or loss) — Enter in column (b) the net profit from farming carried on in New York State by the estate or trust.

Line 21 Other income — Enter in column (b) any New York source income which is not reportable elsewhere in Schedule 4.

If the trust or estate is a shareholder of a federal S corporation for which the election to be a New York S corporation was in effect for the taxable year, the estate's or trust's ordinary income to be entered in column (b) may be obtained from Form CT-3-S, *New York S Corporation Franchise Tax Return*, or CT-4-S, *New York S Corporation Franchise Tax Return Short Form for Small Businesses*.

Report capital gains, dividends, etc. in column (b) on the appropriate lines.

Lines 23 through 28 — Enter in column (b) only that portion of each deduction item reported in column (a) which relates to income derived from New York sources (as reported on lines 14 through 21, column (b)).

Lines 31 through 35 — Enter in column (b) on lines 31 through 35 the portion of the column (a) amounts that relates to items of income, gain, loss or deduction of the estate or trust derived from or connected with New York State sources.

Schedule 5

Formula basis allocation of business income

Complete Schedule 5 if the estate or trust carries on business both in and out of New York State but does not maintain books and records from which the New York income of the business can be determined. Attach a schedule showing the exact location (street address, city and state) of each place, whether in or out of New York State, where the estate or trust carries on business. Describe each place (e.g., branch office, agency, factory, etc.) and state whether it is rented or owned by the estate or trust.

When Schedule 5 does not fairly and equitably reflect the income from New York State, an alternate allocation may be used. However, Schedule 5 must be completed, based on the statutory method, and a detailed explanation of the alternative method used to determine New York income must be attached.

Property percentage — Figure the average value of real and tangible personal property connected with the estate or trust by completing lines 39, 40 and 41.

Line 39 Real property owned — Enter in column (1) the average value of all real property owned by the business. Enter in column (2) the average value of real property owned that is located in New York State.

The average value of property owned is figured by adding its fair market value at the beginning and at the end of the taxable year and dividing by two.

Line 40 Real property rented from others The value of real property rented to the business and to be included in line 40 generally is eight times the gross rent payable during the taxable year for which the return is filed.

Line 41 Tangible personal property owned Enter in column (1) the average value (determined in accordance with the instruction for line 39) of all tangible personal property owned by the business. Enter in column (2) the average value of tangible personal property owned that is located in New York State.

Line 42 Property percentage — Add lines 39, 40 and 41 in columns (1) and (2) and enter the total on line 42.

Divide the column (2) total by the column (1) total and carry the result to four decimal places. For example, if the total in column (1) is \$15,000 and the total in column (2) is \$10,000, divide the \$10,000 by the \$15,000 and enter the result (.6667) as a percentage (66.67%) in column (3).

Line 43 Payroll percentage — Enter wages, salaries and other personal service compensation paid only to employees of the business. Do not include payments to independent contractors, independent sales agents, etc. Enter the total of the compensation paid to employees during the taxable year in connection with business operations carried on both in and out of New York State on line 43, column (1). Enter the part which represents the amount paid in connection with New York operations in column (2). Compensation is paid for services in connection with New York operations if the employee works in or travels out of an office or other place of business located in New York State.

Divide the column (2) total by the column (1) total. Carry the result to four decimal places and enter it as a percentage in column (3).

Line 44 Gross income percentage — Enter on line 44, column (1), total gross sales made, or charges for services performed, by employees, agents, agencies or independent contractors of the business in and out of New York State. Enter in column (2) the part which represents gross sales made, or charges for services performed, by employees, agents, agencies or independent contractors situated at, attached to or sent out from offices of the business (or its agencies) located in New York State. For example, if a salesperson working out of the New York office covers the states of New York and New Jersey, all sales made by him or her are to be allocated to New York and included in column (2).

Divide the column (2) total by the column (1) total. Carry the result to four decimal places and enter it as a percentage in column (3).

Line 46 Business allocation percentage The business allocation percentage is to be applied to each item of business income, gain, loss or deduction reported in Schedule 4, column (a), to determine the amount required to be entered in Schedule 4, column (b). Make the appropriate entries in the space below line 46, attaching an additional schedule if needed.

The business allocation percentage is to be applied to the modification of amounts from New York State sources (IT-205, Schedule B) with respect to modifications affecting items of business income, gain, loss or deduction (except those attributable to real property) if business is carried on both in and out of New York State.

The business allocation percentage is not applied to income from tangible property not used in a business or to income from the rental of (or gains or losses from the sale of) real property. The entire income or gain from the sale of the property located in New York State is taxable and the entire loss in connection with that property is deductible. Conversely, no portion of the income or gain from the sale of property of this type located out of New York State is taxable, nor is any portion of any loss sustained in connection with out-of-state property deductible.

Schedule 6

Computation of New York charitable deduction

Determine the charitable deduction by completing Schedule 6 in the same manner as Schedule A of federal Form 1041 but with respect to New York items only.

Enter on lines 47 and 48 that portion of the amounts reported on the corresponding lines of Schedule A, federal Form 1041, which constitutes contributions to New York State, or any of its political subdivisions (cities, towns, counties, etc.), or to any corporation, trust, community chest, fund, foundation or other entity organized or operated under the laws of New York State.

Enter on line 50 that portion of the amount reported on the corresponding line of Schedule A, federal Form 1041, which reflects the New York charitable contributions included on lines 47 and 48 attributable to income exempt from New York income tax or to income derived from sources out of New York State.

Schedule 7

Capital gains and losses from sales or exchanges of New York capital assets

If the estate or trust had any capital gains or losses from sales or exchanges of New York property, complete Schedule 7 in the same manner as federal Form 1041, Schedule D, but with respect to gains and losses from New York property only. The short-term capital loss carryovers from preceding taxable years on line 63 and the long-term capital loss carryovers on line 71 are computed only with respect to gains and losses from New York property.

Capital transactions from New York State sources include capital gains or losses derived from real or tangible personal property having an actual situs in New York State, whether or not connected with a trade or business and capital gains or losses from stocks, bonds and other intangible personal property used in or connected with a business, trade, profession or occupation carried on in New York State. Also included is the estate's or trust's share of any capital gain or loss derived from New York sources of a partnership or another estate or trust.

If business is being carried on both in and out of New York State, gain or loss on the sale or disposition of property (other than real property)

used in the trade or business or carried as business assets is subject to the business allocation percentage (line 46). Gains and losses from the sale or disposition of real property are not subject to allocation.

The amounts to be reported as capital gains and losses from New York State sources in Schedule 7 must be determined in accordance with applicable federal provisions for determining capital gains and losses.

If a total net capital loss is reported on line 75, column (3), from sales or exchanges of New York property, the amount of loss allowed as a deduction on line 17, column (b), is computed according to federal provisions for capital loss limitations. Use a copy of federal Form 1041, Schedule D, dealing with computation of fiduciary's capital loss limitation, as a worksheet in determining the New York net capital loss allowable as a deduction, using the New York amounts shown in Schedule 7.

Schedule 8

Supplemental schedule of gains and losses from New York property

If the estate or trust had any gains or losses from the sale, exchange or involuntary conversion of New York property reported on federal Form 4797,

complete Schedule 8 in the same manner as federal Form 4797, but only with respect to gains and losses from New York property. If any transactions involve property (other than real property) of a business carried on both in and out of New York State, apply the business allocation percentage (line 46).

Compute the gains and losses from New York property to be included in Schedule 8 by applying the appropriate federal provisions for determining gains and losses reportable on federal Form 4797.

If the estate or trust had any gains or losses from involuntary conversion of New York property from casualty or theft, attach a copy of federal Form 4684 and a schedule showing the gain or loss from New York property.

If gain has been realized from the disposition of New York property under the provisions of federal Internal Revenue Code sections 1245, 1250, 1252, 1254 or 1255, use a copy of federal Form 4797, page 2, as a worksheet in determining the gain from New York property reportable in Schedule 8, Part I or Part II.

New York State Tax Rate Schedule

If taxable income is:

Over	but not over	Base tax is:
\$ 0	\$ 6,500	4.55% of taxable income.
6,500	9,500	\$ 296 plus 5.55% of amount over \$ 6,500
9,500	12,500	462 plus 6.55% " " " 9,500
12,500		659 plus 7.59375% " " " 12,500

New York City Tax Rate Schedule

If taxable income is:

Over	but not over	Enter on page 2 Worksheet A, line b of amount on line a
\$ 0	\$ 8,000	2.57%
8,000	8,400	\$ 206 plus 3.25% of amount over \$ 8,000
8,400	15,000	219 plus 3.83% " " " 8,400
15,000	25,000	472 plus 4.39% " " " 15,000
25,000	60,000	911 plus 4.40% " " " 25,000
60,000		2,451 plus 4.46% " " " 60,000

Worksheet C

Part-Year City of Yonkers Resident Income Tax Surcharge

	Full-year NYS resident	Part-year NYS resident
1 Total New York State tax (from Form IT-205, line 14)		
2 Base tax (amount from Form IT-205-A, line 11)		
3 New York State credits (from Form IT-205, line 10)		
4 Subtract line 3 from line 2 (if line 3 is larger than line 2, enter "0")		
5 Other New York State taxes (from Form IT-205, lines 12 and 13)		
6 Add lines 4 and 5		
7 Income percentage (from Worksheet B, line h, on page 2 of these instructions)	%	%
8 Net state tax — full-year state resident (multiply line 1 by line 7)		
9 Net state tax — part-year state resident (multiply line 6 by line 7)		
10 City of Yonkers resident tax rate	.15	
11 Part-year city of Yonkers resident income tax surcharge (multiply line 8 by line 10 and also enter this amount on Form IT-205, line 23; or multiply line 9 by line 10, and also enter this amount on Form IT-205, line 23)		