



# CT-43.1

New York State Department of Taxation and Finance

## Claim for Refund of Unused Special Additional Mortgage Recording Tax Credit

Tax Law — Article 9-A

1997 calendar yr. filers, check box   
Other filers enter tax period:

beginning	
ending	

Do not use this form if you file Form CT-43.

Name	Employer identification number	File number

Please read instructions.

This form must be attached to Form CT-3, Form CT-3-A, Form CT-3-S, or Form CT-3-S-A.

1 Unused special additional mortgage recording tax credit required to be carried forward (see instructions).....	1	
2 Special additional mortgage recording tax due and paid during the 1997 tax year .....	2	
3 Total unused special additional mortgage recording tax credit available (add lines 1 and 2) .....	3	
4 Special additional mortgage recording tax used this period (see worksheet on back) .....	4	•
5 Refundable portion of the special additional mortgage recording tax credit (see instructions).....	5	

If you have prepaid the minimum tax and MTA surcharge, if applicable, STOP here and enter the line 5 amount on Form CT-3, line 99; Form CT-3-A, line 100; Form CT-3-S, line 54, or Form CT-3-S-A, line 64.

6 Amount of unpaid tax (higher of tax on minimum taxable income base or fixed dollar minimum tax; see instructions) .....	6	
7 Amount of unpaid MTA surcharge.....	7	
8 Add lines 6 and 7 .....	8	
9 Balance of refundable special additional mortgage recording tax credit (see instructions) .....	9	•

### Instructions

#### General Information

For taxable years beginning on or after January 1, 1994, residential mortgage borrowers who borrow from an exempt organization and residential mortgage lenders taxable under Article 9-A, including S corporations, may request a refund of excess special additional mortgage recording tax credit on Form CT-43.1 instead of carrying it over to the following tax year. Taxpayers claiming a credit for special additional mortgage recording tax due and paid during tax years beginning on or after January 1, 1994, pursuant to section 253.1-a, on mortgages of real property that have been or will be principally improved by one or more structures containing a total of not more than six residential dwelling units, each with its own separate cooking facilities, may elect to treat any unused portion of the tax credit as an overpayment of tax to be refunded. This refund provision applies to Article 9-A taxpayers only. For additional information, see TSB-M-94(4)C.

**The special additional mortgage recording tax credit is not allowed for residential mortgages recorded on or after May 1, 1987, if the real property is located in Erie County or one of the counties within the Metropolitan Commuter Transportation District (Chapters 13 and 59 of the Laws of 1987).**

Interest will not be paid on this refund.

This claim is subject to audit before the refund can be issued. You will be asked to provide additional information to verify the amount of tax paid.

Do not file Form CT-43, *Claim for Special Additional Mortgage Recording Tax Credit*, if you are claiming a refund on Form CT-43.1.

#### Line Instructions

##### Reporting Period

If you are a calendar year filer, check the box in the upper right corner above.

If you are a fiscal year filer, complete the beginning and ending tax period boxes in the upper right corner above.

**Line 1** Enter the balance of the carryforward which is derived from any special additional mortgage recording tax due and paid during tax years beginning on or after January 1, 1990, and before January 1, 1994. This amount may not be refunded.

If you have a carryforward balance which is derived from a tax year other than indicated above, it may be refunded. Include such amount with your current year's credit on line 2 and attach a statement indicating the tax year and balance carried forward. You may not carry forward any credits derived from tax years beginning before January 1, 1986.

No carryforward is available to S corporations.

**Instructions** *(continued)*

**Line Instructions** *(continued)*

January 1, 1986, and before January 1, 1990, and on or after January 1, 1994. Therefore, enter on line 5 the smaller of the amount from line 2 or the amount arrived at by subtracting line 4 from line 3.

**Line 2** Enter the total amount of special additional mortgage recording taxes that were due and paid during the 1997 tax year.

**Line 4** Use the following worksheet to compute the amount of special additional mortgage recording tax credit used this period. The credit cannot reduce your franchise tax below the higher of the tax on minimum taxable income base or the fixed dollar minimum.

**Worksheet**

- a. Franchise tax from Form CT-3, line 78, Form CT-3-A, line 77, Form CT-3-S, line 28; or Form CT-3-S-A, line 43..... a. \_\_\_\_\_
- b. All other tax credits from Form CT-3, line 79 or Form CT-3-A, line 78..... b. \_\_\_\_\_
- c. Balance of tax *(subtract line b from line a)* .... c. \_\_\_\_\_
- d. Minimum tax *(see instructions for line 6)* ..... d. \_\_\_\_\_
- e. Amount of special additional mortgage recording tax used this period. Subtract line d from line c. Do not enter an amount larger than the line 3 amount on the front of this form. If your franchise tax on Form CT-3, line 78; Form CT-3-A, line 77; Form CT-3-S, line 28; or Form CT-3-S-A, line 43, is the minimum tax allowable, enter "0" on this line. Enter this amount on line 4 ..... e. \_\_\_\_\_

**Line 6** Enter the amount of your **unpaid** minimum franchise tax. For Form CT-3, the minimum franchise tax is the higher of the tax on the minimum taxable income base or the fixed dollar minimum. For Form CT-3-A, the minimum franchise tax is the higher of the tax on the combined minimum taxable income base or the fixed dollar minimum. For Form CT-3-S, the minimum franchise tax is the fixed dollar minimum shown on line 27 of Form CT-3-S. For Form CT-3-S-A, the minimum franchise tax is the fixed dollar minimum shown on line 42 of Form CT-3-S-A.

**Line 7** Enter the amount of your unpaid MTA surcharge from Form CT-3M/4M.

**Line 9** To avoid an unnecessary exchange of funds the refundable portion of the tax credit will be applied to any unpaid balance of the franchise tax and MTA surcharge, and the remaining balance will be refunded. Enter on line 9 the smaller of the amount from line 2 or the amount arrived at by subtracting line 8 from line 5. Enter the line 9 amount on Form CT-3, line 99; Form CT-3-A, line 100; Form CT-3-S, line 54; or Form CT-3-S-A, line 64.

**Line 5** The refundable special additional mortgage recording tax credit is only available for the special additional mortgage recording taxes due and paid during the tax years beginning on or after

**Need Help?**

**Telephone Assistance** is available from 8:30 a.m. to 4:25 p.m., Monday through Friday. **For business tax information and forms**, call the Business Tax Information Center at 1 800 972-1233. **For general information**, call toll free 1 800 225-5829. **To order forms and publications**, call toll free 1 800 462-8100. **From areas outside the U.S. and Canada**, call (518) 485-6800.

**Fax-on-Demand Forms Ordering System** - Most forms are available by fax 24 hours a day, 7 days a week. Call toll free from the U.S. and Canada 1 800 748-3676. You must use a Touch Tone phone to order by fax. A fax code is used to identify each form.

**Internet Access** - <http://www.tax.state.ny.us> Access our website for forms, publications, and information.

**Hotline for the Hearing and Speech Impaired** - If you have access to a telecommunications device for the deaf (TDD), you can get answers to your New York State tax questions by calling toll free from the U.S. and Canada 1 800 634-2110. Assistance is available from 8:30 a.m. to 4:15 p.m., Monday through Friday. If you do not own a TDD, check with independent living centers or community action programs to find out where machines are available for public use.

**Persons with Disabilities** - In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call the information numbers listed above.

**Mailing Address** - If you need to write, address your letter to: NYS Tax Department, Taxpayer Assistance Bureau, W A Harriman Campus, Albany NY 12227.