



Yonkers Nonresident Fiduciary Earnings Tax Return

For the full year January 1, 2010, through December 31, 2010, or fiscal year beginning 1 0 and ending

Attach this return to the back of Form IT-205.

Name of estate or trust (as shown on federal Form SS-4)
Name and title of fiduciary
Employer identification number

A. Mark an X in this box if the income reported on this return represents an allocated portion of income from services performed, or from sources, in and out of Yonkers.

Calculation of earnings tax

Table with 9 rows for calculation of earnings tax and a final row for total nonresident earnings tax (line 10).

Instructions

General information

Refer to the instructions for New York State Form IT-205, Fiduciary Income Tax Return, before completing this return.

Claim of right credit - Form IT-257

If the estate or trust was eligible for a claim of right credit on its federal return, the estate or trust may also be eligible for a refundable credit against its Yonkers nonresident earnings tax on its New York State return.

Who must file

The fiduciary of a nonresident estate or trust must file this return if the estate or trust has income from wages or net earnings from self-employment in Yonkers.

Specific instructions

See the instructions for your tax return for the Privacy notification or if you need help contacting the Tax Department.

Print or type the name of the estate or trust as shown on federal Form SS-4 and the name and title of the fiduciary in the spaces provided.

Item A

If wages or net earnings from self-employment were earned partially in Yonkers, you must determine the amounts to be allocated to Yonkers as follows:

Allocation of wages - If wage or salary income does not depend directly on the volume of business transacted, divide the number of days worked in Yonkers by the total number of days (excluding nonwork days, such as Saturdays, Sundays, holidays, sick leave, vacation, etc.) worked both in and out of Yonkers during the year.

If the income subject to the allocation depends entirely on the volume of business transacted, as in the case of a salesperson working on commission, do not allocate the wages based on the number of days worked in Yonkers.

If the income earned from personal services was allocated differently from that covered in the preceding paragraphs, attach a schedule showing complete details.



**Allocation of net earnings from self-employment** — If the business that produces the earnings has no regular place of business out of Yonkers, allocate all net earnings from self-employment to Yonkers.

If the books and records fairly and equitably show net earnings from self-employment in Yonkers, figure the part to be allocated to Yonkers from these books and records.

If the Yonkers net earnings cannot be determined from the books and records, make the allocation by multiplying total net earnings from self-employment by the average of the following three percentages:

**1. The property percentage** is computed by dividing (a) the average value of real and tangible personal property connected with net earnings from self-employment and located in Yonkers by (b) the average value of all real and tangible personal property connected with the net earnings from self-employment and located both in and out of Yonkers. Include both owned and rented real property.

The average value of property is determined by (1) adding its adjusted basis at the beginning of the tax year to its adjusted basis at the end of the tax year and (2) dividing by two.

**2. The payroll percentage** is computed by dividing (a) the total wages, salaries, and other personal service compensation paid or incurred during the tax year to employees in connection with the net earnings from self-employment derived from a trade or business carried on in Yonkers by (b) the total of all wages, and compensation paid or incurred during the tax year to employees in connection with the net earnings from self-employment derived from a trade or business carried on both in and out of Yonkers.

**3. The gross income percentage** is computed by dividing (a) the gross sales or charges for services performed by or through an agency located in Yonkers by (b) the total of all gross sales or charges for services performed in and out of Yonkers. Allocate to Yonkers all sales negotiated or consummated, and charges for services performed by an employee, agent, agency, or independent contractor chiefly situated at, connected by contract or otherwise with, or sent out from, offices or other agencies of the trade or business situated in Yonkers and from which the estate or trust is deriving net earnings from self-employment.

**Special rule for real estate** — Income and deductions from the rental of real property and gain and loss from the sale, exchange, or other disposition of real property are not subject to allocation but are considered entirely derived from or connected with the place where the property is located.

### Calculation of earnings tax

The estate or trust is not liable for Yonkers earnings tax on nonresidents in an amount greater than it would be required to pay if it were a Yonkers resident estate or trust subject to the Yonkers income tax surcharge on resident estates or trusts. Use Form IT-205 and instructions to determine the tax liability as if a resident estate or trust.

**Example:** *If the estate or trust had losses that entered into the computation of its taxable income computed as if a resident, or if it would qualify to claim the Yonkers claim of right tax credit when computing its tax as if a resident, then the Yonkers income tax surcharge computed as a resident may be lower than the actual Yonkers nonresident earnings tax computed. The fiduciary would therefore be allowed to pay the amount of tax computed as a Yonkers resident. If the amount of income tax surcharge computed as a Yonkers resident is less than the Yonkers nonresident earnings tax, attach a separate schedule to Form Y-206 showing the computation, and enter the computed Yonkers resident income tax surcharge on line 10 of Form Y-206.*

**Line 1 Net earnings from self-employment** — Net earnings from self-employment is defined in the fiduciary income tax return instructions, Form IT-205-I, under *Yonkers nonresident fiduciary earnings tax*. Enter the net earnings for the tax year. This is the amount reported on federal Form 1040, Schedule SE, *Self-Employment Tax*, Section A, line 4, or Section B, line 4c, minus the deduction for wages or salaries paid or incurred for the tax year that was disallowed according to Internal Revenue Code (IRC) section 280C. See the preceding instructions if allocation is required. Attach a detailed statement showing the computation of the net earnings, including the gross income from the underlying trade or business and the deductions prescribed in IRC section 1402(a).

**Line 2** — Enter any amount included on line 1 that was paid or permanently set aside for charitable purposes in accordance with IRC section 642(c).

**Line 4** — Enter any amount included on line 1 that was distributed or distributable to Yonkers residents in accordance with IRC section 651 or 661.

**Line 6 Gross wages and other employee compensation** — The definitions of wages and other employee compensation are in the fiduciary income tax return instructions, Form IT-205-I, under *Yonkers nonresident fiduciary earnings tax*. Enter on line 6 the wages and other employee compensation earned during the tax year. See the preceding instructions if allocation is required.

**Line 8 Allowable exclusion** — The estate or trust is allowed an exclusion against the total wages and net earnings from self-employment received during the tax year.

If a trust changed its residence to or from Yonkers during its tax year or if an estate or trust had a tax period of less than one year, then that estate or trust has to prorate its allowable exclusion. To do this, count any period of more than one-half month as a full month; do not count any period of one-half month or less. Then use the *Exclusion table* below to find the amount of the estate's or trust's allowable exclusion.

**Exclusion table**

Number of months**	Total of wages and net earnings* (sum of lines 1 and 6)					
	over \$ 0	but not over \$10,000	over \$10,000	but not over \$20,000	over \$20,000	but not over \$30,000
12		\$3,000		\$2,000		\$1,000
11		2,750		1,833		917
10		2,500		1,667		833
9		2,250		1,500		750
8		2,000		1,333		667
7		1,750		1,167		583
6		1,500		1,000		500
5		1,250		833		417
4		1,000		667		333
3		750		500		250
2		500		333		167
1		250		167		83

\* If the total of wages and net earnings exceeds \$30,000 for the year, there is no exclusion amount.

\*\* Number of months of Yonkers nonresidence or of short tax year

**Line 10 Total nonresident earnings tax** — Enter the tax on line 10 and on Form IT-205, line 27. Attach Form Y-206 to the back of Form IT-205.

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