

Form North Dakota Office of State Tax Commissioner
38 Fiduciary income tax return



2012

A This return is **Calendar year 2012** (Jan. 1 - Dec. 31, 2012) filed for:
 Fiscal year: Beginning _____, 2012, and ending _____, 20_____

B Name of estate or trust			C Federal EIN *	
Name and title of fiduciary			D Date created:	
Mailing address		Apt. or suite		
City	State	Zip Code		
F Residency status: <input type="radio"/> Resident <input type="radio"/> Nonresident			E TOTAL no. of beneficiaries --- ▶ _____ Enter number of — Resident individual beneficiaries ▶ _____ Nonresident individual beneficiaries ▶ _____ Other types of beneficiaries ▶ _____	

G **Entity type:**
 1 Decedent's estate **4** Qualified disability trust **7** Bankruptcy estate (Ch. 7) **10** Other (*Identify below*):
 2 Simple trust **5** ESBT (S portion only) **8** Bankruptcy estate (Ch. 11)
 3 Complex trust **6** Grantor type trust **9** Pooled income fund

H **Fill in all that apply:** Initial return Final return Composite return Amended return Extension

• **Before completing lines 1 through 17 on this page, complete the Tax Computation Schedule (on page 2).**

1 Tax on fiduciary's North Dakota taxable income (<i>page 2, Tax Computation Schedule, line 8</i>) ----- ▶	1 _____
2 Credit for income tax paid to another state (<i>page 3, Schedule CR, line 7</i>) ----- ▶	2 _____
3 Other credits (Attach supporting schedule) ----- ▶	3 _____
4 Net income tax liability on fiduciary's taxable income. Line 1 less lines 2 and 3 ----- ▶	4 _____
5 Income tax withheld from nonresident individual beneficiaries (<i>page 3, Schedule BI, line 3</i>) ----- ▶	5 _____
6 Composite income tax for electing nonresident individual beneficiaries (<i>page 3, Schedule BI, line 4</i>) ----- ▶	6 _____
7 Total taxes due. Add lines 4, 5, and 6 ----- ▶	7 _____
8 North Dakota income tax withholding (Attach supporting W-2s, W-2Gs, and 1099s) ----- ▶	8 _____
9 Estimated tax paid on 2012 Forms 38-ES and 38-EXT ----- ▶	9 _____
10 Total payments. Add lines 8 and 9 ----- ▶	10 _____
11 Overpayment. If line 10 is MORE than line 7, subtract line 7 from line 10 and enter result; otherwise, go to line 14. If result is less than \$5.00, enter 0 ----- ▶	11 _____
12 Amount of line 11 to be applied to 2013 estimated tax ----- ▶	12 _____
13 Refund. Subtract line 12 from line 11. If result is less than \$5.00, enter -0- ----- REFUND ▶	13 _____
14 Tax due. If line 10 is LESS than line 7, subtract line 10 from line 7. If result is less than \$5.00, enter 0 ----- ▶	14 _____
15 Penalty ▶ _____ Interest ▶ _____ Enter total penalty and interest	15 _____
16 Balance due. Add lines 14, 15, and, if applicable, line 17 ----- BALANCE DUE	16 _____
17 Interest on underpaid estimated tax (<i>from 2012 Schedule 38-UT</i>) ----- ▶	17 _____

- **Attach a complete copy of the 2012 Form 1041 (including Federal Schedule K-1s)**
- **Attach a copy of all North Dakota Schedule K-1s (Form 38)**

<i>I declare that this return is correct and complete to the best of my knowledge and belief.</i>			* Privacy Act - See inside front cover of booklet		
Signature of fiduciary		Date	<input type="radio"/> I authorize the ND Office of State Tax Commissioner to discuss this return with the paid preparer. For Tax Department Use Only <div style="font-size: 2em; font-weight: bold; text-align: center;">FID</div>		
Print name of fiduciary		Phone			
Paid preparer signature		Date			
Print name of paid preparer	PTIN	Phone			

Mail to: Office of State Tax Commissioner, 600 E. Blvd. Ave., Dept. 127, Bismarck, ND 58505-0599



Enter name of estate or trust

FEIN

Tax Computation Schedule: Tax on fiduciary's taxable income

Part 1 - Calculation of tax

- 1 **Federal taxable income** from Form 1041, page 1, line 22, or Form 1041-QFT, line 12 ----- ▶ **1** _____
- 2 **Additions** (See instructions) (**Attach supporting statement**) ----- ▶ **2** _____
- 3 **Add lines 1 and 2** ----- ▶ **3** _____
- 4 **a** Interest from U.S. obligations ----- ▶ **4a** _____
- b** Net long-term capital gain exclusion (from worksheet in instructions) ----- ▶ **4b** _____
- c** Qualified dividend exclusion ----- ▶ **4c** _____
- d** Other subtractions (See instructions) (**Attach supporting statement**) ----- ▶ **4d** _____
- e** Total subtractions. Add lines 4a through 4d ----- ▶ **4e** _____
- 5 **North Dakota taxable income of fiduciary.** Subtract line 4e from line 3 ----- ▶ **5** _____
- 6 **Tax on amount on line 5 using the 2012 Tax Rate Schedule** below ----- ▶ **6** _____
 - If **resident** estate or trust, enter amount from line 6 on line 8. Do not complete lines 7a, 7b, and 7c.
 - If **nonresident** estate or trust, complete lines 7a, 7b, and 7c.
- 7 **a** Fiduciary's share of total income from Part 2, line 11, Column A, less the amount from Part 1, line 4a ----- ▶ **7a** _____
- b** Income (loss) reportable to North Dakota from Part 2, line 11, Column B ----- ▶ **7b** _____
- c** Divide line 7b by line 7a. Round to the nearest four decimal places ----- ▶ **7c** _____
- 8 **Tax on fiduciary's North Dakota taxable income:** If **resident** estate or trust, enter amount from line 6. If **nonresident** estate or trust, multiply line 6 by line 7c. Enter this amount on page 1, line 1 ----- ▶ **8** _____

**2012
Tax Rate
Schedule**

If the amount on line 5 is:		
Over	But not over	The tax is:
\$ 0	\$ 2,400	1.51% of amount on line 5
2,400	5,600	plus 2.82% of the amount over \$ 2,400
5,600	8,500	plus 3.13% of the amount over 5,600
8,500	11,650	plus 3.63% of the amount over 8,500
11,650		plus 3.99% of the amount over 11,650

Part 2 - Calculation of fiduciary's income

This part must be completed by all estates and trusts

- **Resident estate or trust:** Complete Column A only.
- **Nonresident estate or trust:** Complete Columns A, B, and C. See instructions for how to complete Columns B and C.

	Column A Federal return	Nonresident estates or trusts only	
		Column B North Dakota	Column C Other States
1 Interest income -----	1 _____	_____	_____
2 Ordinary dividends -----	2 _____	_____	_____
3 Business income or (loss) -----	3 _____	_____	_____
4 Capital gain or (loss) -----	4 _____	_____	_____
5 Rents, royalties, partnerships, other estates and trusts, etc. -----	5 _____	_____	_____
6 Farm income or (loss) -----	6 _____	_____	_____
7 Ordinary gain or (loss) -----	7 _____	_____	_____
8 Other income -----	8 _____	_____	_____
9 Total income. Add lines 1 through 8 -----	9 _____	_____	_____
10 Portion of amount on line 9 distributed to beneficiaries -----	10 _____	_____	_____
11 Fiduciary's share of total income. Subtract line 10 from line 9 -----	11 _____	_____	_____



Enter name of estate or trust	FEIN
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Schedule BI Beneficiary information

- All estates and trusts must complete this schedule**
- Complete Columns 1 through 4 for EVERY beneficiary
 - Complete Column 5 only if beneficiary is a nonresident individual
 - If applicable, complete Column 6 or Column 7 for nonresident individual beneficiary only

All Beneficiaries					
Beneficiary	Column 1			Column 2	Column 3
	Name and address of beneficiary <i>If additional lines are needed, attach additional pages</i>			Social Security Number/FEIN	Type of entity <i>(See instructions)</i>
A	Name _____ Address _____ State _____ Zip Code _____				
B	Name _____ Address _____ State _____ Zip Code _____				
C	Name _____ Address _____ State _____ Zip Code _____				
D	Name _____ Address _____ State _____ Zip Code _____				

Beneficiary	All Beneficiaries <i>Complete this column for ALL beneficiaries</i>	Nonresident Individual Beneficiaries Only <i>Important: Columns 5 through 7 are for nonresident individual beneficiaries only.</i>			
	Column 4	Column 5	Column 6		Column 7
	Federal distributive share of income (loss)	North Dakota distributive share of income (loss)	North Dakota income tax withheld (3.99%)	Form PWA	North Dakota composite income tax (3.99%)
A				<input type="radio"/>	
B				<input type="radio"/>	
C				<input type="radio"/>	
D				<input type="radio"/>	
1 Total for Column 4 1					
2 Total for Column 5 2					
3 Total for Column 6 . Enter this amount on Form 38, page 1, line 5 3					
4 Total for Column 7 . Enter this amount on Form 38, page 1, line 6 4					

Schedule CR Credit for income tax paid to another state (resident estate or trust only)

- 1** Fiduciary's share of total income from page 2, Tax Computation Schedule, Part 2, line 11, Column A ---- ► **1** _____
- 2** Portion of amount on line 1 that has its source in the other state *(See instructions)* ----- ► **2** _____
- 3** Credit ratio. Divide line 2 by line 1 and round to the nearest four decimal places ----- **3** _____
- 4** Tax on fiduciary's North Dakota taxable income from page 1, line 1 ----- **4** _____
- 5** Multiply line 3 by line 4 ----- ► **5** _____
- 6** Amount of income tax paid to the other state *(See instructions)* ----- ► **6** _____
- 7** Credit for income tax paid to another state. Enter lesser of line 5 or line 6. Enter this amount on page 1, line 2 ----- **7** _____

Important: Attach a copy of the income tax return filed with the other state