



OHIO ESTATE TAX RETURN AND INSTRUCTIONS

For estates with dates of death
Jan. 1, 2002 – Dec. 31, 2012 with a
gross value of more than \$338,333.



Department of
Taxation

**For completing the Ohio Estate Tax Return for estates with dates
of death Jan. 1, 2002 – Dec. 31, 2012,
please review the following:**

- Read the General Information Section located on pages 6 and 7 for instructions.
- Complete only the applicable schedules of the return, which are available through our Web site (tax.ohio.gov) or by contacting the Ohio Department of Taxation. See pages 4 and 5 for listing of schedules.
- Check your computation.
- Follow the instructions in the General Information Section, page 6, for where to file and pay.

Note: Estates with dates of death **Jan. 1, 2001 – Dec. 31, 2001** are required to file an **Ohio Estate Tax Form 2, Revised 1/2001**.

Estates with dates of death **prior to Jan. 1, 2001** are required to file an **Ohio Estate Tax Form 2, Revised 3/00**.

**For further information, please contact the Estate Tax Unit's
toll-free information and assistance line**

at

1 (800) 977-7711
(Ohio Relay Service)
1 (800) 750-0750

**Ohio Estate Tax Return for all Resident Filings
for Dates of Death Jan. 1, 2002 – Dec. 31, 2012**

*Estate Tax Form 2
Rev. 4/12*

File in Duplicate with the Probate Court
Check one: Taxable Nontaxable

Estate of: Decedent's last name	Decedent's first name and initial	Date of death
Date of birth	Cause of death	Occupation Decedent retired Yes <input type="checkbox"/> No <input type="checkbox"/>
Address of decedent at time of death (number and street, city, state and ZIP code)		Decedent's social security number
County in Ohio in which probate court located, where will probated or estate administered		Case number

Tax Computation

1. Total gross estate (if less than \$338,333, return is not required) (from page 2)		
2. Total deductions (from page 2)	\$ ()	
3. Net taxable estate (line 1 minus line 2)		
4. Tentative tax based on line 3 (use table on page 2)		
5. Less: Estate tax credit	\$ (13,900)	
6. Tax (subtract line 5 from line 4; if line 5 is more than line 4, enter - 0 -)		
7. Less: Previous payments (exclude any interest or penalty paid)	\$ ()	
8. Balance due (if amount on line 7 is less than tax amount on line 6, enter difference as balance due)		
9. Overpayment (if amount on line 7 is greater than tax amount on line 6, enter difference as a refund)	\$ ()	

Executor/Administrator Waiver to Receive Correspondence

I/we do not wish to receive further correspondence from the Ohio Department of Taxation regarding this estate, and hereby authorize all such communication to be directed only to the estate's legal representative named below.

Signature of executor/administrator

Declaration

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct and complete. Declaration of preparer other than the deceased's personal representative or person in possession of property is based on all information of which preparer has any knowledge.

Name of attorney representing the estate	Address (number and street, city, state and ZIP code)	Telephone number
Name of executor/administrator(s)	Address (number and street, city, state and ZIP code)	Telephone number
Signature of executor/administrator(s)	Date	Signature of preparer Date

Date Filed with Probate Court	Distribution of Subdivision's Share of Tax (Section 5731.48 and 5731.50 O.R.C.)		Date Received by Ohio Department of Taxation
	Percentage	City, Village or Township	

Recapitulation of Assets

Schedule	Alternate Value	Value at Date of Death
A. Real property	\$ _____	\$ _____
B. Stocks and bonds	_____	_____
C. Mortgages, notes and cash	_____	_____
D. Insurance	_____	_____
E. See Schedule E, Part I	_____	_____
Joint and Survivorship Property, Part II	_____	_____
F. Other miscellaneous property	_____	_____
G. Transfers during lifetime	_____	_____
H. Powers of appointment	_____	_____
I. Annuities, pensions, retirement plans	_____	_____
Total gross estate (enter on line 1, page 1)	\$ _____	\$ _____

Recapitulation of Deductions

Schedule	Amount
J. Debts and administration expenses	\$ _____
K. Charitable bequests	_____
L. Marital deduction	_____
T. Qualified family-owned business interest deduction – REPEALED*	_____
Total deductions (enter on line 2, page 1)	\$ _____

Elections by the Executor

<i>Please check the "yes" or "no" box for each question. (See explanation of elections on pages 8 and 9.)</i>	Yes	No
1. Do you elect alternate valuation? O.R.C. Section 5731.01(A) and (D)	<input type="checkbox"/>	<input type="checkbox"/>
2. Do you elect qualified farm property valuation? O.R.C. Section 5731.011	<input type="checkbox"/>	<input type="checkbox"/>
3. Do you elect to claim a marital deduction for qualified terminable interest property (QTIP)? O.R.C. Section 5731.15(B)(2)	<input type="checkbox"/>	<input type="checkbox"/>
4. Do you elect to claim a deduction for a qualified family-owned business interest? O.R.C. Section 5731.20 – REPEALED*	<input type="checkbox"/>	<input type="checkbox"/>

Tax Table

Net Taxable Estate (from line 3, page 1)	Tax Rate
More than \$338,333, but not more than \$500,000	\$13,900 + 6% of excess more than \$338,333
More than \$500,000	\$23,600 + 7% of excess more than \$500,000

***Not available for estates with a date of death on or after July 1, 2005. See page 9 for a detailed explanation.**

Information

	Yes	No
1. Did the decedent die testate? If yes, please attach a copy of the will.		
2. During the decedent's lifetime, were there any trusts created (by the decedent or others for the decedent)? If yes, please attach a copy of the trust.		
3. Were any disclaimers filed or elections to take against the will made? If yes, please attach copies of the disclaimer or election.		
4. Have federal gift tax returns ever been filed? If yes, please attach copies of the returns.		
5. Was a federal estate tax return required? If yes, please attach pages 1, 2 and 3 of Federal Form 706.		
6. Did the decedent own any real property? If yes, please attach copies of any appraisals.		

7. Marital status of the decedent at time of death:

Married

Name of surviving spouse (if applicable) _____

Social security number of surviving spouse _____

Single

Legally separated

Divorced

Widowed

Name of deceased spouse _____

Social Security number of deceased spouse _____

Date of death of deceased spouse _____

Case number of deceased spouse's estate _____

County of deceased spouse's estate _____

8. If widow or widower, was a qualified terminable interest property (QTIP) deduction elected in the predeceased spouse's estate?

Yes	No

If yes, please read information below and complete Schedule F.

O.R.C. Section 5731.131 requires the estate to include property in which the decedent had an income interest for life for which a marital deduction was allowed with respect to the transfer of that property under any of the following:

- a. O.R.C. Section 5731.15(A)(1) (for dates of death on or before June 30, 1993)
- b. O.R.C. Section 5731.15(B) (for dates of death on or after July 1, 1993)
- c. I.R.C. Section 2523(f) (lifetime QTIP gift tax election)
- d. Where the decedent's predeceased spouse was not a resident of the state of Ohio but was permitted a marital deduction under I.R.C. Section 2056(b)(7).

Schedules of Assets

Jointly owned property must be listed on Schedule E.

Schedule A – Real Estate

Schedule B – Stocks and Bonds

Schedule C – Mortgages, Notes and Cash

Schedule D – Insurance

Schedule E – Joint and Survivorship Assets (O.R.C. Section 5731.10)

Part I – Interest held by the Decedent and Spouse as the Only Joint Tenants

Schedule E – Joint and Survivorship Assets (O.R.C. Section 5731.10)

Part II – All Other Joint Interests

Schedule F – Miscellaneous Property

Schedule G – Transfers During Decedent's Life

Schedule H – Powers of Appointment

Schedule I – Annuities, Pensions, Retirement and Other Employer Death Benefit Plans

Schedules of Deductions

Schedule J – Debts and Administration Expenses

Schedule K – Charitable Deduction

Schedule L – Marital Deduction Reconciliation

Schedule M – Bequests to Surviving Spouse

Part I – Property Interests which are **not** subject to a QTIP Election

Schedule M – Bequests to Surviving Spouse

Part II – Property Interests which are subject to a QTIP Election

Please visit our Web site at

tax.ohio.gov

to download these schedules.

General Information

When an estate tax return is required (Section 5731.21)

Estates with a gross value of more than \$338,333 are required to file an ET Form 2 and ET Form 22. Executors and administrators are responsible for filing the estate tax return.

Returns are not required to be filed for gross estates with a value of \$338,333 or less. **However, if the estate consists of real estate and has a value of \$338,333 or less, an ET Form 22 should be filed with probate court to expedite the release of the real estate lien.**

Note: For dates of death after Dec. 31, 2012

ET Form 22 will become obsolete for dates of death after Dec. 31, 2012.

What estate tax form is required to be completed (Section 5731.21)

If the date of death is **between Jan. 1, 2002 – Dec. 31, 2012**, Ohio Estate Tax Form 2, revised 4/2012, is required to be filed.

If the date of death was **between Jan. 1, 2001 – Dec. 31, 2001**, Ohio Estate Tax Form 2, revised 1/2001, is required to be filed.

If the date of death was **prior to Jan. 1, 2001**, Ohio Estate Tax Form 2, revised 3/2000, is required to be filed.

When and where to file (Section 5731.21)

Returns are required to be filed within nine months from decedent's date of death (see **Extension of Time to File**, below). All filings must be made in duplicate with the probate court where will is probated or estate is administered.

When and where to pay (tax and interest) (Section 5731.23)

Tax and interest are paid at the county auditor's office, with the check drawn to the order of the county treasurer. Interest begins to accrue at variable rates nine months from decedent's date of death. The county auditor will calculate any interest owing.

Extension of time to file (Section 5731.21)

Estates of decedents with a date of death on or after Jan. 1, 2000 are granted an automatic six-month extension, allowing them a total of 15 months to file the estate tax return. Any additional six-month extensions must be requested in writing directly to the Estate Tax Unit on ET Form 24 before the due date of the return.

Interest on any estate tax due will be calculated from nine months from date of death regardless if the estate uses the automatic or additional extensions. To stop the accrual of interest, an estimated payment of tax may be made. (See *Estimated Payments on page 7.*)

Extension of time to pay (Section 5731.25)

Estates of decedents with a date of death on or after July 24, 1986 may request to extend the time for payment of tax for undue hardship. Specific examples of undue hardship are listed in the Ohio Revised Code and include, but are not limited to, the following: (1) insufficient liquid funds despite efforts to convert assets to cash; (2) a substantial portion of the assets of the gross estate consisting of rights to receive payments in the future; and (3) the inability to accurately determine the size of the gross estate because a substantial portion of the decedent's assets is subject to litigation.

The estate must request this extension on ET Form 41, no later than forty-five (45) days prior to the due date of the estate tax return. This form must be filed directly with the Estate Tax Unit. Additional extensions must be filed not less than thirty (30) days before the expiration of the previous extension. Each extension is granted for no more than one year per request. Additional extensions may be granted annually up to a maximum of 14 years. For further information, please refer to ET Bulletin 3A.

**Estimated payments
(Section 5731.23)**

An estimated payment can be made prior to the filing of the estate tax return, by using an ET Form 17. This payment will stop the accrual of interest on the amount of tax paid.

Estimated payments are collected in the same manner as stated on page 6 in *When and Where to Pay*. If the tax ultimately assessed is more than the estimated payment, interest on the excess will accrue nine months from decedent's date of death. If the tax ultimately assessed is less than the estimated payment, the estate may be eligible for a refund.

**Penalties
(Section 5731.22)**

Failure to timely file the estate tax return (determined with regard to any approved extension) results in a penalty assessment.

The penalty is five (5) percent per month or any fraction of a month, not to exceed twenty-five (25) percent of the tax as finally determined. Interest does not accrue on penalty assessments.

**Nonresident estates
(Section 5731.19)**

The estate of a nonresident decedent must file ET Forms 2 and 4 if the decedent owned the following types of property: real property situated in Ohio; tangible personal property having an actual situs in Ohio; and intangible personal property employed in carrying on a business within Ohio (unless exempted under Section 5731.34). The filing requirements are the same as for a resident decedent, except the return may be filed directly with the county probate court where the Ohio property is located.

**Distribution of tax
(Sections 5731.48 and
5731.50)**

For dates of death Jan. 1, 2002–Dec. 31, 2012, eighty (80) percent of the tax is distributed to the municipal corporation, village or township in which the tax originates and twenty (20) percent to the state of Ohio.

**Marital deduction
(Section 5731.15)**

A marital deduction may be taken for certain property interests that pass from the decedent to the surviving spouse. Property interests that should be listed include the following: (1) survivor of tenancy by the entirety or joint tenancy; (2) appointee under decedent's exercise of a power; (3) statutory interests passing to a spouse as a result of a right of election to take against the will; and (4) bequests from decedent pursuant to will.

Property interests that should not be listed include: (1) property that does not pass from decedent to surviving spouse; (2) qualified terminable interests for which QTIP election is not made; and (3) property that has been disclaimed by a surviving spouse under O.R.C. Section 1339.68.

**Additional tax
(Sections 5731.18,
5731.19 and 5731.24) –
Repealed***

An additional tax is due when the federal state death tax credit exceeds the Ohio tax paid. If an estate (resident or nonresident) falls into the federal estate tax category, ET Forms 3 or 3N (Additional Tax Returns) may be required to be filed. The return and payment are due sixty (60) days after the date of the final determination of the federal estate tax liability (closing letter or equivalent as issued by the IRS). The additional tax shall be paid, without notice or demand by the tax commissioner, with the return, and shall be filed and paid in the same manner as the estate tax, except that interest begins to accrue sixty (60) days after the date of the final determination of the federal estate tax liability.

***Repealed for all estates with a date of death on or after July 1, 2005. See page 9 for a detailed explanation.**

Explanation of Elections

Alternate Valuation Date (Section 5731.01(A) and (D) O.R.C.)

The gross estate may be valued on the decedent's date of death or on an alternate valuation date. The alternate valuation date is six months from date of death unless the property item is sold, disposed of or distributed within that six months.

The executor must make an election by checking "yes" in the Elections Section of the return. This election is mutually exclusive of the federal election. However, it must be elected

within one year and nine months from the date of decedent's death or within one year from any extensions granted by the tax commissioner. Once made, this election is irrevocable.

If alternate valuation is elected, please list both date of death values and alternate values, and the alternate valuation date on the applicable schedules.

Qualified Farm Property Valuation (O.R.C. Section 5731.011)

The estate may elect Qualified Farm Property Valuation for determining the value of farm property as an alternative to its fair market value. To have qualified farm property valued at this special valuation, certain conditions must be met.* **This election must be made on a timely filed return determined with regard to any approved extensions of time to file.**

To help expedite the audit, please attach the following:

1. A complete ET Form 34;
2. Most recent county auditor real estate property record;

3. Current Agricultural Use Valuation (CAUV) cards (from county auditor);

4. Fair market value appraisal (broken down into one acre homesite, improvements and bare land only).

If the qualified farm property valuation is elected, use the qualified farm property value column in Schedule A or identify the qualified property under Schedule E or G.

*Please refer to Estate Tax Bulletin 5.

Qualified Terminable Interest Property (QTIP) (O.R.C. Section 5731.15)

The Qualified Terminable Interest Property (QTIP) election allows certain life estates held for the surviving spouse to qualify for the marital deduction.

The requirements for QTIP are the following:

1. Surviving spouse must receive all the income for life payable annually or at more frequent intervals; and
2. No one can have a power to appoint the property to any person other than the surviving spouse during surviving spouse's life; and
3. The executor must make an election by checking "yes" in

the Elections Section of the return. Once the election is made, it is irrevocable. This election must be made on a timely filed return determined with regard to any approved extensions of time to file.

The executor may make a partial QTIP election only if it is in the form of a fraction or percentage of available QTIP property. The specific interest should be clearly identified as QTIP.

The surviving spouse's estate must include all QTIP property claimed in the first spouse's estate, to the extent not consumed or given away, at the value on the date of death of the surviving spouse.

Explanation of Elections

Qualified Family-Owned Business Interest Deduction (O.R.C. Section 5731.20) – REPEALED*

Effective for estates of decedents dying on or after Jan. 1, 2001, O.R.C. Section 5731.20 allows a deduction for qualified family-owned business interests. For a qualifying estate, the maximum deduction allowed cannot exceed \$675,000. To claim the deduction, the executor must make a Section 5731.20 election (see page 2, Elections by the Executor, item 4) and attach completed IRS form 706, Schedule T (Qualified Family-Owned Business Interest Deduction) and federally requested statements to the Ohio estate tax return. In addition, each person having an interest in the property must sign a written agreement consenting to the application of the 10-year additional (recapture) tax. The deduction for the value of the qualifying business interest is claimed under Recapitulation of Deductions, page 2, of the Ohio return.

Section 5731.20 incorporates by way of statutory referencing all dispositive language contained in Section 2057 of the Internal Revenue Code. Every definition and term used in Section 2057 such as “adjusted value of the qualified family-owned

business interest,” “qualified heir,” “member of the family,” “material participation,” “applicable percentage” and “adjusted tax difference” will have the same meaning and effect for purposes of Section 5731.20, unless otherwise provided.

For Ohio, if an estate qualifies, the election to claim the deduction can be made even if no federal return is required to be filed. Where a federal return is required to be filed, the election can be made for Ohio, even if not made federally. All qualified heirs shall be deemed to have met the Ohio requirement of consenting to the additional (recapture) tax by signing the agreement contained in Federal Form 706, Schedule T. When applicable, the tax plus statutory interest will be due no later than the first day of the seventh month following the event causing the imposition of the additional (recapture) tax.

***Repealed for all estates with a date of death on or after July 1, 2005. See below for a detailed explanation.**

ET 2006-01 – Estate Tax Unit Information Release – Estate Tax Updates As A Result Of Amended Substitute House Bill 66 (HB 66) – January 2006

The purpose of this information release (http://tax.ohio.gov/divisions/communications/information_releases/estate/ET200601.stm) is to provide a brief summary of significant estate tax changes resulting from the recent passage of HB 66.

Updated References to the Internal Revenue Code

The estate tax, chapter 5731. of the Ohio Revised Code (R.C.), has been amended to provide a general definition of the Internal Revenue Code (IRC) for purposes of Ohio’s estate tax law (R.C. 5731.01(F)). This is similar to how the IRC is referenced for both Ohio’s personal income tax (R.C. 5747.01), and corporation franchise tax (R.C. 5733.04).

As a result of the amendment to R.C. 5731.18, the Ohio additional tax statute references a more current version of the IRC. Because The Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) totally repealed the federal credit allowed for state death taxes (IRC 2011) for dates of death occurring on or after Jan. 1, 2005, the Ohio Additional Tax is constructively repealed. This change is

prospective and applies to decedents dates of death occurring on or after July 1, 2005.

In addition to the preceding, uncodified section 557.03 of HB 66 grants a temporary credit to those estates impacted by the EGTRRA legislation. The amount of additional estate tax that is due after application of the section 557.03 credit is the same amount that would be due had the amendments to IRC 2011 been incorporated in 2002. This has the effect of mitigating the excess additional estate tax claim for the difference between any pre-EGTRRA and post-EGTRRA additional tax assessments.

Repeal of Estate Tax Deduction for Qualified Family-Owned Business Interests

R.C. 5731.20 previously provided for a maximum deduction not to exceed \$675,000 for qualifying family-owned business interests. Uncodified section 612.24 of HB 66 repeals outright the estate tax deduction for qualified family-owned business interests. The repeal is effective for decedents dates of death occurring on or after July 1, 2005.

For further information, please contact the
Estate Tax Unit's

Toll-free information and assistance line at

1 (800) 977-7711

or

Visit our Web site at

tax.ohio.gov