

1995

# Underpayment of Estimated Tax by Farmers and Fishermen

5805F

Attach this form to the front of your Form 540 or Form 540NR, even if you do not owe a penalty.

Name(s) as shown on return	Your social security number			
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; height: 20px;"></td> <td style="width:33%; height: 20px;"></td> <td style="width:33%; height: 20px;"></td> </tr> </table>			

**Part I Figure Your Underpayment**

1 1995 tax after credits from Form 540, line 34, or Form 540NR, line 43 . . . . .	1		
2 1995 tax on lump-sum distributions from Form 540, line 23, or Form 540NR, line 26 . . . . .	2		
3 Subtract line 2 from line 1 . . . . .	3		
4 Multiply line 3 by 66 2/3% (.6667) . . . . .	4		
5 1995 withholding taxes from Form 540, line 38 and line 41, or Form 540NR, line 47 and line 50 . . . . .	5		
6 Subtract line 5 from line 3. If less than \$100 (\$50 if married filing separate), <b>do not continue.</b> You do not owe a penalty . . . . .	6		
7 1994 tax after credits from Form 540, line 34, or Form 540NR, line 43 . . . . .	7		
8 1994 tax on lump-sum distributions from Form 540, line 23, or Form 540NR, line 26 . . . . .	8		
9 Subtract line 8 from line 7. If less than \$100 (\$50 if married filing separate), <b>do not continue.</b> You do not owe a penalty. . . . .	9		
10 Enter the smaller of line 4 or line 9 . . . . .	10		
11 1995 withholding taxes and estimated tax payments made on or before January 16, 1996, from Form 540, line 38, line 39 and line 41; or Form 540NR, line 47, line 48 and line 50 . . . . .	11		
12 Underpayment. Subtract line 11 from line 10. If zero or less, you do not owe a penalty . . . . .	12		

**Part II Figure Your Penalty**

13 Enter the date the amount on line 12 was paid or April 15, 1996, whichever is earlier . . . . .	13		
14 Number of days after January 15, 1996, to and including the date on line 13. . . . . <b>Note:</b> If you are a calendar year taxpayer and made no estimate payment enter 91 days.	14		
15 Penalty: $\frac{\text{Number of days on line 14}}{366} \times 9\% \times \text{underpayment on line 12}$ . Enter this amount on Form 540, line 64; or Form 540NR, line 73. Also check the box on that line. . . . .	15		
16 To request a waiver check the box. See instruction E below. . . . . <input type="checkbox"/>			

**General Instructions**

**A Purpose of Form**

Use Part I of form FTB 5805F to determine if you, as a farmer or fisherman, paid the required amount of estimated tax. Use Part II to compute your estimate penalty if you did not pay enough estimated tax.

**Important:** If you are a farmer or fisherman, attach this form to the front of your Form 540 or Form 540NR, **even if you do not owe a penalty.** This helps the Franchise Tax Board identify you as a farmer or fisherman and correctly process your tax return.

**B Qualifications**

You are a farmer or fisherman when at least two-thirds of your 1994 or 1995 gross income is from farming or fishing. If you need help determining your gross income, get Internal Revenue Service Pub. 505, Tax Withholding and Estimated Tax.

If you determine that you are not a farmer or fisherman, do not use this form. Instead, use form FTB 5805, Underpayment of Estimated Tax by Individuals and Fiduciaries, to determine if you owe an estimate penalty.

**C Required Estimate Payment**

If you are a farmer or fisherman, you are required to make an estimated tax payment of 66 2/3% of your 1995 tax or 100% of your 1994 tax, whichever is less. If you are a calendar year taxpayer, your payment is due January 16, 1996. If you are a fiscal

year taxpayer, your payment is due the 15th day of the first month after the close of your taxable year.

**D Exceptions to the Penalty**

You do not owe a penalty for 1995 if:

1. you file your 1995 tax return and pay the full amount of tax due by March 1, 1996;
2. the tax for 1994, after credits (Form 540, line 34 less the tax on lump-sum distributions included on line 23 and less line 38 and line 41; or Form 540NR, line 43 less the tax on lump-sum distributions included on line 26 less line 47 and line 50), was less than \$100 (\$50 if married filing separate); or
3. the tax for 1995 (from line 6) is less than \$100 (\$50 if married filing separate); or
4. 80% or more of the tax (excluding tax on lump-sum distributions) for 1994 or 1995 was paid by withholding; or
5. 80% or more of the California adjusted gross income reported on your 1995 tax return consisted of wages subject to withholding; however, this provision does not apply if a false or fraudulent withholding exemption certificate was filed; or
6. you had no tax liability for 1994 and your 1994 tax return was for a full 12 months (or would have been had you been required to file). You need not have had income in each month.

**E Waiver of the Penalty**

All or part of the penalty for underpayment may be waived if:

- you underpaid the estimated tax because of a casualty, disaster or other unusual circumstance and it would be inequitable to impose the penalty; or
- in 1994 or 1995 you retired after age 62 or became disabled and your underpayment was due to reasonable cause.

To request a waiver you must:

- complete form FTB 5805F to compute the full penalty which would normally be due;
- check the box on line 16; and
- attach an explanation to form FTB 5805F that gives the specific reason for the underpayment and show the computation and the amount of penalty to be waived.

**F Amended Returns**

If you file an amended return by the due date of your original return, use the amounts shown on your amended return to figure your underpayment. If you file an amended return after the due date of your original return, use the amounts shown on the original return.

**Exception:** If you and your spouse file a joint return after the due date to replace separate returns you originally filed by the due date, use the amounts shown on the joint return to figure your underpayment. This rule applies only if both original separate returns were filed on time.