

Instructions for Form FTB 3537

Payment for Automatic Extension for LLCs

What's New

Limited liability companies (LLCs) can use MyFTB Account for Businesses to view estimated tax payments online. Go to ftb.ca.gov and search for **myftb account**. LLCs can also make payments online using Web Pay for Businesses. The Franchise Tax Board (FTB) does not charge for this service. Go to ftb.ca.gov and search for **web pay**.

General Information

California does not require the filing of written extensions. If an LLC in good standing cannot file Form 568, Limited Liability Company Return of Income, by the due date, the LLC is granted an automatic six-month extension.

If the tax return is filed by the 15th day of the 10th month following the close of the taxable year (fiscal year) or by October 15, 2012 (calendar year), the automatic extension will apply.

Note – If an LLC electing to be treated as a corporation is in good standing and cannot file its CA tax return by the original due date, a seven-month extension to file is granted without submitting a written request. To qualify for the automatic extension, the LLC must file its CA tax return by the extended due date and its powers, rights, and privileges must not be suspended or forfeited by the FTB or the California Secretary of State (SOS) as of the original due date.

However, an extension of time to file is **not** an extension of time to **pay** the LLC fee or the nonconsenting nonresident members' tax.

If the LLC does not owe tax, there is nothing to file at this time. **Do not** complete or mail this form.

Do not use form FTB 3537, Payment for Automatic Extension for LLCs, if you are paying the LLC estimated fee. Instead use the 2012 form FTB 3536, Estimated Fee for LLCs. **Do not** use this form if you are paying the \$800 annual LLC tax. Instead use the 2012 form FTB 3522, LLC Tax Voucher.

Only use form FTB 3537, if both of the following apply:

- The LLC cannot file Form 568 by the due date
- Nonconsenting nonresident members' tax is owed for 2011

If the LLC owes tax, use black or blue ink to complete the form below. Mail the form along with the check or money order payable to the "Franchise Tax Board" by the 15th day of the 4th month following the close of the taxable year (fiscal year) or April 17, 2012 (calendar year), to avoid late payment penalties and interest. Due to the Emancipation Day holiday on April 16, 2012, tax returns filed and payments mailed or submitted on April 17, 2012, will be considered timely.

When the due date falls on a weekend or holiday, the deadline to file and pay without penalty is extended to the next business day.

LLCs electing to be taxed as corporations should use form FTB 3539, Payment for Automatic Extension for Corps and Exempt Orgs.

Form FTB 3537 is no longer used to pay the LLC fee, however form FTB 3537 will continue to be used to pay the nonconsenting nonresident

members' tax. The LLC fee must be estimated and paid by the 15th day of the 6th month of the current taxable year. LLCs will use form FTB 3536 to remit the estimated fee. For more information, get form FTB 3536.

How to Complete Form FTB 3537

Enter all the information requested on the form below using black or blue ink. To ensure the timely and proper application of the payment to the LLC's account, enter the SOS file number (assigned upon registration with the SOS) and the federal employer identification number (FEIN).

Private Mail Box (PMB)

Include the PMB in the address field. Write "PMB" first, then the box number. Example: 111 Main Street PMB 123.

Side 1

Amount of payment – Enter the amount from Side 2. Get the Form 568 Tax Booklet, (Specific Instructions - Schedule T) for the proper calculation of this tax.

Side 2

List the name, social security number (SSN)/individual taxpayer identification number (ITIN), or FEIN for each nonconsenting nonresident member that did not sign form FTB 3832, Limited Liability Company Nonresident Members' Consent.

Where to File

Using black or blue ink, make check or money order payable to the "Franchise Tax Board." Write the SOS file number, FEIN, and "2011 FTB 3537" on the check or money order. Detach the form portion from the bottom of the page. Enclose, but **do not** staple, your payment with the form and mail to:

FRANCHISE TAX BOARD
PO BOX 942857
SACRAMENTO CA 94257-0651

Make all checks or money orders payable in U.S. dollars and drawn against a U.S. financial institution.

If no payment is due or paid electronically, do not mail this form.

Penalties and Interest

If the LLC fails to pay its total tax liability by the due date of the tax return, a late payment penalty and interest will be added to the tax due. To avoid late payment penalties and interest, the LLC's tax liability must be paid by the 15th day of the 4th month, following the close of the taxable year. The late payment penalty may be waived, based on reasonable cause, where the greater of the annual tax or 90% of the tax shown on the return is paid by the original due date of the return.

Internet Access

You can download, view, and print California tax forms and publications at ftb.ca.gov. Access other state agencies' websites at ca.gov.

✂ DETACH HERE — — — IF NO PAYMENT IS DUE OR PAID ELECTRONICALLY, DO NOT MAIL THIS FORM — — — DETACH HERE ✂
Fiscal year: File and Pay by the 15th day of the 4th month following the close of the taxable year.
Calendar year: File and Pay by April 17, 2012.

TAXABLE YEAR

CALIFORNIA FORM

2011 Payment for Automatic Extension for LLCs

3537 (LLC)

For calendar year 2011 or fiscal year beginning month _____ day _____ year _____, and ending month _____ day _____ year _____.

| | | | |
|---|--|--------------------------------------|----------|
| Limited liability company name | | Secretary of State (SOS) file number | |
| DBA | | FEIN | |
| Address (suite, room, PO Box, or PMB no.) | | | |
| City | | State | ZIP Code |

Contact Telephone No.
()

DO NOT USE THIS FORM TO PAY THE ANNUAL LLC TAX OR FEE.

If amount of payment is zero, do not mail form } ▶

Amount of payment _____ 00

Form at bottom of page

DETACH HERE _____ IF NO PAYMENT IS DUE OR PAID ELECTRONICALLY, DO NOT MAIL THIS FORM _____ DETACH HERE

| | | |
|--------------------------------|--------------------------------------|------|
| Limited liability company name | Secretary of State (SOS) file number | FEIN |
|--------------------------------|--------------------------------------|------|

Nonresident member(s) that did not sign form FTB 3832: **Taxable Year 2011**

| (a) | (b) | (c) | (d) | (e) | (f) | (g) |
|---------------|--------------------|------------------------------|----------|---|---|----------------------|
| Member's name | SSN, ITIN, or FEIN | Distributive share of income | Tax rate | Member's total tax due (see instructions) | Amount withheld by this LLC on this member – reported on Form 592-B | Member's net tax due |
| | | | | | | |
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Total members tax due. Enter this amount on Side 1, Amount of payment (This is the amount you expect to enter on Form 568, Side 1, line 4). \$ _____

Attach additional sheets if necessary