

2013

Beneficiary's Share of Income, Deductions, Credits, etc.

K-1 (541)

For calendar year 2013 or fiscal year beginning (mm/dd/yyyy) \_\_\_\_\_, and ending (mm/dd/yyyy) \_\_\_\_\_.

Fiduciaries: Complete a separate Schedule K-1 (541) for each beneficiary.

Beneficiaries: Refer to the instructions for Schedule K-1 (541).

Name of estate or trust

Table with 2 columns: Beneficiary's SSN/ITIN, California corporation no., California SOS file no., or FEIN; Estate's or trust's FEIN. Below: Beneficiary's name, address (number and street, suite, Apt., PO Box, or PMB no.), City, State, and ZIP Code; Fiduciary's name, address (number and street, suite, Apt., PO Box, or PMB no.), City, State, and ZIP Code. If there is more than one fiduciary or trustee, list all of the fiduciaries or trustees' names, addresses, and indicate if fiduciary is a nonresident. If more space is needed, add an attachment. Include the estate's or trust's FEIN at the top of each separate attachment.

- A Beneficiary's percentage of distribution at year end \_\_\_\_\_ %
B Check here only if this is: (1) A final Schedule K-1 (541) (2) An amended Schedule K-1 (541)
C What type of entity is this beneficiary? (1) Individual (2) Estate/Trust (3) Qualified Exempt Organization (4) Other
D Is this beneficiary a resident of California? Yes No
E Is the fiduciary a resident of California? Yes No

Main table with 5 columns: (a) Allocable share item, (b) Amount from federal Schedule K-1 (1041), (c) California Adjustments, (d) Total amounts using California law (Combine col. (b) and col. (c)), (e) California source amounts and credits. Rows include Income (Loss), Directly apportioned deduction, Final year deduction, Alternative minimum tax adjustment, Credits, and Other information.

# Beneficiary's Instructions for Schedule K-1 (541)

References in these instructions are to the Internal Revenue Code (IRC) as of **January 1, 2009**, and to the California Revenue and Taxation Code (R&TC).

## General Information

### Purpose

The estate or trust uses Schedule K-1 (541), Beneficiary's Share of Income, Deductions, Credits, etc., to report your share of the estate's or trust's income, deductions, credits, etc. Your name, address, and tax identification number, as well as the estate's or trust's name, address, and tax identification number, should be entered on the Schedule K-1 (541). Keep Schedule K-1 (541) for your records. **Do not** file it with your tax return. The estate or trust has filed a copy with the Franchise Tax Board (FTB).

You are subject to tax on your share of the estate's or trust's income, and you must include your share on your individual tax return.

Schedule K-1 (541), column (b) shows amounts from your federal Schedule K-1 (Form 1041), Beneficiary's Share of Income, Deductions, Credits, etc. Column (c) shows the difference between federal and California amounts. Column (d) shows your total amounts using California law by combining column (b) and column (c). Column (e) shows your income and loss from California sources.

Generally, the amount of loss and deduction you may claim on your tax return is limited to your share of the estate or trust and the amount for which you are considered at-risk. If you have losses, deductions, or credits from a passive activity, you must also apply the passive activity rules. It is the beneficiary's responsibility to consider and apply any applicable limitations.

California law is generally the same as federal law with regard to income, the character of income, allocation of deductions, gifts, and bequests, and past years. Follow the instructions for federal Schedule K-1 (Form 1041) for these items.

Generally, you must report items shown on your Schedule K-1 (541) (and any attached schedules) the same way that the estate or trust treated the items on its tax return. If the treatment on your original or amended tax return is inconsistent with the estate's or trust's treatment, or if the estate or trust was required to but has not filed a tax return, you must attach a statement identifying the inconsistency. Beneficiaries may be liable for negligence penalties and penalties relating to mathematical errors if they cannot demonstrate that their treatment is consistent with the estate or trust.

Beneficiaries of estates and trusts include in their gross income their distributive share of the fiduciary's income distribution deduction for the taxable year. Amounts that are distributed by an estate or trust and that

are not deductible in computing the entity's taxable income (i.e., distributions of corpus or tax-exempt income) usually are not taxable to the beneficiary.

Resident beneficiaries are taxed on income distributed or distributable from all sources. Nonresident beneficiaries are taxed only on income distributed or distributable that is derived from sources within California (R&TC Section 17953).

For purposes of this section, the nonresident beneficiary is deemed the owner of intangible personal property from which the income of the estate or trust is derived. Therefore, such income is taxed at the beneficiary's domicile.

The estate or trust will attach a schedule of intangible income, such as income from stocks, bonds, bank accounts, and notes, whose source is dependent upon the residence or commercial domicile of the taxpayer. The income on this schedule is not income from California sources for nonresidents but is income sourced at the beneficiary's state of residence or commercial domicile.

### Specific Line Instructions

If you are a nonresident beneficiary, the California source amounts in column (e) will help you identify the California source adjusted gross income that must be reported on your Schedule CA (540NR) California Adjustments — Nonresidents or Part-Year Residents, column E.

Part-year residents may be required to calculate their IRC Section 652 or 662 income in a manner that produces a different result than the amounts shown in column (e) of this form. For more information, get FTB Pub. 1100, Taxation of Nonresidents and Individuals Who Change Residency.

#### Line 3 through Line 12

You must report the amounts in column (c), adjustments, that are from **nonpassive** activities on the appropriate California form or schedule as explained in these instructions.

Report the amounts in column (d), total amounts using California law, that are from **passive** activities on the appropriate California form or schedule. Get form FTB 3801, Passive Activity Loss Limitations, to transfer those amounts and to figure the amount of your passive activity loss limitation. Carry the passive activity amounts to the California form or schedule to figure your California adjustment amount. Enter this adjustment amount on the corresponding line on Schedule CA (540NR) only if there is a federal/California difference.

If there is no California form or schedule on which to compute your passive activity loss adjustment amount on (i.e., rental loss from passive activities), you may figure the adjustment amount on the California Adjustment Worksheets in the instructions for form FTB 3801. Enter the total of your adjustments from these worksheets from all passive activities on Schedule CA (540 or 540NR), line 17, column B or line 17, column C, whichever is appropriate.

#### Line 1 – Interest

If you have an amount on Schedule K-1 (541), line 1, column (c), report this amount on Schedule CA (540 or 540NR), line 8, column B or column C, whichever is applicable.

#### Line 2 – Dividends

If you have an amount on Schedule K-1 (541), line 2, column (c), report this amount on Schedule CA (540 or 540NR), line 9 (a), column B or column C, whichever is applicable.

#### Line 3 – Net capital gain or (loss)

If you have an amount on Schedule K-1 (541), line 3, column (d), report this amount on Schedule D (540 or 540NR), California Capital Gain or Loss Adjustment, line 2, whichever is applicable.

If there is an attachment to Schedule K-1 (541) that reports the disposition of a passive activity, get form FTB 3801 for more information.

#### Line 5 – Other portfolio and nonbusiness income

If you have an amount on Schedule K-1 (541), line 5, column (c), report this amount on Schedule CA (540 or 540NR), line 17, column B or column C, whichever is applicable.

#### Line 6 through Line 8 – Ordinary business, net rental real estate, and other rental income

Read the instructions below before including any amounts shown on Schedule K-1 (541), line 6, on Schedule CA (540 or 540NR), line 17.

**Passive activities:** The deductions on line 6 may be subject to the passive loss limitation rules. In general, losses from passive activities are allowed only to the extent of income from passive activities.

If your passive activity deductions exceed your passive activity income, or you have passive activity losses from any other source, you must use form FTB 3801 to figure your losses allowed from all passive activities.

**Line 9a through Line 9c – Depreciation, depletion, and amortization**

Any directly apportionable deduction, such as depreciation, is treated by the beneficiary as having been incurred in the same activity as incurred by the estate or trust. The estate or trust should provide you with a schedule showing your share of directly apportionable deductions derived from each activity reported on line 5 through line 8.

**Line 11a – Excess deductions on termination**

If you have an amount on Schedule K-1 (541), line 11a, column (c), report this amount on Schedule CA (540 or 540NR), Part II, line 41, enter as a positive or a negative, whichever is applicable.

**Line 11b – Capital loss carryover**

If you have an amount on Schedule K-1 (541), line 11b, column (c) report the amount on Schedule D (540 or 540NR), line 6.

**Line 11c and Line 11d – Net Operating Loss (NOL) Carryover**

Upon termination of a trust or decedent's estate, a beneficiary succeeding to its property is allowed to deduct any unused NOL (and any Alternative Minimum Tax (AMT) NOL) carryover for regular and AMT purposes if the carryover would be allowable to the estate or trust in a later tax year but for the termination.

For taxable years beginning on or after January 1, 2002, the NOL carryover computation for the California taxable income of a nonresident or part-year resident is no longer limited by the amount of net operating loss from all sources.

**Line 12a – Adjustment for alternative minimum tax purposes**

If you have an amount on Schedule K-1 (541), line 12, column (d), report this amount on Schedule P (540), Alternative Minimum Tax and Credit Limitations — Residents, or Schedule P (540NR), Alternative Minimum Tax and Credit Limitations — Nonresidents and Part-Year Residents, line 12, whichever is applicable.

**Line 12b through Line 12d**

- **Schedule P (540) filers:** Include any column (d) amount on Schedule P (540), Part I, line 12.
- **Schedule P (540NR) filers:** Include column (d) amounts on Schedule P (540NR), Part I, line 12. and report column (e) amounts in Part I, line 29 (f).

**Line 12e – Exclusion items**

Include any column (d) or column (e) amount on line 2 of form FTB 3510, Credit for Prior Year Alternative Minimum Tax — Individuals or Fiduciaries.

**Line 13a – Trust payments of estimated tax credited to you**

Include on Form 540, California Resident Income Tax Return, line 72 or Long Form 540NR, California Nonresident or Part-Year Resident Income Tax Return, line 82, any estimated tax payments paid by the trust on your behalf.

**Line 13b**

Total withholding is the sum of your distributive share of taxes withheld from payments to the estate or trust by another entity (allocated to all beneficiaries according to their respective estate or trust interests) plus taxes withheld-at-source on you as a domestic or foreign nonresident beneficiary. If there is a pass-through withholding credit from another entity or taxes were withheld on you by the estate or trust, the estate or trust must provide you with a completed 2013 Form 592-B, Resident and Nonresident Withholding Tax Statement. Attach Form 592-B to the front of your California income tax return to claim the amount withheld. The amount shown on Form 592-B should be claimed on one of the following:

- Form 540, California Resident Income Tax Return, line 73.
- Long Form 540NR, California Nonresident or Part-Year Resident Income Tax Return, line 83.
- Form 541, California Fiduciary Income Tax Return, line 31.
- Form 109, California Exempt Organization Business Income Tax Return, line 17.
- Form 100, California Corporation Franchise or Income Tax Return, line 34.
- Form 100S, California S Corporation Franchise or Income Tax Return, line 33.

Schedule K-1 (541) is not used to claim the withholding credit. If the estate or trust is not on a calendar year, the amount on line 13b may not match the amount on Form 592-B because of the difference in accounting periods.

**Line 13c – Taxes paid to other states**

You may claim a credit against your individual income tax on your share of the net income tax paid to other states by the estate or trust. Get Schedule S, Other State Tax Credit.

**Line 13d – Other credits**

If applicable, the estate or trust will use this line, through an attached statement, to give you the information you need to compute credits related to a trade or business activity.

Credits that may be reported include the following:

- California Motion Picture and Television Production Credit. Get form FTB 3541.
- Community Development Financial Institutions Investment Credit. Use credit code 209.
- Disabled Access Credit for Eligible Small Businesses. Get form FTB 3548.
- Donated Agricultural Products Transportation Credit. Get form FTB 3547.
- Donated Fresh Fruits or Vegetables Credit. Get form FTB 3811.
- Enhanced Oil Recovery Credit. Get form FTB 3546.
- Enterprise Zone (EZ), Hiring and Sales or Use Tax Credit. Get form FTB 3805Z.
- Local Agency Military Base Recovery Area (LAMBRA) Hiring or Sales and Use Tax Credit. Get form FTB 3807.

- Low Income Housing Credit. Get form FTB 3521.
- Manufacturing Enhancement Area Hiring Credit. Get form FTB 3808.
- Natural Heritage Preservation Credit. Get form FTB 3503.
- New Jobs Credit. Get form FTB 3527.
- Prison Inmate Credit. Get form FTB 3507.
- Research Credit. Get form FTB 3523.
- Targeted Tax Area – Sales or Use Tax Credit. Get form FTB 3809.

The passive activity limitations of IRC Section 469 may limit the amount of credits you may claim. Get form FTB 3801-CR, Passive Activity Credit Limitations.

**Line 14a – Tax-exempt interest**

Include any column (c) amount on Schedule CA (540 or 540NR), line 8, column B or column C, whichever is appropriate.

**Line 14d – Other**

Report any column (c) amount on Schedule CA (540 or 540NR), line 17, column B or column C, whichever is appropriate.

If the estate or trust is claiming tax benefits from an EZ, LARZ, or LAMBRA, it will give you your distributive share of the business income, and business capital gains and losses included in business income, apportioned to the EZ, LARZ, or LAMBRA on this line. Get form FTB 3805Z, FTB 3806, Los Angeles Revitalization Zone Deduction and Credit Summary, or FTB 3807 to claim the NOL, credit, or business deduction from any of these economic development areas.