

The seal of the State of Michigan is centered in the background. It features a central shield with a figure holding a bow and arrow, with a sun rising behind. The shield is flanked by two figures: a Native American on the left and a woman on the right. Above the shield is an eagle with wings spread. A banner at the top reads "E PLURIBUS UNUM". A banner at the bottom reads "SI QUÆRIS PENINSULAM AMENAM CIRCUMSPICE".

2012 MICHIGAN MI-1041

FIDUCIARY INCOME TAX RETURN

WWW.MICHIGAN.GOV/TAXES

WHERE TO GET HELP. Visit the Michigan Department of Treasury Web site at www.michigan.gov/taxes or call (517) 636-4486.

WHERE TO GET FORMS.

Internet: Current year forms are available at www.michigan.gov/incometax.

Telephone: Call (517) 636-4486 to have current year forms mailed to you.

TTY: Assistance is available using TTY through the Michigan Relay Service by calling 1-800-649-3777 or 711. Printed material in an alternate format may be obtained by calling (517) 636-4486.

FIDUCIARY RETURNS CANNOT BE FILED ELECTRONICALLY.

FILING DUE DATE: APRIL 15, 2013

(OR THE 15TH DAY OF THE FOURTH MONTH AFTER THE CLOSE OF YOUR TAX YEAR)

General Information

Who Must File

You must file a *Michigan Fiduciary Income Tax Return* (Form MI-1041) and pay the tax due if you are the fiduciary for an estate or trust that was required to file a U.S. Form 1041 or 990-T or that had income taxable to Michigan that was not taxable on the U.S. Form 1041. If no tax is due, you must file an informational MI-1041. The only exceptions are:

1. Tax-exempt trusts unless the trust has unrelated business income (UBI) attributable to Michigan.

Note: Estates or trusts with a charitable purpose or charitable beneficiaries should contact the Department of Attorney General, Charitable Trust Section, regarding the filing requirements.

2. Common trust funds. The trustee must notify the beneficiaries of their portion of Michigan income from the fund and of the gains and losses available to each under Section 271 of the Michigan Income Tax Act.

3. A nonresident estate or trust that has income from Michigan sources less than the federal exemption deduction. The deductions are \$600 for estates, \$300 for trusts currently distributing income, and \$100 for all other trusts. See Schedule 4 instructions on page 6.

4. A grantor trust. When the grantor, or another person, is treated as the owner of the trust's assets (Internal Revenue Code (IRC) sections 671 - 678), do not file an MI-1041. Instead, the owner must report the trust's income, deductions, and credits on the owner's *Michigan Individual Income Tax Return* (Form MI-1040).

5. Michigan cannot impose an income tax on income accumulated by a trust that became irrevocable by the death of the settlor (while a Michigan resident) when **all** of the following conditions are met:

- The trustee is not a Michigan resident.
- The assets of the trust are neither held, located, nor administered in Michigan.
- The beneficiaries are all nonresidents.

When to File

Fiduciary returns are due on or before April 15, 2013, or on the 15th day of the fourth month after the close of your tax year. If you are due a refund, you must file a return within four years of the due date to obtain the refund. Keep a copy of your return and all supporting schedules for six years.

Where to Mail Your Return

Mail returns without payments to:

Michigan Department of Treasury
P.O. Box 30058
Lansing, MI 48909

Mail returns with payments to:

Michigan Department of Treasury
Department 781041
P.O. Box 78000
Detroit, MI 48278-1041

To ensure accurate processing of your return, send **one check for each return**. Make all checks payable to the "State of Michigan." Write the estate's or trust's federal identification number and "2012 MI-1041" on the front of the check.

Important: Fiduciary returns cannot be e-filed.

Penalty and Interest

If the fiduciary payment is late, the Michigan Department of Treasury (Treasury) will add a penalty of 5 percent of the tax due.

After the second month, penalty will increase by an additional 5 percent per month, or fraction thereof, up to a maximum of 25 percent of the tax due. If the fiduciary payment is late, add penalty and interest to the amount due. The interest rate through June 30, 2013 is 4.25 percent. For interest rates after June 30, 2013, visit www.michigan.gov/taxes or call (517) 636-4486.

Report Amounts in Whole Dollars

Round down amounts less than 50 cents. Round up amounts of 50 cents through 99 cents.

Capital Gains/Losses

Adjustment of Capital Gains and Losses (Form MI-1041D) must be used for the following:

- Capital gains election under Section 271 for property acquired before October 1, 1967;
- Sale or exchange of U.S. obligations which cannot be taxed by Michigan; or
- Sale or exchange of property subject to allocation or apportionment provisions.

MI-1041, Schedule 5, lines 75 and 76, must be completed if a capital gain/loss is distributed to beneficiaries and MI-1041D is filed.

Tax Credits an Estate or Trust Can Claim

An estate or trust may be able to claim credits for each of the following:

- Income tax imposed by government units outside Michigan.
- Michigan Historic Preservation Tax Credit (nonrefundable).
- Small Business Investment Tax Credit.
- Michigan Historic Preservation Tax Credit (refundable).

A nonrefundable credit is available to owners or long-term lessees of qualified historic resources who undertake rehabilitation projects. To be eligible for the credit, the rehabilitation project must be certified by the State Historic Preservation Office prior to December 31, 2011, and a *Michigan Historic Preservation Tax Credit* (Form 3581) must be filed. For information regarding certification, visit www.michigan.gov/shpo. Form 3581 is available from the resources listed on the cover. Instructions for credits begin on page 4.

Resident and Nonresident Estates or Trusts

If a decedent was domiciled in Michigan at the time of death, the estate is a **resident estate**.

If a decedent was not domiciled in Michigan at the time of death, the estate is a **nonresident estate**. A trust created by the decedent's will is a **nonresident trust**.

If a trust was created by a grantor domiciled in Michigan at the time the trust becomes irrevocable, the trust is a **resident trust**. If the grantor was not domiciled in Michigan at the time the trust became irrevocable, the trust is a **nonresident trust**.

Amending

To amend MI-1041, check the box at the top of the MI-1041 and explain the reason for amending on line 41. Attach a copy of the amended U.S. Form 1041 with all supporting schedules.

U.S. Form 1041 changes. Treasury must be notified of any changes to the estate's or trust's U.S. Form 1041 if the items changed affect the Michigan liability. File an amended return within 120 days of the change and include payment of the tax due. If too much tax was paid, file an amended return to request a refund.

Extensions

An extension of time to file may be requested by sending Treasury payment of the estimated tax liability with a copy of the federal extension. Treasury will extend the due date to the new federal due date. If you do not have a federal extension, file an *Application for Extension of Time to File Michigan Tax Returns* (Form 4) with the payment and Treasury will grant a 150-day extension for fiduciary returns. Treasury will not notify you of approval.

An extension of time to file is not an extension of time to pay. If the tax due is underestimated and not enough is paid with the extension request, interest is due on the unpaid amount. Compute interest from April 15 (or the due date of the return) to the date the tax is paid. Interest is 1 percent above prime rate and is adjusted on July 1 and January 1.

Treasury may charge a penalty of 10 percent or more if the balance due is not paid with the extension request.

When MI-1041 is filed, include the amount of tax that was paid with the extension request on line 21. Attach a copy of the federal or State extension.

Closing an Estate

Before closing an estate, all taxes due must be paid on the liability of the estate and of the decedent. You may then request a tax clearance letter to close the estate by writing to:

Michigan Department of Treasury
P.O. Box 30058
Lansing, MI 48909

Estimated Tax Payments

In general, a fiduciary for an estate or trust must file quarterly estimated payments if the estate or trust is expected to owe more than \$500 with the 2012 return. This is after crediting amounts paid through withholding and all other credits.

If the estate or trust owes more than \$500, estimates may not have to be made if the estate or trust expects the 2013 withholding to be at least:

- 90 percent of the total tax for 2013,
- 100 percent of the total tax shown in the 2012 return, or
- 110 percent of the total 2012 tax if the estate's or trust's taxable income for 2012 is more than \$150,000. To figure the estate's or trust's taxable income, see the instructions for line 22 of the U.S. Form 1041. Total tax is the amount on the 2012 MI-1041, line 13.

If estimated payments are necessary, use the 2013 *Michigan Estimated Income Tax for Fiduciaries* (Form MI-1041ES). Filing instructions are with the form. **DO NOT USE MI-1040ES** to make estimated payments for an estate or trust.

If an estate owes more than \$500, estimates do not have to be made if the decedent died within the last two years.

If a fiduciary fails to make required estimated payments, pays late, or underpays, Treasury may charge penalty and interest. Penalty is 25 percent of the tax due (with a minimum of \$25) for failing to file estimated payments, or 10 percent (with a minimum of \$10) for underpaying estimated payments. Interest is 1 percent above the prime rate and is computed monthly. The rate is adjusted on July 1 and January 1.

A financial institution that submits estimated payments through the Federal Tax Deposit System on magnetic tape and acts as a fiduciary for 200 or more trusts must submit Michigan estimated payments on magnetic tape. An institution acting as fiduciary for more than 49 and fewer than 200 trusts may make an irrevocable agreement to file magnetically.

Farmland Preservation Credits

There is no provision for a farmland credit on the fiduciary return. If you wish to claim a credit, use the *Michigan Business Tax Farmland Preservation Tax Credit* (Form 4594).

Bankruptcy Estates

Every trustee (or debtor-in-possession) for an individual's bankruptcy estate under Chapter 7 or 11, of the U.S. Code Title 11, who must file a U.S. Form 1041 must also file an MI-1041. Use MI-1041 only as a transmittal for MI-1040. In the top margin of MI-1040, write "Attachment to MI-1041. Do not detach." Attach MI-1040 behind MI-1041. Complete only the identification area of MI-1041. Enter the name of the debtor on line 2 (e.g., "John Smith, Public Bankruptcy Estate"). Enter the name of the trustee on line 3 (e.g., "Allen Snow, Trustee). On MI-1041, line 24, enter the amount from MI-1040, line 32. If applicable, enter on MI-1041, line 27, the amount from MI-1040, line 35. Copies of the U.S. Forms 1040, 1041, and all supporting schedules **must be attached** to your Michigan return.

Line-by-Line Instructions

Michigan's fiduciary law is very similar to federal law. These instructions include only those points of Michigan laws and procedures that differ from federal laws and procedures. If a federal short-year return must be filed, a Michigan short-year return must also be filed. Before preparing the MI-1041, complete the U.S. Form 1041 and all supporting schedules.

All estates and trusts must complete page 1. Resident estate and trust filers must complete Schedule 1 if there are adjustments. Complete Schedule 2 if income is distributed. Schedule 3 must be completed if income is distributed **and** there are adjustments on Schedule 1. If the resident estate or trust distributed a capital gain, filers must also complete Schedule 5 and MI-1041D. See "Capital Gains/Losses" on page 2.

Nonresident estate or trust filers may omit lines 8 through 11 on page 1, Schedule 1 and Schedule 3. Nonresident estate or trusts must complete MI-1041D, Schedule 2, Schedule 4 if any income is distributed, and Schedule 5 if the estate or trust distributed any capital gains or losses.

Attach a copy of the U.S. Form 1041 and all supporting schedules to the Michigan return.

Line numbers not listed are explained on the form.

PART 1: Name and Identification

Lines 1 through 7: Complete all items. Enter a mailing address that Treasury can use to request more information or to issue a refund.

PART 2: Income and Adjustments

Line 8: Enter taxable income of the estate or trust from U.S. Form 1041, line 22, or U.S. Form 990-T.

Line 8a: Enter federal taxable income of Electing Small Business Trusts (ESBT) from the Sec. 641(c) worksheet attached to your U.S. Form 1041. Attach a copy of the worksheet to the Michigan return.

Line 9: A fiduciary for a resident estate or trust should complete Schedule 1 if there are Michigan adjustments to federal taxable income. If no income was distributed, enter the amount from line 39 on line 9. If any income was distributed, complete Schedules 2 and 3. Enter the amount from line 43, column D, on line 9.

Line 11: Capital Gain/Loss Adjustment for Resident Estates or Trusts. Enter the amount from MI-1041D, line 22, if any (see "Capital Gains/Losses" on page 2).

Line 13: Tax Rate. Public Act (PA) 38 of 2011 contains changes to the tax rate that will affect fiduciary tax returns filed for the 2012 Tax Year. The income tax rate was 4.35 percent, but a rate reduction to 4.25 percent occurred on October 1, 2012. For filers with a calendar tax year, the annualized rate for 2012 is 4.33 percent. For filers with a fiscal tax year beginning in 2012, use the following table to determine the appropriate tax rate.

FISCAL YEAR TAX RATES FIDUCIARY AND INDIVIDUAL INCOME TAX	
Tax Year Ends	Annualized Tax Rate
January 2013.....	4.32%
February 2013.....	4.31%
March 2013.....	4.30%
April 2013.....	4.29%
May 2013.....	4.28%
June 2013.....	4.28%
July 2013.....	4.27%
August 2013.....	4.26%
September 2013.....	4.25%
October 2013.....	4.25%
November 2013.....	4.25%

PART 3: Credits and Payments

Line 14: Credit for Income Tax Paid to Another State. Include the amount of income tax paid to:

- A nonreciprocal state
- A local government unit outside Michigan, including tax paid to local units located in reciprocal states
- The District of Columbia
- A Canadian province.

Include only income tax paid to another state on income earned by a resident estate or trust and taxed by Michigan.

Attach a copy of the return filed with the other government unit to MI-1041.

Do **not** include taxes paid on income subtracted on lines 34 through 37 of MI-1041 (e.g., rental or business income from another state). If credit is claimed for a Canadian provincial tax, file a *Resident Credit for Tax Imposed by a Canadian Province* (Michigan Form 777). Attach copies of the appropriate Canadian federal T-3 fiduciary tax return, *Computation of Foreign Tax Credit* (U.S. Form 1116) and U.S. Form 1041. The credit is limited to the part of the Canadian provincial tax not used as a credit on the U.S. Form 1041.

Line 14a: Enter the total income tax paid to other government units. Attach a schedule if tax was paid to more than one source.

Line 14b: Calculate the maximum allowable credit as follows:

1. Divide out-of-state income subject to tax by both states by total income subject to Michigan tax.
2. Multiply the amount of tax shown on line 13 by the result.
3. Enter the allowable credit, which is the smaller of:
 - The calculation, or
 - The tax imposed by another government.

Line 15a: Enter the amount from your 2012 Form 3581, line 9.

Line 15b: Enter the amount from your 2012 Form 3581, line 14.

Line 16: Small Business Investment Tax (Venture Investment) Credit. Estates and trusts eligible for this credit

will have a certificate from the Michigan Strategic Fund, which must be attached to the return.

Line 19: Enter amount from your 2012 *Michigan Historic Preservation Tax Credit* (Form 3581), line 16a or 16b.

Line 20—State Income Tax Withheld. Use line 20 to claim a credit for any Michigan income tax withheld by: (a) an employer on wages and salaries of a decedent received by the decedent’s estate; (b) a payer of certain gambling winnings (for example, state lottery winnings); (c) a payer of distributions from pensions, annuities, retirement or profit-sharing plans, IRAs, insurance contracts, etc., received by a decedent’s estate or trust; (d) Flow through withholding paid on behalf of the fiduciary or trust.

Attach a copy of your 2012 *Michigan Fiduciary Withholding Tax Schedule (Schedule W)*.

Line 21: Payments. Enter the total estimated tax paid with the 2012 MI-1041ES and any Michigan tax paid with an extension request. See the **special note** after line 24 instructions.

Note: Michigan does not allow the estate’s or trust’s estimate payments to be transferred to beneficiaries.

Line 22: Enter the amount of the 2011 overpayment applied to this year’s tax from 2011 MI-1041, line 32.

PART 4: Balance Due or Refund

Line 24: Tax Due. If line 23 is less than line 18, enter the difference. This is the tax owed with the return. If the balance due is less than \$1, no payment is required but the return must still be filed. If penalty and interest are due for late payment of tax, enter these amounts on the appropriate lines. See “Penalty and Interest” on page 2. Add penalty and interest to the tax due and enter the total. If the estate or trust owes more than \$500 and is required to file estimates, see the following **special note**.

Special note for estates and trusts required to file estimates: Penalty and interest may be due for underpayment, late payment, or failing to pay estimates. Use the *Underpayment of Estimated Income Tax* (Form MI-2210) to compute interest and penalty. If MI-2210 is filed, check the box on line 24 and enter the interest and penalty amount on the line provided. Obtain complete instructions for MI-2210 from the resources listed on the cover of this instruction booklet.

Line 27: Refund. Subtract line 26 from line 25. This is the refund. The State does not refund amounts less than \$1.

SCHEDULE 1- Net Michigan Adjustments for Resident Estates or Trusts

ADDITIONS

Line 28: Enter gross interest and dividend income from obligations or securities of states and their political subdivisions other than Michigan. Include this interest income from partnerships, S corporations, and other estates and trusts.

Line 29: Enter taxes deducted on U.S. Form 1041, line 11, which were imposed on or measured by income, such as State or city income taxes.

Line 31: Enter expenses and interest incurred in production of income from obligations of the U.S. government on U.S. Form 1041. Enter on this line any interest expense on indebtedness incurred in carrying the obligations and any related expenses that were deducted in arriving at federal taxable income.

Line 32: Enter any adjustments not taken into account on lines 28 through 31, such as gross expenses from Michigan oil and gas royalties. Attach a schedule showing these items and their locations. **Losses from a business partnership or**

property located in another state must be added back on this line.

SUBTRACTIONS

Line 34: Enter the income from U.S. government obligations (e.g., U.S. Series E Bonds). This income may be subtracted even if it comes through a partnership, S corporation, or another estate or trust. Attach a schedule showing the source of your income from U.S. obligations (Treasury Bonds, Series E bonds, etc.) and the amount of income from each source.

Line 35: Enter income attributable to another state. Explain the type and source of income. Attach a schedule if necessary. The following are examples of income attributed to another state:

- Net rents and royalties from real and personal property located or used in other states.
- Business income included in taxable income that was earned solely in other states. (Losses from an activity in another state that have reduced federal taxable income must be entered as a positive figure on line 32.)

Business income from an activity that is taxable both within and out of Michigan must be apportioned among the states involved. Complete and attach a *Schedule of Apportionment* (Form MI-1040H). Salaries, wages, and other compensation for personal services are not business income.

Note: Capital gains from the sale of real or personal property located in other states at the time of disposal are adjusted on MI-1041D and factored into line 11.

Resident estates cannot subtract salaries and wages earned by the decedent in another state. However, the estate may be entitled to a tax credit for tax imposed by another state. See line 14 instructions on page 4.

Line 36: Enter expenses related to obligations of other states not deducted on U.S. Form 1041 or not allowed as a deduction by IRC Section 265. Also enter interest expense on indebtedness incurred in carrying the obligations and related expenses that were not used on U.S. Form 1041.

Line 37: Enter subtractions not taken into account on lines 34 through 36, such as gross income and related expenses from producing Michigan oil and gas to the extent subject to Michigan severance tax and included in federal taxable income. Attach a schedule listing these subtractions.

Retirement or pension benefits may not be subtracted.

Line 39: Subtract line 38 from line 33. If no income was distributed, enter the amount from line 39 on page 1, Part 2, line 9. Otherwise, complete Schedules 2 and 3.

SCHEDULE 2 – Name and Addresses of Beneficiaries

Note: Schedule 2 must be completed if any income is distributed. Otherwise, it is not necessary.

Line 40a through 40d: Enter in the appropriate column the name, address, and Social Security number or Federal Employer Identification Number (FEIN) of each beneficiary of the estate or trust, both residents and nonresidents. Identify residents with an “R” and nonresidents with “NR.” When completing the rest of this form, use the lower-case letter (a, b, c, etc.) to the left of each name to refer to a beneficiary listed in Schedule 2. If additional space is needed, attach a schedule similar to Schedule 2 identifying additional beneficiaries by consecutive letters.

Signatures and Declarations

The fiduciary or the officer representing the fiduciary must sign the return. Before mailing the return, remember to check the following:

- Are all forms complete and attachments included?
- Was a 2012 MI-1041 used? (Returns filed on incorrect forms cannot be processed.)
- Is a copy of the 2012 U.S. Form 1041 attached?
- Are estimated tax payments required for 2013?

SCHEDULE 3 – Beneficiaries’ and Fiduciary’s Share of Net Michigan Adjustments for Resident Estates or Trusts

If any income is distributed, the net Michigan adjustments for resident estates or trusts from MI-1041, line 39, must be allocated to the beneficiaries and the fiduciary as follows:

- In the proportion that each beneficiary’s share of federal distributable net income bears to the total federal distributable net income with the remaining portion going to the fiduciary.

If the estate or trust has no distributable net income for the taxable year, net Michigan adjustments will be allocated as follows:

- In the proportion that each beneficiary’s share of the distributed estate or trust income for the year bears to the total estate or trust income with the remaining portion going to the fiduciary. (Distributed income includes amounts required to be distributed currently under local law or the terms of the estate or trust instrument, and any other amounts distributed.)

Use Schedule 3 to compute this allocation. See example below. These percentages may not be the same as the distribution percentages listed in the estate or trust instrument.

Example for Completing Schedule 3
For this example, the fiduciary has reported \$5,000 on MI-1041 Schedule 1, line 39.

Column A Beneficiary Identification from Schedule 2	Column B Federal Distributable Net Income		Column C Percent of Column B	Column D Allocation of Net Mich. Adj. (Multiply amount on line 39 by % in Column C.)
	Type of Income (Dividend, Interest, Rent, etc.; Location of Property, etc.)	Amount		
42. Beneficiaries				
a.	Interest, Dividends and Rent - MI	\$2,420	9.4642%	\$473.00
b.	Interest, Dividends and Rent - MI	20,550	80.3676%	4,018.00
c.	Interest, Dividends and Rent - MI	600	2.3465%	117.00
43. Fiduciary’s Share		2,000	7.8217%	391.00
44. Total		\$25,570	100%	\$5,000.00

Lines 42 through 44: Complete columns A, B, C, and D one column at a time.

Column A: Identify each beneficiary by locating the lower-case letter from Schedule 2.

Column B: Enter the distributions reported to each beneficiary on his or her U.S. *Schedule K-1* in columns provided on line 42. Indicate the sources, locations, and amounts for each type of income such as dividends, rents, interest, etc. Enter the fiduciary's share on line 43. The total on line 44 should equal the distributable net income reported on U.S. Form 1041, Schedule B.

Column C: Divide each amount in column B by the total on line 44 and enter the percent in column C.

Column D: Multiply the amount on Schedule 1, line 39, by the percentage in column C. Enter the result in column D for each beneficiary and the fiduciary. Carry the fiduciary's share (line 43) to Part 2, line 9. The total on line 44D must equal the amount on Schedule 1, line 39.

SCHEDULE 4 - Computation of Michigan Taxable Income for Nonresident Estates or Trusts

Income Allocation. Use this section to compute the income attributable to Michigan for nonresident estates or trusts. Income, deductions, and computations on lines 45 through 66 are comparable to lines 1 through 22 on the U.S. Form 1041. In column A, enter the corresponding amounts from the U.S. Form 1041. In column B, enter Michigan's portion of the income. In column C enter the non-Michigan portion. See special instructions for lines 48 and 51.

The following income is subject to Michigan tax and should be entered in column B, on lines 45 through 52:

- Income earned, received, or acquired in Michigan
- Income from personal services performed in Michigan
- Income from real or tangible personal property located in Michigan
- Income, including interest, dividend, and other portfolio income, from a business, trade, profession, or occupation conducted in Michigan. If the business activity is in Michigan and in another state, complete and attach MI-1040H to apportion this income.

The following income is **not** subject to Michigan tax and should be entered in column C, on lines 45 through 52:

- Income from annuities
- Nonbusiness interest income
- Nonbusiness dividends
- Income from a business, trade, profession, or occupation not conducted in Michigan.

Line 48: Complete MI-1041D before completing this line. If a gain, enter in column A the amount from MI-1041D, line 16, column B, federal portion. Enter in column B the amount from MI-1041D, line 16, column B, Michigan portion. Enter the difference in column C. If a loss, see line 17, Part 4, of the completed MI-1041D.

Line 51: Complete MI-4797 before completing line 51 if the gain/loss on the U.S. Form 4797 is from the sale of business property located in Michigan and the Michigan property was acquired prior to October 1, 1967. Otherwise, enter Michigan's portion in column B and the non-Michigan portion in column C.

Line 69: Combine lines 66 through 68. Use brackets for negative figures. Do not enter "0" for amounts less than zero.

Line 71: Enter taxes deducted on U.S. Form 1041, line 11, which were imposed on Michigan income, such as State or city income taxes.

Line 73: Enter the fiduciary's share of **Michigan** gain/loss from MI-1041D, if any. If a capital gain, enter the amount from MI-1041D, line 16, column B, Michigan column. If a capital loss, enter the amount from MI-1041D, line 17, Michigan column.

Line 74: Combine lines 72 and 73. Carry this amount to MI-1041, page 1, Part 2, line 12.

SCHEDULE 5 - Capital Gain/Loss Distributed to Beneficiaries When Form MI-1041D Is Filed

Line 75: Complete Schedule 5 if capital gains/losses have been distributed to beneficiaries and MI-1041D was completed.

Column A: Identify each beneficiary by locating the lower-case letter from Schedule 2.

Column B: (Federal) Enter each beneficiary's share of capital gain/loss as reported on U.S. *Schedule K-1* (Form 1041).

Column C: (Michigan) Enter each beneficiary's share of capital gain/loss as recomputed on MI-1041D.

Line 76: Enter the total of all beneficiaries' shares. Line 76 totals in the federal and Michigan columns must equal the beneficiaries' amounts reported on U.S. *Schedule D* (Form 1041) Part III, column (1) or Michigan MI-1041D, Part 3, line 16, column C.

Other Necessary Forms

For the Fiduciary

The fiduciary must furnish a U.S. *Schedule K-1* to each beneficiary. The fiduciary must also furnish notice of Michigan adjustments to each beneficiary. The notice may be noted on a copy of the U.S. *Schedule K-1* or a separate letter to each beneficiary. If a letter is used, it must include the name and federal identification number of the estate or trust. Each beneficiary must be advised of his or her share of the following:

- Michigan adjustments from resident estates or trusts.
- Michigan income from nonresident estates or trusts.
- Capital gains/losses available for adjustment under Section 271 of the Michigan Income Tax Act.
- Small Business Investment Tax Credit Certificate if a credit is claimed on line 16.

For the Beneficiary

All resident and nonresident beneficiaries should file an MI-1040, if applicable. See the MI-1040 instruction booklet for who must file. Beneficiaries should follow the instruction booklet to compute Michigan taxable income.

Beneficiaries should attach copies of the following items to their MI-1040 individual return:

- U.S. *Schedule K-1*
- The letter received from the fiduciary notifying him or her of Michigan adjustments or Michigan income.
- MI-1040D, if the beneficiary is eligible to adjust gains and losses under Section 271 of the Michigan Income Tax Act.

Note: Excess deductions available upon termination of an estate or trust may be passed on to the beneficiaries. They are reported on U.S. Form 1040, *Schedule A*, and do not reduce federal adjusted gross income (AGI). Itemized deductions are not an allowable subtraction on the Michigan return.