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**Publication 1437**  
**Procedures for the 1041 *e-file* Program**  
**U.S. Income Tax Returns for Estates**  
**and Trusts for Tax Year 2006**

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**Internal Revenue Service**



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Department of the Treasury  
**Internal Revenue Service**

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**PUBLICATION 1437**

**PROCEDURES**  
**FOR THE 1041 *e-file* PROGRAM**

**U.S. INCOME TAX RETURN FOR**  
**ESTATES & TRUSTS FOR TAX YEAR 2006**

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**INTERNAL REVENUE SERVICE**  
**ELECTRONIC BUSINESS RETURNS**



# INTERNAL REVENUE SERVICE MISSION STATEMENT

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**Provide America's taxpayers top quality service by helping them understand and meet their tax responsibilities and by applying the tax law with integrity and fairness to all.**

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## **WHAT'S NEW FOR TAX YEAR 2006**

1. On **December 4, 2006**, the Internal Revenue Service will begin the Business Acceptance Testing System (BATS) for Software Developers and Transmitters.
2. "Suggested BATS Testing Criteria" have been added to Section 8 of this publication.
3. Effective **January 22, 2007**, the Internal Revenue Service (IRS) will begin to accept and process Tax Year 2006 Estate and Trust returns electronically.
4. Changes have been made to the Form 1041 electronic record layout to allow "**foreign addresses.**" (See Publication 1438, 1041 Record Layout, "NOTE" under field number 110.)
5. **Form 3468, Investment Credit**, has been reduced to one page.
6. New **Form 8913**, Credit for Federal Telephone Excise Tax Paid, has been added.
7. Changes have been made to Form 8886, Reportable Transaction Disclosure Statement, for Tax Year 2006 (2007 processing year). **IRS e-file systems have not been updated** to process Form 8886 for Tax Year 2006. Returns requiring Form 8886 for Tax Year 2006 will not be accepted electronically until after March 15, 2007.

## **SECTION 1 INTRODUCTION**

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### **PURPOSE**

This publication is designed to provide the general requirements and procedures for Form 1041 *e-file* Program, U.S. Income Tax Return for Estates and Trusts. This publication should be used in conjunction with the following publications for Tax Year 2006:

- Publication 1438, File Specifications, Validation Criteria and Record Layouts for The 1041 e-file Program, U.S Income Tax Return for Estates and Trusts
  - Publication 1438-A, Supplement: Form and Schedule Exhibits
  - Publication 3112, IRS e-file Application and Participation
- 

### **CHANGE PAGE**

If any information contained in this publication changes before its revision, a change page(s) may be issued. New information and changes will be denoted by a vertical bar (|) in the right margin. Any procedure that is added, deleted or has a major impact on the current year processing of returns will be communicated via e-mail and/or displayed on the IRS website.

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You may also place an order to be delivered by U.S. mail by calling 1-800-829-3676.

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### **QUESTIONS, SUGGESTIONS, OR CONCERNS**

If you have any questions, suggestions or comments regarding this publication, or are aware of any errors, (typographical, technical or usage) please let us know. You may write to the following address:

Internal Revenue Service  
Electronic Business Returns Section SE:W:CAS:SP:ES:B  
5000 Ellin Road, Room C5 -147  
Lanham, Maryland 20706  
Attn: 1041 e-file Program

## **SECTION 1 INTRODUCTION, continued**

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**e-HELP DESK** Call the e-Help Desk for the following:

- Transmission problems
- Reject Codes
- Status of Processing
- If you need another Test ETIN while filing production
- If you need your Acknowledgment (ACK) File “re-hung” because it appears that you did not receive it. (Contact your software developer to make sure that the software is looking for and capable of parsing out each ACK File for a transmission when multiple ACK Files are picked up).

The e-Help Desk number is 1-866-255-0654.

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## **SECTION 2      GENERAL INFORMATION**

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**FORM 1041**      Form 1041, U. S Income Tax return for Estates and Trusts is used by the fiduciary of a domestic decedent's estate, trust, or bankruptcy estate to report income, deductions, gains, losses, etc. of the estate or trust. Income that is either accumulated or held for future distribution or distributed currently to the Beneficiaries (taxable distributions) is reported to beneficiaries via Schedule K-1.

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**WHEN TO FILE**      April 15<sup>th</sup> is the due date for electronic filing of Form 1041, Schedules K-1 and related forms and schedules and is the same as Form 1041 filed on paper.

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**METHODS OF FILING**      **Non-encrypted options for IRS e-file program participants who transmit directly to the Electronic Management System (EMS) have been discontinued.**

All trading partners (transmitters) who directly transmit to the IRS EMS must use either the IRS internet solution or they must purchase and install in IRS Facilities Federal Information Processing Standard (FIPS)-compliant and IRS approved encrypted dedicated leased lines.

**NOTE: See Publication 1438 Section A, Data Communications, for more information about discontinuance of non-encrypted options for IRS e-file for the 2006 filing season.**

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## **SECTION 2      GENERAL INFORMATION, continued**

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**PROGRAMMING** This includes selected schedules and forms required by the IRS and supported by this program.

File Specifications, Validation Criteria, Reject Codes, Record Layouts and Forms Exhibits that are needed by participants are provided in the following publications for Tax Year 2006:

- Publication 1438, Validation Criteria and Reject Codes, and Record Layouts for the 1041 e-file Program, U.S. Income Tax Return for Estates and Trusts, and
- Publication 1438-A, Supplement: Forms and Schedule Exhibits

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**FOREIGN ADDRESS**

Form 1041 with a foreign address can be filed electronically.

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**ACCOUNTING PERIODS**

You must figure taxable income on the basis of a tax year. A “tax year” is an annual accounting for keeping records and reporting income expenses. The tax years you can use are:

- A Calendar Year
- A Fiscal Year

You adopt a tax year when you file your first income tax return. You must adopt your first tax year by the due date (not including extensions) for filing a return for that year.

The due date for a fiduciary return is the 15<sup>th</sup> day of the 4<sup>th</sup> month after the end of the tax year.

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## **SECTION 2      GENERAL INFORMATION, continued**

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### **PROCESSING**

Processing of returns includes the following **Calendar** and **Fiscal** year endings:

- **Calendar Year Returns** – Fiduciary with a Calendar Year ending December 31, 2006.

**Example:** Tax Year 2006 calendar year beginning January 1, 2006 and ending December 31, 2006 the return is due April 15, 2007.

**NOTE:** For Calendar Year returns the Tax Period Beginning and Tax Period Ending should not be entered on the Form 1041 (Record Layout Fields #0010 and #0010 and 0020);

- **Fiscal Year Returns** - Fiscal years ending in January through June 30, 2007.

**Example:** Tax Year 2006 return beginning February 1, 2006 and ending January 31, 2007 the return is due May 15, 2007. Tax Year 2006 return beginning July 1, 2006 and ending June 30, 2007 the return is due October 15, 2007.

**NOTE:** The Tax Period Beginning and Tax Period Ending do not have to be the first or last day of the month.

If a return has a Fiscal Year ending after June 30, 2007, it cannot be filed electronically.

No extensions to e-file are granted/approved for 1041 Fiscal Year Returns with a tax period ending June through December 2007.

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### **AMENDED RETURNS**

The current 1041 e-file Program **does not** accept amended returns electronically. To correct an error(s) on a Form 1041 return that was filed electronically for the current or prior tax year, the amended return must be filed on paper and mailed to the IRS Center where the estate or trust **paper return** is filed.

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## **SECTION 2      GENERAL INFORMATION, continued**

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### **SHORT TAX YEAR**

A Short Tax Year is a tax year of less than 12 months. A short period tax return may be required when you (as a taxable entity):

- Are not in existence for an entire tax year; or
- Change your accounting period.

Even if you (a taxable entity) were not in existence for the entire year, a tax return is required for the time you were in existence. The requirements for filing a return and figuring the tax are generally the same as the requirements for a return for a full tax year (12 months) ending on the last day of the short tax year.

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## **SECTION 3      COMPOSITION OF THE RETURN**

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### **TAX RETURN DATA**

U.S. Income Tax Return for Estates and Trusts, Form 1041, for electronic filing consists of tax return data transmitted to the IRS using electronic transmission with the required paper documents, such as signatures, documents prepared by third parties, etc. Summarizing, the tax return must contain the same information as a return filed on paper.

The following forms **must** be filed electronically with the 1041 Return and **cannot be attached to Form 8453F**, unless otherwise specified in Section 11 under **SIGNATURE FORM PROCEDURES (FORM 8453-F)**.

**NOTE: See COMPOSITION OF THE RETURN, Page 12, for additional information regarding the number of certain forms or schedules allowed with an electronic return.**

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**ACCEPTABLE  
FORMS,  
SCHEDULES  
AND  
STATEMENTS**

Form 1041	U.S. Income Tax Return for Estates and Trusts
Schedule C (Form 1040)	Profit or loss From Business
Schedule C- EZ (Form 1040)	Net Profit From Business
Schedule D (Form 1041)	Capital Gains and Losses
Schedule E (Form 1040)	Supplemental Income and Loss
Schedule F (Form 1040)	Profit or Loss From Farming
Schedule H (Form 1040)	Household Employment Taxes
Schedule J (Form 1041)	Accumulation Distribution for a Complex Trust
Schedule K-1 (Form 1041)	Beneficiary's Share of Income, Deductions, Credits, Etc.
Form 1116	Foreign Tax Credit
Form 2210	Underpayment of Estimated Tax by Individuals, Estates and Trusts
Form 2210-F	Underpayment of Estimated Tax by Farmers And Fishermen
Form 2439	Notice to Shareholder of Undistributed Long Term Capital Gains
Form 3468	Investment Credit
Form 3800	General Business Credit
Form 4136	Credit for Federal Tax Paid on Fuels
Form 4255 Form 4562	Recapture of Investment Credit Depreciation and Amortization

**ACCEPTABLE  
FORMS,  
SCHEDULES  
AND  
STATEMENTS**

Form 4684	Casualties and Thefts
Form 4797	Sales of Business Property
Form 4835	Farm Rental Income and Expenses
Form 4952	Investment Interest Expense Deduction
Form 4970	Tax on Accumulation Distribution of Trusts
Form 4972	Tax on Lump-Sum Distributions
Form 5884	Work Opportunity Credit
Form 5884-A	Credits for Employers Affected by Hurricane Katrina, Rita or Wilma
Form 6198	At-Risk Limitations
Form 6252	Installment Sale Income
Form 6478	Credit for Alcohol Used as Fuel
Form 6765	Credit for Increasing Research Activities
Form 8082	Notice of Inconsistent Treatment Administrative Adjustment Request
Form 8271	Investor Reporting of Tax Shelter Registration Number
Form 8275	Disclosure Statement
Form 8275-R	Regulatory Disclosure Statement
Form 8582	Passive Activity Loss Limitations
Form 8582	Worksheet
Form 8582-CR	Passive Activity Credit Limitations
Form 8586	Low Income Housing Credit

**ACCEPTABLE  
FORMS,  
SCHEDULES  
AND  
STATEMENTS**

Form 8609-A	Annual Statement of Low-Income Housing Credit
Form 8801	Credit for Prior Year Minimum Tax – Individuals, Estates and Trusts
Form 8820	Orphan Drug Credit
Form 8824	Like-Kind Exchanges
Form 8829	Expenses for Business Use of Your Home
Form 8860	Qualified Zone Academy Bond Credit
Form 8864	Bio-Diesel and Renewable Diesel Fuels Credit
Form 8874	New Markets Credit
Form 8881	Credit for Small Employer Pension Plan Startup Costs
Form 8882	Credit for Employer-Provided Childcare Facilities and Services
Form 8886	Reportable Transaction Disclosure Statement
Form 8896	Low Sulfur Diesel Fuel Production Credit
Form 8913	Credit for Federal Excise Tax Paid

## **SECTION 3      COMPOSITION OF THE RETURN, continued**

### **TYPES OF RECORDS**

The following are data records that can be transmitted electronically with the 1041 return and associated forms and schedules.

- **Statement Record** – Statement Records are only used when the number of data items exceeds the number that can be contained in the blank provided on the printed form or schedule. Data must be provided in a separate Statement Record. A Statement Record can be required to explain certain entries on a form or schedule.
- **Preparer Note Record** – The Preparer Note Record is to provide additional voluntary information related to the return but not required to be attached to the return.
- **Election Explanation Record** – The Election Explanation Record can be used when the taxpayer makes an election for certain tax treatment, status, exception or exemption based on an instruction for the tax form or in a related tax publication when there is no official IRS form designed for that purpose.
- **Regulatory Explanation Record** – The Regulatory Explanation Record can be used when the taxpayer cites a specific regulation for certain tax treatment, status, exception or exemption when there is no official IRS form designed for that purpose.
- **Summary Record** – The Summary Record or Schedule K-1 Summary Record will contain filer identification data, counts of the schedules, forms and statements included in one return, and indicators for paper documents attached to Form 8453-F.
- **Recap Record** – The Recap Record cross-references the transmitter's information from the first record of the Transmission Record. It contains a field that specifies the Total Return count for all the records submitted within the transmission.

### **SECTION 3 COMPOSITION OF THE RETURN, continued**

- Payment Record – Electronic Funds Withdrawal Direct Debit Payment Record.
- State Return Record – New York (NY) only.

**NOTE: See Publication 1438, for additional information on the Types of Records that can be filed electronically.**

#### **THE PAPER PART OF THE RETURN**

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Form 8453-F, U.S. Estate or Trust Income Declaration and Signature for Electronic Filing is the paper document required when filing the Form 1041 return electronically.

Paper attachments for the return will include tax forms other than the Form 1041 that require a signature(s) and other supporting documentation. These items must be attached to the signed Form 8453-F. They include other documents that are:

- not required by the IRS and are voluntarily included by the fiduciary or the participant as supporting material;
- not IRS forms or schedules;
- not covered in this Section, under Acceptable Forms and Schedules;
- in excess of the limits that are allowed for Schedule K-1 statements and statements for all other forms and schedules, example: Disclosure Statements

If more than one of the forms or schedules listed needs to be filed with the estate or trust return, **the entire return must be filed on paper.**

Schedule D	Form 5884
Form 2210	Form 6478
Form 2210F	Form 6765
Form 3468	Form 8582
Form 3800	Form 8582-CR
Form 4136	Form 8586
Form 4797	Form 8801
Form 4952	Form 8820
Form 4970	Form 8830

## **SECTION 4 EXCLUSIONS**

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### **TYPES OF RETURN**

The following types of estate and trust returns cannot be filed electronically:

- Amended returns;
- Fiscal year returns ending during any month after June 30 of the current processing year.
- Delinquent returns (except returns covered by an extension of time to file, which was submitted to the service center where the taxpayer would normally file a paper return). Extensions are allowed as long as the extended due date is not later than October 15 of the processing year;
- Returns with dollar and cent entries—only whole dollar amounts are accepted; (Round entries to whole dollars only upon output; computed percentage distributions on Schedules K-1 (Form 1041) may not balance due to this rounding.);
- Returns with Powers of Attorney (POA), and the IRS does not have a POA on file. In order to file electronically, the POA should be filed prior to the transmission of the electronic filed return.

**NOTE: POA must be submitted on paper to the IRS Center where the taxpayer would normally file a paper return. The POA must be submitted at least 6 weeks prior to transmitting a return that includes the Power of Attorney.**

- Returns filed under Sections 6020(b) of the Internal Revenue Code;
- Fiscal Year Returns with extension dates after June 30 of the current year;

## **SECTION 4 EXCLUSIONS, continued**

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- Fiscal Year Short Period Returns;
- Fiscal Year Final Returns ;
- Returns with any dollar amount greater than \$99,999,999,999;
- Tentative returns;
- Family trust returns (except those filed by a bank);
- Bankruptcy estate returns;
- Returns with refund amounts equal to or great than \$1,000,000

**NOTE: Fiduciaries with a Fiscal Year Return, a Short Period Return ending on a month prior to December 31, or a Fiscal Year Final Return, cannot file electronically. However, fiduciaries with any type of Fiscal Year Return with a tax period ending on or before June 30, 2007 (January 2007 – June 2007) may file electronically.**

**No extensions are granted/approved for Fiscal Year returns with a tax period ending June through December 2007.**

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**FAILURE TO FILE PENALTIES** Parties involved in the transmission of electronic filing of Form 1041 returns may be liable for failure to file penalties due to missing, incomplete or unsigned signature forms.

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## **SECTION 5      ACKNOWLEDGMENT (ACK) PROCESS**

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**ACK FILE**                      IRS acknowledges each transmission of electronic return data. A return can be acknowledged (ACK) as accepted, even though it has not been through any math checks. There are two types of ACK files, the Transmission ACK File and the Validation ACK File. The IRS will provide an outbound mailbox for pick up of ACK files by the transmitter.

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**TRANSMISSION ACK**      The Transmission ACK File is generated if there is a problem in the basic formatting of the entire file. If a Transmission ACK File is generated, individual forms and schedules are not validated. This ACK file should be available within two workdays after receipt of a transmitted file.

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**VALIDATION ACK**              The Validation ACK File is generated when there is a problem within the return. The ACK file counts for the number of Forms 1041 and related forms and schedules. The file provides the reject code numbers for up to 96 errors per return.

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**PROBLEMS AFTER TRANSMISSION**      If the following situations occur after returns have been transmitted to the Enterprise Computing Center, the transmitter should immediately contact the Ogden Submission Processing Center at **1-866-255-0654**:

- The transmitter does not receive a transmission acknowledgment file within two (2) workdays; or
  - The transmitter receives an acknowledgment for returns or records that were not transmitted on the designated transmission; or
  - The transmitter receives an acknowledgment, but it does not include the reject code (s) for forms transmitted.
-

## SECTION 6 METHODS OF PARTICIPATION

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### TYPE OF PARTICIPANTS

An Electronic Participant is considered in one or more categories or business types listed below, depending on the specific function(s) the participant performs in relation to the estate or trust or IRS:

- **FIDUCIARY:** A trustee of a trust; or an executor, administrator, personal representative, or person in possession of property of a decedent's estate. It is the responsibility of the fiduciary to ensure that the return is transmitted to the Enterprise Computing Center in Memphis, TN.
- **ELECTRONIC RETURN ORIGINATOR (ERO):** Originate the electronic submission of tax returns to the IRS. An ERO originates the electronic submission by:
  - electronically sending the return to a transmitter that will transmit the return to the IRS;
  - directly transmitting the return to the IRS; or
  - providing a return to an Intermediate Service Provider for processing prior to transmission to the IRS.

**NOTE: Please refer to Publication 1345 for additional information pertaining to ERO's.**

- **PAID PREPARER:** A firm, organization, or individual who:
  - deals directly with the estate or trust from which the return is due;
  - prepares a return or collects return data for purposes of having electronic records of the Form 1041, Schedules K-1 and related forms and schedules produced; or collects a prepared return for purposes of having electronic records of Forms 1041, Schedules K-1 and related forms and schedules prepared; and
  - obtains the fiduciary signature on Form 8453-F (**See Section 11 for Form 8453-F Procedures**)

## **SECTION 6      METHODS OF PARTICIPATION, continued**

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- **TRANSMITTER:** Receives Form 1041 data from clients and transmits the data to IRS electronically, in a format IRS can process.
  
  - **SOFTWARE DEVELOPER:** Designs or produces software, used to:
    - prepare returns;
  
    - format Form 1041 return, Schedules K-1 and related forms and schedules according to IRS specification for electronic filing; or
  
    - transmit the Form 1041 return and the electronic records for Schedules K-1 and related forms and schedules directly to IRS.
-

## **SECTION 7 APPLICATION AND ENTITY REVIEW**

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### **FORM 8633 APPLICATION**

The first step to participate in the program is to register on-line for e-services. Use e-Services to complete and submit an electronic application, Form 8633, Application to Participate in the IRS e-file Program. Or mail the paper version of the application to the address of the IRS Andover Submission Processing Center (ANSPC) shown below for processing. To ensure the application is processed timely, the IRS should receive the form at least 45 calendar days before the entity transmits live returns electronically. The IRS will accept applications by mail. The Andover Submission Processing Center's **(ANSPC) mailing address is:**

Internal Revenue Service  
Andover Campus  
Attn: EFU Acceptance  
P.O Box 4099  
Woburn, MA 01888-4099

#### **Overnight Mailing Address**

Internal Revenue Service  
Andover Campus  
Attn: EFU Acceptance  
Testing Stop 983  
310 Lowell Street  
Andover, MA 01810-0001

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### **WHO TO CONTACT**

If you have a question regarding the application process, call ASPC at 1-866-255-0654 (toll free). All foreign callers should call 01-512-416-7750 (not toll free).

If you or your organization participate in more than one of the IRS e-file for Business programs, we recommend that a single Form 8633 be submitted which includes all of the returns that you file.

The Andover Campus will mail a letter annually to each Participant assigning their Electronic Identification Number (ETIN) and temporary password that is needed to logon and transmit test data for the new filing season. An Electronic Filing Identification Number (EFIN) will be assigned by the IRS to participate in the IRS e-file program.

## **SECTION 7      APPLICATION AND ENTITY REVIEW, continued**

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Please refer to **Publication 3112** for additional information on suitability checks and procedures for submitting and revising Form 8633.

**NOTE: If your provider role is an Electronic Returns Originator (ERO) only, you will still need to fill out a form 8633 to be assigned an Electronic Filing Identification Number (EFIN) to participate in the IRS e-file program.**

---

**ENTITY REVIEW PROCESS** Participants must ensure that entity information submitted on the Form 8633 is correct. Entity information includes the name, address, telephone number (with contact name) of the participant and the Employer Identification Number (EIN). The data will be matched with the already existing IRS records. The participants will be notified of any discrepancies and asked to correct the problems(s) before Testing can begin.

After review of the Form 8633 application, the IRS will assign an Electronic Transmitter Identification Number (ETIN), Electronic Filing Identification Number (EFIN) and a temporary password to each applicant. The ETIN will only be assigned if transmitting return(s). The ETIN and test password will be used to logon and transmit test data. Participants will be required to create a new password for their particular ETIN, the first time a login to the Electronic Management System (EMS) is initiated on or about December 4, 2006, the beginning of BATS testing. Participants will use your current password for this login. This includes new transmitters who receive their initial password in the mail and transmitters transmitting test or production.

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## **SECTION 8 BUSINESS ACCEPTANCE TESTING SYSTEM (BATS) AND ACCEPTANCE PROCEDURES**

---

### **BUSINESS ACCEPTANCE TESTING SYSTEM (BATS)**

Business Acceptance Testing System (BATS) is mandatory and required each year for all participants who develop software and/or transmit returns, (including partnerships that transmit their own return). The purpose of testing is to ensure that IRS can receive and process the electronic returns. In preparation for processing Tax Year 2006 fiduciary returns, the IRS will accept test returns through BATS beginning December 4, 2006.

Transmitters will subsequently be required to change their passwords upon login on or after 90 days have elapsed since their last password change. A lost, forgotten, or compromised password will require a call by the transmitter to the e-help desk to initiate an e-case for referral to an EMS Assistant to reset the password. Testing should begin at least sixty (60) days prior to live transmission of return(s) to allow ample time to resolve any testing problems prior to transmitting live returns.

The software package used to prepare/transmit the return data must pass testing with the IRS prior to live transmissions.

**NOTE: Testing must be completed before the participant transmits live data. See Section 8, Test Scenarios.**

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### **PRE ENTITY TESTING**

This testing is performed during BATS.  
Each transmission must include TRANA and TRANB.  
Testers can send minimum of a return, i.e. 1041 pages 1 and 2, Summary Record, Recap Record. Return information above line 1, page 1 is required. Remainder of return may be blank.

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## **SECTION 8 BUSINESS ACCEPTANCE TESTING SYSTEM (BATS) AND ACCEPTANCE PROCEDURES, continued**

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**READY TO TEST** When applicants are ready to test, they must make arrangements with the **Ogden Submission Processing Center Electronic Filing Section at 1-866-255-0654.**

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**TESTING REQUIREMENTS FOR TRANSMITTERS** Transmitters must make arrangements for a test transmission. The test file must be transmitted using the same medium that will be used to file the live returns electronically. A test file must be similar to the types of returns the participant expects to transmit for live processing. For example, if a participant successfully transmits test data that contains records for Forms 1041, Schedules D and Schedule K-1; IRS will authorize the applicant to file these records only.

In addition, transmitters using accepted software must complete an error-free communications test by transmitting two returns in separate transmissions in the same day. The two transmissions must have returns in sequential order.

**NOTE: Contact Ogden Submission Processing Center to schedule transmissions.**

After software developers have successfully completed BATS scenarios, transmitters must transmit two same day transmissions. The two transmissions must be three returns in the first transmission and two returns in the second transmission to check the sequential order. In addition, transmitters using accepted software must complete an error-free communications test by transmitting two returns in separate transmissions in the same day. The two transmissions must have returns in sequential order.

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## **SECTION 8 BUSINESS ACCEPTANCE TESTING SYSTEM (BATS) AND ACCEPTANCE PROCEDURES, continued**

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**TESTING REQUIREMENTS FOR SOFTWARE DEVELOPERS** If the software packages and communication systems are used by more than one transmitter, each must test consistent as described in Section 8, Page 21, Testing Requirements for Transmitters.

Software developer's submission of test files:

- After acceptance, two same day transmissions must be made, three returns in the first transmission and two returns in the second to check the sequential order.
- In some cases the software developer may test software specific return data. The software developer must notify the Ogden Submission Processing Center Tax Examiner and provide the information on the forms and schedules that will not be tested. The IRS will not allow these forms and schedules during live data transmissions.

Computer software must provide the same software capabilities and, if applicable, identical data communications capabilities to all users. Other accepted participants may use software packages that test successfully. Software packages will only be authorized for those forms and schedules that were tested by IRS.

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## **SECTION 8 BUSINESS ACCEPTANCE TESTING SYSTEM (BATS) AND ACCEPTANCE PROCEDURES, continued**

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### **ACCEPTANCE PROCEDURES**

The Ogden Submission Processing Center will process each test transmission and communicate by telephone if necessary with the applicant concerning their transmission. If the test file is not correctly formatted, or if the test returns contain errors, the IRS will notify the applicant regarding what errors were encountered on each return. The applicant must then correct the software to eliminate the errors and retransmit the test file. When the test file is accepted, ANSC will send a letter of acceptance. This letter will contain telephone number of the help desk and times to call should the participant have any questions or problems regarding the transmission of returns. Acceptance is valid only for the year and for forms and schedules specified in the acceptance letter. The IRS will inform participants when to begin transmitting live data.

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### **TEST SCENARIOS**

You are required to transmit test scenarios using the Form 1041 return, Schedules K-1, and forms and schedules associated with the 1041 return. A test file consisting of at least 10 returns, but no more than 20 with the related forms, schedules and attachments must be transmitted.

The testing requirements listed below are based on system changes as well as tax form (record layouts) and validation criteria changes for Tax Year 2006. Some of the testing requirements are optional. If any of the below criteria fall within the scope of the type of tax return you prepare, it is highly recommended that test scenarios be developed with the requirements provided below.

1. If you plan to prepare returns claiming a Telephone Excise Tax credit, create a scenario to test a 1041 return with new Form 8913.
2. Several forms have changed for Tax Year 2006. If any of the following forms are within the scope of returns you prepare, create a scenario to test a 1041 return with changes made to the following forms:

2210, 3468, 3800, 4136, 6478, 6765, 8586, 8829, 8830, 8864, 8874, 8881, 8882, and 8896

**SECTION 8 BUSINESS ACCEPTANCE TESTING SYSTEM (BATS) AND ACCEPTANCE PROCEDURES, continued**

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3. If the following new Reject Codes are within the scope of returns you prepare, create a scenario to test the Reject Code(s) as applicable. See Publication 1438 for additional information regarding Reject Codes.

556, 558, 562, 123, 126, 231, 247, 252, 319, 320,  
447, 551, 554, 559, 774, 850, 853, 854, 855, 856, 858

4. Major changes have been made to Form 4136 for Tax Year 2006. If Form 4136 is used within the scope of the types of returns filed on behalf of your clients, create a scenario to test the changes. See Publication 1438, SIGNIFICANT CHANGES SUMMARY, for a detailed list of the changes.
5. If foreign addresses are within the scope of returns you prepare, create a scenario to test the addition of new fields 0095, 0097, 0110 and 0115 added to the Form 1041 record layout, to allow returns with foreign addresses to be filed electronically.
6. Create scenarios to test the following most common reject codes:

<u>Reject Code</u>	<u>Description</u>	<u>Errors</u>
122	EIN/Name Control Mismatch	26,524
224	Missing street address	22,161
12	Short Period Returns	19,751
	Fields 0210, 0220 blank	
	K-1 Beneficiary ID	14,092
	Not numeric or correct	
	Literal	
240	City field missing	12,215
128	Duplicate returns	4,461
916	EFIN missing or Invalid (Summary Record)	2,820
256	ZIP Code not numeric (1041 and K-1)	2,431

## **SECTION 9 FILING REQUIREMENTS AND RESPONSIBILITIES**

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**CONTINGENCY PLAN** If the electronic filing system is inoperative for an extended period of time, the Ogden Submission Processing Center, Electronic Filing Section will provide contingency instructions to participants.

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**INTEGRITY AND ACCURACY** Participants must maintain a high degree of integrity and accuracy in order to participate in the program.

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**REVOCAATION** **IRS reserves the right to revoke the electronic filing privilege of any participant who does not maintain an acceptable level of quality, or who deviates from the procedures and specifications set forth in the following publications for Tax Year 2006:**

- Publication 1438, File Specification, Validation Criteria and Record Layouts for the 1041 e-file Program, U.S. Income Tax Return for Estates and Trusts
  - Publication 1437, Procedures for the 1041 e-file Program, U.S. Income Tax Return for Estates and Trusts
  - Publication 1438-A, (Supplement) for the 1041 e-file Program, Participants U.S. Income Tax Return for Estates and Trusts
- 

**SECURITY** Participants are responsible for the security of all transmitted data.

---

**TRANSMITTING THE RETURN** Estate and Trust returns that are transmitted electronically must have the Form 8453-F mailed within three (3) business days after the return is accepted. The Form 8453-F must not be mailed for those returns that are rejected or identified as duplicates. The Estate or trust must ensure that the Form 8453-F is completed, signed, and that required forms, schedules, and other items are attached before mailing the form to the IRS.

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## **SECTION 9 FILING REQUIREMENTS AND RESPONSIBILITIES, continued**

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**START-UP DATE** Effective January 22, 2007, the IRS will begin to accept and process TY 2006 Estate and Trusts Returns.

Participants (Transmitters) must contact the Ogden Submission Processing Center to inform them of where they intend to begin transmitting Form 1041 returns, Schedules K-1 and related forms and schedules electronically. IRS will not accept live return data before the start-up date (January 22).

---

**DRAIN TIMES** **January 22, 2007 – February 28, 2007**  
One (1) Drain – 7:00 p.m. Central Time, Monday – Saturday

**March 1, 2007 – April 30, 2007**  
Two (2) Drains – 1:00 p.m. and 7:00 p.m. Central Time  
Monday – Saturday

**May 1, 2007 – October 20, 2007**  
One (1) Drain – 7:00 p.m. Central Time, Monday – Friday

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**REQUIRED CONSISTENCY TESTS** The electronic data must meet all the consistency tests required as specified in this publication and Publication 1438. The fiduciary or paid preparer must correct the return data prior to transmitting the return to the IRS. If the transmitter corrects any material, he or she becomes the preparer as explained in Section 6.

---

**REQUIREMENTS FOR SOFTWARE DEVELOPERS** In addition to the requirements outlined in Section 8, Software Developers **must:**

- correct software errors that cause electronically filed data to reject;
  - distribute their software corrections, quickly, to all participants who use their software package.
-

## **SECTION 9 FILING REQUIREMENTS AND RESPONSIBILITIES, continued**

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### **DUE DATES**

Participants must be aware of and adhere to the following dates when transmitting the estate or trust return electronically:

- **December 4, 2006** is the date to begin transmitting test scenarios.
- **January 22, 2007** is the date to begin transmitting live 1041 e-file returns for Tax Year 2006.
- **April 15, 2007** is the due date for electronic filing of Form 1041, Schedules K-1 and related forms and schedules and is the same as Forms 1041 filed on paper.

**NOTE: If April 15<sup>th</sup> falls on a Saturday, Sunday or holiday, the due date of the return is the next business day.**

**On Monday, April 16, 2007 residents of Maine and Massachusetts will celebrate a holiday known as Patriot's Day. If you are a 1041 e-file business taxpayer, software developer and/or transmitter who resides or whose company is located in Maine or Massachusetts, you have an extra day to file your Business Income Tax Return. The filing due date for residents of Maine and Massachusetts ONLY is April 17, 2007.**

- **September 30, 2007** is the last day to transmit test transmissions (scenarios).
- **October 15, 2007** is the last day the IRS will accept initial 1041 e-file returns for Tax Year 2006.

**NOTE: If the last day to file falls on a Saturday, Sunday or holiday, the due date of the return is the next business day.**

## SECTION 9 FILING REQUIREMENTS AND RESPONSIBILITIES, continued

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- **October 20, 2007** is the last day the IRS will accept retransmissions of corrected Form 1041 returns that were previously transmitted but were rejected.

**NOTE: If the last day to file falls on a Saturday, Sunday or holiday, this will be the due date of the return, and not the next business day.**

- From the due date of the return, (April 15<sup>th</sup>), transmitters are allowed up to **(5)** work days to successfully retransmit electronic return data that was timely transmitted, but was rejected. The **(5)** work days to retransmit may not always apply to the extended due date of the return.
- If IRS has not acknowledged a transmission of Form 1041 returns, Schedules K-1 and other related forms and schedules within 2 working days after transmitting the data, the transmitter should immediately contact the e-Help Desk at the Ogden Submission Processing Center. The telephone number is:  

1-866-255-0654
- Transmitters should also contact the Ogden Submission Processing Center when the Electronic Acknowledgment contains a reject code for a return/schedule that was not transmitted.

---

### EXTENSIONS

Estates or trusts that expect to file returns late must apply for an **Automatic 6-Month Extension of Time to File Certain Business Income Tax, Information, and Other Returns**. Form 7004 replaces Forms 2758, 8736 and 8800. These extension forms are now obsolete.

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### WHEN TO FILE

**Form 7004** must be filed on or before the due date of the Form 1041, in most cases April 15.

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## **SECTION 9 FILING REQUIREMENTS AND RESPONSIBILITIES, continued**

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### **WHERE TO FILE**

**Form 7004** should be mailed separately to the Service Center where filers would normally send their paper returns.

**Note: Extension Form 7004 does not extend the time for payment of tax. Extension Form 7004 should not be attached and mailed with Form 8453-F.**

### **ADDRESS CHANGE**

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If the Estate or Trust changes its address, Form 8822, Change of Address, must be sent to the Ogden Submission Processing Center at the address listed in **Section 12, under Method of Delivery**.

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### **CHANGING ENTRIES ON THE RETURN**

After IRS accepts an electronic return, it cannot be recalled or intercepted in process. If the participant or estate or trust needs to change any entries after the return has been acknowledged as accepted; an amended or corrected return must be filed on paper. The amended or corrected return should be mailed to the IRS Center where you would normally file your paper return. (See Form 1041 instructions for more information)

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## **SECTION 10 FEDERAL/STATE REQUIREMENTS**

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### **GENERAL DESCRIPTION**

Federal/State Electronic Filing is a cooperative one-stop filing program between IRS and state tax administration agencies. This program allows the filing of both Federal and State income tax returns through the IRS Electronic Filing System. Only the State return file will be forwarded to the State. All federal information the filer wants to share with the State must be included in the State record. To assist in inclusion of federal information in the state file, the IRS created State Attachment E to accommodate federal data, including Schedule K-1. The tax return data must be placed into a format for transmission as specified by the IRS and the state. **New York** will be the only participant for Tax Year 2006.

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### **RETURN REJECTION**

A combined return will be rejected in its entirety if it contains any error conditions specified in Publication 1438. If the error(s) is of such a nature that it can be corrected and the return(s) processed, the combined return may be retransmitted to ECC in Memphis. The participant may elect to retransmit the Federal tax portion of a rejected return and then file the State return using State tax paper forms.

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### **STATE RETURN**

The State return shall be available to the State within two hours after receipt of the combined state files from the State Retrieval System (SRS).

After the receipt acknowledgment has been provided to the transmitter, the IRS is responsible for making the accepted combined return available to the State agency.

Once the state agency has successfully completed the transmission session and received the return, the responsibility for data integrity is that of the State agency.

Should subsequent errors of any type be detected during State processing, they are resolved between the State agency and the fiduciary using normal State paper procedures.

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## **SECTION 10 FEDERAL/STATE REQUIREMENTS, continued**

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**FED/STATE** Participation in the 1041 Fed/State e-file program gives IRS authorization to release Federal tax information common to the Federal and State return to the designated State along with the information that is only required for State tax purposes.

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**REQUIREMENTS FOR ELECTRONIC FILING** In order to file an electronic state Fiduciary Income Tax Return the following conditions **must** be met:

- The state return must be electronically filed with the federal return through the Enterprise Computing Center;
  - The return must be filed between January 22, 2007 and April 15, 2007;
  - The return data is for New York.
- 

**OVER PAYMENTS**

When preparing electronic returns, fiduciaries may elect to have their overpayments:

- Applied to their 2007 estimated tax,
  - Sent to them in the form of a refund check, or
  - Split – part applied to their 2007 estimated tax and the remainder issued in the form of a refund check.
-

## **SECTION 10 FEDERAL/STATE REQUIREMENTS, continued**

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### **EXCLUSIONS FROM ELECTRONIC FILING**

Returns with the following criteria cannot be filed electronically:

- Amended return;
- Calendar Year Returns (January through December) ending prior to December 31, 2006;
- Returns for part-year residents of a state, or cities associated with that particular state;
- Returns reporting liabilities for nonresident earnings tax for cities associated with the particular state;
- Returns for decedents with Social Security Numbers in the following ranges:
  - 000-00-0000 through 001-00-9999
  - 691-00-0000 through 699-99-9999
  - 764-00-0000 through 999-99-9999
- Returns with a Power of Attorney currently in effect in which the refund is to be sent to a third party, or
- Returns with any correspondence requesting special consideration or procedures.
- Any State other than New York

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### **RETURN SEQUENCE ORDER**

The State return **Header and Attachments** must be received immediately following the Federal return and preceding the summary record.

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### **ACK REPORT**

IRS acknowledges receipt of State data with Federal Form 1041 and passes this data on to the appropriate State for further validation.

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## **SECTION 11 SIGNATURE FORM PROCEDURES (FORM 8453-F)**

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### **PURPOSE OF FORM 8453-F**

Form 8453-F serves the following purpose:

- authenticates the return;
- authorizes the participant to transmit via a third-party transmitter;
- authorizes the transmitter to transmit the return on behalf of the estate or trust;
- serves as a transmittal for related forms and schedules that require signatures different than the signature that authenticates the return; and
- authorizes an Optional Electronic Funds Withdrawal payment.

**Note: Form 8453-F is only needed when filing a Fiduciary Return electronically, not when filing a paper return**

---

### **REQUIRED SIGNATURES**

The fiduciary and the paid preparer's if applicable, signature's are required on Form 8453-F, U. S. Estate or Trust Income Tax Declaration and Signature for Electronic Filing.

All Forms 8453-F must be signed and mailed within three business days **after** the acceptance date of the original electronic transmission.

---

### **FIDUCIARY'S AUTHORIZATION**

If the electronic filing participant is **not** the fiduciary, the participant must get the fiduciary's authorization to file the returns electronically, and if applicable, to transmit, the returns through a third party. To get this authorization, the participant must have the same person sign Form 8453-F who is authorized to sign a paper return.

---

### **MULTIPLE TAX RETURN LISTING**

If a fiduciary or representing officer is authorized to sign more than one Form 1041 return, a Multiple Tax Return Listing (MTRL) may be with Form 8453-F in lieu of sending separate Forms 8453-F. The MTRL should include the date, transmitter's name and telephone number, the 5 digit ETIN and the page number.

## SECTION 11 SIGNATURE FORM PROCEDURES (FORM 8453-F) continued

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The listing should be formatted to display the 9 digit EIN, Name Control, Tax Period, Total Income, Income Distribution, Taxable Income, Total Tax and Tax Due/Overpayment of the estate or trust. A Multiple Tax Return Listing with a maximum of 5000 estates or trusts may be attached to each Form 8453-F. The signature document for multiple returns must include one (1) Form 8453-F signed by the fiduciary or authorized representative. Landscape layout maybe used to accommodate 12 font requirement.

### Example:

<u>TRUST</u> <u>EIN</u>	<u>NAME</u> <u>CONTROL</u>	<u>TAX</u> <u>PERIOD</u>	<u>TOTAL</u> <u>INCOME</u>	<u>INCOME</u> <u>DISTR.</u> <u>DEDUCT.</u>	<u>TAXABLE</u> <u>INCOME</u>	<u>TOTAL</u> <u>TAX</u>	<u>OVERPAYMENT</u>	<u>TAX</u> <u>DUE</u>
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**BOUGHT/SOLD** Participants who file Form 8453-F with multiple listings that include pooled mortgage accounts should send in a separate form 8453-F and listing for all returns that reflect either bought or sold mortgages.

**NOTE: Returns listed on the bought or sold multiple listing should have an attached Form 8453-F recorded as bought or sold.**

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### **POSTMARK DATE**

The package that contains Forms 8453-F must be postmarked within three business days after receiving the Acknowledgement File identifying which returns were accepted.

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### **ELECTRONIC POSTMARK**

If the electronic postmark is on or before the prescribed filing deadline but the return is transmitted after that filing deadline, the IRS will deem the return to be timely filed based on the electronic postmark date/time supplied by the transmitter. If the electronic postmark is dated after the prescribed filing deadline, the actual date of receipt by the IRS of the electronic return will be considered the filing date for that return. **See Publication 1438, Summary Record, regarding the Electronic Postmark.**

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## **SECTION 11 SIGNATURE FORM PROCEDURES (FORM 8453-F) continued**

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### **SUBSTITUTE FORM 8453-F**

Participants must use the official Form 8453-F or an approved substitute form that duplicates the official form in format, language, content, color and size. Use of an unapproved form will result in suspension from the program. Participants must send a sample of their proposed substitute form to the following address for approval:

Internal Revenue Service SE:W:CAR:MP:FP:S:SP  
Substitute Forms Program Coordinator  
1111 Constitution Avenue, NW Room 6411, IR  
Washington, DC 20224

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### **PROBLEMS RELATING TO FORM 8453-F**

The fiduciary or paid preparer must resolve any problems relating to Form 8453-F. If IRS determines that a Form 8453-F is missing or unsigned, the preparer must provide IRS with a legible copy of the signed form from their records, or obtain a signed Form 8453-F from the taxpayer. This should be resolved within 15 days of the IRS request for the form.

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### **FAILURE TO FILE PENALTIES**

Parties involved in the transmission of electronic filing of Form 1041 returns may be liable for failure to file penalties due to missing, incomplete or unsigned signature forms.

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## **SECTION 12 WHERE TO SEND FORM 8453-F AND PAPER DOCUMENTS**

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### **PACKAGING INSTRUCTIONS**

The paper Form 8453-F, and any other required paper documents, must be sent to the Ogden Submission Processing Center address listed below under “Method of Delivery”, using envelopes or cartons, as volume or preference dictates.

**NOTE: For electronic transmissions, the package containing Form(s) 8453-F and appropriate paper attachments, must be postmarked within 3 business days after receiving the Acknowledgement File identifying which returns were accepted and contain only IRS accepted e-filed tax return information.**

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### **SHIPPING AND PACKAGING**

Shipping and packaging instructions for electronically filed Form 1041. The sequence of the items in a package must be as follows:

- the signed Form(s) 8453-F;
  - the corresponding paper attachments for each return (i.e. multiple return listing) attached to the corresponding Form 8453-F.
- 

### **METHOD OF DELIVERY**

Envelopes, packages or cartons containing Form 8453-F and other paper attachments, sent by U.S. Postal Service should be sent to:

Internal Revenue Service  
Ogden Submission Processing Center  
Mail Stop 6052  
Ogden, UT 84201

If sending Form 8453-F and other paper attachments through a vendor other than the U.S. Postal Service, contact OSPC ELF Unit at 1-866-255-0654 for mailing address.

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## **SECTION 12 WHERE TO SEND FORM 8453-F AND PAPER DOCUMENTS, continued**

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**RESUBMISSION ON PAPER** If the participant submits the return on paper after attempting to file it electronically, or if at the end of the filing season (October 20, 2007) a participant is unable to successfully retransmit corrected returns electronically, the participant should attach a letter to the paper return that explains why the return was submitted on paper. A copy of the Acknowledgment File sent by the Ogden Submission Processing Center, to the transmitter concerning the return(s) transmitted, should also be included. A copy of this **ACK FILE** is needed to bypass assessment of any late-filing penalties. In order for the return to be filed timely, the entire paper return (including a copy of the **ACK FILE** should be mailed within 10 work days from the date the return(s) were rejected electronically. The paper return should be mailed to the IRS center where the estate or trust would normally file a paper return.

---

## **SECTION 13 BALANCE DUE RETURNS: TAX PAYMENT**

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**BALANCE DUE RETURNS** Returns containing a money amount on Line 27 (Tax Due), Page 1 of Form 1041 are considered balance due returns.

Balance due returns (with or without payments) **do not** have to be transmitted separately from returns with no balance due.

---

**PAYMENTS** Payments for Form 1041 e-file returns can be made in any of the following ways:

- Electronic Funds Withdrawal (EFW), allows for direct debit payments with balance due returns;
  - Electronic Federal Tax Payment System (EFTPS);
  - As estimated tax payments, with Form 1041-ES, Estimated Income Tax for Estates and Trusts. The payments should be submitted according to Form 1041-ES instructions; and
  - As a remittance sent after the return is filed, but by the return due date (i.e., the return can be transmitted prior to the return due date, however, the remittance does not have to be submitted until the return due date.)
- 

### **ELECTRONIC FUNDS WITHDRAWAL**

An optional Electronic Funds Withdrawal (EFW) is available with balance due returns. The fiduciary may authorize the U.S. Department of Treasury (through a Treasury Financial Agent) to transfer money from their bank account to the Treasury account. The fiduciary must sign the Jurat on Form 8453-F to authorize the agreement between IRS and their Financial Agent to initiate an EFW (direct debit payment).

- EFW payments will be withdrawn in a single transaction, not installments.
- In the event the financial institution is unable to process the electronic funds withdrawal transaction, the fiduciary will be responsible for the tax payment in addition to penalties and interest.

## **SECTION 13 BALANCE DUE RETURNS: TAX PAYMENT, continued**

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- In the event Treasury causes an incorrect amount of funds to be withdrawn from the bank account, Treasury is responsible for returning any improperly transferred funds.

### **The payment record must contain the following information:**

- Bank's Participant's Employer Identification Number (EIN);
- Routing Transit Number (RTN), (9 Numeric Characters);
- Bank Account Number, (1-17 Alphanumeric Characters or Hyphen"-");
- Bank Account Type, (Checking (1) or Savings (2));
- Payment Amount, (Whole Dollar Amounts Only);
- Fiduciary's Daytime Telephone Number; and
- Requested Payment Date, no later than one day after the return receipt date or equal to the return receipt date

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### **EFTPS**

Form 1041 payments (estimated, balance due, and subsequent) can be made through the Electronic Federal Tax Payment System (EFTPS). Contact an EFTPS Financial Agent at 800-555-4477 or 800-945-5300 for information.

**NOTE: An extension of time to file does not grant an extension to pay tax.**

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## **SECTION 14 DISTRIBUTIONS OF COPIES**

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**PARTICIPANT'S COPY** The participant (preparer) must keep a copy of the Form 1041 return, Schedules K-1 and Form 8453-F, U.S. Estate or Trust Income Tax Declaration and Signature for Electronic Filing. The copy of the electronic return may be kept on computer media.

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**CLIENT'S COPY** The participant should advise clients to keep copies of all materials filed with the Ogden Submission Processing Center. The copy of the electronic return can be a copy of the official forms or in a format designed by the participant, in which each data item refers to the line entries on the official forms. The copy can be on computer media. The computer media copy must be composed carefully to avoid violating disclosure rules.

**NOTE: Anyone who receives a copy will be given ONLY the information he or she is entitled to receive.**

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**ELECTRONIC ACK** The participant (Transmitter) should keep a copy of the Electronic Acknowledgment (ACK) (**See, Section 5, Acknowledgment Process**) received from the Ogden Submission Processing Center for 3 months to facilitate inquiries. If the participant is also the paid preparer or the fiduciary, the normal retention periods for tax return information applies, as specified in the Internal Revenue Code.

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**FIDUCIARY'S COPY** If the transmitter and the fiduciary are not the same, the transmitter must give the fiduciary a copy of all materials that are described above and filed with IRS for the estate or trust.

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**IRS COPIES** The participant must give IRS access to all materials that the participant must keep to comply with these procedures.

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## **SECTION 15    ADVERTISING STANDARDS**

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**RESTRICTIONS** Preparers and transmitters shall comply with the advertising and solicitation provisions of 31 C.F.R. Part 10 (Treasury Department Circular No. 230) with respect to their capability to file electronic returns.

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**ENDORSEMENT** IRS endorsement must not be implied. Acceptance to participate in the program **does not mean** that the Internal Revenue Service endorses the computer software or quality of services provided. Therefore, any public communication in which a participant's electronic filing capability is referenced, whether through publication or broadcast, **must** clearly indicate that IRS acceptance of the participant for electronic filing does not constitute an endorsement or approval of the quality of tax preparation services provided.

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## **SECTION 16 SAFEGUARDING THE 1041 e-FILE PROGRAM**

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**PROGRAM REQUIREMENTS** All participants must fulfill program requirements to continue participation in the 1041 e-file Program. Program requirements are included in **Revenue Procedure 2000-31**, this publication and in other publications and notices that govern the IRS e-file Programs. Adherence to all requirements is expected of all participants regardless of where they are published. Some requirements are specific to the category of the participant and are included in appropriate sections of this publication.

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**MONITORING** The IRS monitors participants for compliance with the revenue procedures and IRS e-file requirements. Monitoring may include, but is not limited to, reviewing IRS e-file submissions, scrutinizing advertising material, checking Form 8453F submissions, examining records, observing office procedures and conducting suitability checks. IRS personnel may monitor participants during visits to the participant's offices and other locations where IRS e-file activities are performed. Monitoring visits may be conducted to investigate complaints and to ensure voluntary compliance.

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**SANCTIONING** Violations of IRS e-file requirements may result in warning or sanctioning of the participant. Before sanctioning a participant, the IRS may issue a warning letter that describes specific corrective action for deviations from specific rules. However, sanctioning may be implemented without issuance of a warning letter. Sanctioning may be a written reprimand, suspension or expulsion from the 1041 e-file Program, depending on the seriousness of the infraction. The IRS categorizes the seriousness of infractions as Level One, Level Two and Level Three. Sanctions may be appealed through the Administrative Review process.

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**SUITABILITY** A check is conducted on all firms and the principals and Responsible Officials of firms when a Form 8633 application is initially processed, and annually thereafter. To maintain the IRS 1041 e-file Program integrity annual suitability checks are done to determine if:

- All personal income tax returns are filed and timely;
- All business tax returns are filed and timely;

## **SECTION 16 SAFEGUARDING THE 1041 e-FILE PROGRAM, continued**

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- All tax liabilities are paid or appropriately addressed with the Service;
- Penalties have not been assessed; and
- There is evidence of disreputable conduct or other facts that would reflect adversely on the IRS 1041 e-file Program.
- The suitability check includes a credit check, a fingerprint card, compliance with tax requirements and meeting state and local licensing and/or bonding requirements for the preparation and collections of tax returns.

**NOTE: Failure to meet any of these checks may result in the participant being sanctioned.**

**Please refer to Publication 3112 for additional information concerning Program Requirements.**

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**SUBMISSIONS** The Ogden Submission Processing Center will monitor each participant's submissions to ensure that quality is kept at an acceptable level. The Service Center will counsel the participant, if necessary.

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**QUALITY** If a participant does not maintain an acceptable level of quality, the electronic filing authorization may be revoked.

---

**SUSPENSION** A sanction revoking privileges to participate in the IRS 1041 e-file Program. The following conditions can lead to suspension:

- Deterioration in the format of submissions;
- Unacceptable cumulative error rate;
- Violation of advertising standards;
- Unethical practices in return preparation;

## **SECTION 16 SAFEGUARDING THE 1041 e-FILE PROGRAM, continued**

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- Untimely receipt of Forms 8453-F or incomplete, illegible, altered, missing, or unapproved substitute Forms 8453-F;
- Misrepresentation on the participant's application (Form 8633); and
- Other facts or criteria that would adversely reflect on the electronic filing.

**NOTE: If you were suspended and wish to be reconsidered into the program you will need to reapply by completing the Form 8633 application. Or if you were dropped from the program and would like to continue you also need to reapply. When reapplying, remember to include your previously assigned EFIN.**

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### **COUNSELING**

IRS will counsel suspended participants concerning the requirements for reinstatement in the program.

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### **PENALTIES**

Treasury Regulations take precedence over these procedures. Electronic participants are subject to any criminal penalty for unauthorized disclosure or use of tax return information, as described in Treasury Regulation 301.7216-1(a). Other preparer penalties pertaining to individuals or firms who meet the definition of an income tax return preparer are covered under IRC Section 7701(a)(36) and Treasury Regulation 301.7701-15.

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## **SECTION 17 ADMINISTRATIVE REVIEW**

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**PARTICIPATION** Applicants and participants who are denied participation, or suspended, have the right to request an administrative review.

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**REINSTATEMENT** Requests for administrative review of ineligibility or suspension decisions should be directed to:

Internal Revenue Service  
Office of the Director of Practice (PC:E:P)  
1111 Constitution Avenue, NW  
Washington, DC 20224

## **SECTION 18 EFFECT ON OTHER DOCUMENTS**

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**REVISIONS** This revision supersedes any Publication 1437 previously issued.

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**PUBLICATIONS** Publication 1438, File Specification, Validation Criteria and Record Layouts for the 1041 e-file Program, U.S. Income Tax Return for Estates and Trusts for Tax Year 2006;

Publication 1438-A, (Supplement) for the 1041 e-file Program, U.S. Income Tax Return for Estates and Trusts for Tax Year 2006

**NOTE:** These publications are updated annually.

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## **SECTION 19 EFFECTIVE DATE**

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**CALENDAR AND FISCAL YEAR RETURNS** These procedures remain effective for calendar year returns ending December 31, 2006, and fiscal year returns ending January 31 through June 30, 2007.

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