

Do not attach this form to Form 1065 or Form 1120S; file it separately.

1997

Department of the Treasury Internal Revenue Service

For the applicable election year beginning , 1997, and ending , 19

Name of partnership or S corporation, Employer identification number, Number, street, and room or suite no., City or town, state, and ZIP code

- A Check applicable box to show how entity is classified for Federal income tax purposes: (1) Partnership (2) S Corporation
B If this is the entity's first tax year, skip lines 1 through 10, enter -0- on line 11, and check this box
C If this form is being filed to claim a full refund of the net required payment balance because of a terminating event, skip lines 1 through 9a, enter -0- on line 9b, complete the rest of the form, and check this box
D If the entity had a short base year (a base year of less than 12 months), check this box. See the line 1 instructions for the definition of "base year"

Table with 12 rows and 3 columns. Rows include: 1 Net income for base year, 2 Applicable payments made during base year, 3 Deferral ratio, 4 Line 1 deferred amount, 5 Line 2 deferred amount, 6 Applicable payments made during the deferral period, 7 Net base year income, 8 Net base year income, 9a Multiply line 8 by 40.6%, 9b If line 9a is more than \$500 OR the required payment for any prior tax year was more than \$500, enter the amount from line 9a here, 10 Net required payment balance, 11 Required payment due, 12 Refund of net prior year payments.

Please Sign Here. Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Signature of officer, general partner, or limited liability company member Date Title

Section references are to the Internal Revenue Code unless otherwise noted. Paperwork Reduction Act Notice.—We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of required payment. You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103. The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is: Recordkeeping 5 hr., 16 min. Learning about the law or the form 47 min. Preparing, copying, assembling, and sending the form to the IRS 55 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send Form 752 to this address. Instead, see **Where To File** below.

General Instructions

Purpose of Form.—Partnerships and S corporations use Form 752 to figure and report the payment required under section 7519 or to obtain a refund of net prior year payments. Such payments are required of any partnership or S corporation that has elected under section 444 to have a tax year other than a required tax year.

Who Must File.—An entity classified as a partnership or S corporation for Federal income tax purposes must file Form 752 if it made a section 444 election by filing **Form 8716, Election To Have a Tax Year Other Than a Required Tax Year**, and its election is still in effect for the tax year. Any tax year for which a section 444 election is in effect, including the first tax year the section 444 election is made, is an “applicable election year.” A partnership or S corporation that terminates its section 444 election or liquidates must file Form 752 to claim a refund of its net required payment balance.

Do not file Form 752 for a personal service corporation (as defined in Temporary Regulations section 1.441-4T). Instead, file **Schedule H (Form 1120)**, Section 280H Limitations for a Personal Service Corporation (PSC), with the corporation’s income tax return.

When To File.—For applicable election years beginning in 1997, Form 752 must be filed and the required payment made on or before May 15, 1998.

However, Temporary Regulations section 1.444-3T(b)(4)(iii) provides a special rule that extends the due date for filing Form 752 and making the required payment related to certain back-up section 444 elections.

Where To File.—File Form 752 at the applicable IRS address listed below.

If the entity’s principal place of business or principal office or agency is located in	Use the following Internal Revenue Service Center address
New Jersey, New York (New York City and counties of Nassau, Rockland, Suffolk, and Westchester)	Holtsville, NY 00501
New York (all other counties), Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	Andover, MA 05501
Florida, Georgia, South Carolina	Atlanta, GA 39901
Indiana, Kentucky, Michigan, Ohio, West Virginia	Cincinnati, OH 45999
Kansas, New Mexico, Oklahoma, Texas	Austin, TX 73301
Illinois, Iowa, Minnesota, Missouri, Wisconsin	Kansas City, MO 64999
Alabama, Arkansas, Louisiana, Mississippi, North Carolina, Tennessee	Memphis, TN 37501
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia	Philadelphia, PA 19255

Alaska, Arizona, California (counties of Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba), Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming

Ogden, UT 84201
Fresno, CA 93888

An entity without a principal office or agency or principal place of business in the United States must file Form 752 with the Internal Revenue Service Center, Philadelphia, PA 19255.

Penalties.—If the required payment is not made by the due date, the entity may have to pay a penalty equal to 10% of the underpayment. For this purpose, “underpayment” means the excess of the required payment over the amount (if any) of such payment made on or before the due date for the applicable election year. The penalty will not be imposed for any tax year that began after August 5, 1997, if the entity can show that the failure to pay on time was due to reasonable cause. If you include this penalty with the entity’s payment, identify and enter the penalty amount in the bottom margin of page 1. **Do not** include the penalty in the **Required payment due** on line 11.

The accuracy-related penalty and the fraud penalty may also apply.

Amended Return.—To correct an error in a Form 752 already filed, file an amended Form 752 and write “AMENDED RETURN” across the top.

Specific Instructions

Address.—Include the suite, room, or other unit number after the street address. If the Post Office does not deliver mail to the street address and the entity has a P.O. box, show the box number instead of the street address.

Line B.—If an applicable election year is the entity’s first year of existence (i.e., it is a newly formed entity and therefore does not have a base year), the required payment for such applicable election year is zero.

Line C.—If the entity terminated its section 444 election and the termination took effect for a tax year ending in 1997, or the entity liquidated during a tax year ending in 1997, check this box. The entity should claim a full refund of the net required payment balance on line 10.

A partnership’s section 444 election ends if the partnership changes its accounting period to its required tax year or some other permitted year, it is penalized for willfully failing to comply with the requirements of section 7519, or it becomes a member of a tiered structure and the same tax year exception does not apply (see Temporary Regulations section 1.444-2T).

An S corporation’s section 444 election ends if it changes its accounting period to a calendar year or some other permitted year, it is penalized for willfully failing to comply with the requirements of section 7519, it becomes a member of a tiered structure and the same tax year exception does not apply (see

Temporary Regulations section 1.444-2T), or its S election terminates (unless it immediately becomes a personal service corporation).

See Temporary Regulations section 1.444-1T(a)(5)(ii) for the effective date of the termination of a section 444 election.

Line 1—Net income for base year.—The term “base year” means the tax year preceding the applicable election year. For example, if you are completing Form 752 for the applicable election year beginning October 1, 1997, and ending September 30, 1998, the base year is the tax year beginning October 1, 1996, and ending September 30, 1997.

For partnerships, line 1 net income is the aggregate (not less than zero) of the partnership’s items of income and expense, other than tax-exempt income, nondeductible expenses, and guaranteed payments under section 707(c). When figuring this amount, disregard any limitations at the partner level. For base years beginning in 1996, line 1 should equal the amount on the 1996 Form 1065, Schedule K, line 25a, plus the aggregate items of income and expense, if any, reported on the attachment for Schedule K, line 24 (but not less than zero).

For S corporations, line 1 net income is the aggregate (not less than zero) of the corporation’s items of income and expense, other than tax-exempt income and nondeductible expenses. When figuring this amount, disregard any limitations at the shareholder level. For base years beginning in 1996, line 1 should equal the amount on the 1996 Form 1120S, Schedule K, line 23, plus the aggregate items of income and expense, if any, reported on Schedule K, line 21 (but not less than zero). For this purpose, all S corporations must complete Schedule K, line 23.

If an S corporation was a C corporation for its base year, the C corporation’s taxable income is treated as the net income of the S corporation for the base year. See Temporary Regulations section 1.7519-1T(b)(5) for other details.

Line 2—Applicable payments.—In general, the term “applicable payments” means any amount deductible in the base year that is includable at any time, directly or indirectly, in the gross income of any partner or shareholder who was a partner or shareholder during the base year. However, the term does not include any guaranteed payments under section 707(c). Examples of applicable payments are officer’s compensation, wages, and rent paid to any partner or shareholder.

If the S corporation was a C corporation for its base year, applicable payments of the C corporation are treated as if from an S corporation.

Line 3—Deferral ratio.—The deferral period covers the months between the beginning of the elected tax year and the close of the first required tax year ending within the elected tax year.

Line 9b.—If you enter zero on line 9b and you did not make any prior year required payment for which a refund can be claimed, enter zero on line 10, skip lines 11 and 12, and complete the signature section. You are required to file Form 752 to show that you have a zero liability for the applicable election year beginning in 1997.

Line 12—Refund of net prior year payments.—A refund of net prior year payments will not be made before the later of April 15, 1998, or 90 days after Form 752 is filed (see Temporary Regulations section 1.7519-2T(a)(6)). No interest will be paid on the amount refunded.

