

Georgia Form 501 (Rev. 3/09)
Fiduciary Income Tax Return



0900804013

Mailing Address
Georgia Department of Revenue
Processing Center
P.O. Box 740316
Atlanta, Georgia 30374-0316

2008 OR OTHER TAX YEAR BEGINNING ___/___/___ ENDING ___/___/___

A. Federal Employer Id. No.	Name of Estate or Trust	
B. Date of Creation of Trust or Decedent's Death	Name and Title of Fiduciary	Telephone No.
	Address of Fiduciary (Number and Street)	City, State, and Zip Code
C. Name and address on last year's return if different from above. If no return was filed last year, state reason.		

D. Indicate latest taxable year (within last 5 years) adjusted by INTERNAL REVENUE SERVICE _____
If Internal Revenue Service adjusted net income within last 5 years, a detailed statement of such adjustment must be submitted under separate cover to:
Georgia Department of Revenue, Processing Center, P.O. Box 740316, Atlanta, Georgia 30374-0316.

Schedule 1 - Computation of Tax	1. Income of fiduciary (Adjusted total income from attached Form 1041)	1.	
	2. Adjustments: (List of all items in Schedule 3, Page 2)	2.	
	3. Total (Line 1 plus or minus Line 2)	3.	
	4. Beneficiaries' share of income (Total of Schedule 2)	4.	
	5. Balance (Line 3 less Line 4)	5.	
	6. Exemptions: (Trusts \$1,350 / Estates \$2,700)	6.	
	7. Net taxable income of fiduciary (Line 5 less Line 6)	7.	▶
	8. Total tax	8.	▶
	9. Less Credits (Attach copy of return)	9.	▶
	10. Balance	10.	
	11. Less payments on Georgia estimated income tax or Georgia tax withheld	11.	▶
	12. Balance of tax due	12.	▶
	13. Interest	13.	▶
	14. Penalties-Late Payment _____ Late Filing _____ Underpayment Estimated _____	14.	▶
	15. Total amount due (Pay this amount in full to Georgia Department of Revenue)	15.	
	16. Overpayment (Line 10 less Line 11)	16.	
	17. Amount to be refunded	17.	
	18. Amount of Line 16 to be credited to 2009 estimated tax	18.	

Schedule 2 Beneficiaries' Share of Income Enter Name, Address, and ID Number	A	1.	
		2.	
		3.	
		4.	
	B	1.	
		2.	
		3.	
		4.	

TOTAL (Enter also on Line 4, Schedule 1)

DECLARATION: I/we declare under the penalties of perjury that I/we have examined this return (including accompanying schedules and statements) and to the best of our knowledge and belief it is true, correct, and complete. If prepared by a person other than taxpayer, this declaration is based on all information of which the preparer has any knowledge.

Signature of Fiduciary

Date

Signature and Identification Number of Preparer other than Fiduciary

Department Use Only

THE FIDUCIARY MUST ATTACH TO THIS RETURN A COPY OF ITS FEDERAL RETURN AND SUPPORTING SCHEDULES

SCHEDULE 3 - ADJUSTMENTS TO INCOME - FORM 501 TAXPAYER'S FEIN

ADDITIONS:

Municipal bond interest - other states		
Income tax deduction other than Georgia		
Expense allocable to exempt income (other than US obligations)		
TOTAL ADDITIONS		

SUBTRACTIONS:

Interest - U.S. Government Bonds (must be reduced by direct and indirect interest expense) .		
Income Tax Refund other than Georgia		
TOTAL SUBTRACTIONS		

NET ADJUSTMENT: Total additions less total subtractions. (Enter also on Line 2, Schedule 1)

Georgia has adopted the provisions of **all** federal tax acts (as they relate to the computation of Federal taxable income) that were enacted on or before January 1, 2008, **except** for I.R.C. 168(k) (the 30% and 50% bonus depreciation rules). This exception does not apply to I.R.C. 168(k)(2)(A)(i), (the definition of qualified property), I.R.C. 168(k)(2)(D)(i), (exception to the definition of qualified property) and 168(k)(2)(E), (special rules for qualified property). Georgia has also **not** adopted I.R.C. Section 199 (deduction for income attributable to domestic production activities), I.R.C. Section 1400L (New York Liberty Zone Benefits), I.R.C. Section 1400N(d)(1) (post 8/28/2006 Gulf Opportunity Zone (GOZ) property), I.R.C. Section 1400N(j) (GOZ public utility casualty losses), and I.R.C. Section 1400N(k) (NOLs attributable to GOZ losses). For tax years beginning on or after January 1, 2008, Georgia has adopted the increased I.R.C. Section 179 deduction (\$128,000 in 2008) and the related phase out (\$510,000 in 2008) that was enacted as part of the Small Business and Work Opportunity Act of 2007. As per current legislation, GA will **not** follow the increased Section 179 expensing per the Economic Stimulus Act of 2008 that was signed into law on February 13, 2008. Any other provisions in any other federal acts that were signed into law during 2008 will **not** be followed by Georgia.

Every resident and nonresident fiduciary having income from sources within Georgia or managing funds or property for the benefit of a resident of this state is required to file a Georgia income tax return on Form 501.

Returns are required to be filed by the 15th day of the 4th month following the close of the taxable year.

The Georgia Code provides penalties for failure to comply with its provisions and for interest on late payments of tax and deficiencies.

SPECIFIC INSTRUCTIONS

Schedule 1

Enter on Line 1 the amount of gross income less the itemized deductions shown on the Federal Form 1041.

Enter on Line 2 the net adjustment from Schedule 3.

Enter on Line 4 the total portion of income distributable to all beneficiaries as listed in Schedule 2.

Enter on Line 6 the exemption: Trusts \$1,350, Estates \$2,700.

Compute the total income tax on the amount shown on Line 7 from the following tax rate schedule, entering the total tax due on Line 8.

On Line 7 is Over	But Not Over	Amount of Tax is	Of Excess Over
.....	\$ 750	1%
\$ 750	\$ 2250	\$ 7.50+2%	\$ 750
\$ 2250	\$ 3750	\$ 37.50+3%	\$ 2250
\$ 3750	\$ 5250	\$ 82.50+4%	\$ 3750
\$ 5250	\$ 7000	\$ 142.50+5%	\$ 5250
\$ 7000	\$ 230.00+6%	\$ 7000

Line 9

A credit is allowed on Line 9 for income tax paid to other States. A copy of the other state(s) return must be attached.

For information about business tax credits, see our website.

Credit for nonresident withholding on distributions from pass through entities and sale of property by nonresidents. See O.C.G.A. Sections 48-7-128 and 48-7-129. **Attach a copy of G 2RP or G 2A or the closing statement showing the amount withheld. Submit a schedule for the total credit claimed. The amount on the schedule must equal the amount claimed on Line 9.**

Schedule 2

Complete Schedule 2 to reflect for each beneficiary on: Line 1, full name; Line 2, number and street; Line 3, city and state of residence; and, Line 4, identification number. State the total amount of income distributable to each. If there are more than two beneficiaries, attach a list showing the same information for each.

The total of Schedule 2 must be the same as the amount on Line 4, Schedule 1.

Schedule 3

Georgia taxable income of a fiduciary is its Federal income with certain adjustments as provided in Code Section 48-7-27. List all additions and all subtractions in the appropriate sections of Schedule 3. The more common adjustments are shown.

ADDITIONS: Interest on State and Municipal bonds other than Georgia and its political subdivisions. Any income tax claimed as a deduction on Form 1041 **other than** Georgia. Fiduciary fee and other expense allocable to income exempt from Georgia tax (other than U.S. obligations).

SUBTRACTIONS: Interest and dividends on U.S. Government bonds and other U.S. obligations. U.S. obligation income must be reduced by direct and indirect interest expense. To arrive at this reduction, the total interest expense is multiplied by a fraction, the numerator of which is the taxpayers average adjusted basis of the U.S. obligations, and the denominator of which is the average adjusted basis of all assets of the taxpayer. **NOTE:** Interest received from the Federal National Mortgage Association (FNMA), Government National Mortgage Association (GNMA), Federal Home Loan Mortgage Corporation (FHLMC), and interest derived from repurchase agreements are not considered to be obligations of the United States and are taxable. Income Tax refunds included as income on Form 1041 other than Georgia. Enter the total adjustments on the indicated line of Schedule 3 and on Line 2, Schedule 1.

GENERAL INFORMATION

PENALTIES AND INTEREST

DELINQUENT FILING OF RETURN - 5% of the tax shown on the return for each month or fractional part thereof - up to 25%.

FAILURE TO PAY tax shown on a return by due date - 1/2 of 1% of the tax due for each month or fractional part thereof - up to 25%.

Note: Late payment and late filing penalties together cannot exceed 25%.

A **PENALTY OF \$1,000** may be assessed against an individual who files a frivolous return.

NEGLIGENT underpayment of tax - 5% of the underpayment.

FRAUDULENT UNDERPAYMENT - 50% thereof.

FAILURE TO FILE ESTIMATED TAX - 9% per annum for the period of underpayment. Form 500UET is available upon request for computation of underestimated installment payments.

INTEREST is computed at 12% per year on any unpaid tax from the date due until paid. An extension of time for filing does not relieve late payment penalty or interest.

ESTIMATED TAX

Code Section 48-7-114 requires Fiduciaries to pay estimated tax. Each Fiduciary subject to Georgia Income Tax who reasonably expects to have during the year gross income which exceeds: (1) The personal exemption; plus (2) Estimated deductions; plus (3) \$1,000 income not subject to withholding is required to file.

WHEN AND WHERE TO FILE ESTIMATED TAX. Estimated tax payments required to be filed by persons not regarded as farmers or fishermen shall be filed on or before April 15th of the taxable year, except that if the above requirements are first met on or after April 1st, and before June 1st, the tax must be paid by June 15th; on or after June 1st and before September 1st, by September 15th; and on or after September 1st, by January 15th of the following year. Fiduciaries filing on a fiscal-year basis ending after December 31st, must file on corresponding dates.

The estimate coupon, Form 500ES, should be mailed to the Department of Revenue,, Processing Center, P.O. Box 740319, Atlanta, GA 30374-0319.

PAYMENT OF ESTIMATED TAX FOR 2009. Payment in full of your estimated tax may be made with the first required payment or in equal installments during this year on or before April 15th, June 15th, September 15th, and the following January 15th. Make your check or money order payable to "Georgia Department of Revenue."

Georgia Public Revenue Code Section 48-2-31 stipulates that "taxes shall be paid in lawful money of the United States free of any expense to the State of Georgia."