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MONTANA 2005

Income Tax Booklet For Estates or Trusts

Dear Fiduciary Representative:

Your Montana Department of Revenue is committed to providing the best possible tax services to the citizens of our great state. We promise to do the best we can

- to provide you with the most accurate and timely assistance we can to help you file your tax returns, and
- to ensure that all Montanans pay their fair share of Montana taxes—no more and no less.

We hope you find this new fiduciary tax booklet helpful and easy to use. We invite you to contact us by e-mail at jpurcell@mt.gov with any questions, requests, comments or suggestions you may have—so that we can do an even better job for you in the future. In addition you may download our forms and instructions at www.mt.gov/revenue or call our Customer Service Center at (406) 444-6900.

Thank you for helping make our tax system work for all Montanans!

Best regards,

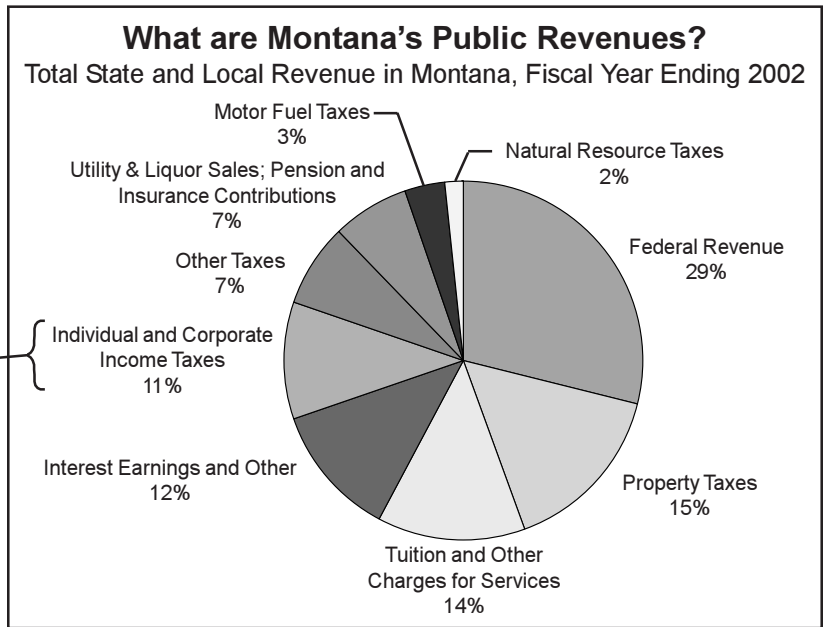
Dan Bucks
Director, Montana Department of Revenue

Your Tax Dollars at Work

The first chart shows the sources of revenue for both state and local governments in Montana for 2002, the most recent year for which totals are compiled.

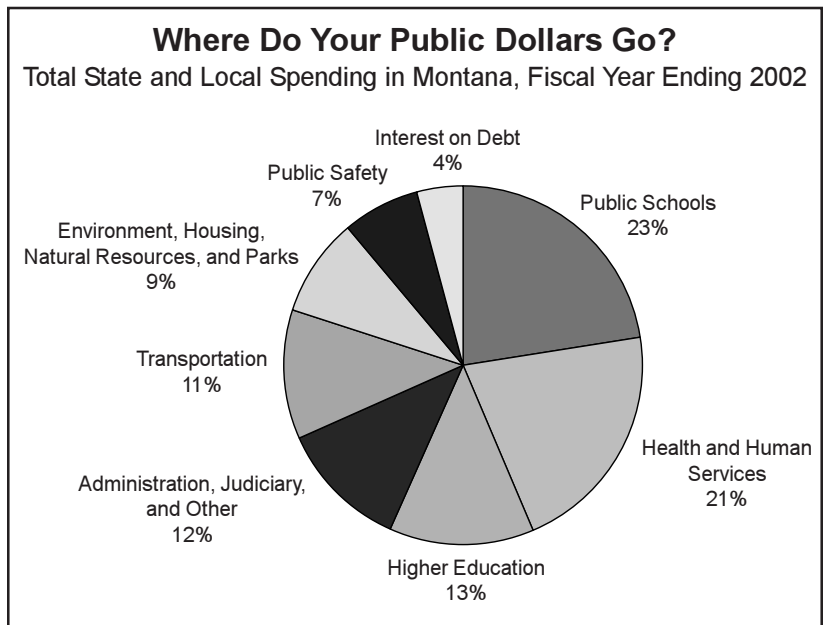
The second chart shows state and local spending.

The table below shows where your income tax dollar—about 11% of total state and local revenues—was spent in 2005.



Where Your Income Tax Dollar Goes

Education - K through College	53%
Health and Human Services	20%
Public Safety and Corrections	10%
Transfers to Local Governments	7%
General Government Operations	6%
Other	4%
Total Spending	100%



For Returns With Payments
Mail To:
Montana Department of Revenue
PO Box 6308
Helena, MT 59604-6308

For All Other Returns
Mail To:
Montana Department of Revenue
PO Box 6577
Helena, MT 59604-6577

If you need assistance with preparing your return please call us at (406) 444-6900 or for the hearing impaired at (406) 444-2830. You may also visit our website at www.mt.gov/revenue.

Montana Income Tax Return for Estates and trusts

General Information

Who Must File Form FID-3

The fiduciary (guardian, trustee, executor, administrator, receiver, conservator, or any person acting in a position of trust or fiduciary capacity for any other person or group of persons) must file a Montana income tax return on Form FID-3 for an estate or trust. A return is not required to be filed if the estate or trust is held for an educational, charitable or religious purpose.

Montana income tax return Form FID-3 must be filed for:

- A resident trust or estate that has Montana adjusted total income of \$1,900 or more.
- A nonresident trust or estate that has Montana adjusted total income of \$1,900 or more.

If an estate or trust is not required to file a federal return, it is not required to file a Montana return. No distinction is made between living trusts (created by the grantor and funded during his or her lifetime) and testamentary trusts (becoming operative upon the death of the grantor).

Resident Estate or Trust

An estate is treated as a resident estate if the decedent was domiciled in Montana on the date of his or her death. If the estate is other than an estate of a decedent, it is treated as a resident estate if the person for whom the estate was created is a Montana resident.

A trust is treated as a resident trust if three or more of the following occur in Montana.

- Domicile of residency of the grantor;
- Creation of the trust;
- Existence of trust property;
- Domicile or residency of the trustee;
- A Montana court is able to exercise primary supervision over the administration of the trust, or
- Administration of the trust. One or more Montana residents have the authority to control all substantial decisions of the trust.

Nonresident Estate or Trust

If the estate or trust does not qualify as a resident estate or trust, it is treated as a nonresident trust.

With a nonresident estate or trust, your Montana tax liability is computed as if you were a resident estate and trust and then multiplied by the ratio of the estate's or trust's Montana source income to total income.

What to File

The fiduciary must file Form FID-3 and attach a complete copy of the federal income tax return Form 1041. All Schedules K-1s must be attached to the return. Upon approval the fiduciary may submit federal Schedule K-1s on diskette or compact disk in an acceptable format. Failure to attach a complete copy of the federal return may cause the return to be delinquent.

When to File

The return is due on or before the fifteenth day of the fourth month following the close of the estate or trust's tax year. For a calendar year filer, the due date is April 17, 2006.

Tax Period/Year Covered by Return

Use the 2005 Form FID-3 to file your tax return for calendar year 2005 or the fiscal year beginning in 2005.

Where to File

Please mail your Fiduciary Return to:
Montana Department of Revenue
Post Office Box 5805
Helena MT 59604-5805

Accounting Method and Period

An estate or trust must use the same accounting method and accounting period as used for federal tax purposes. A change in accounting methods or accounting periods must have prior approval from the Internal Revenue Service. Attach a copy of the federal approval to your return if you change your accounting method or period.

Electing Small Business Trusts

If the trustee makes the election under IRC Section 1361 for the trust to be an electing small business trust (ESBT) for federal purposes, the trust will be treated as an ESBT for Montana income tax purposes. No separate election for Montana purposes is required.

Special rules apply when computing the tax of an ESBT. The portion of an ESBT that consists of stock of one or more S. corporations, which is treated as a separate trust for federal tax purposes, is combined with the remainder (non-S. corporation portion) in arriving at Montana adjusted total income or loss. The Montana tax liability is calculated under the normal manner, using the regular tax table, on the combined income of the ESBT.

If the ESBT consists entirely of stock in one or more S. corporations, complete Form FID-3 reporting the income, losses, and deductions of the ESBT as an S. corporation shareholder and any gain or loss from the disposition of S. corporation stock as Montana adjusted total income. Attach to the estate or trust return the tax computation used in reporting and paying your federal income tax liability.

Grantor Type Trust

Trust income taxable to the grantor or another person under IRC Section 671 through 678 is not taxed on Form FID-3. However, the income information must be shown on a separate statement attached to federal Form 1041. Complete Form FID-3 (reporting the income, losses, and deductions of the grantor trust), check the box "Grantor Type Trust" and attach a copy of the federal information statement.

Extension of Time to File

If you cannot file your return by the due date, Montana allows an automatic extension of time to file your return provided you meet both of the following requirements:

1. On or before the due date of your return, you have applied with the Internal Revenue Service for an extension of time to file your federal income tax return (federal extension Form 2758 for an estate or federal extension Form 8736 for a trust).

An additional extension of time for filing your return is allowed provided that you have applied with the Internal Revenue Service for an additional extension of time for filing your federal income tax return (federal extension Form 2758 for an estate or federal extension form 8800 for a trust). In no case will the extension be allowed for more than six months.

2. The estate or trust has paid by estimated tax payments, withholding tax, or a combination of estimated tax payments and withholding tax, 90% of the estate's or trust's current-year tax liability or 100% of its previous year's tax liability.

A valid federal extension is not considered a valid Montana extension unless the estate or trust has met one of the payment requirements identified in item #2 on or before the prescribed due date of the return. Complete the Montana EXT Worksheet to determine if you have met the payment requirements. If you are required to make an extension payment, use the tax payment coupon included on the Montana EXT Worksheet.

You must check the extension indicator box on Form FID-3 and attach copies of your federal extension form to your completed Montana income tax return. Do not send copies of the federal extension prior to filing your return. Failure to comply with these requirements will result in the denial of your extension and the assessment of penalties.

Amended Returns

If you discover that your income tax return was incorrect, you have five years from the due date of the original return to file an amended Montana fiduciary return and to correct any mistake on your previous return. When you file this amended return, you will need to complete a new Montana Form FID-3 that reflects the corrections that you are making to your previously filed return and check the "Amended Return" box located in the upper left hand corner of Form FID-3. When filing your amended return remember to include a detailed explanation of your adjustments.

If the Internal Revenue Service changes the federal taxable income of your estate or trust, or if you voluntarily change your federal taxable income, you must file an amended Montana income tax return within 90 days of receiving notification from the Internal Revenue Service or filing your amended federal return. The amended return must identify the federal adjustments and recalculated Montana tax for the year adjusted.

Tax Preparer Contact Box

To streamline questions related to your return, we have included an area for you to authorize the department to contact your tax preparer. Placing an X in the box marked "yes" will significantly improve the processing of your return. If you check this box, you are authorizing the department to discuss your return with the tax preparer identified on your return.

Interest on Underpayment of Estimated Tax

In 2005 your estate or trust must have paid through estimated installments, or a combination of withholding and estimated installments, the smaller of 90% of the estate's or trust's current-year tax liability after credits, or an amount equal to 100% of the previous year's tax liability. If the estate or trust did not meet one of these two requirements, it may be subject to interest on the underpayment. For further information see Form EST-I.

If You File or Pay Late

Late filing. If you file your return late, you are assessed a late file penalty of \$50 or the amount of tax due, whichever is less. If you are filing a return in which you receive a refund, the late file penalty is zero.

Late payment. If you owe tax, you are required to pay your tax on or before the fifteenth day of the fourth month following the close of your tax year. If you do not pay the full amount owed by this date, you are assessed a late payment penalty. The penalty is 1.5% per month or fraction of a calendar month on the unpaid tax. The penalty may not exceed 18% of the tax due.

Interest. If 100% of the tax liability is not paid by April 17, 2006, (for a calendar year return) interest is computed daily at 12% annual rate on the unpaid balance. A valid extension of time to file the return does not extend the time for paying the tax liability by April 17, 2006.

Additional information. If you are unable to pay your tax in full, file your return by the due date and pay as much as you can with the return. If you need to establish a payment plan with us, call (406) 444-6900 as soon as possible to discuss payment options and make payment arrangements.

Rounding

Round the amounts on the return to the nearest whole dollar.

Signature

The fiduciary or officer representing the fiduciary must sign the return.

Form FID-3 Specific Instructions

These are instructions for lines not fully explained on the form. General instructions, which begin on page 1, also apply to this form.

Heading. File the 2005 return for calendar year 2005 or a fiscal year that begins in 2005 and ends in 2006. For a fiscal year, fill in the tax year space at the top of the form.

Complete the exact name of the estate or trust from federal Form SS-4 (Application for Employer Identification Number) that you used to apply for your FEIN.

If a grantor type trust, write the name, identification number, and address of the grantor(s) or other owner(s) in parentheses after the name of the trust.

Enter the Federal Employer Identification Number that was assigned to the estate or trust when you submitted your SS-4 and which corresponds to the name of the estate or trust. Do not use any other FEIN number.

Residency status. Check the appropriate box that describes the residency status of the estate or trust. See resident and nonresident estate or trust definitions in the general provision sections of the Form FID-3 instructions.

Type of entity. Check the appropriate box that describes the entity for which you are filing the return. Your entity type is the same as claimed on your federal return.

Use entity type "trust" for a simple, complex, or qualified disability trust.

Use entity type "other" for bankruptcy estates and pooled income funds.

Use entity type "ESBT" when you are an electing small business trust. This entity type is used for the combined filing of the S. corporation items and the normal items of the trust that are separately stated on the federal Form 1041.

Lines 1 through 8. Enter all items of income or loss reported on your federal income tax return. Attach copies of applicable federal schedules and forms.

Line 2a - Ordinary Dividend Income. Enter total amount reported on line 2a of federal Form 1041. Montana taxes dividends as ordinary income and does not recognize the federal qualified dividend tax rate.

Line 9. Add lines 1 through 8. This is your federal total income and must match your federal total income reported on federal Form 1041. If you are an ESBT, see instructions below.

Montana Additions to Income

Line 10 – Interest and Mutual Fund Dividends from Other States’ State, County, or Municipal Bonds. Enter the interest and dividend income that you received from bonds and obligations of another state or territory or county, municipality, district or other political subdivision of another state.

Line 11 – Dividends Not Included in Federal Adjusted Gross Income. Enter the amount of the dividends that you received as Montana source income that are not already included in your total federal income. But do not include your qualified dividends reported on Montana Form FID-3, line 2b since these dividends are already in the total of your ordinary dividends reported on Montana Form FID-3, line 2a.

Line 12 - Taxable Federal Refund. If you claimed a federal tax deduction, either by withholding or by payment of an estimated tax in a prior year, any refund of that tax is income in the year it is received.

Line 13 - Other Recoveries. If you claimed a deduction in a prior year that reduced the Montana taxable income and it was subsequently reimbursed, please show that reimbursement here.

Line 14 - Federal Net Operating Loss (NOL). Enter the federal NOL carry-forward if it is included in line 8 above and if it is different than the amount available for carry-forward for the Montana return.

Line 15 - Other Additions. List type and amount. Please give detail.

Line 16 - Total Additions. Add lines 10 through 15 and enter the result on line 16.

Montana Subtractions from Federal Income

Interest on United States government obligations and mutual fund dividends can be subtracted from your total federal income as long as they are included as income on Form FID-3, page 1. In addition, interest on obligations from U.S. territory or government agency obligations that are exempt by federal law and any mutual fund dividends can be subtracted from your total federal income as long as they are included as income on Form FID-3, page 1.

Obligations that are guaranteed by the United States government are not tax exempt. Interest or mutual fund dividends attributable to Government National Mortgage Association (Ginnie Mae) bonds, Federal National Mortgage Association (Fannie Mae) bonds, or Federal Home Loan Mortgage Corporation (FHLMAC) securities, cannot be subtracted.

United States obligations that are exempt include Series E, F, G, and H savings bonds; U.S. treasury bills, U.S. government notes and U.S. government certificates.

Refer to federal Form 1099-DIV to determine what percentage of dividends qualifies for this exemption.

Line 18 - State Tax Refunds. If a state refund is included on line 8, deduct it here.

Line 19 - Other Recoveries. If a recovery was shown as income on line 8, but the original deduction did not reduce Montana taxable income, deduct it here.

Line 20 - Pension and Annuity Exemption. You may be able to exempt up to \$3,600 of taxable pension and annuity income. Qualifying pension and annuity income is reported on Form 1099R, with a distribution code 7.

Tier II Railroad Retirement benefits, received from the Railroad Retirement Board are exempt from Montana tax. Enter the full amount of Tier II annuity or pension benefits reported on line 8 as a reduction to income on line 20.

To calculate your pension and annuity income exclusion, use the worksheet on this page.

Pension and Annuity Worksheet

- | | |
|---|-----------------|
| 1. Enter the federal total income from line 9. | _____ |
| 2. Phase-out limitation | _____ |
| 3. If line 1 is smaller than line 2, enter the smaller of the pension and annuity income or \$3,600 on line 20. Stop Here. | <u>\$30,000</u> |
| If line 1 is larger than line 2, subtract line 2 from line 1 and enter the result here. | |
| 4. Enter the pension and annuity income or \$3,600 whichever is smaller. | _____ |
| 5. Multiply the amount on line 3 times two (x2) and enter the result. | _____ |
| 6. Pension & Annuity Exclusion. Subtract line 5 from line 4. If the result is zero or negative, there is no exclusion. If the amount is positive, exclude this amount on line 20, Form FID-3. | _____ |

Line 21 - Montana Net Operating Loss. Use Form NOL for calculating your net operating loss for tax years beginning after December 31, 1998. You must carry back the entire amount of your 2005 net operating loss to the two preceding tax years before your net operating loss unless you have timely elected to forgo your carry back and elect to carry forward your NOL. Your election to forgo the carry back must be made by the due date of your return and once it is made it is irrevocable.

Use Form NOL-Pre 99 for calculating your net operating losses for tax years beginning prior to January 1, 1999. Attach your completed NOL Worksheet to your return.

Line 22 - Other Subtractions. Please specify. Attach information if necessary.

Line 23 - Total Subtractions. Add lines 17 through 22 and enter the result on line 23.

Line 24 - Total Montana Income. Add lines 9 and 16, then subtract line 23 and enter the result here.

Lines 25 through 36 - Deductions. Enter the amount of deductions claimed on federal Form 1041, except state income taxes claimed. They are not deductible on the Montana return.

Line 25 - Interest. From line 10 of Federal Form 1041. Check the box if federal Form 4952 is attached.

Line 26 - Federal Income Tax. Enter 100% of the federal income tax paid or accrued within the tax year. As an estate or trust, the federal income tax deduction is not limited to the lesser of \$5,000 or the amount of federal income tax paid or accrued. Do not include state taxes paid.

Line 27 - Other Taxes. Please specify.

Line 28 - Fiduciary Fees. From line 12 of federal Form 1041.

Line 29 - Charitable Deduction. From line 13 of federal Form 1041.

Line 30 - Attorney, Accountant, and Return Preparer Fees. From line 14 of federal Form 1041.

Line 31 - Other Deductions not Subject to the 2% Floor. Please attach a schedule.

Line 32 - Allowable Miscellaneous Itemized Deductions Subject to the 2% Floor. Attach a schedule if applicable.

Line 33 - Total Deductions. Add lines 25 through 32 and enter here. These are your allowable deductions before distributions and the exemption.

Line 34 - Adjusted Total Income (or Loss). Subtract line 33 from line 24 and enter the result on line 34.

Line 35 - Income Distribution Deduction. Complete Form FID-3, Schedule I and attach.

Line 36 - Exemption. Each estate and trust is allowed one exemption of \$1,900.

Line 37 - Total Deductions and Exemption. Add lines 35 and 36 and enter the result here. These are your total deductions, income distribution and exemption.

Line 38 - Taxable Income. Subtract the amount on line 37 from the amount on line 34. This is your Montana taxable income.

Line 39. Enter the amount from line 38 (taxable income).

Line 40 - Tax Liability. Resident estates and trusts compute your tax liability using the tax table on Form FID-3. Nonresident estates and trusts use Schedule II to complete the calculation of the tax liability. Please see instructions for the computation of the Montana tax liability on page 10. If line 39 is less than zero, enter zero.

Tax Rates - For tax year 2005 you will find new estate and trust income tax rates. The ten tax brackets ranging from 2% to 11% that you have used in the past are now replaced with seven tax brackets ranging from 1% to 6.9%.

Line 41 - Capital Gains Tax Credit. You can claim a capital gains credit against your Montana income tax of up to 1% of the net capital gains you reported on Form FID-3, line 4. This credit is nonrefundable since it is applied directly against the tax liability and cannot reduce the liability below zero. The credit cannot be carried back or carried forward and is applied before any other credits. If the trust or estate is a nonresident, apply this credit to the Montana income tax computed on line 40 as if it were a resident.

Line 42 - Resident Tax after Capital Gains Credit. Subtract the amount on line 41 from the amount on line 40. This is the tax liability after the capital gains credit.

Line 42a - Nonresident Tax after Capital Gains Credit. Complete Schedule II on page 4 of Form FID-3 to figure the nonresident tax. Enter the result from line 17 of Schedule II on line 42a.

Line 43 - Nonrefundable Credits Against Tax. Enter nonrefundable single-year credits from Form FID-3, Schedule III, line 11. Please attach the applicable information if required.

Line 44 - Nonrefundable Credits With Carryover Provisions. Enter nonrefundable credits that have a carryover provision from Schedule III, line 25. Please attach the applicable information if required.

Line 45 - Total Tax After Nonrefundable Credits. Subtract amount(s) on lines 43 and 44 from the amount on line 42 or 42a. Enter the result here.

Line 46 - Family Education Savings Account Recapture Tax. If you have a recapturable withdrawal from your family education savings account, you will pay a 6.9% recapture tax on the withdrawal rather than including the withdrawal in your Montana adjusted gross income.

A recapturable withdrawal is a withdrawal that is not used to pay for qualified higher education expenses, or one taken within three years from the date you opened the account.

Multiply the recapturable withdrawal times 6.9% and enter the result on line 46.

Line 47 - Endowment Credit Recapture Tax. If you previously claimed an endowment credit and had taken a charitable deduction for a gift you contributed to a qualified endowment, and you now have received the gift back, you will be required to recapture the previous credit to the extent it reduced your tax liability.

Include in income on line 19, Form FID-3, any amounts that were previously shown as a deduction. Enter on line 47, Form FID-3, the amount of your recapture credit.

Line 48 - Rural Physician's Credit Recapture Tax. If you have previously claimed the rural physician's tax credit and have subsequently ended your practice, within four years following the year you claimed the credit you are required to pay back your previous credit(s) claimed.

- Example 1:** If you claimed four consecutive \$5,000 rural physician's credits for a total of \$20,000 in years 2001, 2002, 2003 and 2004 and in 2005 you ended your practice in the rural area, you are required to pay back the \$20,000 credit on your 2005 return.

2005 Tax Brackets and Table			
If your taxable income on Form FID-3, line 39:			
At least	But less than	Then your tax is	Less:
0	\$2,300	1% of your taxable income	
\$2,300	\$4,100	2% of your taxable income	(\$23)
\$4,100	\$6,200	3% of your taxable income	(\$64)
\$6,200	\$8,400	4% of your taxable income	(\$126)
\$8,400	\$10,800	5% of your taxable income	(\$210)
\$10,800	\$13,900	6% of your taxable income	(\$318)
\$13,900		6.9% of your taxable income	(\$443)

Example: Taxable income \$4,000 X .02(2%) = 80.
\$80 minus \$23 = \$57 tax

- **Example 2:** If you claimed four consecutive \$5,000 rural physician's credits for a total of \$20,000 in years 1999, 2000, 2001 and 2002 and in 2005 you ended your practice in the rural area, you are required to pay back \$10,000 of your previous credits that were claimed in 2001 and 2002. You are entitled to the 1999 and 2000 credits since you maintained your practice in the rural area for at least 4 years after becoming eligible for this credit.

Enter on line 48 the amount of the rural physician's credit recapture.

Line 49 - Total Recapture Tax. Add lines 46, 47 and 48 and enter the result on line 49.

Line 50 - Total Tax Due. Add lines 45 and 49 and enter the result on line 50.

Line 51 - Montana Income Tax Withheld. Enter the amount of your Montana income tax withheld and reported on federal Form W-2, box 17 or on federal Form 1099-R, box 10. When claiming Montana income tax withheld, you are required to attach a copy of your withholding statement(s), which show the Montana income tax withheld. Failure to attach the withholding statement(s) to the return will delay processing.

Line 52 - Estimated Tax Payments. If you have made estimated tax payments, enter the total of the estimated tax payments. Include in this amount the 2004 refund that you requested to be applied to the 2005 estimated tax account. Include on this line amounts reported to you on Montana Form PT-WH. The Form PT-WH will show withholding (if applicable) from ownership in an S. corporation, partnership or disregarded entity. Do not include in this total any income taxes paid for a previous year since these are not estimated taxes paid for tax year 2005.

Line 53 - Extension Payments. If you paid an extension payment on or before April 17, 2006 in order to qualify for an extension to file your return, enter that amount on Form FID-3, line 53. To determine if you need to make an extension payment, complete the Extension Payment Calculation Worksheet, Montana Form EXT-05.

Line 54 - Refundable Credits. You may be eligible for one or more of the three refundable credits that are available on the Montana income tax return. Complete Form FID-3, Schedule III, page 5 to determine the amount of refundable credits to be entered on line 54. Refer to the section of instructions on Montana tax credits found on pages 9 and 10 for a detailed explanation.

Line 55 - Total Payments and Credits. Add lines 51 through 54 and enter the result on line 55.

Line 56 - Penalties and Interest.

Line 56a - Interest on Underpayment of Estimated Taxes. You are required to pay your income tax liability throughout the year. You can make payments through employer withholding, installment payments of estimated taxes, or a combination of both. If you did not pay in advance at least 90% of the 2005 tax liability (after applying credits) or 100% of the 2004 tax liability (after applying credits) interest may be due on the underpayment of estimated tax.

To calculate the interest, complete either Form W, or Form EST-I "Interest on Underpayment of Estimated Tax Payments."

The form can be accessed by visiting our web site at www.mt.gov/revenue or by calling us at (406) 444-6900.

Line 56b - Late File Penalty. If you file your return after April 17, 2006, or October 16, 2006 if you have a valid extension you will be assessed a late file penalty if your total tax due on Form FID-3, line 50 is greater than your payments and offsets reported on Form FID-3, line 55. The penalty is equal to the lesser of \$50 or the amount of tax you owe. If you are filing your return late and you have a refund, you are not assessed a late file penalty.

To calculate your late file penalty subtract line 55 from line 50 and enter the lesser of this result or \$50 in box 56b.

Line 56c - Late Pay Penalty. If you have not paid to us 100% of your income tax liability by April 17, 2006, you will have to pay a penalty. Your late pay penalty is equal to 1.5% per month or fraction of a calendar month on the unpaid balance from April 17, 2006 until it is paid.

To calculate your late pay penalty subtract line 55 from line 50 and then multiply this result by 1.5% per month or a fraction of a calendar month your payment is late. In no instance will your late pay penalty exceed 18% (6 months X 1.5%).

Line 56d - Interest. If you have not paid to us 100% of your income tax liability by April 17, 2006 you will have to pay 12% annual interest, computed daily on your unpaid balance. Remember: A valid extension of time to file your return by October 16, 2006 does not extend your time for paying your income tax by April 1, 2006.

To calculate your interest subtract line 55 from line 50 and then multiply this result by .000329 times the number of days your payment is received after April 17, 2006.

Line 57 - Other Penalties. Include on Form FID-3, line 57, any of the following penalties if they apply to your situation.

- **First-Time Home Buyer Savings Account 10% Penalty.** If you withdrew funds from your first-time home buyer savings account for purposes other than to pay for eligible costs for the purchase of a single family residence, you are required to pay a 10% penalty on the withdrawal unless the withdrawal is on the last business day of the business year. Complete Form FTB-P and enter the amount of the penalty on line 57. Attach a copy of the Form FTB-P to the tax return.
- **Medical Care Savings Account 10% Penalty.** If you withdrew funds from your medical care savings account for purposes other than to pay for eligible medical costs, you are required to pay a 10% penalty on the withdrawal, unless the withdrawal is on the last business day of your business year. Complete Form MSA-P and enter the amount of the penalty on line 57 and attach a copy of Form MSA-P to the tax return.
- **Farm and Ranch Risk Management Account 10% Penalty.** If you have not distributed the deposits and income from your farm and ranch risk management account within 5 years, they are considered distributed. A 10% penalty is required on the amount of tax due on the amount considered distributed. Enter on Form FID-3, line 57 the amount of the farm and ranch risk management account 10% penalty. If you are required to pay more than one of the penalties listed above, enter on line 57 the sum of the penalties.

Line 58 - Contributions to Montana Check-Offs. Enter on line 58 the sum of the contributions to the Montana check-off programs.

Line 58a - Montana Check-off Programs.

Montana's tax statutes provide you with the opportunity to contribute to the following programs via your income tax return. The contribution will increase the amount you owe or reduce the amount of your refund.

Line 58a - Nongame Wildlife Program. Your contributions to this program are used to ensure the well being of Montana's watchable wildlife species, such as eagles, herons, bluebirds, great horned owls, loons, chipmunks, pikas, flying squirrels and painted turtles.

Line 58b - Child Abuse Prevention Program. Your contributions to this program fund services and activities related to the prevention of child abuse and neglect. If you enclose a separate check with your timely filed return, you are allowed to take an itemized deduction for the amount of the contribution on the return you are filing with the contribution.

Line 58c - Agriculture in Montana Schools Program. Your contributions to this program fund the development and presentation of educational programs. This program ensures Montana's young people have a better understanding of agriculture in our state and how it relates to the rest of the world.

Line 60 - Amount that You Owe. If line 59 is more than line 55 enter the difference on line 60. This is the amount that is due with the 2005 FID-3 tax return.

You may pay the amount you owe by personal check, money order, cashier check, credit card or E-check. When making the payment, make it payable to the Montana Department of Revenue and use the coupon that is provided with this booklet. When paying by personal check, please write the FEIN and the tax year on the memo line of the check.

If you wish to pay by credit card or E-check, visit our website at www.mt.gov/revenue and access Income Tax Express. The department accepts Visa or Mastercard.

If you cannot pay the entire amount with the tax return, we encourage you to file the return timely and pay as much as you can. By filing and paying as much as you can by April 17, 2006, you will not be assessed a late filing penalty, and you will reduce the amount of the late pay penalties and interest that is assessed against the outstanding balance. If a payment plan is needed, please call us at (406) 444-6900 as soon as possible to make payment arrangements.

Line 61 - Overpayment/Refund. If line 59 is less than line 55, enter the difference here. This is your overpayment.

Line 62 - Enter the amount from line 61 that you want applied to the 2006 estimated tax account. Subtract line 62 from line 61 and enter the result here. This is the amount of your refund.

If you wish to use direct deposit, enter the RTN# and ACCT# in the appropriate spaces. The routing number must be nine digits and the account number can be up to 17 characters (both numbers and letters).

The direct deposit will be rejected if the routing and account numbers are not correct. If the numbers are incorrect, a check will be mailed to you instead.

**Form FID-3, Page 5, Schedule III
Montana Tax Credits**

There are three categories of credits available on the Montana FID-3 form. We have listed 27 Montana tax credits available under the categories to assist you in managing these credits. With the exception to the capital gains credit, which is required to be applied before any other credit, you are not required to apply any of the other credits in a particular order.

- **Nonrefundable single-year credits.** The nonrefundable single-year credits can only be used to offset the 2005 tax after the capital gains credit and cannot reduce the tax liability below zero. The unused portion of the nonrefundable single-year credits that exceed the 2005 tax liability are lost and are unable to be used in future years.
- **Nonrefundable carryover credits.** The nonrefundable carryover credits can be used to offset the 2005 tax after capital gains credit and cannot reduce the tax liability below zero. The excess nonrefundable credits that were not applied against the 2005 tax liability can be carried over and used to offset future year tax liabilities.
- **Refundable credits.** The refundable credits are applied against the income tax liability with any unused credit refunded to you.

**Nonrefundable Single-Year Credits
Form FID-3, Schedule III, Lines 1 through 11**

Line 1 - Credit for Tax Paid to Another State or Country. Resident estates and trusts may only use this credit.

If the trust or estate paid income tax to another state or country on income that is also taxed to Montana, it may be entitled to a credit against the Montana tax liability. To determine if a credit is available, complete Form FID-3, page 6, Schedule IV.

If you are a shareholder of an S. corporation or a partner in a partnership and the S. corporation or partnership pays an income tax to another state or country, you may claim a credit for your share of these income taxes paid by the entity. In order for you to claim the credit, the income tax paid by the entity is to be measured by and imposed on net income. The credit also applies to excise taxes or franchise taxes that are paid by the S. corporation or partnership as long as they are imposed on and measured by net income.

You are not allowed to use other taxes paid by the S. corporation or partnership, such as, but not limited to, franchise or license taxes or fees that are not imposed on or measured by net income, gross receipt taxes or gross sales taxes.

When you claim this credit for the taxes paid by the entity, you will have to add back to the Montana income your share of the S. corporation's or partnership's federal tax deduction that is included in your total income. This is required whether or not the S. corporation or partnership separately or non-separately stated the income tax deduction on the federal K-1.

If you are required to file an income tax return in more than one state or country and you are entitled to the credit, complete a separate Schedule IV for each state or country in which an income tax return was filed, and tax was paid on the income that is also taxed to Montana.

A credit is not allowed if the other state or country in which you have filed has allowed a credit against the taxes they have imposed on the net income.

When calculating the credit on Form FID-3, page 6, Schedule IV, do not include penalties and interest that you paid to the other state or country in the calculation.

Line 2 - College Contribution Credit. You can claim a credit against your tax liability for contributions that were made in 2005 to a general endowment fund of the Montana University System foundations or a private Montana college, or its foundation. The credit is equal to 10% of the aggregate contribution that was made, with a maximum credit of \$500 allowed.

In order to qualify for the credit, the contribution must be made to a Montana college or university that offers a baccalaureate degree level education program. In addition to the credit, the contribution may be claimed as an itemized deduction.

For further instruction on the credit and to calculate the credit, see Montana Form CC. When the credit is claimed, a copy of Montana Form CC will have to be attached to the tax return.

Line 3 - Qualified Endowment Credit. You can claim a credit against the income tax liability for contributions made to a qualified Montana endowment held by a Montana corporation or established organization that is tax-exempt under 26 U.S.C. 501 c) (3) or is held by a bank or trust company in Montana on behalf of the tax-exempt organization.

The credit is equal to 40% of the present value of a planned gift that you personally made during the year to the qualified endowment. If you are a shareholder in an S. corporation, partner in a partnership, or a member or manager of a limited liability company and the entity made a contribution to a qualified Montana endowment, you are entitled to a credit equal to 20% of your share of the entity's contribution. The credit cannot be larger than \$10,000. When claiming the credit, you cannot claim a charitable contribution on Form FID-3, line 29 for the amount of the contribution used to calculate the credit.

For further instructions on the qualified endowment credit, and to calculate the credit, see Montana Form QEC. To learn more about the endowments state-wide visit the Governor's Task Force on Endowed Philanthropy website at www.endowmontana.org.

Line 4 - Energy Conservation Installation Credit.

If the estate or trust is a resident entity, a credit against the income tax liability may be claimed for energy conservation investments made. The credit is equal to 25% of the expenses for a maximum credit of up to \$500. Examples of the capital investments that qualify for this credit are hot water heaters and household heating or cooling systems.

In order to qualify for the credit, proof must be available that the investment will reduce the waste or dissipation of energy or reduce the amount of energy required to accomplish a given amount of work.

For further instructions on the energy conservation credit, and to calculate the credit, see Montana Form ENRG-B. When this credit is claimed, a copy of Form ENRG-B must be attached to the FID-3 return.

Line 5 - Alternative Fuel Credit. A credit against the income tax liability for the cost of converting a motor vehicle to operate

on an alternative fuel is available. The credit is equal to 50% of the cost to convert the motor vehicle for a maximum credit of up to \$1,000.

To qualify for the credit, the motor vehicle shall be licensed in Montana and the conversion is from gasoline to an alternative fuel, such as natural gas, liquefied petroleum gas, liquefied natural gas, hydrogen, electricity, or other combinations.

The credit should not be confused with the federal deduction for the purchase of a qualified clean-air vehicle.

Line 6 - Health Insurance for Uninsured Montanans

Credit. If you own a business and you pay your employees health insurance premiums you can claim a credit against your income tax liability for these premiums paid for your employees. Your credit is a percentage of the premium payments that you made throughout the year for a maximum credit of up to \$3,000 per year.

In order to qualify for the credit, as an employer you should meet the following criteria:

- You have been in business in Montana for at least 12 months; and
- You employ 20 or fewer employees who work at least 20 hours a week; and
- You pay at least 50% of each of your employee's health insurance premiums.

The credit is limited to a maximum of 10 employees and will include small employer group health insurance under the Small Employer Health Insurance Availability Act.

For further instructions on the health insurance credit, and to calculate this credit, see Montana Form HI. When you claim this credit, you will have to attach a copy of Montana Form HI to the tax return.

Line 7 - Elderly Care Credit. You can claim a credit against the income tax liability for paying certain expenses of providing care to an elderly family member. The credit cannot exceed \$10,000 in one tax year for the care of one or more family members.

In order to qualify for the credit, you need to care for an elderly family member who is at least 65 years of age, who has been determined to be disabled by the social security administration; and has a family income of \$15,000 or less if not married, or \$30,000 or less if married.

For further instructions on the elderly care credit, and to calculate this credit, see Montana Form ECC. When you claim this credit, you will have to attach a copy of Montana Form ECC to the tax return.

Line 8 - Developmental Disability Account Contribution

Credit. You can claim a credit against the tax liability for contributions made to the Montana Developmental Disability Service Account administered by the Montana Department of Public Health and Human Services. The credit is equal to 30% of the contributions made during the tax year.

In order to qualify for this credit, the contributions should be made to the Montana Department of Public Health and Human Service Developmental Disability Account. Any other contribution to developmentally disabled Montanans does not qualify for this credit. When claiming the credit, you cannot take a charitable contribution deduction elsewhere on your return.

For further information on the developmental disability account contribution, call the Montana Department of Public Health and Human Services at (406) 444-2995 or visit their website at www.mt.gov/dphhs.

Line 9 - Oil Seed Crushing and Biodiesel Production Facility Credit. You can claim a credit against the tax liability for the investment that your business makes in depreciable property in Montana to crush oilseed crops for the production of biodiesel. The credit is equal to 15% of the cost in the property, up to a maximum of \$500,000 and will be applied against the tax liability in the tax year that the facility begins processing the oilseed or manufacturing a product from the oilseed.

A credit may also be claimed for the cost of constructing and equipping the Montana business to produce biodiesel. The credit is equal to 15% of the cost of the facility or the property installed in the facility.

For further instructions on the oilseed crushing and biodiesel production facility credit, and to calculate the credit, see Montana Form OSC. When this credit is claimed, a copy of Montana Form OSC must be attached to the tax return.

Line 10 - Biodiesel Blending and Storage Tank Credit. You can claim a credit against the tax liability for the investment your business makes in the purchasing of storage and blending equipment that is used to blend biodiesel with petroleum diesel. The credit is equal to 15% of the cost of purchasing the storage and blending equipment and may not exceed \$7,500. The credit is claimed in the year you begin blending the biodiesel for fuel.

If you are a special fuel distributor or an owner or operator of a motor fuel outlet, a credit may be claimed against the tax liability for the cost of installing any storage and blending equipment. It may not exceed \$52,500 and is claimed in the year you begin blending biodiesel.

For further instructions on the biodiesel blending and storage tank credit, and to calculate the credit, see Montana Form BBSC. When you claim the credit, a copy of the Montana Form BBSC must be attached to the tax return.

Nonrefundable Carryover Credits Form FID-3 Schedule III, Lines 12 through 24

Line 12 - Contractor's Gross Receipts Tax Credit. You can claim a credit against the tax liability for the public contractor's gross receipt tax that your business paid. The credit is the gross receipts tax paid throughout the year after the gross receipts tax was applied against the personal property taxes.

If the income from the contract was reported on the percentage-of-completion method, the credit will need to be pro-rated accordingly. The credit cannot exceed the tax liability and any credit balance remaining can be carried forward up to five subsequent tax years.

When claiming this credit, attach a schedule to the return identifying the contractor's name, the date and the amount of the contract, the primary contractor, subcontractor and the location of the job.

Line 13 - Geothermal Systems Credit. If the trust or estate is a resident of Montana, it can claim a credit against the tax liability for the cost of purchasing and installing a geothermal

system in the principal home. The amount of the credit cannot exceed \$1,500 and is applied in the year the geothermal system was installed. The balance of the credit that is not used in 2005 can be carried forward and applied against subsequent income tax liabilities for a period of seven years.

For further instructions on the geothermal systems credit, see Montana Form ENRG-A. When this credit is claimed a copy of Montana Form ENRG-A must be attached to the return.

Line 14 - Alternative Energy Systems Credit. If the trust or estate is a resident of Montana, it can claim a credit against the tax liability for the cost of purchasing and installing an energy system using a recognized nonfossil form of energy, such as, but not limited to, solar energy, wind energy, solid waste, and organic waste in the principal home. The credit cannot exceed \$500 and any balance of the credit that is not used in 2005 can be carried forward and applied to future tax liabilities for a period of four succeeding tax years.

If the trust or estate is a resident of Montana, it can claim a credit against the tax liability for the cost of purchasing and installing an energy system using a low emission wood or biomass combustion device, such as a pellet or wood stove in the principal home. The credit cannot exceed \$500 and any balance of the credit that is not used in 2005 can be carried forward and applied to future tax liabilities for a period of four succeeding tax years.

For further instructions on the alternative energy system credit, and to calculate the credit, see Montana Form ENRG-B. When you claim the credit, a copy of Montana Form ENRG-B must be attached to the tax return.

Line 15 - Alternative Energy Production Credit. The trust or estate can claim a credit against the income tax liability for an investment of \$5,000 or more made for the business in depreciable property for the use of a commercial system or a net metering system that is located in Montana and that generates energy by means of an alternative renewable energy source.

The amount of the credit is limited to 35% of the eligible cost associated with the purchasing, installing and upgrading of the alternative energy system. The credit is further limited, in that it can only be applied against the tax liability due as a consequence of the alternative energy system generating taxable or net income. Your unused credit can be carried forward and applied to future income tax liabilities for a period of seven years. An exception to the seven year carry forward period applies when the investment is located within the exterior boundaries of a Montana Indian reservation.

For further instructions on the alternative energy production credit, and to calculate the credit, see Montana Form AEPC. When the credit is claimed, a copy of Form AEPC must be attached to the return.

Line 16 - Dependent Care Assistance Credit. If you are an employer in Montana, you can claim a credit against the income tax liability for the amount paid or incurred during the year for providing dependent care assistance to your employees. There are three programs available that qualify for this credit. They include:

- A day care facilities credit.
- A dependent care assistance credit.

- A dependent care information and referral service credit.

For further instructions on the amount of the credit that is available, the carry forward provision and to calculate the credits, see Montana Form DCAC. When claiming these credits, attach a copy of Montana Form DCAC to the tax return.

Line 17 - Recycle Credit. You can claim a credit against the tax liability for the investment your business makes in depreciable equipment or machinery that you use to collect, process, or manufacture a product from reclaimed material. The credit is equal to 25% of the first \$250,000 invested in the property, 15% of the next \$250,000 invested, and 5% of the next \$500,000 invested. You are not entitled to any additional credit for property that exceeds \$1 million.

For further instruction on the recycle credit, and to calculate the credit, see Montana Form RCYL. When this credit is claimed, a copy of Montana Form RCYL must be attached to the tax return.

Line 18 - Historic Property Preservation Credit. A credit can be claimed against the tax liability equal to 25% of the federal rehabilitation credit that is provided in IRC Section 47(a)(2) for the preservation of a qualified historic building. When claiming the credit, attach a copy of the federal Form 3468 to the Montana FID-3.

As an alternative to the percentage of the federal rehabilitation credit, a credit against the tax liability equal to 20% of the cost of creating a conservation easement and for the diminishing value of the historic property, including its building and structure, that resulted from placing a conservation easement on the property may be claimed.

Line 19 - Montana Capital Company Credit. A credit against the tax liability may be claimed if you have a Montana capital company credit carryover. No new capital company credits are available at this time. The credit is available if an investment was made in a qualified Montana capital company within four years of July 1, 1987 or in a qualified Montana small business investment capital company within four years of July 1, 1991. Report the carryover of Montana capital company credit on Form FID-3, Page 5, Line 19.

Line 20 - Infrastructure User's Fee Credit. A credit against the tax liability for the infrastructure user's fee paid to a local government may be claimed. The credit is calculated based on the infrastructure fees paid by your new business to a local government.

For further instructions on the amount of the credit that is available, the carry forward provisions and to calculate the credits, see Montana Form DCAC. If this credit is claimed, a statement from the county certifying the amount of the infrastructure user's fee paid and the timeliness of the payment must be attached. The unused portion of the infrastructure user's fee credit may be carried back three years or carried forward seven years.

Line 21 - Empowerment Zone Credit. You can claim a credit against the tax liability if you are an employer who has a business in an empowerment zone. The credit is based on the number of qualifying new employees and is equal to \$500 for each qualifying employee in the first year of employment; \$1,000 for each qualifying employee in the second year of employment, and \$1,500 for each qualifying employee in the third year of employment. The credit may be carried back three years and carried forward seven years. The entire amount of the credit that is not used in the year it is earned will be carried first to the earliest tax year that the credit may be applied and then to each succeeding tax year.

Line 22 - Increasing Research Activities Credit. A credit against the tax liability may be claimed for the increase in qualified research expenses and basic research payments that your business conducted in Montana. The credit is determined in accordance with Section 41 of the Internal Revenue Code. The applicable percentage rate for the Montana credit is 5%.

For further instructions on the increasing research activities credit, and to calculate the credit, see Montana Form RSCH. If this credit is claimed, a copy of Montana Form RSCH must be attached to the tax return.

Line 23 - Mineral Exploration Incentive Credit. You can claim a credit against the tax liability for the certified expenditures for mining exploration activities involving mineral and coal deposits. The credit cannot exceed 50% of that portion of the tax liability that is related to the production from the mining operation for which the exploration activity occurred.

In determining the credit, the qualified expenditures include those costs that are incurred for activities that directly support the exploration at a specific site.

For further instructions on the mineral exploration incentive credit, see Montana Form MINE-CRED. To qualify for the credit, you will first have to submit a request to the department that details the work performed and the expenses incurred. The request should be made within 60 days following the end of the calendar year. The department has until September 30 to certify your expenses.

Line 24 - Film Employment Production Credit. You can claim a credit against the tax liability for employing residents of Montana in a state-certified production. The credit is equal to the sum of 12% of the first \$50,000 or less that was compensated to each Montana resident who was employed in a state-certified production.

When claiming the credit, you will make a one-time election to either:

- Apply the credit against the tax liability by reporting it on Form FID-3, Page 5, Schedule III, line 25 and carrying forward any unused credit to be applied against the tax liability in subsequent years; or
- Apply the credit against the tax liability by reporting it on Form FID-3, Page 5, Schedule III, line 25 in which any unused credit is refunded to you.

For further instructions on the film employment production credit, and to calculate the credit, see Montana Form FPC. When you claim this credit, you will have to attach a copy of Montana Form FPC to the tax return.

Refundable Credits Form FID-3, Page 5, Schedule III, Lines 26 and 27

Line 26 - Film Employment Production Credit. You can receive a refundable film employment production credit if you made the one time election to apply the credit against the tax liability and requested a refund of the unused credit. You may also elect to carry forward the credit.

The film employment production credit is equal to the sum of 12% of the first \$50,000 or less that was compensated to each Montana resident who was employed in a state certified production.

For further instructions on the film employment production credit, and to calculate the credit, see Montana Form FPC. A copy of the Form FPC must be attached to the return when claiming this credit.

Line 27 - Film Qualified Expenditures Credit. You can receive a refundable film qualified expenditure credit for expenditures made in Montana in connection with your state-certified production. The credit is equal to 8% of the total qualified of the total qualified expenses incurred in connection with the production.

For further instructions on the film qualified expenditures production credit, and to calculate the credit, see Montana Form FPC. A copy of that form must be attached when claiming this credit.

Schedule I – Distribution to Beneficiaries.

This schedule must list the name, address, social security number, federal employer identification number, and residency status of each beneficiary. In addition, you must provide each beneficiary's share of income or loss. If there are more than 15 beneficiaries, attach a separate schedule.

Schedule II - Nonresident Estate and Trust Identification of Montana Source Income.

Please show the total income in column A and the Montana portion of that income in column B of Form FID-3, Schedule II. Include only the income that has not been distributed.

The following line-by-line instructions are for nonresident estates and trusts that have Montana source income.

Interest Income (line 1). Enter on line 1 that portion of the interest income that was received from an installment sale of real property in Montana. Include on line 1 any interest that was received from a business or commercial property that is located in Montana and that is included in the total federal income on Form FID-3, line 1.

Interest received from financial institutions, notes, dividends on capital stock, royalties from patents and copyrights is not taxable to Montana.

Ordinary Dividends (line 2). Generally, the dividends are not considered Montana source income and should not be included on line 2.

Business Income or Loss (line 3). Enter on line 3 that portion of the net income or loss that is reported on Form FID-3, line 3 that was received from any trade, business, profession, or occupation carried on in Montana. If you have more than one business, complete a separate federal Schedule C for each business activity.

Capital Gain or Loss (line 4). Enter on line 4 that portion of the gains or losses that are included in the total on Form FID-3, line 4, that was received on the sale or transfer of tangible property located in Montana. A gain or loss from tangible property that is used or held in connection with the trade or business or occupation, is reportable here.

Montana Source Rental Real Estate, Royalties, Partnerships, S. Corporations, etc. (Line 5). If the estate or trust is a nonresident entity, enter the Montana portion of the following income or losses that are included in the total income on Form FID-3, line 5:

- Net rental income or loss from real property and tangible personal property located in Montana.
- Net royalties to the extent that the income received is for the production, fabrication, manufacturing, or other processing in Montana, or the patented product is produced in Montana.
- Net copyright royalties to the extent that the printing and other publication originated in Montana.
- Partnership income derived from a trade, business, occupation or profession carried on in Montana.

- S. corporation income derived from a trade, business, occupation or profession carried on in Montana. S corporation income or loss is a shareholder's percentage of the corporation's net income and deductions derived from Montana. Attach Schedule K-1(s).
- Estate and trust income derived from a trade, business, occupation or profession carried on in Montana. Estate and trust income or loss is the beneficiary's share of the income and deductions from a trust, which has nexus in Montana. Attach Schedule K-1(s).

Farm Income or Loss (line 6). Report the farm income or loss that was received from the farming activity carried on in Montana. Attach a separate federal Schedule F if necessary, showing only the Montana farm activity.

Ordinary Gain or Loss (line 7). Enter here an ordinary gain or loss that was received from the sale or exchange of business property located in Montana and reported on the federal Form 4797. Attach a copy of the Form 4797.

Other Income or Loss (line 8). Enter any other income or losses attributed to Montana that is not identified on lines 1 through 7. This includes, but is not limited to:

- Montana lottery winnings
- Non-employee compensation

Montana Source Interest and Mutual Fund Dividends From Other States, County or Municipal Funds (line 9). Enter the interest and dividend income from bonds and obligations of other states or their political subdivisions that are attributed to Montana.

Montana Source Federal Refund (line 11). If a federal tax deduction was claimed in a prior year, any refund of that tax is income in the year it is received.

Other Recoveries (line 12). If a deduction in a prior year was claimed and reduced the Montana taxable income, and you were subsequently reimbursed, please show that reimbursement here.

Other Montana Source Additions (line 13). Enter any other source of Montana income that has not been included or identified in the lines above.

Total Montana Source Income (line 14). Add lines 1 through 13, Form FID-3, Schedule II

Nonresident Tax Computation (line 15). Divide the amount in column B, line 14, by the amount in column A, line 14 and enter the result on line 15. Carry to 4 decimal places and do not enter more than 100%.

Nonresident Estate and Trust Tax (line 16). Using the tax table, compute the tax on the amount shown on line 39. Subtract the capital gains tax credit shown on line 41 (if applicable).

Nonresident Estate and Trust Tax After Capital Gains Tax Credit (line 17). Multiply the amount on line 16 by the percentage amount on line 15. This is the amount of the nonresident tax after the capital gains tax credit. Enter the result on Form FID-3, Page 2, line 42.

Schedule V – Reporting of Special Transactions

Complete Schedule V only if the estate or trust was required to complete for federal income tax purposes, one or more of the federal forms that are identified on this schedule. If the estate or trust is required to complete this schedule because you have answered "yes" to one or more of the statements, attach a copy of the federal Form 1041 and the corresponding federal form to the Montana fiduciary return. For further information on the reporting of special transactions, see Schedule V.

2005 Montana Income Tax Return for Estates and Trusts Form FID-3

For the year Jan 1 – Dec 31, 2005 or the tax year beginning _____, 2005, ending _____, 20 _____ Montana

Initial Return <input type="checkbox"/>	Name of estate or trust (if a grantor trust, see instructions)	Federal Employer Identification Number	
Final Return <input type="checkbox"/>	Name and title of fiduciary	<input type="checkbox"/> Check this box if this is a change in address.	Type of entity Check only one
Amended Return <input type="checkbox"/>	Address (number and street)		Residency status Check only one	☐ Decedent's Estate
	City or town, state and Zip code + 4	<input type="checkbox"/> Resident	<input type="checkbox"/> Trust
		<input type="checkbox"/> Nonresident	<input type="checkbox"/> ESBT
			<input type="checkbox"/> Grantor Trust
			<input type="checkbox"/> Other

Enter amounts corresponding to your federal return. Round to nearest dollar. If no entry leave blank

Income	1. Interest income.....		1
	2a. Total ordinary dividends.....		2a
	2b. Qualified dividends allocable to: (1) Beneficiaries <input type="text"/> (2) Estate and Trust <input type="text"/>		
	3. Business income (loss). Attach federal Schedule C or C-EZ (federal Form 1040) <input type="text"/> NAICS		3
	4. Capital gain (loss). Attach federal Schedule D (Form 1041).....		4
	5. Rent, royalties, partnerships, other estates and trust, etc. Attach federal Schedule E (Form 1040).....		5
	6. Farm income (loss). Attach federal Schedule F (Form 1040).....		6
	7. Ordinary gain (loss) Attach federal Form 4797.....		7
	8. Other income. List type and amount: _____		8
9. Add lines 1, 2a, and 3 through 8 and enter the result here. This is your total federal income		9	
Line 9 must equal your total income reported on federal Form 1041. Electing Small Business Trust see instructions.			
Additions	Montana additions to federal income		
	10. Interest and mutual fund dividends from other states' state, county and municipal bonds.....		10
	11. Dividends not included in total federal income.....		11
	12. Taxable federal refund.....		12
	13. Other recoveries of amounts deducted in earlier years that reduced Montana taxable income.....		13
	14. Federal net operating loss carry forward included in Form FID-3, line 8 above.....		14
15. Other additions. List type and amount. _____		15	
16. Add lines 10 through 15 and enter the result here. This is your total Montana additions to income		16	
Subtractions	Montana subtractions from federal income		
	17. Exempt interest and mutual fund dividends from federal bonds, notes, and other obligations.....		17
	18. State tax refunds included on Form FID-3, line 8 above.....		18
	19. Other recoveries of amounts deducted in earlier years that did not reduce Montana taxable income.....		19
	20. Partial pension and annuity income exemption. See worksheet and instructions on page 3.....		20
	21. Montana net operating loss carry forward from Montana Form NOL Schedule B.....		21
	22. Other subtractions. List type and amount. _____		22
23. Add lines 17 through 22 and enter the result here. This is your total Montana subtractions from income		23	
24. Add lines 9 and 16 then subtract line 23 and enter the result here. This is your total Montana income		24	
Deductions and Exemptions	Deductions and Exemptions		
	25. Interest. <input type="checkbox"/> Check the box if federal Form 4952 is attached.....		25
	26. Federal income tax.....		26
	27. Other taxes.....		27
	28. Fiduciary fees.....		28
	29. Charitable deduction.....		29
	30. Attorney, accountant, and return preparer fees.....		30
	31. Other deductions not subject to the 2% floor. Attach schedule.....		31
	32. Allowable miscellaneous itemized deductions subject to the 2% floor.....		32
	33. Add lines 25 through 32 and enter here. This is your deductions before distributions and exemptions.....		33
	34. Subtract line 33 from line 24 and enter the result here. This is your adjusted total income or (loss)		34
	35. Income distribution deduction. Complete Form FID-3, Schedule I.....		35
	36. Exemption.....	1,900	36
	37. Add lines 35 and 36, enter the result here. This is your total deduction and exemptions		37
38. Subtract line 37 from line 34 and enter the result here. This is your Montana taxable income		38	

Taxes and Credits	39. Enter here your Montana taxable income from page 1, line 38.....		39
	40. Enter your tax from the tax table below. If line 39 is less than zero, enter zero.....		40
	41. Enter capital gains tax credit here.....		41
	42. Subtract line 41 from 40 and enter result here, but not less than zero. This is your resident tax after capital gains		42
	42a Nonresident tax after capital gains credit. Enter here the amount from Form FID-3, Schedule II, line 17, but not less than zero.....		42a
	43. Enter nonrefundable single-year credits from Form FID-3, Schedule III, line 11.....		43
	44. Enter nonrefundable carryover credits from Form FID-3, Schedule III, line 25.....		44
	45. Subtract lines 43 and 44 from line 42 or 42a and enter the result here, but not less than zero. This is your total tax after nonrefundable credits		45
	46. Enter family education savings account recapture tax.....		46
	47. Enter endowment credit recapture tax.....		47
48. Enter rural physician's credit recapture tax.....		48	
49. Add lines 46 through 48 and enter the result here. This is your total recapture tax		49	
50. Add lines 45 and 49 and enter result here. This is your total tax due		50	

Payments and Offsets	51. Enter Montana income tax withheld. Attach federal Form(s) W-2 and 1099.....		51				
	52. Enter estimated tax payments here.....		52				
	53. Enter extension payments here.....		53				
	54. Enter refundable credits from Form FID-3, Schedule III, line 28.....		54				
	55. Add lines 51 through 54 and enter the result here. This is your total payments and offsets		55				
	56. <table border="1" style="display: inline-table; vertical-align: top;"> <tr> <td>Interest on underpayment 56a)</td> <td>Late file penalty 56b)</td> <td>Late pay penalty 56c)</td> <td>Interest 56d)</td> <td>Enter the sum of 56a thru 56d here..</td> </tr> </table>	Interest on underpayment 56a)	Late file penalty 56b)	Late pay penalty 56c)	Interest 56d)	Enter the sum of 56a thru 56d here..	
Interest on underpayment 56a)	Late file penalty 56b)	Late pay penalty 56c)	Interest 56d)	Enter the sum of 56a thru 56d here..			
57. Enter other penalties here.....		57					
58. <table border="1" style="display: inline-table; vertical-align: top;"> <tr> <td>Nongame wildlife program 58a)</td> <td>Child abuse prevention 58b)</td> <td>Agriculture in schools 58c)</td> <td>Check-off total.....</td> </tr> </table>	Nongame wildlife program 58a)	Child abuse prevention 58b)	Agriculture in schools 58c)	Check-off total.....		58	
Nongame wildlife program 58a)	Child abuse prevention 58b)	Agriculture in schools 58c)	Check-off total.....				
59. Add lines 50, 56, 57 and 58 and enter result here. This is the sum of your tax, penalties, interest and contributions.		59					
60. If line 59 is more than line 55 enter the difference here. This is the amount you owe. Make check payable to MONTANA DEPARTMENT OF REVENUE or visit our website at www.mt.gov/revenue to pay by credit card or E-check.....		60					

Overpayment	61. If line 59 is less than line 55, enter the difference here.....		61
	62. Enter the amount on line 61 you want applied to your 2006 estimated tax.....		62
	63. Subtract line 62 from line 61 and enter the result here. This is your refund If you wish to use direct deposit enter your RTN# and ACCT # below. See instructions <input type="checkbox"/> Checking <input type="checkbox"/> Savings RTN# _____ ACCT# _____		63

Amended	This section is to be used only when filing an amended 2005 tax return.		
	64. Enter your amended liability (line 60 above), or your amended refund (line 63 above).....		64
	65. Enter your total 2005 refunds previously received.....		65
	66. Enter your total 2005 payments previously made that are not included in line 55 above.....		66
67. Add lines 64 and 65, then subtract line 66. This is your amended return underpayment or overpayment		67	

If applicable, check appropriate box.	Name, address and telephone number of paid preparer.	<input type="checkbox"/> Extension – Check this box and attach copies of federal extension(s) to receive a valid Montana extension.
<input type="checkbox"/> 2/3 rd farming gross income		
<input type="checkbox"/> Annualized estimated payments		
<input type="checkbox"/> Do not mail 2006 forms and instructions	SSN or FEIN: _____	

May the DOR discuss this return with the preparer? Yes No Questions? Call (406) 444-6900 or TDD (406) 444-2830 for hearing impaired.

X Signature of fiduciary (or officer representing fiduciary) _____ Date _____ FEIN of fiduciary if a financial institution _____ Telephone number _____
I declare under penalty of false swearing that the information in this return and attachments is true, correct and complete.

Tax Table				Tax Table			
If Taxable Income is:				If Taxable Income is:			
Over	But not over	Multiply by	and Subtract=Tax	Over	But not over	Multiply by	and Subtract=Tax
\$ 0	\$ 2,300	X 1%	\$ 0	\$ 8,400	\$ 10,800	X 5%	\$.210
\$ 2,300	\$ 4,100	X 2%	\$.23	\$ 10,800	\$ 13,900	X 6%	\$.318
\$ 4,100	\$ 6,200	X 3%	\$.64	\$ 13,900	X 6.9%	\$.443	
\$ 6,200	\$ 8,400	X 4%	\$.126				

Example: taxable income \$4,000 x .02 (2%) = \$80 subtract \$23 = \$57 tax

Entity name _____ Tax period ending _____ FEIN _____

Schedule I - Distribution to Beneficiaries

List name and address of each beneficiary receiving a portion of distributions . If more than 7 beneficiaries, attach a separate schedule.

A Name and Address of Beneficiary <small>Name Street Address City | State | Zip Code</small>	B Social Security Number	C Federal Employer Identification Number	D		E Share of Interest and Dividends	F Share of Capital Gains	G Share of Other Income
			Resident	Nonresident			
1. _____ _____ _____			<input type="checkbox"/>	<input type="checkbox"/>			
2. _____ _____ _____			<input type="checkbox"/>	<input type="checkbox"/>			
3. _____ _____ _____			<input type="checkbox"/>	<input type="checkbox"/>			
4. _____ _____ _____			<input type="checkbox"/>	<input type="checkbox"/>			
5. _____ _____ _____			<input type="checkbox"/>	<input type="checkbox"/>			
6. _____ _____ _____			<input type="checkbox"/>	<input type="checkbox"/>			
7. _____ _____ _____			<input type="checkbox"/>	<input type="checkbox"/>			
Column Totals							

Use additional sheets if necessary or you may create your own schedule if you use the exact same format used here.

Schedule II: Nonresident Estate and Trust Tax		Column A – Enter here the corresponding income from Form FID-3, page 1	Column B – Enter here Montana source income that is in total income reported in column A	
Do not include income that has been distributed				
1	Enter Montana source interest income.....			1
2	Enter Montana source ordinary dividends			2
3	Enter Montana source business income (loss).....			3
4	Enter Montana source capital gain (loss).....			4
5	Enter Montana source rental real estate, royalties, partnerships, S. corporations, other estates and trust, etc.....			5
6	Enter Montana source farm income (loss).....			6
7	Enter Montana source ordinary gain (loss).....			7
8	Enter Montana source other income.....			8
9	Enter Montana source interest and mutual fund dividends from other states' state, county or municipal funds.....			9
10	Enter Montana source dividends not included in federal adjusted gross income.....			10
11	Enter Montana source taxable federal refund.....			11
12	Enter Montana source other recoveries of amounts deducted in earlier years that reduced Montana taxable income in those years.....			12
13	Enter Montana source other additions.....			13
14	Add lines 1 through 13 and enter the result here. This is your Montana source income in column B.			14
15	Divide the amount in column B, line 14 above by the amount in column A, line 14 above and enter result here. Carry to 4 decimal places and do not enter more than 1.0000.....			15
16	Enter your resident tax after capital gains credit reported on Form FID-3, line 42.....			16
17	Multiply the tax on line 16 by the percentage on line 15 and enter the result here and on Form FID-3, page 2, line 42a. This is your nonresident tax after capital gains credit.			17

How do I determine what is my Montana source income when I am a non-resident trust or estate?

In general, as a non-resident estate or trust your Montana source income is all the income that you receive for work performed in Montana, income that you receive from real or personal property that is located in Montana, and income that you receive from a business conducted in Montana.

Where can I find further information on what is my Montana source income?

For further information and a line by line description of what is Montana source income, refer to page 10 of the instruction booklet for Schedule II.

Schedule III: Montana Tax Credits		Enter the amount of your credit in this column
Nonrefundable credits that are single-year credits and HAVE NO carryover provision.		
1 Enter credit from an income tax liability paid to another state or country from Form FID-3, Schedule IV. Attach Form FID-3, Schedules IV.....		1
2 Enter college contribution credit and attach Form CC.....		2
3 Enter qualified endowment credit and attach Form QEC.....		3
4 Enter energy conservation installation credit and attach Form ENRG-C.....		4
5 Enter alternative fuel credit and attach Form AFCR.....		5
6 Enter health insurance for uninsured Montanans credit and attach Form HI.....		6
7 Enter elderly care credit and attach Form ECC.....		7
8 Enter developmental disability account contribution credit.....		8
9 Enter oil seed crushing and biodiesel production facility credit and attach Form OSC.....		9
10 Enter biodiesel blending and storage tax credit and attach Form BBSC.....		10
11 Add lines 1 through 10 and enter result here and on Form FID-3, line 43. This is your total nonrefundable single-year credits.		11
Nonrefundable credits that HAVE a carryover provision.		
12 Enter the amount of your 2005 contractor's gross receipts tax paid.....		12
13 Enter geothermal systems credit and attach Form ENRG-A.....		13
14 Enter alternative energy systems credit and attach Form ENRG-B.....		14
15 Enter alternative energy production credit and attach Form AEPC.....		15
16 Enter dependent care assistance credit and attach Form DCAC.....		16
17 Enter recycle credit and attach Form RCYL.....		17
18 Enter historic property preservation credit and attach federal Form 3468.....		18
19 Enter Montana capital company credit.....		19
20 Enter infrastructure user's fee credit.....		20
21 Enter empowerment zone credit.....		21
22 Enter increasing research activities credit and attach Form RSCH.....		22
23 Enter mineral exploration incentive credit and attach Form MINE-CRED.....		23
24 Enter film employment production credit and attach Form FPC. Report your credit on this line if you have made the one-time four year carry forward election.....		24
25 Add line 12 through 24 and enter result here and on Form FID-3, line 44. This is your total nonrefundable carryover credits.		25
Refundable credits.		
26 Enter film employment production credit and attach Form FPC.....		26
27 Enter film qualified expenditure credit and attach Form FPC.....		27
28 Add lines 26 and 27 and enter result here and on Form FID-3, line 54. This is your total refundable credits.		28

MONTANA TAX CREDITS

There are three categories of credits available to your estate or trust and we have listed the 25 Montana tax credits under these three categories. With the exception to the capital gains tax credit, which is required to be applied before any other credit, (refer to the instructions for Form FID-3, line 41) you are not required to apply any of the 25 other tax credits against your income tax liability in any particular order.

- **Nonrefundable single-year credits.** Your nonrefundable single-year credits can only be used to offset your 2005 resident or non-resident tax after capital gains credit and cannot reduce your tax liability below zero. The unused portion of your nonrefundable single-year credits that exceeded your 2005 income tax liability are lost and are unable to be used in future years.

- **Nonrefundable carryover credit.** Your nonrefundable carryover credits can be used to offset your 2005 resident or part-year resident tax after capital gains credit and cannot reduce your tax liability below zero. Your excess nonrefundable credits that were not applied against your 2005 income tax liability can be carried over and used to offset future year tax liabilities.
- **Refundable credits.** Your refundable credits are applied against your income tax liability with any unused credit refunded to you.

Instructions: An estate or trust may claim a credit for an income tax liability paid to another state or country by the estate or trust, its S. corporation or partnership. If your estate or trust claims this credit for an income tax paid by its S. corporation or partnership, the estate or trust will need to include its share of the S. corporation's or partnership's deduction for income tax paid, as an addition to net income on Form FID-3, line 15.

- Your credit is limited to an income tax liability paid on income that is also taxed by Montana.
- Your income taxes paid include excise taxes or franchise taxes that are imposed on and measured by the net income of your S. corporation or partnership.
- This is a nonrefundable credit and cannot reduce your Montana tax liability below zero.
- This is a nonrefundable single year credit. No unused credit amount can be carried forward.
- You will need to complete a separate Schedule IV for each state or country that you have paid an income tax liability. You can not combine payments on one schedule.

Schedule IV: Credit for an Income Tax Liability Paid to Another State or Country. Full-year Resident Only.		
1	Enter your income taxable to another state or country that is included in Montana income on Form FID-3, line 24. Where applicable, this includes your share of income taxes paid that were claimed as a deduction by your S. corporation or partnership.....	1
2	Enter your total income from the other state or country you used in calculating your income tax paid to that state or country. Include in this total all income exempt from Montana income tax that was subject to tax in the other state or country.....	2
3	Enter your total Montana income from Form FID-3, line 24. Where applicable, this includes your share of income taxes paid that are claimed as a deduction by your S. corporation or partnership.....	3
4	Enter your total income tax liability paid to the other state or country.....	4
5	Enter your Montana tax liability from Form FID-3, line 42	5
6	Divide line 1 by line 2. Enter the percentage here, but not greater than 100%.....	6
7	Multiply line 4 by line 6 and enter the result here.....	7
8	Divide line 1 by line 3. Enter the percentage here, but not greater than 100%.....	8
9	Multiply line 5 by line 8 and enter the result here.....	9
10	Enter here and on Form FID-3, Schedule III, line 1, the smaller of the amounts reported on lines 4, 7, or 9 above. This is your credit for an income tax paid to another state or country.	10

Schedule V: Reporting of Special Transactions		Transaction
<p>Complete Schedule V only if your estate or trust was required to complete for federal income tax purposes any of the federal forms described below. Check the appropriate box indicating which form(s) were required to be filed with your federal income tax return. If your answer is "yes" to one or more of these forms, you will need to attach a complete copy of your federal income tax return Form 1041.</p>		<p>Check "yes" if you are required to file any of the following forms with the Internal Revenue Service.</p>
<p>1 My estate or trust is required to file federal Form 8264 – Application for Registration of a Tax Shelter with the Internal Revenue Service.</p> <p>Form 8264 is required to be filed to register a tax shelter. Upon filing Form 8264, you receive a tax shelter registration number from the Internal Revenue Service. This tax shelter number is provided to investors in the tax shelter.</p>	1	YES
<p>2 My estate or trust is required to file federal Form 8271 – Investor Reporting of Tax Shelter Registration Number with the Internal Revenue Service.</p> <p>Form 8271 is used to report the tax shelter registration number that the Internal Revenue Service assigns to certain tax shelters required to be registered under 26 USC 6111 and to report the name and identifying number of the tax shelter.</p>	2	YES
<p>3 My estate or trust is required to file federal Form 8824 – Like-Kind Exchanges with the Internal Revenue Service.</p> <p>NOTE: Check "yes" if your like-kind exchange includes Montana property. Non-residents do not have to report a like-kind exchange if the properties involved do not include Montana property.</p> <p>Form 8824 is used to report each exchange of business or investment property for property of a like kind.</p>	3	YES
<p>4 My estate or trust is required to file federal Form 8865 – Return of U.S. Persons With Respect to Certain Foreign Partnerships with the Internal Revenue Service.</p> <p>Form 8865 is used to report the information required under 26 USC 6038 (reporting with respect to controlled foreign partnerships), section 6038B (reporting of transfers to foreign partnerships), or section 6046A (reporting of acquisitions, dispositions, and changes in foreign partnership interest).</p>	4	YES
<p>5 My estate or trust is required to file federal Form 8886 – Reportable Transaction Disclosure Statement with the Internal Revenue Service.</p> <p>Form 8886 is used to disclose information for each reportable transaction in which you participated.</p>	5	YES
<p>6 My estate or trust is required to file federal Form 13586 – Additional Information and Documentation for Announcement 2004-46, Settlement Initiative – 60-Day Response with the Internal Revenue Service.</p> <p>Form 13586 is required for each year you derive a benefit from a Notice 2000-44 (or substantially similar) transaction.</p>	6	YES
<p>7 My estate or trust is required to file federal Form 13656 – Notice of Election by Executive and Related Person to Participate in Announcement 2005-19 Settlement Initiative with the Internal Revenue Service.</p> <p>Form 13656 is an election to participate in the settlement initiative as described in Announcement 2005-19 and as contained in Internal Revenue Bulletin 2005-11 dated March 14, 2005.</p>	7	YES

Tax Table							
If Taxable Income is Over	But not Over	Multiply by	and Subtract = Tax	If Taxable Income is Over	But not Over	Multiply by	and Subtract = Tax
\$ 0	\$ 2,300	X 1%	..... \$ 0	\$ 8,400	\$10,800	X 5%	..... \$ 210
\$ 2,300	\$ 4,100	X 2%	..... \$ 23	\$10,800	\$13,900	X 6%	..... \$ 318
\$ 4,100	\$ 6,200	X 3%	..... \$ 64	\$13,900.....		X 6.9%	..... \$ 443
\$ 6,200	\$ 8,400	X 4%	..... \$126				

Example = taxable income \$4,000 x 2% (.02) = \$80 subtract \$23 = \$57 tax

Important Numbers: (These are not toll free numbers.)

Income tax assistance and problems.....	(406) 444-6900	TDD (Telephone Device for the Deaf)...	(406) 444-2830
Estimated tax requirements.....	(406) 444-6900	Fax number—income tax.....	(406) 444-6642
Where's my refund?.....	(406) 444-9840	Employer business tax questions.....	(406) 444-6900

Montana Department of Revenue
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 Helena MT 59604-5805

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