

D-76 **District of Columbia (DC)** **Estate Tax Forms and Instructions** **For Estates of Individuals Who Died** **on January 1, 2011 or After**

D-76 DC Estate Tax Return
D76EZ DC Estate Tax Return
D-76A Amended DC Estate Tax Return
FR-77 Application for Extension of Time
to File DC Estate Tax Return
Estate Tax Computation Worksheet

May 2013

INSTRUCTION CLARIFICATION

DC recognizes same sex marriage. Any gender specific terms in DC law relating to the sex and/or marital or filing status of the decedent and/or any surviving spouse shall be considered gender neutral. Therefore, where necessary to accurately reflect a same sex marriage on the D-76, adjustments should be made to the line items transferred from the federal estate tax return, such as the marital deduction and determination of gross estate, before such items are entered on the D-76.

DC ESTATE TAX RETURN FORM D-76

FOR ESTATES OF INDIVIDUALS WHO DIED ON JANUARY 1, 2011 OR AFTER

Estate of (Last Name, First Name, Middle Initial)	Date of death
SSN of personal representative	Location of Probate Court
Name of personal representative	SSN of decedent
Address of personal representative	Case number

Was the estate probated? YES <input type="checkbox"/> NO <input type="checkbox"/>	Telephone number of personal representative	OFFICIAL USE
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Did decedent die testate? YES <input type="checkbox"/> NO <input type="checkbox"/>	Attach a copy of the last will and testament. Attach a copy of the Letters of Administration.
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Attach a copy of the death certificate

Please Check One Box:

Resident Return Nonresident Return Alien Return

ESTATE

1. Total Gross Estate	\$
2. Total Allowable Deductions (From federal schedules)	
3. Tentative Taxable Estate (Line 1 minus Line 2) (see estate tax computation worksheet) *	
4. DC Estate Tax Due (From computation worksheet, either Line 9, or Line 13, as applicable)	
5. Payment with Extension (Enter date paid (MMDDYYYY) (/ /)	
6. Overpayment (if Line 5 is greater than line 4).	
7. Balance Due (If line 4 is greater than line 5).	
8. Penalty: 5% per month or fraction thereof (Maximum 25%)	
9. Interest: (From _____ To _____)	
10. Total Tax, Penalty and Interest (Add Lines 7, 8 and 9)	\$

I swear under penalty of perjury, that I (we) have examined all assets and documents of this estate including accompanying schedules and statements, and to the best of my (our) knowledge, information and belief, all statements made herein are true, correct and complete.

Attorney's Name

Attorney's address

Attorney's telephone number _____

Signature of Personal Representative

Date

*** SEE COMPUTATION WORKSHEET**

DC ESTATE TAX RETURN FORM D-76 AND FORM D-76 EZ

GENERAL INSTRUCTIONS

1. **WHEN IT MUST BE FILED:** A DC Estate Tax Return (Form D-76 or Form D-76 EZ) must be filed when the gross estate is \$1,000,000 or more, even if the Federal Estate Tax Return (IRS Form 706, for individuals dying in 2002 and thereafter) is not required to be filed. **Note:** certain schedules from the current IRS Form 706 will need to be prepared prior to completing Form D-76 or Form D-76 EZ, regardless of whether a Form 706 is filed.

For a decedent whose death occurs on or after January 1, 2003, the unified credit is \$345,800 and an estate tax return is not required to be filed if the decedent's gross estate does not exceed \$1,000,000.

2. **WHO MUST FILE:** The District of Columbia estate tax return must be filed by the Personal Representative responsible for administering the estate.
3. **EXTENSION OF TIME TO FILE:** Generally, the District of Columbia estate tax return must be filed and the tax paid within 10 months after the death of the decedent. However, a 6-month extension of time to file may be requested by filing an Application for Extension of Time to File DC Estate Tax Return (Form FR-77). The Office of Tax and Revenue does not accept the federal Form 4768, Application for Extension of Time to File a Return and/or Pay U.S. Estate (and Generation-Skipping Transfer) Taxes. **YOU MUST USE ONLY FORM FR-77.**
4. **INTEREST:** Beginning January 1, 2003, interest is charged at the rate of 10% per year, compounded daily (without regard to any extension).
5. **PENALTIES:** A penalty of 5% per month or any fraction of a month up to a maximum of 25% of the tax will be imposed upon the failure to timely file a return and/or upon the failure to timely pay the tax. This penalty applies without regard to any extension of time in filing the return.
6. **PLACE FOR FILING:** Mail returns and payments to the Office of Tax and Revenue, Audit Division, Estate Tax Unit, P.O. Box 556 Washington, DC, 20044-0556. Make the check or money order payable to the **DC Treasurer.**
7. **SUPPLEMENTAL DOCUMENTS:** Attach copies of the following to the tax return:
 - (a) Application for Extension of Time to File DC Estate Tax Return (Form FR-77), if filed; and
 - (b) Pages 1, 2 and 3 from the current IRS Form 706; and
 - (c) Current Schedules A through O from IRS Form 706, including **all** attachments.
 - (d) Estate Tax Computation Worksheet
8. **AMENDED RETURNS AND FEDERAL CHANGES:** If an Amended Federal Estate Tax Return is filed, or a federal adjustment is made, an Amended DC Estate Tax Return (D-76A) must be filed within 30 days after filing the Amended Federal Estate Tax Return to report the changes. A copy of the Amended Federal Estate Tax Return or federal adjustment report must be attached. Also, if additional assets are discovered, a DC Amended Estate Tax Return (D-76A) must be filed within 30 days of this determination.
9. **SIGNATURE:** The Personal Representative(s) must sign the tax return.

DC ESTATE TAX RETURN FORM D-76 & FORM D-76 EZ

SPECIFIC INSTRUCTIONS

1. TAXABLE SITUS

Assets reported on schedules A through H of the Federal Estate Tax Return generally have a taxable situs determined in accordance with the following:

- (a) **Real Property** — The place where the property is situated; if property was rental property during decedent's lifetime, *Unincorporated Business Franchise Tax Returns should have been filed and taxes paid, *if applicable.
- (b) **Tangible Personal Property** — The place where the property is customarily located at the time of death.
- (c) **Intangible Personal Property** — The domicile of the decedent at the time of death, except that intangible personal property used in a trade or business in DC has a taxable situs in the District. Examples of intangible personal property include bank accounts, certificates of deposit, notes, securities and bonds. The physical location of these assets, unless used in a trade or business in the District, is not controlling. They are taxable at the domicile of the decedent.

2. ADDITIONAL INFORMATION

- (a) **Partnership Property** — Treated as intangible personal property regardless of the character of the property; for example, real estate held by a partnership is intangible personal property and is taxable at the decedent's domicile.
- (b) **Business Situs** — Intangible personal property used in a trade or business in the District has a taxable situs in the District regardless of the domicile of the owner.
- (c) **Personal Trusts** — Assets held in a personal trust have a taxable situs in accordance with the generally accepted situs rules. The trust entity is disregarded for purposes of determining taxability.
- (d) **Trustee** — The residence or location of the trustee of a trust does not determine questions of the situs of the assets in the trust.

**DC ESTATE TAX RETURN
FORM D-76**

LINE-BY-LINE INSTRUCTIONS

- LINE 1 — Total Gross Estate:** Enter the market value of the gross estate (based upon an appraisal from a Certified Appraiser). Attach a copy of the appraisal to the tax return.
- LINE 2 — Total Allowable Deductions:** Enter total allowable deductions from Line 2, Form 706.
- LINE 3 — Tentative Taxable Estate:** Subtract total allowable deductions (line 2) from total gross estate (line 1).
- LINE 4 — DC Estate Tax Due:** Calculate the DC Estate Tax due by using the Tax Table on the Estate Tax Computation Worksheet after you computed the exempted amounts (if applicable). If the estate would not have had a DC Estate Tax liability in 2001 [based on the IRS Form 706], then it is expected that there may be no DC Estate Tax liability for 2002 and future years.
- LINE 5 — Payment with Extension of Time to File:**
Enter the amount and date of payment made with Form FR-77, if any.
- LINE 6 — Overpayment:** If Line 5 is greater than Line 4, enter overpayment on Line 6.
- LINE 7 — Balance Due:** If Line 4 is greater than Line 5, enter balance due on line 7.
- LINE 8 — Penalty:** A penalty is imposed at 5 percent per month or fraction of a month (maximum 25%) on any estate taxes not paid by the due date of the return, without regard to any extension of time for filing the return.
- LINE 9 — Interest:** Any portion of the tax which is not paid by the time the return is required to be filed, determined without regard to any extension of time for filing the return, is subject to interest from the original due date to the date of payment. Beginning January 1, 2003, interest is charged at the rate of 10% per year, compounded daily without regard to any extension).
- LINE 10 — Total Tax, Penalty, and Interest:** Add Lines 7, 8 and 9, Enter the total on line 10.

DC ESTATE TAX RETURN FORM D-76 EZ

FOR ESTATES OF INDIVIDUALS WHO DIED ON JANUARY 1, 2011 OR AFTER

You may only use this form if:

- (1) The Estate will pass to the surviving spouse;
- (2) The Estate is donated to a charitable, public or tax-exempt organization under Section 501(c) of the IRC; or
- (3) Some combination of (1) and (2) resulting in "0" Taxable Estate

If you use this form, attach the following:

- (1) Pages 1, 2 and 3 of the current IRS Form 706; and
- (2) Schedule M of the current IRS Form 706 where part or all of the estate will pass to the surviving spouse;
- (3) Schedule O of the current IRS Form 706 where part or all of the estate is donated to a charitable, public or tax-exempt organization under Section 501(c) of the IRC.

ESTATE OF: (Last Name, First Name, Middle Initial)		Date of death
SSN of personal representative		Location of Probate Court
Name of personal representative		SSN of decedent
Was the estate probated? YES <input type="checkbox"/> NO <input type="checkbox"/>	Telephone number of personal representative	OFFICIAL USE
Address of personal representative		CASE NUMBER
Did decedent die testate? YES <input type="checkbox"/> NO <input type="checkbox"/>	Attach a copy of the last will and testament	
Attach a copy of the death certificate		

Please Check ONE Box:

- Resident Return
 Nonresident Return
 Alien Return

ESTATE

Total Gross Estate (Approximate) \$	
I swear under penalty of perjury, that I (we) have examined all assets and documents of this estate including accompanying schedules and statements, and to the best of my (our) knowledge, information and belief, all statements made herein are true, correct, and complete.	
ATTORNEY'S NAME _____	SIGNATURE OF PERSONAL REPRESENTATIVE _____
ATTORNEY'S ADDRESS _____ _____	
ATTORNEY'S TELEPHONE NO. _____	DATE _____



AMENDED DC ESTATE TAX RETURN FORM D-76A

Estate of: (Last Name, First Name, Middle Initial)		Date of death
Name of personal representative	SSN	Location of Probate Court
Address of personal representative		SSN of decedent
		Case number
Was the estate probated? <input type="checkbox"/> YES <input type="checkbox"/> NO	Telephone number of the personal representative	OFFICIAL USE

RESIDENT ESTATE
 NON RESIDENT ESTATE
 AMENDED - IRS AUDIT
 AMENDED - DISCOVERY
Attach a copy of the IRS Audit. of additional assets.

	COLUMN 1 Originally Reported	COLUMN 2 Net Change (See Page 2)	COLUMN 3 Corrected Amount
1. Total Gross Estate	\$	\$	\$
2. Total Allowable Deductions (From federal schedules)			
3. Tentative Taxable Estate (Line 1 minus Line 2)			
4. DC Estate Tax Due (From computation worksheet)			
5. Penalty: 5% Per Month or Fraction Thereof (Maximum 25%)			
6. Interest: (From To)			
7. Total Tax, Penalty and Interest (Line 4 plus Lines 5 and 6)			
8. Total Tax Penalty and Interest Previously Paid (Line 10, Form D- 76)			
9. Balance Due (Line 7 minus Line 8)			
10. Overpayment (Line 8 minus Line 7)	\$	\$	\$

Under penalties of perjury, I (we) swear that I (we) have examined all assets and documents of this estate, including accompanying schedules and statements, and to the best of my (our) knowledge, information and belief, all statements made herein are true, correct, and complete.

ATTORNEY'S NAME _____

ATTORNEY'S ADDRESS

SIGNATURE OF PERSONAL REPRESENTATIVE

ATTORNEY'S TELEPHONE NO. _____

DATE _____

**DC ESTATE TAX RETURN
FORM FR-77
APPLICATION FOR EXTENSION OF TIME TO FILE**

Page 2

If filed by someone other than the Personal Representative -- Under penalties of perjury, I declare that to the best of my knowledge and belief, the statements made herein are true, correct and complete, that I am authorized by the Personal Representative to file this application, and that I am (check applicable boxes):

A member in good standing of the bar of the highest court of (specify location).

A certified public accountant duly qualified to practice in (specify location).

A person enrolled to practice before the Internal Revenue Service.

A duly authorized agent holding a power of attorney. (The power of attorney need not be submitted unless requested).

Filer's signature (if other than the Personal Representative)

Date

Part IV	Official Use Only — To be completed by the Office of Tax and Revenue
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The application for extension of time to file is: Approved Not approved. Reasons – DC Code, if applicable.

Other

SIGNATURE

DATE

**DC ESTATE TAX RETURN
FORM FR-77
APPLICATION FOR EXTENSION OF TIME TO FILE
INSTRUCTIONS**

PURPOSE — Form FR-77 must be filed to request a 6-month extension of time in which to file a DC Estate Tax Return, Form D-76 or D-76EZ.

WHEN TO FILE—The request for an extension of time to file must be submitted on or before the original due date for Form D-76 or D-76EZ.

WHERE TO SUBMIT REQUEST—Mail the completed Form FR-77 with your payment of any tax due to the Office of Tax and Revenue, Audit Division, Estate Tax Unit, PO Box 556, Washington, DC 20044. Be sure to sign and date the FR-77. The payment should be made payable to the **DC Treasurer** and include the decedent's social security number and the notation "FR-77".

REQUEST FOR EXTENSION OF TIME TO FILE. — A 6-month extension of time to file will be granted if you complete this form properly, file and pay with it the amount of tax due as shown on Part III, Line 1. **A copy of the FR-77 which you filed must be attached to Form D-76 or D-76EZ when it is filed.**

FEDERAL EXTENSION FORM—The Office of Tax and Revenue does not accept federal Form 4768, Application for Extension of Time to File a Return and/or Pay U.S. Estate Taxes.

USE ONLY THE DISTRICT OF COLUMBIA FORM FR-77.

ADDITIONAL EXTENSION OF TIME—An additional extension of time to file is available only if the executor is out of the United States, or in case(s) of extreme emergency(ies). In this instance an additional extension of 6 months may be granted.

PENALTY—The penalty for failure to file a return on time or failure to pay any tax when due is an amount equal to 5% of the unpaid portion of the tax due without regard to any extension of time for filing the return. The penalty is computed for each month or fraction thereof, that the failure to file or pay continues. The penalty may not exceed an amount equal to 25% of the tax due.

INTEREST— Interest is computed from the due date of the return until the tax is paid even if a request for extension to file is granted. Beginning January 1, 2003, Interest is charged at the rate of 10% per year, compounded daily (without regard to any extension).

SIGNATURE—The application must be signed by the Personal Representative of the estate or by someone appointed by the Personal Representative to file the application.

Estate Tax Computation Worksheet

Table A

Column A	Column B	Column C	Column D
Taxable amount over	Taxable amount not over	Tax on amount in Column A	Rate of tax on excess over amount in Column A
0	\$10,000	0	18%
10,000	20,000	\$1,800	20%
20,000	40,000	3,800	22%
40,000	60,000	8,200	24%
60,000	80,000	13,000	26%
80,000	100,000	18,200	28%
100,000	150,000	23,800	30%
150,000	250,000	38,800	32%
250,000	500,000	70,800	34%
500,000	and above	155,800	35%

Table B

(1)	(2)	(3)	(4)
Adjusted taxable estate equal to or more than	Adjusted taxable estate less than	Tax on amount in Column 1	Rate of tax on excess over amount in Column 1
0	\$40,000	0	None
40,000	90,000	0	0.8%
90,000	140,000	\$400	1.6%
140,000	240,000	1,200	2.4%
240,000	440,000	3,600	3.2%
440,000	640,000	10,000	4.0%
640,000	840,000	18,000	4.8%
840,000	1,040,000	27,600	5.6%
1,040,000	1,540,000	38,800	6.4%
1,540,000	2,040,000	70,800	7.2%
2,040,000	2,540,000	106,800	8.0%
2,540,000	3,040,000	146,800	8.8%
3,040,000	3,540,000	190,800	9.6%
3,540,000	4,040,000	238,800	10.4%
4,040,000	5,040,000	290,800	11.2%
5,040,000	6,040,000	402,800	12.0%
6,040,000	7,040,000	522,800	12.8%
7,040,000	8,040,000	650,800	13.6%
8,040,000	9,040,000	786,800	14.4%
9,040,000	10,040,000	930,800	15.2%
10,040,000	and above	1,082,800	16.0%

Computation of Tax

1. Tentative Taxable Estate (page #1, line 3)
2. Tax on amount on line 1 (use Table A)
3. Less
4. Subtract line 3 from line 2

Table A

1.
2.
3. \$345,800.00
4.

Table B

5. Tentative Taxable Estate (page 1, line 3) 5.
6. Less 6. \$60,000.00
7. Adjusted Taxable Estate (Subtract line 6 from line 5) 7.
8. DC Tax due on amount on line 7 - use Table B 8.
9. DC Estate Tax due = the smaller of line 4 Table A or line 8 Table B. (Also enter on D-76, line 4) 9.
10. Gross value of Property located in DC 10.
11. Value of Total Gross Estate (page 1, line 1) 11.
12. Percent of Property in DC (line 10 divided by line 11) 12.
13. DC Estate Tax due (line 12 multiplied by line 9. Enter on D-76, line 4) 13.

Note: Attach a copy of the completed worksheet to the tax return.

