



— DEPARTMENT OF —  
**REVENUE**  
STATE OF MISSISSIPPI

**FIDUCIARY INCOME  
TAX RETURN  
(FOR ESTATES AND TRUSTS)**

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**2013**

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**INDIVIDUAL INCOME TAX BUREAU  
PO BOX 1033  
JACKSON, MISSISSIPPI 39215-1033**

**[WWW.DOR.MS.GOV](http://WWW.DOR.MS.GOV)**

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## WHAT'S NEW!

### LEGISLATIVE CHANGES

The following is a brief description of selected legislative changes. A copy of all legislative bills is available at <http://billstatus.ls.state.ms.us/>.

#### AD VALOREM TAX CREDIT CARRYFORWARD PROVISION

Any unused ad valorem tax credit claimed under Miss. Code Ann. §27-7-22.5 can now be carried forward for five consecutive years from the close of the tax year in which the credit was earned. The change went into effect July 1, 2012.

### REMINDERS

Important tips to help expedite processing of your return:

- ✓ Use black ink when preparing the return.
- ✓ Make sure the estate or trust federal identification number and the decedent or debtor social security number is entered correctly on all returns, schedules and attachments.
- ✓ Sign and date the tax return.
- ✓ Attach a copy of the federal return behind the state return including returns filed electronically. Any additional schedules and attachments should be stapled to the back of the return.
- ✓ Copies or reproductions of the official tax forms are not acceptable.

## GENERAL INFORMATION

### TAXATION OF ESTATES AND TRUSTS

The income tax imposed upon individuals shall be applicable to the income of estates or of any kind of property held in trust as well as the net income received during the taxable year by deceased individuals who, at the time of death, were residents and who have died during the taxable year or subsequent thereto without having made a return, and the net income of resident insolvent or incompetent individuals where the fiduciary has complete charge of such income. The rate of tax, the statutory provisions respecting gross income, and with certain exceptions, the deductions, exemptions and credits allowed to individuals apply also to estates and trusts.

### DEFINITIONS

A **resident estate** is the estate of a person who was a Mississippi resident at the time of death. All other estates are nonresident estates.

A **resident trust** is any trust which is administered by the

- ✓ Do not place a staple in the barcode area of the form.

Visit our website at [www.dor.ms.gov](http://www.dor.ms.gov) to download forms by tax year and tax type.

### TAXPAYER ACCESS POINT (TAP)



Remember, TAP is ...

- **Easy to use**
- **Convenient**
- **Free**

With TAP, you have the option to Go Paperless. This means that you pay your taxes on-line and receive certain correspondence electronically.

TAP e-mail lets you know that you have new correspondence to view on-line. You then logon to TAP to read the letter or message and take appropriate action on your account. Only you, or persons you authorize, can see your correspondence.

When making payments or updating profile information, you should always log directly into TAP using your User ID and password. TAP does not provide links containing your transaction or personal information to any external web site.

Remember, you can pay your bill on-line through TAP without registering for a TAP account. For more information on TAP, view the Electronic Filing Section of this booklet.

trustee in Mississippi. A trust being administered outside of Mississippi shall not be considered a resident trust merely because the governing instrument or a law requires that the laws of Mississippi be followed with respect to interpretation or administration of the trust. All other trusts are non-resident trusts.

### WHO MUST FILE?

Every fiduciary is required to file a Mississippi Fiduciary Income Tax Return, Form 80-110, for any resident individual, trust or estate for which he acts, or for any nonresident individual, trust or estate for which he acts that has taxable income or gain derived from Mississippi sources.

Income from Mississippi sources includes income or gain from:

- a. Real or tangible personal property located in Mississippi;
- b. A business, profession or occupation carried on within Mississippi; or
- c. Services performed within Mississippi.

For a nonresident estate or trust, income from the following is not considered to be derived from Mississippi sources: annuities, interest, dividends, or gains from the sale or exchange of intangible personal property, unless it is part of the income from a business, trade, profession, or occupation that is carried on within Mississippi.

## ELECTRONIC FILING



Users of TAP are able to:

- make electronic payments;
- view recent account activity and history;
- view tax correspondence, and;
- make address changes.

**Third Party Access for Tax Practitioners:** Tax practitioners can have TAP access to account information for each of your clients-- from one login. First, create your own TAP account (only one per FEIN). Once you are registered in TAP, select "Add Access to Existing Account." Your client (taxpayer) must provide you the Letter ID and Account ID in order for you to have access to their accounts. All accounts you set up for third party access are found under the "Other Taxpayers' Accounts" tab in TAP. For more information on TAP, visit our website at [www.dor.ms.gov](http://www.dor.ms.gov).

## WHEN AND WHERE SHOULD I FILE?

Calendar year returns must be filed no later than April 15<sup>th</sup> annually. Fiscal year returns must be filed no later than the 15th day of the 4th month following the end of the fiscal year. A fiduciary's taxable year and its method of accounting are required to be the same for Mississippi income tax purposes as determined for federal income tax purposes.

### Need more time to file your return?

If you will receive a refund or will not owe any additional tax, Mississippi will allow you the same time to file your return as allowed by federal. However, if you owe additional taxes, you must remit the tax due with Form 80-106, on or before the due date of the return.

The authorized extension of time to file does not extend the time for payment of tax due. Interest and penalty will apply on any underpayment of tax. See the Interest and Penalty Provisions Section of this booklet for more information.

## LINE ITEM INSTRUCTIONS

### FORM 81-110 (FIDUCIARY RETURN)

Form 81-110, Mississippi Fiduciary Income Tax Return for Estates and Trusts, is a reconciliation type return which uses the income from the U. S. Income Tax Return for Estates and Trusts, Form 1041, as a starting point. Accordingly, a

### The return should be mailed to:

#### Additional Tax Due or

#### No Tax Due:

Department of Revenue  
P.O. Box 23050  
Jackson, MS 39225-3050

#### Refund Request:

Department of Revenue  
P.O. Box 23058  
Jackson, MS 39225-3058

## TAX PAYMENTS

The total tax due on the return must be paid in full no later than the 15th day of the 4th month after the end of the tax year. Payment options are as followed:

- **Online Payments:** To pay online, go to [www.dor.ms.gov](http://www.dor.ms.gov), click on Taxpayer Access Point (TAP) and follow the instructions. Without a MARS account or a TAP login, users are able to make estimate payments online.
- **Check or Money Order Payments:** To pay by check or money order, complete the payment voucher (Form 80-106), make the check or money order payable to the Department of Revenue and mail both to P.O. Box 23075, Jackson, MS 39225-3075. Write your identification number on the check or money order. DO NOT send cash through the mail.
- **Credit Card or Electronic Check Payments:** To pay by credit card or electronic check go to [www.officialpayments.com](http://www.officialpayments.com). There is a 2 1/2% convenience fee for using the credit card service or a \$3.00 transaction fee to process electronic check payments. Visa, Master Card, Discover and American Express cards are accepted. The Jurisdiction code for Mississippi is 3400.

## INTEREST AND PENALTY PROVISIONS

- **Late Payment:** Interest and penalty are charged on taxes paid late even if an extension of time to file is granted. The interest is at the rate of 1% per month from the due date until paid. The penalty imposed for failure to pay the tax when due is 1/2% per month not to exceed 25% in the aggregate. Late payment interest and penalty apply to any unpaid tax after April 15.
- **Failure to File:** The penalty for failure to file a return is imposed after October 15. The penalty is 5% per month not to exceed 25% in the aggregate. The penalty imposed for failure to file is based on the amount shown as tax on the return. Such failure to file a return penalty shall not be less than \$100.

complete copy of the federal return must be attached to this return.

Generally, federal rules and regulations relating to estates and trusts will be followed for state purposes to the extent they are not deemed contrary to the context and intent of Mississippi law.

If you had income not directly included on your federal income tax return, such as income as a Qualified Subchapter "S" Trust (QSST), include such amounts on page 2, lines 2f, 2g, 2h and 2i as needed along with supporting details.

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**COMPUTATION OF TAX DUE (PAGE 1)**

Please provide the information of the estate or trust. Enter the county code corresponding to the estate or trust (see Appendix for a list of the codes). For an estate, enter the date of decedent's death and for a trust, enter the date the trust was established. Enter the number of Mississippi Schedule K-1(s) included with the return and attach a copy of the K-1(s) to the return.

**Line 1: Taxable Income or Loss for Mississippi Purposes**

Enter the amount of Mississippi Taxable Income or Loss from page 2, line 10.

**Line 2: Total Income Tax Due**

Use the tax computation schedule, as provided in the Appendix, to determine the total amount of income tax due and enter the results on this line.

**Line 3: Other Credits**

The estate or trust share of allowable credit(s) should be combined and the total entered on this line. For each type of credit taken, enter the applicable two digit code on Form 80-401 as provided in the Appendix. **Form 80-401 must be attached.**

**Line 4: Net Income Tax Due**

Subtract line 3 from line 2 and enter the result here.

**Line 5: Late Filing Penalty**

The penalty imposed for failure to file a return is 5% per month not to exceed 25% in the aggregate. The failure to file penalty is based on the Net Income Tax Due (page 1, line 4). **Such failure to file penalty shall not be less than \$100 and will be applied to all returns filed after the due date as well as any extensions (including returns resulting in a refund).**

If you have failed to file a return timely, use Form 80-320 to calculate the penalties. **If you have a refund but are subject to failure to file penalty, reduce the refund amount by the failure to file penalty.**

**Line 6: Estimated Tax Payments, Overpayment from Prior Year and Amount Paid with Extension**

Enter the total estimated tax payments the estate or trust made before filing the 2013 Mississippi tax return plus any amount credited from the 2012 tax return. Any amount paid with a request

for extension of time to file should also be included in this amount.

**Line 7: Overpayment**

If line 6 is larger than line 4 plus line 5, subtract line 4 and line 5 from line 6 and enter the overpayment of tax on line 7.

**Line 8: Amount of Overpayment to be Applied to Next Year Tax Account**

Enter on this line the amount of your overpayment from line 7 you wish to be credited to your 2014 estimated tax account.

**Line 9: Amount of Overpayment to be Refunded**

Subtract line 8 from line 7 and enter the amount to be refunded on this line. **Failure to file penalty will be applied to any returns filed after the due date including any extensions.**

**Line 10: Balance Due**

If line 4 plus line 5 is greater than line 6, subtract line 6 from line 4 and line 5 and enter the balance due on this line.

**Line 11: Late Payment Interest and Penalty**

An extension of time only extends the time for filing a return, not payment of the tax. If the income tax is not paid by the original due date of the return, then interest is due at the rate of 1% per month.

The penalty imposed for failure to pay the tax when due is 1/2% per month not to exceed 25% in the aggregate. The penalty is based on the balance due (line 4 minus line 6). Interest and penalty for late payment is not charged on late file penalty.

**Line 12: Total Due**

Add lines 10 and 11 and enter the amount on this line. The amount due must be paid in full when you file your return (or before the due date). Payments can be made by check or money order payable to the Department of Revenue. Do not send cash by mail. **BE SURE TO ENCLOSE PAYMENT VOUCHER, FORM 80-106, WITH YOUR PAYMENT.** You may pay your tax in person at any of the Department of Revenue District Service Offices or through Taxpayer Access Point (TAP) on our website. Balances due of less than \$1.00 need not be paid.

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**COMPUTATION OF TAXABLE INCOME (PAGE 2)****Line 1: Federal Adjusted Total Income or (Loss)**

Enter the amount of federal adjusted total income or (loss) from federal Form 1041, page 1, line 17.

**Line 2a: State Income Tax Adjustment**

Taxes based on income are not deductible. Enter the amount of state, local and foreign government income taxes claimed as a deduction on Form 1041.

**Line 2b: Depletion Adjustment**

No deduction is allowed for depletion in excess of the cost basis of the depletable asset. Enter the amount of depletion claimed on Form 1041 in excess of the cost basis of the asset on which the depletion is claimed.

**Line 2c: Interest Adjustment**

Interest on obligations of states and political subdivisions thereof **outside** Mississippi is taxable for Mississippi purposes. Enter the amount of interest on obligations of states and political subdivisions thereof (other than from Mississippi) received by the fiduciary.

**Line 2d: Expenses of Earning Exempt Income**

Interest received on U. S. Government obligations is not taxable for Mississippi purposes, and expenses incurred in earning the tax exempt income are not deductible. Enter the amount of expenses directly applicable to earning interest on U. S. Government obligations claimed on federal Form 1041.

**Line 2e: Itemized Deductions Adjustment**

If you elect to claim the standard deduction on the Mississippi Fiduciary Income Tax Return (Form 81-110, page 2, line 5e), enter the amount of itemized deductions claimed on the fiduciary return in arriving at the amount shown on line 17 of federal Form 1041. Attach a schedule of the deductions added back.

**Line 2f – 2i: Other Additions**

Add back any other item which is treated differently for Mississippi income tax purposes than was treated for federal income tax purposes. Itemize here and attach a schedule if needed. Include any income not included as a part of Federal Form 1041, line 17.

**Line 3: Total Additions**

Add lines 2a through 2i.

**Line 4: Total Income**

Enter the total of lines 1 and 3.

**Line 5a: Exempt Interest**

Interest received on U. S. Government obligations is not taxable to Mississippi. Enter the amount of such interest reported as income on federal Form 1041.

**Line 5b: Wages Adjustment**

Federal income tax laws allow certain tax credits based on wages paid to employees, and a portion of the wages on which the credit was based is not allowed as a deduction. Mississippi does not allow these credits. Enter the amount by which wages on the Form 1041 were reduced by employment tax credits (such as the Targeted Jobs Credit).

**Line 5c: Capital Gains Adjustment**

Enter the amount of capital gains on the sale of authorized shares in financial institutions domiciled in Mississippi and domestic corporations, or partnership interests in domestic limited partnerships and domestic limited liability companies exempt from Mississippi tax by Miss. Code Ann. § 27-7-9(f)(10).

**Line 5d: Expenses of Earning Interest Income**

Enter the amount of expenses directly applicable to earning the interest income shown on Form 81-110, page 2, line 2c. Such expenses would not have been deductible on Form 1041 since they relate to tax-exempt income.

**Line 5e: Standard Deduction**

A standard deduction of \$1,700 is allowed to fiduciaries **in lieu of** itemized fiduciary expenses. If the standard deduction is claimed, see Form 81-110, page 2, line 2e.

**Line 5f: Nonresident Fiduciary Returns Only**

Enter the amount of income from Non-Mississippi sources, net of expenses and attach a schedule. This adjustment is necessary to determine taxable income or loss for Mississippi purposes.

**Line 5g – 5i: Other Deductions**

Deduct any other item which is treated differently for Mississippi income tax purposes than was treated for federal income tax purposes. Itemize here and attach schedule if needed.

**Line 6: Total Deductions**

Enter the total of lines 5a through 5i.

**Line 7: Adjusted Net Income or (Loss) For Mississippi Purposes**

Subtract line 6 from line 4.

**Line 8: Amount Distributed to Beneficiaries**

Complete Schedule K, Form 81-131, and deduct any income of the estate or trust for its taxable year which is distributable currently by the fiduciary to a beneficiary, whether or not such income is actually distributed OR any income of the estate or trust for its taxable year which is

**FORM 81-132 (MISSISSIPPI SCHEDULE K-1)**

properly paid or credited during such year to a beneficiary if there was vested in the fiduciary a discretion either to distribute or to accumulate such income. Income distributed to non-residents of this state from investments in intangibles (dividends, interest, etc.) having a situs in Mississippi may be excluded from the non-resident's Mississippi taxable income. Income from other sources distributed or distributable to nonresidents shall be included in gross income and reflected in the return filed by such non-resident with this state.

**Line 9: Exemption**

Estates and trusts are allowed the same exemptions that are allowed for federal purposes.

Estates.....	\$600
Trusts required to distribute all income currently.....	\$300
Trusts permitted to accumulate income	\$100

**Line 10: Taxable Income or Loss for Mississippi Purposes**

Subtract line 8 and line 9 from line 7 and enter the result here and on page 1, line 1 of this form.

**FORM 81-131 (BENEFICIARIES SHARES OF INCOME)**

**Column A:** Enter the name, complete current address and Employer Identification Number (FEIN) or Social Security Number (SSN) of each beneficiary having a beneficial interest in the estate or trust.

**Column B:** Enter the percentage of beneficial interest owned by each beneficiary. You must account for 100% of the ownership. Also, enter the state of residency of each beneficiary.

**Column C:** Enter the total amount distributed to each beneficiary based on their respective

**and Column D:** percentage of beneficial interest in the estate or trust. **Column C** is used to report, to both resident and non-resident beneficiaries, the distributions which are taxable to Mississippi. For resident beneficiaries, the amount of distribution includes income from all sources. For non-resident beneficiaries, the amount of distribution includes only Mississippi sourced income. **Column D** is used to report to the non-resident beneficiary the amount of the distribution from non-Mississippi sourced income (not taxable to the Non-resident beneficiary on a Mississippi return).

**Amount Distributed to Beneficiaries** (bottom of page 1) Enter the combined totals of Columns C and D. This represents the deduction allowed to the estate or trust for distributions to beneficiaries. The total should be transferred to Form 81-110, page 2, line 8.

If additional space is needed, use another Form 81-131.

Form 81-132, Mississippi Schedule K-1, is used to report the beneficiary's share of income, deductions, and credits from a trust or a decedent's estate. The fiduciary (or one of the joint fiduciaries) must prepare Schedule K-1 for each beneficiary having a beneficial interest in the trust or estate at any time during the taxable year. **Copies of the Schedule K-1 are required to be filed with Form 81-110.**

Mississippi law conforms to the Internal Revenue Code with respect to passive activity and rental real estate activity limitations. The amounts shown on the Schedule K-1 reflect Mississippi income or loss and related expenses.

Mississippi will also follow federal rules relating to character of income and allocation of deductions as shown in the instructions for preparing Schedules K-1 which are included in the federal Form 1041 instructions. Each Schedule K-1 (Form 81-132) must be completed to show the beneficiary's SSN or FEIN; the trust or estate's FEIN; the name of the trust or decedent's estate; the name and address of the beneficiary; the name and address of the fiduciary; and the beneficiary's percentage of interest in the entity for the tax year.

**Box 1: Interest Income**

Enter the beneficiary's share of the taxable interest income minus allocable deductions.

**Box 2a: Ordinary Dividends**

Enter the beneficiary's share of Mississippi ordinary dividend income minus allocable deductions.

**Box 2b: Qualified Dividends**

Enter the beneficiary's share of Mississippi qualified dividend income minus allocable deductions.

**Box 3: Net Short-Term Capital Gain**

Enter the beneficiary's share of net short-term capital gain minus allocable deductions. Do not enter a loss on this line.

**Box 4a: Net Long-Term Capital Gain**

Enter the beneficiary's share of net long-term capital gain minus allocable deductions. Do not enter a loss on this line.

**Box 4b: 28% Rate Gain**

A collectible gain (loss) is any long-term gain or deductible long-term loss from the sale or exchange of a collectible that is a capital loss. Mississippi Law does not conform to federal with respect to the tax treatment of capital gains; therefore, the gain is taxed as ordinary income.

**Box 4c: Unrecaptured Section 1250 Gain**

Enter the beneficiary's share of Mississippi Section 1250 Gain.

**Box 5: Other Portfolio and Nonbusiness Income**

Enter the beneficiary's share of annuities, royalties, or any other income, minus allocable deductions (other than directly apportionable deductions).

**Box 6: Ordinary Business Income**

Enter the beneficiary's share of ordinary business income minus allocable deductions (other than directly apportionable deductions).

**Box 7: Net Rental Real Estate Income**

Enter the beneficiary's share of rental real estate income minus allocable deductions (other than directly apportionable deductions).

**Box 8: Other Rental Income**

Enter the beneficiary's share of other rental income minus allocable deductions (other than directly apportionable deductions).

**Box 9: Directly Apportioned Deductions**

**Depreciation:** Enter the beneficiary's share of the depreciation deductions attributable to each activity reported in Boxes 5 through 8. Follow federal instructions for apportioning depreciation deductions between the beneficiaries and the trust or estate.

**Depletion:** Enter the beneficiary's share of the depletion deduction under IRC Section 611 attributable to each activity reported in Boxes 5 through 8. Follow federal instructions for apportioning depletion deductions between the beneficiaries and the trust or estate.

**Amortization:** Itemize the beneficiary's share of the amortization deductions attributable to each activity reported in Boxes 5 through 8. Apportion the amortization deductions between the trust or

estate and the beneficiaries in the same way the depreciation and depletion deductions are divided.

**Box 10: Final Year Deductions**

**Excess Deduction on Termination:** Mississippi will follow the federal treatment as it relates to excess deductions on termination (see Federal Schedule k-1 instructions).

**Short-Term Capital Loss Carryover and Long-Term Capital Loss Carryover:** Upon termination of the trust or decedent's estate, the beneficiary succeeding to the property is allowed to deduct any unused capital loss carryover under IRC section 1212.

**Net Operating Loss (NOL) Carryover:** Upon termination of a trust or decedent's estate, a beneficiary succeeding to its property is allowed to deduct any unused NOL carryover if the carryover would be allowable to the estate or trust in a later tax year but for the termination.

**Box 11: Alternative Minimum Tax Adjustment**

This box is not applicable to the state; therefore, it will be reported on this form as an item of information.

**Box 12: Credits and Credit Recapture**

This box is not applicable to the state; therefore, it will be reported on this form as an item of information.

**Box 13: Other Information**

Report any other information as required by federal (see federal Schedule K-1 for details).

**Part IV: Mississippi Tax Credits**

On the appropriate lines, enter the beneficiary's share of Ad Valorem Tax Credit or other credits earned by the trust or estate. Enter the code number, type of credit and credit amount as reflected on Form 80-401.



## APPENDIX

### COUNTY CODES

COUNTY	CODE	COUNTY	CODE	COUNTY	CODE
Adams	01	Itawamba	29	Pike	57
Alcorn	02	Jackson	30	Pontotoc	58
Amite	03	Jasper	31	Prentiss	59
Attala	04	Jefferson	32	Quitman	60
Benton	05	Jefferson-Davis	33	Rankin	61
Bolivar	06	Jones	34	Scott	62
Calhoun	07	Kemper	35	Sharkey	63
Carroll	08	Lafayette	36	Simpson	64
Chickasaw	09	Lamar	37	Smith	65
Choctaw	10	Lauderdale	38	Stone	66
Claiborne	11	Lawrence	39	Sunflower	67
Clarke	12	Leake	40	Tallahatchie	68
Clay	13	Lee	41	Tate	69
Coahoma	14	Leflore	42	Tippah	70
Copiah	15	Lincoln	43	Tishomingo	71
Covington	16	Lowndes	44	Tunica	72
Desoto	17	Madison	45	Union	73
Forrest	18	Marion	46	Walthall	74
Franklin	19	Marshall	47	Warren	75
George	20	Monroe	48	Washington	76
Greene	21	Montgomery	49	Wayne	77
Grenada	22	Neshoba	50	Webster	78
Hancock	23	Newton	51	Wilkinson	79
Harrison	24	Noxubee	52	Winston	80
Hinds	25	Oktibbeha	53	Yalobusha	81
Holmes	26	Panola	54	Yazoo	82
Humphreys	27	Pearl River	55	<b>Out-of-State</b>	83
Issaquena	28	Perry	56		

### SCHEDULE OF TAX COMPUTATION

TAX RATE(S)	TAXABLE INCOME	TAX RATE	INCOME TAX
a. First \$5,000 or part		x 3% =	
b. Next \$5,000 or part		x 4% =	
c. Remaining balance		x 5% =	
<b>Total Income Tax</b> – Add lines “a” through “c”. Enter on page 1, line 2.			