Form **5329**

Department of the Treasury
Internal Revenue Service (99)

Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts

▶ **Attach to Form 1040 or Form 1040NR.**

▶ **See separate instructions.**

OMB No. 1545-0074

2008

Attachment Sequence No. **29**

Draft as of 03/26/2008

Name of individual subject to additional tax. If married filing jointly, see instructions.

Your social security number

Fill in Your Address Only If You Are Filing This Form by Itself and Not With Your Tax Return ▶

Home address (number and street), or P.O. box if mail is not delivered to your home

Apt. no.

City, town or post office, state, and ZIP code

If this is an amended return, check here ▶ ☐

If you **only** owe the additional 10% tax on early distributions, you may be able to report this tax directly on Form 1040, line 59, or Form 1040NR, line 54, without filing Form 5329. See the instructions for Form 1040, line 59, or for Form 1040NR, line 54.

Part I Additional Tax on Early Distributions

Complete this part if you took a taxable distribution, before you reached age 59½, from a qualified retirement plan (including an IRA) or modified endowment contract (unless you are reporting this tax directly on Form 1040 or Form 1040NR—see above). You may also have to complete this part to indicate that you qualify for an exception to the additional tax on early distributions or for certain Roth IRA distributions (see instructions).

1	Early distributions included in income. For Roth IRA distributions, see instructions	1	
2	Early distributions included on line 1 that are not subject to the additional tax (see instructions). Enter the appropriate exception number from the instructions: _____	2	
3	Amount subject to additional tax. Subtract line 2 from line 1	3	
4	**Additional tax.** Enter 10% (.10) of line 3. Include this amount on Form 1040, line 59, or Form 1040NR, line 54	4	

Caution: *If any part of the amount on line 3 was a distribution from a SIMPLE IRA, you may have to include 25% of that amount on line 4 instead of 10% (see instructions).*

Part II Additional Tax on Certain Distributions From Education Accounts

Complete this part if you included an amount in income, on Form 1040 or Form 1040NR, line 21, from a Coverdell education savings account (ESA) or a qualified tuition program (QTP).

5	Distributions included in income from Coverdell ESAs and QTPs	5	
6	Distributions included on line 5 that are not subject to the additional tax (see instructions)	6	
7	Amount subject to additional tax. Subtract line 6 from line 5	7	
8	**Additional tax.** Enter 10% (.10) of line 7. Include this amount on Form 1040, line 59, or Form 1040NR, line 54	8	

Part III Additional Tax on Excess Contributions to Traditional IRAs

Complete this part if you contributed more to your traditional IRAs for 2008 than is allowable or you had an amount on line 17 of your 2007 Form 5329.

9	Enter your excess contributions from line 16 of your 2007 Form 5329 (see instructions). If zero, go to line 15		9	
10	If your traditional IRA contributions for 2008 are less than your maximum allowable contribution, see instructions. Otherwise, enter -0-	10		
11	2008 traditional IRA distributions included in income (see instructions)	11		
12	2008 distributions of prior year excess contributions (see instructions)	12		
13	Add lines 10, 11, and 12		13	
14	Prior year excess contributions. Subtract line 13 from line 9. If zero or less, enter -0-		14	
15	Excess contributions for 2008 (see instructions)		15	
16	Total excess contributions. Add lines 14 and 15		16	
17	**Additional tax.** Enter 6% (.06) of the **smaller** of line 16 **or** the value of your traditional IRAs on December 31, 2008 (including 2008 contributions made in 2009). Include this amount on Form 1040, line 59, or Form 1040NR, line 54		17	

Part IV Additional Tax on Excess Contributions to Roth IRAs

Complete this part if you contributed more to your Roth IRAs for 2008 than is allowable or you had an amount on line 25 of your 2007 Form 5329.

18	Enter your excess contributions from line 24 of your 2007 Form 5329 (see instructions). If zero, go to line 23		18	
19	If your Roth IRA contributions for 2008 are less than your maximum allowable contribution, see instructions. Otherwise, enter -0-	19		
20	2008 distributions from your Roth IRAs (see instructions)	20		
21	Add lines 19 and 20		21	
22	Prior year excess contributions. Subtract line 21 from line 18. If zero or less, enter -0-		22	
23	Excess contributions for 2008 (see instructions).		23	
24	Total excess contributions. Add lines 22 and 23		24	
25	**Additional tax.** Enter 6% (.06) of the **smaller** of line 24 **or** the value of your Roth IRAs on December 31, 2008 (including 2008 contributions made in 2009). Include this amount on Form 1040, line 59, or Form 1040NR, line 54		25	

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Part V Additional Tax on Excess Contributions to Coverdell ESAs

Complete this part if the contributions to your Coverdell ESAs for 2008 were more than is allowable or you had an amount on line 33 of your 2007 Form 5329.

26	Enter the excess contributions from line 32 of your 2007 Form 5329 (see instructions). If zero, go to line 31		26	
27	If the contributions to your Coverdell ESAs for 2008 were less than the maximum allowable contribution, see instructions. Otherwise, enter -0-	27		
28	2008 distributions from your Coverdell ESAs (see instructions)	28		
29	Add lines 27 and 28		29	
30	Prior year excess contributions. Subtract line 29 from line 26. If zero or less, enter -0-		30	
31	Excess contributions for 2008 (see instructions)		31	
32	Total excess contributions. Add lines 30 and 31		32	
33	**Additional tax.** Enter 6% (.06) of the **smaller** of line 32 **or** the value of your Coverdell ESAs on December 31, 2008 (including 2008 contributions made in 2009). Include this amount on Form 1040, line 59, or Form 1040NR, line 54		33	

Part VI Additional Tax on Excess Contributions to Archer MSAs

Complete this part if you or your employer contributed more to your Archer MSAs for 2008 than is allowable or you had an amount on line 41 of your 2007 Form 5329.

34	Enter the excess contributions from line 40 of your 2007 Form 5329 (see instructions). If zero, go to line 39		34	
35	If the contributions to your Archer MSAs for 2008 are less than the maximum allowable contribution, see instructions. Otherwise, enter -0-	35		
36	2008 distributions from your Archer MSAs from Form 8853, line 10	36		
37	Add lines 35 and 36		37	
38	Prior year excess contributions. Subtract line 37 from line 34. If zero or less, enter -0-		38	
39	Excess contributions for 2008 (see instructions)		39	
40	Total excess contributions. Add lines 38 and 39		40	
41	**Additional tax.** Enter 6% (.06) of the **smaller** of line 40 **or** the value of your Archer MSAs on December 31, 2008 (including 2008 contributions made in 2009). Include this amount on Form 1040, line 59, or Form 1040NR, line 54		41	

Part VII Additional Tax on Excess Contributions to Health Savings Accounts (HSAs)

Complete this part if you, someone on your behalf, or your employer contributed more to your HSAs for 2008 than is allowable or you had an amount on line 49 of your 2007 Form 5329.

42	Enter the excess contributions from line 48 of your 2007 Form 5329. If zero, go to line 47		42	
43	If the contributions to your HSAs for 2008 are less than the maximum allowable contribution, see instructions. Otherwise, enter -0-	43		
44	2008 distributions from your HSAs from Form 8889, line 16	44		
45	Add lines 43 and 44		45	
46	Prior year excess contributions. Subtract line 45 from line 42. If zero or less, enter -0-		46	
47	Excess contributions for 2008 (see instructions)		47	
48	Total excess contributions. Add lines 46 and 47		48	
49	**Additional tax.** Enter 6% (.06) of the **smaller** of line 48 **or** the value of your HSAs on December 31, 2008 (including 2008 contributions made in 2009). Include this amount on Form 1040, line 59, or Form 1040NR, line 54		49	

Part VIII Additional Tax on Excess Accumulation in Qualified Retirement Plans (Including IRAs)

Complete this part if you did not receive the minimum required distribution from your qualified retirement plan.

50	Minimum required distribution for 2008 (see instructions)	50	
51	Amount actually distributed to you in 2008	51	
52	Subtract line 51 from line 50. If zero or less, enter -0-	52	
53	**Additional tax.** Enter 50% (.50) of line 52. Include this amount on Form 1040, line 59, or Form 1040NR, line 54	53	

Signature. Complete **only** if you are filing this form by itself and not with your tax return.

Please Sign Here

Under penalties of perjury, I declare that I have examined this form, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Your signature ▶ Date ▶

Paid Preparer's Use Only

Preparer's signature ▶	Date	Check if self-employed ☐	Preparer's SSN or PTIN
Firm's name (or yours if self-employed), address, and ZIP code ▶		EIN	
		Phone no. ( )	

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