

# Instructions for Form 706

(Rev. September 2023)

For decedents dying after December 31, 2022

**United States Estate (and Generation-Skipping  
Transfer) Tax Return**

Volume 5 of 5



Department of the Treasury  
**Internal Revenue Service**

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If property is transferred to an individual who is a descendant of a parent of the transferor, and that individual's parent (who is a lineal descendant of the parent of the transferor) is deceased at the time the transfer is subject to gift or estate tax, then for purposes of generation assignment, the individual is treated as if the individual is a member of the generation that is one generation below the lower of:

- The transferor's generation; or
- The generation assignment of the youngest living ancestor of the individual, who is also a descendant of the parent of the transferor.

The same rules apply to the generation assignment of any descendant of the individual.

This rule does not apply to a transfer to an individual who is not a lineal descendant of the transferor if the transferor has any living lineal descendants.

If any transfer of property to a trust would have been a direct skip except for this generation assignment rule, then the rule also applies to transfers from the trust attributable to such property.

See the examples in Regulations section 26.2651-1(c).

### ***Generation assignment under Notice***

**2017-15.** Notice 2017-15 permits taxpayers to reduce their GST exemption allocated to transfers that were made to or for the benefit of transferees whose generation assignment is changed as a result of the *Windsor* decision. A taxpayer's GST exemption that was allocated to a transfer to (or to a trust for the sole benefit of) one or more transferees whose generation assignment should have been determined on the basis of a familial

relationship as the result of the *Windsor* decision, and are non-skip persons, is deemed void. For additional information, go to [IRS.gov/Businesses/Small-Businesses/Self-Employed/Estate-and-Gift-Taxes](https://www.irs.gov/Businesses/Small-Businesses/Self-Employed/Estate-and-Gift-Taxes).

***Ninety-day rule.*** For purposes of determining if an individual's parent is deceased at the time of a testamentary transfer, an individual's parent who dies no later than 90 days after a transfer occurring by reason of the death of the transferor is treated as having predeceased the transferor. The 90-day rule applies to transfers occurring on or after July 18, 2005. See Regulations section 26.2651-1 for more information.

***Charitable organizations.*** Charitable organizations and trusts described in sections 511(a)(2) and 511(b)(2) are assigned to the decedent's generation. Transfers to such organizations are therefore not subject to the GST tax.

***Charitable remainder trusts.*** Transfers to or in the form of charitable remainder annuity trusts, charitable remainder unitrusts, and pooled income funds are not considered made to skip persons and, therefore, are not direct skips even if all of the life beneficiaries are skip persons.

**Estate tax value.** Estate tax value is the value shown on Schedules A through I of this Form 706.

***Examples.*** The rules above can be illustrated by the following examples.

1. Under the will, the decedent's house is transferred to the decedent's child for the child's life, with the remainder passing to the child's children. This transfer is made to a "trust" even though there is no explicit trust instrument. The interest in the property transferred (the present right to use the house) is transferred to a non-skip person (the decedent's child).

Therefore, the trust is not a skip person because there is an interest in the transferred property that is held by a non-skip person. The transfer is not a direct skip.

2. The will bequeaths \$100,000 to the decedent's grandchild. This transfer is a direct skip that is not made in trust and should be shown on Schedule R.
3. The will establishes a trust that is required to accumulate income for 10 years and then pay its income to the decedent's grandchildren for the rest of their lives and, upon their deaths, distribute the corpus to the decedent's great-grandchildren. Because the trust has no current beneficiaries, there are no present interests in the property transferred to the trust. All of the persons to whom the trust can make future distributions (including distributions upon the termination of

interests in property held in trust) are skip persons (for example, the decedent's grandchildren and great-grandchildren). Therefore, the trust itself is a skip person and you should show the transfer on Schedule R.

4. The will establishes a trust that is to pay all of its income to the decedent's grandchildren for 10 years. At the end of 10 years, the corpus is to be distributed to the decedent's children. All of the present interests in this trust are held by skip persons. Therefore, the trust is a skip person and you should show this transfer on Schedule R. You should show the estate tax value of all the property transferred to the trust even though the trust has some ultimate beneficiaries who are non-skip persons.



## Dividing Direct Skips Between Schedules R and R-1



*Report all generation-skipping transfers on Schedule R unless the rules below specifically provide that they are to be reported on Schedule R-1.*

Under section 2603(a)(2), the GST tax on direct skips from a trust (as defined for GST tax purposes) is to be paid by the trustee and not by the estate. Schedule R-1 serves as a notification from the executor to the trustee that a GST tax is due.

For a direct skip to be reportable on Schedule R-1, the trust must be includible in the decedent's gross estate.

If the decedent was a surviving spouse receiving lifetime benefits from a marital deduction power of appointment (or QTIP) trust created by the decedent's spouse, then transfers caused by reason of the decedent's death from that trust to skip persons are

direct skips required to be reported on Schedule R-1.

If a direct skip is made “from a trust” under these rules, it is reportable on Schedule R-1 even if it is also made “to a trust” rather than to an individual.

Similarly, if property in a trust (as defined for GST tax purposes) is included in the decedent's gross estate under section 2035, 2036, 2037, 2038, 2039, 2041, or 2042 and such property is, by reason of the decedent's death, transferred to skip persons, the transfers are direct skips required to be reported on Schedule R-1.

**Special rule for trusts other than ordinary trusts.** An *ordinary trust* is defined in Regulations section 301.7701-4(a) as “an arrangement created by a will or by an inter vivos declaration whereby trustees take title to property for the purpose of protecting or conserving it for the beneficiaries under the ordinary rules applied in chancery or probate

courts.” Direct skips from ordinary trusts are required to be reported on Schedule R-1 regardless of their size unless the executor is also a trustee (see *Executor as trustee* below).

Direct skips from trusts that are trusts for GST tax purposes but are not ordinary trusts are to be shown on Schedule R-1 only if the total of all tentative maximum direct skips from the entity is \$250,000 or more. If this total is less than \$250,000, the skips should be shown on Schedule R. For purposes of the \$250,000 limit, *tentative maximum direct skips* is the amount you would enter on line 5 of Schedule R-1 if you were to file that schedule.

A liquidating trust (such as a bankruptcy trust) under Regulations section 301.7701-4(d) is not treated as an ordinary trust for the purposes of this special rule.

If the proceeds of a life insurance policy are includible in the gross estate and are payable to a beneficiary who is a skip person, the transfer is a direct skip from a trust that is not an ordinary trust. It should be reported on Schedule R-1 if the total of all the tentative maximum direct skips from the company is \$250,000 or more. Otherwise, it should be reported on Schedule R.

Similarly, if an annuity is includible on Schedule I and its survivor benefits are payable to a beneficiary who is a skip person, then the estate tax value of the annuity should be reported as a direct skip on Schedule R-1 if the total tentative maximum direct skips from the entity paying the annuity are \$250,000 or more.

**Executor as trustee.** If any of the executors of the decedent's estate are trustees of the trust, then all direct skips for that trust must be shown on Schedule R and not on Schedule R-1, even if they would otherwise have been

required to be shown on Schedule R-1. This rule applies even if the trust has other trustees who are not executors of the decedent's estate.

## **How To Complete Schedules R and R-1**

**Valuation.** Enter on Schedules R and R-1 the estate tax value of the property interests subject to the direct skips. If you elected alternate valuation (section 2032) and/or special-use valuation (section 2032A), you must use the alternate and/or special-use values on Schedules R and R-1.

## **How To Complete Schedule R**

### **Part 1. GST Exemption Reconciliation**

Part 1, line 6, of both Parts 2 and 3, and line 4 of Schedule R-1 are used to allocate the decedent's GST exemption. This allocation is made by filing Form 706 and attaching a completed Schedule R and/or R-1. Once

made, the allocation is irrevocable. You are not required to allocate all of the decedent's GST exemption. However, the portion of the exemption that you do not allocate will be allocated by the IRS under the deemed allocation of unused GST exemption rules of section 2632(e).

For transfers made through 1998, the GST exemption was \$1 million. The current GST exemption is \$12,920,000. The exemption amounts for 1999 through 2023 are as follows.

<b>Year of transfer</b>	<b>GST exemption</b>
1999	\$1,010,000
2000	\$1,030,000
2001	\$1,060,000
2002	\$1,100,000

2003	\$1,120,000
2004 and 2005	\$1,500,000
2006, 2007, and 2008	\$2,000,000
2009	\$3,500,000
2010 and 2011	\$5,000,000
2012	\$5,120,000
2013	\$5,250,000
2014	\$5,340,000
2015	\$5,430,000
2016	\$5,450,000
2017	\$5,490,000

2018	\$11,180,000
2019	\$11,400,000
2020	\$11,580,000
2021	\$11,700,000
2022	\$12,060,000
2023	\$12,920,000

The amount of each increase can only be allocated to transfers made (or appreciation that occurred) during or after the year of the increase. The following example shows the application of this rule.

**Example.** In 2003, Alex made a direct skip of \$1,120,000 and applied the full \$1,120,000 of GST exemption to the transfer. Alex made a \$450,000 taxable direct skip in 2004 and another of \$90,000 in 2006. For 2004, Alex can only apply \$380,000 of exemption



(\$380,000 inflation adjustment from 2004) to the \$450,000 transfer in 2004. For 2006, Alex can apply \$90,000 of exemption to the 2006 transfer, but nothing to the transfer made in 2004. At the end of 2006, Alex would have \$410,000 of unused exemption that can apply to future transfers (or appreciation) starting in 2007.

**Special QTIP election.** In the case of property for which a marital deduction is allowed to the decedent's estate under section 2056(b)(7) (QTIP election), section 2652(a)(3) allows you to treat such property for purposes of the GST tax as if the election to be treated as qualified terminable interest property had not been made.

The section 2652(a)(3) election must include the value of all property in the trust for which a QTIP election was allowed under section 2056(b)(7).

If a section 2652(a)(3) election is made, then the decedent will, for GST tax purposes, be treated as the transferor of all the property in the trust for which a marital deduction was allowed to the decedent's estate under section 2056(b)(7). In this case, the executor of the decedent's estate may allocate part or all of the decedent's GST exemption to the property.

You make the election simply by listing qualifying property on line 9 of Part 1.

**Line 2.** These allocations will have been made either on Forms 709 filed by the decedent or on Notices of Allocation made by the decedent for inter vivos transfers that were not direct skips but to which the decedent allocated the GST exemption. These allocations by the decedent are irrevocable.

Also include on this line allocations deemed to have been made by the decedent under the rules of section 2632.

Unless the decedent elected out of the deemed allocation rules, allocations are deemed to have been made in the following order.

1. To inter vivos direct skips.
2. Beginning with transfers made after December 31, 2000, to lifetime transfers to certain trusts, by the decedent, that constituted indirect skips that were subject to the gift tax.

For more information, see section 2632 and related regulations.

**Line 3.** Make an entry on this line if you are filing Form(s) 709 for the decedent and wish to allocate any exemption.

**Lines 4, 5, and 6.** These lines represent your allocation of the GST exemption to direct skips made by reason of the decedent's death. Complete Parts 2 and 3 and Schedule R-1 before completing these lines.

**Line 9.** Line 9 is used to allocate the remaining unused GST exemption (from line 8) and to help you figure the trust's inclusion ratio. Line 9 is a Notice of Allocation for allocating the GST exemption to trusts as to which the decedent is the transferor and from which a generation-skipping transfer could occur after the decedent's death.

If line 9 is not completed, the deemed allocation at death rules will apply to allocate the decedent's remaining unused GST exemption. The exemption will first be allocated to property that is the subject of a direct skip occurring at the decedent's death, and then to trusts as to which the decedent is the transferor. To avoid the application of the deemed allocation rules, you should enter on line 9 every trust (except certain trusts entered on Schedule R-1, as described later) to which you wish to allocate any part of the decedent's GST exemption. Unless you enter a trust on line 9, the unused GST exemption

will be allocated to it under the deemed allocation rules.

If a trust is entered on Schedule R-1, the amount you entered on line 4 of Schedule R-1 serves as a Notice of Allocation and you need not enter the trust on line 9 unless you wish to allocate more than the Schedule R-1, line 4, amount to the trust. However, you must enter the trust on line 9 if you wish to allocate any of the unused GST exemption amount to it. Such an additional allocation would not ordinarily be appropriate in the case of a trust entered on Schedule R-1 when the trust property passes outright (rather than to another trust) at the decedent's death. However, where section 2032A property is involved, it may be appropriate to allocate additional exemption amounts to the property. See the instructions for line 10, later.



*To avoid application of the deemed allocation rules, Form 706 and Schedule R should be filed to allocate the exemption to trusts that may later have taxable terminations or distributions under section 2612 even if the form is not required to be filed to report estate or GST tax.*

**Line 9, column C.** Enter the GST exemption, included on lines 2 through 6 of Part 1 of Schedule R (discussed above), that was allocated to the trust.

**Line 9, column D.** Allocate the amount on line 8 of Part 1 of Schedule R in line 9, column D. This amount may be allocated to transfers into trusts that are not otherwise reported on Form 706. For example, the line 8 amount may be allocated to an inter vivos trust established by the decedent during the decedent's lifetime and not included in the gross estate. This allocation is made by identifying the trust on line 9 and making an allocation to it using column D. If the trust is

not included in the gross estate, value the trust as of the date of death. Inform the trustee of each trust listed on line 9 of the total GST exemption you allocated to the trust. The trustee will need this information to figure the GST tax on future distributions and terminations.

***Line 9, column E. Trust's inclusion ratio.***

The trustee must know the trust's inclusion ratio to figure the trust's GST tax for future distributions and terminations. You are not required to inform the trustee of the inclusion ratio and may not have enough information to figure it. Therefore, you are not required to make an entry in column E. However, column E and the worksheet later are provided to assist you in figuring the inclusion ratio for the trustee if you wish to do so.

Inform the trustee of the amount of the GST exemption you allocated to the trust. Line 9, columns C and D, may be used to figure this amount for each trust.

**Note.** This worksheet will figure an accurate inclusion ratio only if the decedent was the only settlor of the trust. Use a separate worksheet for each trust (or a separate share of a trust that is treated as a separate trust).

## **WORKSHEET (Inclusion Ratio)**

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- 1.** Total estate and gift tax value of all of the property interests that passed to the trust..... \_\_\_\_\_
- 2.** Estate taxes, state death taxes, and other charges actually recovered from the trust..... \_\_\_\_\_
- 3.** GST taxes imposed on direct skips to skip persons other than this trust and borne by the property transferred to this trust..... \_\_\_\_\_
- 4.** GST taxes actually recovered from this trust (from Schedule \_\_\_\_\_



R, Part 2, line 8; or Schedule R-1, line 6).....

**5.** Add lines 2 through 4.....

\_\_\_\_\_

**6.** Subtract line 5 from line 1.....

\_\_\_\_\_

**7.** Add columns C and D of line 9.....

\_\_\_\_\_

**8.** Divide line 7 by line 6.....

\_\_\_\_\_

**9.** Trust's inclusion ratio. Subtract line 8 from 1.000.....

\_\_\_\_\_

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**Line 10. Special-use allocation.** For skip persons who receive an interest in section 2032A special-use property, you may allocate more GST exemption than the direct skip amount to reduce the additional GST tax that would be due when the interest is later disposed of or qualified use ceases. See *Schedule A-1*, earlier, for more details about this additional GST tax.

Enter on line 10 the total additional GST exemption available to allocate to all skip persons who received any interest in section 2032A property. Attach a special-use allocation statement listing each such skip person and the amount of the GST exemption allocated to that person.

If you do not allocate the GST exemption, it will automatically be allocated under the deemed allocation at death rules. To the extent any amount is not so allocated, it will be automatically allocated to the earliest disposition or cessation that is subject to the

GST tax. Under certain circumstances, post-death events may cause the decedent to be treated as a transferor for purposes of chapter 13.

Line 10 may be used to set aside an exemption amount for such an event. Attach a statement listing each such event and the amount of exemption allocated to that event.

## **Parts 2 and 3**

Use Part 2 to figure the GST tax on transfers in which the property interests transferred are to bear the GST tax on the transfers. Use Part 3 to report the GST tax on transfers in which the property interests transferred do not bear the GST tax on the transfers.

Section 2603(b) requires that, unless the governing instrument provides otherwise, the GST tax is to be charged to the property constituting the transfer. Therefore, you will usually enter all of the direct skips on Part 2.

You may enter a transfer on Part 3 only if the will or trust instrument directs, by specific reference, that the GST tax is not to be paid from the transferred property interests.

**Part 2, line 3.** Enter zero on this line unless the will or trust instrument specifies that the GST taxes will be paid by property other than that constituting the transfer (as described above). Enter on line 3 the total of the GST taxes shown on Part 3 and Schedule(s) R-1 that are payable out of the property interests shown on Part 2, line 1.

**Part 2, line 6.** Do not enter more than the amount on line 5. Additional allocations may be made using Part 1.

**Part 3, line 3.** See the instructions for Part 2, line 3, above. Enter only the total of the GST taxes shown on Schedule(s) R-1 that are payable out of the property interests shown on Part 3, line 1.

**Part 3, line 6.** See the instructions for Part 2, line 6, above.

## **How To Complete Schedule R-1**

**Filing due date.** Enter the due date of Form 706. You must send the copies of Schedule R-1 to the fiduciary before this date.

**Line 4.** Do not enter more than the amount on line 3. If you wish to allocate an additional GST exemption, you must use Schedule R, Part 1. Making an entry on line 4 constitutes a Notice of Allocation of the decedent's GST exemption to the trust.

**Line 6.** If the property interests entered on line 1 will not bear the GST tax, multiply line 6 by 40% (0.40).

**Signature.** The executor(s) must sign Schedule R-1 in the same manner as Form 706. See *Signature and Verification*, earlier.

**Filing Schedule R-1.** Attach to Form 706 one copy of each Schedule R-1 that you prepare. Send two copies of each Schedule R-1 to the fiduciary.

## **Schedule U—Qualified Conservation Easement Exclusion**



*If at the time of the contribution of the conservation easement, the value of the easement, the value of the land subject to the easement, or the value of any retained development right was different from the estate tax value, you must complete a separate computation in addition to completing Schedule U.*

*Use a copy of Schedule U as a worksheet for this separate computation. Complete lines 4 through 14 of the worksheet Schedule U. However, the value you use on lines 4, 5, 7, and 10 of the worksheet is the value for these items as of the date of the contribution of the easement, not the estate tax value. If the*

*date of contribution and the estate tax values are the same, you do not need to do a separate computation.*

*After completing the worksheet, enter the amount from line 14 of the worksheet on line 14 of Schedule U. Finish completing Schedule U by entering amounts on lines 4, 7, and 15 through 20, following the instructions later for those lines. At the top of Schedule U, enter "worksheet attached." Attach the worksheet to the return.*

Under section 2031(c), you may elect to exclude a portion of the value of land that is subject to a qualified conservation easement. You make the election by filing Schedule U with all of the required information and excluding the applicable value of the land that is subject to the easement on *Part 5—Recapitulation*, on item 12. To elect the exclusion, include on Schedule A, B, E, F, G, or H, as appropriate, the decedent's interest in the land that is subject to the exclusion.

You must make the election on a timely filed Form 706, including extensions. The exclusion is the lesser of:

- The applicable percentage of the value of land (after certain reductions) subject to a qualified conservation easement, or
- \$500,000.

Once made, the election is irrevocable.

## **General Requirements**

### **Qualified Land**

Land may qualify for the exclusion if all of the following requirements are met.

- The decedent or a member of the decedent's family must have owned the land for the 3-year period ending on the date of the decedent's death.
- No later than the date the election is made, a qualified conservation



easement on the land has been made by the decedent, a member of the decedent's family, the executor of the decedent's estate, or the trustee of a trust that holds the land.

- The land is located in the United States or one of its possessions.

## **Member of Family**

*Members of the decedent's family* include the decedent's spouse; ancestors; lineal descendants of the decedent, of the decedent's spouse, and of the parents of the decedent; and the spouse of any lineal descendant. A legally adopted child of an individual is considered a child of the individual by blood.

## **Indirect Ownership of Land**

The qualified conservation easement exclusion applies if the land is owned indirectly through a partnership, corporation,

or trust, if the decedent owned (directly or indirectly) at least 30% of the entity. For the rules on determining ownership of an entity, see *Ownership rules* next.

**Ownership rules.** An interest in property owned, directly or indirectly, by or for a corporation, partnership, or trust is considered proportionately owned by or for the entity's shareholders, partners, or beneficiaries. A person is the beneficiary of a trust only if the person has a present interest in the trust. For additional information, see the ownership rules in section 2057(e)(3).

## **Qualified Conservation Easement**

*A qualified conservation easement* is one that would qualify as a qualified conservation contribution under section 170(h).

It must be a contribution:

- Of a qualified real property interest,
- To a qualified organization, and

- Exclusively for conservation purposes.

**Qualified real property interest.** A *qualified real property interest* is any of the following.

- The entire interest of the donor, other than a qualified mineral interest.
- A remainder interest.
- A restriction granted in perpetuity on the use that may be made of the real property. The restriction must include a prohibition on more than a de minimis use for commercial recreational activity.

**Qualified organization.** A *qualified organization* includes the following.

- Corporations and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational

purposes, or to foster national or international amateur sports competition, or for the prevention of cruelty to children or animals, without net earnings benefitting any individual shareholder and without activity with the purpose of influencing legislation or political campaigning, which:

- a. Receives more than one-third of its support from gifts, contributions, membership fees, or receipts from sales, admissions fees, or performance of services; or
  - b. Is controlled by such an organization.
- Any entity that qualifies under section 170(b)(1)(A)(v) or (vi).

**Conservation purpose.** An easement has a *conservation purpose* if it is for:

- The preservation of land areas for outdoor recreation by, or for the education of, the public;
- The protection of a relatively natural habitat of fish, wildlife, or plants, or a similar ecosystem; or
- The preservation of open space (including farmland and forest land) where such preservation is for the scenic enjoyment of the general public, or under a clearly delineated federal, state, or local conservation policy and will yield a significant public benefit.

## **Specific Instructions**

### **Line 1**

If the land is reported as one or more item numbers on a Form 706 schedule, simply list

the schedule and item numbers. If the land subject to the easement is only part of an item, however, list the schedule and item number and describe the part subject to the easement. See the instructions for *Schedule A—Real Estate*, earlier, for information on how to describe the land.

### **Line 3**

Using the general rules for describing real estate, provide enough information so the IRS can value the easement. Give the date the easement was granted and by whom it was granted.

### **Line 4**

Enter on this line the gross value at which the land was reported on the applicable asset schedule on this Form 706. Do not reduce the value by the amount of any mortgage outstanding. Report the estate tax value even if the easement was granted by the decedent

(or someone other than the decedent) prior to the decedent's death.

**Note.** If the value of the land reported on line 4 was different at the time the easement was contributed from that reported on Form 706, see the *Caution* at the beginning of the Schedule U instructions.

## **Line 5**

The amount on line 5 should be the date of death value of any qualifying conservation easements granted prior to the decedent's death, whether granted by the decedent or someone other than the decedent, for which the exclusion is being elected.

**Note.** If the value of the easement reported on line 5 was different at the time the easement was contributed than at the date of death, see the *Caution* at the beginning of the Schedule U instructions.

## Line 7

You must reduce the land value by the value of any development rights retained by the donor in the conveyance of the easement. A *development right* is any right to use the land for any commercial purpose that is not subordinate to or directly supportive of the use of the land as a farm for farming purposes.

**Note.** If the value of the retained development rights reported on line 7 was different at the time the easement was contributed than at the date of death, see the *Caution* at the beginning of the Schedule U instructions.

You do not have to make this reduction if everyone with an interest in the land (regardless of whether in possession) agrees to permanently extinguish the retained development right. The agreement must be filed with this return and must include all of the following information and terms.



1. A statement that the agreement is made under section 2031(c)(5).
2. A list of all persons in being, holding an interest in the land that is subject to the qualified conservation easement. Include each person's name, address, TIN, relationship to the decedent, and a description of their interest.
3. The items of real property shown on the estate tax return that are subject to the qualified conservation easement (identified by schedule and item number).
4. A description of the retained development right that is to be extinguished.
5. A clear statement of consent that is binding on all parties under applicable local law:

- a. To take whatever action is necessary to permanently extinguish the retained development rights listed in the agreement; and
  - b. To be personally liable for additional taxes under section 2031(c)(5)(C) if this agreement is not implemented by the earlier of:
    - The date that is 2 years after the date of the decedent's death, or
    - The date of sale of the land subject to the qualified conservation easement.
6. A statement that in the event this agreement is not timely implemented, that they will report the additional tax on whatever return is required by the IRS and will file the return and pay the additional tax by the last day of the

6th month following the applicable date described above.

All parties to the agreement must sign the agreement.

For an example of an agreement containing some of the same terms, see Part 3 of Schedule A-1.

### **Line 10**

Enter the total value of the qualified conservation easements on which the exclusion is based. This could include easements granted by the decedent (or someone other than the decedent) prior to the decedent's death, easements granted by the decedent that take effect at death, easements granted by the executor after the decedent's death, or some combination of these.



*Use the value of the easement as of the date of death, even if the easement was granted prior to the date of death. But, if the value of the easement was different at the time the easement was contributed than at the date of death, see the Caution at the beginning of the Schedule U instructions.*

Explain how this value was determined and attach copies of any appraisals. Normally, the appropriate way to value a conservation easement is to determine the FMV of the land both before and after the granting of the easement, with the difference being the value of the easement.

Reduce the reported value of the easement by the amount of any consideration received for the easement. If the date of death value of the easement is different from the value at the time the consideration was received, reduce the value of the easement by the same proportion that the consideration

received bears to the value of the easement at the time it was granted.

For example, assume the value of the easement at the time it was granted was \$100,000 and \$10,000 was received in consideration for the easement. If the easement was worth \$150,000 at the date of death, you must reduce the value of the easement by \$15,000 ( $\$10,000 / \$100,000 \times \$150,000$ ) and report the value of the easement on line 10 as \$135,000.

## **Line 15**

If a charitable contribution deduction for this land has been taken on Schedule O, enter the amount of the deduction here. If the easement was granted after the decedent's death, a contribution deduction may be taken on Schedule O, if it otherwise qualifies, as long as no income tax deduction was or will be claimed for the contribution by any person or entity.

## **Line 16**

Reduce the value of the land by the amount of any acquisition indebtedness on the land at the date of the decedent's death. Acquisition indebtedness includes the unpaid amount of:

- Any indebtedness incurred by the donor in acquiring the property;
- Any indebtedness incurred before the acquisition if the indebtedness would not have been incurred but for the acquisition;
- Any indebtedness incurred after the acquisition if the indebtedness would not have been incurred but for the acquisition and the incurrence of the indebtedness was reasonably foreseeable at the time of the acquisition; and
- The extension, renewal, or refinancing of acquisition indebtedness.

## **Schedule PC—Protective Claim for Refund**

*A protective claim for refund preserves the estate's right to a refund of tax paid on any amount included in the gross estate which would be deductible under section 2053 but has not been paid or otherwise will not meet the requirements of section 2053 until after the limitations period for filing the claim has passed. See section 6511(a).*



*Only use Schedule PC for section 2053 protective claims for refund being filed with Form 706. If the initial notice of the protective claim for refund is being submitted after Form 706 has been filed, use Form 843, Claim for Refund and Request for Abatement, to file the claim.*

Schedule PC may be used to file a section 2053 protective claim for refund by estates of decedents who died after December 31, 2011. It will also be used to inform the IRS when

the contingency leading to the protective claim for refund is resolved and the refund due the estate is finalized. The estate must indicate whether the Schedule PC being filed is the initial notice of protective claim for refund, notice of partial claim for refund, or notice of the final resolution of the claim for refund.

Because each separate claim or expense requires a separate Schedule PC, more than one Schedule PC may be included with Form 706, if applicable. Two copies of each Schedule PC must be included with Form 706.

**Note.** Filing a section 2053 protective claim for refund on Schedule PC will not suspend the IRS's review and examination of Form 706, nor will it delay the issuance of a closing letter for the estate.

## **Initial Notice of Claim**

The first Schedule PC to be filed is the initial notice of protective claim for refund. The



estate will receive a written acknowledgment of receipt of the claim from the IRS. If the acknowledgment is not received within 180 days of filing the protective claim for refund on Schedule PC, the fiduciary should contact the IRS at 866-699-4083 to inquire about the receipt and processing of the claim. A certified mail receipt or other evidence of delivery is not sufficient to confirm receipt and processing of the protective claim for refund.

**Note.** The written acknowledgment of receipt does not constitute a determination that all requirements for a valid protective claim for refund have been met.

In general, the claim will not be subject to substantive review until the amount of the claim has been established. However, a claim can be disallowed at the time of filing. For example, the claim for refund will be rejected if:

- The claim was not timely filed,

- The claim was not filed by the fiduciary or other person with authority to act on behalf of the estate,
- The acknowledgment of the penalties of perjury statement (on page 1 of Form 706) was not signed, or
- The claim is not adequately described.

If the IRS does not raise such a defect when the claim is filed, it will not be precluded from doing so in the later substantive review.

The estate may be given an opportunity to cure any defects in the initial notice by filing a corrected and signed protective claim for refund before the expiration of the limitations period in section 6511(a) or within 45 days of notice of the defect, whichever is later.

## **Related Ancillary Expenses**

If a section 2053 protective claim for refund has been adequately identified on Schedule PC, the IRS will presume that the claim

includes certain expenses related to resolving, defending, or satisfying the claim. These ancillary expenses may include attorneys' fees, court costs, appraisal fees, and accounting fees. The estate is not required to separately identify or substantiate these expenses; however, each expense must meet the requirements of section 2053 to be deductible.

## **Notice of Final Resolution of Claim**

When an expense that was the subject of a section 2053 protective claim for refund is finally determined, the estate must notify the IRS that the claim for refund is ready for consideration. The notification should provide facts and evidence substantiating the deduction under section 2053 and the resulting recomputation of the estate tax liability. A separate notice of final resolution must be filed with the IRS for each resolved section 2053 protective claim for refund.

There are two means by which the estate may notify the IRS of the resolution of the uncertainty that deprived the estate of the deduction when Form 706 was filed. The estate may file a supplemental Form 706 with an updated Schedule PC and include each schedule affected by the allowance of the deduction under section 2053. Page 1 of Form 706 should contain the notation "Supplemental

Information—Notification of Consideration of Section 2053 Protective Claim(s) for Refund" and include the filing date of the initial notice of protective claim for refund. A copy of the initial notice of claim should also be submitted.

Alternatively, the estate may notify the IRS by filing an updated Form 843. Form 843 must contain the notation "Notification of Consideration of Section 2053 Protective Claim(s) for Refund," including the filing date of the initial notice of protective claim for

refund, on page 1. A copy of the initial notice of claim must also be submitted.

The estate should notify the IRS of resolution within 90 days of the date the claim or expense is paid or the date on

which the amount of the claim becomes certain and no longer subject to contingency, whichever is later. Separate notifications must be submitted for every section 2053 protective claim for refund that was filed.

If the final section 2053 claim or expense involves multiple or recurring payments, the 90-day period begins on the date of the last payment. The estate may also notify the IRS (not more than annually) as payments are being made and possibly qualify for a partial refund based on the amounts paid through the date of the notice.

# **Specific Instructions**

## **Part 1. General Information**

Complete Part 1 by providing information that is correct and complete as of the time Schedule PC is filed. If filing an updated Schedule PC with a supplemental Form 706 or as notice of final resolution of the protective claim for refund, be sure to update the information from the original filing to ensure that it is accurate. Be particularly careful to verify that contact information (addresses and telephone numbers) and the reason for filing Schedule PC are indicated correctly. If the fiduciary is different from the executor identified on page 1 of Form 706 or has changed since the initial notice of protective claim for refund was filed, attach letters testamentary, letters of administration, or similar documentation evidencing the fiduciary's authority to file the protective claim for refund on behalf of the estate.

Include a copy of Form 56, Notice Concerning Fiduciary Relationship, if it has been filed.

## **Part 2. Claim Information**

For a protective claim for refund to be properly filed and considered, the claim or expense forming the basis of the potential section 2053 deduction must be clearly identified. Using the check boxes provided, indicate whether you are filing the initial claim for refund, a claim for partial refund, or a final claim.

On the chart in Part 2, give the Form 706 schedule and item number of the claim or expense. List any amounts claimed under exceptions for ascertainable amounts (Regulations section 20.2053-1(d)(4)), claims and counterclaims in related matters (Regulations section 20.2053-4(b)), or claims under \$500,000 (Regulations section 20.2053-4(c)). Provide all relevant information as described, including, most importantly, an explanation of the reasons

and contingencies delaying the actual payment to be made in satisfaction of the claim or expense. Complete columns E and F only if filing a notice of partial or final resolution. Show the amount of ancillary or related expenses to be included in the claim for refund and indicate whether this amount is estimated, agreed upon, or has been paid. Also show the amount being claimed for refund.

**Note.** If you made partial claims for a recurring expense, the amount presently claimed as a deduction under section 2053 will only include the amount presently claimed, not the cumulative amount.

### **Part 3. Other Schedules PC and Forms 843 Filed by the Estate**

On the chart in Part 3, provide information on other protective claims for refund that have been previously filed on behalf of the estate (if any), whether on other Schedules PC or on Form 843. When the initial claim for refund is



filed, only information from Form(s) 843 need be included in Part 3. However, when filing a partial or final claim for refund, complete Part 3 by including the status of all claims filed by or on behalf of the estate, including those filed on other Schedules PC with Form 706. For each such claim, give the place of filing, date of filing, and amount of the claim.

## **Continuation Schedule**

When you need to list more assets or deductions than you have room for on one of the main schedules, use the Continuation Schedule at the end of Form 706. It provides a uniform format for listing additional assets from Schedules A through I and additional deductions from Schedules J, K, L, M, and O.

Please remember to do the following.

- Use a separate Continuation Schedule for each main schedule you are continuing. Do not combine assets or

deductions from different schedules on one Continuation Schedule.

- Make copies of the blank schedule before completing it if you expect to need more than one.
- Use as many Continuation Schedules as needed to list all the assets or deductions.
- Enter the letter of the schedule you are continuing in the space at the top of the Continuation Schedule.
- Use the Unit value column **only** if continuing Schedule B, E, or G. For all other schedules, use this space to continue the description.
- Carry the total from the Continuation Schedules forward to the appropriate line on the main schedule.

<b>If continuing</b>	<b>Report</b>	<b>Where on Continuation Schedule</b>
Schedule E, Pt. 2	<i>Percentage includible</i>	<i>Alternate valuation date</i>
Schedules J, L, M	<i>Continued description of deduction</i>	<i>Alternate valuation date <b>and</b> Alternate value</i>
Schedule O	<i>Character of institution</i>	<i>Alternate valuation date <b>and</b> Alternate value</i>
Schedule O	<i>Amount of each deduction</i>	<i>Value at date of death or amount deductible</i>

**Privacy Act and Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax. Subtitle B and section 6109, and the regulations require you to provide this information.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential as required by section 6103. However, section 6103 allows or requires the Internal Revenue Service to disclose

information from this form in certain circumstances. For example, we may disclose information to the Department of Justice for civil or criminal litigation, and to cities, states, the District of Columbia, and U.S. commonwealths or possessions for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. Failure to provide this information, or providing false information, may subject you to penalties.

The time needed to complete and file this form and related schedules will vary depending on individual circumstances. The estimated average times are:

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Form	Recordkeeping	Learning about the law or the form	Preparing the form	Copying, assembling, and sending the form to the IRS
Form 706 & embedded schedules	6 hr., 46 min.	7 hr., 39 min.	13 hr., 8 min.	9 hr., 10 min.
Form Schedule R-1 (706)	6 min.	29 min.	24 min.	20 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making Form 706 simpler, we would be happy to hear from you. You can send us comments through [IRS.gov/FormComments](https://www.irs.gov/FormComments). Or you can write to:

Internal Revenue Service  
 Tax Forms and Publications Division  
 1111 Constitution Ave. NW, IR-6526  
 Washington, DC 20224

**Do not** send the tax form to this address. Instead, see *Where To File*, earlier.

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# **Index**

## **A**

**Address, executor 5**

**Administration Expenses 35**

**Alternate valuation 10**

**Amending Form 706 3**

**Annuities 33**

**Applicable Credit Adjustment 10**

**Applicable Credit Amount 10**

**Authorized Representative 17**

## **B**

**Bonds 25**

## **C**

**Canadian marital credit 10**

**Charitable Deduction 41**

**Claim for refund 54**

**Close Corporations 17**

**Closing letters 4**

**Conservation Easement 51**

**Continuation Schedule 55**

**Credit for foreign death taxes 43**

**Credit for tax on prior transfers 44**

## **D**

**Death certificate 3**

**Debts of the decedent 36**

**Deductions 18**

**Direct skips 47**

**Disclaimer, qualified 42**

**Documents, supplemental 3**

**DSUE 18**

## **E**

**Election 14, 16**

**Election, lump-sum distribution 35**

**Estate tax closing letters 4**

**Estimated Values 20**

**Exclusion amount 7**

**Executor 2, 5**

## **F**

**Foreign Accounts 18**

**Foreign Death Taxes 43**

**Forms and publications, obtaining 4**

**Funeral Expenses 35**

## **G**

**General Information 17**

**General Instructions 1**

**Gross estate 1, 18**

**GST 47**

**GST exemption table 50**

## **I**

**Inclusion ratio for trust 51**

**Installment payments 14**

**Insurance 27**

## **J**

**Joint Property 28**

## **L**

**Liens 37**

**Line 4 Worksheet 7**

**Line 7 Worksheet 8**

**Losses 37**

**Lump-sum distribution election 35**

## **M**

**Marital Deduction 38**

**Material participation 12**

**Member of family 12**

**Mortgages and liens 37**

## **N**

**Nonresident Noncitizens 2**

## **P**

**Part 1. Decedent and Executor 5**

**Part 2. Tax Computation 6**

**Part 3. Elections by the Executor 10**

**Part 4. General Information 17**

**Part 5. Recapitulation 18**

**Part 6. Portability of Deceased Spousal  
Unused Exclusion 18**

**Partnership Interests 17**

**Paying the Tax 3**

**Penalties 4**

**Portability 18**

**Powers of appointment 32**

**Protective Claim for Refund 54**

**Publications, obtaining 4**

**Purpose of Form 1**

**Q**

**QDOT 40**

**QTIP 40**

**Qualified heir 12**

**Qualified real property 12**

# **R**

**Recapitulation 18**

**Residents of U. S. Possessions 2**

**Reversionary or Remainder Interests 16**

**Revisions of Form 706 1**

**Rounding off to whole dollars 4**

# **S**

**Schedule A-1, Section 2032A  
Valuation 22**

**Schedule A, Real Estate 21**

**Schedule B, Stocks and Bonds 25**

**Schedule C, Mortgages, Notes, and  
Cash 27**

**Schedule D, Insurance on Decedent's  
Life 27**

**Schedule E, Jointly Owned Property 28**

**Schedule F, Miscellaneous Property 29**

**Schedule G, Transfers During Decedent's Life 30**

**Schedule H, Powers of appointment 32**

**Schedule I, Annuities 33**

**Schedule J, Funeral Expenses and Expenses Incurred in Administering Property Subject to Claims 35**

**Schedule K, Debts of the Decedent and Mortgages and Liens 36**

**Schedule L, Net Losses During Administration and Expenses Incurred in Administering Property Not Subject to Claims 37**

**Spouses 38**

**Schedule O, Charitable, Public, and Similar Gifts and Bequests 41**

**Schedule P, Credit for Foreign Death Taxes 43**



**Schedule PC, Protective Claim for Refund 54**

**Schedule Q, Credit for Tax on Prior Transfers 44**

**Schedule U, Qualified Conservation Easement Exclusion 51**

**Schedules R and R-1, Generation-Skipping Transfer Tax 47**

**Section 2032A 11**

**Section 2035(a) transfers 30**

**Section 2036 transfers 30**

**Section 2037 transfers 31**

**Section 2038 transfers 31**

**Section 2044 17**

**Section 6163 16**

**Section 6166 14**

**Signature and verification 3**

**Social security number 5**

**Special Rule – Portability 21**

**Special-Use Valuation 11, 22**

**Specific Instructions 5**

**Stocks 25**

## **T**

**Table A, Unified Rate Schedule 6**

**Table of Basic Exclusion Amounts 9**

**Table of Estimated Values 19, 20**

**Table, Taxable Gift Amount 7**

**Tax Computation 6**

**Taxable Gift Amount Table 7**

**Terminable Interests 38**

**Total Credits 10**

**Transfers, valuation rules 31**

**Trusts 18**

# **U**

**U. S. Citizens or Residents 2**

**Unified Credit (Applicable Credit Amount) 10**

**Unified credit adjustment 10**

# **V**

**Valuation methods 13**

**Valuation rules, transfers 31**

# **W**

**What's New 1**

**When To File 2**

**Where To File 2**

**Which Estates Must File 1**

**Worksheet for Schedule Q 46**

**Worksheet TG-Taxable Gifts  
Reconciliation 7**

**Worksheet, inclusion ratio for trust 51**

**Worksheet, line 3 16**

**Worksheet, line 4 7**

**Worksheet, line 7 8**

# Checklists for Completing Form 706

To ensure a complete return, review the following checklists before filing Form 706.

## ***Attachments . . .***

- ☐ Death Certificate.
- ☐ Certified copy of the will—if decedent died testate, you must attach a certified copy of the will. If not certified, explain why.
- ☐ Appraisals—attach any appraisals used to value property included on the return.
- ☐ Copies of all trust documents where the decedent was a grantor or a beneficiary.
- ☐ Form 2848 or 8821, if applicable.
- ☐ Copy of any Form(s) 709 filed by the decedent, with "Exhibit to Estate Tax Return" entered across the top of the first page(s).

- ☐ Copy of Line 7 Worksheet, if applicable, with “Exhibit to Estate Tax Return” entered across the top of the page(s).
- ☐ Form 712, if any policies of life insurance are included on the return.
- ☐ Form 706-CE, if claiming a foreign death tax credit.

***Have you . . .***

- ☐ Signed the return at the bottom of page 1?
- ☐ Had the preparer sign, if applicable?
- ☐ Obtained the signature of your authorized representative on *Part 4—General Information*, page 2?
- ☐ Entered a Total on all schedules filed?
- ☐ Made an entry on every line of the Recapitulation, even if it is a zero?
- ☐ Included the CUSIP number for all stocks and bonds?
- ☐ Included the EIN of trusts, partnerships, and closely held entities?

- ☐ Included the first 4 pages of the return and all required schedules?
- ☐ Completed Schedule F? It must be filed with all returns.
- ☐ Completed *Part 4—General Information*, line 4, on page 2, if there is a surviving spouse?
- ☐ Completed and attached Schedule D to report insurance on the life of the decedent, even if its value is not included in the estate?
- ☐ Included any QTIP property received from a predeceased spouse?
- ☐ Entered the decedent's name, SSN, and "Form 706" on your check or money order?
- ☐ Completed Part 6, Section A, if the estate elects not to transfer any DSUE amount to the surviving spouse?
- ☐ Completed Part 6, Section C, if the estate elects portability of any DSUE amount?

- ☐ Completed Part 6, Section D, and included a copy of the Form 706, with “Exhibit to Estate Tax Return” entered across the top of the first page, of any predeceased spouse(s) from whom a DSUE amount was received and applied?