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If you have any comments on this draft form, you can submit them to us on our web site. Include the word DRAFT in your response. You may make comments anonymously, or you may include your name and e-mail address or phone number. We will be unable to respond to all comments due to the high volume we receive. However, we will carefully consider each suggestion. So that we can properly consider your comments, please send them to us within 30 days from the date the draft was posted.

Annual Return To Report Transactions With Foreign Trusts and Receipt of Certain Foreign Gifts

Department of the Treasury
Internal Revenue Service

▶ See separate instructions.

2009

Note. All information must be in English. Show all amounts in U.S. dollars. File a **separate** Form 3520 for **each** foreign trust.

For calendar year 2009, or tax year beginning _____, 2009, ending _____, 20

A Check appropriate boxes: Initial return Final return Amended return

B Check box that applies to person filing return: Individual Partnership Corporation Trust Executor

Check all applicable boxes:

(a) You are a U.S. transferor who, directly or indirectly, transferred money or other property during the current tax year to a foreign trust, **(b)** You held an outstanding obligation of a related foreign trust (or a person related to the trust) issued during the current tax year, that you reported as a "qualified obligation" (defined in the instructions) during the current tax year, or **(c)** You are the executor of the estate of a U.S. decedent and (1) the decedent made a transfer to a foreign trust by reason of death, (2) the decedent was treated as the owner of any portion of a foreign trust immediately prior to death, or (3) the decedent's estate included any portion of the assets of a foreign trust. See the instructions for Part I.

You are a U.S. owner of all or any portion of a foreign trust at any time during the tax year. See the instructions for Part II.

(a) You are a U.S. person who, during the current tax year, received a distribution from a foreign trust, or **(b)** You are a U.S. person and you are also a grantor or beneficiary of a foreign trust that has made a loan of cash or marketable securities directly or indirectly to you during the current tax year that you reported as a "qualified obligation" (defined in the instructions) during the current tax year. See the instructions for Part III.

You are a U.S. person who, during the current tax year, received certain gifts or bequests from a foreign person. See the instructions for Part IV.

Service Center where U.S. person's income tax return is filed ▶

1a Name of person(s) filing return (see instructions)			b Identification number	
c Number, street, and room or suite no. (if a P.O. box, see instructions)			d Spouse's identification number	
e City or town	f State or province	g ZIP or postal code	h Country	
2a Name of foreign trust (if applicable)			b Employer identification number (if any)	
c Number, street, and room or suite no. (if a P.O. box, see instructions)				
d City or town	e State or province	f ZIP or postal code	g Country	

3 Did the foreign trust appoint a U.S. agent (defined in the instructions) who can provide the IRS with all relevant trust information? **Yes** **No**
If "Yes," complete lines 3a through 3g.

3a Name of U.S. agent			b Identification number (if any)	
c Number, street, and room or suite no. (if a P.O. box, see instructions)				
d City or town	e State or province	f ZIP or postal code	g Country	
4a Name of U.S. decedent (see instr.)	b Address		c TIN of decedent	
d Date of death			e EIN of estate	

f Check applicable box:
 U.S. decedent made transfer to a foreign trust by reason of death.
 U.S. decedent treated as owner of foreign trust immediately prior to death.
 Assets of foreign trust were included in estate of U.S. decedent.

Under penalties of perjury, I declare that I have examined this return, including any accompanying reports, schedules, or statements, and to the best of my knowledge and belief, it is true, correct, and complete.

Signature	Title	Date
Preparer's signature	Preparer's SSN or PTIN	Date

Part I Transfers by U.S. Persons to a Foreign Trust During the Current Tax Year (see instructions)

5a Name of trust creator (if different from line 1a) b Address c Identification number (if any)
6a Country code of country where trust was created b Country code of country whose law governs the trust c Date trust was created
7a Will any person (other than the U.S. transferor or the foreign trust) be treated as the owner of the transferred assets after the transfer?
b (i) Name of other foreign trust owners, if any (ii) Address (iii) Country of residence (iv) Identification number, if any (v) Relevant Code section
8 Was the transfer a completed gift or bequest? If "Yes," see instructions
9a Now or in the future, can any part of the income or corpus of the trust benefit any U.S. beneficiary?
b If "No," could the trust be revised or amended to benefit a U.S. beneficiary?
10 Will you continue to be treated as the owner of the transferred asset(s) after the transfer?

Schedule A—Obligations of a Related Trust (see instructions)

11a During the current tax year, did you transfer property (including cash) to a related foreign trust in exchange for an obligation of the trust or an obligation of a person related to the trust (see instructions)?
b Were any of the obligations you received (with respect to a transfer described in 11a above) qualified obligations?
If "Yes," complete the rest of Schedule A with respect to each qualified obligation.
If "No," go to Schedule B and, when completing columns (a) through (i) of line 13 with respect to each nonqualified obligation, enter "-0-" in column (h).

Table with 4 columns: (i) Date of transfer giving rise to obligation, (ii) Maximum term, (iii) Yield to maturity, (iv) FMV of obligation

12 With respect to each qualified obligation you reported on line 11b: Do you agree to extend the period of assessment of any income or transfer tax attributable to the transfer, and any consequential income tax changes for each year that the obligation is outstanding, to a date 3 years after the maturity date of the obligation?
Note. Generally, you must answer "Yes," if you checked "Yes" to the question on line 11b.

Schedule B—Gratuitous Transfers (see instructions)

13 During the current tax year, did you make any transfers (directly or indirectly) to the trust and receive less than FMV, or no consideration at all, for the property transferred?
If "Yes," complete columns (a) through (i) below and the rest of Schedule B, as applicable.
If "No," go to Schedule C.

Table with 9 columns: (a) Date of transfer, (b) Description of property transferred, (c) FMV of property transferred, (d) U.S. adjusted basis of property transferred, (e) Gain recognized at time of transfer, (f) Excess, if any, of column (c) over the sum of columns (d) and (e), (g) Description of property received, if any, (h) FMV of property received, (i) Excess of column (c) over column (h)

14 You are required to attach a copy of each sale or loan document entered into in connection with a transfer reported on line 13. If these documents have been attached to a Form 3520 filed within the previous 3 years, attach only relevant updates.

Table with 5 columns: Are you attaching a copy of: Yes No Attached Previously Year Attached
a Sale document?
b Loan document?
c Subsequent variances to original sale or loan documents?

Part I Schedule B—Gratuitous Transfers (Continued)

Note. Complete lines 15 through 18 only if you answered "No" to line 3.

15	(a) Name of beneficiary	(b) Address of beneficiary	(c) U.S. beneficiary?		(d) Identification number, if any
			Yes	No	
16	(a) Name of trustee	(b) Address of trustee	(c) Identification number, if any		
17	(a) Name of other persons with trust powers	(b) Address of other persons with trust powers	(c) Description of powers	(d) Identification number, if any	

18 If you checked "No" on line 3 (or did not complete lines 3a through 3g), you are required to attach a copy of all trust documents as indicated below. If these documents have been attached to a Form 3520-A filed within the previous 3 years, attach only relevant updates.

Are you attaching a copy of:	Yes	No	Attached Previously	Year Attached
a Summary of all written and oral agreements and understandings relating to the trust?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
b The trust instrument?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
c Memoranda or letters of wishes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
d Subsequent variances to original trust documents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
e Trust financial statements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
f Other trust documents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Schedule C—Qualified Obligations Outstanding in the Current Tax Year (see instructions)

19 Did you, at any time during the tax year, hold an outstanding obligation of a related foreign trust (or a person related to the trust) that you reported as a "qualified obligation" in the current tax year? Yes No
If "Yes," complete columns (a) through (e) below.

(a) Date of original obligation	(b) Tax year qualified obligation first reported	(c) Amount of principal payments made during the tax year	(d) Amount of interest payments made during the tax year	(e) Does the obligation still meet the criteria for a qualified obligation?	
				Yes	No

Part III Distributions to a U.S. Person From a Foreign Trust During the Current Tax Year (Continued)

- 29 Did you receive a Foreign Grantor Trust Beneficiary Statement from the foreign trust with respect to a distribution? Yes No
If "Yes," attach the statement and do not complete the remainder of Part III with respect to that distribution.
If "No," complete Schedule A with respect to that distribution. Also complete Schedule C if you enter an amount greater than zero on line 37.
- 30 Did you receive a Foreign Nongrantor Trust Beneficiary Statement from the foreign trust with respect to a distribution? Yes No
If "Yes," attach the statement and complete either Schedule A or Schedule B below (see instructions). Also complete Schedule C if you enter an amount greater than zero on line 37 or line 41a.
If "No," complete Schedule A with respect to that distribution. Also complete Schedule C if you enter an amount greater than zero on line 37.

Schedule A—Default Calculation of Trust Distributions (see instructions)

31	Enter amount from line 27	
32	Number of years the trust has been a foreign trust (see instructions)	
33	Enter total distributions received from the foreign trust during the 3 preceding tax years (or during the number of years the trust has been a foreign trust, if fewer than 3)	
34	Multiply line 33 by 1.25.	
35	Average distribution. Divide line 34 by 3 (or the number of years the trust has been a foreign trust, if fewer than 3) and enter the result	
36	Amount treated as ordinary income earned in the current year. Enter the smaller of line 31 or line 35	
37	Amount treated as accumulation distribution. Subtract line 36 from line 31. If -0-, do not complete the rest of Part III	
38	Applicable number of years of trust. Divide line 32 by 2 and enter the result here ▶	

Schedule B—Actual Calculation of Trust Distributions (see instructions)

39	Enter amount from line 27	
40a	Amount treated as ordinary income in the current tax year	
b	Qualified dividends	
41a	Amount treated as accumulation distribution. If -0-, do not complete Schedule C, Part III	
b	Amount of line 41a that is tax-exempt	
42a	Amount treated as net short-term capital gain in the current tax year	
b	Amount treated as net long-term capital gain in the current tax year	
c	28% rate gain	
d	Unrecaptured section 1250 gain	
43	Amount treated as distribution from trust corpus	
44	Enter any other distributed amount received from the foreign trust not included on lines 40a, 41a, 42a, 42b, and 43 (attach explanation)	
45	Amount of foreign trust's aggregate undistributed net income	
46	Amount of foreign trust's weighted undistributed net income	
47	Applicable number of years of trust. Divide line 46 by line 45 and enter the result here ▶	

Schedule C—Calculation of Interest Charge (see instructions)

48	Enter accumulation distribution from line 37 or 41a, as applicable	
49	Enter tax on total accumulation distribution from line 28 of Form 4970.	
50	Enter applicable number of years of foreign trust from line 38 or 47, as applicable (round to nearest half-year)	
51	Combined interest rate imposed on the total accumulation distribution (see instructions)	
52	Interest charge. Multiply the amount on line 49 by the combined interest rate on line 51	
53	Tax attributable to accumulation distributions. Add lines 49 and 52. Enter here and as "additional tax" on your income tax return	

Part IV U.S. Recipients of Gifts or Bequests Received During the Current Tax Year From Foreign Persons
(see instructions)

54 During the current tax year, did you receive more than \$100,000 that you treated as gifts or bequests from a nonresident alien or a foreign estate? See instructions for special rules regarding related donors and gifts or bequests from "covered expatriates" Yes No
If "Yes," complete columns (a) through (c) with respect to each such gift or bequest in excess of \$5,000. If more space is needed, attach schedule.

(a) Date of gift or bequest	(b) Description of property received	(c) FMV of property received
Total ▶		\$

55 During the current tax year, did you receive more than \$14,139 that you treated as gifts from a foreign corporation or a foreign partnership? See instructions regarding related donors Yes No
If "Yes," complete columns (a) through (g) with respect to each such gift. If more space is needed, attach schedule.

(a) Date of gift	(b) Name of foreign donor	(c) Address of foreign donor	(d) Identification number, if any

(e) Check the box that applies to the foreign donor		(f) Description of property received	(g) FMV of property received
Corporation	Partnership		

56 Do you have any reason to believe that the foreign donor, in making any gift or bequest described in lines 54 and 55, was acting as a nominee or intermediary for any other person? If "Yes," see instructions Yes No

57 During the current tax year, did you receive a "covered gift or bequest" (as defined in section 2801(e)) of more than \$13,000 from a "covered expatriate" (as defined in section 877A(g)(1)) (see instructions)? Yes No
If "Yes," complete and file Form 708, U.S. Return of Tax for Gifts and Bequests Received From Expatriates.