

▶ **Do not attach this form to Form 1065 or Form 1120S; file it separately.**

1993

Department of the Treasury
Internal Revenue Service

For the applicable election year beginning _____, 1993, and ending _____, 19

| | | |
|----------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Please type or print | Name of partnership or S corporation | Employer identification number |
| | Number, street, and room or suite no. (If a P.O. box, see instructions.) | Check applicable box to show type of taxpayer: <input type="checkbox"/> Partnership <input type="checkbox"/> S Corporation |
| | City or town, state, and ZIP code | |

- A** If this is the entity's first tax year, skip lines 1 through 10, enter -0- on line 11, and check this box
- B** If this form is being filed to claim a full refund of the net required payment balance because of a terminating event, skip lines 1 through 9a, enter -0- on line 9b, complete the rest of the form, and check this box
- C** If the entity had a **short base year** (a base year of less than 12 months), check this box. See the line 1 instructions for the definition of "base year"

| | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--|---|
| 1 Net income for base year. (If the entity had a short base year, increase the net income for the short base year by the applicable payments made during the base year (line 2 below), and multiply the result by the ratio of 12 over the number of months in the short base year.) If zero or less, enter -0- | 1 | | |
| 2 Applicable payments made during base year | 2 | | |
| 3 Deferral ratio. Divide the number of months in the deferral period by 12 and enter the result as a percentage | 3 | | % |
| 4 Line 1 deferred amount. Multiply line 1 by line 3. | 4 | | |
| Caution: If the entity had a short base year, skip lines 5 and 6 and go to line 7. | | | |
| 5 Line 2 deferred amount. Multiply line 2 by line 3. | 5 | | |
| 6 Applicable payments made during the deferral period of the base year | 6 | | |
| 7 If the entity had a 12-month base year, subtract line 6 from line 5 (if zero or less, enter -0-). If the entity had a short base year, enter the applicable payments made during the deferral period of the applicable election year | 7 | | |
| 8 Net base year income. If the entity had a 12-month base year, add lines 4 and 7. If the entity had a short base year, subtract line 7 from line 4 (if zero or less, enter -0-). | 8 | | |
| 9a If the entity's required tax year is the calendar year OR the entity's base year ends within a required tax year that began after 1992, multiply line 8 by 40.6%. Otherwise, multiply line 8 by 32%. ▶ | 9a | | |
| 9b If line 9a is more than \$500 OR the required payment for any prior tax year was more than \$500, enter the amount from line 9a here. Otherwise, enter -0-. ▶ | 9b | | |
| 10 Net required payment balance. Enter the excess of the required payments made for all prior years over the refunds of any required payments received for all prior years by the entity. | 10 | | |
| 11 Required payment due. If line 9b is larger than line 10, subtract line 10 from line 9b. Attach check or money order for full amount payable to "Internal Revenue Service." Write the entity's employer identification number and "Form 8752" on it | 11 | | |
| 12 Refund of net prior year payments. If line 10 is larger than line 9b, subtract line 9b from line 10 | 12 | | |

Please Sign Here
(Keep a copy of this form for your records.)

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

Signature of officer or general partner _____ Date _____ Title _____

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

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 required payment.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

Recordkeeping 5 hr., 16 min.

Learning about the law or the form 1 hr., 5 min.

Preparing, copying, assembling, and sending the form to the IRS 1 hr., 13 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form more simple, we would be happy to hear from you. You can write to both the **Internal Revenue Service**, Attention: Reports Clearance Officer, T:FP, Washington, DC 20224; and the **Office of Management and Budget**, Paperwork Reduction Project (1545-1181), Washington, DC 20503. **DO NOT** send Form 8752 to either of these offices. Instead, see **Where To File** below.

Purpose of Form.—Partnerships and S corporations use Form 8752 to figure and report the payment required under section 7519 or to obtain a refund of net prior year payments. Such payments are required of any partnership or S corporation that has elected under section 444 to have a tax year other than a required tax year.

Who Must File.—A partnership or S corporation must file Form 8752 if it made a section 444 election by filing **Form 8716**, Election To Have a Tax Year Other Than a Required Tax Year, and its election is still in effect for the tax year. Any tax year for which a section 444 election is in effect, including the first tax year the section 444 election is made, is an “applicable election year.”

Do not file Form 8752 for a personal service corporation (as defined in Temporary Regulations section 1.441-4T). Instead, file **Schedule H (Form 1120)**, Section 280H Limitations for a Personal Service Corporation (PSC), with the corporation’s income tax return.

When To File.—For applicable election years beginning in 1993, Form 8752 must be filed and the required payment made on or before May 16, 1994.

Note: Temporary Regulations section 1.444-3T(b)(4)(iii) provides a special rule that extends the due date for filing Form 8752 and making the required payment related to certain back-up section 444 elections.

Where To File.—File Form 8752 at the applicable IRS address listed below.

| If the entity’s principal place of business or principal office or agency is located in | Use the following Internal Revenue Service Center address |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| New Jersey, New York (New York City and counties of Nassau, Rockland, Suffolk, and Westchester) | Holtsville, NY 00501 |
| New York (all other counties), Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont | Andover, MA 05501 |
| Florida, Georgia, South Carolina | Atlanta, GA 39901 |
| Indiana, Kentucky, Michigan, Ohio, West Virginia | Cincinnati, OH 45999 |
| Kansas, New Mexico, Oklahoma, Texas | Austin, TX 73301 |
| Alaska, Arizona, California (counties of Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba), Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming | Ogden, UT 84201 |
| California (all other counties), Hawaii | Fresno, CA 93888 |
| Illinois, Iowa, Minnesota, Missouri, Wisconsin | Kansas City, MO 64999 |
| Alabama, Arkansas, Louisiana, Mississippi, North Carolina, Tennessee | Memphis, TN 37501 |
| Delaware, District of Columbia, Maryland, Pennsylvania, Virginia | Philadelphia, PA 19255 |

An entity without a principal office or agency or principal place of business in the United States must file Form 8752 with the Internal Revenue Service Center, Philadelphia, PA 19255.

Penalties.—The penalty for not making the required payment when due is 10% of the underpayment. For this purpose, the term “underpayment” means the excess of the required payment over the amount (if any) of such payment made on or before the due date for the applicable election year. The accuracy-related penalty and the fraud penalty may also apply. Willful failure of the entity to make the payment will terminate the section 444 election. See section 7519(f)(4) for more details.

Amended Return.—To correct an error in a Form 8752 already filed, file an amended Form 8752 and write “AMENDED RETURN” across the top.

Specific Instructions

Address.—Include the suite, room, or other unit number after the street address. If the Post Office does not deliver mail to the street address and the entity has a P.O. box, show the box number instead of the street address.

Line A.—If an applicable election year is the entity’s first year of existence (i.e., it is a

newly formed entity and therefore does not have a base year), the required payment for such applicable election year is zero.

Line 1—Net income for base year.—The term “base year” means the tax year preceding the applicable election year. For example, if you are completing Form 8752 for the applicable election year beginning October 1, 1993, and ending September 30, 1994, the base year is the tax year beginning October 1, 1992, and ending September 30, 1993.

For partnerships, line 1 net income is the aggregate of the partnership’s items of income and expense (but not less than zero) described in section 702(a) other than credits, tax-exempt income, and guaranteed payments under section 707(c). When figuring line 1, disregard any limitations on the amount of any item described in section 702(a) that may be taken into account in figuring the taxable income of a partner.

For S corporations, line 1 net income is the aggregate of the corporation’s items of income and expense (but not less than zero) described in section 1366(a) (other than credits and tax-exempt income). When figuring line 1, disregard any limitation on the amount of any item described in section 1366(a) that may be taken into account in figuring the taxable income of a shareholder.

If an S corporation was a C corporation for its base year, the C corporation’s taxable income is treated as the net income of the S corporation for the base year. See Temporary Regulations section 1.7519-1T(b)(5) for other details.

Line 2—Applicable payments.—In general, the term “applicable payments” means any amount deductible in the base year that is includible at any time, directly or indirectly, in the gross income of any partner or shareholder who was a partner or shareholder during the base year. However, the term does not include any guaranteed payments under section 707(c). Examples of applicable payments are officer’s compensation, wages, and rent paid to any partner or shareholder.

If the S corporation was a C corporation for its base year, applicable payments of the C corporation are treated as if from an S corporation.

Line 3—Deferral ratio.—The deferral period covers the months between the beginning of the elected tax year and the close of the first required tax year ending within the elected tax year.

Line 9b.—If you enter zero on line 9b and you did not make any prior year required payment for which a refund can be claimed, enter zero on line 10, skip lines 11 and 12, and complete the signature section. You are required to file Form 8752 to show that you have a zero liability for the applicable election year beginning in 1993.

Line 12—Refund of net prior year payments.—A refund of net prior year payments will not be made before the later of April 15, 1994, or 90 days after Form 8752 is filed (see Temporary Regulations section 1.7519-2T(a)(6)). No interest will be paid on the amount refunded.