

Instructions

1. Deficiency Dividends.—Deficiency dividends must be distributed on, or within 90 days after the determination date (see instruction 4) and prior to filing this claim.

The deficiency dividend must be of such a nature as would have permitted its inclusion in the computation of the deduction for dividends paid under section 561 for the taxable year for which the tax liability exists, if it had been distributed during that year.

2. Who Must File.—This form is to be used in cases where a personal holding company or real estate investment trust may be relieved from payment of a tax deficiency, or may be entitled to a credit or refund of part or all of any such deficiency which has been paid pursuant to sections 547 or 859 (whichever is applicable). In general, a real estate investment trust may use this form only with respect to determinations made after October 4, 1976.

3. How to File.—This claim must be filed, in duplicate, within 120 days after the determination date. It must be filed with the District Director's office where the determination was made. Attach a certified copy of the resolution of the board of directors or other authority authorizing the payment of the deficiency dividend.

4. Determination Date.—The determination date is:

- (a) In the case of a decision of the Tax Court, the date the decision becomes final, as prescribed in section 7481.
- (b) In the case of a judgment, decree or order by a court, the date the judgment, decree or order becomes final.
- (c) In the case of a closing agreement made under section 7121, the date the agreement is approved by the Commissioner.
- (d) In the case of an agreement under section 547(c)(3) or section 859(c)(3) executed by the District Director (or other authorized official) and

the taxpayer, if the signed copy of the agreement is sent to the taxpayer by registered mail, the determination date is the date of registration. If it is sent by certified mail, the determination date is the date of the postmark on the sender's receipt. However, if a dividend is paid by the taxpayer before such registration or postmark date but on or after the date the agreement is signed by the District Director, the determination date shall be the date of such signing.

5. Claim for Credit or Refund.—If, subsequent to payment of a tax deficiency, an overpayment results from the allowance of a deficiency dividend deduction in addition to this form, a claim must be filed to obtain a credit or refund for the overpayment.

6. Corporate Acquisitions.—In the case of the acquisition of assets of a corporation by another corporation in a distribution or transfer described in section 381(a), see sections 381(c)(17) and 381(c)(25) for special rules for claiming a deficiency dividend deduction.

7. Signature.—The return must be signed and dated by the president, vice president, treasurer, assistant treasurer, chief accounting officer, or any other officer authorized to sign. A receiver, trustee, or assignee must sign and date any return required to be filed on behalf of a taxpayer.

If the person who prepares the return for pay is not an employee of a firm, corporation or another individual, then that person must sign the return as preparer and enter his or her social security number and address. If the person who prepares the return for pay is an employee of a firm, corporation or another individual, then that person must sign the return and enter the employer's name, identification number, and address. If prepared by the taxpayer's regular, full-time employee, such as a clerk, secretary, or bookkeeper, the employee does not have to sign.