Partner’s Instructions for Schedule K-1 (Form 1065-B)

Partner’s Share of Income (Loss) From an Electing Large Partnership
(For Partner’s Use Only)

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

Change To Note
Under the Jobs and Growth Tax Relief Reconciliation Act of 2003, the general tax rates applicable to gain or loss for individuals have been reduced. The new gain rates also apply to qualified dividend income under new section 1(h)(11). The new rates apply to installment payments received after May 5, 2003. Schedule K-1 has been revised to take into account the partner’s shares of these gains. The qualified dividends will be reported as a separately stated item in box 9 of Schedule K-1.

General Instructions
Purpose of Schedule K-1
The partnership uses Schedule K-1 to report your share of the partnership’s income, credits, deductions, etc. Keep it for your records. Do not file it with your tax return. The partnership has filed a copy with the IRS.

You are liable for tax on your share of the partnership’s income, whether or not distributed. Include your share on your tax return if a return is required. Use these instructions to help you report the items shown on Schedule K-1 on your tax return.

The amount of loss and deduction that you may claim on your tax return may be less than the amount reported on Schedule K-1. It is the partner’s responsibility to consider and apply any applicable limitations. See Limitations on Losses, Deductions, and Credits beginning on page 2 for more information.

Electing Large Partnerships
This partnership has elected simplified reporting requirements intended to make it simpler for you to report your share of partnership income, credits, deductions, etc. Generally, income, capital gains, credits, and deductions are combined at the partnership level so that the number of partnership items separately reported to partners is reduced. Most limitations and elections affecting partnership income are made by the electing large partnership. For limited partners, income and other items from the partnership’s trade or business and rental activities are treated as being from a trade or business that is a single passive activity. These items are reported in boxes 1, 3a, 3b, and 5, with most credits being reported in boxes 7 and 8. General partners must make their own determinations as to whether the activities are passive for them. Therefore, partnership items from trade or business, rental real estate, and other rental activities are separately reported for each activity in box 9. Income, etc., from other activities (investment and portfolio income and deductions) are reported in boxes 2, 4a, 4b, and 6 for both limited and general partners.

Errors
You must report partnership items shown on your Schedule K-1 (and any attached schedules) the same way that the partnership treated the items on its return. If you believe the partnership has made an error on your Schedule K-1, notify the partnership. Do not change any items on your copy of Schedule K-1. Generally, an adjustment to correct an error will take effect for the tax year in which the partnership actually makes the adjustment. However, if the error involves a change to your distributive share of a partnership item, the partnership should file an amended partnership return and send you a corrected Schedule K-1.

If the treatment on your original or amended return is inconsistent with the partnership’s treatment, you may be subject to the accuracy-related penalty. This penalty is in addition to any tax that results from making your amount or treatment of the item consistent with that shown on the partnership’s return. Any deficiency that results from making the amounts consistent may be assessed immediately.

Sale or Exchange of Partnership Interest
Generally, a partner who sells or exchanges a partnership interest in a section 751(a) exchange must notify the partnership, in writing, within 30 days of the exchange (or, if earlier, by January 15 of the calendar year following the calendar year in which the exchange occurred). A “section 751(a) exchange” is any sale or exchange of a partnership interest in which any money or other property received by the partner in exchange for that partner’s interest is attributable to unrealized receivables (as defined in section 751(c)) or inventory items (as defined in section 751(d)).

The written notice to the partnership must include the names and addresses of both parties to the exchange, the identifying numbers of the transferor and (if known) of the transferee, and the exchange date.

An exception to this rule is made for sales or exchanges of publicly traded partnership interests for which a broker is required to file Form 1099-B, Proceeds From Broker and Barter Exchange Transactions. If a partner is required to notify the partnership of a section 751(a) exchange but fails to do so, a $50 penalty may be imposed for each such failure. However, no penalty will be imposed if the partnership can show that the failure was due to reasonable cause and not willful neglect.

Nominee Reporting
Any person who holds, directly or indirectly, an interest in a partnership as a nominee for another person must furnish a written statement to the partnership by the last day of the month following the end of the partnership’s tax year. This statement must include the name, address, and identifying number of the nominee and such other person as the description of the partnership interest held as nominee for that person, and other information required by Temporary Regulations section 1.8031(c)-1T. A nominee that fails to furnish this statement must furnish to the person for
whom the nominee holds the partnership interest a copy of Schedule K-1 and related information within 30 days of receiving it from the partnership.

A nominee who fails to furnish when due all the information required by Temporary Regulations section 1.6031(c)-1T, or who furnishes incorrect information, is subject to a $50 penalty for each statement for which it occurs. The maximum penalty is $100,000 for all such failures during a calendar year. If the nominee intentionally disregards the requirement to report correct information, each $50 penalty increases to $100 or, if greater, 10% of the aggregate amount of items required to be reported, and the $100,000 maximum does not apply.

International Boycotts

Every partnership that had operations in, or related to, a boycotting country, company, or a national of a country must file Form 5713, International Boycott Report.

If the partnership cooperated with an international boycott, it must give you a copy of its Form 5713. You must file your own Form 5713 to report the partnership’s activities and any other boycott operations that you may have. You may lose certain tax benefits if the partnership participated in, or cooperated with, an international boycott. See Form 5713 and the instructions for more information.

Definitions

General Partner

A general partner is a partner who is personally liable for partnership debts.

Limited Partner

A limited partner is a partner in a partnership formed under a state limited partnership law, whose personal liability for partnership debts is limited to the amount of money or other property that the partner contributed or is required to contribute to the partnership. Some members of other entities, such as domestic or foreign business trusts or limited liability companies that are classified as partnerships, may be treated as limited partners for certain purposes. For example, see Temporary Regulations section 1.469-ST(e)(1)(i), which treats all members with limited liability as limited partners for purposes of section 469(h)(2) (concerning the passive loss limitation rules).

Disqualified Person

If you are a partner in a partnership holding oil and gas properties, you are a disqualified person if:

- You are an oil or natural gas retailer described in section 613A(d)(2) or crude oil refiner described in section 613A(d)(4) or
- Your average daily production of domestic crude oil and natural gas exceeds 500 barrels for your tax year in which the partnership’s tax year ends. See section 776(b) for more details.

Disqualified persons must report items of income, gain, loss, deduction, and credit attributable to partnership oil and gas properties as if the special rules for electing large partnerships did not apply.

Nonrecourse Loans

Nonrecourse loans are those liabilities of the partnership for which no partner bears the economic risk of loss.

Elections

Generally, the partnership decides how to figure taxable income from its operations. However, two elections are made by you separately on your income tax return and not by the partnership. These elections are made under the following code sections:

- Section 108(b)(5) (income from the discharge of indebtedness).
- Section 901 (foreign tax credit).

If the partnership attaches a statement to Schedule K-1 indicating that it has changed its tax year and that you may elect to report your distributive share of the income attributable to that change ratably over 4 tax years, see Rev. Proc. 2003-79, 2003-45 I.R.B. 1036, for details on making the election. To make the election, you must file Form 8082, Notice of Inconsistent Treatment or Administrative Adjustment Request, with your income tax return for each of the 4 tax years. File Form 8082 for this purpose in accordance with Rev. Proc. 2003-79 instead of the Form 8082 instructions.

Additional Information

For more information on the treatment of partnership income, credits, deductions, etc., see Pub. 541, Partnerships; Pub. 535, Business Expenses; and Pub. 925, Passive Activity and At-Risk Rules.

To get forms and publications, see the instructions for your tax return.

Limitations on Losses, Deductions, and Credits

There are three separate potential limitations on the amount of partnership losses that you may deduct on your return. These limitations and the order in which you must apply them are as follows: the basis rules, the at-risk limitations, and the passive activity limitations. Each of these limitations is discussed separately below.

Basis Rules

Generally, you may not claim your share of a partnership loss (including a capital loss) to the extent that it is greater than the adjusted basis of your partnership interest at the end of the partnership’s tax year.

The partnership is not responsible for keeping the information needed to figure the basis of your partnership interest. You can figure the adjusted basis of your partnership interest by adding items that increase your basis and then subtracting items that decrease your basis.

Items that increase your basis are:

- Money and your adjusted basis in property contributed to the partnership.
- Your share of the increase in the partnership’s liabilities (or your individual liabilities caused by your assumption of partnership liabilities).
- Your share of the partnership’s income (including tax-exempt income).
- Items that decrease your basis (but not below zero) are:
  - Money and the adjusted basis of property distributed to you.
  - Your share of the decrease in the partnership’s liabilities (or your individual liabilities assumed by the partnership).
  - Your share of the partnership’s losses (including capital losses).
  - Your share of the partnership’s nondeductible expenses.

Additional basis adjustments may apply to partners claiming deductions for depletion. See Pub. 541 for more details.

At-Risk Limitations

Generally, if you have (a) a loss or other deduction from any activity carried on as a trade or business for which you are not at risk, or (b) an amount of income from the partnership that is protected against loss by a guarantee, stop-loss agreement, or similar arrangement (excluding capital losses), you are a disqualified person.

The at-risk rules generally limit the amount of loss and other deductions that you can claim to the amount you could actually lose in the activity. However, if you acquired your partnership interest before 1987, the at-risk rules do not apply to losses from an activity of holding real property placed in service before 1987 by the partnership. The activity of holding mineral property does not qualify for this exception. The partnership should identify on an attachment to Schedule K-1 the amount of any losses that are not subject to the at-risk limitations.

Generally, you are not at risk for amounts such as the following:

- Nonrecourse loans used to finance the activity, to acquire property used in the activity, or to acquire your interest in the activity, that are not secured by your own property (other than the property used in the activity). See the instructions for Partner’s Share of Liabilities on page 5 for the exception for qualified nonrecourse financing secured by real property.
- Cash, property, or borrowed amounts used in the activity (or contributed to the activity, or used to acquire your interest in the activity) that are protected against loss by a guarantee, stop-loss agreement, or other similar arrangement (excluding casualty insurance and insurance against tort liability).
- Amounts borrowed for use in the activity from a person who has an interest in the activity, other than as a creditor, or who is related, under section 465(b)(3), to a person (other than you) having such an interest.

To help you complete Form 6198, the partnership should specify on an attachment to Schedule K-1 your share of
5. • Limited partner who is a disqualified activity and you materially participated in than 5% of the stock (or more than 5% ... for items of income, gain, loss, not consecutive) preceding the tax year. employer.deduction, and credit attributable to A

General partner or participation activity

publicly traded partnerships. See page 4 for the special rules for for more than 500 hours. A

(loss) from the partnership on Form 8582. 

businesses in which the corporation 

participation are made based on your 

Activities that meet the definition of owners of the activity would usually do partners who are individuals are ... and to the Regulations section 1.469-1(e)(3). avoid the passive loss or creditsurviving spouses of farmers. See the 

The work is not the sort of work that owners of the activity would usually do and one of the principal purposes of the work that you or your spouse does is to avoid the passive loss or credit limitations.
2. You do the work in your capacity as an investor and you are not directly involved in the day-to-day operations of the activity. Examples of work done as an investor that would not count toward material participation include:
   a. Studying and reviewing financial statements or reports on operations of the activity.
   b. Preparing or compiling summaries or analyses of the finances or operations of the activity for your own use.
   c. Monitoring the finances or operations of the activity in a nonmanagerial capacity.

Effect of determination. If you determine that you materially participated in (a) a trade or business activity of the partnership or (b) if you were a real estate professional (defined on page 3) in a rental real estate activity of the partnership, report the income (loss), deductions, and credits from that activity as indicated in the instructions for the boxes in which those items were reported.

If you determine that you did not materially participate in a trade or business activity of the partnership or if you have income (loss), deductions, or credits from a rental activity of the partnership (other than a rental real estate activity in which you materially participated as a real estate professional), the amounts from that activity are passive. Report passive income (losses), deductions, and credits as follows:

1. If you have an overall gain (the excess of income over deductions and losses, including any prior year unallowed loss) from a passive activity, report the income, deductions, and losses from the activity as indicated in the instructions for the boxes in which those items were reported.

2. If you have an overall loss (the excess of deductions and losses, including any prior year unallowed loss, over income) or credits from a passive activity, report the income, deductions, losses, and credits from all passive activities using the Instructions for Form 8582 or Form 8582-CR (or Form 8810), to see if your deductions, losses, and credits are limited under the passive activity rules.

Special allowance for rental real estate activities. If you actively participated in a rental real estate activity, you may be able to deduct up to $25,000 of the loss from the activity from nonpassive income. This “special allowance” is an exception to the general rule disallowing losses in excess of income from passive activities.

The special allowance is not available if you were married, file a separate return for the year, and did not live apart from your spouse at all times during the year.

Only individuals and qualifying estates can actively participate in a rental real estate activity. Estates (other than qualifying estates), trusts, and corporations cannot actively participate.

You are not considered to actively participate in a rental real estate activity if at any time during the tax year your interest (including your spouse’s interest) in the activity was less than 10% (by value) in the separate capital interests in the activity.

Active participation is a less stringent requirement than material participation. You may be treated as actively participating if you participated, for example, in making management decisions or arranging for others to provide services (such as repairs) in a significant management role.

Management decisions that can count as active participation include approving new tenants, deciding rental terms, approving capital or repair expenditures, and other similar decisions.

An estate is a qualifying estate if the decedent would have satisfied the active participation requirement for the activity for the tax year the decedent died. A qualifying estate is treated as actively participating for tax years ending less than 2 years after the date of the decedent’s death.

The maximum special allowance that single individuals and married individuals filing a joint return can qualify for is $25,000. The maximum is $12,500 for married individuals who file separate returns and who lived apart all times during the year. The maximum special allowance for which an estate can qualify is $25,000 reduced by the special allowance for which the surviving spouse qualified.

If your modified adjusted gross income (defined below) is $100,000 or less (50,000 or less if married filing separately), your loss is deductible up to the amount of the maximum special allowance referred to in the preceding paragraph. If your modified adjusted gross income is more than $100,000 (more than $50,000 if married filing separately), the special allowance is limited to 50% of the difference between $150,000 ($75,000 if married filing separately) and your modified adjusted gross income. When modified adjusted gross income is $150,000 or more ($75,000 or more if married filing separately), there is no special allowance.

Modified adjusted gross income is your adjusted gross income figured without taking into account:
   • Any passive activity loss.
   • Any rental real estate loss allowed under section 469(c)(7) to real estate professionals (as defined on page 3).
   • Any taxable social security or railroad retirement benefits.
   • Any deductible contributions to an IRA or certain other qualified retirement plans under section 219.
   • The student loan interest deduction.
   • The tuition and fees deduction.
   • The deduction for one-half of self-employment taxes.
   • The exclusion from income of interest from Series EE and I U.S. Savings Bonds used to pay higher education expenses.

The exclusion of amounts received under an employer’s adoption assistance program.

Commercial revitalization deduction. The special $25,000 allowance for the commercial revitalization deduction from rental real estate activities is not subject to the active participation rules or modified adjusted gross income limits discussed above. See Code §—Commercial Revitalization Deduction on page 10.

Special rules for certain other activities. If you have net income (loss), deductions, or credits from any activity to which special rules apply, the partnership will identify the activity and all amounts relating to it on Schedule K-1 or on an attachment.

If you have net income subject to recharacterization under Temporary Regulations section 1.469-2T(f) and Regulations section 1.469-2(c), report such amounts according to the instructions for Form 8582 (or Form 8810).

If you have net income (loss), deductions, or credits from any of the following activities, treat such amounts as nonpassive and report them as instructed in these instructions:

1. Working interests in oil and gas wells.
2. The rental of a dwelling unit any partner used for personal purposes during the year for more than the greater of 14 days or 10% of the number of days that the residence was rented at fair rental value.
3. Trading personal property for the account of owners of interests in the activity.

Self-charged interest. The partnership will report any “self-charged” interest income or expense that resulted from loans between you and the partnership (or between the partnership and another partnership in which you have an interest), if there was more than one activity, the partnership will provide a statement allocating the interest income or expense with respect to each activity.

The self-charged interest rules do not apply to your partnership interest if the partnership made an election under Regulations section 1.469-7(g) to avoid the application of these rules. See the Instructions for Form 8582 for more information.

Publicly traded partnerships. The passive activity limitations are applied separately for items (other than the low-income housing credit and the rehabilitation credit) from each publicly traded partnership (PTP). Thus, a net passive loss from a PTP may not be deducted from other passive income. Instead, a passive loss from a PTP is suspended and carried forward to be applied against passive income from the same PTP in later years. If the partner’s entire interest in the PTP is completely disposed of, any unused losses are allowed in full in the year of disposition.
If you have an overall gain from a PTP, carry forward to 2004 the unallowed loss of $4,800 ($12,000 – $7,200). If you have unallowed losses from more than one activity of the PTP or from the same activity of the PTP that must be reported on different forms, you must allocate the unallowed losses on a pro rata basis to figure the amount allowed from each activity or on each form.

To allocate and keep a record of the unallowed losses, use Worksheets 5, 6, and 7 of Form 8582. List each activity of the PTP in Worksheet 5. Enter the overall loss from each activity in column (a). Complete column (b) of Worksheet 5 according to its instruction or prororate the total allowed unallowed loss from the PTP by each ratio in column (b) and enter the result in column (c) of Worksheet 5. Then, complete Worksheet 6 if all the losses from the same activity is to be reported on one form or schedule. Use Worksheet 7 instead of Worksheet 6 if you have more than one loss to be reported on different forms or schedules for the same activity. Enter the net loss plus any prior year unallowed losses in column (a) of Worksheet 6 (or Worksheet 7 if applicable). The losses in column (c) of Worksheet 6 (column (e) of Worksheet 7) are the allowed losses to report on the forms or schedules. Report both these losses and any income from the PTP on the forms and schedules you normally use.

Note: For rules on the disposition of an entire interest reported using the installment method, see the Instructions for Form 8582.

Specific Instructions

Publicly Traded Partnership

If the "publicly traded partnership" box is checked, you are a partner in a publicly traded partnership and must follow the rules starting on page 4 under Publicly traded partnerships.

Partner’s Share of Liabilities

The partnership will show your share of the partnership’s nonrecourse liabilities, partnership-level qualified nonrecourse financing, and other liabilities as of the end of the partnership’s tax year. If you terminated your interest in the partnership during the tax year, the amounts should reflect the share that existed immediately before the total disposition. A partner’s "other liability" is any partnership liability for which a partner is personally liable.

Use the total of the three amounts for computing the adjusted basis of your partnership interest.

Generally, you may use only the amounts shown next to "Qualified nonrecourse financing" and "Other liabilities" to compute your amount at risk. Do not include any amounts that are not at risk if such amounts are included in either of these categories.

If your partnership is engaged in two or more different types of activities subject to the at-risk provisions, or a combination of at-risk activities and any other activity, the partnership should give you a statement showing your share of nonrecourse liabilities, partnership-level qualified nonrecourse financing, and other liabilities for each activity.

Qualified nonrecourse financing secured by real property used in an activity of holding real property that is subject to the at-risk rules is treated as an amount at risk. Qualified nonrecourse financing generally includes financing for which the person personally liable for repayment that is borrowed for use in an activity of holding real property and that is loaned or guaranteed by a Federal, state, or local government or borrowed from a "qualified" person.

Qualified persons include any persons actively and regularly engaged in the business of lending money, such as a bank or savings and loan association. Qualified persons generally do not include related parties (unless the nonrecourse financing is commercially reasonable and on substantially the same terms as loans involving a Federal, state, or local government); the seller of the property, or a person who receives a fee for the partnership’s investment in the real property.

See Pub. 925 for more information on qualified nonrecourse financing.

Both the partnership and you must meet the qualified nonrecourse rules on this debt before you can include the amount shown next to "Qualified nonrecourse financing" in your at-risk computation.

See Limitations on Losses, Deductions, and Credits beginning on page 2 for more information on the at-risk limitations.

Tax Shelter Registration Number

If the partnership is a registration-required tax shelter or has invested in a registration-required tax shelter, it should have entered a tax shelter registration number in this box. If you claim or report any income, loss, deduction, or credit from a tax shelter, you must attach Form 8271, Investor Reporting of Tax Shelter Registration Number, to your tax return. If the partnership has invested in a tax shelter, it must give you a copy of its
Form 8271 with your Schedule K-1. Use the information on this Form 8271 to complete your Form 1065-B.

If the partnership itself is a registration-required tax shelter, use the information on Schedule K-1 (name of the partnership, partnership identifying number, and tax shelter registration number) to complete your Form 8271.

**Boxes 1 Through 9**

The amounts shown in boxes 1 through 9 reflect your share of income, loss, credits, deductions, etc., from the partnership. These amounts do not take into consideration the following limitations:

1. The adjusted basis of your partnership interest,
2. The amount for which you are at risk, or
3. The passive activity limitations.

For information on these provisions, see **Limitations on Losses, Deductions, and Credits** beginning on page 4.

If you are an individual, the following instructions will tell you how to report the amounts shown in the boxes. If you are not an individual, report the amounts in the boxes as instructed on your tax return.

The line numbers in these instructions are references to forms in use for calendar year 2003. If you file your tax return on a calendar year basis, but your partnership files a return for a fiscal year, enter the amounts shown in the boxes on your tax return for the year in which the partnership’s fiscal year ends. For example, if the partnership’s tax year ends in February 2004, report the amounts in the boxes on your 2004 tax return.

If you have losses, deductions, or credits from a prior year that were not deductible or usable because of certain limitations, such as the basis rules or the at-risk limitations, take them into account in determining your net income, loss, or credits for this year. However, except for passive activity losses and credits, do not combine the prior-year amounts with any amounts shown on this Schedule K-1 to get a net figure to report on any supporting schedules, statements, or forms attached to your return. Instead, report the amounts separately on the attached schedule, statement, or form on a year-by-year basis.

If you have amounts other than those shown on Schedule K-1 to report on Schedule E (Form 1040), enter each item on a separate line of Part II of Schedule E.

**Box 1. Taxable Income (Loss) From Passive Activities**

**Limited partners only.** The amount reported in box 1 is treated as being from a trade or business that is a single passive activity. Report this amount as follows:

- If income is reported in box 1, report the income on Schedule E (Form 1040), Part II, column (g).

**Box 2. Taxable Income (Loss) From Other Activities**

The amount reported in box 2 is your share of the income from other activities. It is not subject to the passive activity limitations. Report the amount in box 2 as follows:

- If the amount in box 2 is income, report it on Schedule E, Part II, column (j).
- If the amount in box 2 is a loss, report it on Schedule E, Part II, column (h).

**Box 3a. Total Net Capital Gain (Loss) From Passive Activities**

**Limited partners only.** The net capital gain (loss) for the entire year, reported in box 3a, is treated as being from a trade or business that is a single passive activity. If a net capital gain is reported in box 3a, report the gain on Schedule D (Form 1040), line 12, column (f). If a loss is reported in box 3a, report the loss following the Form 8582 instructions to figure how much of the loss can be reported on Schedule D, line 12, column (f). However, if the publicly traded partnership box is checked, report the loss following the rules for Publicly traded partnerships starting on page 4.

**Box 3b. Post-May 5, 2003, Gain (Loss) From Other Activities**

• The adjusted basis of your into account with adjustments and tax preference items.
• The net capital amount for which you are at risk, or
• The passive activity limitations.

For information on these provisions, see **Limitations on Losses, Deductions, and Credits** beginning on page 4. If you have amounts other than those shown on Schedule K-1 to report on Schedule E (Form 1040), enter each item on a separate line of Part II of Schedule E.

**Box 4. Total Capital Gain (Loss) From Other Activities**

Net capital gain (loss) for the entire year from other activities is not subject to the passive activity limitations. Report the gain (loss) on Schedule D (Form 1040), line 12, column (f).

**Box 5. Net Passive AMT Adjustment**

**Limited partners only.** Use the amount reported in box 5 (as well as your adjustments and tax preference items from other sources) to prepare your Form 6251, Alternative Minimum Tax—Individuals; Form 4826, Alternative Minimum Tax—Corporations; or Schedule I of Form 1041, U.S. Income Tax Return for Estates and Trusts. The adjustment is treated as being from a trade or business that is a single passive activity.

Individuals should enter the amount on line 18 of Form 6251, where it is taken into account with adjustments and preferences from other passive activities.

**Box 6. Net Other AMT Adjustment**

Individual general and limited partners should enter the amount from box 6 on line 15 of Form 6251.

**Box 7. General Credits**

**Limited partners only.** Enter the amount from box 7 on line 1r of Form 3800, General Business Credit. Because general credits are treated as being from a trade or business that is a single passive activity, you must also include the box 7 amount on line 3 of Form 3800.

**Box 8. Low-Income Housing Credits**

**Limited partners only.** Enter the amount from box 8 on line 5 of Form 8586, Low-Income Housing Credit. This credit is for property placed in service after 1988 and is treated as being from a single passive activity.

**Box 9. Other**

**Codes A Through C**

**General partners in an electing large partnership must separately account for any items attributable to passive loss limitation activities to the extent necessary to comply with the section 469 passive loss rules. Therefore, the partnership is required to report income (loss), capital gain (loss), 28% rate gain (loss), credits, and the alternative minimum tax adjustment separately for all trade or business activities, rental real estate activities, and rental activities other than rental real estate.**

**Code A1. General partner’s taxable income (loss) from trade or business activities.** Report Code A1 income (loss) from partnership trade or business activities in which you materially participated on Schedule E, Part II, column (h) or (j). See the instructions beginning on page 3 to determine whether you materially participated in a trade or business activity.

Report Code A1 income (loss) from partnership trade or business activities in which you did not materially participate as follows:

- 1. Report income on Schedule E, Part II, column (g). However, if the publicly...
Report the general credits on Schedule K-1 is checked, report the income following the rules for Publicly traded partnerships starting on page 4.

2. Report a loss following the Instructions for Form 8582 to figure how much of the loss can be reported on Schedule E, Part II, column (f). However, if the publicly traded partnership box is checked, report the loss following the rules for Publicly traded partnerships starting on page 4.

Code A2. General partner’s net capital gains from trade or business activities (for the entire year). If you did not materially participate in the trade or business activity, the 28% rate capital gain (loss) is a passive activity amount. If the amount is either (a) a loss that is not from a passive activity or (b) a gain, report it on Schedule D (Form 1040), line 12, column (f). If the amount is a loss from a passive activity, report it following the Instructions for Form 8582 to figure how much of the loss can be reported on Schedule D, line 12, column (f). However, if the publicly traded partnership box is checked, report the loss following the rules for Publicly traded partnerships starting on page 4.

Code A3. General partner’s post-May 5, 2003, net capital gain (loss) from trade or business activities. Report this amount on Schedule D (Form 1040), line 12, column (g). If a loss is reported, follow the Instructions for Form 8582, to figure how much of the loss can be reported on Schedule D.

Code A4. General partner’s 28% rate gain (loss) from trade or business activities. If you did not materially participate in the trade or business activity, the 28% rate gain (loss) is a passive activity amount. If the amount is either (a) a loss that is not from a passive activity or (b) a gain, include it on line 4 of the 28% Rate Gain Worksheet on page D-3 of the Instructions for Schedule D (Form 1040). If the amount is a loss from a passive activity, report it following the Instructions for Form 8582 to figure how much of the loss can be included on line 4 of the 28% Rate Gain Worksheet on page D-3 of the Instructions for Schedule D (Form 1040). However, if the publicly traded partnership box is checked, report the loss following the rules for Publicly traded partnerships starting on page 4.

Code A5. General partner’s general credits from trade or business activities. Report the general credits on line 1r of Form 3800. If you did not materially participate in the trade or business activity, you must also include the general credits on line 3 of Form 3800.

Code A6. General partner’s nonconventional source fuel credit from trade or business activities. Report the credit for producing fuel from a nonconventional source on line 52 of Form 1040 or line 6c of Schedule J, Form 1120. If you did not materially participate in the trade or business activity, the nonconventional source fuel credit is a passive activity credit. If the credit is from a passive activity, complete Form 8852-CR (or Form 8810 for corporations) to figure how much of the credit is allowable. Enter the allowable amount on line 52 of Form 1040 or line 6c of Schedule J, Form 1120.

Code A7. General partner’s alternative minimum tax adjustment from trade or business activities. An AMT adjustment must be reported on line 15 of Form 6221. However, if the AMT adjustment is from a passive activity, it must be reported on line 15 with adjustments and preferences from other passive activities instead of being reported on line 1.

Code B1. General partner’s taxable income (loss) from rental real estate activities. Generally, the income (loss) reported in box 9, Code B1, is a passive activity amount for all general partners. However, the income (loss) in box 9 is not from a passive activity if you were a real estate professional (defined on page 3) and you materially participated in the activity.

Use the following instructions to determine where to enter the Code B1 amount:

1. If you have a loss from a passive activity in box 9, Code B1, and you meet all of the following conditions, enter the loss on Schedule E (Form 1040), Part II, column (f):
   a. You actively participated in the partnership rental real estate activities.
   b. Rental real estate activities with active participation were your only passive activities.
   c. You have no prior year unrealized losses from these activities.
   d. Your total loss from the rental real estate activities was not more than $25,000 (not more than $12,500 if married filing separately and you lived apart from your spouse all year).
   e. If you are a married person filing separately, you lived apart from your spouse all year.
   f. You have no current or prior year unrealized credits from a passive activity.
   g. Modified adjusted gross income was not more than $100,000 (not more than $50,000 if married filing separately and you lived apart from your spouse all year).
   h. If you have a loss from a passive activity in box 9 and you do not meet all the conditions in (1) above, report the loss following the Instructions for Form 8582 to figure how much of the loss you can report on Schedule E (Form 1040), Part II, column (f). However, if the publicly traded partnership box is checked, report the loss following the rules for Publicly traded partnerships starting on page 4.
   i. If you were a real estate professional and you materially participated in the activity, report box 9 income (loss) on Schedule E (Form 1040), Part II, column (h) or (j).
   j. If you have income from a passive activity in box 9, Code B1, enter the income on Schedule E, Part II, column (g). However, if the publicly traded partnership box is checked, report the income following the rules for Publicly traded partnerships starting on page 4.

Code B2. General partner’s net capital gain (loss) from rental real estate activities (for the entire year). The net capital gain (loss) from a rental real estate activity is a passive activity amount unless you were a real estate professional (defined on page 3) and you materially participated in the activity. If the amount is either (a) a loss that is not from a passive activity or (b) a gain, report it on Schedule D (Form 1040), line 12, column (f). If the amount is a loss from a passive activity, report it following the Instructions for Form 8582 to figure how much of the loss can be reported on Schedule D, line 12, column (f). However, if the publicly traded partnership box is checked, report the loss following the rules for Publicly traded partnerships starting on page 4.

Code B3. General partner’s post-May 5, 2003, net capital gain (loss) from rental real estate activities. If a gain, include it on line 4 of Schedule D, line 12, column (g). If a loss is reported, follow the Instructions for Form 8582, to figure how much of the loss can be reported on Schedule D.

Code B4. General partner’s 28% rate gain (loss) from rental real estate activities. The 28% rate gain (loss) from a rental real estate activity is a passive activity amount unless you were a real estate professional (defined on page 3) and you materially participated in the activity. If the amount is either (a) a loss that is not from a passive activity or (b) a gain, report it on Schedule D (Form 1040), line 12, column (g). If the amount is a loss from a passive activity, report it following the Instructions for Form 8582 to figure how much of the loss can be reported on Schedule D, line 12, column (g).

However, if the publicly traded partnership box is checked, report the loss following the rules for Publicly traded partnerships starting on page 4.

Code B5. General partner’s general credits from rental real estate activities. Report the general credits on line 1r of Form 3800. Unless you were a real estate professional and materially participated in the rental real estate activity, you must also include the general credits on line 3 of Form 3800.

Code B6. General partner’s low-income housing credit (for property placed in service after 1989) from rental real estate activities. Report the low-income housing credit for property placed in service after 1989 on line 5 of Form 8586. Unless you were a real estate professional and materially participated in the rental real estate activity, the low-income housing credit is a passive activity credit.

Code B7. General partner’s rehabilitation credit from rental real estate activities. Report the rehabilitation credit on line 1e of Form 3468, Investment Credit. Unless you were a real estate professional and materially
participated in the rental real estate activity, the credit is a passive activity credit, and you must also file Form 3800.

Code B8. General partner’s alternative minimum tax adjustment from rental real estate activities. An AMT adjustment must be reported on line 15 of Form 6251. However, if the AMT adjustment is from a passive activity, it must be taken into account on line 18 with other passive activities instead of being reported on line 15.

Code C1. General partner’s taxable income (loss) from other rental activities. Income (loss) reported in box 9, Code C1, is a passive activity amount for all general partners. Report a loss following the Instructions for Form 8582. Report income on Schedule E (Form 1040), Part II, column (g). However, if the box for publicly traded partnerships is checked, report the income (loss) following the rules for Publicly traded partnerships starting on page 4.

Code C2. General partner’s net capital gain (loss) from other rental activities. The net capital gain (loss) from other rental activities is a passive activity amount for all general partners. Report the gain on Schedule D (Form 1040), line 12, column (g). However, if the publicly traded partnership box is checked, report the loss following the rules for Publicly traded partnerships starting on page 4.

Code C3. General partner’s post-May 5, 2005, net capital gain (loss) from other rental activities. Report this amount on Schedule D, line 12, column (g). If a loss is reported, follow the Instructions for Form 8582 to figure how much of the loss can be reported on Schedule D, line 12, column (f). However, if the publicly traded partnership box is checked, report the loss following the rules for Publicly traded partnerships starting on page 4.

Code C4. General partner’s 28% rate gain (loss) from other rental activities. The 28% rate gain (loss) from other rental activities is a passive activity amount for all general partners. Report a gain on Schedule D (Form 1040), line 12, column (g). Report a loss following the Instructions for Form 8582 to figure how much of the loss can be reported on Schedule D, line 12, column (f). However, if the publicly traded partnership box is checked, report the loss following the rules for Publicly traded partnerships starting on page 4.

Code C5. General partner’s general credits from other rental activities. Report the general credits on line 1r of Form 3800. Because general credits from other rental activities are passive activity credits for all general partners, you must also include the general credits on line 3 of Form 3800.

Code C6. General partner’s alternative minimum tax adjustment from other rental activities. An AMT adjustment must be reported on line 15 of Form 6251. However, if the AMT adjustment is from a passive activity, it must be taken into account on line 18 with adjustments and preferences from other passive activities instead of being reported on line 15.

Code D. Qualified Dividends

Report this amount on line 9b of Form 1040.

Note: Qualified dividends are excluded from investment income, but you may elect to include part or all of these amounts in investment income. See the instructions for line 4g of Form 4952, Investment Interest Expense Deduction, for important information on making this election.

Code E. Limited Partner’s 28% Rate Gain (Loss) From Passive Activities

Limited partners only. The 28% rate gain (loss) is treated as being from a trade or business that is a single passive activity. If a gain is reported, include it on line 4 of the 28% Rate Gain Worksheet on page D-8 of the instructions for Schedule D (Form 1040). If a loss is reported, report the loss following the Instructions for Form 8582 to figure how much of the loss can be included on line 4 of the 28% Rate Gain Worksheet on page D-8 of the Instructions for Schedule D (Form 1040). However, if the publicly traded partnership box is checked, report the loss following the rules for Publicly traded partnerships starting on page 4.

Code F. Limited Partner’s 28% Rate Gain (Loss) From Other Activities

The 28% gain (loss) from other activities is not subject to the passive activity limitations. Include it on line 4 of the 28% Rate Gain Worksheet on page D-8 of the Instructions for Schedule D (Form 1040).

Code G. Guaranteed Payments

Generally, these amounts are not passive income, and you should report them on Schedule E (Form 1040), Part II, column (i) (e.g., guaranteed payments for personal services).

Code H. Income From Discharge of Indebtedness

The amount reported under Code H is excluded from your gross income to the extent provided in section 108 if the discharge:

1. Occurred in a title 11 case relating to bankruptcy;
2. Occurred when you were insolvent;
3. Involved qualified farm indebtedness, as defined in section 108(g); or
4. Involved qualified real property business indebtedness, as defined in section 108(c)(3), unless the partner is a C corporation.

This amount is applied, instead, to reduce certain tax attributes. File Form 982,填写 Tax Attributes Due to Discharge of Indebtedness, to explain why any amount received from the discharge of indebtedness should be excluded and to report your reduction of tax attributes.

For a discharge of indebtedness not described above, you must include this amount in income on Schedule E, Part II, column (g) or (j).

Code I. Tax-Exempt Interest Income

You must report on your return, as an item of information, your share of the tax-exempt interest received or accrued by the partnership during the year. Individual partners must include this amount on Form 1040, line 6b. Increase the adjusted basis of your interest in the partnership by this amount.

Code J. Limited Partner’s Rehabilitation Credit From Rental Real Estate Activities

Limited partners only. Report the rehabilitation credit on line 1e of Form 3810. Because the credit is treated as being from a single passive activity, you must also file Form 3800.

Code K. Limited Partner’s Nonconventional Source Fuel Credit

Limited partners only. The nonconventional source fuel credit is treated as being from a single passive activity. Complete Form 8852-CR (or Form 8810 for corporations) to figure how much of the credit is allowable. Enter the allowable amount on line 92 of Form 1040 or line 6c of Schedule J, Form 1120.

Codes L1 and L2. Self-Employment

Code L1. Net earnings (loss) from self-employment. Enter this amount on Schedule SE (Form 1040), line 2, Section A or B, whichever is applicable. General partners should reduce this amount by unreimbursed partnership expenses claimed. General partners who are disqualified persons also should reduce this amount by depletion claimed on oil and gas properties. If this amount is a loss, enter only the deductible amount on Schedule SE. For purposes of self-employment tax, no income from an electing large partnership is treated as farming or fishing income.

Code L2. Gross nonfarm income. If you are an individual partner, use this amount to figure net earnings from self-employment under the nonfarm optional method on Schedule SE (Form 1040), Section B, Part II.

Codes M1 Through M9. Foreign Tax Credit Information

Use the information reported under Codes M1 through M9 to figure your foreign tax credit. For more information, see Form 1116, Foreign Tax Credit (Individual, Estate, Trust, or Nonresident Alien Individual) and its instructions:

Form 1116, Foreign Tax Credit—Corporations, and its instructions; and
Pub. 514, Foreign Tax Credit for Individuals. See page 5 of the Instructions for Form 1116 for detailed instructions for reporting foreign tax information from partnerships.

Note: The line references in this section of the Form 1116 instructions
do not apply to the Schedule K-1 of Form 1065-B.

Code M1. Name of foreign country or U.S. possession. Include on Form 1116, Part I, item I. For each country reported, the partnership must give you the amount and a description of your share of the following items for Codes M2 through M9. For each country or possession being reported, a separate column in Part I and a separate line in Part II is needed on Form 1116.

Code M2. Gross income from all sources. Enter this amount on line 3e of Form 1116.

Code M3. Gross income sourced at partner level. Although all this income reported has been apportioned to foreign source categories of income, you must nevertheless determine whether the income being reported is U.S. source income or foreign source income. See page 5 of the Instructions for Form 1116 for the rules to source the income reported to you. Enter only foreign source income on lines 1 and 3d of Form(s) 1116. A separate Form 1116 or 1118 is required for each foreign source category of income. Do not include income that you determined to be U.S. source income.

Codes M4(a) Through M4(c). Foreign gross income sourced at partnership level. The following types of income have already been sourced for you by the partnership. Include these amounts on lines 1 and 3d of the applicable Forms 1116. Do not include amounts on line 1c of the applicable Forms 1116. Do not include any interest expense allocated and apportioned to U.S. source income.

Code M6. Other expenses allocated and apportioned at the partner level. Include this amount on line 2 of the applicable Forms 1116. Do not include any expenses allocated and apportioned to U.S. source income on any line of Part I of Form 1116.

Codes M7(a) Through Codes M7(c). Deductions allocated and apportioned at partnership level to foreign source income. The following codes report the expenses allocated and apportioned by the partnership to foreign source categories of income. Include these amounts on line 2 of the applicable Forms 1116 (i.e., the Forms 1116 for each category of income provided to you).

• Code M7(a). Deductions allocated and apportioned at partnership level to listed foreign categories of income.

• Code M7(b). Deductions allocated and apportioned at partnership level to listed foreign categories of income.

• Code M7(c). Deductions allocated and apportioned at partnership level to general limitation foreign source income.

Code M8(a). Total foreign taxes paid. Include this amount in Part II of Form 1116.

Code M8(b). Total foreign taxes accrued. Include this amount in Part II of Form 1116.

Code M9. Reduction in taxes available for credit. Enter this amount on line 12 of Form 1116.

Code N. Oil and Gas Activities Generally, oil and gas income, deductions, credits, and other items are included in your distributive share of income or loss from passive loss limitation activities, general credits, and the alternative minimum tax adjustment. However, distributive shares of all oil and gas income, deductions, credits, and other items are separately reported to partners who are disqualified persons (defined on page 2) in accordance with the regular partnership rules, here or on an attached Schedule K-1. A partner must notify the partnership of its status as a disqualified person.

Codes O1 Through O9. Miscellaneous

Code O1. Other tax-exempt income. Increase the adjusted basis of your interest in the partnership by the amount shown in box 9. Code O1, but do not include it in income on your tax return.

Code O2. Nondeductible expenses. The nondeductible expenses paid or incurred by the partnership are not deductible on your tax return. Decrease the adjusted basis of your interest in the partnership by this amount.

Code O3. Unrealized business taxable income. The partnership will give you any information you need to figure your unreduced business taxable income under section 512(a)(1) (but excluding any modifications required by paragraphs (8) through (15) of section 512(b)) for a partner that is a tax-exempt organization.

Reminder: A partner is required to notify the partnership of its tax-exempt status.

Code O4. Health insurance. Any amounts paid during the tax year for insurance that constitutes medical care for you, your spouse, and your dependents. On line 29 of your 2003 Form 1040, you may be allowed to deduct up to 100% of such amounts, even if you do not itemize deductions. If you do itemize deductions, enter on line 1 of Schedule A (Form 1040) any amounts not deducted on line 29 of Form 1040.

Code O5. Distributions of money (cash and marketable securities). Box 9, Code O5, shows the distributions the partnership made to you of cash and certain marketable securities. The marketable securities are included at their fair market value on the date of distribution (minus your share of the marketable securities when distributed, the excess is treated as gain from the sale or exchange of your partnership interest. Generally, this gain is treated as gain from the sale of a capital asset and should be reported on the Schedule D for your return. However, the gain may be ordinary income. For details, see Pub. 541.

The partnership will separately identify both of the following:

• The fair market value of the marketable securities when distributed (minus your share of the gain on the securities distributed to you).

• The partnership’s adjusted basis of those securities immediately before the distribution.

Decrease the adjusted basis of your interest in the partnership (but not below zero) by the amount of cash distributed to you and the partnership’s adjusted basis of the distributed securities. Advances or drawings of money or property against your distributive share are treated as current distributions made on the last day of the partnership’s tax year.

Your basis in the distributed marketable securities (other than in liquidation of your interest) is the smaller of:

• The partnership’s adjusted basis in the securities immediately before the distribution increased by any gain recognized on the distribution of the securities or

• The adjusted basis of your partnership interest reduced by any cash distributed in the same transaction and increased by any gain recognized on the distribution of the securities.

If you received the securities in liquidation of your partnership interest, your basis in the marketable securities is equal to the adjusted basis of your partnership interest reduced by any cash distributed in the same transaction and increased by any gain recognized on the distribution of the securities.

If, within 5 years of a distribution to you of marketable securities, you contributed appreciated property (other than those securities) to the partnership and the fair market value of those securities exceeded the adjusted basis of your partnership interest immediately before the distribution (reduced by any cash received in the distribution), you may have to recognize gain on the appreciated property. For property contributed after June 8, 1997, the 5-year period is generally extended to 7 years. See section 737 for details.

Code O6. Distributions of property other than money. Box 9, Code O6, shows the partnership’s adjusted basis of property other than money immediately before the property was distributed to you. In addition, the partnership will attach a statement showing the cost basis and fair market value of each property distributed. Decrease the adjusted basis of your interest in the partnership by the cash amount of your basis in the distributed property. Your basis in the distributed
property (other than in liquidation of your interest) is the smaller of:
- The partnership's adjusted basis immediately before the distribution or
- The adjusted basis of your partnership interest reduced by any cash distributed in the same transaction.

If you received the property in liquidation of your interest, your basis in the distributed property is equal to the adjusted basis of your partnership interest reduced by any cash distributed in the same transaction.

If you contributed appreciated property to the partnership within 5 years of a distribution of other property to you, and the fair market value of the other property exceeded the adjusted basis of your partnership interest immediately before the distribution (reduced by any cash received in the distribution), you may have to recognize gain on the appreciated property.

Note: Upon request, the partnership should furnish you a copy of the partnership’s Form 8873 if there is a reduction for international boycott operations, illegal bribes, kickbacks, etc.

The partnership will report any gain on the distribution of other property to you, and is eligible for the section 1045 rollover. Your distributive share of foreign trading gross receipts is based on the category(s) by the partnership. The partnership will report any gain on the distribution of other property to you, and is eligible for the section 1045 rollover. Your distributive share of foreign trading gross receipts is based on the category(s) of the qualified small business stock. Schedule E, Part II, column (f).

The partnership's Form 8873 if there is a reduction for international boycott operations, illegal bribes, kickbacks, etc.

You must purchase other qualified small business stock (as defined in the Instructions for Schedule D (Form 1040)) during the 60-day period that began on the date the stock was sold by the partnership.

You must purchase other qualified small business stock (as defined in the Instructions for Schedule D (Form 1040)) during the 60-day period that began on the date the stock was sold by the partnership.

Foreign trading gross receipts from all sources for the tax year must be reported on Form 8886, Extraterritorial Income Exclusion, for more information. If you qualify for the exclusion, limited partners must report the extraterritorial income exclusion amount (Code Q2) as a deduction reducing the amount reported in box 1 on Form 1040.

You may need to know the amount of your distribution in foreign trading gross receipts from this partnership to determine if you met the $5 million or less exception discussed above for purposes of qualifying for an extraterritorial income exclusion from other sources.

Note: You must purchase other qualified small business stock (as defined in the Instructions for Schedule D (Form 1040)) during the 60-day period that began on the date the stock was sold by the partnership.

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