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.

General Instructions

Purpose of Schedule K-1

The partnership uses Schedule K-1 to report your share of the partnership’s income, deductions, credits, 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 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 can claim on your tax return may be less than the amount reported on Schedule K-1. If 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 (ELPs)

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, 4a, 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, 3, 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 a 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 partner 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.

description of the partnership interest held as nominee for that person, and other information required by Temporary Regulations section 1.6031(c)-1T. A nominee who 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 a failure 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 provide you with a copy of its Form 5713. As a general or limited partner, you must file your own Form 5713 to report the partnership’s activities and any other boycott activities that you may have. You may take certain tax benefits if the partnership participated in, or cooperated with, an international boycott. See Form 5713 and its 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 1.469-5T(e)(3), which treats all members with limited liability as limited partners for purposes of section 469(h)(2) (relating to the passive activity 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 year. Any losses and deductions not deduction of certain losses and credits.

For more information on the treatment of partnership income, deductions, credits, etc., see the following:

• 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 can 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 cannot 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. Any losses and deductions not allowed this year because of the basis limit can be carried forward indefinitely and deducted in a later year subject to the basis limit for that 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.

Use the worksheet on page 3 to figure the basis of your interest in the partnership.

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).

Change of Tax Year
If the partnership attaches a statement to Schedule K-1 indicating that it has changed its tax year and that you can 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. 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.

Note. Additional basis adjustments may apply to partners claiming deductions for depletion. See chapter 9 of Pub. 535 for details.

At-Risk Limitations
Generally, if you have (a) a loss or other deduction from any activity carried on as a trade or business or for the production of income by the partnership and (b) amounts in the activity for which you are not at risk, you will have to complete Form 8198, At-Risk Limitations, to figure your allowable loss.

The at-risk rules generally limit the amount of loss and other deductions that you can claim to the amount you would 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 6 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, indemnity, or similar arrangement, or other similar arrangement (excluding casualty insurance and insurance against theft).
• 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 267(b)(3), to a person (other than you) having such an interest.

You should get a separate statement of income, expenses, etc., for each activity from the partnership.

Passive Activity Limitations
Section 469 provides rules that limit the deduction of certain losses and credits. These rules apply to partners who:

• Are individuals, estates, trusts, closely held corporations (other than S corporations), or personal service corporations.
• Have a passive activity loss or credit for the tax year.

Individuals, estates, and trusts. If you have a passive activity loss or credit, use Form 8582, Passive Activity Loss Limitations, to figure your allowable passive losses and Form 8582-CR, Passive Activity Credit Limitations, to figure your allowable passive credits.
Limited partner who is a disqualified General partner or from a trade or business that is a single from trade or business and rental participated. Generally, passive activities include:

- Income, loss, deductions, and credits or businesses in which you materially participated.
- Activities of trading personal or real estate professional (as defined on page 2) with respect to items of income, gain, loss, deduction, and credit attributable to partnership oil and gas properties.

For a closely held C corporation (defined in section 465(a)(1)(B)), the above conditions are treated as met if more than 50% of the corporation's gross receipts were from passive activity trades or businesses in which the corporation materially participated.

For purposes of this rule, each interest in rental real estate is a separate activity, unless you elect to treat all interests in rental real estate as one activity. For details on making this election, see the instructions for Schedule E (Form 1040).

If you are married filing jointly, either you or your spouse must separately meet both of the above conditions, without taking into account services performed by the other spouse.

A real property trade or business is any real property development, redevelopment, construction, reconstruction, acquisition, conversion, rental, operation, management, leasing, or brokerage trade or business. Services you performed as an employee are not treated as performed in a real property trade or business unless you owned more than 5% of the stock (or more than 5% of the capital or profits interest) in the enterprise.

3. Working interests in oil or gas wells.

4. 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.

5. Activities of trading personal property for the account of owners of interests in the activities.

### Material participation.

You must determine if you (a) materially participated in each trade or business activity held through the partnership and (b) were a real estate professional (defined above), in each real estate activity held through the partnership. All determinations of material participation are made based on your participation during the partnership’s tax year.

Material participation standards for partners who are individuals are listed below. Special rules apply to certain retired or disabled farmers and to the surviving spouses of farmers. See the Instructions for Form 8582 for details.
Corporations should refer to the Instructions for Form 8810 for the material participation standards that apply to them.

**Individuals (other than limited partners).** If you are an individual (either a general partner or a limited partner who owned a general partnership interest at all times during the tax year), you materially participated in an activity only if one or more of the following apply.

1. You participated in the activity for more than 500 hours during the tax year.
2. You participated in the activity for the tax year constituted substantially all the participation in the activity of all individuals (including individuals who are not owners of interests in the activity for the tax year).
3. You participated in the activity for more than 100 hours during the tax year, and your participation in the activity for the tax year was not less than the participation in the activity of any other individual (including individuals who were not owners of interests in the activity for the tax year).
4. The activity was a significant participation activity for the tax year, and you participated in all significant participation activities (including activities outside the partnership) during the year for more than 500 hours. A significant participation activity is any trade or business activity in which you participated for more than 100 hours during the tax year and in which you did not materially participate under any of the material participation tests (other than this test 4).
5. You materially participated in the activity for any 5 tax years (whether or not consecutive) during the 10 tax years that immediately precede the tax year.
6. The activity was a personal service activity and you materially participated in the activity for any 3 tax years (whether or not consecutive) preceding the tax year. A personal service activity involves the performance of personal services in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts, consulting, or any other trade or business in which capital is not a material income-producing factor.
7. Based on all the facts and circumstances, you participated in the activity on a regular, continuous, and substantial basis during the tax year.

**Work counted toward material participation.** Generally, any work that you or your spouse do in connection with an activity held through a partnership (where you own your partnership interest at the time the work is done) is counted toward material participation. However, work in connection with the activity is not counted toward material participation if either of the following applies.

1. 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.
3. You are 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 use.
   c. Monitoring the finances or operations of the activity in a nonmanagerial capacity.

**Effect of determination.** Income (loss), deductions, and credits from an activity are nonpassive if you determine that:

- You materially participated in a trade or business activity of the partnership or
- You were a real estate professional in a rental real estate activity of the partnership.

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

1. If you have an overall gain (loss) from passive activities (including your prior year unallowed loss), there is no special allowance for rental real estate activities.

**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 passive 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, filed 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 the greater value of all 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 (as defined previously) in a significant and bona fide sense.

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 live apart at all times during the year.

**Modified adjusted gross income.**

- 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.** Your adjusted gross income figured without taking into account the following.

- Any passive activity loss.
- Any rental real estate activity loss allowed under section 469(b)(7) to real estate professionals.
- Any overall loss from a publicly traded partnership.
- Any taxable social security or railroad retirement benefits.
- Any deductible contributions to a Keogh or certain other qualified retirement plans.
- The domestic production activities deduction.
- 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 Q, Commercial Revitalization Deduction on page 11.

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 1.469-2(f) and Regulations section 1.469-7(g), 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 passive and report them as instructed in these instructions.
• Working interests in oil and gas wells.
• 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.
• Trading personal property for the account of owners of interests in the activity.

Self-charged interest. The partnership must 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, the net gain is nonpassive income. In addition, the nonpassive income is included in investment income to figure your investment interest expense deduction.

Do not report passive income, gains, or losses from a PTP on Form 8582. Instead, use the following rules to figure and report on the proper form or schedule your income, gains, and losses from passive activities that you held through each PTP you owned during the tax year.

1. Combine any current year income, gains (losses), and any prior year unallowed losses to see if you have an overall gain (loss) from the PTP. Include only the same types of income and losses you would include in your net income or loss from a non-PTP passive activity. See Pub. 925 for more details.

2. If you have an overall gain, the net gain portion (total gain minus total losses) is nonpassive income. On the form or schedule you normally use, report the net gain portion as nonpassive income and the remaining income and the total losses as passive income and loss. To the left of the entry space, enter “From PTP.” It is important to identify the nonpassive income because the nonpassive portion is included in modified adjusted gross income for purposes of figuring on Form 8582 the “special allowance” for active participation in a non-PTP rental real estate activity. In addition, the nonpassive income is included in investment income when figuring your investment interest expense deduction on Form 4952.

Example. If you have Schedule E income of $8,000, and a Form 4797 prior year unallowed loss of $3,500 from the passive activities of a particular PTP, you have a $4,500 overall gain ($8,000 − $3,500). On Schedule E (Form 1040), line 28, report the $4,500 net gain as nonpassive income in column (g). In column (g), report the remaining Schedule E gain of $3,500 ($8,000 − $4,500). On the appropriate line of Form 4797, report the prior year unallowed loss of $3,500. Be sure to enter “From PTP” to the left of each entry space.

3. If you have an overall loss (but did not dispose of your entire interest in the PTP to an unrelated person in a fully taxable transaction during the year), the losses are allowed to the extent of the income, and the excess loss is carried forward to use in a future year when you have income to offset it. Report as a passive loss on the schedule or form you normally use the portion of the loss equal to the income. Report the income as passive income on the form or schedule you normally use.

Example. You have a Schedule E loss of $12,000 (current year losses plus prior year unallowed losses) and a Schedule D gain of $7,200. Report the $7,200 gain on the appropriate line of Schedule D. On Schedule E (Form 1040) on line 28, report $7,200 of the losses as a passive loss in column (f). Carry forward to 2009 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 or schedules, 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 instructions. Multiply the total 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 (or Worksheet 7 if applicable). The losses in column (c) of Worksheet 6 (or column (a) 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.

If you have an overall loss and you disposed of your entire interest in the PTP to an unrelated person in a fully taxable transaction during the year, your losses (including prior year unallowed losses) allocable to the activity for the year are not limited by the passive loss rules. A fully taxable transaction is one in which you recognize all your realized gain (loss). Report the income and losses 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 (PTP)

If the “publicly traded partnership” box is checked, you are a partner in a publicly traded partnership (PTP) and must follow the rules under Publicly traded partnerships discussed above.
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 the partner is personally liable.

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

Generally, you can use only the amounts shown next to “Qualified nonrecourse financing” and “Other” to figure 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. Qualified nonrecourse financing generally includes financing for which no one is 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 nonrecourse financing secured by real property used in an activity of holding real property is subject to the at-risk rules is treated as an amount at risk.

Qualified persons. 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 unrelated persons), 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.

Boxes 1 Through 9

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

- The adjusted basis of your partnership interest
- The amount for which you are at risk
- The passive activity limitations

For information on these provisions, see Limitations on Losses, Deductions, and Credits beginning on page 2.

For individuals, the following instructions explain how to report the amounts shown in the boxes. For all other entities, report the amounts in the boxes as instructed on your income tax return.

1. Line numbers in these instructions are references to forms in use for calendar year 2009. 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 return for the year in which the partnership’s fiscal year ends. For example, if the partnership’s fiscal year ends on June 30, 2009, report the amounts in the boxes on your 2009 income tax return.

2. 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 the 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.

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

Box 1. Taxable Income (Loss) From Passive Activities

Limited partners only. Any 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), line 28, column (a). However, if the PTP box is checked, report the income following the rules for Publicly traded partnerships on page 5.
- If a loss is reported in box 1, follow the Instructions for Form 8582 to figure how much of the loss can be reported on Schedule E (Form 1040), line 28, column (f). However, if the PTP box is checked, report the loss following the rules for Publicly traded partnerships.

Box 2. Taxable Income (Loss) From Other Activities

This amount is not subject to the passive activity limitations. Report the amount as follows:

- If the amount is income, report it on Schedule E (Form 1040), line 28, column (a).
- If the amount is a loss, report it on Schedule A (Form 1040), line 28.

Note. If the amount of interest included in box 2 includes interest from the credit to holders of clean renewable energy bonds, gulf tax credit bonds, or Midwestern tax credit bonds, the partnership will attach a statement to Schedule K-1 showing your distributive share of interest income from these credits.

No adjustment to your basis in the partnership is permitted with respect to the above bond credits under section 54(d)(9)(B). Because the basis in your partnership interest is increased by your share of the interest income from these credits, you must reduce your bases by the same amount to offset the increase. See Line 4 of the Worksheet for Adjusting the Basis of a Partner’s Interest in the Partnership on page 3.

Box 3. Qualified Dividends

Report this amount on lines 9a and 9b of Form 1040.

Note. Qualified dividends are excluded from investment income, but you can 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.

Box 4a. Net Capital Gain or (Loss) From Passive Activities

Limited partners only. The net capital gain (loss) reported in box 4a, is reported on Form 8582 instructions to figure how much of the loss can be reported on Schedule D (Form 1040), line 12, column (f). If a loss is reported in box 4a, report it following the Form 8582 instructions to figure how much of the loss can be reported on Schedule D (Form 1040), line 12, column (f).

Box 4b. Net Capital Gain or (Loss) From Other Activities

Net capital gain (loss) reported in box 4a, is reported on Schedule D (Form 1040), line 12, column (f). If a loss is reported in box 4a, report it as follows:

- If income is reported in box 1, report the income on Schedule D (Form 1040), line 12, column (f).
- If the amount is income, report it on Schedule D (Form 1040), line 12, column (f).

Box 5. Net Passive AMT Adjustment

Limited partners only. Use this amount (as well as your adjustments and tax preference items from other sources) to prepare your Form 6251, Alternative
Minimum Tax — Individuals; Form 4626, Alternative Minimum Tax—Corporations; or Schedule I (Form 1041), Alternative Minimum Tax—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 19 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 this amount on line 16 of Form 6251.

Box 7. General Credits
Limited partners only. Enter this amount from box 8 of Schedule K-1 on line 4 of Form 8586, Low-Income Housing Credit. If an amount is reported in box 8, all of the low-income housing credit is for buildings placed in service before January 1, 2008. If any of the low-income housing credit is for buildings placed in service after December 31, 2007, the partnership will enter “STM” in box 8 and attach a statement which lists separately the amount of the credit for buildings placed in service prior to January 1, 2008 (reported on line 4 of Form 8586), and the amount for buildings placed in service after December 31, 2007 (reported on line 11 of Form 8586). See the instructions for Form 8586 for more information.

Box 9. Other
Codes A Through C
General partners in an ELP must separately account for any items attributable to passive loss limitation activities. See the instructions to comply with the section 469 passive loss rules. Therefore, the partnership is required to report income or (loss), capital gain or (loss), 28% rate gain or (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 or (loss) from partnership trade or business activities in which you materially participated on Schedule E (Form 1040), line 28, column (h) or (j). See the instructions to determine whether you materially participated in a trade or business activity.

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

1. Report any income on Schedule E (Form 1040), line 28, column (g).

2. Report the loss following the rules for Publicly traded partnerships. If the PTP box on Schedule K-1 is checked, report the income following the rules for Publicly traded partnerships.

Code A2. General partner’s net capital gain or (loss) from trade or business activities. If you did not materially participate in the trade or business activity, the net capital gain or (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).

3. 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 (Form 1040), line 12, column (f). If the PTP box is checked, report the loss following the rules for Publicly traded partnerships.

Code A3. 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 or (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-8 of the Instructions for Schedule D (Form 1040).

4. 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-8 of the Instructions for Schedule D (Form 1040). However, if the PTP box is checked, report the loss following the rules for Publicly traded partnerships.

Code A4. General partner’s general credits from trade or business activities. Report the general credits on line 1x 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 A5. General partner’s alternative minimum tax adjustment from trade or business activities. Generally, an AMT adjustment must be reported on line 16 of Form 6251. However, if the AMT adjustment is from a passive activity, it must be taken into account on line 19 with adjustments and preferences from other passive activities.

Code B1. General partner’s taxable income (loss) from rental real estate activities. Generally, the income or (loss) reported in box 9, Code B1, is a passive activity amount for all general partners. However, the income or (loss) in box 9 is not from a passive activity if you were a real estate professional 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), line 28, column (f).
2. If you are a married person filing separately and you lived apart from your spouse all year,
3. If you have no prior year unallowed losses from these activities,
4. If 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),
5. You have no current or prior year unallowed credits from a passive activity,
6. You 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),
7. 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), line 28, column (f).
8. If you have a loss from a passive activity in box 9 and you did not materially participate in the trade or business activity, report it on Schedule D (Form 1040), line 12, column (f).
9. If you have income from a passive activity in box 9, Code B1, enter the income on Schedule E (Form 1040), line 28, column (g). However, if the PTP box is checked, report the income following the rules for Publicly traded partnerships.

Code B2. General partner’s net capital gain or (loss) from rental real estate activities (for the entire year). The net capital gain or (loss) from rental real estate activity is a passive activity amount unless you were a real estate professional 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).

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loss can be reported on Schedule D, line 12, column (f). However, if the PTP box is checked, report the loss following the rules for Publicly traded partnerships.

Code B3. General partner’s 28% rate gain or (loss) from rental real estate activities. The 28% rate gain or (loss) from rental real estate activity is a passive activity amount unless you were a real estate professional 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, include it on line 4 of the 28% Rate Gain Worksheet on page D-8 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-8 of the Instructions for Schedule D (Form 1040). However, if the PTP box is checked, report the loss following the rules for Publicly traded partnerships.

Code B4. General partner’s general credits from rental real estate activities. Report the general credits on line 1x 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 B5. General partner’s low-income housing credit from rental real estate activities. Report the low-income housing credit on Part I, line 4, of Form 8586 for buildings placed in service before January 1, 2008, and on Part II, line 11, for buildings placed in service after December 31, 2007. 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 B6. General partner’s rehabilitation credit from rental real estate activities. Report the rehabilitation credit on line 1k 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 B7. General partner’s alternative minimum tax adjustment from rental real estate activities. An AMT adjustment must be reported on line 16 of Form 6251. However, if the AMT adjustment is from a passive activity, it must be taken into account on line 19 with other passive activities instead of being reported on line 16.

Code C1. General partner’s taxable income or (loss) from other rental activities. Income (loss) reported in box 9, Schedule E (Form 1040), 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), line 28, column (g). However, if the PTP box is checked, report the income (loss) following the rules for Publicly traded partnerships.

Code C2. General partner’s net capital gain or (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 (f). Report a loss following the Instructions for Form 8582 to figure how much of the loss can be reported on Schedule D (Form 1040), line 12, column (f). However, if the PTP box is checked, report the loss following the rules for Publicly traded partnerships.

Code C3. General partner’s 28% rate gain or (loss) from other rental activities. The 28% rate gain or (loss) from other rental activities is a passive activity amount for all general partners. If the amount is a gain, include it on line 4 of the 28% Rate Gain Worksheet on page D-8 of the Instructions for Schedule D (Form 1040). Report a 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 PTP box is checked, report the loss following the rules for Publicly traded partnerships.

Code C4. General partner’s general credits from other rental activities. Report the general credits on line 1x 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 C5. General partner’s alternative minimum tax adjustment from other rental activities. An AMT adjustment must be reported on line 16 of Form 6251. However, if the AMT adjustment is from a passive activity, it must be taken into account on line 19 with other passive activities instead of being reported on line 16.

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

Limited partners only. The 28% rate gain or (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).

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

The 28% gain or (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 F. Guaranteed Payments

Generally, these amounts are not passive income. Report them on Schedule E (Form 1040), line 28, column (j) (for example, guaranteed payments for personal services).

Code G. Income From Discharge of Indebtedness

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

• Occurred in a title 11 case relating to bankruptcy,
• Occurred when you were insolvent,
• Involved qualified farm indebtedness, as defined in section 108(g), or
• 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, Reduction of 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 (Form 1040), line 28, column (g) or (j).

Code H. Tax-Exempt Interest Income

Report on your income tax 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 8b. Increase the adjusted basis of your interest in the partnership by this amount.

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

Limited partners only. Report this amount on line 1k of Form 3468. Because the credit is treated as being from a single passive activity, you must also file Form 3800.

Codes J1 and J2. Self-Employment

Code J1. Net earnings (or 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 ELP is treated as farming or fishing income.

**Code J2.** Gross nonfarm income. Individual partners 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 K1 Through K9. Foreign Tax Credit Information** Use the information reported under Codes K1 through K9 to figure your foreign tax credit. For more information, see Form 1116, Foreign Tax Credit—Corporations, and its instructions; Form 1118, Foreign Tax Credit—Individuals, Estate, or Trust and its instructions; and Pub. 541, Foreign Tax Credit for Individuals. See page 4 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 K1.** Name of foreign country or U.S. possession. Include on Form 1116, Part I, item g. For each country reported, the partnership must give you the amount and a description of your share of the following items for Codes K2 through K9. 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 K2.** Gross income from all sources. Enter this amount on line 3e of Form 1116.

**Code K3.** 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 the Instructions for Form 1116 for the rules to source the income reported to you. Enter only foreign source income on lines 1a and 3d of Form 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 K4(a) Through K4(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 1a and 3d of the applicable Form 1116 (that is, the Form 1116 for each category of income provided to you).

- **Code K4(a).** Passive category foreign source income.
- **Code K4(b).** General category foreign source income.
- **Code K4(c).** Other foreign source income.

**Code K5.** Interest expense allocated and apportioned at the partner level. Include this amount on line 4b of the applicable Forms 1116.

**Code K6.** Other expenses allocated and apportioned at the partner level. Include this amount on line 2 of the applicable Forms 1116.

**Note.** For Codes K5 and K6, do not include any expenses allocated and apportioned to U.S. source income on any line of Part I of Form 1116.

**Codes K7(a) Through K7(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 (that is, the Form 1116 for each category of income provided to you).

- **Code K7(a).** Deductions allocated and apportioned at partnership level to general category foreign source income.
- **Code K7(b).** Deductions allocated and apportioned at partnership level to passive category foreign source income.
- **Code K7(c).** Deductions allocated and apportioned at partnership level to other foreign source income.

**Code K8(a).** Total foreign taxes paid. Include this amount in Part II of Form 1116.

**Code K8(b).** Total foreign taxes accrued. Include this amount in Part II of Form 1116.

**Code K9.** Reduction in taxes available for credit. Enter this amount on line 12 of Form 1116.

**Code L. 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 in accordance with the regular partnership rules, here or on an attached schedule.

**Note.** A partner must notify the ELP of its status as a “disqualified person”.

**Codes M1 Through M9. Miscellaneous**

**Code M1.** Other tax-exempt income. Increase the adjusted basis of your interest in the partnership by this amount, but do not include it in income on your income tax return.

**Code M2.** Nondeductible expenses. Decrease the adjusted basis of your interest in the partnership by this amount. The nondeductible expenses paid or incurred by the partnership are not deductible on your income tax return, but they do affect your basis.

**Code M3.** Unrelated business taxable income. The partnership must give you any information you need to figure unrelated 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 M4. Health insurance.** Include any amounts paid by the partnership for insurance that constitutes medical care for you, your spouse, and your dependents on line 29 of your 2008 Form 1040. You may be allowed to deduct 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 M5. Distributions of money (cash and marketable securities).** This amount includes the distributions the partnership made to you of cash and certain marketable securities. The market value 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 must separately identify both of the following:

- The FMV of the cash or 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.

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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 7 years of a distribution to you of marketable securities, you contributed appreciated property (other than those securities) to the partnership and the FMV 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. See section 737 for details.

Code M6. Distributions of property other than money. Box 9, Code M6, shows the partnership’s adjusted basis of property other than money immediately before the property was distributed to you. In addition, the partnership should attach a statement showing the cost basis and FMV of each property distributed. Decrease the adjusted basis of your interest in the partnership by the 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 interest immediately before the distribution (reduced by any cash received in the distribution). You may have to recognize gain on the appreciated property. See section 737 for details.

Code M7. Gain eligible for section 1202 exclusion. This gain from the sale or exchange of your qualified small business (QSB) stock (as defined in the Instructions for Schedule D) is eligible for the partial section 1202 exclusion. The partnership must also provide you with:

- The name of the corporation that issued the qualified small business (QSB) stock,
- Your share of the partnership’s adjusted basis of the QSB stock,
- Your share of the partnership’s sales price of the QSB stock,
- The dates the QSB stock was bought and sold, and
- Your distributive share of the gain from the sale of the QSB stock.

Corporate partners are not eligible for the section 1045 rollover. To qualify for the section 1045 rollover, you must have held an interest in the partnership during the entire period in which the partnership held the QSB stock (more than 6 months prior to the sale), and:

- You must make a section 1045 election on your Form 1040.
- You must purchase other QSB stock as defined in the Instructions for Schedule D (Form 1040) during the 60-day period that began on the date the QSB stock was sold by the partnership.

See the Instructions for Schedule D (Form 1040) for details on how to report the gain and the amount of the allowable postponed gain.

Making the section 1045 election. You make a section 1045 election on a timely filed return for the tax year during which the partnership’s tax year ends. Attach to your Schedule D (Form 1040) a statement that includes the following information for each amount of gain that you do not recognize under section 1045:

- The name of the corporation that issued the QSB stock,
- The name and EIN of the selling partnership,
- The dates the QSB stock was purchased and sold,
- The amount of gain that is not recognized under section 1045, and
- If a partner purchases QSB stock, the name of the corporation that issued the replacement QSB stock, the date the stock was purchased, and the cost of the stock.

If a partner treats the partner’s interest in QSB stock that is purchased by a purchasing partnership as the partner’s replacement QSB stock, the name and EIN of the purchasing partnership, the name of the corporation that issued the QSB stock, the partner’s share of the cost of the stock that was purchased by the partnership, the computation of the partner’s adjustment to basis with respect to that stock, and the date the stock was purchased by the partnership.

Distribution of replacement QSB stock to a partner that reduces another partner’s interest in replacement QSB stock. You must recognize gain upon a distribution of replacement QSB stock to
another partner that reduces your share of the replacement QSB stock held by a partnership. The amount of gain that you must recognize is based on the amount of gain that you would recognize upon the sale of the distributed replacement QSB stock for its fair market value on the date of the distribution, but not to exceed the amount you previously deferred under section 1050(b) with respect to the distributed replacement QSB stock. If the partnership distributed your share of replacement QSB stock to another partner, the partnership should give you (a) the name of the corporation that issued the replacement QSB stock, (b) the date the replacement QSB stock was distributed to another partner or partners, and (c) your share of the partnership’s adjusted basis and fair market value of the replacement QSB stock on such date.  

For more information, see Regulations section 1.1045-1.  

Code N. Unrecaptured Section 1250 Gain  
Report this gain on line 11 of the Unrecaptured Section 1250 Gain Worksheet on page D-9 of the Instructions for Schedule D (Form 1040). Do not report the gain on line 5 as stated on the worksheet.  

Codes O1 and O2. Extraterritorial Income Exclusion  
Partnership did not claim the exclusion. If the partnership reports your distributive share of foreign trading gross receipts (Code O1) and the extraterritorial income exclusion (Code O2), the partnership was not entitled to claim the exclusion because it did not meet the foreign economic process requirements. You may still qualify for your distributive share of this exclusion if the partnership’s foreign trading gross receipts for the tax year were $5 million or less.  

To qualify for this exclusion, your foreign trading gross receipts from all sources for the tax year also must have been $5 million or less.  

Limited partners who qualify for the exclusion. Report the extraterritorial exclusion amount (Code O2) as a deduction reducing the amount reported in box 1 (see the box 1 instructions on page 9).  

General partners who qualify for the exclusion. Report the Code O2 amount in accordance with the instructions for box 9, Code A1, B1, or C1, whichever applies. See Form 8873, Extraterritorial Income Exclusion, for more information.  

Partnership claimed the exclusion. If the partnership reports your distributive share of foreign trading gross receipts (Code O1) but not the amount of the extraterritorial income exclusion, the partnership met the foreign economic process requirements and claimed the exclusion when figuring your distributive share of partnership income. You also may need to know the amount of your distributive share of 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. 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.  

Code P. Inversion Gain  
The partnership must provide a statement showing the amounts of each type of income or gain that is included in inversion gain. The partnership has included inversion gain in income elsewhere on Schedule K-1. Inversion gain is also reported under Code P because your taxable income and alternative minimum taxable income cannot be less than the inversion gain. Also, your inversion gain (a) is not taken into account in figuring the amount of net operating loss (NOL) for the tax year or the amount of NOL that can be carried over to each tax year, (b) may limit the amount of your credits, and (c) is treated as income from sources within the U.S. for the foreign tax credit. See section 7874 for details.  

Code Q. Commercial Revitalization Deduction  
Follow the instructions for Form 8582 for commercial revitalization deductions from rental real estate activities to figure how much of the deduction can be reported on Schedule E (Form 1040), line 28, column (f).  

Codes R1 and R2. Interest Deduction Limitation for Corporate Partners  
A corporate partner is required to treat its distributive share of interest income, interest expense, and partnership liabilities as income, expense, and liabilities of the corporation for purposes of the interest deduction limitation under section 163(j). The corporation’s distributive share of interest income is reported in box 9 using code R1. Its distributive share of interest expense is reported using code R2. The amounts reported using code R1 and R2 are for information only, and are included in amounts reported elsewhere on Schedule K-1. The corporation’s distributive share of partnership liabilities is shown in the first column of Schedule K-1.  

Code S1. Domestic Production Activities Information  
The partnership must attach a statement to Schedule K-1 that provides the information you need to figure the domestic production activities deduction. Use Form 8903, Domestic Production Activities Deduction, to figure this deduction. See the instructions for Form 8903 for details.  

Code S2. Qualified Production Activities Income (QPAI)  
Report the QPAI reported to you by the partnership (in box 9 using code S2) on line 7 of Form 8903.  

Code S3. Employer’s W-2 Wages  
Report the portion of W-2 wages reported to you by the partnership (in box 9 using code S3) on line 15 of Form 8903.  

Code T. Section 409A Income  
This is compensation to partners deferred under a section 409A nonqualified deferred compensation plan that does not meet the requirements of section 409A. This amount is also reported in box 9 using Code F. This amount is subject to interest and additional tax to be reported on line 63 of Form 1040. See the instructions for line 63 of Form 1040 for details.  

Code U. Other Information  
The partnership will use Code U to report the following to partners.  

• Any information a partner that is a financial institution, as defined in section 7704(c)(2), is required to disclose in a reportable transaction. The partnership will report any information you need to complete a disclosure statement for reportable transactions in which the partnership participates. The partnership will report any information you need to complete a disclosure statement for reportable transactions in which the partnership participates. The partnership will report any information you need to complete a disclosure statement for reportable transactions in which the partnership participates.  

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Home Loan Mortgage Corporation (Freddie Mac). The partnership will report on an attached statement the amount of gain or loss attributable to the sale or exchange of the qualified preferred stock, the date the stock was acquired by the partnership, and the date the stock was sold or exchanged by the partnership. If the partner is not a financial institution (as defined below), report the gain or loss on line 5 or line 12 of Schedule D (Form 1040) in accordance with the instructions for Schedule D. If a partner is a financial institution referred to in section 582(c)(2) or a depositary institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act), report the gain or loss in accordance with the Instructions for Form 4797 and Rev. Proc. 2008-64, 2008-47 I.R.B. 1195.

- Any other information you may need to file with your return not shown elsewhere on Schedule K-1. The partnership must give you a description and the amount of your share for each of these items.