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Farmer’s Tax Guide

For use in preparing 2005 Returns

Acknowledgment: The valuable advice and assistance given us each year by the National Farm Income Tax Extension Committee is gratefully acknowledged.

As this publication was being prepared for print, Congress was considering legislation containing provisions that could affect farmers. See Publication 553, Highlights of 2005 Tax Changes and Publication 4492, Tax Information Related to Hurricane Katrina, for information on whether the legislation was enacted and, if so, the specific items of interest to farmers. Publications 553 and 4492 will be available on the IRS website at www.irs.gov in early 2006.

Introduction

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Contents

Introduction .................................................. 1
What’s New for 2005 ................................. 2
What’s New for 2006 ................................. 2
Reminders .................................................. 3

Chapter

1. Importance of Records ............................ 3
2. Accounting Methods ............................... 5
3. Farm Income .......................................... 8
4. Farm Business Expenses ......................... 19
5. Soil and Water Conservation Expenses ........ 27
6. Basis of Assets ......................................... 30
7. Depreciation, Depletion, and Amortization . 35
8. Gains and Losses .................................... 52
9. Dispositions of Property Used in Farming .... 60
10. Installment Sales ..................................... 64
11. Casualties, Thefts, and Condemnations .... 69
12. Self-Employment Tax ............................. 75
13. Employment Taxes .................................. 79
14. Excise Taxes .......................................... 83
15. Estimated Taxes ...................................... 86
16. Sample Return ........................................ 88
17. How To Get Tax Help .............................. 106
Index .......................................................... 109

Introduction

You are in the business of farming if you cultivate, operate, or manage a farm for profit, either as owner or tenant. A farm includes stock, dairy, poultry, fish, fruit, and truck farms. It also includes plantations, ranches, ranges, and orchards.

This publication explains how the federal tax laws apply to farming. Use this publication as a guide to figure your taxes and complete your farm tax return. If you need more information on a subject, get the specific IRS tax publication covering that subject. We refer to many of these free publications throughout this publication. See chapter 17 for information on ordering these publications.

The explanations and examples in this publication reflect the Internal Revenue Service’s interpretation of tax laws enacted by Congress.
What’s New for 2005

The following items highlight a number of administrative and tax law changes for 2005. They are discussed in more detail throughout the publication. More information on these and other changes can be found in Publication 553, High-lights of 2005 Tax Changes.

Standard mileage rate. The standard mileage rate for the cost of operating your car, van, pickup, or panel truck in 2005 is 40.5 cents a mile for all business miles driven before September 1, 2005. The rate is 48.5 cents a mile for business miles driven after August 31, 2005. See chapter 4.

Domestic production activities deduction. Aerial applicator waiver is no longer required. See chapter 4.

Extended replacement period for property located in the Hurricane Katrina disaster area. The replacement period for property in the Hurricane Katrina disaster area that was damaged, destroyed, stolen, or condemned after August 24, 2005, has been extended from 2 to 5 years. See chapter 11.

Limit on personal casualty or theft losses suspended. If your loss arose in the Hurricane Katrina disaster area, the $100 rule and 10% rule do not apply. See chapter 11.

Tax rates and maximum net earnings. The maximum net self-employment earnings subject to the social security tax (12.4%) of the self-employment tax increased to $90,000 for 2005. There is no maximum limit on earnings subject to the Medicare tax (2.9%). See chapter 12.

Undyed diesel fuel and undyed kerosene. Effective for sales of undyed diesel fuel or undyed kerosene (other than kerosene for use in aviation) after September 30, 2005, refunds or credits for fuel used on a farm for farming purposes must be claimed by the farmer. See chapter 14.

Aviation-grade kerosene (before October 1, 2005) and kerosene for use in aviation (after September 30, 2005). Aviation-grade kerosene and kerosene for use in aviation are taxed. Claims for aviation-grade kerosene and kerosene used in aviation on a farm for farming purposes can only be made by the registered ultimate vendor. See chapter 14.

Aerial applicator waiver is no longer required. Effective after September 30, 2005, the aerial applicator waiver is no longer required to be provided by the farmer. See chapter 14.

LUST tax is included on sales of dyed diesel fuel and dyed kerosene. Effective after September 30, 2005, the $0.01 Leaking Underground Storage Tank (LUST) tax is included on sales of dyed diesel fuel and dyed kerosene. The LUST tax cannot be refunded. See chapter 14.

Gasoline. The reduced rates of tax applied to gasoline and gasoline sold for the production of gasohol have been repealed. The credits and refunds for the nontaxable use of gasohol and, generally, the use of gasoline taxed at the full rate to produce gasohol have been eliminated. See chapter 14.

What’s New for 2006

Maximum net earnings. The maximum net self-employment earnings subject to the social security part (15.3%) of the self-employment tax increased to $105,000 for 2005. There is no maximum limit on earnings subject to the Medicare tax (2.9%). See chapter 12.
Reminders

The following reminders and other items may help you file your tax return.

**IRS e-file (Electronic Filing)**

You can file your tax returns electronically using an IRS e-file option. The benefits of IRS e-file include faster refunds, increased accuracy, and acknowledgment of IRS receipt of your return. You can use one of the following IRS e-file options:

- Use an authorized IRS e-file provider.
- Use a personal computer.
- Visit a VITA or TCE site.

For details on these fast filing methods, see your income tax package.

**Principal agricultural activity codes.** You must enter on line B of Schedule F (Form 1040) a code that identifies your principal agricultural activity. It is important to use the correct code because this information will identify market segments of the public for IRS Taxpayer Education programs. The U.S. Census Bureau also uses this information for its economic census. See the list of Principal Agricultural Activity Codes on page 2 of Schedule F.

**Postponed tax deadlines in disaster areas.** The IRS may postpone for up to 1 year certain tax deadlines of taxpayers who are affected by a Presidentially declared disaster.

**Publication on employer identification numbers (EIN).** Publication 1635, Understanding employer identification numbers (EIN), provides general information on employer identification numbers. Topics include how to apply for an EIN and how to complete Form SS-4.

**Change of address.** If you change your home or business address, you should use Form 8822, Change of Address, to notify the IRS. Be sure to include your suite, room, or other unit number.

**Reportable transactions.** You must file Form 8886, Reportable Transaction Disclosure Statement, to report certain transactions. You may have to pay a penalty if you are required to file Form 8886 but do not do so. Reportable transactions include (1) transactions the same as or substantially similar to tax avoidance transactions identified by the IRS, (2) transactions offered to you under conditions of confidentiality and for which you paid an advisor a minimum fee, (3) transactions for which you have or a related party has a right to a full or partial refund of fees if all or part of the intended tax consequences from the transaction are not sustained, (4) transactions that result in losses of at least $2 million in any single year or $4 million in any combination of years, (5) transactions resulting in book-tax differences of more than $10 million, and (6) transactions with asset holding periods of 45 days or less and that result in a tax credit of more than $250,000. For more information, see the Instructions for Form 8886.

**Section 179 deduction limit for sport utility vehicles.** The maximum section 179 expense deduction for certain sport utility vehicles is $25,000. For more information, see chapter 7.

**Amortization of business start-up costs.** You can elect to deduct certain start-up costs. See chapter 4. The remaining costs must be amortized over a 180-month period. See chapter 7.

**Amortization of reforestation costs.** You can elect to deduct certain reforestation costs. See chapter 4. The remaining costs can be amortized over an 84-month period. See chapter 7.

**Marginal production of oil and gas.** The suspension of the taxable income limit on percentage depletion from the marginal production of oil and natural gas that was scheduled to expire for tax years beginning after 2003 has been extended to tax years beginning before 2006. For more information on marginal production, see section 612(g)(6) of the Internal Revenue Code.

**Form W-4 for 2006.** You should make new Forms W-4 available to your employees and encourage them to check their income tax withholding for 2006. Those employees who owed a large amount of tax or received a large refund for 2005 may need to file a new Form W-4. See Publication 919, How Do I Adjust My Tax Withholding.

**Form 1099-MISC.** File Form 1099-MISC if you pay at least $600 in rents, services, and other miscellaneous payments in your farming business to an individual (for example, an accountant, an attorney, or a veterinarian) who is not your employee and is not incorporated. Bond or other debt received as payment. Any bond or other evidence of debt you receive from the buyer that has interest coupons attached or that can be readily traded on an established securities market is treated as a payment in the year you receive it. See chapter 10.

**Electronic deposits of taxes.** You must use the Electronic Federal Tax Payment System (EFTPS) to make electronic deposits of all domestic tax liabilities you incur in 2006 and thereafter if you deposited more than $200,000 in federal depository taxes in 2004 or you had to use EFTPS in 2005. See chapter 13.

**Aviation-grade kerosene and kerosene for use in aviation.** A registered ultimate vendor that sells aviation-grade kerosene (kerosene for use in aviation after September 30, 2005) on a farm for farming purposes is the only person allowed to claim a credit or refund of the excise tax on that fuel. Farmers cannot claim a credit or refund for the excise tax paid on those fuels. See chapter 14.

**Photographs of missing children.** The Internal Revenue Service is a proud partner with the National Center for Missing and Exploited Children. Photographs of missing children selected by the Center may appear in this publication on pages that would otherwise be blank. You can help bring these children home by looking at the photographs and calling 1-800-THE-LOST (1-800-843-5678) if you recognize a child.

**1. Importance of Records**

**Introduction**

A farmer, like other taxpayers, must keep records to prepare an accurate income tax return and determine the correct amount of tax. This chapter explains the benefits of keeping records, what kinds of records you must keep, and how long you must keep them for federal tax purposes.

Tax records are not the only type of records you need to keep for your farming business. You should also keep records that measure your farm’s financial performance. This publication only discusses tax records.

The Farm Financial Standards Council has produced a publication that provides a detailed explanation of the recommendations of the Council for financial reporting and analysis. For information on recordkeeping, you may want to get a copy of Financial Guidelines for Agricultural Producers. You can order it from Countrywide Marketing, Inc. in the following manner.

- Call 262-253-6902.
- Send a fax to 262-253-6903. Make sure the fax contains the address where you want the publication shipped.
- Write to: Farm Financial Standards Council N78 W14573 Appleton Ave #287 Menomonee Falls, WI 53051.

The document has 216 pages. If you order the document, you will be mailed an invoice for $25.00 plus postage. You can also download the publication at www.ffsc.org.

**Topics**

This chapter discusses:

- Why you should keep records
- What records to keep
- How long to keep records

**Useful Items**

You may want to see:

**Publication**

- 51 (Circular A), Agricultural Employer’s Tax Guide
- 463 Travel, Entertainment, Gift, and Car Expenses

**Chapter 1 Importance of Records**
See chapter 17 for information about getting publications.

Benefits of Recordkeeping

Everyone in business, including farmers, must keep appropriate records. Recordkeeping will help you do the following.

Monitor the progress of your farming business. You need records to monitor the progress of your farming business. Records can show whether your business is improving, which items are selling, or what changes you need to make. Records can increase the likelihood of business success.

Prepare your financial statements. You need records to prepare accurate financial statements. These include income (profit and loss) statements and balance sheets. These statements can help you in dealing with your bank or creditors and help you to manage your farming business.

Identify source of receipts. You will receive money or property from many sources. Your records can identify the source of your receipts. You need this information to separate farm from nonfarm receipts and taxable from nontaxable income.

Keep track of deductible expenses. You may forget expenses when you prepare your tax return unless you record them when they occur.

Prepare your tax returns. You need records to prepare your tax return. For example, your records must support the income, expenses, and credits you report. Generally, these are the same records you use to monitor your farming business and prepare your financial statements.

Support items reported on tax returns. You must keep your business records available at all times for inspection by the IRS. If the IRS examines any of your tax returns, you may be asked to explain the items reported. A complete set of records will speed up the examination.

Kinds of Records To Keep

Except in a few cases, the law does not require any specific kind of records. You can choose any recordkeeping system suited to your farming business that clearly shows, for example, your income and expenses.

You should set up your recordkeeping system using an accounting method that clearly shows your income for your tax year. See chapter 2. If you are in more than one business, you should keep a complete and separate set of records for each business. A corporation should keep minutes of board of directors’ meetings.

Your recordkeeping system should include a summary of your business transactions. This summary is ordinarily made in accounting journals and ledgers. For example, they must show your gross income, as well as your deductions and credits. In addition, you must keep support-
keep the records on the old property, as well as on the new property, until the period of limitations expires for the year in which you dispose of the new property in a taxable disposition. See Like-Kind Exchanges in the Gains and Losses chapter.

Records for nontax purposes. When your records are no longer needed for tax purposes, do not discard them until you check to see if you have to keep them longer for other purposes. For example, your insurance company or creditors may require you to keep them longer than the IRS does.

2.

Accounting Methods

Introduction
You must consistently use an accounting method that clearly shows your income and expenses. Also, you must figure your taxable income and file an income tax return for an annual accounting period called a tax year. Accounting periods are not discussed in this chapter. For information on accounting periods, see Publication 538, Accounting Periods and Methods, and the instructions for Form 1128, Application To Adopt, Change, or Retain a Tax Year.

Topics
This chapter discusses:
- Cash method
- Accrual method
- Farm inventory
- Special methods of accounting
- Change in accounting method

Useful Items
You may want to see:
- Publication
  - 538 Accounting Periods and Methods
  - 535 Business Expenses
- Form (and Instructions)
  - 1128 Application To Adopt, Change, or Retain a Tax Year
  - 3115 Application for Change in Accounting Method
See chapter 17 for information about getting publications and forms.

Accounting Methods
An accounting method is a set of rules used to determine when and how income and expenses are reported. Your accounting method includes not only your overall method of accounting, but also the accounting treatment you use for any material item.

You choose an accounting method for your farm business when you file your first income tax return that includes a Schedule F. However, you cannot use the crop method for any tax return, including your first tax return, unless you get IRS approval. The crop method of accounting is discussed later under Special Methods of Accounting. Getting IRS approval to change an accounting method is discussed later under Change in Accounting Method.

Kinds of methods. Generally, you can use any of the following accounting methods.
- Cash method.
- Accrual method.
- Special methods of accounting for certain items of income and expenses.
- Combination (hybrid) method using elements of two or more of the above.

However, certain farm corporations and partnerships, and all tax shelters, must use an accrual method of accounting. See Accrual method required later.

Business and personal items. You can account for business and personal items using different accounting methods. For example, you can figure your business income under an accrual method, even if you use the cash method to figure personal items.

Two or more businesses. If you operate two or more separate and distinct businesses, you can use a different accounting method for each. No business is separate and distinct, however, unless a complete and separate set of books and records is maintained for each business.

Accrual method required. The following businesses engaged in farming must use an accrual method of accounting.
1. A corporation (other than a family corporation) that has gross receipts of more than $1,000,000 for any tax year beginning after 1975.
2. A family corporation that had gross receipts of more than $25,000,000 for any tax year beginning after 1985.
3. A partnership with a corporation as a partner.
4. A tax shelter.

Note. Items (1), (2), and (3) do not apply to an S corporation or a business operating a nursery or sod farm, or the raising or harvesting of trees (other than fruit and nut trees).

Family corporation. A family corporation is generally a corporation that meets one of the following ownership requirements.
- Members of the same family own at least 50% of the total combined voting power of all classes of stock entitled to vote and at least 50% of the total shares of all other classes of stock of the corporation.
- Members of two families have owned, directly or indirectly, since October 4, 1976, at least 65% of the total combined voting power of all classes of voting stock and at least 65% of the total shares of all other classes of the corporation's stock.
- Members of three families have owned, directly or indirectly, since October 4, 1976, at least 50% of the total combined voting power of all classes of voting stock and at least 50% of the total shares of all other classes of the corporation's stock.

For more information on family corporations, see section 447 of the Internal Revenue Code.

Tax shelter. A tax shelter is a partnership, noncorporate enterprise, or S corporation that meets either of the following tests.
1. Its principal purpose is the avoidance or evasion of federal income tax.
2. It is a farming syndicate. A farming syndicate is an entity that meets either of the following tests.
   a. Interests in the activity have been offered for sale in an offering required to be registered with a federal or state agency with the authority to regulate the offering of securities for sale.
   b. More than 35% of the losses during the tax year are allocable to limited partners or limited entrepreneurs.

A "limited partner" is one whose personal liability for partnership debts is limited to the money or other property the partner contributed or is required to contribute to the partnership. A "limited entrepreneur" is one who has an interest in an enterprise other than as a limited partner and does not actively participate in the management of the enterprise.

Cash Method
Most farmers use the cash method because they find it easier to keep cash method records. However, certain farm corporations and partnerships and all tax shelters must use an accrual method of accounting. See Accrual method required, earlier.

Income
Under the cash method, include in your gross income all items of income you actually or constructively receive during the tax year. If you receive property or services, you must include their fair market value in income. See chapter 3 for information on how to report farm income on your income tax return.

Constructive receipt. Income is constructively received when an amount is credited to your account or made available to you without restriction. You need not have possession of it. If you authorize someone to be your agent and receive income for you, you are considered to have received it when your agent receives it. Income is not constructively received if your
control of its receipt is subject to substantial restrictions or limitations.

Direct payments and counter-cyclical payments. If you received direct payments or counter-cyclical payments under Subtitle A or C of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171), you will not be considered to have constructively received a payment merely because you had the option to receive it in the year before it is required to be paid.

Delaying receipt of income. You cannot hold checks or postpone taking possession of similar property from one tax year to another to avoid paying tax on the income. You must report the income in the year the property is received or made available to you without restriction.

Example. Frances Jones, a farmer, was entitled to receive a $10,000 payment on a grain contract in December 2005. She was told in December that her payment would be available. At her request, she was not paid until January 2006. She must still include this payment in her 2005 income because it was made available to her in 2005.

Debts paid by another person or canceled. If your debts are paid by another person or are canceled by your creditors, you may have to report part or all of this income as interest. If you receive income in this way, you constructively receive the income when the debt is canceled or paid. See Cancellation of Debt in chapter 3.

Installment sale. If you sell an item under a deferred payment contract that calls for payment the following year, there is no constructive receipt in the year of sale. However, see the following example for an exception to this rule.

Example. You are a farmer who uses the cash method and a calendar tax year. You sell grain in December 2005 under a bona fide arm's-length contract that calls for payment in 2006. You include the sale proceeds in your 2006 gross income since that is the year payment is received. However, the contract says that you have the right to the proceeds from the buyer at any time after the grain is delivered; you must include the sale price in your 2005 income, regardless of when you actually receive payment.

Repayment of income. If you include an amount in income in a later year you have to repay all or part of it, you can usually deduct the repayment in the year in which you make it. If the amount you repay is over $3,000, a special rule applies. For details about the special rule, see Repayments in chapter 13 of Publication 535, Business Expenses.

Expenses

Under the cash method, you generally deduct expenses in the tax year in which you actually pay them. This includes business expenses for which you contest liability. However, you may not be able to deduct an expense paid in advance or you may be required to capitalize certain costs, as explained under Uniform Capitalization Rules in chapter 6. See chapter 4 for information on how to deduct farm business expenses on your income tax return.

Prepayment. You cannot deduct expenses in advance; even if you pay them in advance. This rule applies to any expense paid for enough in advance to, in effect, create an asset with a useful life extending substantially beyond the end of the current tax year.

Example. In 2005, you signed a 3-year insurance contract. Even though you paid the premiums for 2005, 2006, and 2007 when you signed the contract, you can only deduct the premium for 2005 on your 2005 tax return. Deduct in 2006 and 2007 the premium allocable to those years.

Accrual Method

Under an accrual method of accounting, you generally report income in the year earned and deduct or capitalize expenses in the year incurred. The purpose of an accrual method of accounting is to correctly match income and expenses.

Income

You generally include an amount in income for the tax year in which all events that fix your right to receive the income have occurred, and you can determine the amount with reasonable accuracy.

If you use an accrual method of accounting, complete Part III of Schedule F (Form 1040).

Example. Frances Jones, a farmer, was entitled to receive $10,000 on a grain contract in December 2005. She was told in December that her payment would be available. At her request, she was not paid until January 2006. She must still include this payment in her 2005 income because it was made available to her in 2005.

Economic performance. If your expense is for property or services provided to you, or for your use of property, economic performance has occurred as the property or services are provided or as the property is used. If your expense is for property or services you provide to others, economic performance occurs as you provide the property or services. An exception to the economic performance rule allows certain recurring items to be treated as incurred during a tax year even though economic performance has not occurred. For more information on economic performance, see Economic Performance in Publication 538.

Example. Jane is a farmer who uses a calendar tax year and an accrual method of accounting. She signed a 3-year insurance contract with Waterworks in 2005. The contract states that Jane must pay Waterworks $200,000 in December 2005 and they will install a complete irrigation system, including a new well, by the close of 2006. She pays Waterworks $200,000 in December 2005, they start the installation in May 2006, and they complete the irrigation system in December 2006.

Economic performance for Jane's liability in the contract occurs as the property and services are provided. Jane incurs the $200,000 cost in 2006.

Special rule for related persons. Business expenses and interest owed to a related person who uses the cash method must be reported in the year in which all events that fix your right to receive the income have occurred, and you can determine the amount with reasonable accuracy. However, to take the deduction in the year of payment, you must meet certain conditions. For more information, see Contested Liability under Accrual Method in Publication 538.

Farm Inventory

If you keep an inventory, you generally must use an accrual method of accounting to determine your gross income. You should keep a complete record of your inventory as part of your farm records. This record should show the actual count or measurement of the inventory. It should...
Items to include in inventory. Your inventory should include all items held for sale, or for use as feed, seed, etc., whether raised or purchased, that are unsold at the end of the year.

Accounting for inventory. Generally, if you produce, purchase, or sell merchandise in your business, you must keep an inventory and use the accrual method for purchases and sales of merchandise. However, if you are a qualifying taxpayer or a qualifying small business taxpayer that has an eligible business, you can use the cash method of accounting, even if you produce, purchase, or sell merchandise. If you qualify, you also can choose not to keep an inventory, even if you do not change to the cash method. A "qualifying taxpayer" is a taxpayer that for each prior tax year ending after December 16, 1998, has average annual gross receipts of $1 million or less for the 3-tax-year period ending with that prior tax year. A tax shelter cannot be a qualifying taxpayer. See Publication 538 for more information.

A "qualifying small business taxpayer" is a taxpayer that (a) for each prior tax year ending after December 31, 2000, has average annual gross receipts of $10 million or less for the 3-tax-year period ending with that prior tax year, and (b) whose principal business activity is not an ineligible activity. Certain other requirements must be met. See Publication 538 for more information.

The qualifying small business taxpayer exception does not apply to a farming business. However, if you are a qualifying small business taxpayer engaged in a farming business, this exception may apply to your nonfarming businesses, if any.

Hatchery business. If you are in the hatchery business, and use the accrual method of accounting, you must include in inventory eggs produced, and (b) whose principal business activity is not an ineligible activity. Certain other requirements must be met. You must include in inventory all livestock held for sale or that become a physical part of livestock in inventory, regardless of whether they are held for sale or for draft, breeding, sport, or dairy purposes. This method accounts only for the increase in the animal's market value after it reaches maturity. Also, if you raise cattle, you are not required to inventory hay you grow to feed your herd.

You do not need IRS approval to use this method, and you need not keep any inventory of income and expense.

Cash Versus Accrual Method

You are generally not required to use an accrual method of accounting. The following applies if you are required to use an accrual method of accounting:

• The uniform capitalization rules apply to all costs of buying or producing livestock, even if the preproductive period of raising a plant is 2 years or less.
• The costs of animals are subject to the uniform capitalization rules.

Inventory valuation methods. The following methods, described below, are those generally available for valuing inventory:

Cost.
Lower of cost or market.
Farm-price method.
Unit-livestock-price method.

You must include in inventory all livestock purchased primarily for sale. You can choose either to include in inventory the depreciate livestock purchased for draft, breeding, sport or dairy purposes. However, you must be consistent from year to year, regardless of the practice you have chosen. You cannot change your practice without IRS approval.

You must inventory animals purchased after maturity or capitalize them at their purchase price. If the animals are not mature at purchase, increase the cost at the end of each tax year according to the established unit price. However, in the year of purchase, do not increase the cost of any animal purchased during the last 6 months of the year. This increase rule does not apply to tax shelters which must make an adjustment for any animal purchased during the year. It also does not apply to taxpayers that must make an adjustment for reasonably reflect the particular period in the year in which animals are purchased, if necessary to avoid significant distortions in income.

Uniform capitalization rules. A farmer can determine costs required to be allocated under the uniform capitalization rules by using the farm-price or unit-livestock-price inventory method. This applies to any plant or animal, even if the farmer does not hold or treat the plant or animal as inventory property.

You are a farmer who uses an accrual method of accounting. You keep your books on the calendar tax year basis. You sell grain in December 2005, but you are not paid until January 2006. You must both include the sale proceeds and deduct the costs incurred in producing the grain on your 2005 tax return.

Example 1. Assume the same facts as in Example 1 except that you use the cash method and there was no constructive receipt of the sale proceeds in 2005. Under this method, you include the sale proceeds in income for 2006 the year you receive payment. You deduct the costs of producing the grain in the year you pay for them.

Special Methods of Accounting

There are special methods of accounting for certain items of income and expense.

Crop method. If you do not harvest and dispose of your crop in the same tax year that you plant it, you can, with IRS approval, use the crop method of accounting. Under this method, you deduct the entire cost of the crop, including the expense of seed or young plants, in the year you realize income from the crop. You cannot use this method for timber or any commodity subject to the uniform capitalization rules.

Other special methods. Other special methods of accounting apply to the following items:

• Amortization, see chapter 7.
• Casualties, see chapter 11.
Farm Income

What’s New

Tobacco quota buyout program payments. The tobacco marketing quota and price support programs were terminated. The USDA will pay eligible tobacco quota holders and growers for the loss in value of the quotas. For more information, see Tobacco Quota Buyout Program Payments, later.

Introduction

You may receive income from many sources. You must report the income on your tax return, unless it is excluded by law. Where you report the income depends on its source.

This chapter discusses farm income you report on Schedule F (Form 1040). For information on where to report other income, see the instructions for Form 1040.

Accounting method. The rules discussed in this chapter assume you use the cash method of accounting. Under the cash method, you generally include an item of income in gross income when you receive it. See Cash Method in chapter 2.

If you use an accrual method of accounting, different rules may apply to your situation. See Accrual Method in chapter 2.

Useful Items

You may want to see:

- Schedule F (Form 1040)
- Sales of farm products
- Rents (including crop shares)
- Agricultural program payments
- Income from cooperatives
- Cancellation of debt
- Income from other sources
- Income averaging for farmers

Schedule F

Report your farm income on Schedule F (Form 1040). Use this schedule to figure the net profit or loss from regular farming operations.

Income from farming reported on Schedule F (Form 1040) includes amounts you receive from cultivating, operating, or managing a farm for gain or profit, either as owner or tenant. This includes income from operating a stock, dairy, poultry, fish, fruit, or truck farm and income from operating a plantation, ranch, range, or orchard.

It also includes income from the sale of crop shares if you materially participate in producing the crop. See Rents (Including Crop Shares), later.

Income received from operating a nursery, which specializes in growing ornamental plants, is considered to be income from farming.

Income reported on Schedule F does not include gains or losses from sales or other dispositions of the following farm assets.

- Land.
- Depreciable farm equipment.
- Buildings and structures.
- Livestock held for draft, breeding, sport, or dairy purposes.

Gains and losses from most dispositions of farm assets are discussed in chapters 8 and 9. Gains and losses from casualties, thefts, and condemnations are discussed in chapter 11.

Sales of Farm Products

When you sell livestock, produce, grains, or other products you raised on your farm for sale or bought for resale, the entire amount you receive is reported on Schedule F. This includes money and the fair market value of any property or services you receive.

Where to report. Table 3-1 shows where to report the sale of farm products on your tax return.

Table 3-1. Where To Report Sales of Farm Products

<table>
<thead>
<tr>
<th>Item Sold</th>
<th>Schedule F</th>
<th>Form 4797</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm products raised for sale</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Farm products bought for resale</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Farm products not held primarily for sale,</td>
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<td>such as livestock held for draft, breeding,</td>
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<tr>
<td>sport, or dairy purposes (bought or raised)</td>
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Schedule F. When you sell farm prod-
ucts bought for resale, your profit or loss is the
difference between your basis in the item (usu-
ally your cost) and any payment (money plus the
fair market value of any property) you receive for
it. See chapter 6 for information on the basis of
assets. You generally report these amounts on
Schedule F for the year you receive payment.

Example. In 2004, you bought 20 feeder
calves for $6,000 for resale. You sold them in
2005 for $11,000. You report the $11,000 sales
price, subtract your $6,000 basis, and report the
resulting $5,000 profit on your 2005 Schedule F.
Part I.

Form 4797. Sales of livestock held for draft,
breeding, sport, or dairy purposes may result in
ordinary or capital gains or losses, depending on
the circumstances. When you receive payment, you
should report the sale on Form 4797 and on
Schedule F. See Schedule F under Ordinary or
Capital Gain or Loss in chapter 2.

Sales Caused by Weather-Related Conditions
If you sell or exchange more livestock, including
poultry, than you normally would in a year be-
cause of a drought, flood, or other weather-re-
lated condition, you may be able to postpone
reporting the gain from the additional animals
until the next year. You must meet all the follow-
ing conditions to qualify:

• Your principal trade or business is farm-
ing.
• You use the cash method of accounting.
• You can show that, under your usual busi-
ness practices, you would not have sold or
exchanged the additional animals this year
except for the weather-related condition.
• The weather-related condition caused an
area to be designated as eligible for assis-
tance by the federal government.

Sales or exchanges made before an area
became eligible for federal assistance qualify if
the weather-related condition that caused the
sale or exchange occurred after the area was
designated as eligible for federal assistance.
The designation can be made by the President,
the Department of Agriculture, or any other federal
departments or agencies.

A weather-related sale or exchange of
livestock (other than poultry) held
for draft, breeding, or dairy purposes
may be an involuntary conversion. See Other
Involuntary Conversions in chapter 11.

Usual business practice. You must deter-
mine the number of animals you would have
sold had you followed your usual business prac-
tice in the absence of the weather-related condi-
tion. Do this by considering all the facts and
circumstances, but do not take into account your
sales in any earlier year for which you post-
poned the gain. If you have not yet established a
usual business practice, rely on the usual busi-
ness practices of similarly situated farmers in
your general region.

Connection with affected area. The live-
stock does not have to be raised or sold in an
area affected by a weather-related condition for
the postponement to apply. However, the sale
must occur solely because of a weather-related
condition that affected the water, grazing, or other
systems of the livestock. This require-
ment generally will not be met if the costs of
food, water, or other requirements of the live-
stock affected by the weather-related condition
are not substantial in relation to the total costs
of holding the livestock.

Classes of livestock. You must figure the
amount to be postponed separately for each
class of animals—for example, hogs, sheep,
and cattle. Do not separate animals into
classes based on age, sex, or breed.

Amount to be postponed. Follow these steps

to figure the amount to be postponed for each
class of animals.

1. Divide the total income realized from
the sale of all livestock in the class during the
year by the total number of such live-
stock sold. For this purpose, do not treat
an animal sold for a fee, as income, See Cash
Method under Accounting Methods in chapter 2.

2. Multiply the result in (1) by the excess
number of such livestock sold solely be-
cause of weather-related conditions.

Example. You are a calendar year taxpayer
and you normally sold 100 head of beef cattle a
year. As a result of drought, you sold 135 head
during 2005. You reported $35,100 of the
sale. On August 9, 2005, as a result of drought,
the affected area was declared a disaster area
eligible for federal assistance. The income you
received until 2006 is $9,100 ($35,100 ÷
135 × 25).

How to postpone gain. To postpone gain,
attach a statement to your tax return for the year
of the sale. The statement must include your
name and address and give the following infor-
mation for each class of livestock for which you
are postponing gain:

• A statement that you are postponing gain
under section 451(e) of the Internal Reve-
 nue Code.
• Evidence of the weather-related conditions
that forced the early sale or exchange of
the livestock and the date, if known, on
which an area was designated as eligible
for assistance by the federal government
because of weather-related conditions.
• A statement explaining the relationship of
the area affected by the weather-related
condition to your early sale or exchange of
the livestock.

A calculation, as described earlier, of the
income to be postponed for each class of
livestock.

Generally, you must file the statement and the
return by the due date of the return, including
extensions. However, for sales or exchanges
treated as an involuntary conversion from
weather-related sales of livestock in an area
eligible for federal assistance (discussed in
chapter 11), you can file this statement at any
time during the replacement period. For other
sales or exchanges, if you timely filed your re-
cent return for the year in which you sold or
exchanged livestock and the sale affected the
area, you can still postpone gain by filing an amended
return within 6 months of the due date of the
return (excluding extensions). Attach the state-
ment to the amended return and write “Filed
pursuant to section 301.9100-2” at the top of the
amended return. File the amended return at the
same address you filed the original return. Once
you have filed the statement, you can cancel
your postponement of gain only with the ap-
proval of the IRS.

Rents (Including Crop Shares)
The rent you receive for the use of your farmland
is generally rental income, not farm income.
However, if you materially participate in farming
operations on the land, the rent is farm income.
See Landlord Participation in Farming in chapter 12.
Pasture income and rental. If you pasture
someone else’s cattle and take care of the live-
stock for a fee, the income is from your farming
business. You must enter it as Other income
on Schedule F. If you simply rent your pastures
for other people to raise their cattle, the rental
income is included in self-employment income.
(See Landlord Participation in Farming in chapter 12.)

Crop Shares
You must include rent you receive in the form of
crop shares in income in the year you convert
the shares to money or the equivalent of money.
It does not matter whether you use the cash
method of accounting or an accrual method of
accounting.

If you materially participate in operating a
farm from which you receive rent in the form of
crop shares or livestock, the rental income is
included in self-employment income. (See
Landlord Participation in Farming in chapter 12.)

Chapter 3 Farm Income Page 9
Crop shares you give to feed livestock. Crop shares you receive as a landlord and feed to your livestock are considered converted to money when fed to the livestock. You must include the fair market value of the crop shares in income at that time. You are entitled to a business expense deduction for the livestock feed in the same amount and at the same time you include the fair market value of the crop share as rental income. Although these two transactions cancel each other for figuring adjusted gross income on Form 1040, they may be necessary to figure your self-employment tax. See chapter 12.

Crop shares you give to others (gift). Crop shares you receive as a landlord and give to others are considered converted to money when you make the gift. You must report the fair market value of the crop share as income, even though someone else receives payment for the crop share.

Example. A tenant farmed part of your land under a crop-share arrangement. The tenant harvested and delivered the crop in your name to an elevator company. Before selling any of the crop, you instructed the elevator company to cancel your warehouse receipt and make out new warehouse receipts in equal amounts of the crop in the names of your children. They sell their crop shares in the following year and the elevator company makes payments directly to cotton and has a zero basis in the commodity. In June, Mike pledged 1,000 pounds of cotton as collateral for a CCC loan of $500 (a loan rate of $.50 per pound). Mike realized a $50 gain as income for 2004, so he is considered to have the loan. In this situation, you are considered to have received rental income and then made a gift of that income. You must include the fair market value of the crop shares in your income for the tax year you gave the crop shares to your children.

Crop share loss. If you are involved in a rental or crop-share lease arrangement, any loss from these activities may be subject to the limits under the passive loss rules. See Publication 925 for information on these rules.

Agricultural Program Payments

You must include in income government payments, such as those for approved conservation practices, direct payments, and counter-cyclical payments, whether you receive them in cash, materials, services, or commodity certificates. However, you can exclude from income some payments you receive under certain cost-sharing conservation programs. See Cost-Sharing Exclusion (Improvements), later.

Report the agricultural program payment on the appropriate line of Schedule F. Part I. Report the full amount even if you return a government check for cancellation, refund any of the payment you receive, or the government collects all or part of the payment from you by reducing the amount of some other payment or Commodity Credit Corporation (CCC) loan. However, you can deduct the amount you refund or return or that reduces some other payment or loan to you.

Market Gain

Under the CCC nonrecourse marketing assistance loan program, your repayment amount for a loan secured by your pledge of an eligible commodity is generally based on the lower of the loan rate or the prevailing world market price for the commodity on the date of repayment. If you repay the loan when the world price is lower, the difference between that repayment amount and the original loan amount is market gain. If you use cash to repay the loan, you will receive a Form CCC-1099-G, market gain you realized. If you repay the loan with CCC certificates, you will not be issued a Form CCC-1099-G. Whether or not you receive a Form CCC-1099-G, market gain should be reported as follows.

• If you elected to include the CCC loan in income in the year you received it, do not include the market gain in income. However, adjust the basis of the commodity for the amount of the market gain.

• If you did not include the CCC loan in income in the year you received it, include the market gain in your income.

The following examples show how to report market gain.

Example 1. Mike Green is a cotton farmer. He uses the cash method of accounting and files his tax return on a calendar year basis. He has deducted all expenses incurred in producing the cotton and has a zero basis in the commodity. In 2004, Mike pledged 1,000 pounds of cotton as collateral for a CCC loan of $500 (a loan rate of $.50 per pound). In 2005, he repaid the loan and redeemed the cotton for $420 when the world price was $4.20 per pound (lower than the loan amount). Later in 2005, he sold the cotton for $600.

The market gain on the redemption was $08 ($3.20 – $4.24) per pound. Mike realized total market gain of $508 ($0.8 x 1,000 pounds). How he reports this market gain and figures his gain or loss from the sale of the cotton depends on whether he included CCC loans in income in 2004.

Included CCC loan. Mike reported the $500 CCC loan as income for 2004, so he is treated as if he sold the cotton for $500 when he pledged it and repurchased the cotton for $420 when he redeemed it. The $80 market gain is not recognized on the redemption. He reports it for 2005 as an adjustment on Form 1040, Schedule F, line 6a, but does not include it as a taxable amount on line 6b.

Mike’s basis in the cotton after he redeemed it was $420, which is the redemption (repurchase) price paid for the cotton. His gain from the sale is $180 ($600 – $420). He reports the $180 gain as income for 2005 on Schedule F, line 4.

Excluded CCC loan. Mike has income of $80 from market gain in 2005. He reports it on Schedule F, line 6a and line 6b. His basis in the cotton is zero, so his gain from its sale is $600. He reports the $600 gain as income for 2005 on Schedule F, line 4.

Example 2. The facts are the same as in Example 1 except that, instead of selling the
You receive the crop insurance proceeds in the same tax year the crops are damaged.

You can show that under your normal business practice you would have included income from the damaged crops in any tax year following the year the damage occurred.

To postpone reporting crop insurance proceeds received in 2005, report the amount you received on Schedule F, line 8a, but do not include it as a taxable amount on line 8b. Check the box on line 8c and attach a statement to your tax return. The statement must include your name and address and contain the following information:

- A statement that you are making an election under section 451(d) of the Internal Revenue Code and Regulations section 1.451-6.
- A statement that the specific crop or crops destroyed or damaged.
- A statement that under your normal business practice you would have included income from the destroyed or damaged crops in gross income for a tax year following the year the crops were destroyed or damaged.
- The cause of the destruction or damage and the date or dates it occurred.
- The total payments you received from insurance carriers, itemized for each specific crop, and the date you received each payment.
- The name of each insurance carrier from whom you received payments.

One election covers all crops representing a single trade or business. If you have more than one farming business, make a separate election for each one. For example, if you operate two separate farms on which you grow different crops and you keep separate books for each farm, you should make two separate elections to postpone reporting insurance proceeds you receive for crops grown on each of your farms.

An election is binding for the year unless the IRS approves your request to change it. To request IRS approval to change your election, write to the IRS at the following address giving your name, address, identification number, the year you made the election, and your reasons for wanting to change it.

Ogden Submission Processing Center
P. O. Box 9941
Ogden, UT 84409

Feed Assistance and Payments

The Disaster Assistance Act of 1988 authorizes programs to provide feed assistance, reimbursement payments, and other benefits to qualifying livestock producers if the Secretary of Agriculture determines that, because of a natural disaster, a livestock emergency exists. These programs include partial reimbursement for the cost of purchased feed and for certain transportation expenses. They also include the donation or sale at a below-market price of feed owned by the Commodity Credit Corporation.

Include in income:

- The market value of donated feed.
- The difference between the market value and the price you paid for feed you buy at below market prices, and
- Any cost reimbursement you receive.

You must include these benefits in income in the year you receive them. You cannot postpone reporting them under the rules explained earlier for weather-related sales of livestock or crop insurance proceeds. Report the benefits on Schedule F, Part I, as agricultural program payments. You can usually take a current deduction for the same amount as a feed expense.

Cost-Sharing Exclusion (Improvements)

You can exclude from your income part or all of a payment you receive under certain federal or state cost-sharing conservation, reclamation, and restoration programs. A payment is any economic benefit you get as a result of an improvement. However, this exclusion applies only to that part of a payment that meets all three of the following tests.

1. It was for a capital expense. You cannot exclude any part of a payment for an expense you can deduct in the year you pay or incur it. You must include the payment for a deductible expense in income, and you can take any offsetting deduction. (See chapter 5 for information on deducting soil and water conservation expenses.)

2. It does not substantially increase your annual income from the property for which it is made. An increase in annual income is substantial if it is more than the greater of the following amounts.

a. 10% of the average annual income derived from the affected property before receiving the improvement.

b. $2.50 times the number of affected acres.

3. The Secretary of Agriculture certified that the payment was primarily made for conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife.

Qualifying programs. If the three tests listed above are met, you can exclude payments from the following programs.

- The rural clean water program authorized by the Federal Water Pollution Control Act.
- The rural abandoned mine program authorized by the Surface Mining Control and Reclamation Act of 1977.
- The water bank program authorized by the Water Bank Act.
- The emergency conservation measures program authorized by title IV of the Agricultural Credit Act of 1978.
The great plains conservation program authorized by the Soil Conservation and Domestic Allotment Act.

The Forest Land Enhancement Program subtract the excluded payments from your capital.


The Soil and Water Conservation Assistance Program authorized by the Agricultural Risk Protection Act of 2000.

The Agricultural Management Assistance Program authorized by the Agricultural Risk Protection Act of 2000.


The Forest Land Enhancement Program authorized under the Farm Security and Rural Investment Act of 2002.

The great plains conservation program authorized by the Soil Conservation and Domestic Allotment Act.

The resource conservation and development program authorized by the Bankhead-Jones Farm Tenant Act and by the Soil Conservation and Domestic Allotment Act.

Certain small watershed programs, listed later.

Any program of a state, possession of the United States, a political subdivision of any of these, or of the District of Columbia under which payments are made to individuals primarily for conserving soil, protecting or restoring the environment, improving forests, or providing a habitat for wildlife. Several state programs have been approved. For information about the status of those programs, contact the state offices of the Farm Service Agency (FSA) and the Natural Resources and Conservation Service (NRCS).

Small watershed programs. If the three tests listed earlier are met, you can exclude payments you receive under the following programs for improvements made in connection with a watershed.

The programs under the Watershed Protection and Flood Prevention Act.

The flood prevention projects under the Flood Control Act of 1944.


Certain programs under the Colorado River Basin Salinity Control Act.


The Environmental Quality Incentives Program (EQIP) authorized by the Federal Agriculture Improvement and Reform Act of 1996.

The Wildlife Habitat Incentives Program (WHIP) authorized by the Federal Agriculture Improvement and Reform Act of 1996.

The Soil and Water Conservation Assistance Program authorized by the Agricultural Risk Protection Act of 2000.

The Agricultural Management Assistance Program authorized by the Agricultural Risk Protection Act of 2000.

In addition, you cannot take depreciation, amortization, or depletion deductions for the part of the cost of the property for which you receive cost-sharing payments you exclude from income.

The value of the improvement. You determine the value of the improvement by multiplying its fair market value (defined in chapter 6) by a fraction. The numerator of the fraction is the total cost of the improvement (all amounts paid by you or by the government for the improvement) reduced by the sum of the following items:

- Any government payments under a program not listed earlier.
- Any part of a government payment under a program listed earlier that the Secretary of Agriculture has not certified as primarily for conservation.
- Any government payment to you for rent or for your services.

The denominator of the fraction is the total cost of the improvement.

Excludable portion. The excludable portion is the present fair market value of the right to receive annual income from the affected acreage of the greater of the following amounts:

1. 10% of the prior average annual income from the affected acreage. The prior average annual income is the average of the gross receipts from the affected acreage for the last 3 tax years before the tax year in which you started to install the improvement.

2. $2.50 times the number of affected acres.

The calculation of present fair market value of the right to receive annual income is too complex to discuss in this publication. You may need to consult your tax advisor for assistance.

Example. One hundred acres of your land was reclaimed under a federal abandoned mine program contract with the Natural Resources Conservation Service of the USDA. The total cost of the improvement was $500,000. The USDA paid $490,000. You paid $10,000. The value of the cost-sharing improvement is $15,000.

The present fair market value of the right to receive the annual income described in (1) above is $1,380, and the present fair market value of the right to receive the annual income described in (2) is $1,550. The excludable portion is the greater amount, $1,550.

You figure the amount to include in gross income as follows:

Value of cost-sharing improvement...$15,000

Minus: Your share...$10,000

Excludable portion$1,550

Amount included in income$3,450

Amount included in income $3,450

Effects of the exclusion. When you figure the basis of property you acquire or improve using cost-sharing payments excluded from income, subtract the excluded payments from your capital costs. Any payment excluded from income is not part of your basis.

In addition, you cannot take depreciation, amortization, or depletion deductions for the part of the cost of the property for which you receive cost-sharing payments you exclude from income.

How to report the exclusion. Attach a statement to your tax return (or amended return) for the tax year you receive the last government payment for the improvement. The statement must include the following information:

- The dollar amount of the cost funded by the government payment.
- The value of the improvement.
- The amount you are excluding.

Report the total cost-sharing payments you receive on Schedule F, line 6a, and the taxable amount on line 6b.

Recapture. If you dispose of the property within 20 years after you received the excluded payments, you must treat as ordinary income part or all of the cost-sharing payments you excluded. You must report the recapture on Form 4797. See Section 1255 property under Other Gains in chapter 9.

Election not to exclude payments. You can elect not to exclude all or part of any payments you receive under these programs. If you make this election for all of these payments, none of the above restrictions and rules apply. You must make this election by the due date, including extensions, for filing your return. If you timely filed your return for the year without making the election, you can still make the election by filing an amended return within 6 months of the due date of the return (excluding extensions). Write "Filed pursuant to section 301.9100-2" at the top of the amended return and file it at the same address you filed the original return.

Payments under the Farm Security and Rural Investment Act of 2002

The Farm Security and Rural Investment Act of 2002 created two new types of payments—direct and counter-cyclical payments. You must include these payments on Schedule F, lines 6a and 6b.

Peanut Quota Buyout Program Payments

The Farm Security and Rural Investment Act of 2002 repealed the marketing quota program for peanuts effective May 13, 2002. As a result, the USDA offered to enter into contracts with eligible peanut quota holders to provide compensation for the lost value of the quotas resulting from the repeal.

If you are an eligible peanut quota holder, your contract entitles you to receive one of the following payment options:

- Five equal annual payments of 11 cents per pound of peanut quota during the period 2002 through 2006.
- A single lump sum payment in any one of the five years.
**Tax treatment.** Your taxable gain or loss is the total amount received for your quota reduced by any amount treated as interest (discussed later), over your adjusted basis. The gain or loss is capital or ordinary depending on how you used the quota. See Capital or ordinary gain or loss, later.

Report the entire gain on your income tax return for the taxable year if you:

- Receive a lump sum payment or
- Elect not to use the installment method.

**Adjusted basis.** The adjusted basis of your quota is determined differently depending on how you obtained the quota.

- The basis of a quota derived from an original grant by the federal government of an acreage allotment is zero.
- The basis of a purchased quota is the purchase price.
- The basis of a quota derived from a purchased acreage allotment is the purchase price.
- The basis of an inherited quota is generally the fair market value of the quota at the time of the decedent’s death.

If not previously allocated, the total basis of a quota (or acreage allotment) and land obtained at the same time must be properly allocated between the two assets.

**Reduction of basis.** You are required to reduce the basis of your peanut quota by the following amounts.

- Deductions you took for amortization, depletion, or depreciation.
- Amounts you previously deducted as a loss because of a reduction in the number of pounds of peanuts allowable under the quota.
- The entire cost of a purchased quota or acreage allotment you deducted in an earlier year (which reduces your basis to zero).

**Amount treated as interest.** You must reduce your peanut quota buyout program payment by the amount treated as interest, which is reportable as ordinary income. If payments total $3,000 or less, your total quota buyout program payment does not include any amount treated as interest and you are not required to reduce the total payment you receive.

In all other cases, a portion of each payment may be treated as interest for federal tax purposes. You may be required to reduce your total quota buyout program payment before you calculate your gain or loss. For more information, see Notice 2002-67 on page 715 of Internal Revenue Bulletin 2002-42. This bulletin is available at www.irs.gov/pub/irs-irsb/irb02-42.pdf.

**Installment method.** You may use the installment method to report a gain if you receive at least one payment after the close of your taxable year. Under the installment method, a portion of the gain is taken into account in each year in which a payment is received. See chapter 10 for more information.

**Capital or ordinary gain or loss.** Whether your gain or loss is ordinary or capital depends on how you used the quota.

- Quota used in the trade or business of farming. If you used the quota in the trade or business of farming and you held it for more than one year, you report the transaction as a section 1231 transaction on Form 4797. See Section 1231 transactions under Ordinary or Capital Gain or Loss in chapter 8 for a definition of section 1231 transactions.
- See the instructions for Form 4797 for detailed information on reporting section 1231 transactions.

**Quota held for investment.** If you held the quota for investment purposes, any gain or loss is capital gain or loss. The same result also applies if you held the quota for the production of income, though not connected with a trade or business.

**Gain treated as ordinary income.** If you previously deducted any of the following items, some or all of the capital gain must be recharacterized and reported as ordinary income. Any resulting capital gain is taxed as ordinary income up to the amount previously deducted.

- The cost of acquiring a quota.
- Amounts for amortization, depletion, or depreciation.
- Amounts to reflect a reduction in the quota pounds.

You should include the ordinary income on your return for the taxable year even if you use the installment method to report the remainder of the gain.

**Self-employment income.** The peanut quota buyout payments are not self-employment income.

**Income averaging for farmers.** The gain or loss resulting from the quota payments does not qualify for income averaging. A peanut quota is considered an interest in land. Income averaging is not available for gain or loss arising from the sale or other disposition of land.

**Involuntary conversion.** The buyout of the peanut quota is not an involuntary conversion.

**Form 1099-S.** A peanut quota is considered an interest in land, so the USDA will generally report the total amount you receive under a contract on Form 1099-S if the amount is $600 or more. The USDA will generally report any portion of a payment treated as interest of $600 or more to you on Form 1099-INT for the year in which the payment is made.

**More information.** For more information on the taxation of peanut quota buyout program payments, see Notice 2002-67.

**Other Payments.** You must include most other government program payments in income.

**Fertilizer and Lime.** Include in income the value of fertilizer or lime you receive under a government program. How to claim the offsetting deduction is explained under Fertilizer and Lime in chapter 4.

**Improvements.** If government payments are based on improvements, such as a pollution control facility, you must include them in income. You must also capitalize the full cost of the improvement. Since you have included the payments in income, they do not reduce your basis. However, see Cost-Sharing Exclusion (Improvements), earlier, for additional information.

**National Tobacco Growers’ Settlement Trust Fund Payments.** If you are a producer, landowner, or tobacco quota owner who receives money from the National Tobacco Growers’ Settlement Trust Fund, you must report those payments as income. You should receive a Form 1099-MISC that shows the payment amount.

If you produce a tobacco crop, report the payments as income from farming on your Schedule F. If you are a landowner or tobacco quota owner who leases tobacco-related property but you do not produce the crop, report the payments as farm rental income on Form 4835.

**Tobacco Quota Buyout Program Payments.** The Fair and Equitable Tobacco Reform Act of 2004, Title VI of the American Jobs Creation Act of 2004, terminated the tobacco marketing quota program and the tobacco price support program. As a result, the USDA will offer to enter into contracts with eligible tobacco quota holders and growers to provide compensation for the lost value of the quotas and related price support. If you are an eligible tobacco quota holder, your contract entitles you to receive total payments of $7 per pound of quota in 10 equal annual payments in fiscal years 2005 through 2014. If you are an eligible tobacco grower, your contract entitles you to receive total payments of up to $3 per pound of quota in 10 equal annual payments in fiscal years 2005 through 2014.

**Tobacco Quota Holders.** Contract payments you receive are considered proceeds from a sale of your tobacco quota as of the date on which you and the USDA enter into the contract. Your taxable gain or loss is the total amount received for your quota reduced by any amount treated as interest (discussed later), over your adjusted basis. The gain or loss is capital or ordinary depending on how you used the quota. See Capital or ordinary gain or loss, later.

Report the entire gain on your income tax return for the tax year that includes the date you entered into the contract if you elect not to use the installment method.

**Adjusted basis.** The adjusted basis of your quota is determined differently depending on how you obtained the quota.
• The basis of a quota derived from an original grant by the federal government is zero.
• The basis of a purchased quota is the purchase price.
• The basis of a quota received as a gift is generally the same as the donor’s basis. However, under certain circumstances, the basis is increased by the amount of gift taxes paid. If the basis is greater than the fair market value of the quota at the time of the gift, the basis for determining loss is the fair market value.
• The basis of an inherited quota is generally the fair market value of the quota at the time of the decedent’s death.

Reduction of basis. You are required to reduce the basis of your tobacco quota by the following amounts:
• Deductions you took for amortization, depreciation, or precipitation.
• Amounts you previously deducted as a loss because of a reduction in the number of pounds of tobacco allowable under the quota.
• The entire cost of a purchased quota you deducted in an earlier year (which reduces your basis to zero).

Amount treated as interest. You must reduce your tobacco quota buyout program payment by the amount treated as interest. The interest is reportable as ordinary income. If payments total $5,000 or less, your total quota buyout program payment before you calculate your gain or loss. For more information, see Notice 2005-57 on page 267 of Internal Revenue Bulletin 2005-32. This bulletin is available at www.irs.gov/pub/irs-irbs/irb05-32.pdf.

Installment method. You may use the installment method to report a gain if you receive at least one payment after the close of your tax year. Under the installment method, a portion of the gain is taken into account in each year in which a payment is received. See Chapter 10 for more information.

Capital or ordinary gain or loss. Whether your gain or loss is ordinary or capital depends on how you used the quota.

Quota used in the trade or business of farming. If you used the quota in the trade or business of farming and you held it for one year, you report the transaction as a section 1231 transaction on Form 4797. See Section 1231 transactions under Ordinary or Capital Gain or Loss in chapter 8 for a definition of section 1231 transactions. See the Instructions for Form 4797 for detailed information on reporting section 1231 transactions.

Quota held for investment. If you held the quota for investment purposes, any gain or loss is capital gain or loss. The same result also applies if you held the quota for the production of income although not connected with a trade or business.

Gain treated as ordinary income. If you previously deducted any of the following items, some or all of the capital gain must be recharacterized and reported as ordinary income. Any resulting capital gain is taxed as ordinary income up to the amount previously deducted:
• The cost of acquiring a quota.
• Amounts for amortization, depletion, or depreciation.
• Amounts to reflect a reduction in the quota pounds.

You should include the ordinary income on your return for the tax year even if you use the installment method to report the remainder of the gain.

Self-employment income. The tobacco quota buyout payments are not self-employment income.

Income averaging for farmers. The gain or loss resulting from the quota payments does not qualify for income averaging. A tobacco quota is considered an interest in land. Income averaging is not available for gain or loss arising from the sale or other disposition of land.

Involuntary conversion. The buyout of the tobacco quota is not an involuntary conversion.

Form 1099-S. A tobacco quota is considered an interest in land, so the USDA will generally report the total amount you receive under a contract on Form 1099-S if the amount is $600 or more. The USDA will generally report any portion of a payment treated as interest of $600 or more to you on Form 1099-INT for the year in which the payment is made.

Like-kind exchange of quota. You may postpone reporting the gain or loss from tobacco quota buyout payments by entering into a like-kind exchange if you comply with the requirements of section 1031 and the regulations thereunder. See Notice 2005-57 for more information.

Transitional relief available for purposes of section 1031. Transitional relief is available if you applied by June 17, 2005, to enter into a contract with USDA. In determining whether you entered into a like-kind exchange pursuant to section 1031 and the regulations thereunder, the date on which you transfer a quota is deemed to be September 16, 2005. For more information, see Notice 2005-57.

More information. For more information on the taxation of payments to tobacco quota holders, see Notice 2005-57.

Tobacco Growers

Contract payments you receive are determined by reference to the amount of quota under which you produced (or planted) quota tobacco during the 2002, 2003, and 2004 tobacco marketing years and are prorated based on the number of years that you produced (or planted) quota tobacco during those years.

Taxation of payments to tobacco growers. At the time this publication was being prepared for print, the IRS had not issued guidance on the federal tax treatment of contract payments to tobacco growers. Additional guidance will be published in the Internal Revenue Bulletin after September of 2005. The Internal Revenue Bulletin is available at www.irs.gov/ib.

Payment to More Than One Person

The USDA reports program payments to the IRS. It reports a program payment intended for more than one person as having been paid to the person whose identification number is on record for that payment (payee of record). If you, as the payee of record, receive a program payment belonging to someone else, such as your landlord, the amount belonging to the other person is a nominee distribution. You should file Form 1099-G to report the identity of the actual recipient to the IRS. You should also give this information to the recipient. You can avoid the inconvenience of unnecessary inquiries about the identity of the recipient if you file this form.

Report the total amount reported to you as the payee of record on Schedule F, lines 6a or 6a. However, do not report as a taxable amount on line 6b or 6b any amount belonging to someone else.

See chapter 17 for information about ordering Form 1099-G.

Income From Cooperatives

If you buy farm supplies through a cooperative, you may receive income from the cooperative in the form of patronage dividends (refunds). If you sell your farm products through a cooperative, you may receive either patronage dividends or a per-unit retain certificate, explained later, from the cooperative.

Form 1099-PATR. The cooperative will report the income to you on Form 1099-PATR or a similar form and send a copy to the IRS. Form 1099-PATR may also show an alternative minimum tax adjustment that you must include on Form 6251, Alternative Minimum Tax—Individuals, if you are required to file the form. For more information on the alternative minimum tax, see the instructions for Form 6251.

Patronage Dividends

You generally report patronage dividends as income on Schedule F, lines 5a and 5b, for the tax year you receive them. They include the following items:
• Money paid as a patronage dividend.
• The stated dollar value of qualified written notices of allocation.
• The fair market value of other property.

Do not report as income on line 5b any patronage dividends or similar payments. You may report items, capital assets, or depreciable property. Personal items include fuel purchased for person...
Depreciation deduction for 2005: $2,289

Cos of machine on July 1, 2004 ..... $2,900

× 23.07% ..........

÷ 6 1/2 (remaining recovery period as of 1/1/05) = 15.38%

Depreciation rate: 1 = 6 1/2 (remaining recovery period as of 1/1/05) = 15.38% × 1.5 = 23.07%

Depreciation deduction for 2005: $2,289

(2,289 + 23.07% )

Exceptions. If the dividends are for buying or selling capital assets or depreciable property you did not own at any time during the year you received the dividends, you must include them on Schedule F, lines 5a and 5b, unless one of the following rules applies.

If the dividends are for selling capital assets or depreciable property during the year you received the dividends, treat them as an additional amount received on the sale.

Personal purchases. Omit from the taxable amount of patronage dividends on Schedule F, line 5b, any dividends from buying personal, living, or family items, such as supplies, equipment, or services not related to the production of farm income. This rule also applies to amounts you receive from the sale, redemption, or other disposition of a nonqualified written notice of allocation resulting from these purchases.

Per-Unit Retain Certificates

A per-unit retain certificate is any written notice that shows the stated dollar amount of a per-unit retain allocation made to you by the cooperative.

A per-unit retain allocation is an amount paid to patrons for products sold for them that is fixed without regard to the net earnings of the cooperative. These allocations can be paid in money, other property, or qualified certificates.

Per-unit retain certificates issued by a cooperative generally receive the same tax treatment as patronage dividends, discussed earlier.

Qualified certificates. Qualified per-unit retain certificates are those issued to patrons who have agreed to include the stated dollar amount of these certificates in income in the year of receipt. The agreement may be made in writing or by getting or keeping membership in a cooperative whose bylaws or charter states that membership constitutes agreement. If you receive qualified per-unit retain certificates, include the stated dollar amount of the certificates in income on Schedule F, Part I, for the tax year you receive them.

Nonqualified certificates. Do not include the stated dollar value of a nonqualified per-unit retain certificate in income when you receive it. Your basis in the certificate is zero. You must include in income any amount you receive from its sale, redemption, or other disposition. Report the amount you receive from the disposition as ordinary income on Schedule F, Part I, for the tax year of disposition.

Cancellation of Debt

This section explains the general rule for including canceled debt in income and the exceptions to the general rule.

General Rule

Generally, if your debt is canceled or forgiven, other than as a gift or bequest to you, you must include the canceled amount in gross income for tax purposes. Report the canceled amount on Schedule F, line 10, if you incurred the debt in your farming business. If the debt is a nonbusiness debt, report the canceled amount on Form 1040, line 27.

Form 1099-C. If a federal agency, financial institution, credit union, finance company, or credit card company cancels or forgives your debt of $600 or more, you will receive a Form
Bankruptcy and Insolvency

You can exclude a canceled debt from income if you are bankrupt or to the extent you are insolvent.

Bankruptcy. A bankruptcy case is a case under title 11 of the U.S. Code if you are under the jurisdiction of the court and the cancellation of the debt is granted by the court or is the result of a plan approved by the court.

You do not include debt canceled in a bankruptcy case in income in the year it is canceled. Instead, you must use the amount canceled to reduce your tax benefits, explained later under Reduction of tax benefits.

Insolvency. You are insolvent to the extent your liabilities are more than the fair market value of your assets immediately before the cancellation of debt.

You can exclude canceled debt from gross income up to the amount by which you are insolvent. If the canceled debt is more than this amount and the debt qualifies, you can apply the rules for qualified farm debt or qualified real property business debt to the difference. Otherwise, you include the difference in gross income.

Use the amount excluded because of insolvency to reduce any tax benefits, as explained later under Reduction of tax benefits. You must reduce the tax benefits under the insolvency rules before applying the rules for qualified farm debt or for qualified real property business debt.

Example. You had a $15,000 debt canceled outside of bankruptcy. Immediately before the cancellation, your liabilities totaled $80,000 and your assets totaled $75,000. Since your liabilities were more than your assets, you were insolvent to the extent of $5,000 ($80,000 − $75,000). You can exclude this amount from income. The remaining canceled debt ($10,000) may be subject to the qualified farm debt or qualified real property business debt rules. If not, you must include it in income.

Reduction of tax benefits. If you exclude canceled debt from income in a bankruptcy case or during insolvency, you must use the excluded debt to reduce certain tax benefits.

Order of reduction. You must use the excluded canceled debt to reduce the following tax benefits in the order listed unless you elect to reduce the basis of depreciable property first, as explained later.

1. Net operating loss (NOL). Reduce any NOL for the tax year of the debt cancellation, and then any NOL carryover to that year. Reduce the NOL or NOL carryover one dollar for each dollar of excluded canceled debt.

2. General business credit carryover. Reduce the credit carryover to or from the tax year of the debt cancellation. Reduce the carryover 33⅓ cents for each dollar of excluded canceled debt.

3. Minimum tax credit. Reduce the minimum tax credit available at the beginning of the tax year following the tax year of the debt cancellation. Reduce the credit 33⅓ cents for each dollar of excluded canceled debt.

4. Capital loss. Reduce any net capital loss for the tax year of the debt cancellation, and then any capital loss carryover to that year. Reduce the capital loss or loss carryover one dollar for each dollar of excluded canceled debt.

5. Basis. Reduce the basis of the property you hold at the beginning of the tax year following the tax year of the debt cancellation in the order of the tax years from which the carryovers arose, starting with the earliest year.

6. Passive activity loss and credit carryovers. Reduce the passive activity loss and credit carryovers from the tax year of the debt cancellation. Reduce the loss carryover one dollar for each dollar of excluded canceled debt. Reduce the credit carryover 33⅓ cents for each dollar of excluded canceled debt.

7. Foreign and possession tax credits. Reduce the credit carryover to or from the tax year of the debt cancellation. Reduce the carryover 33⅓ cents for each dollar of excluded canceled debt.

How to make tax benefit reductions. Always make the required reductions in tax benefits after figuring your tax for the year of the debt cancellation. In making the reductions in (1) and (4) above, first reduce the loss for the tax year of the debt cancellation. Then reduce any loss carryovers to that year in the order of the tax years from which the carryovers arose, starting with the earliest year.

Eating to reduce the basis of depreciable property first. You can elect to apply any portion of the excluded canceled debt first to reduce the basis of depreciable property you hold at the
beginning of the tax year following the tax year of the debt cancellation, in the following order.

1. Depreciable real property used in your trade or business or held for investment purposes by qualified farm debt.
2. Depreciable personal property used in your trade or business or held for investment by qualified farm debt.
3. Other depreciable property used in your trade or business or held for investment.
4. Real property held as inventory if you elect to treat it as depreciable property on Form 982.

The amount you apply cannot be more than the total adjusted bases of all the depreciable properties. Depreciable property for this purpose means any property subject to depreciation, but only if a reduction of basis will reduce the depreciation or amortization otherwise allowable for the period immediately following the basis reduction.

You make this reduction before reducing the other tax benefits listed earlier. If the excluded canceled debt is more than the depreciable basis you elect to reduce first, use the difference to reduce the other tax benefits. In figuring the limit on the basis reduction in (5), basis, use the remaining adjusted bases of your properties after making this election.

For the definition of a related person, see Related persons under At-Risk Amounts in Publication 925.

Adjusted tax benefits. Adjusted tax benefits means the sum of the following items:

1. Any net operating loss (NOL) for the tax year of the debt cancellation and any NOL carryover to that year.
2. Any general business credit carryover to or from the year of the debt cancellation, multiplied by 3.
3. Any minimum tax credit available at the beginning of the tax year following the tax year of the debt cancellation, multiplied by 3.
4. Any net capital loss for the tax year of the debt cancellation and any capital loss carryover to that year.
5. Any passive activity loss and credit carryovers from the tax year of the debt cancellation.
6. Any activity loss and credit carryovers from the tax year of the debt cancellation.

Qualified property. This is any property used or held for use in your trade or business or for the production of income.

Reduction of tax benefits. If you exclude canceled debt from income under the qualified farm debt rules, you must use the excluded debt to reduce tax benefits. If you also excluded canceled debt under the insolvency rules, you reduce the amount of the tax benefits remaining after reduction for the exclusion allowed under the insolvency rules. You generally must follow the reduction rules previously explained under Bankruptcy and Insolvency. However, do not follow the rules in item (5), Basis. Instead, follow the special rules explained next.

Special rules for reducing the basis of property. You must use special rules to reduce the basis of property for excluded canceled qualified farm debt. Under these special rules, you only reduce the basis of qualified property (defined earlier). Reduce it in the following order.

1. Depreciable qualified property. You may elect on Form 982 to treat real property as depreciable property.
2. Land that is qualified property and is used for or held for use in your farming business.
3. Other qualified property.

Form 982
Use Form 982 to show the amounts of canceled debt excluded from income and the reduction of tax benefits in the calculations. Also use it if you are electing to apply the excluded canceled debt to reduce the basis of depreciable property before reducing tax benefits. You make this election by showing the amount you elect to apply on line 5 of the form.

When to file. You must file Form 982 with your timely filed income tax return (including extensions) for the tax year in which the cancellation of debt occurred. If you timely filed your return for the year without electing to apply the excluded canceled debt to reduce the basis of depreciable property first, you can still make the election by filing an amended return within 6 months of the due date of the return (excluding extensions). For more information, see When to file in the Form 982 instructions.

Income From Other Sources

This section discusses other types of income you may receive.

Barter income. If you are paid for your work in farm products, other property, or services, you must report as income the fair market value of what you receive. The same rule applies if you trade farm products for other farm products, property, or someone else's labor. This is called barter income. For example, if you help a neighbor build a barn and receive a cow for your work, you must report the fair market value of the cow as ordinary income. Your basis for property you receive in a barter transaction is usually the fair market value that you include in income. If you pay someone with property, see Property for services under Labor Hired in chapter 4.

Below-market loans. A below-market loan is a loan on which either no interest is charged or interest is charged at a rate below the applicable federal rate. If you make a below-market loan, you may have to report income from the loan in addition to any stated interest you receive from the borrower. See chapter 1 of Publication 550 for more information on below-market loans.
Commodity futures and options. See Hedging (Commodity Futures) in chapter 8 for information on gains and losses from commodity futures and options transactions.

Custom hire (machine work). Pay you receive for contract work or custom work that you or your hired help perform off your farm for others, or for the use of your property or machinery, is income to you whether or not income tax was withheld. This rule applies whether you receive the pay in cash, services, or merchandise. See chapter 7 for information on Schedule F, Part I, line 9.

Easements and rights-of-way. Income you receive for granting easements or rights-of-way on your farm or ranch for flooding land, laying pipelines, constructing electric or telephone lines, etc., may result in income, a reduction in the basis of all or part of your farmland, or both.

Example. You granted a right-of-way for a gas pipeline through your property for $10,000. Only a specific part of your farmland was affected. You reserved the right to continue farming the surface land after the pipe was laid. Treat the payment for the right-of-way in one of the following ways.

1. If the payment is less than the basis properly allocated to the part of your land affected by the right-of-way, reduce the basis by $10,000.
2. If the payment is equal to or more than the basis of the affected part of your land, reduce the basis to zero and the rest, if any, is gain from a sale. The gain is reported on Form 4797 and is treated as section 1231 gain if you held the land for more than 1 year. See chapter 9.

Easement contracts usually describe the affected land using square feet. Your basis may be figured per acre. One acre equals 43,560 square feet.

If construction of the line damaged growing crops and you later receive a settlement of $250 for this damage, the $250 is income and is included on Schedule F, line 10. It does not affect the basis of your land.

Fuel tax credit and refund. Include any credit or refund of federal excise taxes on fuels in your gross income if you deducted the cost of the fuel as an expense that reduced your income tax. See chapter 14 for more information about fuel tax credits and refunds.

Illegal federal irrigation subsidy. The federal government, operating through the Bureau of Reclamation, has made irrigation water from certain reclamation and irrigation projects available for agricultural purposes. The excess of the amount required to be paid for water from these projects over the amount you actually paid is an illegal subsidy.

For example, if the amount required to be paid is full cost and you paid less than full cost, the difference is an illegal subsidy and you must include it in income. Report this on Schedule F, line 10. You cannot take a deduction for the amount you must include in income.

For more information on reclamation and irrigation projects, contact your local Bureau of Reclamation.

Prizes. Report prizes you win on farm live-stock or products at contests, exhibitions, fairs, etc., on Schedule F as Other income. If you receive a prize in cash, include the full amount in income. If you receive a prize in produce or other property, include the fair market value of the property. For prizes of $600 or more, you should receive a Form 1099-MISC, Miscellaneous Income.

See chapter 12 for information about prizes related to H-Club or FFA projects. See Publication 525 for information about other prizes.

Property sold, destroyed, stolen, or condemned. You may have an ordinary or capital gain if property you own is sold or destroyed, stolen, destroyed by fire, flood, or other casualty, or condemned by a public authority. In these situations, you can postpone the tax on the gain to a later year. See chapters 8 through 11.

Recapture of certain depreciation. If you took a section 179 deduction for property used in your farming business and at any time during the property’s recovery period you do not use it more than 50% in your business, you must include part of the deduction in income. See chapter 7 for information on the section 179 deduction and when to recapture that deduction.

In addition, if the percentage of business use of listed property (see chapter 7) falls to 50% or less in any tax year during the recovery period, you must include in income any excess depreciation you took on the property.

Both of these amounts are farm income. Use Form 4797, Part IV, to figure how much to include in income.

Refund or reimbursement. You generally must include in income a reimbursement, refund, or recovery of an item for which you took a deduction in an earlier year. Include it for the tax year you receive it. However, if any part of the earlier deduction did not decrease your income tax, you do not have to include that part of the reimbursement, refund, or recovery.

Example. A tenant farmer purchased fertilizer for $1,000 in April 2004. He deducted $1,000 on his 2004 Schedule F and the entire deduction reduced his tax. The landowner reimbursed him $500 of the cost of the fertilizer in February 2005. The tenant farmer must include $500 in income on his 2005 tax return because the entire deduction decreased his 2004 tax.

Sale of soil and other natural deposits. If you remove and sell topsoil, loam, fill dirt, sand, gravel, or other natural deposits from your property, the proceeds are ordinary income. A reasonable allowance for depletion of the natural deposit sold may be claimed as a deduction. See Depletion in chapter 7.

Sod. Report proceeds from the sale of sod on Schedule F. A deduction for cost depletion is allowed, but only for the topsoil removed with the sod.

Granting the right to remove deposits. If you enter into a legal relationship granting someone else the right to excavate and remove natural deposits from your property, you must determine whether the transaction is a sale or another type of transaction (for example, a lease).

If you receive a specified sum or an amount fixed without regard to the quantity produced and sold from the deposit and you retain no economic interest in the deposit, your transaction is a sale. You are considered to retain an economic interest if, under the terms of the legal relationship, you depend on the income derived from extraction of the deposit for a return of your capital investment in the deposit.

Your income from the deposit is capital gain if the transaction is a sale. Otherwise, it is ordinary income subject to an allowance for depletion and capital gain treatment. See chapter 7 for information on depletion and chapter 8 for the tax treatment of capital gains.

Timber sales. Timber sales, including sales of logs, firewood, and pulpwood, are discussed in chapter 8.

Income Averaging for Farmers

If you are engaged in a farming business, you may be able to average all or some of your farm income by allocating it to the 3 prior years (base years). This may give you a lower tax if your income from farming is high and your taxable income from one or more of the 3 prior years was low. The term “farming business” is defined in the instructions for Schedule J (Form 1040).

Who can use income averaging? You can use income averaging to figure your tax for any year in which you were engaged in a farming business as an individual, a partner in a partnership, or a shareholder in an S corporation. Servicemen performed as an employee are disregarded in determining whether an individual is engaged in a farming business. However, a shareholder of an S corporation engaged in a farming business may treat compensation received from the corporation that is attributable to the farming business as farm income. You do not need to have been engaged in a farming business in any base year.

Corporations, partnerships, S corporations, estates, and trusts cannot use income averaging.

Elected Farm Income (EFI)

EFI is the amount of income from your farming business that you elect to have taxed at base year rates. You can designate as EFI any type of income attributable to your farming business. However, your EFI cannot be more than your taxable income, and any EFI from a net capital gain attributable to your farming business cannot be more than your total net capital gain. Income from your farming business is the sum of any farm income or gain minus any farm expenses or losses allowed as deductions in figuring your taxable income. However, it does not include gain from the sale or other disposition of land.

Gains from the sale or other disposition of farm property. Gains from the sale or other disposition of farm property other than land can be designated as EFI if you (or your partnership or S corporation) used the property regularly for a substantial period in a farming business.
Whether the property has been regularly used for a substantial period depends on all the facts and circumstances.

**Liquidation of a farming business.** If you (or your partnership or S corporation) liquidate your farming business, gains on property sold within a reasonable time after operations stop can be designated as EFI. A period of 1 year after stopping operations is a reasonable time. After that, what is a reasonable time depends on the facts and circumstances.

**EFI and base year rates.** If your EFI includes both ordinary income and capital gains, you must allocate an equal portion of each type of income to each base year to figure the tax on EFI. For example, you cannot allocate all of the capital gains to a single base year.

**How To Figure the Tax**

If you average your farm income, you will figure your tax on Schedule J (Form 1040).

**Negative taxable income for base year.** If your taxable income for any base year was zero because your deductions were more than your income, you may have negative taxable income for that year to combine with your EFI on Schedule J.

**Filing status.** You are not prohibited from using income averaging solely because your filing status is not the same as your filing status on Schedule J.

**Effect on Other Tax Determinations**

You subtract your EFI from your taxable income and add one-third of it to the taxable income of each of the base years to determine the tax rate to use for income averaging. The allocation of your EFI to the base years does not affect other tax determinations. For example, you make the following determinations before subtracting your EFI (or adding it to income in the base years).

- The amount of your self-employment tax.
- Whether, in the aggregate, sales and other dispositions of business property (section 1231 transactions) produce long-term capital gain or ordinary loss.
- The amount of any net operating loss carryover or net capital loss carryforward and the amount of any carryover to another year.
- The limit on itemized deductions based on your adjusted gross income.
- The amount of any net capital loss or net operating loss in a base year.

**Tax on Investment Income of Child Under 14**

If your child’s investment income is more than $1,600, part of that income may be taxed at your tax rate instead of your child’s tax rate. If you use income averaging, figure your child’s tax on investment income using your rate after allocating EFI. You cannot use any of your child’s investment income as your EFI, even if it is attributable to a farming business. For information on figuring the tax on your child’s investment income, see Publication 929, Tax Rules for Children and Dependents.

**Alternative Minimum Tax (AMT)**

You can elect to use income averaging to compute your regular tax liability. However, income averaging is not used to determine your regular tax or tentative minimum tax when figuring your AMT. Using income averaging may reduce your total tax even if you owe AMT.

**Credit for prior year minimum tax.** You may be able to claim a tax credit if you owed AMT in a prior year. See the instructions for Form 8801.

**Schedule J**

You can use income averaging by filing Schedule J (Form 1040) with your timely filed (including extensions) return for the year. You can also use income averaging on a later return, or use, change, or cancel it on an amended return, if the time for filing a claim for refund has not expired for that election year. You generally must file the claim for refund within 3 years from the date you filed your original return or 2 years from the date you paid the tax, whichever is later.

**4. Farm Business Expenses**

**What’s New**

**Standard mileage rate.** The standard mileage rate for the cost of operating your car, van, pickup, or panel truck in 2005 is 40.5 cents a mile for all business miles driven before September 1, 2005. The rate is 48.5 cents a mile for business miles driven after August 31, 2005. See Truck and Car Expenses, later.

**Domestic production activities deduction.** You may be able to take the domestic production activities deduction when figuring your adjusted gross income on Form 1040 or figuring taxable income on a business income tax return. See Domestic Production Activities Deduction, later.

**Introduction**

You can generally deduct the current costs of operating your farm. Current costs are expenses you do not have to capitalize or include in inventory costs. However, your deduction for the cost of livestock feed and certain other supplies may be limited. If you have an operating loss, you may not be able to deduct all of it.

**Topics**

This chapter discusses:

- Deductible expenses
- Domestic production activities deduction
- Capital expenses
- Non-deductible expenses
- Losses from operating a farm
- Non-profit farming

**Useful Items**

You may want to see:

- Publication
  - 463 Travel, Entertainment, Gift, and Car Expenses
  - 535 Business Expenses
  - 567 Business Use of Your Home
  - 925 Passive Activity and At-Risk Rules
  - 936 Home Mortgage Interest Deduction
- Form (and Instructions)
  - Sch A (Form 1040) Itemized Deductions
  - Sch F (Form 1040) Profit or Loss From Farming
  - 1045 Application for Tentative Refund
  - 5213 Election To Postpone Determination as To Whether the Presumption Applies That an Activity Is Engaged in for Profit
  - 8903 Domestic Production Activities Deduction

See chapter 17 for information about getting publications and forms.

**Deductible Expenses**

The ordinary and necessary costs of operating a farm for profit are deductible business expenses. Part II of Schedule F lists expenses common to farming operations. This chapter discusses many of these expenses, as well as others not listed on Schedule F.

**Reimbursed expenses.** If an expense is reimbursed, either reduce the expense or report the reimbursement as income when received. See Refund or reimbursement under Income From Other Sources in chapter 3.

**Personal and business expenses.** Some expenses you pay during the tax year may be partly personal and partly business. These may include expenses for gasoline, oil, fuel, water, rent, electricity, telephone, automobile upkeep, repairs, insurance, interest, and taxes.

You must allocate these mixed expenses between their business and personal parts. Generally, the personal part of these expenses is not deductible.
Example. You paid $1,500 for electricity during the tax year. You used one-third of the electricity for personal purposes and two-thirds for farming. Under these circumstances, you can deduct two-thirds of your electricity expense ($1,000) as a farm business expense.

Reasonable allocation. It is not always easy to determine the business and nonbusiness parts of an expense. There is no method of allocation that applies to all mixed expenses. Any reasonable allocation is acceptable. What is reasonable depends on the circumstances in each case.

Prepaid Farm Supplies

Prepaid farm supplies are amounts paid during the tax year for the following items.

- Feed, seed, fertilizer, and similar farm supplies not used or consumed during the year. However, do not include amounts paid for farm supplies that you would have consumed if not for a fire, storm, flood, other casualty, disease, or drought.
- Poultry (including egg-laying hens and baby chicks) bought for use (or for both use and resale) in your farm business. However, include only the amount that would be deductible in the following year if you had capitalized the cost and deducted it ratably over the lesser of 12 months or the useful life of the poultry.
- Poultry bought for resale and not resold during the year.

Deduction limit. If you use the cash method of accounting to report your income and expenses, your deduction for prepaid farm supplies in the year you pay for them may be limited to 50% of your other deductible farm expenses for the year (all Schedule F deductions except prepaid farm supplies). This limit does not apply if you meet one of the exceptions described later.

If the limit applies, you can deduct the excess cost of farm supplies other than poultry in the year you use or consume the supplies. The excess cost of poultry bought for use (or for both use and resale) in your farm business is deductible in the year following the year you pay for it. The excess cost of poultry bought for resale is deductible in the year you sell or otherwise dispose of the poultry.

Example. During 2005, you bought fertilizer ($4,000), feed ($1,000), and seed ($500) for use on your farm in the following year. Your total prepaid farm supplies expense for 2005 is $5,500. Your other deductible farm expenses totaled $10,000 for 2005. Therefore, your deduction for prepaid farm supplies cannot be more than $5,000 (50% of $10,000) for 2005. The excess prepaid farm supplies expense of $500 ($5,500 – $5,000) is deductible in the later tax year you use or consume the supplies.

Exceptions. This limit on the deduction for prepaid farm supplies expense does not apply if you are a farm-related taxpayer and either of the following apply.

1. Your prepaid farm supplies expense is more than 50% of your other deductible farm expenses because of a change in business operations caused by unusual circumstances.
2. Your total prepaid farm supplies expense for the preceding 3 tax years is less than 50% of your total other deductible farm expenses for those 3 tax years.
3. You are a farm-related taxpayer if any of the following tests apply.
   1. Your main home is on a farm.
   2. Your principal business is farming.
   3. A member of your family meets (1) or (2).
   4. For this purpose, your family includes your brothers and sisters, half-brothers and half-sisters, spouse, parents, grandparents, children, grandchildren, and aunts and uncles and their children.

Whether or not the deduction limit for prepaid farm supplies applies, your expenses for prepaid livestock feed may be subject to the rules for advance payment of livestock feed, discussed next.

Prepaid Livestock Feed

If you report your income and expenses under the cash method of accounting, you cannot deduct in the year paid the cost of feed your livestock will consume in a later year unless you meet all the following tests.

1. The payment is for the purchase of feed rather than a deposit.
2. The prepayment has a business purpose and is not merely for tax avoidance.
3. The deducting the prepayment does not result in a material distortion of your income.

If you meet all three tests, you can deduct the prepaid feed, subject to the limit on prepaid farm supplies discussed earlier. If you fail any of these tests, you can deduct the prepaid feed only in the year it is consumed.

This rule does not apply to the purchase of commodity futures contracts.

Payment for the purchase of feed. Whether a payment is for the purchase of feed or a deposit depends on the facts and circumstances in each case. It is for the purchase of feed if you can show you made it under a binding commitment to accept delivery of a specific quantity of feed at a fixed price and you are not entitled, by contract or business custom, to a refund or re-purchase.

The following are some factors that show a payment is a deposit rather than for the purchase of feed.

- The absence of specific quantity terms.
- The right to a refund of any unapplied pay- ment credit at the end of the contract.
- The seller’s treatment of the payment as a deposit.
- The right to substitute other goods or products for those specified in the contract.

A provision permitting substitution of ingredi- ents to vary the particular feed mix to meet your livestock’s nutrient requirements will not suggest a deposit. Further, a price adjustment to reflect market value at the date of delivery is not, by itself, proof of a deposit.

Business purpose. The prepayment has a business purpose only if you have a reasonable expectation of receiving some business benefit from prepaying the cost of livestock feed. The following are some examples of business bene- fits.

- Fixing maximum prices and securing an assured feed supply.
- Securing preferential treatment in anticipa- tion of a feed shortage.

Other factors considered in determining the existence of a business purpose are whether the prepayment was a condition imposed by the seller and whether that condition was meaningful.

No material distortion of income. The fol- lowing are some factors considered in determin- ing whether deducting prepaid livestock feed materially distorts income.

- Your customary business practice in con- ducting your livestock operations.
- The expense in relation to past purchases.
- The time of year you made the purchase.
- The expense in relation to your income for the year.

Labor Hired

You can deduct reasonable wages paid for reg- ular farm labor, piecework, contract labor, and other forms of labor hired to perform your farm- ing operations. You can pay wages in cash or in noncash items such as inventory, capital assets, or assets used in your business. The cost of boarding farm labor is a deductible labor cost. Other deductible costs you incur for farm labor include health insurance, workers’ compensa- tion insurance, and other benefits.

If you must withhold social security, Medi- care, and income taxes from your employees’ cash wages, you can still deduct the full amount of wages before withholding. See chapter 13 for more information on employment taxes. Also, deduct the employer’s share of the social secur- ity and Medicare taxes you must pay on your employees’ wages as a farm business expense on the Taxes line of Schedule F (line 31). See Taxes, later.

Property for services. If you transfer property to an employee in payment for services, you can deduct as wages paid the fair market value of the property on the date of transfer. If the em- ployee pays you anything for the property, de- duct as wages the fair market value of the property minus the payment by the employee for the property. Treat the wages deducted as an amount received for the property. You may have a gain or loss to report if the property’s adjusted basis on the date of transfer is different from its fair market value. Any gain or loss has the same character the exchanged property had in your hands. For more information, see chapter 8.
Child as an employee. You can deduct rea-
sonable wages or other compensation you pay
to your child for doing farmwork if a true
employer-employee relationship exists between
you and your child. Include these wages in the
child’s income. The child may have to file an
income tax return. These wages may also be
subject to social security and Medicare taxes if
your child is age 16 or older. For more informa-
tion, see Family Employees in chapter 13.

A Form W-2 should be issued to the
child employee.

The amount of wages paid to the child
could cause a loss of the dependency
exemption depending on how the
child uses the money.

Spouse as an employee. You can deduct
reasonable wages or other compensation you
pay to your spouse if a true employer-employee
relationship exists between you and your
spouse. Wages you pay to your spouse are
subject to social security and Medicare taxes.
For more information, see Family Employees
in chapter 13.

Nondeductible Pay
You cannot deduct wages paid for certain
household work, construction work, and mainte-
nance of your home. However, those wages
may be subject to the employment taxes dis-
cussed in chapter 13.

Household workers. Do not deduct amounts
paid to persons engaged in household work,
except to the extent their services are used in
boarding or otherwise caring for farm laborers.

Construction labor. Do not deduct wages paid
to hired help for the construction of new
buildings or other improvements. These wages
are part of the cost of the building or other
improvement. You must capitalize them.

Maintaining your home. If your farm em-
ployee spends time maintaining or repairing
your home, the wages and employment taxes
you pay for that work are nondeductible per-
sonal expenses. For example, assume you have
a farm employee for the entire tax year and the
employee spends 5% of the time maintaining
your home. The employee devotes the remain-
ing time to work on your farm. You cannot de-
duct 5% of the wages and employment taxes
you pay for that employee.

Employment Credits
Reduce your deduction for wages by the amount
of any employment credits you claim. The fol-
lowing are employment credits and their related
forms.

• Work opportunity credit (Form 5884).
  For more information, see the forms and their
  instructions.

Repairs and Maintenance
You can deduct most expenses for the repair
and maintenance of your farm property. Com-
mon items of repair and maintenance are re-
painting, replacing shingles and supports on
farm buildings, and minor overhauls of trucks,
tractors, and other farm machinery. However,
repairs to, or overhauls of, depreciable property
that substantially prolong the life of the property,
increase its value, or adapt it to a different use
are capital expenses. For example, if you repair
the barn roof, the cost is deductible. But if you
replace the roof, it is a capital expense. For more
information, see Capital Expenses, later.

Interest
You can deduct as a farm business expense
interest paid on farm mortgages and other obli-
gations you incur in your farm business.

Cash method. If you use the cash method of
accounting, you can generally deduct interest
paid during the tax year. You cannot deduct
interest paid with funds received from the origi-
nal lender through another loan, advance, or
other arrangement similar to a loan. You can,
however, deduct the interest when you start
making payments on the new loan.

Prepaid interest. Under the cash method,
you generally cannot deduct any interest paid
before the year it is due. Interest paid in advance
may be deducted only in the tax year in which it
is due.

Accrual method. If you use an accrual
method of accounting, you can deduct only in-
terest that has accrued during the tax year. How-
ever, you cannot deduct interest owed to a
related person who uses the cash method until
the cash method is abandoned and the interest is
incurred in the gross income of that person. For more infor-
mation, see Accrual Method in chapter 2.

Allocation of interest. If you use the pro-
ceed of a loan for more than one purpose,
you must allocate the interest on that loan to each
use. Allocate the interest to the following catego-
ries.

• Trade or business interest.
• Passive activity interest.
• Investment interest.
• Portfolio interest.
• Personal interest.

You generally allocate interest on a loan in the
same way you allocate the loan proceeds. You
allocate loan proceeds by tracing disburse-
ments to specific uses.

The easiest way to trace disburse-
ments to specific uses is to keep the
proceeds of a particular loan separate
from any other funds.

Secured loan. The allocation of loan pro-
ceed and the related interest is generally not
affected by the use of property that secures the
loan.

Example. You secure a loan with property
used in your farming business. You use the loan
proceeds to buy a car for personal use. You
must allocate interest expense on the loan to
personal use (purchase of the car) even though
the loan is secured by farm business property.

If the property that secures the loan is
your home, you generally do not allo-
cate the loan proceeds or the related
interest. The interest is usually deductible as
qualified home mortgage interest, regardless of
how the loan proceeds are used. However, you
can choose to treat the loan as not secured by
your home. For more information, see Publica-
tion 936.

Allocation period. The period for which a
loan is allocated to a particular use begins on the
date the proceeds are used and ends on the
earlier of the following dates:

• The date the loan is repaid.
• The date the loan is reallocated to another
  use.

More information. For more information on
interest, see chapter 5 in Publication 535.

Breed fed Fees
You can deduct breeding fees as a farm busi-
ness expense. However, if you use an accrual
method of accounting, you must capitalize
breeding fees and allocate them to the cost
basis of the calf, foal, etc. For more informa-
tion on who must use an accrual method of account-
ing, see Accrual method required under Ac-
counting Methods in chapter 2.

Fertilizer and Lime
You can deduct in the year paid or incurred the
cost of fertilizer, lime, and other materials ap-
plied to farmland to enrich, neutralize, or condi-
tion if the benefits last a year or less. You can
also deduct the cost of applying these materials
in the year you pay or incur it. However, see
Prepaid Farm Supplies, earlier, for a rule that
may limit your deduction for these materials.
If the benefits of the fertilizer, lime, or other
materials last substantially more than one year,
you generally must capitalize their cost and de-
duct a part each year the benefits last. However,
you can choose to deduct these expenses in the
year paid or incurred. If you make this choice,
you will need IRS approval if you later decide to
capitalize the cost of previously deducted items.

Farmland, for these purposes, is land used
for producing crops, fruits, or other agricultural
products or for sustaining livestock. It does not
include land you have never used previously for
producing crops or sustaining livestock. You
cannot deduct initial land preparation costs.
(See Capital Expenses, later.)

Include government payments you receive
for lime or fertilizer in income. See Fertilizer and
Lime under Agricultural Program Payments in
chapter 3.

Taxes
You can deduct as a farm business expense
the real estate and personal property taxes on
farm business assets, such as farm equipment, ani-
mals, farmland, and farm buildings. You also can deduct the social security and Medicare taxes you pay to match the amount withheld from the wages of farm employees and any federal unemployment tax you pay. For information on employment taxes, see chapter 13.

Allocation of taxes. The taxes on the part of your farm you use as your home (including the furnishings and surrounding land not used for farming) are nonbusiness taxes. You may be able to deduct these nonbusiness taxes as itemized deductions on Schedule A (Form 1040). To determine the nonbusiness part, allocate the taxes between the farm assets and nonbusiness assets. The allocation can be done from the assessed valuations. If your tax statement does not show the assessed valuations, you can usually get them from the tax assessor.

State and local general sales taxes. State and local general sales taxes on nondeductible farm business expense items are deductible as part of the cost of those items. Include state and local general sales taxes imposed on the purchase of assets for use in your farm business as part of the cost you depreciate. Also treat the taxes as part of your cost if they are imposed on the seller and passed on to you.

State and federal income taxes. Individuals cannot deduct state and federal income taxes as farm business expenses. Individuals can deduct state and local income taxes only as an itemized deduction on Schedule A (Form 1040). You can choose to deduct state and local sales taxes instead of state and local income taxes as an itemized deduction. However, you cannot deduct federal income tax.

Highway use tax. You can deduct the federal use tax on highway motor vehicles paid on a truck or truck tractor used in your farm business. For information on the tax itself, including information on the vehicles subject to the tax, see the instructions for Form 2290, Heavy Highway Vehicle Use Tax Return.

Self-employment tax deduction. You can deduct one-half of your self-employment tax in figuring your adjusted gross income on Form 1040. For more information, see chapter 12.

Insurance

You generally can deduct the ordinary and necessary cost of insurance for your farm business as a business expense. This includes premiums you pay for the following types of insurance:

- Fire, storm, crop, theft, liability, and other insurance on farm business assets.
- Health and accident insurance on your farm employees.
- Workers’ compensation insurance set by state law that covers any claims for job-related bodily injuries or diseases suffered by employees on your farm, regardless of fault.
- Business interruption insurance.
- State unemployment insurance on your farm employees (deductible as taxes if they are considered taxes under state law).

Insurance to secure a loan. If you take out a policy on your life or on the life of another person with a financial interest in your farm business to get or protect a business loan, you cannot deduct the premiums as a business expense. In the event of death, the proceeds of the policy are not taxed as income even if they are used to liquidate the debt.

Advance premiums. Deduct advance payments of insurance premiums only in the year to which they apply, regardless of your accounting method.

Example. On June 28, 2005, you paid a premium of $3,000 for fire insurance on your barn. The policy will cover a period of 3 years beginning on July 1, 2005. Only the cost for the 6 months in 2005 is deductible as an insurance expense on your 2005 calendar year tax return. Deduct $500, which is the premium for 6 months multiplied by 6/36 of $3,000. In both 2006 and 2007, deduct $1,000 (2/3 of $3,000). Deduct the remaining $500 in 2008. Had the policy been effective on January 1, 2005, the deductible expense would have been $1,000 for each of the years 2005, 2006, and 2007, based on one-third of the premium used each year.

Business interruption insurance. Use and occupancy and business interruption insurance premiums are deductible as a business expense. This insurance pays for lost profits if your business is shut down due to a fire or other cause. Report any proceeds in full in Part I of Schedule F.

Self-employed health insurance deduction. If you are self-employed, you can deduct 100% of your payments for medical, dental, and qualified long-term care insurance coverage for yourself, your spouse, and your dependents when figuring your adjusted gross income on Form 1040. Generally, this deduction cannot be more than the net profit from the business under which the plan was established.

If you or your spouse is also an employee of another person, you cannot take the deduction for any month in which you are eligible to participate in a subsidized health plan maintained by your employer or your spouse’s employer.

Use the Self-Employed Health Insurance Deduction Worksheet in Form 1040 instructions to figure your deduction. Include the remaining part of the insurance payment in your medical expenses on Schedule A (Form 1040) if you itemize your deductions.

For more information, see Deductible Premiums in chapter 7 of Publication 525.

Rent and Leasing

If you lease property for use in your farm business, you can generally deduct the rent you pay on Schedule F. However, you cannot deduct rent you pay in crop shares if you deduct 100% of the cost of raising the crops as farm expenses.

Advance payments. Deduct advance payments of rent only in the year to which they apply, regardless of your accounting method.

Farm home. If you rent a farm, do not deduct the part of the rental expense that represents the fair rental value of the farm home in which you live.

Lease or Purchase

If you lease a farm building or equipment, you must determine whether or not the agreement must be treated as a conditional sales contract rather than a lease. If the agreement is treated as a conditional sales contract, the payments under the agreement (so far as they do not represent interest or other charges) are payments for the use of the property. Do not deduct these payments as rent, but capitalize the cost of the property and recover this cost through depreciation.

Example. You lease new farm equipment from a dealer who both sells and leases. The agreement includes an option to purchase the equipment for a specified price. The lease payments and the specified option price equal the sales price of the equipment plus interest. Under the agreement, you are responsible for maintaining, repairing, and the risk of loss. For federal income tax purposes, the agreement is a conditional sales contract. You cannot deduct any of the lease payments as rent. You can deduct interest, repairs, insurance, depreciation, and other expenses related to the equipment.

Conditional sales contract. Whether an agreement is a conditional sales contract depends on the intent of the parties. Determine intent based on the provisions of the agreement and the facts and circumstances that exist when you make the agreement. No single test, or special combination of tests, always applies. However, in general, an agreement may be considered a conditional sales contract rather than a lease if any of the following is true:

- The agreement applies part of each payment toward an equity interest you will receive.
- You get title to the property after you make a stated amount of required payments.
- The amount you must pay to use the property for a short time is a large part of the amount you would pay to get title to the property.
- You pay much more than the current fair rental value of the property.
- You have an option to buy the property at a nominal price compared to the value of the property when you make the agreement. Determine this value when you make the agreement.
- You have an option to buy the property at a nominal price compared to the total amount you have to pay under the agreement.
- The agreement designates part of the payments as interest, or part of the payments can be easily recognized as interest.

Motor vehicle leases. Special rules apply to lease agreements that have a terminal rental adjustment clause. In general, this is a clause that provides for a rental price adjustment based on the amount the lessor is able to sell the vehicle for at the end of the lease. If your rental agreement contains a terminal rental adjustment clause, treat the agreement as a lease if the agreement otherwise qualifies as a lease.
For more information, see section 7701(h) of the Internal Revenue Code.

Leveraged leases. Special rules apply to leveraged leases of equipment (arrangements in which the equipment is financed by a nonre- course loan from a third party). For more infor- mation, see chapter 4 of Publication 535 and the following revenue procedures.


Depreciation

If property you acquire to use in your farm busi- ness is expected to last more than one year, you generally cannot deduct the entire cost in the year you acquire it. You must recover the cost over more than one year and deduct part of it each year on Schedule F as depreciation or amortization. However, you can choose to de- duct part or all of the cost of certain qualifying property, up to a limit, as a section 179 deduc- tion in the year you place it in service.

Depreciation, amortization, and the section 179 deduction are discussed in chapter 7.

Business Use of Your Home

You can deduct expenses for the business use of your home if you use part of your home exclusively and regularly:

- As the principal place of business for any trade or business in which you engage.
- As a place to meet or deal with patients, clients, or customers in the normal course of your trade or business.
- In connection with your trade or business, if you are using a separate structure that is not attached to your home.

Your home office will qualify as your principal place of business for deducting expenses for its use if you meet both of the following require- ments:

- You use it exclusively and regularly for the administrative or management activities of your trade or business.
- You have no other fixed location where you conduct substantial administrative or management activities of your trade or business.

If you use part of your home for business, you must divide the expenses of operating your home between personal and business use.

Deduction limit. Your gross income from farming equals or exceeds your total farm ex- penses (including expenses for the business use of your home) you can deduct all your farm expenses. But if your gross income from farming is less than your total farm expenses, your de- duction for certain expenses for the use of your home in your farming business is limited.

Your deduction for otherwise nondeductible expenses, such as utilities, insurance, and de- preciation (with depreciation taken last), cannot be more than the gross income from farming minus the following expenses:

- The business part of expenses you could deduct even if you did not use your home for business (such as deductible mortgage interest, real estate taxes, and casualty and theft losses).
- Farm expenses other than expenses that relate to the use of your home. If you are self-employed, do not include your deduc- tion for half of your self-employment tax.

Deductions over the current year’s limit can be carried over to your next tax year. They are subject to the deduction limit for the next tax year.

More information. See Publication 587 for more information on deducting expenses for the business use of your home.

Telephone expense. You cannot deduct the cost of basic local telephone service (including any taxes) for the first telephone line you have in your home, even if you have an office in your home. However, charges for business long-dis- tance phone calls on that line, as well as the cost of a second line into your home used exclusively for your farm business, are deductible business expenses.

Truck and Car Expenses

You can deduct the actual cost of operating a truck or car in your farm business. Only ex- penses for business use are deductible. These include such items as gasoline, oil, repairs, li- cense tags, insurance, and depreciation (sub- ject to certain limits).

Standard mileage rate. Instead of using ac- tual costs, under certain conditions you can use the standard mileage rate. For 2005, the rate is 40.5 cents a mile for all business miles driven before September 1, 2005. The rate is 48.5 cents a mile for business miles driven after Au- gust 31, 2005. You can use the standard mile- age rate for a car or a light truck, such as a van, pickup, or panel truck, you own or lease. You cannot use the standard mileage rate if you operate five or more cars or light trucks at the same time. You are not using five or more vehicles at the same time if you alternate using the vehicles (you use them at different times) for business.

Example. Maureen owns a car and four pickup trucks that are used in her farm business. Her farm employees use the trucks and she uses the car for business. Maureen cannot use the standard mileage rate for the car or the trucks. This is because all five vehicles are used in Maureen’s farm business at the same time. She must use actual expenses for all vehicles.

Business use percentage. You can claim 75% of the use of a car or light truck as business use without any records if you used the vehicle during most of the normal business day directly in connection with the business of farming. You choose this method of substantiating business use the first year the vehicle is placed in service. Once you make this choice, you may not change to another method later. The following are uses directly connected with the business of farming.

- Cultivating land.
- Raising or harvesting any agricultural or horticultural commodity.
- Raising, shearing, feeding, caring for, training, and managing animals.
- Driving to the feed or supply store.

If you keep records and they show that your business use was more than 75%, you may be able to claim more. See Recordkeeping require- ments under Travel Expenses, later.

Travel Expenses

You can deduct ordinary and necessary ex- penses you incur while traveling away from home for your farm business. You cannot de- duct lavish or extravagant expenses. Usually, the location of your farm business is considered your home for tax purposes. You are traveling away from home if:

- You have no other fixed location where your trade or business.
- Your duties require you to be absent from your farm substantially longer than an or- dinary work day, and
- You need to get sleep or rest to meet the demands of your work while away from home.

If you meet these requirements and can prove the time, place, and business purpose of your travel, you can deduct your ordinary and neces- sary travel expenses.

The following are some types of deductible travel expenses:

- Air, rail, bus, and car transportation.
- Meals and lodging.
- Dry cleaning and laundry.
- Telephone and fax.
- Transportation between your hotel and your temporary work or business meeting location.

Tips for any of the above expenses.

Meals. You ordinarily can deduct only 50% of your business-related meals expenses. You can deduct the cost of your meals while traveling on business only if your business trip is overnight or long enough to require you to stop for sleep or rest to properly perform your duties. You cannot deduct any of the cost of meals if it is not neces- sary for you to rest, unless you meet the rules for business entertainment. For information on en- tertainment expenses, see chapter 2 of Publica- tion 463.

The expense of a meal includes amounts you spend for your food, beverages, taxes, and tips relating to the meal. You can deduct either 50% of the actual cost or 50% of a standard meal allowance that covers your daily meal and incidental expenses.
Recordkeeping requirements. You must be able to prove your deductions for travel by adequate records or other evidence that will support your own statement. Estimates or approximations do not qualify as proof of an expense. You should keep an account book or similar record, supported by adequate documentary evidence, such as receipts, that together support each element of an expense. Generally, it is best to record the expense and get documentation of it at the time you pay it.

If you choose to deduct a standard meal allowance rather than the actual expense, you do not have to keep records to prove amounts spent for meals and incidental items. However, you must still keep records to prove the actual amounts of other travel expenses, and the time, place, and business purpose of your travel.

More information. For detailed information on travel, recordkeeping, and the standard meal allowance, see Publication 463.

Reimbursements to employees. You generally can deduct reimbursement you pay to your employees for travel and transportation expenses they incur in the conduct of your business. Employees may be reimbursed under an accountable or nonaccountable plan. Under an accountable plan, the employee must provide evidence of expenses. Under a nonaccountable plan, no evidence of expenses is required. If you reimburse expenses under an accountable plan, deduct them as travel and transportation expenses. Under a nonaccountable plan, you must report the reimbursements as wages on Form W-2 and deduct them as wages. For more information, see chapter 13 of Publication 535.

Marketing Quota Penalties
You can deduct as Other expenses on Schedule F penalties you pay for marketing crops in excess of farm marketing quotes. However, if you do not pay the penalty, but instead the purchaser of your crop deducts it from the payment to you, include in gross income only the amount you received. Do not take a separate deduction for the penalty.

Tenant House Expenses
You can deduct the costs of maintaining houses and their furnishings for tenants or hired help as farm business expenses. These costs include repairs, utilities, insurance, and depreciation.

The value of a dwelling you furnish to a tenant under the usual tenant-farmer arrangement is not taxable income to the tenant.

Items Purchased for Resale
If you use the cash method of accounting, you ordinarily deduct the cost of livestock and other items purchased for resale only in the year of sale. You deduct this cost, including freight charges for transporting the livestock to the farm, in Part I of Schedule F. However, see Chickens, seeds, and young plants, later.


Chickens, seeds, and young plants. If you are a cash method farmer, you can deduct the cost of hens and baby chicks bought for commercial egg production, or for raising and resale, as an expense in Part II of Schedule F in the year paid if you do consistently and it does not distort income. You also can deduct the cost of seeds and young plants bought for further development and cultivation before sale as an expense in Part II of Schedule F when paid if you do this consistently and you do not figure your income on the crop method. However, see Prepaid Farm Supplies, earlier, for a rule that may limit your deduction for these items.

If you deduct the cost of chickens, seeds, and young plants as an expense, report their entire selling price as income. You cannot also deduct the cost from the selling price.

You cannot deduct the cost of seeds and young plants for Christmas trees and timber as an expense. Deduct the cost of these seeds and plants through depletion allowances. For more information, see Depreciation in chapter 7.

The cost of chickens and plants used as food for your family is never deductible.

Capitalize the cost of plants with a preproductive period of more than 2 years, unless you can elect out of the uniform capitalization rules. These rules are discussed in chapter 6.

Example. You use the cash method of accounting. In 2005, you buy 500 baby chicks to raise for resale in 2006. You also buy 50 bushels of winter seed wheat in 2005 that you sow in the fall. Unless you previously adopted the method of deducting these costs in the year you sell the chickens or the harvested crops, you can deduct the cost of both the baby chicks and the seed wheat in 2005.

Election to use crop method. If you use the crop method, you can delay deducting the cost of seeds and young plants until you sell them. You must get IRS approval to use the crop method. If you follow this method, deduct the cost from the selling price to determine your profit in Part I of Schedule F. For more information, see Crop method under Special Methods of Accounting in chapter 2.

Choosing a method. You can adopt either the crop method or the cash method for deducting the cost in the first year you buy egg-laying hens, pullets, chicks, or seeds and young plants.

Although you must use the same method for egg-laying hens, pullets, chicks, and eggs, you can use a different method for seeds and young plants. Once you use a particular method for any of these items, use it for those items until you get IRS approval to change your method. For more information, see Change in Accounting Method in chapter 2.

Other Expenses
The following list, while not all-inclusive, shows some expenses you can deduct as other farm expenses in Part II of Schedule F. These expenses must be for business purposes and (1) paid, if you use the cash method of accounting, or (2) incurred, if you use an accrual method of accounting.

• Accounting fees.
• Advertising.
• Chemicals.
• Custom hire (machine work).
• Educational expenses (to maintain and improve farming skills).
• Farm-related attorney fees.
• Farm fuels and oil.
• Farm magazines.
• Freight and trucking.
• Ginning.
• Insect sprays and dusts.
• Litter and bedding.
• Livestock fees.
• Recordkeeping expenses.
• Service charges.
• Small tools expected to last one year or less.
• Stamps and stationery.
• Storage and warehousing.
• Subscriptions to professional, technical, and trade journals that deal with farming.
• Tying material and containers.
• Veterinary fees and medicine.

Loan expenses. You prorate and deduct loan expenses, such as legal fees and commissions, you pay to get a farm loan over the term of the loan.

Tax preparation fees. You can deduct as a farm business expense on Schedule F the cost of preparing that part of your tax return relating to your farm business. You may be able to deduct the remaining tax preparation expenses on Schedule A (Form 1040) if you itemize your deductions.

You also can deduct on Schedule F the amount you pay or incur in resolving tax issues relating to your farm business.

Domestic Production Activities Deduction
You are allowed a deduction for income attributable to domestic production activities. You can deduct 3% of the lesser of your qualified production activities income or your taxable income (adjusted gross income for individuals) for the tax year. Your deduction is limited to 50% of the Form W-2 wages you paid for the tax year.

Qualified production activities income. The excess of your domestic production gross receipts for the tax year over your cost of goods sold and other deductions, expenses, and losses that are not directly allocable to such receipts or another class of income is your qualified production activities income. This income is determined on an item-by-item basis.
Domestic production gross receipts. Domestic production gross receipts include gross receipts from any lease, rental, license, sale, exchange, or other disposition of tangible personal property which was manufactured, produced, grown, or extracted by you in whole or in significant part within the United States.

Domestic production gross receipts do not include gross receipts from property leased, licensed, or rented by you for the use by any related person. See Internal Revenue Code section 199(c)(7) for the definition of related person.

Income from cooperatives. If you receive a patronage dividend or qualified per-unit retain allocation from a cooperative which is engaged in the manufacturing, production, growth, or extraction in whole or in significant part of any agricultural or horticultural product or in the marketing of agricultural or horticultural products, your income from the cooperative can give rise to a domestic production activities deduction. This deduction amount is reported on Form 1099-PATR, box 6. In order for you to qualify for the deduction, the cooperative is required to send you a written notice designating your portion of the domestic production activities deduction.

More information. For more information on the domestic production activities deduction, see the Instructions for Form 8903.

Capital Expenses

A capital expense is a payment, or a debt incurred, for the acquisition, improvement, or restoration of an asset that is expected to last more than one year. You include the expense in the basis of the asset. Uniform capitalization rules also require you to capitalize or include in inventory certain other expenses. See chapters 2 and 6.

Capital expenses are generally not deductible, but they may be depreciable. However, you can elect to deduct certain capital expenses, such as the following:

- The cost of fertilizer, lime, etc. (See Fertilizer and Lime under Deductible Expenses, earlier.)
- Soil and water conservation expenses. (See chapter 5.)
- The cost of property that qualifies for a deduction under section 179. (See chapter 7.)
- The cost of qualifying clean-fuel vehicle property and clean-fuel vehicle refueling property. (See chapter 12 in Publication 535.)
- Business start-up costs. (See Business start-up costs, later.)
- Forestation and reforestation costs. (See Forestation and reforestation costs, later.)

Generally, the costs of the following items, including the costs of material, hired labor, and installation, are capital expenses.

1. Land and buildings.
2. Additions, alterations, and improvements to buildings, etc.
3. Cars and trucks.
4. Equipment and machinery.
5. Fences.
6. Draft, breeding, sport, and dairy livestock.
7. Repairs to machinery, equipment, trucks, and cars that prolong their useful life, including their value, or adapt them to different use.
8. Water wells, including diking and equip- ping costs.
9. Land preparation costs, such as:
   b. Leveling and conditioning land.
   c. Purchasing and planting trees.
   d. Building irrigation canals and ditches.
   e. Laying irrigation pipes.
   f. Installing drain tile.
   g. Modifying channels or streams.
   h. Constructing earthen, masonry, or concrete tanks, reservoirs, or dams.
   i. Building roads.

Business start-up and organizational costs. You can elect to deduct up to $5,000 of business start-up costs and $5,000 of organizational costs paid or incurred after October 22, 2004. The $5,000 deduction is reduced by the amount of your total start-up or organizational costs exceeded by $5,000. Any remaining costs must be amortized. See chapter 7.

You elect to deduct start-up or organizational costs by claiming the deduction on the income tax return filed by the due date (including extensions) for the tax year in which the expenses were paid or incurred. However, if you timely filed your return for the year without making the election, you can still make the election by filing an amended return within 6 months of the due date of the return (excluding extensions). Clearly indicate the election on your amended return and write “Filed pursuant to section 301.9100-2” at the top of the amended return. File the amended return at the same address you filed the original return.

For more information about start-up and organizational costs, see chapter 7.

Crop production expenses. The uniform capitalization rules generally require you to capitalize expenses incurred in producing plants. However, except for certain taxpayers required to use an accrual method of accounting, the capitalization rules do not apply to plants with a preproductive period of 2 years or less. For more information, see Uniform Capitalization Rules in chapter 6.

Timber. Timber capitalizes the cost of acquiring timber. Do not include the cost of land in the cost of the timber. You must generally capitalize direct costs incurred in reforestation. However, you can elect to deduct some forestation and reforestation costs. See Forestation and Reforesta-

Business start-up and organizational costs. You can elect to deduct up to $5,000 of business start-up costs and $5,000 of organizational costs paid or incurred after October 22, 2004. The $5,000 deduction is reduced by the amount of the total start-up or organizational costs exceeded by $5,000. Any remaining costs must be amortized. See chapter 7.

You elect to deduct start-up or organizational costs by claiming the deduction on the income tax return filed by the due date (including extensions) for the tax year in which the expenses were paid or incurred. However, if you timely filed your return for the year without making the election, you can still make the election by filing an amended return within 6 months of the due date of the return (excluding extensions). Clearly indicate the election on your amended return and write “Filed pursuant to section 301.9100-2” at the top of the amended return. File the amended return at the same address you filed the original return.

For more information about start-up and organizational costs, see chapter 7.

Christmas tree cultivation. If you are in the business of planting and cultivating Christmas trees to sell when they are more than 6 years old, capitalize expenses incurred for planting and stump culture and add them to the basis of the standing trees. Recover these expenses as part of your adjusted basis when you sell the standing trees or as depletion allowances when you cut the trees. For more information, see Timber depletion under Depletion in chapter 7.

You can deduct as business expenses the costs incurred for shearing and basal pruning of these trees. Expenses incurred for silvicultural practices, such as weeding or cleaning, and noncommercial thinning are also deductible as business expenses.

Capitalize the cost of land improvements, such as road grading, ditching, and fire breaks, that have a useful life beyond the tax year. If the improvements do not have a determinable use-
ful life, add their cost to the basis of the land. The cost is recovered when you sell or otherwise dispose of it. If the improvements have a determinable useful life, recover their cost through depreciation. Capitalize the cost of equipment and other depreciable assets, such as culverts and fences, to the extent you do not use them in planting Christmas trees. Recover these costs through depreciation.

Nondeductible Expenses
You cannot deduct personal expenses and certain other items on your tax return even if they relate to your farm.

Personal, Living, and Family Expenses
You cannot deduct certain personal, living, and family expenses as business expenses. These include rent and insurance premiums paid on property used as your home, life insurance premiums on yourself or your family, the cost of maintaining cars, trucks, or horses for personal use, allowances to minor children, attorneys’ fees, and legal expenses incurred in personal matters, and household expenses. Likewise, the cost of purchasing or raising produce or livestock consumed by you or your family is not deductible.

Other Nondeductible Items
You cannot deduct the following items on your tax return.

Loss of growing plants, produce, and crops. You cannot deduct the loss cost related to gifts. You cannot deduct losses you can deduct when figuring your taxable income. The deductible loss from an activity is limited to the amount you have at risk in the activity.

Cost of unharvested crops bought with land. Capitalize the purchase price of land, including the cost allocable to unharvested crops. You cannot deduct the cost of the crops at the time of purchase. However, you can deduct this cost in figuring net profit or loss in the tax year you sell the crops.

Cost related to gifts. You cannot deduct costs related to your gifts of agricultural products or property held for sale in the ordinary course of your business. The costs are not deductible in the year of the gift or any later year. For example, you cannot deduct the cost of raising cattle or the cost of planting and raising unharvested wheat on parcels of land given as a gift to your children.

Club dues and membership fees. Generally, you cannot deduct amounts you pay or incur for membership in any club organized for business, pleasure, recreation, or any other social purpose. This includes country clubs, golf and athletic clubs, hotel clubs, sporting clubs, airline clubs, and clubs operated to provide meals under circumstances generally considered to be conducive to business discussions.

Exception. The following organizations will not be treated as a business organized for business, pleasure, recreation, or any other social purpose, unless one of its main purposes is to conduct entertainment activities for members or their guests or to provide members or their guests with access to entertainment facilities:
- Boards of trade.
- Business leagues.
- Chambers of commerce.
- Civic or public service organizations.
- Professional associations.
- Trade associations.
- Real estate boards.

Fines and penalties. You cannot deduct fines and penalties, except penalties for exceeding the passive activity limits, of Publication 544, Sales and Other Dispositions of Assets. The following discussions explain these limits.

Not-for-Profit Farming
If you operate a farm for profit, you can deduct all the ordinary and necessary expenses of carrying on the business of farming on Schedule F. However, if you do not carry on your farming activity to make a profit, your loss deductibility may be limited by the not-for-profit rules. See Not-for-Profit Farming, later.

At-Risk Limits
The at-risk limits your deduction for losses from most business or income-producing activities, including farming. The at-risk limits the losses you can deduct when figuring your taxable income. The deductible loss from an activity is limited to the amount you have at risk in the activity.

1. The money and adjusted basis of property you contribute to the activity, and
2. Amounts you borrow for use in the activity if:
   a. You are personally liable for repayment, or
   b. You pledge property (other than property used in the activity) as security for the loan.

You are not at risk, however, for amounts you borrow for use in a farming activity from a person who has an interest in the activity (other than as a creditor) or a person related to someone (other than you) having such an interest.

For more information, see Publication 925.

Passive Activity Limits
A passive activity is generally any activity involving the conduct of any trade or business in which you do not materially participate. Generally, a rental activity is a passive activity.

If you have a passive activity, special rules limit the loss you can deduct in the tax year. You generally can deduct losses from passive activities only up to the income from your passive activities. Credits are similarly limited.

For more information, see Publication 925.

Not-for-Profit Farming
If you do not carry on your farming activity to make a profit, your loss deduction may be limited by the not-for-profit rules. See Not-for-Profit Farming, later.

Losses From Operating a Farm
If your deductible farm expenses are more than your farm income, you have a loss from the operation of your farm. The amount of the loss you can deduct when figuring your taxable income may be limited. To figure your deductible loss, you must apply the following limits:

- The at-risk limits.
- The passive activity limits.

The following discussions explain these limits.

If your deductible loss after applying these limits is more than your other income for the year, you may have a net operating loss. See Publication 536, Net Operating Losses (NOLs) for Individuals, Estates, and Trusts.
In determining whether you are carrying on your farming activity for profit, all the facts are taken into account. No one factor alone is decisive. Among the factors to consider are whether:

- You operate your farm in a businesslike manner,
- The time and effort you spend on farming indicate you intend to make it profitable,
- You depend on income from farming for your livelihood,
- Your losses are due to circumstances beyond your control or are normal in the start-up phase of farming,
- You change your methods of operation in an attempt to improve profitability,
- You, or your advisors, have the knowledge needed to carry on the farming activity as a successful business,
- You were successful in making a profit in similar activities in the past,
- You make a profit from farming in some years and the amount of profit you make, and
- You can expect to make a future profit from the appreciation of the assets used in the farming activity.

Presumption of profit. Your farming or other activity is presumed carried on for profit if it produced a profit in at least 3 of the last 5 tax years, including the current year. Activities that consist primarily of breeding, training, showing, or racing horses are presumed carried on for profit if they produced a profit in at least 2 of the last 7 tax years, including the current year. The activity must be substantially the same for each year within this period. You have a profit when the gross income from an activity is more than the deductions for it.

If a taxpayer dies before the end of the 5-year (or 7-year) period, the period ends on the date of the taxpayer’s death.

If your business or investment activity passes this 3- (or 2-) years-of-profit test, presume it is carried on for profit. This means the limits discussed here do not apply. You can take all your business deductions from the activity on Schedule F, even if for the years that you have a loss. You can rely on this presumption in every case, unless the IRS shows it is not valid.

If you fail the 3- (or 2-) years-of-profit test, you still may be considered to operate your farm for profit by considering the factors listed earlier.

Using the presumption later. If you are starting out in farming and do not have 3 (or 2) years showing a profit, you may want to take advantage of this presumption later, after you have had the 5 (or 7) years of experience allowed by the test.

You can choose to do this by filing Form 5213. Filing this form postpones any determination of whether your farming activity is engaged in for profit. Accordingly, it will not limit your deductions. Rather, you will gain time to earn a profit in 3 (or 2) out of the first 5 (or 7) years you carry on the farming activity. If you show 3 (or 2) years of profit at the end of this period, your deductions are not limited under these rules. If you do not have 3 (or 2) years of profit (and cannot otherwise show that you operated your farm for profit), the limit applies retroactively to any year in the 5-year (or 7-year) period with a loss.

Filing Form 5213 automatically extends the period of limitations on any year in the 5-year (or 7-year) period to 2 years after the due date of the return for the last year of the period. The period is extended only for deductions of the activity and any related deductions that might be affected.

Limit on deductions and losses. If your activity is not carried on for profit, take deductions only in the following order, only to the extent stated in the three categories, and, if you are an individual, only if you itemize them on Schedule A (Form 1040).

1. Category 1. Deductions you can take for personal as well as for business activities are allowed in full. For individuals, all nonbusiness deductions, such as those for home mortgage interest, taxes, and casualty losses (see chapter 11), belong in this category. For the limits that apply to mortgage interest, see Publication 969.

2. Category 2. Deductions that do not result in an adjustment to the basis of property are allowed next, but only to the extent your gross income from the activity is more than the deductions you take (or could take) under the first category. Most business deductions, such as those for fertilizer, feed, insurance premiums, utilities, wages, etc., belong in this category.

3. Category 3. Business deductions that decrease the basis of property are allowed last, but only to the extent the gross income from the activity is more than deductions you take (or could take) under the first two categories. The deductions for depreciation, amortization, and the part of a casualty loss an individual could not deduct in category (1) belong in this category. Where more than one asset is involved, divide depreciation and these other deductions proportionally among those assets.

- Individuals must claim the amounts in categories (2) and (3) above as miscellaneous deductions on Schedule A (Form 1040). They are subject to the 25%-of-adjusted-gross-income limit. See Publication 529, Miscellaneous Deductions, for information on this limit.

Partnerships and S corporations. If a partnership or S corporation carries on a not-for-profit activity, these limits apply at the partnership or S corporation level. They are reflected in the individual shareholder’s or partner’s distributive shares.

More information. For more information on not-for-profit activities, see Not-For-Profit Activities in chapter 1 of Publication 535.

5. Soil and Water Conservation Expenses

Introduction

If you are in the business of farming, you can choose to deduct certain expenses for soil or water conservation or for the prevention of erosion of land used in farming. Otherwise, these are capital expenses that must be added to the basis of the land. (See chapter 6 for information on determining basis.) Conservation expenses for land in a foreign country do not qualify for this special treatment.

The deduction cannot be more than 25% of your gross income from farming. See 25% Limit on Deduction, later.

Ordinary and necessary expenses that are otherwise deductible are not soil and water conservation expenses. These include interest and taxes, the cost of periodically clearing brush from productive land, the annual removal of sediment from a drainage ditch, and expenses paid or incurred primarily to produce an agricultural crop that may also conserve soil.

You must include in income most government payments for approved conservation practices. However, you can exclude some payments you receive under certain cost-sharing conservation programs. For more information, see Agricultural Program Payments in chapter 3.

To get the full deduction to which you are entitled, you should maintain your records in a way that will clearly distinguish between your ordinary and necessary farming business expenses and your soil and water conservation expenses.

Topics

This chapter discusses:

- Business of farming
- Plan certification
- Conservation expenses
- Assessment by conservation district
- 25% Limit on deduction
- Choosing to deduct
- Sale of a farm

Business of Farming

For purposes of soil and water conservation expenses, you are in the business of farming if you cultivate, operate, or manage a farm for profit, either as owner or tenant. You are not
farming if you cultivate or operate a farm for recreation or pleasure, rather than for profit. You are not farming if you are engaged only in forestry or the growing of timber.

Farm defined. A farm includes stock, dairy, poultry, fish, fruit, and truck farms. It also includes plantations, ranches, ranges, and orchards. A fish farm is an area where fish and other marine animals are grown or raised and artificially fed, protected, etc. It does not include an area where they are merely caught or harvested. A plant nursery is a farm for purposes of deducting soil and water conservation expenses.

Farm rental. If you own a farm and receive farm rental payments based on farm production, either in cash or crop shares, you are in the business of farming. If you receive a fixed rental payment not based on farm production, you are in the business of farming only if you materially participate in operating or managing the farm. See Landlord Participation in Farming in chapter 12.

If you get cash rental for a farm you own that is not used in farm production, you cannot deduct soil and water conservation expenses for that farm.

Example. You own a farm in Iowa and live in California. You rent the farm for $125 in cash per acre and do not materially participate in producing or managing the production of the crops grown on the farm. You cannot deduct your soil conservation expenses for this farm. You must capitalize the expenses and add them to the basis of the land.

Plan Certification
You can deduct soil and water conservation expenses only if they are consistent with a plan approved by the Natural Resources Conservation Service (NRCS) of the Department of Agriculture. If no such plan exists, the expenses must be consistent with a soil conservation plan for a comparable state agency. Keep a copy of the plan with your books and records to support your deductions.

Conservation plan. A conservation plan includes the farming conservation practices approved for the area where your farm is located. There are three types of approved plans:

- NRCS individual site plans. These plans are issued individually to farmers who request assistance from NRCS to develop a conservation plan designed specifically for their farms; and
- NRCS county plans. These plans include a listing of farm conservation practices approved for the county where your farm is located. You can deduct expenses for conservation practices not included on the NRCS county plans only if the conservation practices are approved by the state agencies and can be approved individual site plans or county plans.

Individual site plans can be obtained from NRCS offices and the comparable state agencies.

Conservation Expenses
You can deduct conservation expenses only for land you or your tenant are using, or have used in the past, for farming. These expenses include, but are not limited to, expenses for the following:

1. The treatment or movement of earth, such as:
   - Leveling,
   - Conditioning,
   - Grading,
   - Terracing,
   - Contour furrowing, and
   - Restoration of soil fertility.

2. The construction, control, and protection of:
   - Diversions channels,
   - Drainage ditches,
   - Irrigation ditches,
   - Earthen dams, and
   - Watercourses, outlets, and ponds.

3. The eradication of brush.

4. The planting of windbreaks.

You cannot deduct expenses to drain or fill wetlands, or to prepare land for center pivot irrigation systems, as soil and water conservation expenses. These expenses are added to the basis of the land. If you choose to deduct soil and water conservation expenses, you cannot exclude from gross income any cost-sharing payments you receive for those expenses. See chapter 3 for information about excluding cost-sharing payments.

New farm or farmland. If you acquire a new farm or new farmland from someone who was using it in farming immediately before you acquired the land, soil and water conservation expenses you incur on it will be treated as made on land used in farming at the time the expenses were paid or incurred. You can deduct soil and water conservation expenses for this land if your use of it is substantially a continuation of its use in farming. The new farming activity does not have to be the same as the old farming activity. For example, if you buy land that was used for grazing cattle and then prepare it for use as an apple orchard, you can deduct your conservation expenses.

Land not used for farming. If your conservation expenses benefit both land that does not qualify as land used for farming and land that does qualify, you must allocate the expenses. For example, if the expenses benefit 200 acres of your land, but only 120 acres of this land are used for farming, then you can deduct 60% (120 / 200) of the expenses. You can use another method to allocate these expenses if you can clearly show that your method is more reasonable.

Depreciable conservation assets. You generally cannot deduct your expenses for depreciable conservation assets. However, you can deduct certain amounts you pay or incur for an assessment for depreciable property that a soil and water conservation district levies against your farm. See Assessment for Depreciable Property later.

If you purchase residential property in a rural area, you may be able to deduct the value of the conservation easement. You can deduct your share of the expenses to drain or fill wetlands, as soil and water conservation expenses. These expenses are added to the basis of the land.

If you rent a farm or farmland, you cannot deduct your expenses for depreciable structures or facilities.
a conservation or drainage district assessment that covers expenses for depreciable property. This includes items such as pumps, locks, concrete structures (including dams and weir gates), draglines, and similar equipment. The depreciable property must be used in the district’s soil and water conservation activities. However, the following limits apply to these assessments:

- The total assessment limit.
- The yearly assessment limit.

After you apply these limits, the amount you can deduct is added to your other conservation expenses for the year. The total for these expenses is then subject to the 25% of gross income from farming limit on the deduction, discussed later. See Table 5-1 for a brief summary of these limits.

**Total assessment limit.** You cannot deduct more than 10% of the total amount assessed to all members of the conservation or drainage district for the depreciable property. This applies whether you pay the assessment in one payment or in installments. If your assessment is more than 10% of the total amount assessed, both the following rules apply:

- The amount over 10% is a capital expense and is added to the basis of your land.
- If the assessment is paid in installments, each payment must be prorated between the conservation expense and the capital expense.

**Yearly assessment limit.** The maximum amount you can deduct in any one year is the total of 10% of your deductible share of the cost, as explained earlier, plus $500. If the amount you pay or incur is equal to or less than the maximum amount, you can deduct it in the year it is paid or incurred. If the amount you pay or incur is more, you can deduct in that year only 10% of your deductible share of the cost. You can deduct the remainder in equal amounts over the next 9 tax years. Your total conservation expense deduction for each year is also subject to the 25% of gross income from farming limit on the deduction, discussed later.

**Example 1.** This year, the soil conservation district levies and you pay an assessment of $2,400 against your farm. Of the assessment, $1,500 is for digging drainage ditches. You can deduct this part as a soil or conservation expense as if you had paid it directly. The remaining $900 is for depreciable equipment to be used in the district’s irrigation activities. The total amount assessed by the district against all its members for the depreciable equipment is $7,000.

The total amount you can deduct for the depreciable equipment is limited to 10% of the total amount assessed by the district against all its members for depreciable equipment, or $700. The $200 excess ($900 – $700) is a capital expense you must add to the basis of your farm.

To figure the maximum amount you can deduct for the depreciable equipment this year, multiply your deductible share of the total assessment ($700) by 10%. Add $500 to the result for a total of $570. Your deductible share, $700, is greater than the maximum amount deductible in one year, so you can deduct only $70 of the amount you paid or incurred for depreciable property this year (10% of $700). You can deduct the balance at the rate of $70 a year over the next 9 years.

You add $70 to the $1,500 portion of the assessment for drainage ditches. You can deduct $1,570 of the $2,400 assessment as a soil and water conservation expense this year, subject to the 25% of gross income from farming limit on the deduction, discussed later.

**Example 2.** Assume the same facts in Example 1 except that $1,850 of the $2,400 assessment is for digging drainage ditches and $550 is for depreciable equipment. The total amount assessed by the district against all its members for depreciable equipment is $5,500.

The total amount you can deduct for the depreciable equipment is limited to 10% of this amount, or $550. The maximum amount you can deduct this year for the depreciable equipment is $555 (10% of your deductible share of the total assessment, $55, plus $500). Since your deductible share is less than the maximum amount deductible in one year, you can deduct the entire $550 this year. You can deduct the entire assessment, $2,400, as a soil and water conservation expense this year, subject to the 25% of gross income from farming limit on the deduction, discussed later.

**Sale or other disposal of land during 9-year period.** If you dispose of the land during the 9-year period for deducting conservation expenses subject to the yearly limit, any amounts you have not yet deducted because of this limit are added to the basis of the property.

**Death of farmer during 9-year period.** If a farmer dies during the 9-year period, any remaining amounts not yet deducted are deducted in the year of death.

### 25% Limit on Deduction

The total deduction for conservation expenses in any tax year is limited to 25% of your gross income from farming for the year.

**Gross income from farming.** Gross income from farming is the income you derive in the business of farming from the production of crops, fish, fruits, other agricultural products, or livestock. Gains from sales of draft, breeding, or dairy livestock are included. Gains from sales of assets such as farm machinery, or from the disposition of land, are not included.

**Carryover of deduction.** If your deductible conservation expenses in any year are more than 25% of your gross income from farming for that year, you can carry the unused deduction over to later years. However, the deduction in any later year is limited to 25% of the gross income from farming for that year as well.

**Example.** In 2005, you have gross income of $16,000 from two farms. During the year, you incurred $5,300 of deductible soil and water conservation expenses for one of the farms. However, your deduction is limited to 25% of $16,000, or $4,000. The $1,300 excess ($5,300 – $4,000) is carried over to 2006 and added to deductible soil and water conservation expenses made in that year. The total of the 2005 carryover plus 2006 expenses is deductible in 2006, subject to the limit of 25% of your gross income from farming in 2006. Any expenses over the limit in that year are carried to 2007 and later years.

**Net operating loss.** The deduction for soil and water conservation expenses is included when figuring a net operating loss (NOL) for the year. If the NOL is carried to another year, the soil and water conservation deduction included in the NOL is added back to the deduction for that year.

### Table 5-1. Limits on Deducting an Assessment by a Conservation District for Depreciable Property

<table>
<thead>
<tr>
<th>Total Limit on Deduction for Assessment</th>
<th>Yearly Limit on Deduction for Assessment</th>
<th>Yearly Limit for All Conservation Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>10% of:</td>
<td>$500 + 10% of:</td>
<td>25% of:</td>
</tr>
<tr>
<td>Total assessment against all members of the district for the property.</td>
<td>Your deductible share of the cost to the district for the property.</td>
<td>Your gross income from farming.</td>
</tr>
<tr>
<td>• No one taxpayer can deduct more than 10% of the total assessment.</td>
<td>• If the amount you pay or incur for any year is more than the limit, you can deduct for that year only 10% of your deductible share of the cost.</td>
<td>• Limit for all conservation expenses, including assessments for depreciable property.</td>
</tr>
<tr>
<td>• Any amount over 10% is a capital expense and is added to the basis of your land.</td>
<td>• You can deduct the remainder in equal amounts over the next 9 tax years.</td>
<td>• Amounts greater than 25% can be carried to the following year and added to that year’s expenses. The total is then subject to the 25% of gross income from farming limit in that year.</td>
</tr>
</tbody>
</table>
in the NOL is not subject to the 25% limit in the year to which it is carried.

Choosing To Deduct
You can choose to deduct soil and water conservation expenses on your tax return for the first year you pay or incur these expenses. If you choose to deduct them, you must deduct the total allowable amount in the year they are paid or incurred. If you do not choose to deduct the expenses, you must capitalize them.

Change of method. If you want to change your method of treating soil and water conservation expenses, or you want to treat the expenses for a particular project or a single farm in a different manner, you must get the approval of the IRS. To get this approval, submit a written request by the due date of your return for the first tax year you want the new method to apply. You or your authorized representative must sign the request.

The request must include the following information:

- Your name and address.
- The first tax year the method or change of method is to apply.
- Whether the method or change of method applies to all your soil and water conservation expenses or only to those for a particular project or farm. If the method or change of method does not apply to all your expenses, identify the project or farm to which the expenses apply.
- The total expenses you paid or incurred in the first tax year the method or change of method is to apply.
- A statement that you will account separately in your books for the expenses to which this method or change of method relates.

Send your request to the following address.
Cincinnati Submission Processing
Cincinnati, OH 45999

Sale of a Farm
If you sell your farm, you cannot adjust the basis of the land at the time of the sale for any unused carryover of soil and water conservation expenses (except for deductions of assessments for depreciable property, discussed earlier). However, if you acquire another farm and return to the business of farming, you can start taking deductions again for the unused carryovers.

Gain on sale of farmland. If you held the land 5 years or less before you sold it, gain on the sale of the land is treated as ordinary income up to the amount you previously deduced for soil and water conservation expenses. If you held the land less than 10 but more than 5 years, the gain is treated as ordinary income up to a specified percentage of the previous deductions. See Section 1222 property under Other Gains in chapter 9.

6. Basis of Assets

Introduction
Your basis is the amount of your investment in property for tax purposes. Use basis to figure the gain or loss on the sale, exchange, or other disposition of property. Also use basis to figure depreciation, amortization, depletion, and casualty losses. If you use property for both business or investment purposes and for personal purposes, you must allocate the basis based on the use. Only the basis allocated to the business or investment use of the property can be depreciated.

Your original basis in property is adjusted (increased or decreased) by certain events. For example, if you make improvements to the property, increase your basis. If you take deductions for depreciation, or casualty losses, or claim certain credits, reduce your basis.

Keep accurate records of all items that affect the basis of your assets. For information on keeping records, see chapter 1.

Topics
This chapter discusses:

- Cost basis
- Adjusted basis
- Basis other than cost

Useful Items
You may want to see:

Publication
- 535 Business Expenses
- 544 Sales and Other Dispositions of Assets
- 551 Basis of Assets

See chapter 17 for information about getting publications and forms.

Cost Basis
The basis of property you buy is usually its cost. Cost is the amount you pay in cash, debt obligations, other property, or services. Your cost includes amounts you pay for sales tax (less any applicable sales tax deducted on Schedule A (Form 1040), freight, installation, and testing. The basis of real estate and business assets will include other items. Basis generally does not include interest payments. However, see Carrying charges in chapter 5 of Publication 535.

You may also have to capitalize (add to basis) certain other costs related to buying or producing property. Under the uniform capitalization rules, you may have to capitalize direct costs and certain indirect costs of producing property.

Loans with low or no interest. If you buy property on a time-payment plan that charges little or no interest, the basis of your property is your stated purchase price minus the amount considered to be unstated interest. You generally have an unstated interest if your interest rate is less than the applicable federal rate. See the discussion of an unstated interest in Publication 537, Installment Sales.

Real Property
Real property, also called real estate, is land and generally anything built on, growing on, or attached to land.

If you buy real property, certain fees and other expenses you pay are part of your cost basis in the property.

Lump sum purchase. If you buy improvements, such as buildings, and the land on which they stand for a lump sum, allocate your cost basis between the land and improvements. Allocate the cost basis according to the respective fair market values (FMVs) of the land and improvements at the time of purchase. Figure the basis of each asset by multiplying the lump sum by a fraction. The numerator is the FMV of that asset and the denominator is the FMV of the whole property at the time of purchase.

Fair market value (FMV). FMV is the price at which property would change hands between a willing buyer and a willing seller, neither having to buy or sell, and both having reasonable knowledge of all necessary facts. Sales of similar property or about the same date may help in figuring the FMV of the property.

If you are not certain of the FMV of the land and improvements, you can allocate the basis according to their assessed values for real estate tax purposes.

Real estate taxes. If you pay real estate taxes the seller owed on real property you bought, and the seller did not reimburse you, treat those taxes as part of your basis. You cannot deduct them as an expense.

If you reimburse the seller for taxes the seller paid for you, you usually can deduct that amount as an expense in the year of purchase. Do not include that amount in the basis of your property. If you did not reimburse the seller, you must reduce your basis by the amount of those taxes.

Settlement costs. Your basis includes the settlement fees and closing costs for buying the property. See Publication 551 for a list of items you can include in basis.

Do not include fees and costs for getting a loan on the property. Also, do not include amounts placed in escrow for the future payment of items such as taxes and insurance.

Points. If you pay points to get a loan (including a mortgage, second mortgage, or line-of-credit), do not add the points to the basis.
of the related property. Generally, you deduct
the points over the term of the loan. For more
information about deducting points, see Points
in chapter 5 of Publication 535.

Assumption of a mortgage. If you buy prop-
erty and assume (or buy the property subject to)
an existing mortgage, your basis includes the
amount you owe on the property plus the amount
you owe on the mortgage.

Example. If you buy a farm for $100,000
cash and assume a mortgage of $400,000, your
basis is $500,000.

Constructing assets. If you build property or
have assets built for you, your expenses for this
construction are part of your basis. Some of
these expenses include the following costs:

- Land,
- Labor and materials,
- Architect’s fees,
- Building permit charges,
- Payments to contractors,
- Payments for rental equipment, and
- Inspection fees.

In addition, if you use your own employees,
farm materials, and equipment to build an asset,
do not deduct the following expenses. You must
capitalize them (include them in the asset’s ba-
is):

- Employee wages paid for the construction work.
- Depreciation on equipment you own while
  it is used in the construction.
- Operating and maintenance costs for
  equipment used in the construction.
- Business supplies and materials used in the
  construction.

Do not include the value of your own
labor, or any other labor you did not
pay for, in the basis of any property
you construct.

Reduce the asset’s basis by any of the fol-
lowing credits allowable on the employee wages
paid for the construction work:

- Empowerment zone and renewal commu-
nity employment credit,
- Indian employment credit,
- Welfare-to-work credit,
- Work opportunity credit,
- Hurricane Katrina Employee Retention
  Credit (for qualified wages paid or incurred
  on any day after August 28, 2005, and
  before January 1, 2006).

For information about these credits, see Publi-
cation 954, Tax Incentives for Distressed Com-
munities.

Allocating the Basis

In some instances, the rules for determining basis apply to a group of assets acquired in the
same transaction or to property that consists of
separate items. To determine the basis of these
assets or separate items, there must be an allo-
cation of basis.

Group of assets acquired. If you buy multiple
assets for a lump sum, allocate the amount you
pay among the assets. Use this allocation to
figure your basis for depreciation and gain or
loss on a later disposition of any of these assets.
You and the seller may agree in the sales con-
tract to a specific allocation of the purchase price
among the assets. If this allocation is based on
the value of each asset and you and the seller
have adverse tax interests, the allocation gener-
ally will be accepted.

Farming business acquired. If you buy a group
of assets that makes up a farming busi-
ness, there are special rules you must use to
allocate the purchase price among the assets.
Generally, reduce the purchase price by any
cash received. Allocate the remaining purchase
price to the other business assets received in
proportion to (but not more than) their FMV and
in a certain order. See Trade or Business Ac-
quired under Allocating the Basis in Publication
551 for more information.

Transplanted embryo. If you buy a cow that is
pregnant with a transplanted embryo, allocate
to the basis of the cow the part of the purchase
price equal to the FMV of the cow without the
implant. Allocate the rest of the purchase price
to the basis of the calf. Neither the cost allocated
to the cow nor the cost allocated to the calf is
deductible as a current business expense.

Quotas and allotments. Certain areas of the
country have quotas or allotments for commodi-
ties such as milk, tobacco, and peanuts. The
cost of the quota or allotment is its basis. If you
acquire a right to a quota with the purchase of
land or a herd of dairy cows, allocate part of the
purchase price to that right based on its FMV
and the FMV of the land or herd.

Uniform Capitalization Rules

Under the uniform capitalization rules, you must
include certain direct and indirect costs in the
basis of property you produce or in your inven-
tory costs, rather than claim them as a current
business expense. You recover these costs through
depreciation, amortization, or cost of goods sold
when you use, sell, or otherwise dispose of the
property.

Generally, you are subject to the uniform
capitalization rules if you do any of the following:

1. Produce real or tangible personal property,
or
2. Acquire property for resale. However, this
rule does not apply to personal property if
your average annual gross receipts for the
3-tax-year period ending with the year pre-
ceding the current tax year are $10 million
or less.

You produce property if you construct, build,
install, manufacture, develop, improve, or create
the property.

You are not subject to the uniform
capitalization rules if the property is
produced for personal use.

In a farming business, you produce property
if you raise or grow any agricultural or horticul-
tural commodity, including plants and animals.

Plants. A plant produced in a farming busi-
ness includes the following items:

- A fruit, nut, or other crop-bearing tree;
- An ornamental tree;
- A vine;
- A bush;
- Sod; and
- The crop or yield of a plant that will have
  more than one crop or yield.

Animals. An animal produced in a farming business includes any stock, poultry or other
bird, and fish or other sea life.

The direct and indirect costs of producing plants or animals include prepayment costs and
preproductive period costs. Prepaymentary costs include the acquisition costs of the seed, seed-
ling, plant, or animal. For plants, preproductive
period costs include the costs of items such as
irrigation, pruning, frost protection, spraying,
and harvesting. For animals, preproductive pe-
riod costs include the costs of items such as
feed, maintaining pasture or pen areas, breed-
ing, veterinary services, and bedding.

Exceptions. In a farming business, the uni-
form capitalization rules do not apply to:

1. Any animal.
2. Any plant with a preproductive period of
   2 years or less.
3. Any costs of replanting certain plants lost
   or damaged due to casualty.

Exceptions (1) and (2) do not apply to a
corporation, partnership, or tax shelter required
to use an accrual method of accounting. See
Accrual method required under Accounting
Methods in chapter 2.

In addition, you can elect not to use the
uniform capitalization rules for plants with a
preproductive period of more than 2 years. If you
make this election, special rules apply. This
election cannot be made by a corporation, part-
nership, or tax shelter required to use an accrual
method of accounting. This election also does
not apply to any costs incurred for the planting,
cultivation, maintenance, or development of any
citrus or almond grove (or any part thereof)
within the first 4 years the trees were planted.

If you elect not to use the uniform
capitalization rules, you must use the
alternative depreciation system for all
property used in any of your farming businesses
and placed in service in the current tax year
which the election is in effect.

Example. You grow trees that have a
preproductive period of more than 2 years. The
trees produce an annual crop. You are an indi-
vidual and the uniform capitalization rules apply
in your farming business. You must capitalize
the direct costs and an allocable part of indirect
costs incurred due to the production of the trees.
You are not required to capitalize the costs of
producing the annual crop because its
preproductive period is 2 years or less.

Preproductive period of more than 2 years.
The preproductive period of plants grown in
commercial quantities in the United States is
based on their nationwide weighted average
preproductive period. Plants producing the crops or yields shown in Table 6-1 have a na-

tionwide weighted average preproductive period of more than 2 years. Other plants (not shown in Table 6-1) may also have a nationwide weighted average preproductive period of more than 2 years.

More information. For more information on the uniform capitalization rules that apply to property produced in a farming business, see Regulations section 1.263A-4.

Adjusted Basis
Before figuring gain or loss on a sale, exchange, or other disposition of property or figuring allowable depreciation, depletion, or amortization, you must usually make certain adjustments (increases and decreases) to the cost of the property. The result is the adjusted basis of the property.

Increases to Basis
Increase the basis of any property by all items properly added to a capital account. These include the cost of any improvements having a useful life of more than 1 year.

The following costs increase the basis of property:
- The cost of extending utility service lines to property;
- Legal fees, such as the cost of defending and perfecting title; and
- Legal fees for seeking a decrease in an assessment levied against property to pay for local improvements.

If you make additions or improvements to business property, keep separate accounts for them. Depreciate the basis of each addition or improvement according to the depreciation rules that would apply to the original property if you had placed it in service at the same time you placed the addition or improvement in service. See chapter 7.

Assessments for local improvements. Increase the basis of property by assessments for items such as paving roads and building ditches that increase the value of the property assessed. Do not deduct them as taxes. However, you can deduct as taxes assessed amounts assessed for maintenance or repairs, or for meeting interest charges related to the improvements.

Deducting vs. capitalizing costs. Do not add to your basis costs you can deduct as current expenses. For example, amounts paid for incidental repairs or maintenance are deductible as business expenses and are not added to basis. However, you can elect either to deduct or to capitalize certain other costs. See chapter 8 in Publication 535.

Decreases to Basis
For 2005, the following items reduce the basis of property:
- Section 179 deduction.
- Deductions previously allowed or allowable for amortization, depreciation, and depletion.
- Special depreciation allowance on qualified property.
- Investment credit (part or all) taken.
- Casualty and theft losses and insurance reimbursements.
- Payments you receive for granting an easement.
- Exclusion from income of subsidies for energy conservation measures.
- Credit for qualified electric vehicles.
- Certain canceled debt excluded from income.
- Rebates from a manufacturer or seller.
- Patronage dividends received from a cooperative association as a result of a purchase of property. See Patronage Dividends in chapter 3.
- Gas-guzzler tax.
- Credit for employer-provided child care.

Some of these items are discussed next.

Depreciation and section 179 deduction. The adjustments you must make to the basis of property if you take the section 179 deduction or depreciate the property are explained below. For more information on these deductions, see chapter 7.

Section 179 deduction. If you take the section 179 expense deduction for all or part of the cost of qualifying business property, decrease the basis of the property by the deduction.

Depreciation. Decrease the basis of property by the depreciation you deducted, or could have deducted, on your tax returns under the method of depreciation you chose. If you took less depreciation than you could have or you did not take a depreciation deduction, reduce the basis by the full amount of depreciation you could have taken. If you deducted more depreciation than you should have, decrease your basis by the amount you should have deducted plus the part of the excess depreciation you deducted that actually reduced your tax liability for any year.

See chapter 7 for information on figuring the depreciation you should have claimed. See also Changing Your Accounting Method in chapter 7 for information that may benefit you if you deducted the wrong amount of depreciation.

In decreasing your basis for depreciation, take into account the amount deducted on your tax returns as depreciation and any depreciation you must capitalize under the uniform capitalization rules.

Special depreciation allowance. Decrease the basis of property by any special depreciation allowance for qualified property. Do not decrease the basis if you made the election not to claim any special allowance.

Casualty and theft losses. If you have a casualty or theft loss, decrease the basis of the property by any insurance or other reimbursement. Also, decrease it by any deductible loss not covered by insurance. See chapter 11 for information about figuring your casualty or theft loss.

You must increase your basis in the property by the amount you spend on repairs that substantially prolong the life of the property, increase its value, or adapt it to a different use. To make this determination, compare the repaired property to the property before the casualty.

Easements. The amount you receive for granting an easement is usually considered to be proceeds from the sale of an interest in the real property. It reduces the basis of the affected part of the property. If the amount received is more than the basis of the part of the property affected by the easement, reduce your basis in that part to zero and treat the excess as a recognized gain. See Easements and right-of-way in chapter 4.

Exclusion from income of subsidies for energy conservation measures. You can exclude from gross income any subsidy you received from a public utility company for the purchase or installation of an energy conservation measure for a dwelling unit. Reduce the basis of the property by the excluded amount.

Credit for qualified electric vehicles. If you claim the credit for a qualified electric vehicle, you must reduce your basis in that vehicle by the lesser of the following amounts:
- $4,000.

Table 6-1. Plants With a Preproductive Period of More Than 2 Years

<table>
<thead>
<tr>
<th>Plants producing the following crops or yields that have a nationwide weighted average preproductive period of more than 2 years.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Almonds</td>
</tr>
<tr>
<td>Apples</td>
</tr>
<tr>
<td>Apricots</td>
</tr>
<tr>
<td>Avocados</td>
</tr>
<tr>
<td>Blackberries</td>
</tr>
<tr>
<td>Blueberries</td>
</tr>
<tr>
<td>Cherries</td>
</tr>
<tr>
<td>Chestnuts</td>
</tr>
<tr>
<td>Coffee beans</td>
</tr>
<tr>
<td>Persimmons</td>
</tr>
<tr>
<td>Pomegranates</td>
</tr>
<tr>
<td>Papayas</td>
</tr>
<tr>
<td>Peaches</td>
</tr>
<tr>
<td>Pears</td>
</tr>
</tbody>
</table>
• 10% of the vehicle’s cost.

This reduction amount applies even if the credit allowed is less than that amount. For more information on this credit, see chapter 12 in Publication 535.

Deduction for clean-fuel vehicle and refueling property. If you take the deduction for clean-fuel vehicle or clean-fuel vehicle refueling property placed in service in 2005, decrease the basis of the property by the amount deducted. For more information, see chapter 2 of Publication 535.

Canceled debt excluded from income. If a debt you owe is canceled or forgiven, other than as a gift or bequest, you generally must include the canceled amount in your gross income for tax purposes. A debt includes any indebtedness for which you are liable or which attaches to property you hold.

You can exclude your canceled debt from income if the debt is any of the following.
1. Debt canceled in a bankruptcy case or when you are insolvent.
2. Qualified farm debt.
3. Qualified real property business debt (provided you are not a C corporation).

If you exclude canceled debt described in (1) or (2), you may have to reduce the basis of your depreciable and nondepreciable property. If you exclude canceled debt described in (3), you must only reduce the basis of your depreciable property by the excluded amount.

For more information about canceled debt in a bankruptcy case, see Publication 908, Bankruptcy Tax Guide. For more information about insolvency and canceled debt that is qualified farm debt, see chapter 3. For more information about qualified real property business debt, see chapter 5 in Publication 534, Tax Guide for Small Business.

Credit for employer-provided childcare. If you claim the credit for employer-provided childcare for amounts paid or incurred to acquire, construct, rehabilitate, or expand property used as part of your qualified childcare facility, you must reduce your basis in the property by the amount of the credit. For information on the credit, see Form 8882, Credit for Employer-Provided Childcare Facilities and Services.

Basis Other Than Cost

There are times when you cannot use cost as basis. In these situations, the fair market value or the adjusted basis of property may be used.

Fair market value and adjusted basis were discussed earlier.

Property changed to business or rental use. When you hold property for personal use and then change it to business use or use it to produce rent, you must figure its basis for depreciation. An example of changing property from personal to rental use would be renting out your personal residence.

Sale of property. If you later sell or dispose of property changed to business or rental use, the basis you use will depend on whether you are figuring a gain or loss. The basis for figuring gain or loss is your adjusted basis for the property when you sell the property. Figure the basis for a loss starting with the smaller of your adjusted basis or the FMV of the property at the time of the change to business or rental use. Then make adjustments (increases and decreases) for the period after the change in the property’s use, as discussed earlier under Adjusted Basis.

1. Basis for depreciation. The basis for depreciation is the lesser of the following amounts.
   a. The FMV of the property on the date of the change.
   b. Your adjusted basis on the date of the change.

Property received for services. If you receive property for services, include the property’s FMV in income. The amount you include in income becomes your basis. If the services were performed for a price agreed on beforehand, it will be accepted as the FMV of the property if there is no evidence to the contrary.

Example. George Smith is an accountant and also operates a farming business. George agreed to do some accounting work for his neighbor in exchange for a dairy cow. The accounting work and the cow are each worth $1,500. George must include $1,500 in income for his accounting services. George’s basis in the cow is $1,500.

Taxable Exchanges

A taxable exchange is one in which the gain is taxable, or the loss is deductible. A taxable gain or deductible loss also is known as a recognized gain or loss. A taxable exchange occurs when you receive cash or get property that is not similar or related in use to the property exchanged. If you receive property in exchange for other property in a taxable exchange, the basis of the property you receive is usually its FMV at the time of the exchange.

Example. You trade a tract of farmland with an adjusted basis of $3,000 for a tractor that has an FMV of $6,000. You must report a taxable gain of $3,000 for the land. The tractor has a basis of $6,000.

Involuntary Conversions

If you receive property as a result of an involuntary conversion, such as a casualty, theft, or condemnation, figure the basis of the replacement property you receive using the basis of the converted property.

Similar or related property. If the replacement property is similar or related in service or use to the converted property, the replacement property’s basis is the same as the old property’s basis on the date of the conversion. However, make the following adjustments.

1. Decrease the basis by the following amounts.
   a. Any loss you recognize on the involuntary conversion.
   b. Any money you receive that you do not spend on similar property.
   c. Any gain you recognize on the involuntary conversion.
   d. Any cost of acquiring the replacement property.

Money or property not similar or related. If you receive money or property not similar or related in service or use to the converted property and you buy replacement property similar or related in service or use to the converted property, the basis of the replacement property is its cost decreased by the gain not recognized on the involuntary conversion.

Allocating the basis. If you buy more than one piece of replacement property, allocate your basis among the properties based on their respective costs.

Basis for depreciation. Special rules apply in determining and depreciating the basis of MACRS property acquired in an involuntary conversion. For information, see What Is the Basis of Your Depreciable Property? in chapter 7.

For more information about involuntary conversions, see chapter 11.

Nontaxable Exchanges

A nontaxable exchange is an exchange in which you are not taxed on any gain and you cannot deduct any loss. A nontaxable gain or loss also is known as an unrecognized gain or loss. If you receive property in a nontaxable exchange, its basis is usually the same as the basis of the property you transferred.

Example. You traded a truck you used in your farming business for a new smaller truck to use in farming. The adjusted basis of the old truck was $10,000. The FMV of the new truck is $14,000. Because this is a nontaxable exchange, you do not recognize any gain, and your basis in the new truck is $10,000, the same as the adjusted basis of the truck you traded.

Like-Kind Exchanges

The exchange of property for the same kind of property is the most common type of nontaxable exchange.

For an exchange to qualify as a like-kind exchange, you must hold for business or investment purposes both the property you transfer and the property you receive. There must also be an exchange of like-kind property. For more information, see Like-Kind Exchanges in chapter 8.

The basis of the property you receive generally is the same as the adjusted basis of the property you gave up.

Example. You trade a machine (adjusted basis of $8,000) for another like-kind machine (FMV of $9,000). You use both machines in your farming business. The basis of the machine you receive is $8,000, the same as the machine traded.
Exchange expenses. Exchange expenses generally are the closing costs that you pay. They include such items as brokerage commis-
sions, attorney fees, and deed preparation fees. Add them to the basis of the like-kind property you receive.

Property plus cash. If you trade property in a like-kind exchange and also pay money, the basis of the property you receive is the adjusted basis of the property you gave up plus the money you paid.

Example. You trade a truck (adjusted basis of $3,000) for another truck (FMV of $7,500) and pay $4,000. Your basis in the new truck is $7,000 (the $3,000 adjusted basis of the old truck plus the $4,000 cash).

Special rules for related persons. If a like-kind exchange takes place directly or indirectly between related persons and either party disposes of the property within 2 years after the exchange, the exchange no longer qualifies for like-kind exchange treatment. Each person must report any gain or loss not recognized on the original exchange unless the loss is not deductible under the related party rules. Each person reports it on the tax return filed for the year in which the later disposition occurred. If this rule applies, the basis of the property re-
ceived in the original exchange will be its FMV.

For more information, see chapter 8.

Exchange of business property. Exchang-
ing the property of one business for the property of another business is a multiple property ex-
change. For information on figuring basis, see Multiple Property Exchanges in chapter 1 of Publication 544.

Basis for depreciation. Special rules apply in determining and depreciating the basis of MACRS property acquired in a like-kind transac-
tion. For information, see What Is the Basis of Your Depreciable Property? in chapter 7.

Partially Nontaxable Exchanges

A partially nontaxable exchange is an exchange in which you receive unlike property or money in addition to like-kind property. The basis of the property you receive is the same as the adjusted basis of the property you gave up with the follow-
ing adjustments.

1. Decrease the basis by the following amounts.
   a. Any money you receive.
   b. Any loss you recognize on the ex-
      change.

2. Increase the basis by the following amounts.
   a. Any additional costs you incur.
   b. Any gain you recognize on the ex-
      change.

Example 1. You trade farmland (basis of $10,000) for another tract of farmland (FMV of $11,000) and $3,000 cash. You realize a gain of $4,000. This is the FMV of the land received plus the cash minus the basis of the land you traded ($11,000 + $3,000 − $10,000). Include your gain in income (recognize gain) only to the extent of the cash received. Your basis in the land you received is figured as follows.

   Basis of land traded .......... $10,000
   Minus: Cash received (adjustment
   1(a)) ................................ −3,000
          ................................  −$7,000
   Plus: Gain recognized (adjustment
   2(b)) ...................... + 3,000
   Basis of land received .......... $10,000

Example 2. You trade a truck (adjusted ba-
sis of $22,750) for another truck (FMV of $20,000) and $10,000 cash. You realize a gain of
$7,250. This is the FMV of the truck received plus the cash minus the adjusted basis of the truck you traded ($20,000 + $10,000 − $22,750). You include all the gain in your income (recogn-
ize gain) because the gain is less than the cash you received. Your basis in the truck you re-
evived is figured as follows.

   Adjusted basis of truck traded .......... $22,750
   Minus: Cash received (adjustment
   1(a)) ................................ −10,000
          ................................  −$12,750
   Plus: Gain recognized (adjustment
   2(b)) ...................... + 7,250
   Basis of truck received .......... $20,000

Allocation of basis. If you receive like-kind and unlike properties in the exchange, allocate the basis first to the unlike property, other than money, up to its FMV on the date of the ex-
change. The rest is the basis of the like-kind property.

Example. You traded a tractor with an ad-
justed basis of $15,000 for another tractor that had an FMV of $12,500. You also received $1,000 cash and a truck that had an FMV of $3,000. The truck is unlike property. You real-
ized a gain of $1,500. This is the FMV of the tractor received plus the FMV of the truck re-
evived plus the cash minus the adjusted basis of the tractor you traded ($12,500 + $3,000 + $1,000 − $15,000). You include in income (rec-
ognize) all $1,500 of the gain because it is less than the FMV of the unlike property plus the cash received. Your basis in the properties you re-
evived is figured as follows.

   Adjusted basis of old tractor .......... $15,000
   Minus: Cash received (adjustment
   1(a)) ................................ −1,000
          ................................  −$14,000
   Plus: Gain recognized (adjustment
   2(b)) ...................... + 1,500
   Total basis of properties received $15,500

Allocate the total basis of $15,500 first to the unlike property—the truck ($3,000). This is the truck’s FMV. The rest ($12,500) is the basis of the tractor.

Sale and Purchase

If you sell property and buy similar property in two mutually dependent transactions, you may have to treat the sale and purchase as a single nontaxable exchange.

Example. You used a tractor on your farm for 3 years. Its adjusted basis is $2,000 and its FMV is $4,000. You are interested in a new tractor, which sells for $15,500. Ordinarily, you would trade your old tractor for the new one and pay the dealer $11,500. Your basis for depreciating the new tractor would then be $13,500 ($11,500 + $2,000, the adjusted basis of your old tractor). However, you want a higher basis for depreciating the new tractor, so you agree to pay the dealer $15,500 for the new tractor if he will pay you $4,000 for your old tractor. Because the two transactions are dependent on each other, you are treated as having exchanged your old tractor for the new one and paid $11,500 ($15,500 − $4,000). Your basis for depreciating the new tractor is $13,500, the same as if you traded the old tractor.

Property Received as a Gift

To figure the basis of property you receive as a gift, you must know its adjusted basis (defined earlier) to the donor just before it was given to you. You also must know its FMV at the time it was given to you and any gift tax paid on it.

FMV equal to or greater than donor’s ad-
justed basis. If the FMV of the property is equal to or greater than the donor’s adjusted basis, your basis is the donor’s adjusted basis when you received the gift. Increase your basis by all or part of any gift tax paid, depending on the date of the gift.

Also, for figuring gain or loss from a sale or other disposition of the property, or for figuring depreciation, depletion, or amortization deduc-
tions on business property, you must increase or decrease your basis (the donor’s adjusted ba-
sis) by any required adjustments to basis while you held the property. See Adjusted Basis, ear-
ier.

If you received a gift during the tax year, increase your basis in the gift (the donor’s ad-
justed basis) by the part of the gift tax paid or due to the net increase in value of the gift. Figure the increase by multiplying the gift tax paid by the following fraction.

\[ \frac{\text{Net increase in value of the gift}}{\text{Amount of the gift}} \]

The net increase in value of the gift is the FMV of the gift minus the donor’s adjusted basis. The amount of the gift is its value for gift tax purposes after reduction by any annual exclu-
dion and marital or community property rules that applies to the gift. For information on the gift tax, see Publication 950, Introduction to Estate and Gift Taxes.

Example. In 2005, you received a gift of property from your mother. Your gift to her FMV of $50,000. Her adjusted basis was $20,000. The amount of the gift for gift tax purposes was $39,000 ($50,000 minus the $11,000 annual exclusion). She paid a gift tax of $9,000. Your basis, $26,930, is figured as follows.

Fair market value ............... $50,000
Minus: Adjusted basis ............. −$20,000
Net increase in value ............ $30,000
Gift tax paid ...................... $9,000
Multiplied by ($30,000 + $39,000) × .77
Gift tax due to net increase in value $6,930

The type and rule above prints on all proofs including departmental reproduction proofs. MUST be removed before printing.
Adjusted basis of property to your mother $0.00
Your basis in the property $20,000

Note. If you received a gift before 1977, your basis in the gift (the donor’s adjusted basis) includes any gift tax paid on it. However, your basis cannot exceed the FMV of the gift when it was given to you.

FMV less than donor’s adjusted basis. If the FMV of the property at the time of the gift is less than the donor’s adjusted basis, your basis depends on whether you have a gain or a loss when you dispose of the property. Your basis for figuring gain is the donor’s adjusted basis plus or minus any required adjustments to basis while you held the property. Your basis for figuring loss is its FMV when you received the gift plus or minus any required adjustments to basis while you held the property. (See Adjusted Basis, earlier.)

If you use the donor’s adjusted basis for figuring a gain and get a loss, and then use the FMV for figuring a loss and get a gain, you have neither gain nor loss on the sale or other disposition of the property.

Example. You received farmland as a gift from your parents when they retired from farming. At the time of the gift, the land had an FMV of $80,000. Your parents’ adjusted basis was $100,000. After you received the land, no events occurred that would increase or decrease your basis.

If you sell the land for $120,000, you will have a $20,000 gain because you must use the donor’s adjusted basis at the time of the gift ($100,000) as your basis to figure a gain. If you sell the land for $70,000, you will have a $30,000 loss because you must use the FMV at the time of the gift ($80,000) as your basis to figure a loss.

If the sales price is between $80,000 and $100,000, you have neither gain nor loss. For instance, if the sales price was $90,000 and you tried to figure a gain using the donor’s adjusted basis ($100,000), you would get a $10,000 loss. If you then tried to figure a loss using the FMV ($80,000), you would get a $10,000 gain.

Business property. If you hold the gift as business property, your basis for figuring any depreciation, depletion, or amortization deductions is the same as the donor’s adjusted basis plus or minus any required adjustments to basis while you held the property.

Property Transferred From a Spouse

The basis of property transferred to you or transferred in trust for your benefit by your spouse is the same as your spouse’s adjusted basis. The same rule applies to a transfer by your former spouse if the transfer is incident to divorce. However, for property transferred in trust, adjust your basis for any gain recognized by your spouse or former spouse if the liabilities assumed plus the liabilities to which the property is subject are more than the adjusted basis of the property transferred.

The transferor must give you the records needed to determine the adjusted basis and holding period of the property as of the date of the transfer.

For more information, see Property Settlements in Publication 504, Divorced or Separated Individuals.

Inherited Property

Your basis in property you inherit from a decedent is generally one of the following.

• The FMV of the property at the date of the decedent’s death.
• The FMV on the alternate valuation date, if the personal representative for the estate elects to use alternate valuation.
• The decedent’s adjusted basis in land to the extent of the value that is excluded from the decedent’s taxable estate as a qualified conservation easement.

If a federal estate tax return does not have to be filed, your basis in the inherited property is its appraised value at the date of death for state inheritance or transmission taxes.

Special-use valuation method. Under certain conditions, when a person dies, the executor or personal representative of that person’s estate may elect to value qualified real property at other than its FMV. If so, the executor or personal representative values the qualified real property based on its use as a farm or other closely held business. If the executor or personal representative elects this method of valuation for estate tax purposes, this value is the basis of the property for the qualified heirs. The qualified heirs should be able to get the necessary value from the executor or personal representative of the estate.

If you are a qualified heir who received special-use valuation property, increase your basis by any gain recognized by the estate or trust because of post-death appreciation. Post-death appreciation is the property’s FMV on the date of distribution minus the property’s FMV either on the date of the individual’s death or on the alternate valuation date. Figure all FMVs without regard to the special-use valuation.

You may be liable for an additional estate tax if, within 10 years after the death of the decedent, you transfer the property or the property stops being used as a farm. This tax does not apply if you dispose of the property in a like-kind exchange or in an involuntary conversion in which all of the proceeds are reinvested in qualified replacement property. The tax also does not apply if you transfer the property to a member of your family and certain requirements are met. See Form 706-A and its instructions for more information on this tax.

You can elect to increase your basis in special-use valuation property if it becomes subject to the additional estate tax. To increase your basis, you must make an irrevocable election and pay interest on the additional estate tax figured from the date 9 months after the decedent’s death until the date of payment of the additional estate tax. If you meet these requirements, increase your basis in the property to its FMV on the date of the decedent’s death or the alternate valuation date. The increase in your basis is considered to have occurred immedi-ately before the event that resulted in the additional estate tax.

You make the election by filing, with Form 706-A, a statement that:
• Contains your (and the estate’s) name, address, and taxpayer identification number;
• Identifies the election as an election under section 1016(c) of the Internal Revenue Code;
• Specifies the property for which you are making the election; and
• Provides any additional information required by the Form 706-A instructions.

For more information, see Form 706, United States Estate (and Generation-Skipping Transf er) Tax Return; Form 706-A, United States Additional Estate Tax Return, and the related instructions.

Property Distributed From a Partnership or Corporation

The following rules apply to determine a partner’s basis and a shareholder’s basis in property distributed respectively from a partner to the partner to its adjusted basis to the partnership immediately before the distribution. However, the basis of the property to the partner cannot be more than the adjusted basis of his or her interest in the partnership reduced by any money received in the same transaction. For more information, see Partner’s Basis for Distributed Property in Publication 541, Partnerships.

Shareholder’s basis. The basis of property distributed by a corporation to a shareholder is its fair market value. For more information about corporate distributions, see Distributions to Shareholders in Publication 542, Corporations.

Chapter 7 Depreciation, Depletion, and Amortization

Page 35
deduct for most section 179 property you placed in service in 2005 is $105,000. This limit is reduced by the amount by which the cost of the property placed in service during the tax year exceeds $420,000. See Dollar Limits under Section 179 Deduction, later.

Depreciation limits for business cars. The total amount of depreciation (including the section 179 deduction) you can take for a passenger automobile (that is not an electric vehicle or a truck or van) you use in your business and first place in service in 2005 is generally $29,960. Different limits apply to electric vehicles and trucks and vans. See Do the Passenger Auto-mobile Limits Apply under Additional Rules for Listed Property, later.

Limited applicability of special depreciation allowances. The additional special depreciation allowances (including the increased limits for passenger automobiles) do not apply to property placed in service in 2005. Generally, you can only claim the special depreciation allowance on the property with a long production period. See Claiming the Special Depreciation Allowance, later.

Reminders

Section 179 deduction limit for sport utility vehicles. The maximum section 179 expense deduction for certain sport utility vehicles is $25,000. For more information, see Dollar Limits under Section 179 Deduction, later.

Amortization of business start-up costs. You can elect to deduct certain start-up costs. See chapter 4. The remaining costs must be amortized over a 180-month period. See Amorti-zation, later.

Amortization of reforestation costs. You can elect to deduct certain reforestation costs. See chapter 4. The remaining costs can be amortized over an 84-month period. See Amorti-

Marginal production of oil and gas. The suspension of the taxable income limit on percentage depletion from the marginal production of oil and natural gas that was scheduled to expire for tax years beginning after 2003 has been extended to tax years beginning before 2006. For more information on marginal production, see section 613A(c)(6) of the Internal Rev-

Introduction

If you buy farm property such as machinery, equipment, livestock, or a structure with a useful life of more than a year, you generally cannot deduct its entire cost in one year. Instead, you must spread the cost over the time you use the property and deduct part of it each year. For most types of property, this is called deprecia-

This chapter gives information on deprecia-

Overview of Depreciation

This overview discusses basic information on the following:

- Whether MACRS can be used to figure depreciation.
- What is the basis of your depreciable property.
- How to treat improvements.
- When you must file Form 4562.
- How you can correct depreciation claimed incorrectly.

What Property Can Be Depreciated?

You can depreciate most types of tangible prop-erty (except land), such as buildings, machinery, equip-

What property cannot be depreciated.

Who is responsible for computing these costs and how to complete Form 4562.

The under-

Limited improvements you make to the leased property will be depreciated.

Useful Items

You may want to see:

Publication

- 463 Travel, Entertainment, Gift, and Car Expenses
- 534 Depreciating Property Placed in Service Before 1987
- 535 Business Expenses
- 544 Sales and Other Dispositions of Assets
- 551 Basis of Assets
- 946 How To Depreciate Property

Form (and Instructions)

- T Forest Activities Schedule
- 1040X Amended U.S. Individual Income Tax Return
- 3115 Application for Change in Accounting Method
- 4562 Depreciation and Amortization
- 4797 Sales of Business Property

See chapter 17 for information about getting publications and forms.

Property You Own

To claim depreciation, you usually must be the owner of the property. You are considered as owning property even if it is subject to a debt.

Leased property. You can depreciate leased property only if you retain the incidents of ownership in the property (explained later). This means you bear the burden of exhaustion of the capital investment in the property. Therefore, if you lease property from someone to use in your trade or business or for the production of in-

Marginal production of oil and gas. The suspension of the taxable income limit on percentage depletion from the marginal production of oil and natural gas that was scheduled to expire for tax years beginning after 2003 has been extended to tax years beginning before 2006. For more information on marginal production, see section 613A(c)(6) of the Internal Revenue Code.


To help you understand depreciation and how to complete Form 4562, Depreciation and Amortization, see the filled-in Form 4562 and related discussion in chapter 16.

Topics

This chapter discusses:

- Overview of depreciation
- Section 179 deduction
- Special depreciation allowances
- Modified Accelerated Cost Recovery System (MACRS)
- Listed property rules
- Basic information on cost depletion (includ-ing timber depletion) and percentage depletion
- Amortization of the costs of going into business, reforestation costs, the costs of pollution control facilities, and the costs of section 197 intangibles
value through obsolescence or exhaust-

ion.

Life tenant. Generally, if you hold business or investment property as a life tenant, you can depreciate it as if you were the absolute owner of the property. However, see Certain term inter-
ests in property under Excepted property, later.

Property Used in Your Business or Income-Producing Activity

To claim depreciation on property, you must use it in your business or income-producing activity. If you use property to produce income (invest-
ment use), the income must be taxable. You cannot depreciate property that you use solely for personal activities.

Partial business or investment use. If you use property for business or investment pur-
poses and for personal purposes, you can de-
duct depreciation based only on the percentage of business or investment use.

Example 1. If you use your car for farm business, you can deduct depreciation based on its percentage of use in farming. If you also use it for investment purposes, you can depreciate it based on its percentage of investment use.

Example 2. If you use part of your home for business, you may be able to deduct deprecia-
tion on that part based on its business use. For more information, see Business Use of Your Home in chapter 4.

Inventory. You can never depreciate inven-
tory because it is not held for use in your busi-
ess. Inventory is any property you hold primarily for sale to customers in the ordinary course of your business.

Livestock. Livestock purchased for draft, breeding, or dairy purposes can be depreciated only if they are not kept in an inventory account. Livestock you raise usually has no deprecia-
ble basis because the costs of raising them are deducted and not added to their basis. However, see Immature livestock under When Does De-
preciation Begin and End, later.

Property Having a Determinable Useful Life

To be depreciable, your property must have a determinable useful life. This means it must be something that wears out, decays, gets used up, becomes obsolete, or loses its value from natu-
r al causes.

Irrigation systems and water wells. Irrigation systems and wells used in a trade or busi-

ness can be depreciated if their useful life can be determined. You can depreciate irrigation sys-
tems and wells composed of masonry, concrete,
tile, metal, or wood. In addition, you can depreci-
ate costs for moving dirt to construct irrigation systems and water wells composed of these materials. However, land preparation costs for center pivot irrigation systems are not deprecia-
bale.

Dams, ponds, and terraces. In general, you cannot depreciate earthen dams, ponds, and

terraces unless the structures have a determina-
bale useful life.

Property Lasting More Than One Year

To be depreciable, property must have a useful life that extends substantially beyond the year you place it in service.

What Property Cannot Be Depreciated?

Certain property cannot be depreciated. This includes the following.

Land

You can never depreciate the cost of land be-
cause land does not wear out, become obsolete, or get used up. The cost of land generally in-
cludes the cost of clearing, grading, planting, and landscaping. Although you cannot depreci-
ate land, you can depreciate certain costs in-
curred in preparing land for business use. See chapter 1 of Publication 946.

Excepted Property

Even if the requirements explained in the pre-
ceding discussions are met, you cannot depreci-
ate the following property.

• Property placed in service and disposed of in the same year. Determining when prop-
erty is placed in service is explained later.

• Equipment used to build capital improve-
ments. You must add otherwise allowable depreciation on the equipment during the period of construction to the basis of your improvements.

• Intangible property such as section 197 intangibles.

• Certain term interests.

Intangible property. This property does not have a determinable useful life and generally cannot be depreciated. Special rules apply to computer software (discussed next). See Amor-
ization, later, and chapter 9 of Publication 535 for more information.

Computer software. Computer software in-
cludes all programs designed to cause a com-
puter to perform a desired function. It also in-
cludes any data base or similar item in the public domain and incidental to the operation of qualifying software. Computer software is a sec-
tion 197 intangible only if you acquired it in connection with the acquisition of assets that make up a business or a substantial part of a business.

However, computer software is not a section 197 intangible even if acquired in connection with the acquisition of a business, if it meets all of the following tests.

• It is readily available for purchase by the general public.

• It is subject to a nonexclusive license.

• It has not been substantially modified.

If the software meets the tests above, it can be depreciated and may qualify for the section 179 deduction and the special depreciation allow-
ance (if applicable), discussed later.

Certain term interests in property. You can-
not depreciate a term interest in property cre-
at ed or acquired after July 27, 1989, for any period during which the remainder interest is held, directly or indirectly, by a person related to you. This rule does not apply to the holder of a term interest in property acquired by gift, be-
quest, or inheritance. For more information, see chapter 1 of Publication 946.

When Does Depreciation Begin and End?

You begin to depreciate your property when you place it in service for use in your trade or busi-

ness or for the production of income. You stop deprecimating property either when you have fully recovered your cost or other basis or when you retire it from service, whichever happens first.

Placed in Service

Property is placed in service when it is ready and available for a specific use, whether in a busi-

ness activity, an income-producing activity, a tax-exempt activity, or a personal activity. Even if you are not using the property, it is in service when it is ready and available for its specific use.

Example. You bought a planter for use in

your farm business. The planter was delivered in December 2005 after harvest was over. You begin to depreciate the planter for 2005 because it was ready and available for its specific use in 2005, even though it will not be used until the spring of 2006. If your planter comes unassembled in De-

cember 2005 and is put together in February 2006, it is not placed in service until 2006. You begin to deprecimate it in 2006.

If your planter was delivered and assembled in

February 2006 but not used until April 2006, it is placed in service in February 2006, because this is when the planter was ready for its speci-
fied use. You begin to deprecimate it in 2006.

Fruit or nut trees and vines. If you acquire an

orchard, grove, or vineyard before the trees or vines have reached the income-producing stage, and they have a preproductive period of more than 2 years, you must capitalize the preproductive-period costs under the uniform capitalization rules (unless you elect not to use these rules). See chapter 6 for information about the uniform capitalization rules. Your deprecia-
tion begins when the trees and vines reach the income-producing stage (that is, when they bear fruit, nuts, or grapes in quantities sufficient to commercially warrant harvesting).

Immature livestock. Depreciation for live-

stock begins when the livestock reaches the age of maturity. If you acquire immature livestock for draft, dairy, or breeding purposes, your deprecia-
tion begins when the livestock reach the age when they can be worked, milked, or bred. When this occurs, your basis for depreciation is your initial cost for the immature livestock.
Idle Property
Continue to claim a deduction for depreciation on property used in your business or for the production of income even if it is temporarily idle. For example, if you stop using a machine because there is a temporary lack of a market for a product made with that machine, continue to deduct depreciation on the machine.

Cost or Other Basis Fully Recovered
You stop depreciating property when you have fully recovered its cost or other basis. This happens when your section 179 and allowed or allowable depreciation deductions equal your cost or investment in the property.

Retired From Service
You stop depreciating property when you retire it from service, even if you have not fully recovered its cost or other basis. You retire property from service when you permanently withdraw it from use in a trade or business or from use in the production of income because of any of the following events.
- You sell or exchange the property.
- You convert the property to personal use.
- You abandon the property.
- You transfer the property to a supplies or scrap account.
- The property is destroyed.

For information on abandonment of property, see chapter 8. For information on destroyed property, see chapter 11 and Publication 547, Casualties, Disasters, and Thefts.

Can You Use MACRS To Depreciate Your Property?
You must use the Modified Accelerated Cost Recovery System (MACRS) to depreciate most business and investment property placed in service after 1986. MACRS is explained later under Figuring Depreciation Under MACRS.

You cannot use MACRS to depreciate the following property.
- Property you placed in service before 1987.
- Certain property owned or used in 1986.
- Intangible property.
- Films, video tapes, and recordings.
- Certain corporate or partnership property acquired in a nontaxable transfer.
- Property you elected to exclude from MACRS.

For more information, see Chapter 1 of Publication 946.

Property You Placed in Service Before 1987
You cannot use MACRS for property you placed in service before 1987 (except property you placed in service after July 31, 1986, if MACRS was elected). Property placed in service before 1987 must be depreciated under the methods discussed in Publication 534, Depreciating Property Placed in Service Before 1987.

Use of real property changed. You generally must use MACRS to depreciate real property you acquired for personal use before 1987 and changed to business or income-producing use after 1986.

Property Owned or Used in 1986
Under special rules, you may not be able to use MACRS for property you acquired and placed in service after 1986. These rules apply to both personal and real property owned or used before 1987. If you cannot use MACRS, the property must be depreciated under the methods discussed in Publication 534. For specific information, see Property Owned or Used in 1986 in chapter 1 of Publication 946.

Election To Exclude Property From MACRS
If you can properly depreciate any property under a method not based on a term of years, such as the unit-of-production method, you can elect to exclude that property from MACRS. You make the election by reporting your depreciation for the property on line 15 in Part II of Form 4562 and attaching a statement as described in the instructions for Form 4562. You must make this election by the return due date (including extensions) for the year you place your property in service. However, if you timely filed your return for the year without making the election, you can still make the election by filing an amended return within 6 months of the due date of the return (excluding extensions). Attach the election to the amended return and write "Filed pursuant to section 301.9100-2" on the election statement. File the amended return at the same address you filed the original return.

Use of standard mileage rate. If you use the standard mileage rate to figure your tax deduction for your business automobile, you are treated as having made an election to exclude the automobile from MACRS. See Publication 463 for a discussion of the standard mileage rate.

What Is the Basis of Your Depreciable Property?
To figure your depreciation deduction, you must determine the basis of your property. To determine basis, you need to know the cost or other basis of your property.

Cost as basis. The basis of property you buy is its cost plus amounts you paid for items such as sales tax, freight charges, and installation and testing fees. The cost includes the amount you pay in cash, debt obligations, other property, or services.

Other basis. Other basis refers to basis that is determined by the way you received the property. For example, your basis is other than cost if you acquired the property as a gift or as an inheritance. If you acquired property in this or some other way, see Basis Other Than Cost in chapter 6 to determine your basis.

Property changed from personal use. If you held property for personal use and later use it in your business or income-producing activity, your depreciable basis is the lesser of the following.
1. The fair market value (FMV) of the property on the date of the change in use.
2. Your original cost or other basis adjusted as follows.
   a. Increased by the cost of any permanent improvements and additions and other costs that must be added to basis.
   b. Decreased by any tax deductions you claimed for casualty and theft losses and other items that reduced your basis.

Property acquired in a nontaxable transaction. Generally, if you receive property in a nontaxable exchange, the basis of the property you receive is the same as the adjusted basis of the property you gave up. Special rules apply to determining the basis and figuring the depreciation deduction for MACRS property acquired in a like-kind exchange or involuntary conversion. See Figuring the Deduction for Property Acquired in a Nontaxable Exchange Under Figuring Depreciation Under MACRS, later.

Adjusted basis. To find your property’s basis for depreciation, you may have to make certain adjustments (increases and decreases) to the basis of the property for events occurring between the time you acquired the property and the time you placed it in service. These events could include the following.
- Installing utility lines.
- Paying legal fees for perfecting the title.
- Settling zoning issues.
- Receiving rebates.
- Incurring a casualty or theft loss.

For a discussion of adjustments to the basis of your property, see Adjusted Basis in chapter 6.

Basis adjustment for depreciation allowed or allowable. After you place your property in service, you must reduce the basis of the property by the depreciation allowed or allowable, whichever is greater. Depreciation allowed is depreciation you actually deducted (from which you received a tax benefit). Depreciation allowable is depreciation you are entitled to deduct.

If you do not claim depreciation you are entitled to deduct, you must still reduce the basis of the property by the full amount of depreciation allowable.

If you deduct more depreciation than you should, you must reduce your basis by any amount deducted from which you received a tax benefit (the depreciation allowed).
How Do You Treat Improvements?

If you improve depreciable property, you must treat the improvement as separate depreciable property. For more information on improvements, see Publication 946.

Repairs. You generally deduct the cost of repairing business property in the same way as any other business expense. However, if a repair or replacement increases the value of your property, makes it more useful, or lengthens its life, you must treat it as an improvement and depreciate it.

Improvements to rented property. You can depreciate permanent improvements you make to business property you rent from someone else.

Do You Have To File Form 4562?

Use Form 4562 to claim your deduction for depreciation and amortization. You must complete and attach Form 4562 to your tax return if you are claiming any of the following:

• A section 179 deduction for the current year or a section 179 carryover from a prior year. The section 179 deduction is discussed later.

• Depreciation for property placed in service during the current year.

• Depreciation on any vehicle or other listed property, regardless of when it was placed in service. Listed property is discussed later.

• Amortization of costs that began in the current year. Amortization is discussed later.

For more information, see the Instructions for Form 4562.

It is important to keep good records for property you depreciate. Do not file these records with your return. Instead, you should keep them as part of the permanent records of the depreciated property. They will help you verify the accuracy of the depreciation of assets placed in service in the current and previous tax years. For general information on recordkeeping, see Publication 556, Starting a Business and Keeping Records. For specific information on keeping records for section 179 property and listed property, see Publication 946.

How Do You Correct Depreciation Deductions?

If you deducted an incorrect amount of depreciation in any year, you may be able to make a correction by filing an amended return for that year. If you are not allowed to make the correction on an amended return, you may be able to change your accounting method to claim the correct amount of depreciation.

Filing an Amended Return

You can file an amended return to correct the amount of depreciation claimed for any property in any of the following situations:

• You claimed the incorrect amount because of a mathematical error made in any year.

• You claimed the incorrect amount because of a posting error made in any year (for example, omitting an asset from the depreciation schedule).

• You have not adopted a method of accounting for any other business expense. However, if a repair or replacement increases the value of your property, makes it more useful, or lengthens its life, you must treat it as an improvement and depreciate it.

Changes in depreciation that are not a change in method of accounting include the following:

• An adjustment in the useful life of a depreciable asset for which depreciation is determined under section 167.

• A change in use of an asset in the hands of the same taxpayer.

• Making a late depreciation election or revoking a timely valid depreciation election.

• Any change in the placed-in-service date of a depreciable asset.

See section 1.446-1T(e)(2)(ii)(d)(2) of the regulations for additional examples.

In some instances, you may be able to get an automatic approval from the IRS to change your method of accounting for depreciation. See the Instructions for Form 3115 for more information on getting approval, automatic approval procedures, and a list of exceptions to the automatic approval process. Revenue Procedure 2002-9 and Revenue Procedure 2004-11 provide additional guidance and special procedures for amending your return and filing Form 3115.

Changing Your method of accounting for depreciation is discussed in more detail in chapter 2 of Publication 946.

Section 179 Deduction

You can elect to recover all or part of the cost of certain qualifying property, up to a limit, by deducting it in the year you place the property in service. This is the section 179 deduction. You can elect the section 179 deduction instead of recovering the cost by taking depreciation deductions.

This part of the chapter explains the rules for the section 179 deduction. It explains what property qualifies for the deduction, what property does not qualify for the deduction, the limits that may apply, how to elect the deduction, and when you may have to recapture the deduction.

What Property Qualifies?

To qualify for the section 179 deduction, your property must meet all the following requirements:

• It must be eligible property.

• It must be acquired for business use.

• It must have been acquired by purchase.

Eligible Property

To qualify for the section 179 deduction, your property must be one of the following types of depreciable property.

1. Tangible personal property.

2. Other tangible property (except buildings and their structural components) used as:

• A. An integral part of manufacturing, production, or extraction or of furnishing transportation, communications, electricity, gas, water, or sewage disposal services.

b. A research facility used in connection with any of the activities in (a) above, or

Chapter 7 Depreciation, Depletion, and Amortization Page 39
c. A facility used in connection with any of the activities in (a) for the bulk storage of fungible commodities.

3. Single purpose agricultural (livestock) or horticultural structures.

4. Storage facilities (except buildings and their structural components) used in connection with distributing petroleum or any primary product of petroleum.

5. Off-the-shelf computer software.

Tangible personal property. Tangible personal property is any tangible property that is not real property. It includes the following property.

- Machinery and equipment.
- Property contained in or attached to a building (other than structural components), such as milk tanks, automatic feeders, barn cleaners, and office equipment.
- Gasoline storage tanks and pumps at retail service stations.
- Livestock, including horses, cattle, hogs, sheep, goats, and mink and other fur-bearing animals.

Facility used for the bulk storage of fungible commodities. A facility used for the bulk storage of fungible commodities is qualifying property for purposes of the section 179 deduction if it is used in connection with any of the activities listed earlier in item (2)(a). Bulk storage means the storage of a commodity in a large mass before it is used.

Grain bins. A grain bin is an example of a storage facility that is qualifying section 179 property. It is a facility used in connection with the production of grain or livestock for the bulk storage of fungible commodities.

Single purpose agricultural or horticultural structures. A single purpose agricultural (livestock) or horticultural structure is qualifying property for purposes of the section 179 deduction if it is used predominantly outside the United States (except property described in chapter 2 of Publication 946).

Agricultural structure. A single purpose agricultural (livestock) or horticultural structure is qualifying property for purposes of the section 179 deduction.

- To house, raise, and feed a particular type of livestock and its produce.
- To house the equipment, including any replacements, needed to house, raise, or feed the livestock.

For this purpose, livestock includes poultry. Single purpose structures are qualifying property if used, for example, to breed chickens or hogs, produce milk from dairy cattle, or produce feeder cattle or pigs, broiler chickens, or eggs. The facility must include, as an integral part of the structure or enclosure, equipment necessary to house, raise, and feed the livestock.

Horticultural structure. A single purpose horticultural structure is either of the following.

- A greenhouse specifically designed, constructed, and used for the commercial production of plants.
- A structure specifically designed, constructed, and used for the commercial production of mushrooms.

Use of structure. A structure must be used only for the purpose that qualified it. For example, a hog barn will not be qualifying property if you use it to house poultry. Similarly, using part of your greenhouse to sell plants will make the greenhouse nonqualifying property.

If a structure includes work space, the work space can be used only for the following activities.

- Stocking, caring for, or collecting livestock or plants or their produce.
- Maintaining the enclosure or structure.
- Maintaining or replacing the equipment or stock enclosed or housed in the structure.

Off-the-shelf computer software. Off-the-shelf computer software placed in service after 2002 is qualifying property for purposes of the section 179 deduction. This is computer software that is readily available for purchase by the general public, is subject to a nonexclusive license, and has not been substantially modified. It includes any program designed to cause a computer to perform a desired function. However, a database or similar item is not considered computer software unless it is in the public domain and is incidental to the operation of otherwise qualifying software.

What Property Does Not Qualify?

Land and improvements. Land and land improvements, such as buildings and other permanent structures and their components, are real property, not personal property and do not qualify as section 179 property. Land improvements include nonagricultural fences, swimming pools, paved parking areas, wharves, docks, bridges, and fences. However, agricultural fences do qualify as section 179 property. Similarly, field drainage tile also qualifies as section 179 property.

Excepted property. Even if the requirements explained in the preceding discussions are met, you cannot elect the section 179 deduction for the following property.

- Certain property you lease to others (if you are a noncorporate lessee).
- Certain property used predominantly to furnish lodging or in connection with the furnishing of lodging. (This exception does not apply to property used by a hotel or motel where the predominant portion of the accommodations is used by transient individuals.)
- Air conditioning or heating units.
- Property used predominantly outside the United States (except property described in section 168(f)(4) of the Internal Revenue Code).
- Property used by certain tax-exempt organizations (except property used in connection with the production of income subject to the tax on unrelated trade or business income).
- Property used by governmental units or foreign persons or entities (except property used under a lease with a term of less than 6 months).

How Much Can You Deduct?

Your section 179 deduction is generally the cost of the qualifying property. However, the total amount you can elect to deduct under section 179 is subject to a dollar limit and a business income limit. These limits apply to each tax payer, not to each business. However, see Married individuals under Dollar Limits, later. See also the special rules for applying the limits for
partnerships and S corporations, later, under Partnerships and S Corporations. If you deduct only part of the cost of qualifying property as a section 179 deduction, you can generally depreciate the cost you do not deduct. See Claiming the Special Depreciation Allowance and Figuring Depreciation Under MACRS, later.

Use Part I of Form 4562 to figure your section 179 deduction.

Trade-in of other property. If you buy qualifying property with a trade-in, its cost for purposes of the section 179 deduction includes only the cash you paid. For example, if you buy (for cash and a trade-in) a new tractor for use in your business, your cost for the section 179 deduction is the cash you paid. It does not include the adjusted basis of the old tractor you trade for the new tractor.

Example. J-Bar Farms traded two cultivators having a total adjusted basis of $6,800 for a new cultivator costing $13,200. They received an $8,000 trade-in allowance for the old cultivators and paid $5,200 cash for the new cultivator. J-Bar also traded a used pickup truck with an adjusted basis of $8,000 for a new pickup truck costing $15,000. They received a $5,000 trade-in allowance and paid $10,000 cash for the new pickup truck.

Only the cash paid by J-Bar qualifies for the section 179 deduction. J-Bar's business costs that qualify for a section 179 deduction are $15,200 ($5,200 + $10,000).

Dollar Limits

The total amount you can elect to deduct under section 179 for most property placed in service in 2005 is $105,000. If you acquire and place in service more than one item of qualifying property during the year, you can allocate the section 179 deduction among the items in any way, as long as the total deduction is not more than $105,000. You do not have to claim the full $105,000.

Example. This year, you bought and placed in service a tractor for $101,000 and a mower for $6,200 for use in your farming business. You elect to deduct the entire $6,200 for the mower and $98,800 for the tractor, a total of $105,000. This is the most you can deduct. Your $6,200 deduction for the mower completely recovered its cost. Your basis for depreciation is zero. The basis of your tractor for depreciation is $2,200. You figure this by subtracting the amount of your section 179 deduction, $98,800, from the cost of the tractor, $101,000.

Reduced dollar limit for cost exceeding $420,000. If the cost of your qualifying section 179 property placed in service in 2005 is over $420,000, you must reduce the dollar limit (but not below zero) by the amount of cost over $420,000. If the cost of your section 179 property placed in service during 2005 is $525,000 or more, you cannot take a section 179 deduction and must carry over the cost that is more than $525,000.

Example. This year, James Smith placed in service machinery costing $495,000. Because this cost is $75,000 more than $420,000, he must reduce his dollar limit to $30,000 ($105,000 – $75,000).

Limits for sport utility vehicles. The total amount you can elect to deduct for certain sport utility vehicles and certain other vehicles placed in service in 2005 is $25,000. This rule applies to any 4-wheeled vehicle primarily designed or used to carry passengers over public streets, roads, and highways that is rated at more than 6,000 pounds gross vehicle weight and not more than 14,000 pounds gross vehicle weight. For more information, see chapter 2 of Publication 946.

Limits for passenger automobiles. For a passenger automobile that is placed in service in 2005, the total section 179 and depreciation deduction is limited. See Do the Passenger Automobile Limits Apply under Additional Rules for Listed Property, later.

Married individuals. If you are married, how you figure your section 179 deduction depends on whether you file jointly or separately. If you file a joint return, you and your spouse are considered to actively conduct a trade or business if you meaningfully participate in the management or operations of the trade or business. Any cost not deductible in one year under section 179 because of this limit can be carried to the next year. See Carryover of disallowed deduction, later.

Business Income Limit

The total cost you can deduct each year after applying the dollar limit is limited to the taxable income from the active conduct of any trade or business during the year. Generally, you are considered to actively conduct a trade or business if you meaningfully participate in the management or operations of the trade or business.

Any cost not deductible in one year under section 179 because of this limit can be carried to the next year. See Carryover of disallowed deduction, later.

Example. On February 1, 2005, the XYZ farm corporation purchased and placed in service qualifying section 179 property that cost $105,000. It elects to expense the entire $105,000 cost under section 179. In June, the corporation gave a charitable contribution of $10,000. A corporation's limit on charitable contributions is figured after subtracting any section 179 deduction. The business income limit for the section 179 deduction is figured after subtracting any allowable charitable contributions.

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Step 1. Taxable income figured without either deduction is $125,000.

Step 2. Using $125,000 as taxable income, XYZ’s hypothetical section 179 deduction is $105,000.

Step 3. $20,000 ($125,000 − $105,000).

Step 4. Using $20,000 (from Step 3) as taxable income, XYZ’s hypothetical charitable contribution (limited to 10% of taxable income) is $2,000.

Step 5. $123,000 ($125,000 − $2,000).

Step 6. Using $123,000 (from Step 5) as taxable income, XYZ figures the actual section 179 deduction. Because the taxable income is at least $105,000, XYZ can take a $105,000 section 179 deduction.

Step 7. $20,000 ($125,000 − $105,000).

Step 8. Using $20,000 (from Step 7) as taxable income, XYZ’s actual charitable contribution (limited to 10% of taxable income) is $2,000.

Carryover of disallowed deduction. You can carry over for an unlimited number of years the cost of any section 179 property you elected to expense but were unable to because of the business income limit.

The amount you carry over is used in determining your section 179 deduction in the next year. However, it is subject to the limits in that year. If you place more than one property in service in a year, you can select the properties for which all or a part of the cost will be carried forward. Your selections must be shown in your books and records.

Example. Last year, Joyce Jones placed in service a machine that cost $8,000 and elected to deduct all $8,000 under section 179. The taxable income from her business (determined without regard to both a section 179 deduction for the cost of the machine and the self-employment tax deduction) was $6,000. Her section 179 deduction was limited to $6,000. The $2,000 cost that was not allowed as a section 179 deduction (because of the business income limit) is carried to this year.

This year, Joyce places another machine in service that cost $9,000. Her taxable income from business (determined without regard to both a section 179 deduction for the cost of the machine and the self-employment tax deduction) is $10,000. Joyce can deduct the full cost of the machine ($9,000) but only $1,000 of the carryover from last year because of the business income limit. She can carry over the balance of $1,000 to next year.

See Carryover of disallowed deduction in chapter 2 of Publication 946 for more information on figuring the carryover.

Partnerships and S Corporations

The section 179 deduction limits apply both to the partnership or S corporation and to each partner or shareholder. The partnership or S corporation determines its section 179 deduction subject to the limits. It then allocates the deduction among its partners or shareholders.

If you are a partner in a partnership or shareholder of an S corporation, you add the amount allocated from the partnership or S corporation to any section 179 costs not related to the partnership or S corporation and then apply the dollar limit to this total. To determine any reduction in the dollar limit for costs over $420,000, you do not include any of the cost of section 179 property placed in service by the partnership or S corporation. After you apply the dollar limit, you apply the business income limit to any remaining section 179 costs. For more information, see chapter 2 of Publication 946.

Example. In 2005, Partnership P placed in service section 179 property with a total cost of $500,000. P must reduce its dollar limit by $80,000 ($500,000 − $420,000). Its maximum section 179 deduction is $25,000 ($105,000 − $80,000), and it elects to expense that amount. Because P’s taxable income from the active conduct of all its trades or businesses for the year was $30,000, it can deduct the full $25,000. P allocates $10,000 of its section 179 deduction and $15,000 of its taxable income to John, one of its partners.

John also conducts a business as a sole proprietor and in 2005 placed in service a machine that cost $8,000 and elected to expense all $8,000 under section 179. The property is not listed property. He elected a section 179 deduction (because of the business income limit) of $6,000. He determines his section 179 deduction limit as $9,000 ($500,000 − $420,000). He carries over $4,000 ($24,000 − $20,000) of the elected section 179 costs to 2006.

How Do You Elect the Deduction?

Making an election. You elect to take the section 179 deduction by completing Part I of Form 4562.

If you elected the deduction for listed property (described later), complete Part V of Form 4562 before completing Part I.

For property placed in service in 2005, file Form 4562 with either of the following:

• Your original tax return (whether or not you filed it timely), or
• An amended return filed within the time prescribed by law.

An election made on an amended return must specify the item of section 179 property to which the election applies and the part of the cost of each such item to be taken into account. The amended return must also include any resulting adjustments to taxable income.

Revoking an election. An election (or any specification made in the election) to take a section 179 deduction for 2005 can be revoked without IRS approval by filing an amended return. The amended return must be filed within the time prescribed by law. The amended return must also include any resulting adjustments to taxable income. Once made, the revocation is irrevocable.

For more information on making or revoking a section 179 deduction, see chapter 2 of Publication 946.

When Must You Recapture the Deduction?

You may have to recapture the section 179 deduction if, in any year during the property’s recovery period, the percentage of business use drops to 50% or less, to the year the business use drops to 50% or less, you include the recapture amount as ordinary income. You also increase the basis of the property by the recapture amount. Recovery periods for property are discussed later.

If you sell, exchange, or otherwise dispose of the property, do not figure the recapture amount under the rules explained in this discussion. Instead, use the rules for recapturing depreciation explained in chapter 9 under Section 1245 Property.

If the property is listed property (described later), do not figure the recapture amount under the rules explained in this discussion when the percentage of business use drops to 50% or less. Instead, use the rules for recapturing depreciation explained in chapter 5 of Publication 946 under Recapture of Excess Depreciation.

Figuring the recapture amount. To figure the amount to recapture, take the following steps.

1. Figure the allowable depreciation for the section 179 deduction you claimed. Begin with the year you placed the property in service and include the year of recapture.

2. Subtract the depreciation figured in (1) from the section 179 deduction you actually claimed. The result is the amount you must recapture.

Example. In January 2003, Paul Lamb, a calendar year taxpayer, bought and placed in service section 179 property costing $10,000. The property is not listed property. He elected a $5,000 section 179 deduction for the property and also elected not to claim a special depreciation allowance. He used the property only for business in 2003 and 2004. During 2005, he used the property 40% for business and 60% for personal use. He figures his recapture amount as follows.

Section 179 deduction claimed (2003) $5,000

Minus: Allowable depreciation (instead of section 179 deduction):

2003 ........................................ 1,250
2004 ........................................ 1,875
2005 ($1,250 × 40%) ........................................ 500
2005 — Recapture amount ........................................ $1,225

Paul must include $1,375 in income for 2005.

Where to report recapture. Report any recapture of the section 179 deduction as ordinary income in Part IV of Form 4797 and include it in income on Schedule F (Form 1040).
Claiming the Special Depreciation Allowance

For qualified property (defined below) placed in service in 2005, you can take an additional 50% (or 30% if applicable) special depreciation allowance. The allowance is an additional deduction you can take after any section 179 deduction and before you figure regular depreciation under MACRS. This part of the chapter explains what is qualified property, how to figure the allowance, and how to elect not to claim it.

What Is Qualified Property?

For farmers, qualified property is generally certain long production period property. To be qualified property, long production period property must meet the following requirements.

1. It is new property of one of certain types, including the following.
   a. Tangible property depreciated under the modified accelerated cost recovery system (MACRS) with a recovery period of 20 years or less. See Can You Use MACRS To Depreciate Your Property, earlier, and Which Recovery Period Applies, later.
   b. Computer software that is not a section 197 intangible as described in Computer software under What Property Cannot Be Depreciated, earlier. (The cost of some computer software is treated as part of the cost of hardware and is depreciated under MACRS.)
   c. Qualified leasehold improvement property (defined in chapter 3 of Publication 946).
2. The property has a recovery period of at least 10 years or is transportation property.
3. The property is subject to section 263A.
4. It is property for which either of the following applies.
   a. The property has an estimated production period exceeding 2 years.
   b. The property has an estimated production period exceeding 1 year and an estimated production cost exceeding $1,000,000.
5. The property meets all of the tests discussed under Other Tests To Be Met, next.

Qualified property may also be certain noncommercial aircraft placed in service before January 1, 2006. For more information, see chapter 3 of Publication 946.

Other Tests To Be Met

To be qualified property for purposes of the special allowance, the property must meet the following tests.

Acquisition test. To qualify for the 50% special allowance, you must have acquired the property after May 5, 2003, and before January 1, 2005. If a binding contract to acquire the property existed before May 6, 2003, the property does not qualify.

The 30% special allowance applies to qualified property for which the 50% special allowance does not apply. To qualify for the 30% special allowance, you must have acquired the property after September 10, 2001, and before January 1, 2005. If a binding contract to acquire the property existed before September 11, 2001, the property does not qualify.

You can elect to claim the 30% special allowance instead of the 50% allowance for property that qualifies for the 50% allowance. This election applies to all property in the same property class placed in service during the tax year. See How Can You Elect Not To Claim the Allowance, later.

Property you manufacture, construct, or produce for your own use is qualified property if you began the manufacture, construction, or production of the property after May 5, 2003 (after September 10, 2001, if applicable), and before January 1, 2005. Property that is manufactured, constructed, or produced for your own use by another person under a written binding contract is considered to be manufactured, constructed, or produced by you.

Placed in service test. Qualified property must be placed in service before January 1, 2006. For special rules regarding when property involved in certain transactions is treated as placed in service, see chapter 3 of Publication 946 and section 1.168(k)-1T(b)(5) of the regulations.

Original use test. The original use of the property must have begun with you after May 5, 2003 (after September 10, 2001, if applicable). Original use means the first use to which the property is put, whether or not by you. Therefore, property used by any person before January 1, 2005 (before September 11, 2001, if applicable) does not meet the original use test.

For special rules regarding the original use of qualified property, see chapter 3 of Publication 946 and section 1.168(k)-1T(b)(3) of the regulations.

What Property Is Not Qualified Property?

Qualified property does not include any of the following.

• Property placed in service and disposed of in the same tax year.
• Property converted from business use to personal use in the same tax year.
• Property owned by an employer of an employee before May 5, 2003 (if the employee did not own the property before May 6, 2003)
• Property purchased by the employer from the employee or a close family member of the employee
• Property purchased from a corporation that is related to the employer or an employee of the employer
• Property acquired by the employer from a business owner or partner of the employer
• Property primarily held for sale to customers in the ordinary course of business.

• Property for which you elected not to claim a special depreciation allowance (discussed later).

How Much Can You Deduct?

Figure the special depreciation allowance by multiplying the depreciable basis of the qualified property by 50% (or 30% if applicable). See Depreciable Basis, earlier.

Depreciable Basis. This is the property’s cost or other basis multiplied by the percentage of business/investment use and then reduced by the following items allocable to the property.

• Any section 179 deduction.
• Any deduction for removal of barriers to the disabled and the elderly.
• Any disabled access credit, enhanced oil recovery credit, and credit for employer-provided childcare facilities and services.
• Basis adjustment to investment credit property under section 50(c) of the Internal Revenue Code.

For long production period property, only the part of the depreciable basis attributable to manufacture, construction, or production during periods other and after January 1, 2005, is eligible for the special depreciation allowance.

For information about how to determine the cost or other basis of property, see What Is the Basis of Your Depreciable Property, earlier. For a discussion of business/investment use, see Property Used in Your Business or Income-Producing Activity, earlier.

Depreciating the remaining cost. After you figure the special depreciation allowance for your qualified property, you can use the remaining cost to figure your regular MACRS depreciation deduction (discussed later). In the year you claim the special allowance (the year you place the property in service), you must reduce the depreciable basis of the property by the allowance before figuring your regular MACRS depreciation deduction.

Example. On November 1, 2005, Tom Brown placed in service in his business qualified property costing $205,000. He elects to deduct $105,000 of the property’s cost as a section 179 deduction. He uses the remaining $100,000 of cost to figure his special depreciation allowance of $50,000 ($100,000 x 50%). He uses the remaining $50,000 ($100,000 – $50,000) of cost to figure his regular MACRS depreciation deduction for 2005 and later years.

How Can You Elect Not To Claim the Allowance?

You can elect, for any class of property, either:

• To deduct the 30% special allowance, instead of the 50%, for all property in such class placed in service during the tax year, or
• Not to deduct any special allowances for all property in such class placed in service during the tax year.
To make either election, attach a statement to your return indicating what election you are making and the class of property for which you are making the election.

When to make election. Generally, you must make the election on a timely filed tax return (including extensions) for the year in which you place the property in service.

However, if you timely filed your return for the year without making the election, you still can make the election by filing an amended return within 6 months of the due date of the original return (not including extensions). Attach the election statement to the amended return. On the amended return, write “Filed pursuant to section 301.9100-2.”

Once made, the election may not be revoked without IRS consent.

If you elect not to have any special allowance apply, the property may be subject to an alternative minimum tax adjustment for depreciation.

Figuring Depreciation Under MACRS

The Modified Accelerated Cost Recovery System (MACRS) is used to recover the basis of most business and investment property placed in service after 1986. MACRS consists of two depreciation systems, the General Depreciation System (GDS) and the Alternative Depreciation System (ADS). Generally, these systems provide different methods and recovery periods to use in figuring depreciation deductions.

To be sure you can use MACRS to figure depreciation for your property, see Can You Use MACRS To Depreciate Your Property, earlier.

This part explains how to determine which MACRS depreciation system applies to your property. It also discusses the following information that you need to know before you can figure depreciation under MACRS.

- Property’s recovery class.
- Placed-in-service date.
- Basis for depreciation.
- Recovery period.
- Convention.
- Depreciation method.

Finally, this part explains how to use this information to figure your depreciation deduction.

Which Depreciation System (GDS or ADS) Applies?

Your use of either the General Depreciation System (GDS) or the Alternative Depreciation System (ADS) to depreciate property under MACRS determines what depreciation method and recovery period you use. You should use GDS unless you are specifically required by law to use ADS or you elect to use ADS.

Required use of ADS. You must use ADS for the following property.

- All property used predominantly in a farming business and placed in service in any tax year during which an election not to apply the uniform capitalization rules to certain farming costs is in effect.
- Listed property used 50% or less in a qualified business use. For information on listed property, see Additional Rules for Listed Property, later.
- Any tax-exempt use property.
- Any tax-exempt bond-financed property.
- Any property imported from a foreign country for which an Executive Order is in effect because the country maintains trade restrictions or engages in other discriminatory acts.
- Any tangible property used predominantly outside the United States during the year.

If you are required to use ADS to depreciate your property, you cannot claim the special depreciation allowance (discussed earlier).

ELECTING ADS. Although your property may qualify for GDS, you can elect to use ADS. The election generally must cover all property in the same property class you placed in service during the year. However, the election for residential rental property and nonresidential real property can be made on a property-by-property basis. Once you make this election, you can never revoke it.

You make the election by completing line 20 in Part III of Form 4562.

Which Property Class Applies Under GDS?

The following is a list of the nine property classes under GDS.

1. 3-year property.
2. 5-year property.
3. 7-year property.
4. 10-year property.
5. 15-year property.
6. 20-year property.
7. 25-year property.
8. Residential rental property.

See Which Property Class Applies Under GDS in chapter 4 of Publication 946 for examples of the types of property included in each class.

What Is the Placed-in-Service Date?

You begin to claim depreciation when your property is placed in service for use either in a trade or business or for the production of income. The placed-in-service date for your property is the date the property is ready and available for its specific use. It is therefore not necessarily the date it is first used. If you converted property held for personal use to use in a trade or business or for the production of income, treat the property as being placed in service on the conversion date. See Placed in Service under When Does Depreciation Begin and End, earlier, for examples illustrating when property is placed in service.

What Is the Basis for Depreciation?

The basis for depreciation of MACRS property is the property’s cost or other basis multiplied by the percentage of business/investment use. Reduce that amount by the following items.

- Any deduction for section 179 property.
- Any deduction for removal of barriers to the disabled and the elderly.
- Any disabled access credit, enhanced oil recovery credit, and credit for employer-provided childcare facilities and services.
- Any special depreciation allowance.
- Basis adjustment for investment credit property under section 50(c) of the Internal Revenue Code.

For information about how to determine the cost or other basis of property, see What Is the Basis of Your Depreciable Property, earlier.

Which Recovery Period Applies?

The recovery period of property is the number of years over which you recover its cost or other basis. It is determined based on the depreciation system (GDS or ADS) used.

Recovery periods. See Table 7-1 for recovery periods under both GDS and ADS for some commonly used assets. For a complete list of recovery periods, see the Table of Class Lives and Recovery Periods in Appendix B of Publication 946.

House trailers for farm laborers. To depreciate a house trailer you supply as housing for those who work on your farm, use one of the following recovery periods if the house trailer is mobile (it has wheels and a history of movement).

- A 7-year recovery period under GDS.
- A 10-year recovery period under ADS.

However, if the house trailer is not mobile (its wheels have been removed and permanent utilities and pipes attached to it), use one of the following recovery periods.

- A 20-year recovery period under GDS.
- A 25-year recovery period under ADS.

Water wells. Water wells used to provide water for raising poultry and livestock are land improvements. If they are depreciable, use one of the following recovery periods.

- A 15-year recovery period under GDS.
- A 20-year recovery period under ADS.

The types of water wells that can be depreciated were discussed earlier in irrigation systems.
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The recovery period is 31.5 years.

For property placed in service after May 12, 1993; for property placed in service before May 13, 1993, the recovery period is 31.5 years.

For purposes of determining whether the mid-quarter convention applies, the depreciable basis of property you placed in service during the tax year does not reflect any reduction in basis for the special depreciation allowance.

The mid-year convention. Use this convention if the mid-year convention does not apply and the total depreciable bases of MACRS property you placed in service during the last 3 months of the tax year (excluding nonresidential real property, residential rental property, and property placed in service and disposed of in the same year) are less than 20% of the total depreciable bases of all MACRS property you placed in service in the year.

Under this convention, you treat all property placed in service or disposed of during any quarter of the tax year as placed in service or disposed of at the midpoint of the quarter. This means that 3 1/2 months of depreciation is allowed for the quarter the property is placed in service or disposed of of.

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Under this convention, you treat all property placed in service or disposed of during any quarter of the tax year as placed in service or disposed of at the midpoint of the quarter. This means that 1 1/2 months of depreciation is allowed for the quarter the property is placed in service or disposed of.

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Under this convention, you treat all property placed in service or disposed of during any quarter of the tax year as placed in service or disposed of at the midpoint of the quarter. This means that 3 1/2 months of depreciation is allowed for the quarter the property is placed in service or disposed of.

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Under this convention, you treat all property placed in service or disposed of during any quarter of the tax year as placed in service or disposed of at the midpoint of the quarter. This means that 1 1/2 months of depreciation is allowed for the quarter the property is placed in service or disposed of.

For purposes of determining whether the mid-quarter convention applies, the depreciable basis of property you placed in service during the tax year does not reflect any reduction in basis for the special depreciation allowance.

The mid-year convention. Use this convention if the mid-year convention does not apply and the total depreciable bases of MACRS property you placed in service during the last 3 months of the tax year (excluding nonresidential real property, residential rental property, and property placed in service and disposed of in the same year) are less than 20% of the total depreciable bases of all MACRS property you placed in service in the year.

Under this convention, you treat all property placed in service or disposed of during any quarter of the tax year as placed in service or disposed of at the midpoint of the quarter. This means that 3 1/2 months of depreciation is allowed for the quarter the property is placed in service or disposed of.

For purposes of determining whether the mid-quarter convention applies, the depreciable basis of property you placed in service during the tax year does not reflect any reduction in basis for the special depreciation allowance.

The mid-year convention. Use this convention if the mid-year convention does not apply and the total depreciable bases of MACRS property you placed in service during the last 3 months of the tax year (excluding nonresidential real property, residential rental property, and property placed in service and disposed of in the same year) are more than 40% of the total depreciable bases of all MACRS property you placed in service in the year.

Under this convention, you treat all property placed in service or disposed of during any quarter of the tax year as placed in service or disposed of at the midpoint of the quarter. This means that 1 1/2 months of depreciation is allowed for the quarter the property is placed in service or disposed of.

For purposes of determining whether the mid-quarter convention applies, the depreciable basis of property you placed in service during the tax year does not reflect any reduction in basis for the special depreciation allowance.

The mid-year convention. Use this convention if the mid-year convention does not apply and the total depreciable bases of MACRS property you placed in service during the last 3 months of the tax year (excluding nonresidential real property, residential rental property, and property placed in service and disposed of in the same year) are less than 20% of the total depreciable bases of all MACRS property you placed in service in the year.

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For purposes of determining whether the mid-quarter convention applies, the depreciable basis of property you placed in service during the tax year does not reflect any reduction in basis for the special depreciation allowance.

The mid-year convention. Use this convention if the mid-year convention does not apply and the total depreciable bases of MACRS property you placed in service during the last 3 months of the tax year (excluding nonresidential real property, residential rental property, and property placed in service and disposed of in the same year) are more than 40% of the total depreciable bases of all MACRS property you placed in service in the year.

Under this convention, you treat all property placed in service or disposed of during any quarter of the tax year as placed in service or disposed of at the midpoint of the quarter. This means that 1 1/2 months of depreciation is allowed for the quarter the property is placed in service or disposed of.

For purposes of determining whether the mid-quarter convention applies, the depreciable basis of property you placed in service during the tax year does not reflect any reduction in basis for the special depreciation allowance.

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Under this convention, you treat all property placed in service or disposed of during any quarter of the tax year as placed in service or disposed of at the midpoint of the quarter. This means that 3 1/2 months of depreciation is allowed for the quarter the property is placed in service or disposed of.

For purposes of determining whether the mid-quarter convention applies, the depreciable basis of property you placed in service during the tax year does not reflect any reduction in basis for the special depreciation allowance.

The mid-year convention. Use this convention if the mid-year convention does not apply and the total depreciable bases of MACRS property you placed in service during the last 3 months of the tax year (excluding nonresidential real property, residential rental property, and property placed in service and disposed of in the same year) are more than 40% of the total depreciable bases of all MACRS property you placed in service in the year.

Under this convention, you treat all property placed in service or disposed of during any quarter of the tax year as placed in service or disposed of at the midpoint of the quarter. This means that 1 1/2 months of depreciation is allowed for the quarter the property is placed in service or disposed of.

For purposes of determining whether the mid-quarter convention applies, the depreciable basis of property you placed in service during the tax year does not reflect any reduction in basis for the special depreciation allowance.

The mid-year convention. Use this convention if the mid-year convention does not apply and the total depreciable bases of MACRS property you placed in service during the last 3 months of the tax year (excluding nonresidential real property, residential rental property, and property placed in service and disposed of in the same year) are less than 20% of the total depreciable bases of all MACRS property you placed in service in the year.

Under this convention, you treat all property placed in service or disposed of during any quarter of the tax year as placed in service or disposed of at the midpoint of the quarter. This means that 3 1/2 months of depreciation is allowed for the quarter the property is placed in service or disposed of.

For purposes of determining whether the mid-quarter convention applies, the depreciable basis of property you placed in service during the tax year does not reflect any reduction in basis for the special depreciation allowance.
access the apples you have harvested in order to produce applesauce and apple cider. You then sell these products to customers in the course of your business. Although you are in the farming business with respect to the growing and harvesting of apples, you are not in the farming business with respect to the processing of the apples to produce the food products.

For property placed in service before 1999, you could have elected to use the 150% declining balance method using the ADS recovery periods for certain property classes. If you made this election, continue to use the same method and recovery period for that property.

Real property. You can depreciate real property using the straight line method under either GDS or ADS.

Depreciation Table. The following table lists the types of property you can depreciate under each method. The declining balance method is abbreviated as DB and the straight line method is abbreviated as SL.

Depreciation Table

<table>
<thead>
<tr>
<th>System/Method</th>
<th>Type of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>GDS using 150% DB</td>
<td>All property used in a farming business (except real property)</td>
</tr>
<tr>
<td></td>
<td>All 15- and 20-year property</td>
</tr>
<tr>
<td></td>
<td>Nonfarm 3-, 5-, 7-, and 10-year property</td>
</tr>
<tr>
<td>GDS using SL</td>
<td>Nonresidential real property</td>
</tr>
<tr>
<td></td>
<td>Residential rental property</td>
</tr>
<tr>
<td></td>
<td>Trees or vines bearing fruit or nuts</td>
</tr>
<tr>
<td></td>
<td>All 3-, 5-, 10-, 15-, and 20-year property</td>
</tr>
<tr>
<td>ADS using SL</td>
<td>Property used predominantly outside the U.S.</td>
</tr>
<tr>
<td></td>
<td>Farm property used when an election not to apply the uniform capitalization rules is in effect</td>
</tr>
<tr>
<td></td>
<td>Tax-exempt property</td>
</tr>
<tr>
<td></td>
<td>Tax-exempt bond-financed property</td>
</tr>
<tr>
<td></td>
<td>Imported property</td>
</tr>
<tr>
<td></td>
<td>Any property for which you elect to use this method</td>
</tr>
<tr>
<td>GDS using 200% DB</td>
<td>Nonfarm 3-, 5-, 7-, and 10-year property</td>
</tr>
</tbody>
</table>

Elective method.

See section 168(b)(6) of the Internal Revenue Code.

Switching to straight line. If you use a declining balance method, you switch to the straight line method in the year it provides an equal or greater deduction. If you use the MACRS percentage tables, discussed later under How Is the Depreciation Deduction Figured, you do not need to determine in which year your deduction is greater using the straight line method. The tables have the switch to the straight line method built into their rates.

Fruit or nut trees and vines. Depreciate trees and vines bearing fruit or nuts under GDS using the straight line method over a 10-year recovery period.

ADS required for some farmers. If you elect not to apply the uniform capitalization rules to all property you place in service, you must choose between ADS for all property you place in service. The IRS in any year the election is in effect. See chapter 6 for a discussion of the application of the uniform capitalization rules to farming property related to the deduction of farming business for this purpose, see Farming business earlier, under Properly used in farming business.

Elected a different method. As shown in the Depreciation Table, you can elect a different method for depreciation for certain types of property. You must make the election by the due date of the return (excluding extensions) for the year you placed the property in service. However, if you timely filed your return for the year without making the election, you can still make the election by filing an amended return within 6 months of the due date of your return (excluding extensions). Attach the election to the amended return and write “Filed pursuant to section 301.9100-2” on the election statement. File the amended return at the same address you filed the original return. Once you make the election, you cannot change it.

If you elect to use a different method for one item in a property class, you must apply the same method to all property in that class placed in service during the year of the election. However, you can make the election on a property-by-property basis for residential rental and nonresidential real property.

Straight line election. Instead of using the declining balance method, you can elect to use the straight line method over the GDS recovery period. Make the election by entering “S/L” under column (f) in Part III of Form 4562.

ADS election. As explained earlier under Which Depreciation System (GDS or ADS) Applies, you can elect to use ADS even though your property may come under GDS. ADS uses the straight line method of depreciation over the ADS recovery periods, which are generally longer than the GDS recovery periods. The ADS recovery periods for many assets used in the business of farming are listed in Table 7-1. Additional ADS recovery periods for other classes of property may be found in the Table of Class Lives and Recovery Periods in Appendix B of Publication 946.

The election by completing line 20 in Part III of Form 4562.

How Is the Depreciation Deduction Figured?

To figure your depreciation deduction under MACRS, you first determine the depreciation system, property class, placed-in-service date, basis amount, recovery period, convention, and depreciation method that applies to your property. Then you are ready to figure your depreciation deduction. You can figure it in one of two ways.

• You can use the percentage tables provided by the IRS.
• You can figure your own deduction without using the tables.

Figuring your own MACRS deduction will generally result in a slightly different amount than using the tables.

Using the MACRS Percentage Tables

To help you figure your deduction under MACRS, the IRS has established percentage tables that incorporate the applicable convention and depreciation method. These percentage tables are in Appendix A of Publication 946.

Rules for using the tables. The following rules cover the use of the percentage tables.

1. You must apply the rates in the percentage tables to your property’s unadjusted basis (defined later).
2. You cannot use the percentage tables for a short tax year. See chapter 4 of Publication 946 for information on how to figure the deduction for a short tax year.
3. You generally must continue to use them for the entire recovery period of the property.
4. You must stop using the tables if you adjust the basis of the property for any reason other than—
   a. Depreciation allowed or allowable, or
   b. An addition or improvement to the property. (An addition or improvement is depreciated as a separate property.)

Basis adjustment due to casualty loss. If you reduce the basis of your property because of a casualty, you cannot continue to use the percentage tables. For the year of the adjustment and the remaining recovery period, you must figure the depreciation yourself using the property’s adjusted basis at the end of the year. See Figuring the Deduction Without Using the Tables in chapter 4 of Publication 946.

Figuring the unadjusted basis of your property. You must apply the tables to your property’s unadjusted basis each year of the recovery period. Unadjusted basis is the same amount you would use to figure gain on a sale but figured without reducing your original basis by any MACRS depreciation taken in earlier years. However, you do reduce your original basis by the following amounts.

• Any amortization taken on the property.
• Any section 179 deduction claimed on the property.
• Any special depreciation allowance.
• Any deduction claimed for a clean-fuel vehicle or clean-fuel vehicle refueling property.
• Any electric vehicle credit.
The clean-fuel vehicle and clean-fuel vehicle refueling property deductions and the credit for electric vehicles are discussed in Publication 535.

For business property you purchase during the year, the unadjusted basis is its cost minus these adjustments. If you trade property, your unadjusted basis in the property received is the cash paid plus the adjusted basis of the property traded minus these adjustments.

Figuring depreciation using the 150% DB method and half-year convention. Table 7-2 has the percentages for 3-, 5-, 7-, and 20-year property. The percentages are based on the 150% declining balance method with a change to the straight line method. This table covers only the half-year convention and the first 8 years for 20-year property. See Appendix A in Publication 946 for complete MACRS tables, including tables for the mid-quarter and mid-month convention.

The following examples show how to figure depreciation under MACRS using the percentages in Table 7-2.

**Example 1.** During the year, you bought an item of 7-year property for $10,000 and placed it in service. You do not elect a section 179 deduction for this property. In addition, the property is not qualified property for purposes of the special depreciation allowance. The unadjusted basis of the property is $10,000. You use the percentages in Table 7-2 to figure your deduction.

Since this is 7-year property, you multiply $10,000 by 10.71% to get this year’s depreciation of $1,071. For next year, your depreciation will be $9,929 ($10,000 × 99.3%).

**Example 2.** You had a barn constructed on your farm at a cost of $20,000. You placed the barn in service this year. You elected to claim the special depreciation allowance. The barn is 20-year property and you use the table percentages to figure your deduction. You figure this year’s depreciation by multiplying $20,000 (unadjusted basis) by 3.75% to get $750. For next year, your depreciation will be $1,443.80 ($20,000 × 7.219%).

**Table 7-2. 150% Declining Balance Method (Half-Year Convention)**

<table>
<thead>
<tr>
<th>Year</th>
<th>3-Year</th>
<th>5-Year</th>
<th>7-Year</th>
<th>20-Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>25.0%</td>
<td>15.0%</td>
<td>10.71%</td>
<td>7.14%</td>
</tr>
<tr>
<td>2</td>
<td>37.5%</td>
<td>25.0%</td>
<td>19.13%</td>
<td>12.25%</td>
</tr>
<tr>
<td>3</td>
<td>25.0%</td>
<td>17.85%</td>
<td>15.03%</td>
<td>9.077%</td>
</tr>
<tr>
<td>4</td>
<td>12.5%</td>
<td>16.66%</td>
<td>12.25%</td>
<td>6.177%</td>
</tr>
<tr>
<td>5</td>
<td>16.66%</td>
<td>12.25%</td>
<td>5.713%</td>
<td>3.333%</td>
</tr>
<tr>
<td>6</td>
<td>8.33%</td>
<td>12.25%</td>
<td>5.285%</td>
<td>2.58%</td>
</tr>
<tr>
<td>7</td>
<td>12.25%</td>
<td>4.888%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>6.13%</td>
<td>4.522%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Figuring depreciation using the straight line method and half-year convention. The following table has the straight line percentages for 3-, 5-, 7-, and 20-year property using the half-year convention. The table covers only the first 8 years for 20-year property. See Appendix A in Publication 946 for complete MACRS tables, including tables for the mid-quarter and mid-month convention.

Table 7-3. Straight Line Method (Half-Year Convention)

<table>
<thead>
<tr>
<th>Year</th>
<th>3-Year</th>
<th>5-Year</th>
<th>7-Year</th>
<th>20-Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>16.67%</td>
<td>10.00%</td>
<td>7.14%</td>
<td>2.5%</td>
</tr>
<tr>
<td>2</td>
<td>33.33%</td>
<td>20.00%</td>
<td>14.29%</td>
<td>5.0</td>
</tr>
<tr>
<td>3</td>
<td>33.33%</td>
<td>20.00%</td>
<td>14.29%</td>
<td>5.0</td>
</tr>
<tr>
<td>4</td>
<td>16.67%</td>
<td>20.00%</td>
<td>14.29%</td>
<td>5.0</td>
</tr>
<tr>
<td>5</td>
<td>20.00%</td>
<td>14.29%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>10.00%</td>
<td>14.29%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>7.14%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The following example shows how to figure depreciation under MACRS using the straight line percentages in the table.

**Example.** If in Example 2, earlier, you had elected the straight line method, you figure this year’s depreciation by multiplying $20,000 (unadjusted basis) by 2.5%, to get $500. For next year, your depreciation will be $1,000 ($20,000 × 5%).

**Figuring Depreciation Without the Tables**

If you are required to or would prefer to figure your own depreciation without using the tables, see Figuring the Deduction Without Using the Tables in chapter 4 of Publication 946.

**Figuring the Deduction for Property Acquired in a Nontaxable Exchange**

If your property has a carryover basis because you acquired it in an exchange or involuntary conversion of other property or in a nontaxable transfer, you generally figure depreciation for the property as if the exchange, conversion, or transfer had not occurred.

Property acquired in a like-kind exchange or involuntary conversion. You generally must depreciate the carryover basis of MACRS property acquired in a like-kind exchange or involuntary conversion. You also generally continue to use the same depreciation method and convention used for the exchanged or involuntarily converted property. This applies only to acquired property with the same or a shorter recovery period and the same or more accelerated depreciation method than the property exchanged or converted. The excess basis, if any, of the acquired MACRS property is treated as newly placed in service MACRS property.

**Electation out.** You can elect not to use the above rules. The election, if made, applies to both the acquired property and the exchanged or involuntarily converted property. If you make the election, figure depreciation by treating the carryover basis and excess basis, if any, for the acquired property as if placed in service on the date you acquired it. For depreciation purposes, the adjusted basis of the exchanged or involuntarily converted property is treated as if it was disposed of at the time of the exchange or conversion.

When to make the election. You must make the election on a timely filed return (including extensions) for the year to which it applies. Once made, the election may not be revoked without IRS consent.

For more information and special rules, see Chapter 4 of Publication 946 and the Instructions for Form 4562.

**Property acquired in a nontaxable transfer.** You must depreciate MACRS property acquired by a corporation or partnership in certain non-taxable transfers over the property’s remaining recovery period in the transferor’s hands, as if the transfer had not occurred. You must continue to use the same depreciation method and convention as the transferor. You can depreciate all the property’s basis in excess of its carried-over basis (the transferor’s adjusted basis in the property) as newly purchased MACRS property. For information on the kinds of nontaxable transfers covered by this rule, see chapter 4 of Publication 946.

**How Do You Use General Asset Accounts?**

To make it easier to figure MACRS depreciation, you can group separate assets into one or more general asset accounts (GAA). You can then depreciate all the assets in each account as a single asset. Each account must include only assets with the same asset class (if any), recovery period, depreciation method, and convention. You cannot include an asset if you use it in both a personal activity and a trade or business (or for the production of income) in the year in which you first place it in service.

After you have set up a GAA, you generally figure the depreciation for it by using the applicable depreciation method, recovery period, and convention for the assets in the GAA. For each GAA, record the depreciation allowance in a separate depreciation reserve account.

There are additional rules for grouping assets in a GAA, figuring depreciation for a GAA, disposing of GAA assets, and terminating GAA treatment. Special rules apply in determining the basis and figuring the depreciation deduction for MACRS property in a GAA acquired in a like-kind exchange or involuntary conversion. See chapter 4 in Publication 946.

**When Do You Recapture MACRS Depreciation?**

When you dispose of property you depreciated using MACRS, any gain on the disposition is generally recaptured (included in income) as ordinary income up to the amount of the depreciation previously allowed or allowable for the property. Depreciation, for this purpose, includes any section 179 deduction claimed on the property, any special depreciation allowance available for the property (unless you elected not to claim it), and any deduction claimed for clean-fuel vehicles and clean-fuel vehicle refueling property. There is no recapture for nonresidential real property. There is also no recapture for nonresidential real property, unless that property is qualified property for which you claimed a special depreciation allowance (discussed earlier).

For more information on depreciation recapture, see chapter 9.
Additional Rules for Listed Property

This part discusses the depreciation deduction limits and other special rules that apply to certain listed property. It also discusses the recordkeeping rules for listed property. Listed property includes cars and other property used for transportation, property used for entertainment, and certain computers and cellular phones. Excess depreciation on property previously used predominantly for qualified business use during any year must be figured using the straight line method over the ADS recovery period. This rule applies each year of the recovery period.

• Property not used predominantly for qualified business use during the year it is placed in service does not qualify for the section 179 deduction.
• Any depreciation deduction under MACRS for property not used predominantly for qualified business use during any year must be figured using the straight line method over the ADS recovery period.
• Excess depreciation on property previously used predominantly for qualified business use must be recaptured (included in income) in the first year in which it is no longer used predominantly for qualified business use.
• If the use of any item of listed property used for more than one purpose during the year is predominantly for qualified business use during any year, the property used predominantly for qualified business use must be recaptured (included in income) in the first year in which it is no longer used predominantly for qualified business use.

What Is Listed Property?

Listed property is any of the following.

• Passenger automobiles weighing 6,000 pounds or less.
• Any other property used for transportation, unless it is an excepted vehicle.
• Property generally used for entertainment, recreation, or amusement.
• Computers and related peripheral equipment unless used only at a regular business establishment and owned or leased by the person operating the establishment.
• Cellular telephones (or similar telecommunication equipment).

Passenger automobiles. A passenger automobile is any 4-wheeled vehicle made primarily for use on public streets, roads, and highways and rated at 6,000 pounds or less of unloaded gross vehicle weight (6,000 pounds or less of gross vehicle weight for trucks and vans). It includes any part, component, or other item physically attached to the automobile or usually included in the purchase price of an automobile. Electric passenger automobiles are vehicles produced by an original equipment manufacturer and designed to run primarily on electricity.

A truck or van that is a qualified nonpersonal use vehicle is not considered a passenger automobile. See Qualified nonpersonal use vehicles under Passenger automobiles in chapter 5 of Publication 946 for the definition of qualified nonpersonal use vehicles.

Other property used for transportation.

This includes trucks, buses, boats, airplanes, motorcycles, and other vehicles used for transporting persons or goods.

Exceptioned vehicles. Other property used for transportation does not include the following vehicles.

• Tractors and other special purpose farm vehicles.
• Bucket trucks (cherry pickers), dump trucks, flatbed trucks, and refrigerated trucks.
• Combines, cranes and derricks, and fork-lifts.
• Any vehicle designed to carry cargo with a loaded gross vehicle weight of over 14,000 pounds.

Can Employees Claim a Deduction?

If you are an employee, you can claim a depreciation deduction for the use of your listed property (whether owned or rented) in performing services as an employee only if your use is a business use. The use of your property in performing services as an employee is a business use only if both the following requirements are met.

• The use is your employer's convenience.
• The use is required as a condition of your employment.

If these requirements are not met, you cannot deduct depreciation (including the section 179 deduction) or rent expenses for your use of the property as an employee.

Employer's convenience. Whether the use of listed property is for your employer's convenience must be determined from all the facts. The use is for your employer's convenience if it is for a substantial business reason of the employer. The use of listed property during your regular working hours to carry on your employer's business is generally for the employer's convenience.

Condition of employment. Whether the use of listed property is a condition of your employment depends on all the facts and circumstances. The use of property must be required for you to perform your duties properly.

What Is the Business-Use Requirement?

You can claim the section 179 deduction for listed property and depreciate listed property using GDS and a declining balance method, if the property meets the business-use requirement. To meet this requirement, listed property must be used predominantly (more than 50% of its total use) for qualified business use. If this requirement is not met, the following rules apply.

• Property not used predominantly for qualified business use during the year it is placed in service does not qualify for the section 179 deduction.
Maximum Depreciation Deduction for Passenger Automobiles

<table>
<thead>
<tr>
<th>Date Placed in Service</th>
<th>1st Year</th>
<th>2nd Year</th>
<th>3rd Year</th>
<th>4th &amp; Later Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>$2,960</td>
<td>$4,700</td>
<td>$2,850</td>
<td>$1,675</td>
</tr>
<tr>
<td>2004</td>
<td>10,610²</td>
<td>4,850</td>
<td>2,950</td>
<td>1,775</td>
</tr>
<tr>
<td>5/06/2003</td>
<td>10,710²</td>
<td>4,900</td>
<td>2,950</td>
<td>1,775</td>
</tr>
<tr>
<td>1/01/2003</td>
<td>7,660²</td>
<td>4,900</td>
<td>2,950</td>
<td>1,775</td>
</tr>
<tr>
<td>5/05/2003</td>
<td>7,660²</td>
<td>4,900</td>
<td>2,950</td>
<td>1,775</td>
</tr>
<tr>
<td>2002</td>
<td>7,660²</td>
<td>4,900</td>
<td>2,950</td>
<td>1,775</td>
</tr>
<tr>
<td>9/11/2001 – 12/31/2001</td>
<td>7,660²</td>
<td>4,900</td>
<td>2,950</td>
<td>1,775</td>
</tr>
<tr>
<td>1/01/2001 – 9/10/2001</td>
<td>3,060</td>
<td>4,900</td>
<td>2,950</td>
<td>1,775</td>
</tr>
<tr>
<td>2000</td>
<td>3,060</td>
<td>4,900</td>
<td>2,950</td>
<td>1,775</td>
</tr>
<tr>
<td>1999</td>
<td>3,060</td>
<td>5,000</td>
<td>2,950</td>
<td>1,775</td>
</tr>
<tr>
<td>1998</td>
<td>3,160</td>
<td>5,000</td>
<td>2,950</td>
<td>1,775</td>
</tr>
<tr>
<td>1997</td>
<td>3,160</td>
<td>5,000</td>
<td>3,050</td>
<td>1,775</td>
</tr>
<tr>
<td>1995 – 1996</td>
<td>3,060</td>
<td>4,900</td>
<td>2,950</td>
<td>1,775</td>
</tr>
</tbody>
</table>

If you elected not to claim any special depreciation allowance for the vehicle or the vehicle is not qualified property, the maximum deduction is $3,060.

Maximum Depreciation Deduction for Trucks and Vans

<table>
<thead>
<tr>
<th>Date Placed in Service</th>
<th>1st Year</th>
<th>2nd Year</th>
<th>3rd Year</th>
<th>4th &amp; Later Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>$3,260</td>
<td>$5,200</td>
<td>$3,150</td>
<td>$1,875</td>
</tr>
<tr>
<td>2004</td>
<td>10,910¹</td>
<td>5,300</td>
<td>3,350</td>
<td>1,875</td>
</tr>
<tr>
<td>5/06/2003</td>
<td>11,010²</td>
<td>5,400</td>
<td>3,250</td>
<td>1,975</td>
</tr>
<tr>
<td>12/31/2003</td>
<td>7,960²</td>
<td>5,400</td>
<td>3,250</td>
<td>1,975</td>
</tr>
<tr>
<td>1/01/2003 – 5/05/2003</td>
<td>22,980²</td>
<td>14,600</td>
<td>8,750</td>
<td>5,225</td>
</tr>
<tr>
<td>2002</td>
<td>22,980²</td>
<td>14,700</td>
<td>8,750</td>
<td>5,325</td>
</tr>
<tr>
<td>9/11/2001 – 12/31/2001</td>
<td>23,080²</td>
<td>14,800</td>
<td>8,850</td>
<td>5,325</td>
</tr>
<tr>
<td>1/01/2001 – 9/10/2001</td>
<td>9,280</td>
<td>14,800</td>
<td>8,850</td>
<td>5,325</td>
</tr>
<tr>
<td>2000</td>
<td>9,280</td>
<td>14,800</td>
<td>8,850</td>
<td>5,325</td>
</tr>
<tr>
<td>1999</td>
<td>9,280</td>
<td>14,900</td>
<td>8,950</td>
<td>5,325</td>
</tr>
<tr>
<td>1998</td>
<td>9,380</td>
<td>15,000</td>
<td>8,950</td>
<td>5,425</td>
</tr>
<tr>
<td>1997</td>
<td>9,480</td>
<td>15,100</td>
<td>9,050</td>
<td>5,425</td>
</tr>
</tbody>
</table>

*If you elected not to claim any special depreciation allowance for the vehicle or the vehicle is not qualified property, the maximum deduction is $2,960.*

Depletion

Depletion is the using up of natural resources by mining, quarrying, drilling, or felling. The depletion deduction allows an owner or operator to account for the reduction of a product’s reserves.

Who Can Claim Depletion?

If you have an economic interest in mineral property or standing timber (defined below), you can take a deduction for depletion. More than one person can have an economic interest in the same mineral deposit or timber.

You have an economic interest if both of the following apply:

- You have acquired by investment any interest in mineral deposits or standing timber.
- You have a legal right to income from the extraction of the mineral or the cutting of the timber, to which you must look for a return of your capital investment.

A contractual relationship that allows you an economic or monetary advantage from products of the mineral deposit or standing timber is not, in itself, an economic interest. A production payment cannot be considered a sale of the mineral property.

Depletion and amortization are separate items of income and expense. Mineral property is either separate interest or a dominant estate. Mining, quarrying, or extraction activities on land is not a mineral deposit.

Figuring Depletion

There are two ways of figuring depletion:

- Cost depletion.
- Percentage depletion.

For mineral property, you generally must use the method that gives you the larger deduction. For standing timber, you must use cost depletion.

Chapter 7 Depreciation, Depletion, and Amortization

Page 49
Cost Depletion

To figure cost depletion you must first determine the following.

- The property’s basis for depletion.
- The total recoverable units of mineral in the property’s natural deposit.
- The number of units of mineral sold during the tax year.

You must estimate or determine recoverable units (tons, barrels, board feet, thousands of cubic feet, or other measure) using the current industry method and the most accurate and reliable information you can obtain.

For depletion and total recoverable units are explained in chapter 10 of Publication 535.

Number of units sold. You determine the number of units sold during the tax year based on your method of accounting. Use the following table to make this determination.

### IF you use ...

| THEN the units sold during the year are ...
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The cash method of accounting</td>
</tr>
<tr>
<td>An accrual method of accounting</td>
</tr>
</tbody>
</table>

The number of units sold during the tax year does not include any units for which depletion deductions were allowed or allowable in earlier years.

### Figuring the cost depletion deduction.

Once you have figured your property’s basis for depletion, the total recoverable units, and the number of units sold during the tax year, you can figure your cost depletion deduction by taking the following steps.

1. Determine your cost or the adjusted basis of the timber on hand at the beginning of the year.
2. Add to the amount determined in (1) the cost of any timber units acquired during the year and any additions to capital.
3. Figure the number of timber units to take into account by adding the number of timber units acquired during the year to the number of timber units on hand in the account at the beginning of the year and then adding (or subtracting) any correction to the estimate of the number of timber units remaining in the account.
4. Divide the result of (2) by the result of (3). This is your depletion unit.

### When to claim timber depletion.

Claim your depletion allowance as a deduction in the year of sale or other disposition of the products cut from the timber, unless you elect to treat the cutting of timber as a sale or exchange as explained in chapter 8. Include allowable depletion for timber products not sold during the tax year the timber is cut, as a cost item in the closing inventory of timber products for the year. The inventory is your basis for determining gain or loss in the tax year you sell the timber products.

### Form T.

Complete and attach Form T to your 1040 in which you claim the depletion deduction. Form T consists of the following parts:

- Depletion unit. The number of units sold during the tax year of your depletion unit each year by taking the following steps.

1. Determine your cost or the adjusted basis of the timber on hand at the beginning of the year.
2. Add to the amount determined in (1) the cost of any timber units acquired during the year and any additions to capital.
3. Figure the number of timber units to take into account by adding the number of timber units acquired during the year to the number of timber units on hand in the account at the beginning of the year and then adding (or subtracting) any correction to the estimate of the number of timber units remaining in the account.
4. Divide the result of (2) by the result of (3). This is your depletion unit.

### Percentage Depletion

You can use percentage depletion on certain mines, wells, and other natural deposits. You cannot use the percentage method to figure depletion for standing timber, soil, sod, dirt, or turf.

To figure percentage depletion, you multiply a certain percentage, specified for each mineral, by your gross income from the property during the year. See Mines and other natural deposits in chapter 10 of Publication 535 for a list of the percentages. You can find a complete list in section 613(b) of the Internal Revenue Code.

### Taxable income limit.

The percentage depletion deduction cannot be more than 50% (100% for oil and gas property) of your taxable income from the property figured without the depletion deduction.

For tax years beginning after 1997 and before 2006, the 100 percent taxable income limit does not apply to percentage depletion on the marginal production of oil or natural gas. For information on marginal production, see section 613A(c)(6) of the Internal Revenue Code.

### Amortization

Amortization is a method of recovering (deducting) certain capital costs over a fixed period of time. It is similar to the straight line method of depreciation. The amortizable costs discussed in this section include the start-up costs of going into business, reforestation costs, the costs of pollution control facilities, and the costs of section 197 intangibles. See chapter 9 in Publication 535 for more information on these topics.

### Business Start-Up Costs

When you go into business, treat all costs you incur to get your business started as capital expenses. Capital expenses are a part of your basis in the business. Generally, you recover costs for particular assets through depreciation deductions. However, you generally cannot re-
cover other costs until you sell the business or otherwise go out of business.

Start-up costs are costs for creating an active trade or business or investigating the creation or acquisition of an active trade or business. Start-up costs include any amounts paid or incurred in connection with any activity engaged in for profit and for the production of income before the trade or business begins, in anticipation of the activity becoming an active trade or business.

You can elect to currently deduct up to $5,000 of business start-up costs paid or incurred after October 22, 2004. See Capital Ex- penses in chapter 4. If this election is made, any costs that are not currently deducted can be amortized over 84 months any amount not deducted. There is no regulations.

Qualified timber property. Qualified timber property is property that contains trees in significant commercial quantities. It can be a woodlot or other site that you own or lease. The property qualifies only if it meets all the following require- ments.

- It is located in the United States.
- It is held for the growing and cutting of timber you will either use in, or sell for use in, the commercial production of timber products.
- It consists of at least one acre planted with tree seedlings in the manner normally used in forestation or reforestation.

Qualified timber property does not include property on which you have planted shelter belts or ornamental trees, such as Christmas trees.

Amortization period. The 84-month amortiza- tion period starts on the first day of the first month of the second half of the tax year you incur the costs (July 1 for a calendar year tax- payer), regardless of the month you actually incur the costs. You can claim amortization de- ductions for no more than 6 months of the first and last (eighth) tax years of the period.

How to make the election. To elect to amortize qualifying reforestation costs, enter your de- duction in Part VI of Form 4562. Attach a statement containing any required information. See the Form 4562 instructions.

For more information, see Going Into Busi- ness in chapter 9 of Publication 535.

Reforestation Costs

You can elect to currently deduct up to $10,000 ($5,000 if married filing separately) of qualifying reforestation costs for each qualified timber property. You can elect to amortize over 84 months any amount not deducted. There is no annual limit on the amount you can elect to amortize. Reforestation costs are the direct costs of planting or seeding for forestation or reforestation.

Qualifying costs. Qualifying costs include only those costs you must otherwise capitalize and include in the adjusted basis of the property. They include costs for the following items.

- Site preparation.
- Seeds or seedlings.
- Labor.
- Tools.
- Depreciation on equipment used in plant- ing and seeding.

If the government reimburses you for refores- tation costs under a cost-sharing program, you can amortize these costs only if you include the reimbursement in your income.

Qualified timber property. Qualified timber property is property that contains trees in signifi- cant commercial quantities. It can be a woodlot or other site that you own or lease. The property qualifies only if it meets all the following require- ments.

- It is located in the United States.
- It is held for the growing and cutting of timber you will either use in, or sell for use
8. Gains and Losses

Introduction

During the year, you may have sold or exchanged property. This chapter explains how to figure your gain or loss on the sale or exchange and determine the effect it has on your taxes.

Topics

This chapter discusses:

- Sales and exchanges
- Ordinary or capital gain or loss

Useful Items

You may want to see:

- Publication
  - 334 Tax Guide for Small Business
  - 523 Selling Your Home
  - 544 Sales and Other Dispositions of Assets
  - 550 Investment Income and Expenses
  - 908 Bankruptcy Tax Guide
- Form (and Instructions)
  - Sch D (Form 1040) Capital Gains and Losses
  - Sch F (Form 1040) Profit or Loss From Farming
  - 1099-A Acquisition or Abandonment of Secured Property
  - 1099-C Cancellation of Debt
  - 4797 Sales of Business Property

See chapter 17 for information about getting publications and forms.

Sales and Exchanges

If you sell, exchange, or otherwise dispose of your property, you usually have a gain or a loss. This section explains certain rules for determining whether any gain you have is taxable, and whether any loss you have is deductible.

A sale is a transfer of property for money or a mortgage, note, or other promise to pay money. An exchange is a transfer of property for other property or services.

Determining Gain or Loss

You usually realize a gain or loss when you sell or exchange property. A gain is the amount you realize from a sale or exchange of property that is more than its adjusted basis. A loss is the adjusted basis of the property that is more than the amount you realized.

See chapter 6 for the definition of basis, adjusted basis, and fair market value.

Amount realized. The amount you realize from a sale or exchange is the total of all money you receive plus the fair market value of all property or services you receive. The amount you realize also includes any of your liabilities assumed by the buyer and any liabilities to which the property you transferred is subject, such as real estate taxes or a mortgage.

If the liabilities relate to an exchange of multiple properties, see Treatments of liabilities under Multiple Property Exchanges in chapter 1 of Publication 544.

Amount recognized. Your gain or loss realized from a sale or exchange of property is usually a recognized gain or loss for tax purposes. A recognized gain is a gain you must include in gross income and report on your income tax return. A recognized loss is a loss you deduct from gross income. For example, if your recognized gain from the sale of your tractor is $5,300, you include that amount in gross income on Form 1040. However, your gain or loss realized from the exchange of property may not be recognized for tax purposes. See Like-Kind Exchanges, next. Also, a loss from the disposition of property held for personal use is not deductible.

Like-Kind Exchanges

Certain exchanges of property are not taxable. This means any gain from the exchange is not recognized, and any loss cannot be deducted. Your gain or loss will not be recognized until you sell or otherwise dispose of the property you receive.

The rules for like-kind property exchanges must be followed carefully to ensure the validity of these exchanges.

The exchange of property for the same kind of property is the most common type of nontaxable exchange. To be a like-kind exchange, the property traded and the property received must be both of the following:

- Qualifying property.
- Like-kind property.

These two requirements are discussed later.

Like-kind exchange of tobacco quotas. You can postpone reporting the gain or loss from the termination of a tobacco quota by entering into a like-kind exchange. For more information about the tax treatment of payments received by eligible tobacco producers, see Notice 2005-57.

Additional requirements apply to exchanges in which the property received is not received immediately upon the transfer of the property given up. See Deferred exchange, later.

If the like-kind exchange involves the receipt of money or unlike property or the assumption of your liabilities, you may have a recognized gain. See Partially nontaxable exchange, later.

Multiple-party transactions. The like-kind exchange rules also apply to property exchanges that involve three- and four-party trans-
actions. Any part of these multiple-party transactions can qualify as a like-kind exchange if it meets all the requirements described in this section.

Receipt of title from third party. If you receive property in a like-kind exchange and the other party who transfers the property to you does not give you the title, but a third party does, you can still treat this transaction as a like-kind exchange if it meets all the requirements.

Basis of property received. If you receive property in a like-kind exchange, the basis of the property will be the same as the basis of property you gave up. See chapter 6 for more information about basis.

Money paid. If, in addition to giving up like-kind property, you pay money in a like-kind exchange, you still have no recognized gain or loss. The basis of the property received is the basis of the property given up, increased by the money paid.

Example. Bill Smith trades an old tractor (asset class 00.11) with an adjusted basis of $1,500 for a new one. The new tractor costs $30,000. He is allowed $8,000 for the old tractor and pays $22,000 cash. He has no recognized gain or loss on the transaction regardless of the adjusted basis of his old tractor. If Bill sold the old tractor to a third party for $8,000 and bought a new one, he would have a recognized gain or loss on the sale of his old tractor equal to the difference between the amount realized and the adjusted basis of the old tractor.

Reporting the exchange. Report the exchange of like-kind property, even though no gain or loss is recognized, on Form 8824, Like-Kind Exchanges. The instructions for the form explain how to report the details of the exchange.

If you have any recognized gain because you received money or unlike property, report it on Schedule D (Form 1040) or Form 4797, whichever applies. You may also have to report the recognized gain as ordinary income because of depreciation recapture on Form 4797. See chapter 9 for more information.

Qualifying property. In a like-kind exchange, both the property you give up and the property you receive must be held by you for investment or for productive use in your trade or business. Machinery, buildings, land, trucks, breeding livestock, and rental houses are examples of property that may qualify. The rules for like-kind exchanges do not apply to exchanges of the following property:

• Property you use for personal purposes, such as your home and your family car.
• Stock in trade or other property held primarily for sale, such as crops and produce.
• Stocks, bonds, notes, or other securities or evidences of indebtedness, such as accounts receivable.
• Partnership interests.

However, you may have a nontaxable exchange under other rules. See Other Nontaxable Exchanges in chapter 1 of Publication 544.

Like-kind property. To qualify as a nontaxable exchange, the properties exchanged must be of like kind as defined in the income tax regulations. Generally, real property exchanged for real property qualifies as an exchange of like-kind property.

Personal property. Depreciable tangible personal property can be either like kind or like class to qualify for nontaxable exchange treatment. Like-class properties are depreciable tangible personal properties within the same General Asset Class or Product Class. Property classified in any General Asset Class May not be classified within a Product Class. Assets that are not in the same class will qualify as like-kind property if they are of the same nature or character.

General Asset Classes. General Asset Classes describe the types of property frequently used in many businesses. They include the following property:

1. Office furniture, fixtures, and equipment (asset class 00.11).
2. Information systems, such as computers and peripheral equipment (asset class 00.12).
3. Data handling equipment except computers (asset class 00.13).
4. Airplanes (airframes and engines), except planes used in commercial or contract carrying of passengers or freight, and all helicopters (airframes and engines) (asset class 00.21).
5. Automobiles and taxis (asset class 00.22).
6. Buses (asset class 00.23).
7. Light general purpose trucks (asset class 00.241).
8. Heavy general purpose trucks (asset class 00.242).
9. Railroad cars and locomotives except those owned by railroad transportation companies (asset class 00.25).
10. Tractor units for use over the road (asset class 00.26).
11. Trailers and trailer-mounted containers (asset class 00.27).
12. Vessels, barges, tugs, and similar water-transportation equipment, except those used in marine construction (asset class 00.28).
13. Industrial steam and electric generation or distribution systems (asset class 00.4).

Product Classes. Product Classes include property listed in a 6-digit product class (except any ending in 9) in sectors 31 through 33 of the North American Industry Classification System (NAICS) of the Executive Office of the President, Office of Management and Budget, United States, 2002 (NAICS Manual). It can be accessed at http://www.census.gov/naics. Copies of the manual may be obtained from the National Technical Information Service by calling 1-800-553-NTIS (1-800-553-6847). The cost of the manual is $49 plus shipping and handling and the order number is PB20020101430.

Examples. An exchange of a tractor for a new tractor is an exchange of like-kind property, and so is an exchange of timber land for crop acreage. An exchange of a tractor for acreage, however, is not an exchange of like-kind property. Neither is the exchange of livestock of one sex for livestock of the other sex. An exchange of the assets of a business for the assets of a similar business cannot be treated as an exchange of one property for another property. Whether you engaged in a like-kind exchange depends on an analysis of each asset involved in the exchange.

Partially nontaxable exchange. If, in addition to like-kind property, you receive money or unlike property in an exchange on which you realize gain, you have a partially nontaxable exchange. You are taxed on the gain you realize, but only to the extent of the money and the fair market value of the unlike property you receive. A loss is not deductible.

Example 1. You trade farmland that cost $30,000 for $10,000 for another tract of farmland. Because the fair value of the land is $15,000, you have a recognized gain of $15,000, but only $10,000, the cash received, is recognized (included in income).

Example 2. Assume the same facts as in Example 1, except that, instead of money, you received a tractor with a fair market value of $10,000. Your recognized gain is still limited to $10,000, the value of the tractor (the unlike property).

Example 3. Assume in Example 1 that the fair market value of the land you received was only $15,000. Your $5,000 loss is not recognized.

Unlike property given up. If, in addition to like-kind property, you give up unlike property, you must recognize gain or loss on the unlike property you give up. The gain or loss is the difference between the fair market value of the unlike property and the adjusted basis of the unlike property.

Like-kind exchanges between related persons. Special rules apply to like-kind exchanges between related persons. These rules affect both direct and indirect exchanges. Under these rules, if either person disposes of the property within 2 years after the exchange, the exchange is disqualified from nonrecognition treatment. The gain or loss on the original exchange must be recognized as of the date of the later disposition. The 2-year holding period begins on the date of the last transfer of property that was part of the like-kind exchange.

Related persons. Under these rules, related persons include, for example, you and a member of your family (spouse, brother, sister, parent, child, etc.), and you and a corporation in which you have more than 50% ownership, you and a partnership in which you directly or indirectly own more than a 50% of the capital interests or profits. For the complete list of related persons, see Nondeductible Loss under Sales and Exchanges Between Related Persons in chapter 2 of Publication 544.
Example. You used a 2000 pickup truck in your farming business. Your sister used a 2001 pickup truck in her landscaping business. In December 2004, you exchanged your pickup truck, plus $200, for your sister’s pickup truck. At that time, the fair market value (FMV) of your pickup truck was $7,000 and its adjusted basis was $6,000. The FMV of your sister’s pickup truck was $7,200 and its adjusted basis was $1,000. You realized a gain of $1,000 (the $7,200 FMV of your pickup truck, minus your pickup’s $6,000 adjusted basis, minus the $200 you paid). Your sister realized a gain of $600 (the $7,000 FMV of your 2000 pickup truck plus the $200 you paid, minus the $1,000 adjusted basis of the 2001 pickup truck). However, because this was a like-kind exchange, you recognized no gain. Your basis in the 2001 pickup truck was $6,200 (the $6,000 adjusted basis of the 2000 pickup truck plus the $200 you paid). Your sister recognized gain only to the extent of the money she received, $200. Her basis in the 2000 pickup truck was $1,000 (the $1,000 adjusted basis of the 2001 pickup truck minus the $200 received, plus the $200 gain recognized).

In 2005, you sold the 2001 pickup truck to a third party for $7,000. Because you sold it within 2 years after the exchange, the exchange is disqualified from nonrecognition treatment. On your tax return for 2005, you must report your $1,000 gain on the exchange in 2004. You also report a loss on the sale of $200 (the adjusted basis of the 2001 pickup truck, $7,200 (its $6,200 basis plus the $1,000 gain recognized), minus the $7,000 realized from the sale). In addition, your sister must report on her tax return for 2005 the $6,000 balance of her gain on the 2004 exchange. Her adjusted basis in the 2000 pickup truck was $1,000 (the $1,000 basis plus the $6,000 gain recognized).

Exceptions to the rules for related persons. The following property dispositions are excluded from these rules:
- Dispositions due to the death of either related person.
- Involuntary conversions.
- Dispositions where it is established to the satisfaction of the IRS that neither the exchange nor the disposition has, as a main purpose, the avoidance of federal income tax.

Multiple property exchanges. Under the like-kind property rules, you must generally make a property-by-property comparison to figure your recognized gain and the basis of the property you receive in the exchange. However, for exchanges of multiple properties, you do not make a property-by-property comparison if you do either of the following:
- Transfer and receive properties in two or more exchange groups.
- Transfer or receive more than one property within a single exchange group.

For more information, see Multiple Property Exchanges in chapter 1 of Publication 544.

Deferred exchange. A deferred exchange is one in which you transfer property you use in business or hold for investment and later receive

Deferred property is less than, equal to, or greater than either its fair market value at the time of transfer or any consideration paid by the recipient. This rule applies for determining loss as well as gain. Any gain recognized on a transfer in trust increases the basis.

For more information on transfers of property incident to divorce, see Property Settlements in Publication 504, Divorced or Separated Individuals.

Ordinary or Capital Gain or Loss
You must classify your gains and losses as either ordinary or capital (and your capital gains or losses as either short-term or long-term). You must do this to figure your net capital gain or loss.

Your net capital gains may be taxed at a 15% maximum tax rate. Your net capital losses may be limited. See Treatment of Capital Losses, later.

Capital gain or loss. Generally, you will have a capital gain or loss if you sell or exchange a capital asset. You may also have a capital gain if your section 1231 transactions result in a net gain.

Section 1231 transactions. Section 1231 transactions are sales and exchanges of property held longer than 1 year and either used in a trade or business or held for investment. (Property held longer than 1 year is any property held by a related person is not entitled to nonrecognition treatment if the related person receives cash or unlike property for the replacement property.

Transfer to Spouse
No gain or loss is recognized on a transfer of property from an individual to (or in trust for the benefit of) a spouse, or a former spouse if incident to divorce. This rule does not apply if the recipient is a nonresident alien. Nor does this rule apply to a transfer in trust to the extent the liabilities assumed and the liabilities on the property are more than the property’s adjusted basis. Any transfer of property to a spouse or former spouse on which gain or loss is not recognized is not considered a sale or exchange. The recipient’s basis in the property will be the same as the adjusted basis of the giver immediately before the transfer. This carryover basis rule applies whether the adjusted basis of the transferred property is less than, equal to, or greater than either its fair market value at the time of transfer or any consideration paid by the recipient. This rule applies for determining loss as well as gain. Any gain recognized on a transfer in trust increases the basis.

For more information on transfers of property incident to divorce, see Property Settlements in Publication 504, Divorced or Separated Individuals.

Capital Assets
Almost everything you own and use for personal purposes or investment is a capital asset.

The following items are examples of capital assets.
- A home owned and occupied by you and your family.
- Household furnishings.
- A car used for pleasure. If your car is used both for pleasure and for farm business, it is partly a capital asset and partly a non-capital asset, defined later.
- Stocks and bonds. However, there are special rules for gains and losses on qualified small business stock. For more information on this subject, see Losses on Section 1244 (Small Business) Stock in chapter 4 of Publication 550.

Personal-use property. Property held for personal use is a capital asset. Gain from a sale or exchange of that property is a capital gain and is taxable. Loss from the sale or exchange of that property is not deductible. You can deduct a loss relating to personal-use property only if it results from a casualty or theft. For information about casualties and thefts, see chapter 11.

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Long and Short Term
Where you report a capital gain or loss depends on how long you own the asset before you sell or exchange it. The time you own an asset before disposing of it is the holding period. 

If you hold a capital asset 1 year or less, the gain or loss resulting from its disposition is short term. Report it in Part I, Schedule D. If you hold a capital asset longer than 1 year, the gain or loss resulting from its disposition is long term. Report it in Part II, Schedule D.

Holding period. To figure if you held property longer than 1 year, start counting on the day after the day you acquired the property. The day you disposed of the property is part of your holding period.

Example. If you bought an asset on June 19, 2004, you should start counting on June 20, 2004. If you sold the asset on June 19, 2005, your holding period is not longer than 1 year, but if you sold it on June 20, 2005, your holding period is longer than 1 year.

Inherited property. If you inherit property, you are considered to have held the property longer than 1 year, regardless of how long you actually held it. This rule does not apply to livestock used in a farm business. See Holding period under Livestock, later.

Nonbusiness bad debt. A nonbusiness bad debt is a short-term capital loss. See chapter 4 of Publication 550.

Nontaxable exchange. If you acquire an asset in exchange for another asset and your basis for the new asset is figured, in whole or in part, by using your basis in the old property, the holding period of the new property includes the holding period of the old property. That is, it begins on the same day as your holding period for the old property.

Gift. If you receive a gift of property and your basis in it is figured using the donor’s basis, your holding period includes the donor’s holding period.

Real property. To figure how long you held real property, start counting on the day after you received title to it or, if earlier, on the day after you took possession of it and assumed the burdens and privileges of ownership.

However, taking possession of real property under an option agreement is not enough to start the holding period. The holding period cannot start until there is an actual contract of sale. The holding period of the seller cannot end before that time.

Figuring Net Gain or Loss
The totals for short-term capital gains and losses and the totals for long-term capital gains and losses must be figured separately.

Net short-term capital gain or loss. Combine your short-term capital gains and losses. Subtract the lesser total from the other. The result is your net short-term capital gain or loss.

Net long-term capital gain or loss. Follow the same steps to combine your long-term capital gains and losses. The result is your net long-term capital gain or loss.

Net gain. If the total of your capital gains is more than the total of your capital losses, the difference is taxable. However, part of your gain (but not more than your net capital gain) may be taxed at a lower rate than the rate of tax on your ordinary income. See Capital Gains Tax Rates, later.

Net loss. If the total of your capital losses is more than the total of your capital gains, the difference is deductible. But there are limits on how much loss you can deduct and when you can deduct it. See Treatment of Capital Losses, next.

Treatment of Capital Losses
If your capital losses are more than your capital gains, you must claim the difference even if you do not have ordinary income to offset it. The yearly limit on the capital loss you can deduct is $3,000 ($1,500 if you are married and file a separate return). If your other income is low, you may not be able to use the full $3,000. The part of the $3,000 you cannot use becomes part of your capital loss carryover.

Capital loss carryover. Generally, you have a capital loss carryover if either of the following situations applies to you:

• Your net loss on Schedule D, line 16, is more than the yearly limit (line 21).

• The amount shown on Form 1040, line 41, (your taxable income without your deduction for exemptions), is less than zero.

If either of these situations applies to you for 2005, see Capital Losses Under Reporting Capital Gains and Losses in chapter 4 of Publication 550 to figure the amount you can carry over to 2006.

To figure your capital loss carryover from 2005 to 2006, you will need a copy of your 2005 Form 1040 and Schedule D (Form 1040).

Capital Gains Tax Rates
The tax rates that apply to a net capital gain are generally lower than the tax rates that apply to other income. These lower rates are called the maximum capital gains rates.

The term “net capital gain” means the amount by which your net long-term capital gain for the year is more than your net short-term capital loss.

See Schedule D (Form 1040) and its instructions.

Increased Section 1202 Exclusion of Gain From Qualified Small Business Stock. Taxpayers other than corporations generally can exclude from income 50% of their gain from the sale of qualified small business stock held more than 5 years. If the stock is in a corporation that qualifies as an enterprise zone business during substantially all of the time you held the stock, you can exclude 60% of your gain. To claim this increased exclusion, you must have acquired the stock after December 21, 2000. See Publication 954, Tax Incentives for Distressed Communities, and Publication 550 for more information.

Unrecaptured section 1250 gain. This is the part of any long-term capital gain on section 1250 property (real property) due to straight-line depreciation. Unrecaptured section 1250 gain cannot be more than the net section 1231 gain or include any gain that is otherwise treated as ordinary income. See the Schedule D instructions to figure your unrecaptured section 1250 gain. For more information about section 1250 property and net section 1231 gain, see chapter 3 of Publication 544.

Noncapital Assets
Noncapital assets include property such as inventory and depreciable property used in a trade or business. A list of properties that are not capital assets is provided in the Schedule D instructions.

Property held for sale in the ordinary course of your farm business. Property you hold mainly for sale to customers, such as livestock, poultry, livestock products, and crops, is a noncapital asset. Gain or loss from sales or other dispositions of this property is reported on Schedule F (not on Schedule D or Form 4797). The treatment of this property is discussed in chapter 3.

Land and depreciable properties. Land and depreciable property you use in farming are not capital assets. They also include livestock held for draft, breeding, dairy, or sporting purposes. However, your gains and losses from sales and exchanges of your farmland and depreciable properties must be considered together with certain other transactions to determine whether the gains and losses are treated as capital or ordinary gains and losses. For more information on how to report these gains and losses, see Distressed Communities, and Publication 544.

Hedging (Commodity Futures)
Hedging transactions are transactions that you enter into in the normal course of business primarily to manage the risk of interest rate or price changes, or currency fluctuations, with respect to borrowings, ordinary property, or ordinary obligations. (Ordinary property or obligations are those that cannot produce capital gain or loss if sold or exchanged.)

A commodity futures contract is a standardized, exchange-traded contract for the sale or purchase of a fixed amount of a commodity at a future date for a fixed price. The holder of an option on a futures contract has the right (but not the obligation) for a specified period of time to enter into a futures contract to buy or sell at a particular price. A forward contract is generally similar to a futures contract except that the terms are not standardized and the contract is not exchange traded.

Businesses may enter into commodity futures contracts or forward contracts and may acquire options on commodity futures contracts as either of the following.
Hedging transactions.
Transactions that are not hedging transactions.

Futures transactions with exchange-traded commodity futures contracts that are not hedging transactions, generally, result in capital gain or loss and are, generally, subject to the mark-to-market rules discussed in Publication 550. There is a limit on the amount of capital losses you can deduct each year. Hedging transactions are not subject to the mark-to-market rules.

If, as a farmer-producer, to protect yourself from the risk of unfavorable price fluctuations, you enter into commodity forward contracts, futures contracts, or options on futures contracts and the contracts cover an amount of the commodity within your range of production, the transactions are generally considered hedging transactions. They can take place at any time you have the commodity under production, have it on hand for sale, or reasonably expect to have it on hand.

The gain or loss on the termination of these hedges is generally ordinary gain or loss. Farmers who file their income tax returns on the cash method report any profit or loss on the hedging transactions on Schedule F, line 10.

Gain or loss on transactions that hedge supplies of a type regularly used or consumed in the ordinary course of its trade or business may be ordinary.

If you have numerous transactions in the commodity futures market during the year, you must be able to show which transactions are hedging transactions. Clearly identify a hedging transaction on your books and records before the end of the day you entered into the transaction. It may be helpful to have separate brokerage accounts for your hedging and speculation transactions. The identification must not only be on, and retained as part of, your books and records but must specify both the hedging transaction and the item, items, or aggregate risk that is being hedged. Although the identification of the hedging transaction must be made before the end of the day it was entered into, you have 35 days after entering into the transaction to identify the hedged item, items, or risk.

For more information on the tax treatment of futures transactions, see Commodity Futures and Section 1256 Contracts Marked to Market in Publication 550.

Accounting methods for hedging transactions.

The accounting method you use for a hedging transaction must clearly reflect income. This means that your accounting method must reasonably match the timing of income, deduction, gain, or loss from a hedging transaction with the timing of income, deduction, gain, or loss from the item or items being hedged. There are requirements and limits on the method you can use for certain hedging transactions. See section 1446(e) of the regulations for those requirements and limits.

Hedging transactions must be accounted for under the rules stated above unless the transaction is subject to mark-to-market accounting under section 475 of the Internal Revenue Code or you use an accounting method other than the following methods.

1. Cash method.
2. Farm-price method.
3. Unit-livestock-price method.

Once you adopt a method, you must apply it consistently and must have IRS approval before changing it.

Your books and records must describe the accounting method used for each type of hedging transaction. You must also contain any additional identification necessary to verify the application of the accounting method you used for the transaction. You must make the additional identification no more than 35 days after entering into the hedging transaction.

Example of a hedging transaction. You file your income tax returns on the cash method. On July 2, 2005, you anticipate a yield of 50,000 bushels of corn this crop year. The present December futures price is $2.75 a bushel, but there are indications that by harvest time the price will drop. To protect yourself against a drop in the sales price of your corn inventory, you enter into the following hedging transaction. You sell 10 December futures contracts of 5,000 bushels each for a total of 50,000 bushels of corn at $2.75 a bushel.

The price did not drop as anticipated but rose to $3 a bushel. In November, you sell your crop at a local elevator for $3 a bushel. You also close out your futures position by buying 10 December futures contracts for $3 a bushel. You paid a broker’s commission of $700 ($70 per contract) for the complete in and out position in the futures market.

The result is that the price of corn rose 25 cents a bushel and the actual selling price is $3 a bushel. Your loss on the hedge is 25 cents a bushel. In effect, the net selling price of your corn is $2.75 a bushel.

Report the results of your futures transactions on Schedule F, line 10.

The proceeds from your corn sale at the local elevator are $150,000 (50,000 bu. x $3). Report this on Schedule F, Part I, line 4.

Assume you were right and the price went down 25 cents a bushel. In effect, you would still net $2.75 a bushel, figured as follows.

Sold cash corn, per bushel $2.50
Gain on hedge, per bushel 25
$2.75

The gain on your futures transactions would have been $11,800, figured as follows.

The $11,800 is reported on Schedule F, Part I, line 10.

Livestock

This part discusses the sale or exchange of livestock used in your farm business. Gain or loss from the sale or exchange of livestock may qualify as a section 1231 gain or loss. However, any part of the gain that is ordinary income from the recapture of depreciation is not included as section 1231 gain. See chapter 9 for more information on section 1231 gains and losses and the recapture of depreciation under section 1245.

The rules discussed here do not apply to the sale of livestock held primarily for sale to customers. The sale of livestock used in business is reported on Schedule F, see chapter 9.

Holding period. The sale or exchange of livestock used in your farm business (defined later) qualifies as a section 1231 transaction if you held the livestock for 12 months or more (24 months or more for horses and cattle).

Livestock. For section 1231 transactions, livestock includes cattle, hogs, horses, mules, donkeys, sheep, goats, fur-bearing animals (such as mink), and other mammals. Livestock does not include chickens, turkeys, pigeons, geese, emus, ostriches, rabbits, or other birds, fish, frogs, reptiles, etc.

Livestock used in farm business. If livestock is held primarily for draft, breeding, dairy, or sporting purposes, it is used in your farm business. The purpose for which an animal is held ordinarily is determined by a farmer’s actual use of the animal. An animal is not held for draft, breeding, dairy, or sporting purposes merely because it is suitable for that purpose, or because it is held for sale to other persons for use by them for that purpose. However, a draft- breeding, or sporting purpose may be present if an animal is disposed of within a reasonable time after it is prevented from its intended use or made undesirable as a result of an accident, disease, drought, or unfitness of the animal.

Example 1. You discover an animal that you intend to use for breeding purposes is sterile. You dispose of it within a reasonable time. This animal was held for breeding purposes.

Example 2. You retire and sell your entire herd, including young animals that you would have used for breeding or dairy purposes had you remained in business. These young animals were held for breeding or dairy purposes. Also, if you sell young animals to reduce your breeding or dairy herd because of drought, these animals are treated as having been held for breeding or dairy purposes.

Example 3. You are in the business of raising hogs for slaughter. Customarily, before selling your hogs, you obtain a single litter of pigs that you will raise for sale. You sell the brood sows after obtaining the litter. Even though you hold these brood sows for ultimate sale to customers in the ordinary course of your business,
they are considered to be held for breeding purposes.

**Example 4.** You are in the business of raising registered cattle for sale to others for use as breeding cattle. The business practice is to breed the cattle before sale to establish their fitness as registered breeding cattle. Your use of the young cattle for breeding purposes is ordinary and necessary for selling them as registered breeding cattle. Such use does not determine that you are holding the cattle for breeding purposes. However, those cattle you held as additions or replacements to your own breeding herd to produce calves are considered to be held for breeding purposes, even though they may not actually have produced calves. The same applies to hog and sheep breeders.

**Example 5.** You are in the business of breeding and raising mink that you sell for the fur trade. You take breeders from the herd when they are no longer useful as breeders and sell them. Although these breeders are processed and pelled, they are still considered to be held for breeding purposes. The same applies to breeders of fur-bearing animals.

**Example 6.** You breed, raise, and train horses for racing purposes. Every year you cull horses from your racing stable. In 2005, you decided that to prevent your racing stable from getting too large to be effectively operated, you must cull six horses that had been raced at public tracks in 2004. These horses are all considered held for sporting purposes.

Figuring gain or loss on the cash method. Farmers or ranchers who use the cash method of accounting figure their gain or loss on the sale of livestock used in their farming business as follows.

**Raised livestock.** Gain on the sale of raised livestock is generally the gross sales price reduced by any expenses of the sale. Expenses of sale include sales commissions, freight or hauling from farm to commission company, and other similar expenses. The basis of the animal sold is zero if the costs of raising it were deducted during the years the animal was being raised. However, see Uniform Capitalization Rules in chapter 6. The term *basis* is defined in chapter 6.

**Purchased livestock.** The gross sales price minus your adjusted basis and any expenses of sale is the gain or loss. The term *basis* is defined in chapter 6.

**Example.** A farmer sold a breeding cow on January 8, 2005, for $1,250. Expenses of the sale were $125. The cow was bought July 2, 2002, for $1,300. Depreciation (not less than the amount allowable) was $759.

<table>
<thead>
<tr>
<th>Gross sales price</th>
<th>$1,250</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost (basis)</td>
<td>$1,300</td>
</tr>
<tr>
<td>Minus: Depreciation deduction</td>
<td>$759</td>
</tr>
<tr>
<td>Unrecovered cost (adjusted basis)</td>
<td>$541</td>
</tr>
<tr>
<td>Expense of sale</td>
<td>125</td>
</tr>
<tr>
<td>Gain realized</td>
<td>$584</td>
</tr>
</tbody>
</table>

**Converted Wetland and Highly Erodible Cropland**

Special rules apply to dispositions of land converted to farming use after March 1, 1986. Any gain realized on the disposition of converted wetland or highly erodible cropland is treated as ordinary income. Any loss on the disposition of such property is treated as a long-term capital loss.

**Converted wetland.** This is generally land that was drained or filled to make the production of agricultural commodities possible. Converted wetland held by the person who originally converted it or held by any other person who held the converted wetland at any time after conversion for farming purposes is treated as land that meets all the following conditions.

- It is mostly soil that, in its undrained condition, is saturated, flooded, or ponded long enough during a growing season to develop an oxygen-deficient state that suppresses the growth and regeneration of plants growing in water.
- It is saturated by surface or groundwater at a frequency and duration sufficient to support mostly plants that are adapted for life in saturated soil.
- It supports, under normal circumstances, mostly plants that grow in saturated soil.

**Highly erodible cropland.** This is cropland subject to erosion that you used at any time for farming purposes other than grazing animals. Generally, highly erodible cropland is land currently classified by the Department of Agriculture as Class IV, VI, VII, or VIII under its classification system. In its undrained condition, highly erodible cropland supports mostly plants that are adapted for life in saturated soil.

**Timber**

Standing timber you held as investment property is a capital asset. Gain or loss from its sale is capital gain or loss reported on Schedule D (Form 1040). If you held the timber primarily for sale to customers, it is not a capital asset. Gain or loss on its sale is ordinary business income or loss. It is reported on Schedule F, line 1 (pur- chased timber) or line 4 (raised timber).

Farmers who cut timber on their land and sell it as logs, firewood, or pulpwood usually have no cost or other basis for that timber. These sales constitute a very minor part of their farm businesses. Amounts realized from these minor sales, and the expenses incurred in cutting, hauling, etc., are ordinary farm income and expenses reported on Schedule F (Form 1040). Different rules apply if you owned the timber longer than 1 year and choose to treat timber cutting as a sale or exchange or you enter into a cutting contract, discussed later. Depletion of timber is discussed in chapter 7.

**Timber considered cut.** Timber is considered cut on the date when, in the ordinary course of business, the quantity of felled timber is first definitely determined. This is true whether the timber is cut under contract or whether you cut it yourself.

**Christmas trees.** Evergreen trees, such as Christmas trees, that are more than 6 years old when severed from their roots and sold for ornamental purposes are included in the term timber. They qualify for both rules discussed below.

**Election to treat cutting as a sale or exchange.** Under the general rule, the cutting of timber results in no gain or loss. It is not until a sale or exchange occurs that gain or loss is realized. But if you owned or had a contractual right to cut timber, you can elect to treat the cutting of timber as a section 1231 transaction in the year it is cut. Even though the cut timber is not actually sold or exchanged, you report your gain or loss on the cutting for the year the timber is cut. Any later sale results in ordinary business income or loss.

To choose this treatment, you must:

1. Own or hold a contractual right to cut the timber for a period of more than 1 year before it is cut, and
2. Cut the timber for sale or use in your trade or business.

**Making the election.** You make the election on your return for the year the cutting takes place by including in income the gain or loss on the cutting and including a computation of your gain or loss. You do not have to make the election in the first year you cut the timber. You can make it in any year in which the election would apply. If the timber is partnership property, the election is made on the partnership return. This election cannot be made on an amended return.

Once you have made the election, it remains in effect for all later years unless you cancel it.

**Election under section 631(a) may be revoked.** If you had previously made an election to treat cutting of timber as a sale or exchange under section 631(a), you may revoke this election without the consent of the IRS for any tax year ending after October 22, 2004. The prior election (and revocation) is disregarded for purposes of making a subsequent election. See Form T (Timber) for more information.

**Gain or loss.** Your gain or loss on the cutting of standing timber is the difference between its adjusted basis for depletion and its fair market value on the first day of your tax year in which it is cut.

Your adjusted basis for depletion of cut timber is based on the number of units (board feet, log scale, or other units) of timber cut during the tax year and considered to be sold or exchanged. Your adjusted basis for depletion is also based on the depletion unit of timber in the account used for the cut timber, and should be figured in the same manner as shown in section 611 of the Internal Revenue Code and section 1.611-3 of the regulations.

**Example.** In April 2005, you owned 4,000 MBF (1,000 board feet) of standing timber longer than 1 year. It had an adjusted basis for
depletion of $40 per MBF. You are a calendar year taxpayer. On January 1, 2005, the timber had a fair market value (FMV) of $350 per MBF. It was cut in April for sale. On your 2005 tax return, you choose to treat the cutting of the timber as a sale or exchange. You report the difference between the FMV and your adjusted basis for depletion as a gain. This amount is reported on Form 4797 along with your section 1231 transaction if all the applicable to you.

You held the timber longer than 1 year and livestock). If you have a gain from the sale, of the Internal Revenue Code. before its disposal. you may be allowed to exclude the gain on your 

You held the timber longer than 1 year before its disposal. 

You kept an economic interest in the timber (defined below).

Outright sales of timber by landowners after 2004 qualify for capital gains treatment if the timber was held for more than a year before the date of disposal. This new rule is similar to the rule on disposal of timber under a contract with a retained economic interest. The difference between the amount realized from the disposal of the timber and its adjusted basis for depletion is treated as gain or loss on its sale. Include this amount on Form 4797 along with your section 1231 gains and losses to figure whether it is treated as capital or ordinary gain or loss.

Date of disposal. The date of disposal is the date the timber is cut. However, if you receive payment under the contract before the timber is cut, you can choose to treat the date of payment as the date of disposal. This choice applies only to figure the holding period for depletion purposes (but not for reporting gain or loss (generally when the timber is sold or exchanged).

To make this choice, attach a statement to the tax return filed by the due date (including extensions) for the year payment is received. The statement must identify the advance payments subject to the choice and the contract under which they were made. If you timely filed your return for the year you received payment without making the choice, you can still make the choice by filing an amended return within 6 months after the due date for that year’s return (excluding extensions). Attach the statement to the amended return and write “Filed pursuant to section 301.9100-2” at the top of the statement. File the amended return at the same address the original return was filed.

Owner. An owner is any person who owns an interest in the timber, including a sublessee and the holder of a contract to cut the timber. You own an interest in timber if you have the right on your own account or for use in your business.

Economic interest. You have kept an economic interest in standing timber if, under the cutting contract, the expected return on your investment is based on the cutting of the timber.

Tree stumps. Tree stumps are a capital asset if they are on land by an investor who is not in the timber or stump business as a buyer, seller, or processor. Gain from the sale of stumps sold in one lot by such a holder is taxed as a capital gain. However, tree stumps held by timber operators after the saleable standing timber has been cut and removed from the land are considered by-products. Gain from the sale of stumps in lots or tonnage by such operators is taxed as ordinary income.

Sale of a Farm. The sale of your farm will usually involve the sale of both nonbusiness property (your home) and business property (the land and buildings used in the operation and perhaps machinery and livestock). If you have a gain from the sale, you may be allowed to exclude the gain on your home. The gain on the sale of your business property is taxable. A loss on the sale of your business property to an unrelated person is deducted as an ordinary loss. Losses from nonbusiness property, other than casualty or theft losses, are not deductible. If you receive payments for your farm in installments, your gain is taxed over the period of years the payments are received, unless you choose not to use the installment method of reporting the gain. See chapter 10 for information about installment sales.

When you sell your farm, the gain or loss on each asset is figured separately. The tax treatment of gain or loss on the sale of each asset is determined by the classification of the asset. Each of the assets sold must be classified as nonbusiness or business as the following:

- Capital asset held 1 year or less.
- Capital asset held longer than 1 year.
- Property (including real estate) used in your business and held 1 year or less (including draft, breeding, dairy, and sporting animals held less than the holding periods discussed earlier under livestock).
- Property (including real estate) used in your business and held longer than 1 year (including only draft, breeding, dairy, and sporting animals held for the holding periods discussed earlier).
- Property held primarily for sale or which is of the kind that would be included in inventory if on hand at the end of your tax year.

Allocation of consideration paid for a farm. The sale of a farm for a lump sum is considered a sale of each individual asset rather than a single asset. The residual method is required only if the group of assets sold constitutes a trade or business. This method determines gain or loss from the transfer of each asset. It also determines the buyer’s basis in the business assets.

Consideration. The buyer’s consideration is the cost of the assets acquired. The seller’s consideration is the amount realized (money plus the fair market value of property received) from the sale of assets.

Residual method. The residual method must be used for any transfer of a group of assets that constitutes a trade or business and for which the buyer’s basis is determined only by the amount paid for the assets. This applies to both direct and indirect transfers, such as the sale of a business or the sale of a partnership interest in which the basis of the buyer’s share of the partnership assets is adjusted for the amount paid under section 743(b) of the Internal Revenue Code. Section 743(b) of the Internal Revenue Code applies if a partnership has an election in effect under section 754 of the Internal Revenue Code.

A group of assets constitutes a trade or business if either of the following applies.

- Goodwill or going concern value could, under any circumstances, attach to them.
- The use of the assets would constitute an active trade or business under section 336 of the Internal Revenue Code.

The residual method provides for the consideration to be reduced first by the cash, and general deposit accounts (including checking and savings accounts but excluding certificates of deposit). The consideration remaining after this reduction must be allocated among the various business assets in a certain order.

For asset acquisitions occurring after March 15, 2001, make the allocation among the follow-

1. Certificates of deposit, U.S. Government securities, foreign currency, and actively traded personal property, including stock and securities.
2. Accounts receivable, other debt instru-
3. Property of a kind that would properly be included in inventory if on hand at the end of the tax year or property held by the taxpayer primarily for sale to customers in the ordinary course of business.
4. All other assets except section 197 in-
5. Section 197 intangibles (other than good-
6. Goodwill and going concern value (whether or not the goodwill or going concern value qualifies as a section 197 intangible).
The type and rule above prints on all proofs including departmental reproduction proofs. MUST be removed before printing.
that is more than the fair market value. See Cancellation of debt, later.

Example 3. Assume the same facts as in Example 1 except Ann is personally liable for the loan (recourse debt). In this case, the amount she realizes is $170,000. This is the canceled debt ($180,000) up to the fair market value of the land ($170,000). Ann figures her gain or loss on the foreclosure by comparing the amount realized ($170,000) with her adjusted basis ($200,000). She has a $30,000 deductible loss, which she figures on Form 4797, Part 1. She is also treated as receiving ordinary income from cancellation of debt. That income is $10,000 ($180,000 – $170,000). This is the part of the canceled debt not included in the amount realized. She reports this income on Schedule F, line 10.

Seller’s (lender’s) gain or loss on repossession. If you finance a buyer’s purchase of property and later acquire an interest in it through foreclosure or repossession, you may have a gain or loss on the acquisition. For more information, see Repossession in Publication 537, Installment Sales.

Cancellation of debt. If property that is reposessed or foreclosed upon secures a debt for which you are personally liable (recourse debt), you generally must report as ordinary income the amount by which the canceled debt is more than the fair market value of the property. This income is separate from any gain or less realized from the foreclosure or repossession. Report the income from cancellation of a nonbusiness debt as miscellaneous income on Form 1040, line 21.

Tip: You can use Table 8-1 to figure your income from cancellation of debt.

However, income from cancellation of debt is not taxed if any of the following apply.

- The cancellation is intended as a gift.
- The debt is qualified farm debt (see chapter 3).
- The debt is qualified real property business debt (see chapter 5 of Publication 334).
- You are insolvent or bankrupt (see chapter 3).

Abandonment

The abandonment of a property is a disposition of property. You abandon property when you voluntarily and permanently give up possession and use of the property with the intention of never regaining it. You cannot deduct any loss from abandonment of your home or other property held for personal use.

Cancled debt. If the abandoned property secures a debt for which you are personally liable and the debt is canceled, you will realize ordinary income equal to the canceled debt. This income is separate from any loss realized from abandonment of the property. Report income from cancellation of a debt related to a business or rental activity as business or rental income. Report income from cancellation of a nonbusiness debt as miscellaneous income on Form 1040, line 21.

Forms 1099-A and 1099-C. A lender who acquires an interest in property in a foreclosure, repossession, or abandonment should send you Form 1099-A showing the information you need to figure your loss from the foreclosure, repossession, or abandonment. However, if your debt is canceled and the lender must file Form 1099-C, the lender may include the information about the foreclosure, repossession, or abandonment on that form instead of Form 1099-A. The lender must file Form 1099-C and give you a copy if the canceled debt is $600 or more and the lender is a financial institution, credit union, federal government agency, or any organization that has a significant trade or business of lending money. For foreclosures, repossessions, or abandonments of property and debt cancellations occurring in 2005, these forms should be sent to you by January 31, 2006.

9. Dispositions of Property Used in Farming

Introduction

When you dispose of property used in your farming business, your taxable gain or loss is usually a section 1231 gain or loss. Its treatment as ordinary income (which is taxed at the same rates as wages and interest income) or capital gain (which is generally taxed at lower rates) is determined under the rules for section 1231 transactions.

When you dispose of depreciable property (section 1245 property or section 1250 property) at a gain, you may have to recognize all or part of the gain as ordinary income under the depreciation recapture rules. Any gain remaining after applying the depreciation recapture rules is a section 1231 gain, which may be taxed as a capital gain.

Gains and losses from property used in farming are reported on Form 4797. Table 9-1 contains examples of items reported on Form 4797 and refers to the part of that form on which they first should be reported. Chapter 16, Sample Return, contains a sample filled-in Form 4797.
Section 1231 Gains and Losses

Section 1231 gains and losses are the taxable gains and losses from section 1231 transactions—generally, dispositions of property used in business. Their treatment as ordinary or capital, generally, depends on whether you have a net gain or a net loss from all your section 1231 transactions in the tax year.

If you have a gain from a section 1231 transaction, first determine whether any of the gain is ordinary income under the depreciation recapture rules (explained later). Do not take that gain into account as section 1231 gain.

Section 1231 transactions. Gain or loss on the following transactions is subject to section 1231 treatment.

- Sale or exchange of cattle and horses. The cattle and horses must be held for draft, breeding, dairy, or sporting purposes and held for 2 years or longer.
- Sale or exchange of other livestock. This livestock must be held for draft, breeding, dairy, or sporting purposes and held for 1 year or longer. Other livestock includes hogs, mules, sheep, and goats, but does not include poultry.
- Sale or exchange of depreciable personal property. This property must be used in your business and held longer than 1 year. Generally, property held for the production of rents or royalties is considered to be used in a trade or business. Examples of depreciable personal property include farm machinery and trucks. It also includes amortizable section 197 intangibles.
- Sale or exchange of real estate. This property must be used in your business and held longer than 1 year. Examples are your farm or ranch (including barns and sheds).
- Sale or exchange of unharvested crops. The crop and land must be sold, exchanged, or involuntarily converted at the same time and to the same person, and the land must have been held longer than 1 year. You cannot keep any right or option to reacquire the land directly or indirectly (other than a right customarily incident to a mortgage or other security transaction). Growing crops sold with a lease on the land, even if sold to the same person in a single transaction, are not included.
- Distributive share of partnership gains and losses. Your distributive share must be from the sale or exchange of property listed earlier and held longer than 1 year (or for the required period for certain livestock).
- Cutting or disposal of timber. You must treat the cutting or disposal of timber as a sale, as described in chapter 8 under Timber.
- Condemnation. The condemned property (defined in chapter 11) must have been held longer than 1 year. It must be business property or a capital asset held in connection with a trade or business or a transaction entered into for profit, such as investment property. It cannot be property held for personal use.
- Casualty or theft. The casualty or theft must have affected business property, property held for the production of rents or royalties, or investment property (such as notes and bonds). You must have held the property longer than 1 year. However, if your casualty or theft losses are more than your casualty or theft gains, neither the gains nor the losses are taken into account in the section 1231 computation. Section 1231 does not apply to personal casualty gains and losses. See chapter 11 for information on how to treat those gains and losses.

Property for sale to customers. A sale, exchange, or involuntary conversion of property held mainly for sale to customers is not a section 1231 transaction. If you will get back all, or nearly all, of your investment in the property by selling it rather than by using it up in your business, it is property held mainly for sale to customers.

Treat as ordinary or capital. To determine the treatment of section 1231 gains and losses, combine all your section 1231 gains and losses for the year.

- If you have a net section 1231 loss, it is an ordinary loss.
- If you have a net section 1231 gain, it is ordinary income up to your nonrecaptured section 1231 losses from previous years, explained next. The rest, if any, is long-term capital gain.

Nonrecaptured section 1231 losses. Your nonrecaptured section 1231 losses are your net section 1231 losses for the previous 5 years that have not been applied against a net section 1231 gain by treating the gain as ordinary income. These losses are applied against your net section 1231 gain beginning with the earliest loss in the 5-year period.

Example. In 2005, Ben has a $2,000 net section 1231 gain. To figure how much he has to report as ordinary income and long-term capital gain, he must first determine his section 1231

<table>
<thead>
<tr>
<th>Type of property</th>
<th>Held 1 year or less</th>
<th>Held more than 1 year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Depreciable trade or business property:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a Sold or exchanged at a gain</td>
<td>Part II</td>
<td>Part II (1245, 1250)</td>
</tr>
<tr>
<td>b Sold or exchanged at a loss</td>
<td>Part II</td>
<td>Part I</td>
</tr>
<tr>
<td>2 Farmland held less than 10 years for which soil, water, or land clearing expenses were deducted:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a Sold at a gain</td>
<td>Part II</td>
<td>Part III (1252)</td>
</tr>
<tr>
<td>b Sold at a loss</td>
<td>Part II</td>
<td>Part I</td>
</tr>
<tr>
<td>c All other farmland</td>
<td>Part II</td>
<td>Part I</td>
</tr>
<tr>
<td>3 All other farmland</td>
<td>Part II</td>
<td>Part II (1255)</td>
</tr>
<tr>
<td>4 Disposition of cost-sharing payment property described in section 126</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Held less than 24 mos.</td>
<td>Held 24 mos. or more</td>
</tr>
<tr>
<td>5 Cattle and horses used in a trade or business for draft, breeding, dairy, or sporting purposes:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a Sold at a gain</td>
<td>Part II</td>
<td>Part II (1245)</td>
</tr>
<tr>
<td>b Sold at a loss</td>
<td>Part II</td>
<td>Part I</td>
</tr>
<tr>
<td>c Raised cattle and horses sold at a gain</td>
<td>Part II</td>
<td>Part I</td>
</tr>
<tr>
<td>6 Livestock other than cattle and horses used in a trade or business for draft, breeding, dairy, or sporting purposes:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a Sold at a gain</td>
<td>Part II</td>
<td>Part II (1245)</td>
</tr>
<tr>
<td>b Sold at a loss</td>
<td>Part II</td>
<td>Part I</td>
</tr>
<tr>
<td>c Raised livestock sold at a gain</td>
<td>Part II</td>
<td>Part I</td>
</tr>
</tbody>
</table>
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Section 1245 Property

A gain on the disposition of section 1245 property is treated as ordinary income to the extent of depreciation allowed or allowable.

Any recognized gain that is more than the part that is ordinary income because of depreciation is a section 1231 gain. See Treatment as ordinary or capital under Section 1231 Gains and Losses, earlier.

Defined. Section 1245 property includes any property that is or has been subject to an allowance for depreciation or amortization and is any of the following types of property.

1. Personal property (either tangible or intangible).
2. Other tangible property (except buildings and their structural components) used as any of the following.
   a. An integral part of manufacturing, production, or extraction, or of furnishing transportation, communications, electricity, gas, water, or sewage disposal services.
   b. A research facility in any of the activities in (a).
   c. A facility in any of the activities in (a) for the bulk storage of fungible commodities.
3. That part of real property (not included in (2)) with an adjusted basis reduced by certain amortization deductions (including those for certified pollution control facilities, child care facilities, removal of architectural barriers to persons with disabilities and the elderly, or reforestation expenses) or a section 179 deduction.
4. Single purpose agricultural (livestock) or horticultural structures.
5. Storage facilities (except buildings and their structural components) used in distributing petroleum or any primary product of petroleum.

Buildings and structural components. Section 1245 property does not include buildings and structural components. The term building includes a house, barn, warehouse, or garage. The term structural component includes walls, floors, windows, doors, central air conditioning systems, light fixtures, etc.

Do not treat a structure that is essentially machinery or equipment as a building or structural component. Also, do not treat a structure that houses property used as an integral part of an activity as a building or structural component if the structure’s use is so closely related to the property that the structure can be expected to be replaced when the property is initially houses is replaced.

The fact that the structure is specially designed to withstand the stress and other demands of the property and cannot be used economically for other purposes indicates it is closely related to the use of the property it houses. Structures such as oil and gas storage tanks, grain storage bins, and silos are not treated as buildings, but as section 1245 property.

Facility for bulk storage of fungible commodities. This facility is used mainly for the bulk storage of fungible commodities. Bulk storage means storage of a commodity in a large mass before it is used. For example, if a facility is used to store sorted and boxed oranges, it is not used for bulk storage. To be fungible, a commodity must be such that one part may be used in place of another.

Gain Treated as Ordinary Income

The gain treated as ordinary income on the sale, exchange, or involuntary conversion of section 1245 property, including a sale and leaseback transaction, is the lesser of the following amounts.

1. The depreciation (which includes any section 179 deduction claimed and amortization allowed or allowable on the property).
2. The gain realized on the disposition (the amount realized from the disposition minus the adjusted basis of the property).

For any other disposition of section 1245 property, ordinary income is the lesser of (1) above or the amount by which its fair market value is more than its adjusted basis. For details, see chapter 3 of Publication 544.

Use Part III of Form 4797 to figure the ordinary income part of the gain.

Depreciation claimed on other property or claimed by other taxpayers. Depreciation and amortization include the amounts you claimed on the section 1245 property as well as the following depreciation and amortization amounts.

- Amounts you claimed on property you exchanged for, or converted to, your section 1245 property in a like-kind exchange or involuntary conversion. For details on exchanges of property that are not taxable, see Like-Kind Exchanges in chapter 8.
- Amounts a previous owner of the section 1245 property claimed if your basis is determined with reference to that person’s adjusted basis (for example, the donor’s depreciation deductions on property you received as a gift).

Example. Jeff Free paid $120,000 for a tractor in 2003. On February 23, 2005, he traded it for a chopper and paid an additional $30,000. To figure his depreciation deduction for the current year, Jeff continues to use the basis of the tractor as he would have before the trade to depreciate the chopper. Jeff can also depreciate the additional $30,000 basis on the chopper.

Temporary regulations were issued to provide more flexibility for computing depreciation deductions when property is acquired in a like-kind exchange. For details, see chapter 7 and the instructions for Form 4562.

Depreciation and amortization. Depreciation and amortization deductions that must be recaptured as ordinary income include (but are not limited to) the following items.

1. Ordinary depreciation deductions.
2. Section 179 deduction (see chapter 7).
3. Any special depreciation allowance.
4. Amortization deductions for all the following costs.
   a. Acquiring a lease.
   b. Lessee improvements.
   c. Pollution control facilities.
   d. Reforestation expenses.
   e. Section 197 intangibles.
   g. Franchises, trademarks, and trade names acquired before August 11, 1993.
5. Deductions for all the following costs.
   a. Removing barriers to the disabled and the elderly.
   b. Tertiary injectant expenses.
   c. Depreciable clean-fuel vehicles and re-fueling property (minus any recaptured deduction).
6. Any basis reduction for the investment credit (minus any basis increase for a credit recapture).
7. Any basis reduction for the qualified electric vehicle credit (minus any basis increase for a credit recapture).
Example. You file your returns on a calendar-year basis. In February 2003, you bought and placed in service for 100% use in your farming business a light-duty truck (5-year property) that cost $10,000. You used the half-year convention and your MACRS deductions for the truck were $1,500 in 2003 and $2,550 in 2004. You did not claim the section 179 expense deduction for the truck. You sold it in May 2005 for $7,000. The MACRS deduction in 2005, the year of sale, is $963 (3% of $1,785). Figure the gain treated as ordinary income as follows.

1) Amount realized ........................................ $7,000
2) Cost (February 2003) .......................... $10,000
3) Depreciation allowed or allowable (MACRS deductions: $1,500 + $2,550 + $963) ....... 4,943
4) Adjusted basis (subtract line 3 from line 2) ..... $5,057
5) Gain realized (subtract line 4 from line 1) .......... 1,943
6) Gain treated as ordinary income (lesser of line 3 or line 5) ................ $1,943

Depreciation allowed or allowable. You generally use the greater of the depreciation allowed or allowable when figuring the part of gain to report as ordinary income. If, in prior years, you have consistently taken proper deductions under one method, the amount allowed for your prior years will not be increased even though a greater amount would have been allowed under another proper method. If you did not take any deduction at all for depreciation, your adjustments to basis for depreciation allowable are figured by using the straight line method.

This treatment applies only when figuring what part of the gain is treated as ordinary income under the rules for section 1245 depreciation recapture.

Disposition of plants and animals. If you elect not to use the uniform capitalization rules (see chapter 2), you must treat any plant you produce as section 1245 property. If you have a gain on the property’s disposition, you must recapture the preproductive expenses you would have capitalized if you had not made the choice by treating the gain, up to the amount of these expenses, as ordinary income. For section 1231 transactions, show these expenses as depreciation on Form 4797, Part III, line 22. For plant sales that are reported on Schedule F, this recapture rule does not change the reporting of income because the gain is already ordinary income. You can use the farm-price method or the unit-livestock-price method discussed in chapter 2 to figure these expenses.

Example. Janet Maple sold her apple orchard in 2005 for $80,000. Her adjusted basis at the time of sale was $60,000. She bought the orchard in 1998, but the trees did not produce a crop until 2001. Her preproductive expenses were $6,000. She elected out of the uniform capitalization rules. Janet must treat $6,000 of the gain as ordinary income.

Section 1250 Property

Section 1250 property includes all real property subject to an allowance for depreciation that is not and never has been section 1245 property. It includes a leasehold of land or section 1250 property subject to an allowance for deprecia-

Chapter 9 Dispositions of Property Used in Farming

Page 63 of 111 of Publication 225 8:06 - 18-OCT-2005

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Other Dispositions

Chapter 3 of Publication 544 discusses the tax treatment of the following transfers of deprecia-

Chapter 2 to figure these expenses.

The applicable exceptions. The applicable percentage is based on the length of time you held the land. If you dispose of your farmland within 5 years after the date you acquired it, the percentage is 100%. If you dispose of the land within the 6th through 9th year after you ac-

This section discusses gain on the disposition of farmland for which you were allowed either of the following.

• Deductions for soil and water conservation expenditures (section 1252 property).

• Exclusions from income for certain cost-sharing payments (section 1255 property).

Section 1252 property. If you disposed of farmland you held more than 1 year and less than 10 years at a gain and you January 1 and 1250 deductions for soil and water conservation ex-

• Proceeds from the sale or exchange of property for use in your farming business (section 1231 property).

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• Proceeds from the sale or exchange of property for use in your farming business (section 1231 property).

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to exclude these payments, you will not have to recognize ordinary income under this provision.

**Amount to report as ordinary income.** You report as ordinary income the lesser of the following amounts.

- The applicable percentage of the total excluded cost-sharing payments.
- The gain on the disposition of the property.

You do not report ordinary income under this rule if the extent the gain is recognized as ordinary income under sections 1231 through 1254, 1256, and 1257 of the Internal Revenue Code. However, you do report as ordinary income under this rule if the gain is part of a gain regardless of any contrary provisions (including nonrecognition provisions) under any other section of the Internal Revenue Code.

**Applicable percentage.** The applicable percentage of the excluded cost-sharing payments to be reported as ordinary income is based on the length of time you hold the property after receiving the payments. If the property is held less than 10 years after you receive the payments, the percentage is 100%. After 10 years, the percentage is reduced by 10% a year, or part of a year, until the rate is 0%.

Form 4797, Part III. Use Form 4797, Part III, to figure the ordinary income part of a gain from the sale, exchange, or involuntary conversion of section 1252 property and section 1255 property.

**Introduction**

An installment sale is a sale of property where you receive at least one payment after the tax year of the sale. If you realize a gain on an installment sale, you may be able to report part of your gain when you receive each payment. This method of reporting gain is called the installment method. You cannot use the installment method to report a loss. You can choose to report all of your gain in the year of sale.

**Installment Sale of a Farm**

The installment sale of a farm for one overall price under a single contract is not the sale of a single asset. It generally includes the sale of real property and personal property reportable on the installment method. It may also include the sale of farm inventory, which cannot be reported on the installment method. See Inventory, later. The selling price must be allocated to determine the amount received for each class of asset.

The tax treatment of the gain or loss on the sale of each class of assets is determined by its classification as a capital asset or as property used in the business, and by the length of time held. (See chapter 8 for a discussion of capital assets.) Separate computations must be made to figure the gain or loss for each class of asset sold. See Sale of a Farm in chapter 8.

If you report the sale of property on the installment method, any depreciation recapture under section 1245 or 1250 of the Internal Revenue Code is generally taxable as ordinary income in the year of sale. See Depreciation recapture, later. This applies even if no payments are received in that year.

**Installment Method**

An installment sale is a sale of property where you receive at least one payment after the tax year of the sale. A farmer who is not required to maintain an inventory can use the installment method to report gain from the sale of property used or produced in farming.

If a sale qualifies as an installment sale, the gain must be reported under the installment method unless you elect out of using the installment method. See Electing out of the installment method, later, for information on recognizing the entire gain in the year of sale.

**Sale at a loss.** If your sale results in a loss, you cannot use the installment method. If the loss is on an installment obligation, you can deduct it only in the tax year of sale.

Form 6252. Use Form 6252 to report an installment sale in the year it takes place and to report payments received in later years. Attach it to your tax return for each year.

**Disposition of installment obligation.** If you are using the installment method and you dispose of the installment obligation, generally you will have a gain or loss to report. It is considered gain or loss on the sale of the property for which you received the installment obligation. If the original installment sale produced ordinary income, the disposition of the obligation will result in ordinary income or loss. If the original sale resulted in a capital gain, the disposition of the obligation will result in a capital gain or loss.

**Cancellation.** If an installment obligation is canceled or otherwise becomes unenforceable, it is treated as a disposition other than a sale or exchange. Your gain or loss is the difference between your basis in the obligation and its fair market value (FMV) at the time you cancel it. If the parties are related, the FMV of the obligation is considered to be no less than its full face value.

**Transfer due to death.** The transfer of an installment obligation (other than to a buyer) as a result of the death of the seller is not a disposition. Any unreported gain from the installment obligation is not treated as gross income to the decedent. No income is reported on the decedent’s return due to the transfer. Whoever receives the installment obligation as a result of the seller’s death is taxed on the installment payments the same as the seller would have been had the seller lived to receive the payments.

However, if the installment obligation is canceled, becomes unenforceable, or is transferred to the buyer because of the death of the holder of the obligation, it is a disposition. The estate must figure gain or loss on the disposition. If the holder and buyer were related, the FMV of the installment obligation is considered to be no less than its full face value.

**More information.** For more information on the disposition of an installment obligation, see Publication 537.

**Inventory.** If you are not required to maintain an inventory, you may be able to use the installment method to report the sale of property you use or produce in your farming business. For examples of farm inventory, see Farm Inventory in chapter 2.

The sale of farm inventory items cannot be reported on the installment method. All gain or loss on their sale must be reported in the year of sale, even if you receive payment in later years. If inventory items are included in an installment sale, you may have an agreement stating...
which payments are for inventory and which are for the other assets being sold. If you do not, each payment must be allocated between the inventory and the other assets sold.

Electing out of the installment method. If you elect not to use the installment method, you generally report the entire gain in the year of sale, even though you do not receive all the sale proceeds in that year.

To make this election, do not report your sale on Form 6252. Instead, report it on Schedule D (Form 1040) or Form 4797, whichever is applicable.

When to elect out. Make this election by the due date, including extensions, for filing your tax return for the year the sale takes place.

Once made, the election can be revoked only with IRS approval. However, if you timely file your tax return for the year the sale takes place, you can still make the election by filing an amended return within 6 months of the due date of the return (excluding extensions). Write "Filed pursuant to section 301.9100-2" at the top of the amended return and file it where the original return was filed.


You must continue to report the interest income on payments you receive in subsequent years.

Figuring Installment Sale Income

Each payment on an installment sale usually consists of the following three parts:

• Interest income.

• Return of your adjusted basis in the property.

• Gain on the sale.

In each year you receive a payment, you must include the interest part in income, as well as the part that is your gain on the sale. You do not include in income the part that is the return of your adjusted basis in the property. Basis is the amount of your investment in the property for tax purposes.

Interest income. You must report interest as ordinary income. Interest is generally not included in a down payment. However, you may have to treat part of each later payment as interest, even if it is not called interest in your agreement with the buyer. Interest provided in an agreement can be revoked only with IRS approval. However, if you timely file your tax return for the year the sale takes place, you can still make the election by filing an amended return within 6 months of the due date of the return (excluding extensions). Write "Filed pursuant to section 301.9100-2" at the top of the amended return and file it where the original return was filed.


You must continue to report the interest income on payments you receive in subsequent years.

Selling expenses. Selling expenses are any expenses that relate to the sale of the property. They include commissions, attorney fees, and any other expenses paid on the sale. Selling expenses are added to the basis of the sold property.

Depreciation recapture. If the property you sold was depreciable property, you may need to recapture part of the gain on the sale as ordinary income. See Depreciation Recapture Income in Publication 537.

Gross profit. Gross profit is the total gain you report on the installment method.

To figure your gross profit, subtract your adjusted basis for installment sale purposes from the selling price.

Contract price. Contract price equals the selling price plus mortgages, debts, and other liabilities assumed or taken by the buyer that are in excess of your adjusted basis for installment sale purposes.

Gross profit percentage. A certain percentage of each payment (after subtracting interest) is reported as installment sale income. This percentage is called the gross profit percentage and is figured by dividing your gross profit from the sale by the contract price.

The gross profit percentage generally remains the same for each payment you receive. However, see the example under Selling price reduced, later, for a situation where the gross profit percentage changes.

Amount to report as installment sale income. Multiply the payments you receive each year (less interest) by the gross profit percentage. The result is your installment sale income for the tax year. In certain circumstances, you may be treated as having received a payment, even though you did not receive payment, for example, if the property or the assumption of a mortgage on the property sold may be treated as a payment. For a detailed discussion, see Payments Re- ceived or Considered Received, later.

Sale of depreciable property. You cannot use the installment method to report any depreciation recapture income up to the gain on the sale. However, report any gain greater than the recapture income on the installment method.

The recapture income reported in the year of sale is included in your installment sale basis to determine your gross profit on the installment sale.

You generally cannot report gain from the sale of depreciable property to a related person on the installment method. See Sale to a Re-lated Person in Publication 537.

Figure your depreciation recapture income (including the section 179 deduction and the section 179A deduction recapture) in Part III of Form 4797. Report the depreciation recapture income...
income in Part II of Form 4797 as ordinary income in the year of sale. If you sell depreciable business property, prepare Form 4797 in order to figure the amount to enter on line 12 of Part 1, Form 6252. See the Form 6252 instructions for details.

For more information on the section 179 deduction, see Section 179 Deduction in chapter 7. For more information on the section 179 deduction, see chapter 12 in Publication 552. For more information on depreciation recapture, see Depreciation Recapture in chapter 9.

**Selling price reduced.** If the selling price is reduced at a later date, the gross profit on the sale will also change. You must then refigure the gross profit percentage for the remaining payments. Refigure your gross profit using Worksheet B, New Gross Profit Percentage — Selling Price Reduced. You will spread any remaining gain over future installments.

**Worksheet B. New Gross Profit Percentage — Selling Price Reduced**

1. Enter the reduced selling price for the property .............. 85,000
2. Enter your adjusted basis for the property .............. 40,000
3. Enter your selling expenses .................. 0
4. Enter any depreciation recapture .................. 0
5. Add lines 2, 3, and 4 .................. 40,000
6. Subtract line 5 from line 1 .................. 45,000
7. Enter any installment sale income reported in prior year(s) .................. 24,000
8. Subtract line 7 from line 6 .................. 51,000
9. Future installments .................. 45,000
10. Divide line 8 by line 9 .................. 21,000

This is your new gross profit percentage* .................. 46.67%

*Apply this percentage to all future payments to determine how much of each of those payments is installment sale income.

**Example.** In 2003, you sold land with a basis of $40,000 for $100,000. Your gross profit was $60,000. You received a $20,000 down payment and the buyer's note for $80,000. The note provides for four annual payments of $20,000 each, plus 12% interest, beginning in 2004. Your gross profit percentage is 60%. You reported a gain of $12,000 on each payment received in 2003 and 2004.

In 2005, you and the buyer agreed to reduce the purchase price to $85,000 and payments during 2005, 2006, and 2007 are reduced to $15,000 for each year.

The new gross profit percentage, 46.67%, is figured in Worksheet B.

You will report a gain of $7,000 (46.67% of $15,000) on each of the $15,000 installments due in 2005, 2006, and 2007.

**Example —**

**Worksheet B. New Gross Profit Percentage — Selling Price Reduced**

1. Enter the reduced selling price for the property .............. 85,000
2. Enter your adjusted basis for the property .............. 40,000
3. Enter your selling expenses .............. 0
4. Enter any depreciation recapture .............. 0
5. Add lines 2, 3, and 4 .............. 40,000
6. Subtract line 5 from line 1 .............. 45,000
7. Enter any installment sale income reported in prior year(s) .............. 24,000
8. Subtract line 7 from line 6 .............. 51,000
9. Future installments .............. 45,000
10. Divide line 8 by line 9 .............. 21,000

This is your new gross profit percentage* .............. 46.67%

*Apply this percentage to all future payments to determine how much of each of those payments is installment sale income.

**Payments Received or Considered Received**

You must figure your gain each year on the payments you receive, or are treated as receiving, from an installment sale.

In certain situations, you are considered to have received a payment, even though the buyer does not pay you directly. These situations occur when the buyer assumes or pays any of your debts, such as a loan, or pays any of your expenses, such as a sales commission. See Mortgage less than basis, later for an exception to this rule.

**Buyer pays seller's expenses.** If the buyer pays any of your expenses related to the sale of a property, you must report a gain in the year you in the year of sale. Include these expenses in the selling and contract prices when figuring the gross profit percentage.

**Buyer assumes mortgage.** If the buyer assumes or pays off your mortgage, or otherwise takes the property subject to the mortgage, the following rules apply.

**Mortgage less than basis.** If the buyer assumes a mortgage that is less than your installment sale basis in the property, it is not considered a payment to you. It is actually a recovery of your basis. The selling price minus the mortgage equals the contract price.

**Example.** You sell property with an adjusted basis of $19,000. You assumed a mortgage of $15,000 for each year. Your gross profit on the sale is $15,000 and you received a payment of $10,000. The mortgage is $15,000. Your gross profit is $10,000 ($20,000 for each year). You received a $20,000 down payment to cover your entire basis. You are also relieved of the obligation to repay the amount borrowed. The part of the mortgage greater than your basis is treated as a payment received in the year of sale.

To figure the contract price, subtract the mortgage from the selling price. This is the total amount you will receive directly from the buyer. Add to this amount the payment you are considered to have received (the difference between the mortgage and your installment sale basis). The contract price is then the same as your gross profit from the sale. If the mortgage the buyer assumes is equal to or more than your installment sale basis, the gross profit percentage will always be 100%.

**Example.** The selling price for your property is $9,000. The buyer will pay you $1,000 annually plus 8% interest over the next 3 years and assume an existing mortgage of $6,000. Your adjusted basis in the property is $4,400. You have selling expenses of $600, for a total installment sale basis of $5,000. The part of the mortgage that is more than your installment sale basis is $1,000 ($6,000 − $5,000). This amount is included in the contract price and considered to have been received as a payment received in the year of sale. The contract price is $4,000:

**Selling price .............. 9,000**
**Minus: Mortgage .......... (6,000)**
**Amount actually received .......... 3,000**

Add difference:

**Mortgage .......... 6,000**
**Minus: Installment sale basis .......... 5,000**
**Contract price .......... 1,000**
**Contract price .......... 4,000**

Page 66 of 111 of Publication 225

8:06 - 18-OCT-2005

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Your gross profit on the sale is also $4,000:

Selling price: $9,000
Minus: Installment sale basis: $5,000
Gross profit: $4,000

Your gross profit percentage is 100%. Report 100% of each payment as gain from the sale. Treat the $1,000 difference between the mortgage and your installation sale basis as a payment and report 100% of it as gain in the year of sale.

Buyer assumes other debts. If the buyer assumes other debts, such as a loan or back taxes, it may be considered a payment to you in the year of sale.

If the buyer assumes the debt instead of paying it off, only part of it may have to be treated as a payment. Compare the debt to your installment sale basis in the property being sold. If the debt is less than your installment sale basis, none of it is treated as a payment. If it is more, only the difference is treated as a payment.

If the buyer assumes more than one debt, any part of the total that is more than your installment sale basis is considered a payment. These rules are the same as the rules discussed earlier under Buyer assumes mortgage. However, they apply only to the following types of debt the buyer assumes:

- Those acquired from ownership of the property you are selling, such as a mortgage, lien, overdue interest, or back taxes.
- Those acquired in the ordinary course of your business, such as a balance due for inventory you purchased.

If the buyer assumes any other type of debt, such as a personal loan, it is treated as if the buyer had paid off the debt at the time of the sale. The value of the assumed debt is then considered a payment to you in the year of sale.

Property used as a payment. If you receive property rather than money from the buyer, it is still considered a payment in the year received. However, see Trading property for like-kind property, earlier. Generally, the amount of the payment is the property’s FMV on the date you receive it.

Exception. If the property the buyer gives you is payable on demand or readily tradable, the amount you should consider as payment in the year you receive it if you use the cash receipts and disbursements method of accounting.

- The FMV of the property on the date you receive it if you use the accrual method of accounting.
- The face amount of the obligation on the date you receive it if you use the accrual method of accounting, or
- The stated redemption price at maturity less any original issue discount (OID) or, if there is no OID, the stated redemption price at maturity appropriately discounted to reflect total unstated interest. See Unstated interest.

Fair market value (FMV). This is the price at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and who both have a reasonable knowledge of all the necessary facts.

Third-party note. If the property the buyer gives you is a third-party note (or other obligation of a third party), you are considered to have received a payment equal to the note’s FMV. Because the note is itself a payment on your installment sale, any payments you later receive from the third party are not considered payments on the sale. However, see Exception under Property used as a payment.

Example. You sold real estate in an installment sale. As part of the down payment, the buyer assigned to you a $50,000, 8% third-party note. The FMV of the third-party note at the time of the sale was $30,000. This amount, not $50,000, is a payment to you in the year of sale.

The FMV of the third-party note had an FMV equal to 60% of its face value ($30,000 + $50,000), so 60% of each principal payment you receive on this note is a nontaxable return of capital. The remaining 40% is ordinary income.

Bond. A bond or other evidence of debt you receive from the buyer that is payable on demand is treated as a payment in the year you receive it. If you receive a government or corporate bond for a sale on or after October 22, 2004, any bond or other evidence of debt you receive from the buyer gives you a third-party note (or other obliga-

- Those acquired from ownership of the property you are selling, such as a mortgage, lien, overdue interest, or back taxes.
- Those acquired in the ordinary course of your business, such as a balance due for inventory you purchased.

If the buyer assumes any other type of debt, such as a personal loan, it is treated as if the buyer had paid off the debt at the time of the sale. The value of the assumed debt is then considered a payment to you in the year of sale.

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- The face amount of the obligation on the date you receive it if you use the accrual method of accounting.
- The stated redemption price at maturity less any original issue discount (OID) or, if there is no OID, the stated redemption price at maturity appropriately discounted to reflect total unstated interest. See Unstated interest; later.

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Installment sale basis and gross profit. Included in the installment sale is $190,000. ($110,000) is subtracted from the total selling price ($300,000). The selling price for the assets ($50,000) minus the selling price of the home can be excluded from income ($110,000). The equipment and tractor are section 1245 property. The entire gain on each ($6,961 and $12,661, respectively) is depreciation recapture income. The cattle used for breeding and held for less than 2 years are section 1245 property. The entire depreciation of $3,001 is recapture income because it is less than the gain on the truck. The remaining gain of $250 is reported on the installment method. The equipment and tractor are section 1245 property. The entire gain on each ($6,961 and $12,661, respectively) is depreciation recapture income. The cattle used for breeding and held for less than 2 years are section 1245 property. The entire depreciation of $1,977 is recapture income because it is less than the gain. The remaining gain of $750 is reported on the installment method. The cattle used for breeding and held for 2 years or more are also section 1245 property. Since the gain of $18,167 is less than the depreciation claimed ($19,167), the total gain is depreciation recapture income.

The total depreciation recapture income figured in Part III of Form 4797 is $42,767. (This is the sum of: $3,001 + $6,961 +$12,661 + $1,977 + $18,167.) Depreciation recapture income is reported as ordinary income in the year of sale even if no payments were received.

The part of the gain reported as depreciation recapture income on the truck and the cattle held less than 2 years ($3,001 and $1,977) is added to the adjusted basis of each property when making the installment sale computations.

Assets not reported on the installment method. In the year of sale, the gain on the cattle held 2 years or more, the equipment, and the tractor is reported in full. Because the entire gain on the home can be excluded from income, the installment method does not apply to the sale of the home. See Sale of your home in chapter 8. The selling price of these assets ($110,000) is subtracted from the total selling price ($300,000). The selling price for the assets included in the installment sale is $190,000.

Installment sale basis and gross profit. The following table shows each asset reported on the installment method, its selling price, installment sale basis, and gross profit.

<table>
<thead>
<tr>
<th>Selling Price</th>
<th>Selling Basis</th>
<th>Gross Profit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm land...</td>
<td>$125,000</td>
<td>$67,500</td>
</tr>
<tr>
<td>Buildings...</td>
<td>$55,000</td>
<td>$31,250</td>
</tr>
<tr>
<td>Truck .......</td>
<td>$5,000</td>
<td>$4,750</td>
</tr>
<tr>
<td>Cattle* .....</td>
<td>$5,000</td>
<td>$4,250</td>
</tr>
</tbody>
</table>

$190,000 $107,750 $82,250

* Held less than 2 years

Section 1231 gains. The ordinary income portion of the gain on the truck is reported in the year of sale, so the remaining gain ($250) and the gain on the land and buildings are reported as section 1231 gains. The cattle held for less than 2 years do not qualify for section 1231 treatment. The $750 gain on their sale is reported as ordinary gain in Part II of Form 4797 as payments are received. See Section 1231 Gains and Losses in chapter 9.

Contract price and gross profit percentage. The contract price is $140,000 for the part of the sale reported on the installment method. This is the selling price ($300,000) minus the mortgage assumed ($50,000) minus the selling price of the assets with gains fully reported in the year of sale or excluded from income ($110,000).

Gross profit percentage for the sale is 58.75% ($82,250 gross profit / $140,000 contract price). The gross profit percentage for each asset is figured as follows:

<table>
<thead>
<tr>
<th>Asset</th>
<th>Selling Price</th>
<th>Basis</th>
<th>Profit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm land...</td>
<td>$125,000</td>
<td>$67,500</td>
<td>$57,500</td>
</tr>
<tr>
<td>Buildings...</td>
<td>$55,000</td>
<td>$31,250</td>
<td>$23,750</td>
</tr>
<tr>
<td>Truck .......</td>
<td>$5,000</td>
<td>$4,750</td>
<td>$250</td>
</tr>
<tr>
<td>Cattle* .....</td>
<td>$5,000</td>
<td>$4,250</td>
<td>$750</td>
</tr>
</tbody>
</table>

$190,000 $107,750 $82,250

* Held less than 2 years

Figuring the gain to report on the installment method. Only 56% of each payment is reported on the installment method [$140,000 contract price + $250,000 to be received on the sale ($300,000 selling price – $50,000 mortgage assumed)]. The total amount received on the installment sale in 2005 is $75,000 ($50,000 down payment + $25,000 payment on July 1). The installment sale part of the total payments received in 2005 is $42,000 ($75,000 × 56%). Figure the gain to report for each asset by multiplying its gross profit percentage times $42,000.

<table>
<thead>
<tr>
<th>Asset</th>
<th>Basis</th>
<th>Profit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm land...</td>
<td>$125,000</td>
<td>$7,125</td>
</tr>
<tr>
<td>Buildings...</td>
<td>$55,000</td>
<td>$3,570</td>
</tr>
<tr>
<td>Truck .......</td>
<td>$5,000</td>
<td>$2,250</td>
</tr>
<tr>
<td>Cattle* .....</td>
<td>$5,000</td>
<td>$2,250</td>
</tr>
</tbody>
</table>

$28,000

* Held less than 2 years

Reporting the sale. Report the installment sale on Form 6252. Then report the amounts from Form 6252 on Form 4797 and Schedule D (Form 1040). Attach a separate page to Form 1040 that shows the computations in the example.

If you sell depreciable business property, prepare Form 4797 first in order to figure the amount to enter on line 12 of Part I, Form 6252.

Section 1231 gains. The gains on the land, buildings, and truck are section 1231 gain. They may be reported as either capital or ordinary gain depending on the net balance when considered with other section 1231 losses. A net 1231 gain is capital gain and a net 1231 loss is an ordinary loss.

Depreciation recapture and gain on cattle. In the year of sale, you must report the total depreciation recapture income on Form 4797. The $225 gain on the cattle held less than 2 years is ordinary income reported in Part II of Form 4797. See Table 9-1 in chapter 9.

Installment income for years after 2005. You figure installment income for the years after 2005 by applying the same gross profit percentages to the payments you receive each year. If you receive $50,000 during the year, $28,000 is considered received on the installment sale ($56% × $50,000). You realize income as follows:

<table>
<thead>
<tr>
<th>Asset</th>
<th>Basis</th>
<th>Profit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm land...</td>
<td>$50,000</td>
<td>$2,500</td>
</tr>
<tr>
<td>Buildings...</td>
<td>$31,250</td>
<td>$2,500</td>
</tr>
<tr>
<td>Truck .......</td>
<td>$4,750</td>
<td>$1,499</td>
</tr>
<tr>
<td>Cattle* .....</td>
<td>$4,250</td>
<td>$1,250</td>
</tr>
</tbody>
</table>

$16,450

* Held less than 2 years

In this example, no gain is ever recognized from the sale of your home. You will report the gain on cattle held less than 2 years as ordinary gain in Part II of Form 4797. You will combine your section 1231 gains with section 1231 losses in each of the later years to determine whether to report them as ordinary or capital gains. The interest received with each payment will be included in full as ordinary income.

Summary. The installment income (rounded to the nearest dollar) from the sale of the farm is reported as follows:

<table>
<thead>
<tr>
<th>Income</th>
<th>Basis</th>
<th>Profit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm land...</td>
<td>$50,000</td>
<td>$2,500</td>
</tr>
<tr>
<td>Buildings...</td>
<td>$31,250</td>
<td>$2,500</td>
</tr>
<tr>
<td>Truck .......</td>
<td>$4,750</td>
<td>$1,499</td>
</tr>
<tr>
<td>Cattle* .....</td>
<td>$4,250</td>
<td>$1,250</td>
</tr>
</tbody>
</table>

$82,250

Gain reported in 2005 (year of sale) $24,675

Gain reported in 2006: $28,000 × 58.75% = $16,450

Gain reported in 2007: $28,000 × 58.75% = $16,450

Gain reported in 2008: $28,000 × 58.75% = $16,450

Gain reported in 2009: $14,000 × 58.75% = $8,225

Total gain reported $82,250

Page 68 of 111 of Publication 225

8:06 · 18-OCT-2005
Casualties, Thefts, and Condemnations

What’s New

Disaster mitigation. Qualified disaster mitigation payments are now nontaxable. Also, if you have a gain on the sale or other transfer of property to the government under a hazard mitigation program, you may not have to report the gain. For more information, see Qualified disaster mitigation payments and Sale of property under hazard mitigation program later under Disaster Area Losses.

If you received a qualified disaster mitigation payment or had a gain on the sale or other transfer of property to the government under a hazard mitigation program, previously included it in your income, and the time limit for amending your return for that year has not expired, you may be entitled to a refund of taxes paid. To claim any refund, individuals must file Form 1040X, Amended U.S. Individual Income Tax Return. Form 1040X must be filed within 3 years after the date you filed your original return or within 2 years after the date you paid the tax, whichever is later. A return filed early is considered filed on the due date.

Extended replacement period for property located in the Hurricane Katrina disaster area. The replacement period for property in the Hurricane Katrina disaster area that was damaged, destroyed, stolen, or condemned after August 24, 2005, has been extended from 2 to 5 years. For more information, see Replacement period later.

Limit on personal casualty or theft losses suspended. If your loss arose in the Hurricane Katrina disaster area, the $100 rule and 10% rule do not apply. For more information, see Deduction Limits on Losses of Personal-Use Property later.

Introduction

This chapter explains the tax treatment of casualties, thefts, and condemnations. A casualty occurs when property is damaged, destroyed, or lost due to a sudden, unexpected, or unusual event. A theft occurs when property is stolen. A condemnation occurs when private property is legally taken for public use without the owner’s consent. A casualty, theft, or condemnation may result in a deductible loss or taxable gain even if only a portion of your property was affected by a casualty, theft, or condemnation.

An involuntary conversion occurs when you receive money or other property as reimbursement for a casualty, theft, condemnation, disposition of property under threat of condemnation, or certain other events discussed in this chapter. If an involuntary conversion results in a gain and you buy qualified replacement property within the specified replacement period, you can postpone reporting the gain on your income tax return. For more information, see Postponing Gain, later.

Topics

This chapter discusses:

- Casualties and thefts
- How to figure a loss or gain
- Other involuntary conversions
- Postponing gain
- Disaster area losses
- Reporting gains and losses

Useful Items

You may want to see:

- Publication
  - 523 Selling Your Home
  - 525 Taxable and Nontaxable Income
  - 536 Net Operating Losses (NOLs) for Individuals, Estates, and Trusts
  - 544 Sales and Other Dispositions of Assets
  - 547 Casualties, Disasters, and Thefts
  - 584 Casualty, Disaster, and Theft Loss Workbook (Personal-Use Property)
  - 584-B Business Casualty, Disaster, and Theft Loss Workbook
- Form (and Instructions)
  - Sch A (Form 1040) Itemized Deductions
  - Sch D (Form 1040) Capital Gains and Losses
  - Sch F (Form 1040) Profits or Loss From Farming
  - 4684 Casualties and Thefts
  - 4797 Sales of Business Property

See chapter 17 for information about getting publications and forms.

Casualties and Thefts

If your property is destroyed, damaged, or stolen, you may have a deductible loss. If the insurance or other reimbursement is more than the adjusted basis of the destroyed, damaged, or stolen property, you may have a taxable gain. The same is true if the deductible loss or taxable gain occurs within 2 years after the date you paid the tax, whichever is later.

Casuality. A casualty is the damage, destruction, or loss of property resulting from an identifiable event that is sudden, unexpected, or unusual.

Deductible losses. Deductible casualty losses can result from a number of different causes, including the following.

- Airplane crashes.
- Car, truck, or farm equipment accidents not resulting from your willful act or willful negligence.
- Earthquakes.
- Fires (but see Nondeductible losses, next, for exceptions).
- Floods.
- Freezing.
- Government-ordered demolition or relocation of a home that is unsafe to use because of a disaster as discussed under Disaster Area Losses, in Publication 547.
- Lightning.
- Storms, including hurricanes and tornadoes.

Nondeductible losses. A casualty loss is not deductible if the damage or destruction is caused by the following.

- Accidentally breaking articles such as glassware or china under normal conditions.
- A family pet.
- A fire if you willfully set it, or pay someone else to set it.
- A car, truck, or farm equipment accident if your willful negligence or willful act caused it. The same is true if the willful act or willful negligence of someone acting for you caused the accident.
- Progressive deterioration (explained next).

Progressive deterioration. Loss of property due to progressive deterioration is not deductible as a casualty loss. This is because the damage results from a steadily operating cause or a normal process, rather than from a sudden event. Examples of damage due to progressive deterioration include damage from rust, corrosion, or termites. However, weather-related conditions or disease may cause another type of involuntary conversion. See Other Involuntary Conversions, later.

Thief. A theft is the taking and removing of money or property with the intent to deprive the owner of it. The taking of property must be illegal under the law of the state where it occurred and it must have been done with criminal intent.

Theft includes the taking of money or property by the following means.

- Blackmail.
- Burglary.
- Embezzlement.
- Extortion.
- Kidnapping for ransom.
- Larceny.
- Robbery.
- Threats.
The taking of money or property through fraud or misrepresentation is theft if it is illegal under state or local law.

Decline in market value of stock. You cannot deduct as a theft loss the decline in market value of stock acquired on the open market for investment if the decline is caused by disclosure of accounting fraud or other illegal misconduct by the officers or directors of the corporation that issued the stock. However, you can deduct as a capital loss the loss you sustain when you sell or exchange the stock or the stock becomes completely worthless. You report a capital loss on Schedule D (Form 1040). For more information about stock sales, worthless stock, and capital losses, see chapter 4 of Publication 550.

Mislated or lost property. The simple disappearance of money or property is not theft. However, an accidental loss or disappearance of property can qualify as a casualty if it results from a nonfraudulent event that is sudden, unexpected, or unusual.

Example. A car door is accidentally slammed on your hand, breaking the setting of your diamond ring. The diamond falls from the ring and is never found. The loss of the diamond is a casualty.

Farming Losses

You can deduct certain casualty or theft losses that occur in the business of farming. The following is a discussion of some losses you can deduct and some you cannot deduct.

Livestock or produce bought for resale. Casualty or theft losses of livestock or produce bought for resale are deductible if you report your income on the cash method. If you report your income on an accrual method, take casualty and theft losses on property bought for resale by omitting the item from the closing inventory for the year in which the loss occurred. You cannot take a separate deduction.

Livestock, plants, produce, and crops raised for sale. Losses of livestock, plants, produce, and crops raised for sale are generally not deductible if you report your income on the cash method. You have already deducted the cost of raising these items as farm expenses.

For plants with a preproductive period of more than 2 years, you may have a deductible loss if you have a tax basis in the plants. You usually have a tax basis if you capitalized the expenses associated with these plants under the uniform capitalization rules. The uniform capitalization rules are discussed in chapter 6.

If you report your income on an accrual method, casualty or theft losses are deductible only if you included the items in your inventory at the FMV at the beginning of the tax year. You get a deduction by omitting the item from your inventory at the close of your tax year. You cannot take a separate casualty or theft deduction.

Income loss. A loss of future income is not deductible.

Example. A severe flood destroyed your crops. Because you are a cash method taxpayer and already deducted the cost of raising the crops as farm expenses, this loss is not deductible, as explained earlier under Livestock, plants, produce, and crops raised for sale. You estimate that the crop loss will reduce your farm income by $25,000. This loss of future income is also not deductible.

Loss of timber. If you sell timber downed as a result of a casualty, treat the proceeds from the sale as a reimbursement. If you use the proceeds to buy qualified replacement property, you can postpone reporting the gain. See Postponing Gain.

Property used in farming. Casualty and theft losses of property used in your farm business usually result in deductible losses. If a fire or storm destroyed your barn, or you lose by casu-alty or theft an animal you bought for draft, breeding, dairy, or sport, you may have a deductible loss. See How To Figure a Loss.

Example. A tornado destroys the barn you use for breeding, dairy, or sporting animals. Generally, losses of raised draft, breeding, dairy, or sporting animals do not result in deductible casualty or theft losses because you have no basis in the animals. However, you may be able to claim a deduction if either of the following situations applies to you:

- You use inventories to determine your income and you included the animals in your inventory.
- You capitalized the expenses associated with the animals under the uniform capitalization rules and therefore have a tax basis in the animals subject to a casualty or theft.

When you include livestock in inventory, its last inventory value is its basis. When you lose an inventoried animal held for draft, breeding, dairy, or sport by casualty or theft during the year, decrease ending inventory by the amount you included in inventory for the animal. You cannot take a separate deduction.

How To Figure a Loss

How you figure a deductible casualty or theft loss depends on whether the loss was to farm or personal-use property and whether the property was stolen or partly or completely destroyed.

Farm property. Farm property is the property you use in your farming business. If your farm property was completely destroyed or stolen, your loss is figured as follows:

Your adjusted basis in the property

Any salvage value

Any insurance or other reimbursement you receive or expect to receive

TIP

You can use the schedules in Publication 584-B to list your stolen, damaged, or destroyed business property and to figure your loss.

If your farm property was partially damaged, use the steps shown under Personal-use property, next, to figure your casualty loss. However, the deduction limits, discussed later, do not apply.

Personal-use property. Personal-use property is property used by you or your family members for personal use. You figure the deductible casualty or theft loss on this property by taking the following steps.

1. Determine your adjusted basis in the property before the casualty or theft.
2. Determine the decrease in fair market value of the property as a result of the casualty or theft.
3. From the smaller of the amounts you determined in (1) and (2), subtract any insurance or other reimbursement you receive or expect to receive.

You must apply the deduction limits, discussed later, to determine your deductible loss.

TIP

You can use Publication 584 to list your stolen or damaged personal-use property and figure your loss. It includes schedules to help you figure the loss on your home, its contents, and your motor vehicles.

TIP

Adjusted basis. Adjusted basis is your basis (usually cost) increased or decreased by various events, such as improvements and casualty losses. For more information about adjusted basis, see chapter 6.

Decrease in fair market value (FMV). The decrease in FMV is the difference between the property’s value immediately before the casualty or theft and its value immediately afterward. FMV is defined in chapter 10 under Payments Received or Considered Received.

Appraisal. To figure the decrease in FMV because of a casualty or theft, you generally need a competent appraisal. But other measures, such as the cost of cleaning up or making repairs (discussed next) can be used to establish decreases in FMV.

An appraisal to determine the difference between the FMV of the property immediately before a casualty or theft and immediately afterward should be made by a competent appraiser. The appraiser must recognize the effects of any general market decline that may occur along with the casualty. This information is needed to limit any deduction to the actual loss resulting from damage to the property.

Cost of cleaning up or making repairs. The cost of cleaning up after a casualty is not part of a casualty loss. Neither is the cost of repairing damaged property after a casualty. But you can use the cost of cleaning up or making repairs after a casualty as a measure of the decrease in FMV if you meet all the following conditions:

- The repairs are actually made.
- The repairs are necessary to bring the property back to its condition before the casualty.
- The amount spent for repairs is not excessive.
- The repairs fix the damage only.
- The value of the property after the repairs is not, due to the repairs, more than the value of the property before the casualty.
Related expenses. The incidental expenses due to a casualty or theft, such as expenses for the treatment of personal injuries, temporary housing, or a rental car, are not part of your casualty or theft loss. However, they may be deductible as farm business expenses if the damaged or stolen property is farm property.

Separate computations for more than one item of property. Generally, if a single casualty or theft involves more than one item of property, you must figure your loss separately for each item of property. Then combine the losses to determine your total loss.

<table>
<thead>
<tr>
<th>Tractor</th>
<th>Barn</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Adjusted basis</td>
<td>$3,300</td>
</tr>
<tr>
<td>2) FMV before fire</td>
<td>$28,000</td>
</tr>
<tr>
<td>3) FMV after fire</td>
<td>$10,000</td>
</tr>
<tr>
<td>4) Decrease in FMV (line 2 – line 3)</td>
<td>$18,000</td>
</tr>
<tr>
<td>5) Loss (lesser of line 1 or line 4)</td>
<td>$3,300</td>
</tr>
<tr>
<td>6) Minus: Insurance</td>
<td>2,100</td>
</tr>
<tr>
<td>7) Deductible casualty loss</td>
<td>$1,200</td>
</tr>
<tr>
<td>8) Total deductible casualty loss</td>
<td>$3,200</td>
</tr>
</tbody>
</table>

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Chapter 11 Casualties, Thefts, and Condemnations Page 71
Leased property. If you lease property from someone else, you can deduct a loss on the property in the year your liability for the loss is fixed. This is true even if the loss occurred or the liability was paid in a different year. You are not entitled to a deduction until your liability under the lease can be determined with reasonable accuracy. Your liability can be determined when a claim for recovery is settled, adjudicated, or abandoned.

Example. Robert leased a tractor from First Implement, Inc., for use in his farm business. The tractor was destroyed by a tornado in June 2005. The loss was not insured. First Implement billed Robert for the fair market value of the tractor on the date of the loss. Robert disagreed with the bill and refused to pay it. First Implement later filed suit in court against Robert. In 2006, Robert and First Implement agreed to settle the suit for $20,000, and the court entered a judgment in favor of First Implement. Robert paid $20,000 in June 2006. He can claim the $20,000 as a loss on his 2006 tax return.

Net operating loss (NOL). If your deductions, including casualty or theft loss deductions, are more than your income for the year, you may have an NOL. An NOL can be carried back or carried forward and deducted from income in other years. See Publication 536 for more information on NOLs.

Proof of Loss
To deduct a casualty or theft loss, you must be able to prove that there was a casualty or theft. You must have records to support the amount you claim for the loss.

Casualty loss proof. For a casualty loss, your records should show all the following information:

- The type of casualty (car accident, fire, storm, etc.) and when it occurred.
- That the loss was a direct result of the casualty.
- That you were the owner of the property or, if you leased the property from someone else, that you were contractually liable to the owner for the damage.
- Whether a claim for reimbursement exists for which there is a reasonable expectation of recovery.

Theft loss proof. For a theft loss, your records should show all the following information:

- When you discovered your property was missing.
- That your property was stolen.
- That you were the owner of the property.
- Whether a claim for reimbursement exists for which there is a reasonable expectation of recovery.

Figuring a Gain
A casualty or theft may result in a taxable gain. If you receive an insurance payment or other reimbursement that is more than your adjusted basis in the destroyed, damaged, or stolen property, you have a gain from the casualty or theft. You generally report your gain as income in the year you receive the reimbursement. However, depending on the type of property you receive, you may not have to report your gain. See Postponing Gain, later.

Amount you receive. The amount you receive includes any money plus the value of any property you receive, minus any expenses you have in obtaining reimbursement. It also includes any reimbursement used to pay off a mortgage or other lien on the damaged, destroyed, or stolen property.

Example. A tornado severely damaged Bob’s barn. The adjusted basis of the barn was $25,000. Your insurance company reimbursed you $40,000 for the damaged barn. However, you had legal expenses of $2,000 to collect that insurance. Your insurance minus your expenses to collect the insurance is more than your adjusted basis in the barn, so you have a gain.

Other Involuntary Conversions
In addition to casualties and thefts, other events cause involuntary conversions of property. Some of these are discussed in the following paragraphs.

Gain or loss from an involuntary conversion. If your livestock die from disease, or are destroyed, sold, or exchanged because of disease, even though the disease is not of epidemic proportions, treat these occurrences as involuntary conversions. If the livestock was raised or purchased for resale, follow the rules for livestock discussed earlier under Farming Losses. Otherwise, figure the gain or loss from these conversions using the rules discussed under Determining Gain or Loss in chapter 8.

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Reporting dispositions of diseased livestock. If you choose to postpone reporting the gain on the disposition of diseased livestock, you must attach a statement to your return explaining that the livestock was disposed of because of disease. You must also include other information on this statement. See How To Postpone Gain, later, Under Postponing Gain.

Weather-related sales of livestock. If you sell or exchange livestock (other than poultry) held for draft, breeding, or dairy purposes solely because of drought, flood, or other weather-related conditions, treat the sale or exchange as an involuntary conversion. Only livestock sold in excess of the number you normally would sell under usual business practice, in the absence of weather-related conditions, are considered involuntary conversions. Figure the gain or loss using the rules discussed under Determining Gain or Loss in chapter 8. If you replace the livestock, you may be able to postpone reporting the gain. See Postponing Gain, later.

Example. It is your usual business practice to sell five of your dairy animals during the year. This year you sold 20 dairy animals because of drought. The sale of 15 animals is treated as an involuntary conversion.
Tree Seedlings

If, because of an abnormal drought, the failure of planted tree seedlings is greater than normally anticipated, you may have a deductible loss. Treat the loss as a loss from an involuntary conversion. The loss equals the previously capitalized reforestation costs you had to duplicate on replanting. You deduct the loss on the return for the year the seedlings died. If you took the investment credit for any of these costs, you may have to recapture all or part of the credit. See Form 4255, Recapture of Investment Credit.

Postponing Gain

Do not report a gain if you receive reimbursement in the form of property similar or related in service or use to the destroyed, stolen, or other involuntarily converted property. Your basis in the new property is generally the same as your adjusted basis in the property it replaces.

You must ordinarily report the gain on your stolen, destroyed, or other involuntarily converted property if you receive money or unlike property as reimbursement. However, you can choose to postpone reporting the gain if you purchase replacement property similar or related in service or use to your destroyed, stolen, or other involuntarily converted property within a specific replacement period.

If you have a gain on damaged property, you can postpone reporting the gain if you spend the reimbursement to restore the property.

To postpone reporting all the gain, the cost of your replacement property must be at least as much as the reimbursement you receive. If the cost of the replacement property is less than the reimbursement, you must include the gain in your income up to the amount of the unspent reimbursement.

Example. In 1970, you bought a cottage in the mountains for your personal use at a cost of $18,000. You made no further improvements or additions to it. When a storm destroyed the cottage this January, the cottage was worth $250,000. You received $146,000 from the insurance company in March. You had a gain of $128,000 ($146,000 – $18,000).

You spent $144,000 to rebuild the cottage. Since this is less than the insurance proceeds received, you must include $2,000 ($146,000 – $144,000) in your income.

Buying replacement property from a related person. You cannot postpone reporting a gain from a casualty, theft, or other involuntary conversion if you buy the replacement property from a related person (discussed later). This rule applies to the following taxpayers:

1. C corporations.
2. Partnerships in which more than 50% of the capital or profits interest is owned by C corporations.
3. Individuals, partnerships (other than those in (2) above), and S corporations if the total realized gain for the tax year on all involuntarily converted properties on which there are realized gains is more than $100,000.

For involuntary conversions described in (3) above, gains cannot be offset by any losses when determining whether the total gain is more than $100,000. If the property is owned by a partnership, the $100,000 limit applies to the partnership and each partner. If the property is owned by an S corporation, the $100,000 limit applies to the S corporation and each share holder.

Exception. This rule does not apply if the related person acquired the property from an unrelated person within the period of time allowed for replacing the involuntarily converted property.

Related persons. Under this rule, related persons include, for example, a corporation and an individual who owns more than 50% of its outstanding stock, and two partnerships in which the same C corporations own more than 50% of the capital or profits interests. For more information on related persons, see Non-deductible Loss under Sales and Exchanges Between Related Persons in chapter 2 of Publication 544.

Death of a taxpayer. If a taxpayer dies after having a gain, but before buying replacement property, the gain must be reported for the year in which the decedent realized the income or the executor of the estate or the person succeeding to the funds from the involuntary conversion carries on or postpones reporting the gain by buying replacement property.

Replacement Property

You must buy replacement property for the specific purpose of replacing your property. Your replacement property must be similar or related in service or use to your destroyed, stolen, or other involuntarily converted property. For more information, see Disaster Area Losses in Publication 547.

Substituting replacement property. Once you have acquired qualified replacement property that you designate as replacement property in a statement attached to your tax return, you cannot substitute other qualified replacement property. This is true even if you acquire the other property within the replacement period. However, if you discover that the original replacement property was not qualified replacement property, you can, within the replacement period, substitute the new qualified replacement property.

Basis of replacement property. You must reduce the basis of your replacement property (its cost) by the amount of postponed gain. In this way, tax on the gain is postponed until you dispose of the replacement property.

Replacement Period

To postpone reporting your gain, you must buy replacement property within a specified period of time. This is the replacement period. The replacement period begins on the date your property was damaged, destroyed, stolen, sold, or exchanged. The replacement period generally ends 2 years after the close of the first
tax year in which you realize any part of your gain from the involuntary conversion.

Example. You are a calendar year taxpayer. While you were on vacation, farm equipment that cost $2,200 was stolen from your farm. You discovered the theft when you returned to your farm on November 11, 2005. Your insurance company investigated the theft and did not settle your claim until January 3, 2006, when they paid you $3,000. You first realized a gain from the reimbursement for the theft during 2006, so you have until December 31, 2008, to replace the property.

Main home in disaster area. For your main home (or its contents) located in a Presidentially declared disaster area, the replacement period ends 4 years after the close of the first tax year in which you realize any part of your gain from the involuntary conversion. See Disaster Area Losses, later.

Property in the Hurricane Katrina disaster area. For property located in the Hurricane Katrina disaster area that was destroyed, damaged, stolen, or condemned after August 24, 2005, as a result of Hurricane Katrina, the replacement period ends 5 years after the close of the first tax year in which any part of your gain is realized. This 5-year replacement period applies only if substantially all of the use of the replacement property is in the Hurricane Katrina disaster area.

Weather-related sales of livestock in an area eligible for federal assistance. For the sale or exchange of livestock due to drought, flood, or other weather-related conditions in an area eligible for federal assistance, the replacement period ends 4 years after the close of the first tax year in which you realize any part of your gain from the sale or exchange. The IRS may extend the replacement period on a regional basis if the weather-related conditions continue for longer than 3 years.

Condemnation. The replacement period for a condemnation begins on the earlier of the following dates:

- The date on which you disposed of the condemned property.
- The date on which the threat of condemnation began.

The replacement period generally ends 2 years after the close of the first tax year in which any part of the gain on the condemnation is realized. But see Property in the Hurricane Katrina disaster area for an extension.

Business or investment real property. If real property held for use in a trade or business or for investment (not including property held primarily for sale) is condemned, the replacement period ends 5 years after the close of the first tax year in which any part of the gain on the condemnation is realized.

Extension. You may get an extension of the replacement period if you apply to the IRS director for your area. Include all the details about your need for an extension. Make your application before the end of the replacement period. However, you can file an application within a reasonable time after the replacement period ends if you can show a good reason for the delay. You will get an extension of the replacement period if you can show reasonable cause for not making the replacement within the regular period.

How To Postpone Gain
You postpone reporting your gain by reporting your choice on your tax return for the year you have the gain. You have the gain in the year you realize or increase a cash refund.

The postponed gain. You must make this choice to take your casualty loss for the disaster in the preceding year producing or increasing a cash refund.

It must be paid before the due date for the tax year in which any part of the gain that cannot be postponed and pay any additional tax due.

Amended return. You must file an amended return (Form 1040X) for the tax year of the gain in either of the following situations.

- You do not acquire replacement property within the replacement period, plus extensions. On this amended return, you must report the gain and pay any additional tax due.
- You acquire replacement property within the replacement period, plus extensions. On this amended return, you must report the part of the gain that cannot be postponed and pay any additional tax due.

Disaster Area Losses
Special rules apply to Presidentially declared disaster area losses. A Presidentially declared disaster is a disaster that occurred in an area declared by the President to be eligible for federal assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

A list of the areas warranting assistance under the Act for 2005 is available at the Federal Emergency Management Agency (FEMA) web site at www.fema.gov.

This paragraph discusses the special rules for when to deduct a disaster area loss and what tax deadlines may be postponed. For other special rules, see Publication 547.

When to deduct the loss. If you have a deductible loss from a disaster that occurred in a Presidentially declared disaster area, you can choose to deduct that loss on your return or amended return for the tax year immediately preceding the tax year in which the disaster happened. If you make this choice, the loss is treated as having occurred in the preceding year.

Claiming a qualifying disaster loss on the previous year’s return may result in a lower tax for that year, often producing or increasing a cash refund.

You must make this choice to take your casualty loss for the disaster in the preceding year by the later of the following dates:

- The due date (without extensions) for filing your tax return for the tax year in which the disaster actually occurred.
- The due date (with extensions) for the return for the preceding tax year.

Required statement. You must attach a statement to your return for the tax year you have the gain. This statement should include all the following information:

- The date and details of the casualty, theft, or other involuntary conversion.
- The insurance or other reimbursement you received.
- How you figured the gain.

Replacement property acquired after return filed. If you acquire replacement property before you file your return for the year you have the gain, your statement should also include detailed information about all the following items:

- The replacement property.
- The postponed gain.
- The basis adjustment that reflects the postponed gain.
- Any gain you are reporting as income.

Replacement property acquired after return filed. If you intend to buy replacement property after you file your return for the year you realize gain, your statement should also say that you are choosing to replace the property within the required replacement period.

You should then attach another statement to your return for the year in which you buy the replacement property. This statement should contain detailed information on the replacement property. If you acquire part of your replacement property in one year and part in another year, you must attach a statement to each year’s return. Include in the statement detailed information on the replacement property bought in that year.

Reporting weather-related sales of livestock. If you choose to postpone reporting the gain on weather-related sales or exchanges of livestock, show all the following information on a statement attached to your return for the tax year in which you first realize any of the gain:

- Evidence of the weather-related conditions that forced the sale or exchange of the livestock.
- The gain realized on the sale or exchange.
- The number and kind of livestock sold or exchanged.
- The number of livestock of each kind you would have sold or exchanged under your usual business practice.

Show all the following information and the preceding information on the return for the year in which you replace the livestock:

- The dates you bought the replacement property.
- The cost of the replacement property.
- Description of the replacement property (for example, the number and kind of the replacement livestock).

Example. If gain on weather-related sales or exchanges of livestock due to drought, flood, or other involuntary conversion. See Disaster Area Losses, later.
Disaster relief grants. Do not include post-disaster relief grants received under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in your income if the grant payments are made to help you meet necessary expenses or serious needs for medical, dental, housing, personal property, transportation, or funeral expenses. Do not deduct casualty losses or medical expenses to the extent they are specifically reimbursed by these disaster relief grants. Unemployment assistance payments under the Act are taxable unemployment compensation.

Qualified disaster relief payments. Qualified disaster relief payments are not included in the income of individuals to the extent any expenses compensated by these payments are not otherwise compensated for by insurance or other reimbursement. These payments are not subject to income tax, self-employment tax, or employment taxes (social security, Medicare, and federal unemployment taxes). No withholding applies to these payments.

Qualified disaster relief payments include payments you receive (regardless of the source) for the following expenses:

- Reasonable and necessary personal, family, living, or funeral expenses incurred as a result of a Presidentially declared disaster.
- Reasonable and necessary expenses incurred for the repair or rehabilitation of a personal residence due to a Presidentially declared disaster. (A personal residence can be a rented residence or one you own.)
- Reasonable and necessary expenses incurred for the repair or replacement of the contents of a personal residence due to a Presidentially declared disaster.

Qualified disaster relief payments include amounts paid by a federal, state, or local government in connection with a Presidentially declared disaster to those affected by the disaster.

Qualified disaster relief payments do not include:

- Payments for expenses otherwise paid for by insurance or other reimbursement, or
- Income replacement payments, such as payments of lost wages, lost business income, or unemployment compensation.

Qualified disaster mitigation payments. Qualified disaster mitigation payments made under the Robert T. Stafford Disaster Relief and Emergency Assistance Act or the National Flood Insurance Act (as in effect on April 15, 2005) are not included in income. These are payments you, as a property owner, receive to reduce the risk of future damage to your property. You cannot increase your basis in property, or take a deduction or credit, for expenditures made with respect to those payments.

Sale of property under hazard mitigation program. Generally, if you sell or otherwise transfer property, you must recognize any gain or loss for tax purposes unless the property is your main home. You report the gain or deduct the loss on your tax return for the year you realize it. (You cannot deduct a loss on personal-use property unless the loss resulted from a casualty, as discussed earlier.) However, if you sell or otherwise transfer property to the Federal Government, a state or local government, or an Indian tribal government under a hazard mitigation program, you can choose to postpone reporting the gain if you buy qualifying replacement property within a certain period of time. See Postponing Gain earlier for the rules that apply.

Postponed tax deadlines. The IRS may postpone for up to 1 year certain tax deadlines of taxpayers who are affected by a Presidentially declared disaster. The tax deadlines the IRS may postpone include those for filing income, excise, and employment tax returns, paying income, excise, and employment taxes, and making contributions to a traditional IRA or Roth IRA. If any tax deadline is postponed, the IRS will publicize the postponement in your area and publish a news release, revenue ruling, revenue procedure, notice, announcement, or other guidance in the Internal Revenue Bulletin (IRB). Who is eligible. If the IRS postpones a tax deadline, the following taxpayers are eligible for the postponement.

- Any individual whose main home is located in a covered disaster area (defined next).
- Any business entity or sole proprietor whose principal place of business is located in a covered disaster area.
- Any individual who is a relief worker affiliated with a recognized government or philanthropic organization and who is assisting in a covered disaster area.
- Any individual, business entity, or sole proprietor whose records are needed to meet a postponed deadline, provided those records are maintained in a covered disaster area. The main home or principal place of business does not have to be located in the covered disaster area.
- Any estate or trust that has tax records necessary to meet a postponed tax deadline, provided those records are maintained in a covered disaster area.
- The spouse on a joint return with a taxpayer who is eligible for postponements.
- Any other person determined by the IRS to be affected by a Presidentially declared disaster.

Covered disaster area. This is an area of a Presidentially declared disaster area in which the IRS has decided to postpone tax deadlines for up to 1 year.

Abatement of interest and penalties. The IRS may abate the interest and penalties on the underpaid income tax for the length of any postponement of tax deadlines.

Reporting Gains and Losses

You will have to file one or more of the following forms to report your gains or losses from involuntary conversions.

Form 4684. Use this form to report your gains and losses from casualties and thefts.

Form 4797. Use this form to report involuntary conversions (other than from casualty or theft) of property used in your trade or business and capital assets held in connection with a trade or business or a transaction entered into for profit. Also use this form if you have a gain from a casualty or theft on trade, business or income-producing property held for more than 1 year and you have to recapture some or all of your gain as ordinary income.

Schedule A (Form 1040). Use this form to deduct your losses from casualties and thefts of personal-use property that you reported on Form 4684.

Schedule D (Form 1040). Use this form to report gain from an involuntary conversion (other than from casualty or theft) of personal-use property. Also, carry over the following gains to Schedule D.

- Net gain shown on Form 4797 from an involuntary conversion of business property held for more than 1 year.
- Net gain shown on Form 4684 from the casualty or theft of personal-use property.

Schedule F (Form 1040). Use this form to deduct your losses from casualty or theft of livestock or produce bought for sale under other expenses in Part II, line 34, if you use the cash method of accounting and have not otherwise deducted these losses.

12.

Self-Employment Tax

What’s New for 2005

Tax rates and maximum net earnings. The maximum net self-employment earnings subject to the social security tax (12.4%) of the self-employment tax increased to $90,000 for 2005. There is no maximum limit on earnings subject to the Medicare part (2.9%).
What's New for 2006

Maximum net earnings. The maximum net self-employment earnings subject to the social security part of the self-employment tax for 2006 will be published in Publication 553. There is no maximum limit on earnings subject to the Medicare part.

Introduction

Self-employment tax (SE tax) is a social security and Medicare tax primarily for individuals who work for themselves. It is similar to the social security and Medicare taxes withheld from the pay of most wage earners.

You usually have to pay SE tax if you are self-employed. You are usually self-employed if you operate your own farm on land you either own or rent. You have to figure SE tax on Schedule SE (Form 1040).

Farmers who have employees may have to pay the employer's share of social security and Medicare taxes, as well. See chapter 13 for information on employment taxes.

Self-employment tax rate. The self-employment tax rate is 15.3%. The rate consists of two parts: 12.4% for social security (old-age, survivors, and disability insurance) and 2.9% for Medicare (hospital insurance).

Topics

This chapter discusses:
- Why you pay self-employment tax
- How to pay self-employment tax
- Who must pay self-employment tax
- Figuring self-employment earnings
- Landlord participation in farming
- Methods for figuring net earnings
- Reporting self-employment tax

Useful Items

You may want to see:
- Publication
  - 541 Partnerships
- Form (and Instructions)
  - 1040 U.S. Individual Income Tax Return
  - Sch F (Form 1040) Profit or Loss From Farming
  - Sch SE (Form 1040) Self-Employment Tax
  - 1065 U.S. Return of Partnership Income
  - Sch K-1 (Form 1065) Partner's Share of Income, Deductions, Credits, etc.

See chapter 17 for information about getting publications and forms.

Why Pay Self-Employment Tax?

Social security benefits are available to self-employed persons just as they are to wage earners. Your payments of SE tax contribute to your coverage under the social security system. Social security coverage provides you with retirement benefits, disability benefits, survivor benefits, and hospital insurance (Medicare) benefits.

How to become insured under social security. You must be insured under the social security system before you begin receiving social security benefits. You are insured if you have the required number of credits (also called quarters of coverage).

Earning credits in 2005. You can earn a maximum of four credits per year. For 2005, you earn one credit for each §920 of combined wages and self-employment earnings subject to social security tax. You need $3,680 (§920 X 4) of combined wages and self-employment earnings subject to social security tax to earn four credits in 2005. It does not matter whether the income is earned in one quarter or is spread over two or more quarters.

For an explanation of the number of credits you must have to be insured and the benefits available to you and your family under the social security program, consult your nearest Social Security Administration (SSA) office or visit the SSA website at www.ssa.gov.

Making false statements to get or to increase social security benefits may subject you to penalties.

The Social Security Administration (SSA) time limit for posting self-employment earnings. Generally, the SSA will give you credit only for self-employment earnings reported on a tax return filed within 3 years, 3 months, and 15 days after the tax year you earned the income. If you file your tax return or report a change in your self-employment earnings after this time limit, the SSA may change its records, but only to remove or reduce the amount. The SSA will not change its records to increase your self-employment earnings.

How To Pay Self-Employment Tax

To pay SE tax, you must have a social security number (SSN) or an individual taxpayer identification number (ITIN). This section explains how to:
- Obtain an SSN or ITIN, and
- Pay your SE tax using estimated tax.

An ITIN does not entitle you to social security benefits.

Obtaining a social security number. If you never had an SSN, apply for one using Form SS-5, Application for a Social Security Card. The application is also available in Spanish. You can get this form at any Social Security office or by calling 1-800-772-1213.

You can also download Form SS-5 from the Social Security Administration website at www.ssa.gov.

If you have a social security number from the time you were an employee, you must use that number. Do not apply for a new one.

Replacing a lost social security card. If you have a number but lost your card, file Form SS-5. You will get a new card showing your original number, not a new number.

Name change. If your name has changed since you received your social security card, complete Form SS-5 to report a name change.

Obtaining an individual taxpayer identification number. The IRS will issue you an ITIN if you are a nonresident or resident alien and you do not have and are not eligible to get an SSN. To apply for an ITIN, file Form W-7, Application for IRS Individual Taxpayer Identification Number. The application is also available in Spanish. You can get this form by calling 1-800-829-3676.

You can also download Form W-7 from the IRS website at www.irs.gov.

Paying estimated tax. Estimated tax is the method used to pay tax (including SE tax) on income not subject to withholding. You generally have to make estimated tax payments if you expect to owe tax, including SE tax, of $1,000 or more when you file your return. Use Form 1040-ES, Estimated Tax for Individuals, to figure and pay the tax.

However, if at least two-thirds of your gross income for 2005 or 2006 was from farming and you file your 2006 Form 1040 and pay all the tax due by March 1, 2007, you do not have to pay any estimated tax. For more information about estimated tax for farmers, see chapter 15.

Penalty for underpayment of estimated tax. You may have to pay a penalty if you do not pay enough estimated tax by its due date.

Who Must Pay Self-Employment Tax?

You must pay SE tax and file Schedule SE (Form 1040) if your net earnings from self-employment were $400 or more.

The SE tax rules apply no matter how old you are and even if you are already receiving social security or Medicare benefits.

Are you self-employed? You are self-employed if you carry on a trade or business (such as running a farm) as a sole proprietor, an independent contractor, a member of a partnership, or are otherwise in business for yourself. A trade or business is generally an activity carried on for a livelihood or in good faith to make a profit.

Share farmer. You are a self-employed farmer under an income-sharing arrangement if both the following apply.
1. You produce a crop or raise livestock on land belonging to another person.

2. You share of the crop or livestock, or the proceeds from their sale, depends on the amount produced.

Your net farm profit or loss from the income-sharing arrangement is reported on Schedule F (Form 1040) and included in your self-employment earnings. If you produce a crop or livestock on land belonging to another person and are to receive a specified rate of pay, a fixed sum of money, or a fixed quantity of the crop or livestock, and not a share of the crop or livestock or their proceeds, you may be either self-employed or an employee of the landowner. This will depend on whether the landowner has the right to direct or control your performance of service.

Example. A share farmer produces a crop on land owned by another person on a 60-40 crop-share basis. Under the terms of their agreement, the landowner furnishes the farm and half the cost of seed and fertilizer. The share farmer is provided a house in which to live. The landowner and the share farmer decide how much of the crop should be planted in cotton and how much in other crops. The share farmer is a self-employed farmer for purposes of the agreement to produce the cotton and other crops, and the share farmer’s part of the crop or livestock proceeds from the crops is reported on Schedule F (Form 1040) and included in self-employment earnings.

4-H Club or FFA project. If an individual participates in a 4-H Club or FFA project, any net income received from sales or prizes related to the project may be subject to income tax. Report the net income on line 21 of Form 1040. If necessary, attach a statement showing the gross income and expenses. The net income may not be subject to SE tax if the project is primarily for educational purposes and not for profit, and is completed by the individual under the rules and economic restrictions of the sponsoring 4-H or FFA organization. Such a project is generally not considered a trade or business.

Partners in a partnership. Generally, you are a partner if you are a member of a partnership that carries on a trade or business. If any of the income received from sales or prizes related to the project is subject to income tax, see chapter 13. Such a project is not generally not considered a trade or business.

Limited partner. If you are a limited partner, your partnership interest is generally not subject to SE tax. However, guaranteed payments you receive for services you perform for the partnership are subject to SE tax and should be reported to you in Box 14 of your Schedule K-1.

Husband and wife partners. You and your spouse operate a farm as partners. If you and your spouse operate a farm as partners, report farm income and expenses on Form 1065, and attach separate Schedules K-1 showing each partner’s share of earnings. Each spouse must report his or her share of partnership earnings on Form 1040 and file a separate Schedule SE (Form 1040) to report SE tax.

However, if your spouse is your employee, not your partner, you must withhold and pay social security and Medicare taxes for him or her. For more information about employment taxes, see chapter 13.

Community property. If you are a partner and your distributive share of any income or loss from a trade or business carried on by the partnership is community property, treat your share as your self-employment earnings. Do not treat any of your share as self-employment earnings of your spouse.

Figuring Self-Employment Earnings

Farmer. If you are self-employed as a farmer, use Schedule F (Form 1040) to figure your self-employment earnings. For information about figuring profit or loss on Schedule F (Form 1040), see chapter 16.

Partnership income or loss. If you are a member of a partnership that carries on a trade or business, the partnership should report your self-employment earnings in box 14, code A, of your Schedule K-1 (Form 1065). Box 14 of Schedule K-1 may also provide amounts for gross farming or fishing income (code B) and gross nonfarm income (code C). Use these amounts if you use the farm or nonfarm optional method to figure net earnings from self-employment (see Methods for Figuring Net Earnings, later).

If you are a general partner, you may need to reduce these reported earnings by amounts you claim as a section 179 deduction, unreimbursed partnership expenses, or depletion on oil and gas properties. If the amount reported is a loss, include only the deductible amount when you figure your total self-employment earnings.

For more information, see the Partner’s Instructions for Schedule K-1 (Form 1065).

For general information on partnerships, see Publication 541.

More than one business. If you have self-employment earnings from more than one trade, business, or profession, you generally combine the net profit or loss from each to determine your total self-employment earnings. A loss from one business reduces your profit from another business. However, do not combine earnings from farm and nonfarm businesses if you are using one of the optional methods to figure net earnings.

Community property. If any of the income from a farm or business, other than a partnership, is community property under state law, it is included in the self-employment earnings of the spouse carrying on the trade or business.

Lost income payments. Lost income payments received from insurance or other sources for reducing or stopping farming activities are included in self-employment earnings. These include USDA payments to compensate for lost income resulting from reductions in tobacco quotas and allotments. Even if you are not farming when you receive the payment, it is included in self-employment earnings if it relates to your farm business (even though it is temporarily inactive). A connection exists if it is clear the payment would not have been made but for your conduct of your farm business.

Gain or loss. A gain or loss from the disposition of property that is neither stock in trade nor held primarily for sale to customers is not included in self-employment earnings. It does not matter whether the disposition is a sale, exchange, or involuntary conversion. For example, gains or losses from the disposition of the following types of property are not included in self-employment earnings:

• Investment property.
• Depreciable property or other fixed assets used in your trade or business.
• Livestock held for draft, breeding, sport, or dairy purposes, and not held primarily for sale, regardless of how long the livestock was held, or whether it was raised or purchased.
• Unharvested standing crops sold with land held more than one year.
• Timber, coal, or iron ore held for more than one year if an economic interest was retained, such as a right to receive coal royalties.

A gain or loss from the cutting of timber is not included in self-employment earnings if the cutting is treated as a sale or exchange. For more information on electing to treat the cutting of timber as a sale or exchange, see Timber in chapter 8.

Wages and salaries. Wages and salaries received for services performed as an employee and covered by social security or railroad retirement are not included in self-employment earnings.

Wages paid in kind to you for agricultural labor, such as commodity wages, are not included in self-employment earnings.

Retired partner. Retirement income received by a partner from his or her partnership under a written plan is not included in self-employment earnings if the following apply:

• The retired partner performs no services for the partnership during the year.
• The retired partner is owed only the retirement payments.
• The retired partner’s share (if any) of the partnership capital was fully paid to the retired partner.
• The payments to the retired partner are lifetime periodic payments.

Landlord Participation in Farming

As a general rule, income and deductions from rentals and from personal property leased with real estate are not included in determining self-employment earnings. However, income and deductions from farm rentals, including government commodity program payments received by a landowner who rents land, are included if the rental arrangement provides that the landowner will, and does, materially partici-
pate in the production or management of pro-
duction of the farm products on the land.

Crop shares. Rent paid in the form of crop
shares is included in self-employment earnings
for the year you sell, exchange, give away, or
use the crop shares if you meet one of the four
material participation tests (discussed next) at
the time the crop shares are produced. Feeding
such crops or caring for the livestock is consid-
ing them. Your gross income for figuring your
self-employment earnings includes the fair mar-
et value of the crop shares when they are used as
feed.

Material participation. You materially partici-
pate if you have an arrangement with your ten-
ant for your participation and you meet one of
the following tests.

1. You do any three of the following.
   a. Pay, using cash or credit, at least half
      the direct costs of producing the crop or
      livestock.
   b. Furnish at least half the tools, equip-
      ment, and livestock used in the produc-
tion activities.
   c. Advise or consult with your tenant.
   d. Inspect the production activities peri-
dicularly.

2. You regularly and frequently make, or take
   an important part in making, management
decisions substantially contributing to or
affecting the success of the enterprise.

3. You work 100 hours or more spread over a
   period of 5 weeks or more in activities con-
ected with agricultural production.

4. You do things that, considered in their lo-
tality, show you are materially and signifi-
cantly involved in the production of the
farm commodities.

These tests may be used as general guides for
determining whether you are a material partici-
pant.

Example. Drew Houston agrees to produce
a crop on J. Clarke’s cotton farm with each
receiving half the proceeds. Clarke advises
Houston when to plant, spray, and pick the cot-
ton, caring for the crop and livestock when
necessary. During the growing season, Clarke
inspects the crop every few days to determine whether
Houston is properly taking care of the crop. Houston
furnishes all labor needed to grow and harvest the crop.

The management decisions made by J.
Clarke in connection with the care of the cotton
crop and his regular inspection of the crop es-
tablish that he participates to a material degree
in the cotton production operations. The income
Clarke receives from his cotton farm is included
in his self-employment earnings.

Methods for Figuring
Net Earnings

There are three ways to figure your net earnings
from self-employment.

1. The regular method.
2. The farm optional method.
3. The nonfarm optional method.

You must use the regular method unless you are
eligible to use one or both of the optional meth-
ods. See Figure 12-1, shown later.

Why use an optional method? You may
want to use the optional methods (discussed later) when you have a loss or a small net profit and
any one of the following applies.

- You want to receive credit for social secur-
  ity benefit coverage.
- You incurred child or dependent care ex-
  penses for which you could claim a credit.
  (An optional method may increase your
  earned income, which could increase your
  credit.)
- You are entitled to the earned income
  credit. (An optional method may increase
  your earned income, which could increase
  your credit.)
- You are entitled to the additional child tax
  credit. (An optional method may increase
  your earned income, which could increase
  your credit.)

Effects of using an optional method. Using
an optional method could increase your SE tax.

Pay more SE tax may result in your getting
higher benefits when you retire.

If you use either or both optional methods,
you must figure and pay the SE tax due under
these methods even if you would have had a
smaller SE tax or no SE tax using the regular
method.

The optional methods may be used only to
figure your SE tax. To figure your income tax,
include your actual self-employment earnings in
gross income, regardless of which method you
use to determine SE tax.

Regular Method

Multiply your total self-employment earnings by
92.35% (.9235) to get your net earnings under the
regular method. See Short Schedule SE, line 4, or
Long Schedule SE, line 4a.

Net earnings figured using the regular
method are also called “actual net earnings.”

Farm Optional Method

Use the farm optional method only for self-em-
ployment earnings from a farming business. You
can use this method if you meet either of the
following tests.

1. Your gross farm income is $2,400 or less.
2. Your net farm profits are less than $1,733.

Gross farm income. Your gross farm income
is the total of the amounts from:

- Line 11, Schedule F (Form 1040), and
- Box 14, code B, Schedule K-1 (Form 1065),
  (from farm partnerships).

Net farm profits. Net farm profits generally
are the total of the amounts from:

- Line 36, Schedule F (Form 1040), and
- Box 14, code A, Schedule K-1 (Form 1065),
  (from farm partnerships).

However, you may need to adjust the amount
reported on Schedule K-1 if you are a general
partner or if it is a loss. For more information,
see Partnership income or loss, earlier.

Figuring farm net earnings. If you meet ei-
ther of the two tests explained earlier, use Table
12-1, Figuring Farm Net Earnings, to figure your
net earnings from self-employment under the
farm optional method.

Table 12-1. Figuring Farm Net
Earnings

<table>
<thead>
<tr>
<th>IF your gross farm income is ...</th>
<th>THEN your net earnings are equal to ...</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,400 or less</td>
<td>Two-thirds of your gross farm income.</td>
</tr>
<tr>
<td>More than $2,400</td>
<td>$1,600</td>
</tr>
</tbody>
</table>

Optional method can reduce or eliminate SE
tax. If your gross farm income is $2,400 or less
and your farm net earnings figured under the
farm optional method are less than your actual
net earnings, you can use the farm optional
method to reduce or eliminate your SE tax.
Your actual net earnings are your net earnings figured
using the regular method, explained earlier.

Example. Your gross farm income is $540
and your net farm profit is $460. Consequently,
your net earnings figured under the farm op-
tional method are $360 (2/3 of $540) and your
actual net earnings are $425 (92.35% of $460).
You owe no SE tax if you use the optional
method because your net earnings under the
farm optional method are less than $400.

Nonfarm Optional Method

This is an optional method available for deter-
mining net earnings from nonfarm self-employ-
ment, much like the farm optional method.

If you are also engaged in a nonfarm busi-
ness, you may be able to use this method to
figure your nonfarm net earnings. You can use
this method even if you do not use the farm
optional method for determining your farm net
earnings and even if you have a net loss from
your nonfarm business. For more information
about the nonfarm optional method, see Publi-
cation 334.

You cannot combine farm and non-
farm self-employment earnings to fig-
ure your net earnings under either of the
optional methods.
Using Both Optional Methods

If you use both optional methods, you must add the net earnings figured under each method to arrive at your total net earnings from self-employment. You can report less than your total actual farm and nonfarm net earnings but not less than actual nonfarm net earnings. If you use both optional methods, you can report no more than $1,600 as your combined net earnings from self-employment.

Self-employment tax deduction. You can deduct half of your SE tax in figuring your adjusted gross income. This deduction only affects your income tax. It does not affect either your net earnings from self-employment or your SE tax.

To deduct the tax, enter on Form 1040, line 27, the amount shown on line 6, Deduction for one-half of self-employment tax, of the Schedule SE.

Joint return. Even if you file a joint return, you cannot file a joint Schedule SE. This is true whether one spouse or both spouses have self-employment earnings. Your spouse is not considered self-employed just because you are. If both of you have self-employment earnings, each of you must complete a separate Schedule SE. However, if one spouse uses the Short Schedule SE and the other spouse has to use the Long Schedule SE, both can use the same form. Attach both schedules to the joint return. If you and your spouse operate a business as a partnership, see Husband and wife partners, thereafter if you deposited more than $200,000 earlier, under Who Must Pay Self-Employment Tax.

Reporting Self-Employment Tax

Use Schedule SE (Form 1040) to figure and report your SE tax. Then, enter the SE tax on line 58 of Form 1040 and attach Schedule SE to Form 1040.

Most taxpayers can use Section A—Short Schedule SE to figure their SE tax. However, certain taxpayers must use Section B—Long Schedule SE. Use the chart on page 1 of Schedule SE (reproduced in chapter 16) to find out which one to use.

START here to determine if you can use the nonfarm optional method.

Are your net nonfarm profits less than $1,733?

Yes

No

Are your net nonfarm profits less than 72.189% of your gross nonfarm income?

Yes

You cannot use the nonfarm optional method. See Publication 334.

No

Were your actual net earnings from self-employment $400 or more in at least 2 of the 3 tax years before 2005?

Yes

Have you previously used this method less than 5 years? (Note: There is a 5-year lifetime limit.)

No

Yes

START here to determine if you can use the farm optional method.

Is your gross farm income $2,400 or less?

Yes

You can use the farm optional method.* See Table 12-1.

No

Are your net farm profits less than $1,733?

Yes

You cannot use the farm optional method.

No

You cannot use the farm optional method.

What’s New for 2006

Wage limit for social security tax. The limit on wages subject to the social security tax for 2006 will be published in Publication 51 (Circular A), Agricultural Employer’s Tax Guide. There is no limit on wages subject to the Medicare tax.

Reminder

Electronic deposits of taxes. You must use the Electronic Federal Tax Payment System (EFTPS) to make electronic deposits of all depository tax liabilities you incur in 2006 and thereafter if you deposited more than $200,000 in federal depository taxes in 2004 or you had to use EFTPS in 2005.
Important Dates

You should take the action indicated on or before the dates listed. Saturdays, Sundays, and legal holidays have been taken into account, but statewide holidays have not. A statewide legal holiday delays a due date only if the IRS office where you are required to file is located in that state.

Due dates for deposits of withheld federal income taxes, social security taxes, and Medicare taxes are not listed here. For these dates, see Publication 509, Tax Calendars for 2006.

Fiscal year taxpayers. Generally, the due dates listed apply whether you use a calendar or a fiscal year. However, if you have a fiscal year, refer to Publication 509 for certain exceptions that may apply to you.

By January 31
- File Form 943, Employer's Annual Federal Tax Return for Agricultural Employees, with the Internal Revenue Service. If you deposited all Form 943 taxes when due, you have 10 additional days to file.
- Furnish each employee with a completed Form W-2, Wage and Tax Statement.
- Furnish each recipient to whom you paid $600 or more in nonemployee compensa-
tion with a completed Form 1099 (for example, Form 1099-MISC, Miscellaneous Income).
- File Form 940 or Form 940-EZ, Employer's Annual Federal Unemploy-
ment (FUTA) Tax Return. But if you de-
posited all the FUTA tax when due, you have 10 additional days to file.

By February 15
Ask for a new Form W-4 or Form W-4(SP) from each employee who claimed exemption from federal income tax withholding last year.

On February 16
Begin withholding federal income tax for any employee who previously claimed exemption from federal income tax withholding but has not given you a new Form W-4 for the current year. If the employee does not give you a new Form W-4, withhold as if he or she is single, with zero withholding allowances. The Form W-4 previously given to you claiming exemption is now expired.

By February 28
File Forms 1099 and 1096. File Copy A of all Forms 1099 with Form 1096, Annual Sum-
mary and Transmittal of U.S. Information Re-
turns, with the IRS. For electronically filed returns, see By March 31 below.

File Forms W-2 and W-3. File Copy A of all Forms W-2 with Form W-3, Transmittal of Wage and Tax Statements, or your magnetic media wage report to the Social Security Administra-
tion (SSA). For electronically filed returns, see By March 31 below.

By March 31
- File electronic Forms W-2 and 1099. File electronic (not magnetic media or paper) Forms W-2 with the SSA and Forms 1099 with the IRS. See Social Security's Employer Reporting In-
structions and Information web page at www.socialsecurity.gov/employer for more in-
formation about filing Forms W-2 and W-2c elec-
tronically.
- By April 30, July 31, October 31, and January 31
  - Deposit FUTA taxes. Deposit FUTA tax due if it is more than $500.
  - Before December 1
    Remind employees to submit a new Form W-4 if their withholding allowances have changed or will change for the next year.
- On December 31
  - Form W-5, Earned Income Credit Advance Payment Certificate, expires. Employees who want to receive advance payments of the earned income credit for the next year must give you a new Form W-5.

Introduction

You are generally required to withhold federal income tax from the wages of your employees. You may also be subject to social security and Medicare taxes under the Federal Insurance Contributions Act (FICA) and federal unemploy-
ment tax under the Federal Unemployment Tax Act (FUTA). This chapter includes information about these taxes.

You must also pay self-employment tax on your net earnings from farming. See chapter 12 for information on self-employment tax.

Topics
This chapter discusses:
- Farm employment
- Family employees
- Crew leaders
- Social security and Medicare taxes
- Federal income tax withholding
- Advance payment of the earned income credit
- Reporting and paying social security, Medicare, and withheld federal income taxes
- Federal unemployment (FUTA) tax

Useful Items
You may want to see:
- Publication
  - 15 (Circular E), Employer's Tax Guide
  - 15-A Employer's Supplemental Tax Guide
  - 51 (Circular A), Agricultural Employer's Tax Guide
  - 926 Household Employer's Tax Guide
- Form (and Instructions)
  - W-2 Wage and Tax Statement
  - W-4 Employee's Withholding Allowance Certificate
  - W-5 Earned Income Credit Advance Payment Certificate
  - W-9 Request for Taxpayer Identification Number and Certification
  - 940 (or 940-EZ) Employer's Annual Federal Unemployment (FUTA) Tax Return
  - 943 Employer's Annual Federal Tax Return for Agricultural Employees
  - 8109 Federal Tax Deposit Coupon
See chapter 17 for information about getting publications and forms.

Farm Employment
In general, you are an employer of farmworkers if your employees do any of the following types of work.

- Raising or harvesting agricultural or horti-
cultural products on a farm.
- Operating, managing, conserving, improv-
ing, or maintaining your farm and its tools and equipment.
- Handling, processing, or packaging any agricultural or horticultural commodity if you produced more than half of the com-
modity (for a group of up to 20 unincorpor-
ated operators, all of the commodity).
- Work related to cotton ginning, turpentine, or gum resin products.

For more information, see Publication 51 (Circu-
lar A).

Workers are generally your employees if they perform services subject to your control. You are not required to withhold or pay employment taxes for independent contractors who are not your employees. For more information, see Pub-

If you employ a family of workers, each worker subject to your control (not just the head of the family) is an employee.

Special rules apply to crew leaders. See Crew Leaders, later.

Employer identification number (EIN). If you have employees, you must have an EIN. If you do not have an EIN, request one on Form SS-4, Application for Employer Identification Number. The instructions for Form SS-4 provide information on how to apply for an EIN by tele-
phone, internet, fax, or mail. You may also apply
Employee’s social security number (SSN).
An employee who does not have an SSN should submit Form SS-5, Application for a Social Security Card, to the Social Security Administration (SSA). Form SS-5 is available from any SSA office or by calling 1-800-772-1213. It is also available from the SSA’s website at www.socialsecurity.gov.

The employee must furnish evidence of age, identity, and U.S. citizenship (or lawful alien status) with the Form SS-5. An employee who is age 18 or older must appear in person with this evidence at an SSA office.

Form I-9. You must verify that each new employee is legally eligible to work in the United States. This includes completing the Form I-9 Employment Eligibility Verification. Form I-9 is available from the U.S. Citizenship and Immigration Services (USCIS) offices or by calling 1-800-870-3676. It is also available from the USCIS website at www.uscis.gov. You can contact the USCIS at 1-800-372-5832 or visit the USCIS website at www.uscis.gov for more information.

New hire reporting. You are required to report any new employee to a designated state new hire registry. Many states accept a copy of Form W-4 with employer information added. Call the Office of Child Support Enforcement at 202-401-5267 or visit its website at www.acf.hhs.gov/programs/cse/newhire for more information.

Family Employees

Generally, the wages you pay to family members who are your employees are subject to employment taxes. However, certain exemptions may apply to wages paid to your child, spouse, or parent.

Exemptions for your child. Payments for the services of your child under age 18 who works for you in your trade or business (including a farm) are not subject to social security and Medicare taxes. However, see Nonexempt services of a child or spouse. Payments for the services of your child under age 21 employed by you in other than a trade or business, such as payments for household services in your home, are also not subject to social security or Medicare taxes. Payments for the services of your child under age 21 employed by you, whether or not in your trade or business, are not subject to federal unemployment (FUTA) taxes. Although not subject to social security, Medicare, or FUTA tax, the child’s wages still may be subject to federal income tax withholding.

Exemptions for your spouse. Payments for the services of your spouse who works for you in your trade or business are subject to federal income tax withholding and social security and Medicare taxes, but not FUTA tax. However, payments for the services of your spouse employed by you in other than a trade or business, such as payments for household services in your home, are not subject to social security, Medicare, or FUTA taxes.

Nonexempt services of a child or spouse. Payments for the services of your child or spouse are subject to federal income tax withholding as well as social security, Medicare, and FUTA taxes if he or she works for any of the following entities.

• A corporation, even if it is controlled by you.
• A partnership, even if you are a partner. This does not apply to wages paid to your child if each partner is a parent of the child.
• An estate, even if it is the estate of a deceased parent.

In these situations, the child or spouse is considered to work for the corporation, partnership, or estate, not you.

Exemptions for your parent. Payments for the services of your parent employed by you in your trade or business are subject to federal income tax withholding and social security and Medicare taxes. Social security and Medicare taxes do not apply to wages paid to your parent for services not in your trade or business, but they do apply to payments for household services in your home if both the following conditions are satisfied.

• You have a child living in your home who is under age 18 or has a physical or mental condition that requires care by an adult for at least 4 continuous weeks in a calendar quarter.
• You are a widow or widower, or divorced and not remarried, or have a spouse in the home who, because of a physical or mental condition, cannot care for your child for at least 4 continuous weeks in the quarter.

Wages you pay to your parent are not subject to FUTA tax, regardless of the type of services provided.

Crew Leaders

If farmworkers are provided by a crew leader, the crew leader may be the employer of the workers.

Social security and Medicare taxes. For social security and Medicare tax purposes, the crew leader is the employer of the workers if both of the following requirements are met.

• The crew leader pays (either on his or her own behalf or on behalf of the farmer) the workers for their farm labor.
• The crew leader has not entered into a written agreement with the farmer under which the crew leader is designated as an employee of the farmer.

Federal income tax withholding. If the crew leader is the employer for social security and Medicare tax purposes, the crew leader is the employer for federal income tax withholding purposes.

Federal unemployment (FUTA) tax. For FUTA tax purposes, the crew leader is the employer of the workers if, in addition to the earlier requirements, either of the following requirements are met.

• The crew leader is registered under the Migrant and Seasonal Agricultural Worker Protection Act.
• Substantially all crew members operate or maintain mechanized equipment provided by the crew leader as part of the service to the farmer.

The farmer is the employer of workers furnished by a crew leader in all other situations. In addition, the farmer is the employer of workers furnished by a registered crew leader if the workers are the employees of the farmer under the common-law test. For example, some farmers employ individuals to recruit farmworkers exclusively for them. Although these individuals may be required to register under the Migrant and Seasonal Agricultural Worker Protection Act, the workers are employed directly by the farmer. The farmer is the employer in these cases. For information about common-law employees, see section 1 of Publication 15-A.

Social Security and Medicare Taxes

All cash wages you pay to an employee during the year for farmwork are subject to social security and Medicare taxes if you meet either of the following tests.

• You pay the employee $150 or more in cash wages during the year for farmwork (the $150 test).
• You pay cash and noncash wages of $2,500 or more during the year to all your employees for farmwork (the $2,500 test).

If the $2,500 test for the group is not met, the $150 test for an individual still applies.

Exceptions. Annual cash wages of less than $150 you pay to a seasonal farmworker are not subject to social security and Medicare taxes, even if you pay $2,500 or more to all your farmworkers. However, these wages count toward the $2,500 test for determining whether other farmworkers’ wages are subject to social security and Medicare taxes.

A seasonal farmworker is a worker who:

• Works as a hand-harvest laborer.
• Is paid piece rates in an operation usually paid on this basis in the region of employment.
• Commutes daily from his or her permanent home to the farm, and
• Worked in agriculture less than 13 weeks in the preceding calendar year.

See Family Employees, earlier, for certain exemptions from social security and Medicare taxes that apply to your child, spouse, and parent.
Religious exemption. An exemption from social security and Medicare taxes is available to employees who are subject to social security and Medicare taxes. Cash wages include checks, money orders, and any kind of money or cash. Only cash wages are subject to social security and Medicare taxes if the amount of the transaction is a cash payment. Report the value of noncash wages on Form W-2 in box 1, Wages, tips, other compensation, together with cash wages. Do not show noncash wages in box 3, Social security wages, or in box 5, Medicare wages and tips (unless the service of the transaction is a cash payment).

Tax rates and social security wage limit. For 2006, the employer and the employee will each pay both the following taxes:

• 6.2% of cash wages for social security tax (old-age, survivors, and disability insurance).
• 1.45% of cash wages for Medicare tax (hospital insurance).

Wage limit. The limit on 2006 wages subject to the social security tax will be published in Publication 51 (Circular A). There is no limit on wages subject to the Medicare tax. All covered wages are subject to the Medicare tax.

Example. Jane operates a small family fruit farm. She employs day laborers in the picking season to help her to timely get her crop to market. She does not deduct the employees' share of social security and Medicare taxes from their pay; instead, she pays it on their behalf. When her accountant, Susan, prepares the employees' Forms W-2, she adds each employee's share of social security and Medicare taxes paid by Jane to the employee's wage income (box 1 of Form W-2), but does not include it in box 3 (social security wages) or box 5 (Medicare wages and tips).

Federal Income Tax Withholding

If the cash wages you pay to farmers are subject to social security and Medicare taxes, they are subject to federal income tax withholding. Although noncash wages are subject to federal income tax, withholding income tax only if you and the employee agree to do so. The amount to withhold is figured on gross wages without taking out social security and Medicare taxes, union dues, insurance, etc.

Form W-4. Generally, the amount of federal income tax you withhold is based on the employee's marital status and withholding allowances. Withhold at flat rates according to the employee's status and withholding allowance on Form W-4 equal to the number of exemptions the employee will be entitled to claim on his or her tax return. An employee may also be able to claim a special withholding allowance and allowances for estimated deductions and credits.

Do not withhold federal income tax from the wages of an employee who, by filing Form W-4, certifies that he or she had no federal income tax liability last year and anticipates no liability for the current year.

You should give each new employee a Form W-4 as soon as you hire the employee. For Spanish-speaking employees, you may use Form W-4(SP) which is the Spanish translation of Form W-4. Have the employee complete and return the form to you before the first payday. If the employee does not return the completed form to you, you must withhold federal income tax as if the employee is single and claims no withholding allowances.

New Form W-4 for 2006. You should make the 2006 Form W-4 available to your employees and encourage them to check their income tax withholding for 2006. Those employees who owned a large amount of tax or received a large refund for 2005 may want to file a new Form W-4. How to figure withholding. You can use one of several methods to determine the amount to withhold. The methods are described in Publication 51 (Circular A), which contains tables showing the correct amount of federal income tax you should withhold. Publication 51 (Circular A) also contains additional information about federal income tax withholding.

Nonemployee compensation. Generally, you are not required to withhold federal income tax on payments for services to individuals who are not your employees. However, you may be required to report these payments on Form 1099-MISC. Miscellaneous Income, and to withhold under the backup withholding rules. Get the Instructions for Form 1099-MISC for details.

Advance Payment of Earned Income Credit

An employee who is eligible for the earned income credit (EIC) and who has a qualifying child is entitled to receive EIC payments with or her pay during the year. To get these payments, the employee must give you a properly completed Form W-5, Earned Income Credit Advance Payment Certificate. You are usually required to make advance EIC payments to employees who give you a properly completed Form W-5, but you are not required to make these payments to farmers paid on a daily basis.

The EIC payment is added to the employee's pay each payday. It is figured from tables in Publication 51 (Circular A) and is based on the employee's liability for federal income tax withholding, social security tax, and Medicare tax by the total advance EIC payments made. For more information, see Publication 51 (Circular A). Notification. You must provide notification about the EIC to each employee who worked for you at any time during the year and from whom you did not withhold any federal income tax. However, you do not have to notify employees who claim exemption from federal income tax withholding on Form W-4.

You meet the notification requirement by giving each employee any of the following:

• Form W-2, which contains the EIC notification on the back of Copy B.

• A substitute Form W-2 with the exact EIC wording shown on the back of copy B of Form W-2.

• Notice 797, Possible Federal Tax Refund Due to the Earned Income Credit (EIC).

• Your own written statement with the exact wording of Notice 797.

For more information about notification requirements and claiming the EIC, see Notice 1015, Have You Told Your Employees About the Earned Income Credit (EIC).

Reporting and Paying Social Security, Medicare, and Withheld Federal Income Taxes

You must withhold federal income, social security, and Medicare taxes required to be withheld from the salaries and wages of your employees. You are liable for the tax withheld to the federal government whether or not you collect the taxes from your employees. If, for example, you withhold less than the correct tax an employee's wages, you are still liable for the full amount. You must also pay the employer's share of social security and Medicare taxes.

Form 943. Report withheld federal income tax and social security and Medicare taxes on Form 943. Your 2005 Form 943 is due by January 31, 2006 (or February 10, 2006 if you made deposits)
Federal Unemployment (FUTA) Tax

You must pay FUTA tax if you meet either of the following tests.

- You paid cash wages of $20,000 or more to farmworkers in any calendar quarter during the current or preceding calendar year.
- You employed 10 or more farmworkers for some part of at least 1 day during any 20 or more different calendar weeks during the current or preceding calendar year.

These rules do not apply to exempt services of your spouse, your parents, or your children under age 21. See Family Employees, earlier.

Commodity wages. Payments in kind for farm labor are not cash wages. Do not count them to figure whether you are subject to FUTA tax or to figure how much tax you owe.

Tax rate and credit. The gross FUTA tax is 6.2% of the first $7,000 cash wages you pay to each employee. However, you are given a credit of up to 5.4% for the state unemployment tax you pay. The net tax rate, therefore, can be as low as 0.8% (6.2% - 5.4%). If your state tax rate (experience rate) is less than 5.4%, you may still be allowed the full 5.4% credit.

If you do not pay the state tax, you cannot take the credit. If you are exempt from state unemployment tax for any reason, the full 6.2% rate applies. See the instructions for Form 940 for additional information.

More information. For more information on FUTA tax, see Publication 51 (Circular A).

Reporting and Paying FUTA Tax

The FUTA tax is imposed on you as the employer. It must not be collected or deducted from the wages of your employees.

Form 940. Report FUTA tax on Form 940, Employer’s Annual Federal Unemployment (FUTA) Tax Return. The 2005 form is due January 31, 2006 (or February 10, 2006, if you timely deposited the full amount of your 2005 FUTA tax).

Form 940-EZ. You can use Form 940-EZ, a simplified version of Form 940, if you meet all the following tests.

- You paid unemployment contributions to only one state.
- You paid all state unemployment contributions by the due date of Form 940 or 940-EZ.
- All wages subject to FUTA tax were also subject to your state’s unemployment tax.

- Your state has not been designated a “credit reduction state” by the U.S. Department of Labor.

Deposits. If at the end of any calendar quarter you owe, but have not yet deposited, more than $500 in FUTA tax for the year, you must make a deposit by the end of the following month. If the undisputed tax is $500 or less at the end of a quarter, you do not have to deposit it. You must add it to the tax for the next quarter. If the total undisputed tax at the end of the 4th quarter is $500 or less, you can either make a deposit or pay it with your return by the January 31, 2006, due date.

Electronic deposit requirement. If you are subject to the electronic deposit requirement, you must use EFTPS to deposit FUTA tax. See Reporting and Paying Social Security, Medicare, and Withheld Federal Income Taxes, earlier, for a discussion of the requirement for making deposits electronically.

14. Excise Taxes

What’s New for 2005

Farmers must claim refunds for undyed diesel fuel and undyed kerosene. Effective for sales of undyed diesel fuel or undyed kerosene (other than kerosene for use in aviation) after September 30, 2005, any diesel fuel used on a farm for farming purposes must be claimed by the farmer. See Schedule 1 of Form 8849 and Form 4136. Table 14-3, Sample Exemption Certificate, has been deleted.

Agriculture-grade kerosene (before October 1, 2005) and kerosene for use in aviation (after September 30, 2005). Aviation-grade kerosene and kerosene for use in aviation are taxed and the references to aviation fuel have been eliminated. Claims for aviation-grade kerosene and kerosene used in aviation on a farm for farming purposes can only be made by the registered ultimate vendor.

Aerial applicator waiver is no longer required. Effective after September 30, 2005, the aerial applicator waiver is no longer required to be provided by the farmer. For aviation gasoline, the aerial applicator is the claimant. For kerosene used in aviation, the registered ultimate vendor is the claimant. Table 14-2, Sample Waiver, has been deleted.

LUST tax is included on sales of dyed diesel fuel and dyed kerosene. Effective after September 30, 2005, the $0.001 Leaking Underground Storage Tank (LUST) tax is included on sales of dyed diesel fuel and dyed kerosene. The LUST tax cannot be refunded.
Introduction
You may be eligible to claim a credit on your income tax return for the federal excise tax on certain fuels. You may also be eligible to claim a quarterly refund of the fuel taxes during the year, instead of waiting to claim a credit on your income tax return.

Table 14-1 presents an overview of credits and refunds that may be claimed for fuels used for nontaxable uses listed above. See Publication 378 for information about credits and refunds for fuels used for nontaxable uses not discussed in this chapter.

Useful Items
You may want to see:
- Publication 378 for information about credits and refunds that may be claimed for fuels used for nontaxable uses.
-Publication 379 for information about credits and refunds that may be claimed for fuels used for taxable uses.
- Form (and Instructions) 378 for information about credits and refunds that may be claimed for fuels used for nontaxable uses.

Fuels Used in Farming
You may be eligible to claim a credit or refund of excise taxes on fuel used on a farm for farming purposes. This applies if you are the owner, tenant, or operator of a farm. You can claim only a credit or refund for the tax on undyed diesel fuel or undyed kerosene before October 1, 2005. After September 30, 2005, you are the only person that can claim a credit or refund for the tax on undyed diesel fuel or undyed kerosene. You cannot claim a credit or refund for the tax on aviation-grade kerosene or other fuels used in aviation on a farm for farming purposes.

Fuels Used in Off-Highway Use
You may be eligible to claim a credit on your income tax return for the federal excise tax on certain fuels. You may also be eligible to claim a quarterly refund of the fuel taxes during the year, instead of waiting to claim a credit on your income tax return.

Table 14-1. Fuel Tax Credits and Refunds at a Glance
Use this table to see if you can take a credit or refund for a nontaxable use of the fuel listed.

<table>
<thead>
<tr>
<th>Fuel Used</th>
<th>On a Farm for Farming Purposes</th>
<th>Off-Highway Business Use</th>
<th>Household Use or Use Other Than as a Fuel*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gasoline</td>
<td>Credit only</td>
<td>Credit or refund</td>
<td>None</td>
</tr>
<tr>
<td>Aviation gasoline</td>
<td>Credit only</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Undyed diesel fuel, undyed kerosene, before October 1, 2005.</td>
<td>Credit or refund by registered ultimate vendor only</td>
<td>Credit or refund*</td>
<td>Credit or refund*</td>
</tr>
<tr>
<td>Undyed diesel fuel and undyed kerosene, after September 30, 2005.</td>
<td>Credit or refund by registered ultimate vendor only</td>
<td>Credit or refund*</td>
<td>Credit or refund*</td>
</tr>
<tr>
<td>Kerosene for use in aviation, after September 30, 2005.</td>
<td>Credit or refund by registered ultimate vendor only</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Dyed diesel fuel and dyed kerosene</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

\*For a use other than as fuel in a propulsion engine.

\*Applies to undyed kerosene not sold from a blocked pump or, under certain circumstances, for blending with undyed diesel fuel to be used for heating purposes.

See chapter 17 for information about getting publications and forms.
Fuel not used for farming. You do not use fuel on a farm for farming purposes when you use it in any of the following ways:

- Off the farm, such as on the highway or in noncommercial aviation, even if the fuel is used in transporting livestock, feed, crops, or equipment.
- For personal use, such as mowing the lawn.
- In processing, packaging, freezing, or canning operations.
- In processing crude gum into gum spirits of turpentine or gum resin or in processing maple sap into maple syrup or maple sugar.

Dyed Diesel Fuel and Dyed Kerosene

Before October 1, 2005, dyed diesel fuel and dyed kerosene were bought excise tax free. After September 30, 2005, the §501 Leaking Underground Storage Tank (LUST) tax is included on sales of dyed diesel fuel and dyed kerosene. If you purchase dyed diesel fuel and dyed kerosene for nonfarming purposes, you must pay the excise tax on these fuels. You may be eligible to claim a credit or refund for the fuel so used.

Fuels Used in Off-Highway Business Use

You may be eligible to claim a credit or refund for the excise tax on fuels you use for nontaxable uses. For more information, see Publication 378.

How To Claim a Credit or Refund

You may be able to claim a credit or refund of the excise tax on fuels you use for nontaxable uses. The basic rules for claiming credits and refunds are listed in Table 14-2. Keep at your principal place of business all records needed to enable the IRS to verify that you are the person entitled to claim a credit or refund and the amount you claimed. You do not have to use any special form, but the records should establish the following information:

- The total number of gallons bought and used during the period covered by your claim.
- The dates of the purchases.
- The names and addresses of suppliers and amounts bought from each during the period covered by your claim.
- The nontaxable use for which you used the fuel.
- The number of gallons used for each nontaxable use.

It is important that your records separately show the number of gallons used for each nontaxable use that qualifies as a claim. For more information about recordkeeping, see Publication 583, Starting a Business and Keeping Records.

Cream of the Crop

A credit of 100% of the excise tax on fuels is available for use in any motorboat.
Table 14-2. Claiming a Credit or Refund of Excise Taxes

<table>
<thead>
<tr>
<th>Credit</th>
<th>Refund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Form 4136, Credit for Federal Tax Paid on Fuels</td>
<td>Form 8849, Claim for Refund of Excise Taxes, and Schedule 1 (Form 8849)</td>
</tr>
</tbody>
</table>

Type of form
- Annual
- Quarterly

When to file
- With your income tax return
- By the last day of the quarter following the last quarter included in the claim

Amount of tax
- Any amount
- $750 or more

*You may carry over an amount less than $750 to the next quarter.

Claiming a Credit

When to claim a credit. You can claim a credit only if you meet certain requirements. You can claim a refund during the year instead of waiting until you file your tax return.

Credit only. You can claim the following taxes only as a credit:
- Tax on gasoline and aviation gasoline you used on a farm for farming purposes.
- Tax on fuels (including undyed diesel fuel or undyed kerosene after September 30, 2005) you used for nontaxable uses if the total for the tax year is less than $750.
- Tax on fuel you did not include in any claim for refund previously filed for any quarter of the tax year.

Claiming a Refund

Claiming a refund on Form 4136 is an optional process if you meet certain requirements. To receive the credit, you must claim a credit at least $750 at the end of the fourth quarter of your tax year when you used the fuel.

How to claim a refund. You can make a claim for refund of the excise tax on fuel on Form 8849.

Example. Patty Green, an accrual basis farmer, filed her 2005 Form 1040 on March 3, 2006. On her Schedule F, she deducted the total cost of gasoline (including $110 of excise taxes) used on the farm for farming purposes. Then, on Form 4136, she claimed the $110 as a credit. Sharon reports the $110 as other income on line 10 of her 2006 Schedule F.

Accrual method. If you use an accrual method, include the amount of credit or refund in gross income for the tax year in which you used the fuels. It does not matter whether you filed for a quarterly refund or claimed the entire amount as a credit.

Example. Patty Green, an accrual basis farmer, files her 2005 Form 1040 on April 15, 2006. On Schedule F, she deducts the total cost of gasoline (including $155 of excise taxes) she used on the farm for farming purposes during 2005. On Form 4136, Patty claims the $155 as a credit. She reports the $155 as other income on line 10 of her 2006 Schedule F.

Estimated Tax

Introduction

You are not required to pay estimated tax if you expect to owe less than $1,000 (after subtracting your credits and income tax withholdings). If you are a qualified farmer, defined later, you are subject to the special rules covered in this chapter for paying estimated tax.

Topics

This chapter discusses:
- Special estimated tax rules for qualified farmers

Including the Credit or Refund in Income

Include any credit or refund of excise taxes on fuels in your gross income if you claimed the total cost of the fuel (including the excise taxes) as an expense deduction that reduced your income tax liability.

Which year you include a credit or refund in gross income depends on whether you use the cash or an accrual method of accounting.

Cash method. If you use the cash method and file a claim for refund, include the refund amount in gross income for the tax year in which you receive the refund. If you claim a credit on your income tax return, include the credit amount in gross income for the tax year in which you file Form 4136. If you file an amended return and claim a credit, include the credit amount in gross income for the tax year in which you receive the credit.

Example. Sharon Brown, a cash basis farmer, filed her 2005 Form 1040 on March 3, 2006. On her Schedule F, she deducted the total cost of gasoline (including $110 of excise taxes) used on the farm for farming purposes. Then, on Form 4136, she claimed the $110 as a credit. Sharon reports the $110 as other income on line 10 of her 2006 Schedule F.

Accrual method. If you use an accrual method, include the amount of credit or refund in gross income for the tax year in which you used the fuels. It does not matter whether you filed for a quarterly refund or claimed the entire amount as a credit.

Example. Patty Green, an accrual basis farmer, files her 2005 Form 1040 on April 15, 2006. On Schedule F, she deducts the total cost of gasoline (including $155 of excise taxes) she used on the farm for farming purposes during 2005. On Form 4136, Patty claims the $155 as a credit. She reports the $155 as other income on line 10 of her 2006 Schedule F.

15.
Gross Income

Gross income is all income you receive in the form of money, goods, property, and services that is not exempt from tax. To determine whether two-thirds of your gross income for 2005 was from farming, use your gross income total of the following amounts from your tax return:

- Wages, salaries, tips, etc. from Form 1040, line 7.
- Taxable interest from Form 1040, line 8a.
- Ordinary dividends from Form 1040, line 9a.
- Taxable refunds of state and local income taxes from Form 1040, line 10.
- Alimony from Form 1040, line 11.
- Gross business income from Schedule C (Form 1040), line 7.
- Gross business receipts from Schedule C–EZ (Form 1040), line 1.
- Capital gains from Form 1040, line 13, including gains from Schedule D (Form 1040). Losses are not netted against gains.
- Gains on sales of business property from Form 1040, line 14.
- Taxable IRA distributions, pensions, annuities, and social security benefits.
- Gross royalty income from Schedule E (Form 1040), line 4.
- Taxable net income from an estate or trust reported on Schedule E (Form 1040), line 37.
- Income from a Real Estate Mortgage Investment Conduit reported on Schedule E (Form 1040), line 39.
- Gross farm rental income from Form 4835, line 7.
- Gross farm income from Schedule F (Form 1040), line 4.
- Your distributive share of gross income from a partnership, or limited liability company treated as a partnership, from Schedule K–1 (Form 1065).
- Your pro rata share of gross income from an S corporation, from Schedule K–1 (Form 1120S).
- Unemployment compensation from Form 1040, line 19.
- Other income reported on Form 1040, line 21, not included with any of the items listed above.

Gross income is the same as total income shown on line 22 of Form 1040.

Gross Income From Farming

Gross income from farming is income from cultivating the soil or raising agricultural commodities. It includes the following amounts:

- Income from operating a stock, dairy, poultry, bee, fruit, or truck farm.
- Income from a plantation, ranch, nursery, range, orchard, or oyster bed.
- Crop shares for the use of your land.
- Gains from sales of draft, breeding, dairy, or sporting livestock.

For 2005, gross income from farming is the total of the following amounts from your tax return:

- Gross farm income from Schedule F (Form 1040), line 11.
- Gross farm rental income from Form 4835, line 7.
- Gross farm income from Schedule E (Form 1040), Parts II and III. See the instructions for line 42.
- Gains from the sale of livestock used for draft, breeding, sport, or dairy purposes reported on Form 4797.

For more information about income from farming, see chapter 3.

Farm income does not include any of the following:

- Wages you receive as a farm employee.
- Income you receive from contract grain harvesting and hauling with workers and machines you furnish.
- Gains you receive from the sale of farm land and depreciable farm equipment.

Percentage From Farming

Figure your gross income from all sources, discussed earlier. Then figure your gross income from farming, discussed above. Divide your farm gross income by your total gross income to determine the percentage of gross income from farming.

Example 1.

Jane Smith had the following total gross income and farm gross income amounts in 2005.

<table>
<thead>
<tr>
<th>Taxable interest</th>
<th>Dividends</th>
<th>Rental income (Sch E)</th>
<th>Farm income (Sch F)</th>
<th>Gain (Form 4797)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,000</td>
<td>500</td>
<td>41,500</td>
<td>75,000</td>
<td>5,000</td>
</tr>
</tbody>
</table>

Total: $125,000

Gross income from farming: $75,000

Percentage from farming: 60%

Gross Income From Farming

Jane Smith’s farm income from Schedule F (Form 1040), line 11, was $75,000. She does not qualify to use the special estimated tax rules for qualified farmers, discussed next, since 67.9% (at least two-thirds) of her gross income is from farming ($95,000 + $140,000 = 67.9%).

Special Rules for Qualified Farmers

The following special estimated tax rules apply if you are a qualified farmer for 2005.
You do not have to pay estimated tax if you file your 2005 tax return and pay all the tax due by March 1, 2006.

You do not have to pay estimated tax if you expect your 2005 income tax withholding to be at least 66⅔% (.6667) of the total tax to be shown on your 2005 tax return or 100% of the total tax shown on your 2004 return.

If you must pay estimated tax, you are required to make only one estimated tax payment (your required annual payment) by January 17, 2006, using special rules to figure the amount of the payment. See Required Annual Payment, next, for details.

Figure 15–1 presents an overview of the special estimated tax rules that apply to qualified farmers.

### Required Annual Payment

If you are a qualified farmer and must pay estimated tax for 2005, use the worksheet on Form 1040–ES to figure the amount of your required annual payment. Apply the following special rules for qualified farmers to the worksheet:

- On line 14a, multiply line 13c by 66⅔% (.6667).
- On line 14b, enter 100% of the tax shown on your 2004 tax return regardless of the amount of your adjusted gross income.

For this purpose, the “tax shown on your 2004 tax return” is the amount on line 62 of your 2004 return modified by certain adjustments. For more information, see Total tax for 2004 under Required Annual Payment in chapter 2 of Publication 505.

### Estimated Tax Penalty for 2005

If you do not pay all your required estimated tax for 2005 by January 17, 2006, or file your 2005 return and pay the tax by March 1, 2006, you should use Form 2210–F, Underpayment of Estimated Tax by Farmers and Fishermen, to determine if you owe a penalty. If you owe a penalty but do not file Form 2210–F with your return and pay the penalty, you will get a notice from the IRS. You should pay the penalty as instructed by the notice.

If you file your return by April 17, 2006, and pay the bill within 21 calendar days (10 business days if the bill is $100,000 or more) after the notice date, the IRS will not charge you interest on the penalty.

Do not ignore a penalty notice, even if you think it is in error. You may get a penalty notice even though you filed your return on time, attached Form 2210–F, and met the gross-income-from-farming requirement. If you receive a penalty notice for underpaying estimated tax and you think it is in error, write to the address on the notice and explain why you think the notice is in error. Include a computation similar to the one in Example 1 (earlier), showing that you met the gross income from farming requirement.

### Sample Return

This sample return uses actual forms to show you how to prepare your income tax return. However, the information shown on the filled-in forms is not from any actual farming operation.

 Walter Brown is a dairy farmer filing jointly with his wife, Jane. Their return has been prepared using the cash method of accounting. See chapter 2 for an explanation of the cash method and other methods of accounting.

Rounding off to whole dollars. You may round off cents to whole dollars on your return and schedules. If you do round to whole dollars, you must round all amounts. To round, drop amounts under 50 cents and increase amounts from 50 to 99 cents to the next dollar (for example, $1.39 becomes $1 and $2.50 becomes $3). If your loss is more than your other income for the year, you may have a net operating loss (NOL). You may also have an NOL if you had a personal or business-related casualty or theft loss that was more than your income. If you have an NOL this year, you may be able to reduce your income (and tax) in other years by carrying the NOL to those years and deducting it from income.

To determine if you have an NOL, complete your tax return for the year. You may have an NOL if a negative figure appears on Form 1040, line 41. If this is the case, see Losses From Operating a Farm in chapter 4.

### Preparing the Return

#### Schedule F (Form 1040)

The first step in preparing Mr. Brown’s income tax return is to determine his net farm profit or loss on Schedule F. The income and expenses shown on this Schedule F are taken from his farm receipt and expense records. Data for the depreciation and section 179 deductions are taken from Form 4562 and the Illustrated Depreciation Worksheet that follows Form 4562. Mr. Brown has filed all required Form 1099 information returns.

On line B, he writes the number “12120” from the list of Principal Agricultural Activity Codes on page 2 of Schedule F (not shown). This indicates that his principal source of farm income is from dairy farming.

---

### Figure 15-1: Estimated Tax for Qualified Farmers

- **Start Here:**
  - Do you expect to owe $1,000 or more after subtracting your withholding and credits?
    - Yes
    - No
  - If yes, follow the general estimated tax rules.
  - If no, continue with the next question.

- **Was at least 66⅔% of all your gross income in 2004 or 2005 from farming?**
  - Yes
  - No

- **Do you expect your 2005 income tax withholding and credits to be at least 66⅔% of the tax shown on your 2005 return?**
  - Yes
  - No

- **Do you expect your 2005 income tax withholding and credits to be at least 100% of the tax shown on your 2004 return?**
  - Yes
  - No

- **Will you file your income tax return and pay the tax in full by March 17?**
  - Yes
  - No

- **You must pay your estimated tax (your required annual payment) by January 17.**
  - Yes
  - No

**Note:** See Special Rules for Qualified Farmers, later, for a detailed description of the special estimated tax rules that apply to qualified farmers.
Schedule F–Part I (Income)
Mr. Brown keeps records of the various types of farm income he receives during the year. (Farm income is discussed in chapter 3.) He uses this information to complete Part I of Schedule F.

Line items. He fills in all applicable items of farm income.

Line 1. In 2005, he sold steers he had bought for resale. He enters sales of $27,192.

Line 2. He enters the cost of the steers, $6,523. He has kept a record of the cost of the livestock he bought and is careful to deduct the cost of an animal in the year of its sale.

Line 3. He subtracts his cost on line 2 from the sales on line 1 and reports the difference, $20,669, as his profit on line 3. Had he sold any other items he bought for resale, he would combine the sales and costs of these items with the sales and costs of the steers and report only the totals on lines 1, 2, and 3. He does not report here sales of livestock held for draft, breeding, sport, or dairy purposes. He reports those sales on Form 4797.

Line 4. He enters the income he received during 2005 from sales of items he raised or produced on his farm. His principal source of farm income is dairy farming. The amount reported on this line, $283,018, includes sales of all of the following:

- Milk ................................................ $233,874
- Steers and calves he raised* ........................ 2,914
- Vegetables he grew ................................ 1,457
- Corn (C\$7.28), hay (C\$16.84), and wheat (C\$8.54) he raised .................. 24,773

Total reported on line 4 .................................. $283,018

* Raised other than for draft, breeding, sport, or dairy purposes.

Lines 5a and 5b. He reports the $33 he received from cooperatives on line 5a. Since this is the dollar amount of a qualified written notice of allocation paid as part of a patronage dividend, he enters $33 as the taxable amount on line 5b.

Lines 6a and 6b. He received Farm Service Agency (FSA) cost-sharing payments of $438 on a soil conservation project (diversion channels) completed in 2005. He received the income as materials and services paid for by the government and reports it on both line 6a and line 6b. The Department of Agriculture (USDA) generally reports such payments to the recipient on Form 1099-G. The entire $438 has been included on Schedule F, line 14, as a conservation expense. He did not receive any cost-sharing payments this year that he could exclude from his farm income.

Line 7a. He reports the $665 loan he received from the Commodity Credit Corporation (CCC) because he elected in a previous year to treat these loans as income in the year received and forfeited the loan in a later year, he would report the loan as income on lines 7b and 7c in the year of forfeiture.

Line 9. He reports his $1,258 of income from custom harvesting.

Line 10. On his 2004 income tax return, he claimed a credit of $142 for excise taxes on so he does not enter $142 on his 2005 income on line 10 because he deducted the total cost of gasoline (including the $142 of excise taxes) as a farm business expense in 2004.

Schedule F–Part II (Expenses)
Mr. Brown records his farm expenses during the year for tax purposes and summarizes these expenses at the end of the year. (Farm business expenses are discussed in chapter 4.) This gives him his deductible expenses, which he enters in Part II of Schedule F.

Line items. He fills in all applicable items of farm expense deductions.

Line 12. He uses his trucks 100% for his farming business and the actual cost (not including depreciation) of operating the trucks in 2005 was $2,659, which he enters on line 12. (Depreciation is reported on line 16.)

Line 13. The $2,701 on this line is the amount he paid for pesticides and herbicides purchased during the year.

Line 14. He deducts the $1,040 spent on diversion channels in 2005. The amount listed here includes the full cost of the government cost-sharing project, which he has reported as income on line 6b. He continues the policy elected in previous years of deducting annual soil and water conservation expenses. The expenses are consistent with a conservation plan approved by the Natural Resources Conservation Service of the USDA. The amount was not more than 25% of Mr. Brown’s gross income from farming, so the entire amount is deductible. See chapter 5 for more information on soil and water conservation expenses.

Line 15. The $1,575 on this line is the amount he paid a company for spraying his crops. He made the payment to a corporation, so he does not file a Form 1099-MISC to report the payment.

Line 16. He enters the $77,915 depreciation from Form 4562, discussed later.

Line 18. He enters the $18,019 cost of feed bought for consumption by his livestock in 2005. He did not include the cost of feed bought for livestock he and his family intend to consume. He also did not include the value of feed grown on his farm.

Line 19. He enters $6,544. This is the amount paid for fertilizer and lime.

Line 20. He deducts the $5,105 he paid for trucking and marketing expenses. He chose to itemize the $807 government milk assistance and lasts it separately on line 34a.

Line 21. He deducts the $3,521 cost of gasoline, fuel, and oil bought for farm use, other than amounts he included on line 12 for car and truck expenses. He did not deduct the cost of fuel used for heating, lighting, or cooking in his home.

Line 22. He deducts the $1,070 cost of insurance on his farm buildings (but not on his home), equipment, livestock, and crops. He did not deduct the entire premiums on 3-year and 5-year insurance policies in the year of payment, but deducts each year only the part that applies to that year. For more information, see Insurance in chapter 4.

Lines 23a and 23b. He deducts on line 23a the $3,175 interest paid on the farm mortgage for the land and buildings used in farming. He deducts on line 23b the $1,043 interest paid on obligations incurred to buy livestock and other personal property used in farming or held for sale. He deducts his home mortgage interest on Schedule A (Form 1040), which is not shown.

Line 24. He enters the $16,416 in wages he paid the year for labor hired to operate his farm, including wages paid to his wife and children. He did not include amounts paid to himself. He has no employee credits (such as the work opportunity credit) that would reduce the amount of wages entered. For those wages paid that were subject to social security and Medicare taxes, he included the full amount of the wages before the reduction for the employee’s share of those taxes, or other amounts withheld. His share of the self-employment taxes is included in the total taxes deducted on line 31. See chapter 13 for information on employment taxes.

Line 26b. He enters only the $2,400 cash rent paid for the use of land he rented from a neighbor, Mr. Green. He did not deduct rent paid in crop shares. He completed a Form 1099-MISC for the rent paid to Mr. Green and sent Copy A to the IRS with Form 1096. He gave Mr. Green copy B of the Form 1099-MISC.

Line 27. The $5,424 he enters includes $4,902 for repairs to farm machinery and $522 for repairs to farm buildings. He did not include the value of his own labor or the cost of repairs on his home. He prepared Form 1099-MISC for the farm machinery repair because the repair shop is not a corporation. He sent Copy A to the IRS with Form 1096 and gave copy B to the owner of the repair shop. If the repair shop had been a corporation, Mr. Brown would not have had to file a Form 1099-MISC. He does not have to file a Form 1099-MISC for the building repair because he paid less than $600.

Line 28. He enters the $2,132 cost of seeds and plants used in farming. He deducts these costs each year. He did not include the cost of plants and seeds purchased for the family garden.

Line 30. He enters the $2,807 paid for live-stock supplies and other supplies, including bedding.

Line 31. He enters $3,201 for taxes paid during 2005, including state and local taxes on the real estate and personal property used in farming. He did not include the sales tax paid on farm supplies and services paid for by the government for the cost for supplies he deducted on line 30. He also did not include the gasoline tax on the gasoline he used in his trucks for farm business, because these taxes were included in the costs for gasoline he deducted on lines 21 and 12. He included his share of social security and Medicare taxes paid for agricultural employees. He filed Form 943 (not shown) in January 2006, reporting these taxes for calendar year 2005.
He does not deduct, on Schedule F, his state income tax or the taxes on his home and the part of his business income subject to these taxes on Schedule A (Form 1040), which is not shown. He does not deduct any federal income tax paid during the year.

**Line 32.** He enters $3,997 for the cost of water, electricity, gas, and telephone service used only in farming. He cannot deduct personal utilities. He also cannot deduct the cost of basic local telephone service (including any taxes) for the first telephone line to his home.

**Line 33.** He enters $3,251, the total paid during 2005 for veterinary fees ($1,855), live-stock medicines ($650), and breeding fees ($746). He does not prepare Form 1099-MISC for the veterinarian and the supplier of breeding services because both are incorporated.

**Line 34.** He enters other farm business expenses. These include: an $807 government milk assessment; $347 for commissions, dues, and fees; $287 for financial records and office supplies; $233 for local telephone service (including any taxes) for the first telephone line to his home.

**Line 36.** Net farm profit. To arrive at his net farm profit, he subtracts the amount on line 35 ($165,970) from the amount on line 11 ($286,223). His net farm profit, entered on line 36, is $120,253. He also enters that amount on Form 1040, line 18, and on Schedule SE (Form 1040), Section A, line 1. Because he shows a net profit on line 36, he skips line 37.

**Form 4562 - Depreciation and Amortization.**

Mr. Brown follows the instructions and lists the information called for in Parts I through IV. He also completes Part V on page 2 to provide information on listed property used in his farming business. The two vehicles used in his business are listed property. The truck, sold in July and shown on Form 4797, was placed in service in 1995 and fully depreciated in 2000. No depre-ciation is allowed for 2005.

Depreciation record. He records information on his depreciable property in a book that he can use to figure his depreciation allowance for sev-eral years. He uses the Depreciation Worksheet from the Form 4562 instructions to figure his 2005 depreciation.

**Basis for depreciation.** He bought his farm on January 8, 1978. Timber on the farm was immature and had no fair market value (FMV). He immediately allocated the total purchase price of the farm among the land, house, barn, and fences (no other capital improvements were included in the purchase price of the farm). He made the allocation on the purchase date in proportion to (but not in excess of) the FMVs of the assets and in the required property class. See Trade or Business Income Tax in Publication 551 for more infor-mation.

He entered in his depreciation record the part of the purchase price for the depreciable barn and fences, giving him the basis for figuring his depreciation allowance. The fences were fully depreciated in 1987. Because he cannot depreciate the house (no office claimed) and land, he keeps a separate record showing their bases.

**Methods of depreciation.** He chose the alternating method for his depreciable assets and the self-employment tax deduction. He follows the instructions and lists the information called for in Parts I through IV. He also completes Part V on page 2 to provide information on listed property used in his farming business (without including the sec-tion 179 property) and the self-employment tax deduction. He has no amortization, so he does not use the MACRS depreciation for assets placed in service from 2001 through 2003.

**Line 19.** All property placed in service in 2005 in each class is grouped and entered in Part III. The abbreviation HY used in column (e) stands for the half-year convention. The 150 DB depreciation in column (f) stands for the 150% declining bal-ance method under MACRS.

**Line 21.** He enters his depreciation deduction for listed property, $1,179, on line 21. This is the total shown on line 28 of the form. He has one depreciable asset that is listed property—the pickup truck purchased in 2002. The other truck, which he sold this year, was fully depreciated.

**Line 22.** He enters the total depreciation on line 22 and carries the total, $77,915 to Sched-ule F, line 16.

Other items. He completes Sections A and B of Part V to provide the information required for listed property. He does not complete Section C because he does not provide vehicles for his employees’ use. He follows the practice of writing down the odometer readings on his vehicles at the end of each year and when he places the vehicles in service and disposes of them. He uses these records to answer the questions on lines 24a and 24b of Section A and lines 30 through 36 of Section B. He has no amortization, so he does not use Part VI of Form 4562.

**Schedule SE (Form 1040) Self-Employment Tax.**

After figuring his net farm profit on page 1 of Schedule F, Mr. Brown figures his self-employ-ment tax. To do this, he figures his net earnings from farm self-employment on Short Schedule SE (Section A). He is not required to use Long Schedule SE (Section B). First he prints his name (as shown on his Form 1040) and his social security number at the top of Schedule SE. Only his name and social security number go on Schedule SE. His wife does not have self-employment income. If she had self-employ-ment income, she would file her own Schedule SE.

**Line 1.** He figures his self-employment tax on the following lines.

**Line 1.** He enters his net farm profit, $120,253. All the income, losses, and deduc-tions listed on Schedule F are included in deter-
mining net earnings from farm self-employment (see the types of self-employment income listed in chapter 12). Consequently, he did not have to adjust his net profit to determine his self-employment net earnings from farming.

**Line 3.** If he were engaged in one or more other businesses in addition to farming, he would combine his net profits from all his trades or businesses on line 3 of this schedule. However, because farming was his only business, he enters his net profit from farming (the amount shown on line 1).

**Line 4.** He multiplies line 3 by .9235 to get his net earnings from self-employment and enters $11,054 on line 4.

**Lines 5 and 6.** He completes the calculations on line 5 and enters $14,381 on line 5. This is his self-employment tax for 2005. He also enters $14,361 on line 58 of Form 1040. He enters $7,191 on line 6 and also on Form 1040, line 27 (deduction for one-half of his self-employment tax).

**Form 4684-Casualties and Thefts.**

Mr. Brown’s only business casualty occurred on July 7 when a dairy cow he purchased 4 years ago was killed by lightning. He shows the loss from the casualty on page 2 of Form 4684. Only page 2 is shown, because page 1 is for nonbusiness casualties.

He prints his name, his wife’s name, and his identifying number at the top of page 2.

**Part I.** He prints the kind of property, “Dairy cow #42,” its location, and the date acquired on line 22. He enters his adjusted basis in the cow, $257, on line 23 and the $109 insurance payment he received for the cow on line 24. Line 23 is more than line 24, so he skips line 25. On lines 26 and 27, he enters the FMV’s before and after the casualty ($500 and $0, respectively), and he shows the difference, $500, on line 28. He enters the amount from line 23 on line 29, subtracts line 29 from line 26, and enters $148 on lines 30 and 31.

**Part II.** He owned the cow for more than one year, so he identifies the casualty on line 37 and enters $148 on lines 37(b)(i), 38(b)(i), 40, and 41a, and on Form 4979, Part II, line 14.

**Form 4797- Sales of Business Property.** After completing Schedule F (Form 1040) and Section B of Form 4684, Mr. Brown fills in Form 4797 to report the sales of business property. See Table 9-1 in chapter 9 for the types of property reported on Form 4797.

He prints his name, his wife’s name, and his identifying number at the top of Form 4797.

Before he can complete Parts I and II, he must complete Part III to report the sale of certain depreciable property.

**Part III.** Mr. Brown sold three depreciable assets in 2005 at a gain. They consisted of a truck, a mower, and a purchased dairy cow, #60. He has information about their cost and depreciation in his records. Only the dairy cow appears on the Depreciation Worksheet. The truck and mower were fully depreciated.

He sold the truck on July 9, the mower on August 12, and the cow on October 28. Since the gain on the sale of these items were gains from dispositions of depreciable personal property, as explained in chapter 9, he must determine the part of the gain for each item that was ordinary income.

He enters the description of each item on lines 19A through 19C and relates the corresponding property columns to the properties on those lines. He completes lines 20 through 25(b) for each disposition.

**Gain from dispositions.** The gain on each item is shown on line 24. His gain on the sale of the truck is $700 (Property A). His gain on the sale of the mower is $70 (Property B). His gain on the sale of the cow is $82 (Property C). The gain on each item is entered in the appropriate property column on line 25(b).

**Summary of Part III gains.** On line 30, he enters $852, the total of property columns A through C, line 24. On line 31, he enters $852, the total of property columns A through C, line 25(b). This amount is the gain that is ordinary income. He also enters this amount on Part II, line 13.

He subtracts line 31 from line 30 and enters 0 on line 32. He has no long-term capital gain on the dispositions. All his gain is ordinary income.

**Part I.** All the animals in Part I met the required holding period.

Mr. Brown sold at a gain several cows he had raised and used for dairy purposes. His selling expense was $325 for these cows, which he shows on line 2(f). He enters the gain from the sale on line 2(g). He also enters on line 2(g) the loss from the sale of purchased dairy cow #52. Because he sold purchased dairy cow #52 at a loss, he entered in Part I instead of Part III. See Table 9-1 in chapter 9 for where to report items on Form 4797.

He combines the gains and losses on line 2(g) and enters $12,740 on line 7(g). He has no nonrecaptured net section 1231 losses from prior years, so he does not fill in lines 8, 9, and 12. If he had nonrecaptured section 1231 losses, part or all of the gain on line 7 would be ordinary income and entered on line 12. Based on the instructions for line 7, he enters $12,740 as a long-term capital gain on Schedule D, line 11(b).

**Part II.** Mr. Brown enters on line 10 the $250 gain from the sale of a raised dairy heifer held less than 24 months for breeding purposes. He had previously entered the $852 gain from Part III, line 31, on line 13 and the $148 loss from Form 4684 on line 14. He totals lines 10 through 16 and enters $954 on line 17. He carries the gain from line 17 to line 18b and shows it as ordinary income on Form 1040, line 14.

**Schedule D (Form 1040) Capital Gains and Losses.** After completing Form 4797, Mr. Brown fills in Schedule D to report gains and losses on capital assets. He prints his name, his wife’s name, and his social security number at the top of Schedule D.

**Entries.** He enters the required information in the appropriate columns.

**Lines 1 and 3.** He has no short-term transactions to report so he skips Part I of Schedule D.

**Lines 8 and 10.** He enters in column (f) on line 8 his $14,000 long-term loss (using brackets to indicate the loss) on the sale of Circle Corporation stock held more than one year. He includes the gross sales price in column (d) on lines 8 and 10.

**Line 11.** Mr. Brown had previously entered on line 11 the gain from line 7(g) of Form 4797.

**Line 15.** He combines the column (f) amounts on lines 8 and 11 and enters the result on line 15.

**Line 16.** In Part III, he combines lines 7 and 15 and enters his total capital loss on lines 16 and 21. He also enters this amount on Form 1040, line 13. The loss amounts are always written in brackets to distinguish the loss. After he completes his Form 1040 through line 43, he will use the Schedule J (Form 1040), Income Averaging for Farmers and Fishermen, to determine if it yields the lowest tax.

**Form 1040, Page 1**

Mr. Brown is filing a joint return with his wife.

**Line items.** He fills in all applicable items on page 1 of Form 1040.

**Chapter 16 Sample Return**

Mr. Brown works for Mr. Brown on the farm during 2005. He enters on line 7 her total wages, $8,950, as shown on the Form W-2 that he gave her.

**Lines 8a and 9a.** He did not actually receive cash payment for the interest he listed on line 8a ($595). It was credited to his account so that he could have withdrawn it in 2005. Therefore, he constructively received it and correctly included it in his income for 2005.

He received patronage dividends from farmers’ cooperatives based on business done with these cooperatives. He does not list these dividends here, but properly included them on Schedule F, Part I, lines 5a and 5b.

If he did not receive more than $1,500 in interest or $1,500 in dividends and none of the other conditions listed at the beginning of the Schedule B instructions applied, he is not required to complete Schedule B.

**Lines 13, 14, and 18.** He previously entered the following items.

- His capital loss on line 13 from Schedule D, line 21.
- His other gain on line 14 from Form 4797, line 18b.
- His net farm profit on line 16 from Schedule F, line 36.

**Line 22.** He adds the amounts on lines 7 through 21 and enters the total, $129,492.

**Line 27.** He has already entered one-half of his self-employment tax, $7,191, which he figured on Schedule SE.

**Line 29.** He paid premiums of $7,042 during the year and entered them on line 28 on the Depreciation Worksheet. The truck and mower were fully depreciated.

He has no short-term transactions to report so he skips Part I of Schedule D.

- He enters in column (f) on line 8 his $14,000 long-term loss (using brackets to indicate the loss) on the sale of Circle Corporation stock held more than one year. He includes the gross sales price in column (d) on lines 8 and 10.
- He enters the required information in the appropriate columns.

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would have been due on January 17, 2006) prate year and enters the results on lines 8, 12, make a 2005 estimated tax payment (which appropriate Tax Rate Schedules for the appro-

Lines 8, 12, and 16.

Lines 18, 19, and 20.

Lines 21.

Lines 22.

Form 1040, Page 2

He enters the amounts on lines 23 through 31(a) and 32 through 35 and enters the total, $17,691, on line 36. Lines 37 and 38. He subtracts line 36 from line 22 to get his adjusted gross income and enters the result, $11,801, on line 37 and also on line 38 of page 2.

Schedule J (Form 1040) Income Averaging for Farmers and Fishermen

In 2005, Mr. Brown’s taxable income, $90,401, is substantially higher than in each of the 3 previous years. His taxable income amounts were only $3,968, $667, and $1,112 for 2004, 2003, and 2002, respectively. He elects to use income averaging by completing Schedule J to figure his tax.

He prints his name, his wife’s name, and his identifying number at the top of Schedule J.

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<table>
<thead>
<tr>
<th>Filing Status</th>
<th>Exemptions</th>
<th>Income</th>
<th>Adjusted Gross Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Single</td>
<td>2</td>
<td>7,095</td>
<td>23</td>
</tr>
<tr>
<td>2 Married filing jointly (even if only one had income)</td>
<td>2</td>
<td>8,095</td>
<td>24</td>
</tr>
<tr>
<td>3 Married filing separately. Enter spouse's SSN above and full name here.</td>
<td>2</td>
<td>5,954</td>
<td>25</td>
</tr>
<tr>
<td>4 Head of household (with qualifying person). (See page 17) If the qualifying person is a child but not your dependent, enter this child's name here.</td>
<td>6a (1)</td>
<td>5,595</td>
<td>26</td>
</tr>
<tr>
<td>5 Qualifying widow(er) with dependent child (see page 17)</td>
<td>9b</td>
<td>122,031</td>
<td>27</td>
</tr>
<tr>
<td>6c Total number of exemptions claimed</td>
<td>2</td>
<td>129,492</td>
<td>28</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Exemptions</th>
<th>Income</th>
<th>Adjusted Gross Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 Wages, salaries, tips, etc. Attach Form(s) W-2</td>
<td>7a Tax-exempt interest. Attach Schedule B if required</td>
<td>23</td>
</tr>
<tr>
<td>8a Taxable interest. Attach Schedule B if required</td>
<td>8b Tax-exempt interest. Do not include on line 8a</td>
<td>24</td>
</tr>
<tr>
<td>9a Ordinary dividends. Attach Schedule B if required</td>
<td>9b Ordinary dividends (see page 20)</td>
<td>25</td>
</tr>
<tr>
<td>10 Taxable refunds, credits, or offsets of state and local income taxes (see page 20)</td>
<td>10b No. of children on 6c</td>
<td>26</td>
</tr>
<tr>
<td>11 Alimony received</td>
<td>11b Pensions and annuities</td>
<td>27</td>
</tr>
<tr>
<td>12 Business income on page A, Attach Schedules C or D</td>
<td>12b Taxable amount (see page 22)</td>
<td>28</td>
</tr>
<tr>
<td>13 Capital gain (if any). Attach Schedule D if required. If not required, check here</td>
<td>13b Taxable amount (see page 22)</td>
<td>29</td>
</tr>
<tr>
<td>14 Other gains or (losses). Attach Form 4797</td>
<td>14b Taxable amount (see page 22)</td>
<td>30</td>
</tr>
<tr>
<td>15a IRA distributions</td>
<td>15b IRA distributions</td>
<td>31</td>
</tr>
<tr>
<td>16a Tax-exempt interest. Attach Schedule B if required</td>
<td>16b Tax-exempt interest. Do not include on line 16a</td>
<td>32</td>
</tr>
<tr>
<td>17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E</td>
<td>17b Pensions and annuities</td>
<td>33</td>
</tr>
<tr>
<td>18 Farm income or loss. Attach Schedule F</td>
<td>18b Pensions and annuities</td>
<td>34</td>
</tr>
<tr>
<td>19 Unemployment compensation</td>
<td>19b Pensions and annuities</td>
<td>35</td>
</tr>
<tr>
<td>20a Tax-exempt social security benefits</td>
<td>20b Tax-exempt social security benefits</td>
<td>36</td>
</tr>
<tr>
<td>21 Other income. List type and amount (see page 24) Add amounts on lines above</td>
<td>21b Taxable amount (see page 24)</td>
<td>37</td>
</tr>
<tr>
<td>22 Add the amounts in the far right column for lines 7 through 21. This is your total income</td>
<td>22b Taxable amount (see page 24)</td>
<td>38</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Adjusted Gross Income</th>
<th>Income</th>
<th>Adjusted Gross Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>23 Educator expenses (see page 26)</td>
<td>23b Tax-exempt interest. Do not include on line 23a</td>
<td>24</td>
</tr>
<tr>
<td>24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ</td>
<td>24b Tax-exempt interest. Do not include on line 24a</td>
<td>25</td>
</tr>
<tr>
<td>25 Health savings account deduction. Attach Form 8889</td>
<td>25b Tax-exempt interest. Do not include on line 25a</td>
<td>26</td>
</tr>
<tr>
<td>26 Moving expenses. Attach Form 3903</td>
<td>26b Tax-exempt interest. Do not include on line 26a</td>
<td>27</td>
</tr>
<tr>
<td>27 One-half of self-employment tax. Attach Schedule SE</td>
<td>27b 7,091</td>
<td>28</td>
</tr>
<tr>
<td>28 Self-employed SEP, SIMPLE, and qualified plans</td>
<td>28b 7,091</td>
<td>29</td>
</tr>
<tr>
<td>29 Self-employed health insurance deduction (see page XX)</td>
<td>29b 7,091</td>
<td>30</td>
</tr>
<tr>
<td>30 Penalty on early withdrawal of savings</td>
<td>30b 7,091</td>
<td>31</td>
</tr>
<tr>
<td>31a Alimony paid</td>
<td>31b Alimony paid</td>
<td>32</td>
</tr>
<tr>
<td>31b Recipient's SSN</td>
<td>31c Alimony paid</td>
<td>32b Recipient's SSN</td>
</tr>
<tr>
<td>32 IRA deduction (see page XX)</td>
<td>32c IRA deduction (see page XX)</td>
<td>33b Recipient's SSN</td>
</tr>
<tr>
<td>33 Student loan interest deduction (see page XX)</td>
<td>33c Student loan interest deduction (see page XX)</td>
<td>34b Recipient's SSN</td>
</tr>
<tr>
<td>34 Tuition and fees deduction (see page XX)</td>
<td>34c Tuition and fees deduction (see page XX)</td>
<td>35b Recipient's SSN</td>
</tr>
<tr>
<td>35 Domestic production activities deduction. Attach Form 8933</td>
<td>35c Domestic production activities deduction. Attach Form 8933</td>
<td>36b Recipient's SSN</td>
</tr>
<tr>
<td>36 Add lines 23 through 31a and 32 through 35</td>
<td>36c Add lines 23 through 31a and 32 through 35</td>
<td>37b Recipient's SSN</td>
</tr>
<tr>
<td>37 Subtract line 36 from line 22. This is your adjusted gross income</td>
<td>37c Subtract line 36 from line 22. This is your adjusted gross income</td>
<td>38b Recipient's SSN</td>
</tr>
</tbody>
</table>
The type and rule above prints on all proofs including departmental reproduction proofs. MUST be removed before printing.
### Part I: Short-Term Capital Gains and Losses—Assets Held One Year or Less

<table>
<thead>
<tr>
<th></th>
<th>Description of property (Example: 100 sh. XYZ Co.)</th>
<th>Date acquired (Mo., day, yr.)</th>
<th>Date sold (Mo., day, yr.)</th>
<th>Sales price (see page D-6 of the instructions)</th>
<th>Cost or other basis (see page D-6 of the instructions)</th>
<th>Gain or (loss)</th>
<th>Subtract (e) from (d)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Enter your short-term totals, if any, from Schedule D-1, line 2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Total short-term sales price amounts. Add lines 1 and 2 in column (d).</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Part II: Long-Term Capital Gains and Losses—Assets Held More Than One Year

<table>
<thead>
<tr>
<th></th>
<th>Description of property (Example: 100 sh. XYZ Co.)</th>
<th>Date acquired (Mo., day, yr.)</th>
<th>Date sold (Mo., day, yr.)</th>
<th>Sales price (see page D-6 of the instructions)</th>
<th>Cost or other basis (see page D-6 of the instructions)</th>
<th>Gain or (loss)</th>
<th>Subtract (e) from (d)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>140 Shares Circle Corp</td>
<td>10-16-84</td>
<td>6-5-05</td>
<td>1,000</td>
<td>15,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 9 | Enter your long-term totals, if any, from Schedule D-1, line 9. |                               |                            |                                               |                                                   |               |                       |
| 10| Total long-term sales price amounts. Add lines 8 and 9 in column (d). |                               |                            |                                               |                                                   |               |                       |

| 11| Gain from Form 4797, Part I—long-term gain from Forms 2439 and 6252; and long-term gain or (loss) from Forms 4684, 6781, and 8824 |                               |                            |                                               |                                                   |               |                       |
| 12| Net long-term gain or (loss) from partnerships, S corporations, estates, and trusts from Schedule(s) K-1 |                               |                            |                                               |                                                   |               |                       |
| 13| Capital gain distributions. See page D-1 of the instructions |                               |                            |                                               |                                                   |               |                       |
| 14| Long-term capital loss carryover. Enter the amount, if any, from line 13 of your Capital Loss Carryover Worksheet on page D-6 of the instructions |                               |                            |                                               |                                                   |               |                       |
| 15| Net long-term capital gain or (loss). Combine lines 8 through 14 in column (f). Then go to Part III on the back. |                               |                            |                                               |                                                   |               |                       |

For Paperwork Reduction Act Notice, see Form 1040 instructions.
### Part III  Summary

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Combine lines 7 and 15 and enter the result. If line 16 is a loss, skip lines 17 through 20, and go to line 21. If a gain, enter the gain on Form 1040, line 13, and then go to line 17 below.</td>
<td>(1,260)</td>
</tr>
<tr>
<td>17</td>
<td>Are lines 15 and 16 both gains?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes. Go to line 18.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No. Skip lines 18 through 21, and go to line 22.</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Enter the amount, if any, from line 7 of the 28% Rate Gain Worksheet on page D-7 of the instructions.</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Enter the amount, if any, from line 18 of the Unrecaptured Section 1250 Gain Worksheet on page D-8 of the instructions.</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Are lines 18 and 19 both zero or blank?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes. Complete Form 1040 through line 43, and then complete the Qualified Dividends and Capital Gain Tax Worksheet on page 38 of the Instructions for Form 1040. Do not complete lines 21 and 22 below.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No. Complete Form 1040 through line 43, and then complete the Schedule D Tax Worksheet on page D-9 of the instructions. Do not complete lines 21 and 22 below.</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>If line 16 is a loss, enter here and on Form 1040, line 13, the smaller of:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The loss on line 16 or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• ($3,000), or if married filing separately, ($1,500)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Note. When figuring which amount is smaller, treat both amounts as positive numbers.</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Do you have qualified dividends on Form 1040, line 9b?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes. Complete Form 1040 through line 43, and then complete the Qualified Dividends and Capital Gain Tax Worksheet on page 38 of the Instructions for Form 1040.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No. Complete the rest of Form 1040.</td>
<td></td>
</tr>
</tbody>
</table>

Schedule D (Form 1040) 2005
### SCHEDULE F

**Profit or Loss From Farming**

(Accrual method. Complete Parts II and III, and Part I, line 11.)

**Do not include sales of livestock held for draft, breeding, sport, or dairy purposes; report these sales on Form 4797.**

<table>
<thead>
<tr>
<th>Part I: Farm Income—Cash Method</th>
<th>Part II: Farm Expenses—Cash and Accrual Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do not include personal or living expenses such as taxes, insurance, repairs, etc., on your home.</td>
<td>Do not include personal or living expenses such as taxes, insurance, repairs, etc., on your home.</td>
</tr>
</tbody>
</table>

#### Part I: Farm Income—Cash Method

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Sales of livestock and other items you bought for resale</td>
<td>27,192</td>
</tr>
<tr>
<td>2 Cost or other basis of livestock and other items reported on line 1</td>
<td>38,325</td>
</tr>
<tr>
<td>3 Subtract line 2 from line 1</td>
<td>20,669</td>
</tr>
<tr>
<td>4 Sales of livestock, produce, grains, and other products you raise</td>
<td>263,016</td>
</tr>
<tr>
<td>5a Cooperative distributions (Form(s) 1099-PATR)</td>
<td>4,706</td>
</tr>
<tr>
<td>5b Taxable amount</td>
<td>227</td>
</tr>
<tr>
<td>6a Agricultural program payments (see page F-2)</td>
<td>4,570</td>
</tr>
<tr>
<td>6b Taxable amount</td>
<td>227</td>
</tr>
<tr>
<td>7 Commodity Credit Corporation (CCC) loans (see page F-3)</td>
<td></td>
</tr>
<tr>
<td>7a Taxable amount</td>
<td>665</td>
</tr>
<tr>
<td>7c</td>
<td></td>
</tr>
<tr>
<td>8 Crop insurance proceeds and federal crop disaster payments (see page F-3)</td>
<td></td>
</tr>
<tr>
<td>8a Amount received in 2005</td>
<td>1,295</td>
</tr>
<tr>
<td>8b Amount deferred from 2004</td>
<td>142</td>
</tr>
<tr>
<td>9 Custom hire (machine work) income</td>
<td>1,575</td>
</tr>
<tr>
<td>10 Other income, including federal and state gasoline or fuel tax credit or refund (see Form 1040, line 18, also enter on Form 4562)</td>
<td>1,075</td>
</tr>
<tr>
<td>11 Gross income, add amounts in the right column for lines 3 through 10. If you use the accrual method, enter the amount from Part II, line 51.</td>
<td>286,223</td>
</tr>
</tbody>
</table>

#### Part II: Farm Expenses—Cash and Accrual Method

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 Car and truck expenses (see page F-4—also attach Form 4562)</td>
<td>5,625</td>
</tr>
<tr>
<td>13 Chemicals</td>
<td>2,701</td>
</tr>
<tr>
<td>14 Conservation expenses (see page F-4)</td>
<td>1,040</td>
</tr>
<tr>
<td>15 Custom hire (machine work)</td>
<td>1,575</td>
</tr>
<tr>
<td>16 Depreciation and section 179 expense deduction not claimed elsewhere (see page F-4)</td>
<td>77,915</td>
</tr>
<tr>
<td>17 Employee benefit programs other than on line 25</td>
<td>3,939</td>
</tr>
<tr>
<td>18 Feed purchased</td>
<td>18,019</td>
</tr>
<tr>
<td>19 Fertilizers and lime</td>
<td>6,544</td>
</tr>
<tr>
<td>20 Freight and transportation</td>
<td>3,521</td>
</tr>
<tr>
<td>21 Gasoline, fuel, and oil</td>
<td>5,625</td>
</tr>
<tr>
<td>22 Insurance (other than health)</td>
<td>1,070</td>
</tr>
<tr>
<td>23 Interest</td>
<td>3,175</td>
</tr>
<tr>
<td>24 Labor (less employment credits)</td>
<td>10,418</td>
</tr>
<tr>
<td>25 Pension and profit-sharing plans</td>
<td>25</td>
</tr>
<tr>
<td>26 Rent or lease (see page F-5):</td>
<td></td>
</tr>
<tr>
<td>a Vehicles, machinery, and equipment</td>
<td>2,659</td>
</tr>
<tr>
<td>b Other (land, animals, etc.)</td>
<td>2,400</td>
</tr>
<tr>
<td>27 Repairs and maintenance</td>
<td>4,542</td>
</tr>
<tr>
<td>28 Seeds and plants</td>
<td>2,132</td>
</tr>
<tr>
<td>29 Storage and warehousing</td>
<td>30</td>
</tr>
<tr>
<td>30 Supplies</td>
<td>2,807</td>
</tr>
<tr>
<td>31 Taxes</td>
<td>3,207</td>
</tr>
<tr>
<td>32 Utilities</td>
<td>3,207</td>
</tr>
<tr>
<td>33 Veterinary, breeding, and medicine</td>
<td>3,207</td>
</tr>
<tr>
<td>34 Other expenses (specify):</td>
<td></td>
</tr>
<tr>
<td>a Milk assessment</td>
<td>807</td>
</tr>
<tr>
<td>b Commissions, dues, fees, and miscellaneous</td>
<td>547</td>
</tr>
<tr>
<td>c Records/Office supplies</td>
<td>287</td>
</tr>
<tr>
<td>d Travel &amp; meals</td>
<td>534</td>
</tr>
<tr>
<td>e</td>
<td></td>
</tr>
<tr>
<td>35 Total expenses. Add lines 12 through 34</td>
<td>165,970</td>
</tr>
<tr>
<td>36 Not farm profit or (loss). Subtract line 35 from line 11.</td>
<td>120,253</td>
</tr>
</tbody>
</table>

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Schedule F (Form 1040) 2005

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Who Must File Schedule SE

You must file Schedule SE if:

● You had net earnings from self-employment from other than church employee income (line 4 of Short Schedule SE or line 4c of Long Schedule SE) of $400 or more, or

● You had church employee income of $108.28 or more. Income from services you performed as a minister or a member of a religious order is not church employee income (see page SE-1).

Note. Even if you had a loss or a small amount of income from self-employment, it may be to your benefit to file Schedule SE and use either “optional method” in Part II of Long Schedule SE (see page SE-3).

Exception. If your only self-employment income was from earnings as a minister, member of a religious order, or Christian Science practitioner and you filed Form 4361 and received IRS approval not to be taxed on those earnings, do not file Schedule SE. Instead, write “Exempt–Form 4361” on Form 1040, line 57.

May I Use Short Schedule SE or Must I Use Long Schedule SE?

You must file Schedule SE if:

● You had net earnings from self-employment from other than church employee income (line 4 of Short Schedule SE or line 4c of Long Schedule SE) of $400 or more, or

● You had church employee income of $108.28 or more. Income from services you performed as a minister or a member of a religious order is not church employee income (see page SE-1).

Note. Even if you had a loss or a small amount of income from self-employment, it may be to your benefit to file Schedule SE and use either “optional method” in Part II of Long Schedule SE (see page SE-3).

Exception. If your only self-employment income was from earnings as a minister, member of a religious order, or Christian Science practitioner and you filed Form 4361 and received IRS approval not to be taxed on those earnings, do not file Schedule SE. Instead, write “Exempt–Form 4361” on Form 1040, line 57.

You may use Short Schedule SE below if:

1. Did you receive wages or tips in 2005?

   Yes

   Was the total of your wages and tips subject to social security or railroad retirement tax plus your net earnings from self-employment more than $90,000?

   Yes

   Was your net earnings from self-employment more than $90,000, or some other amount if Form 4361 not received?

   Yes

   Did you receive tips subject to social security or Medicare tax that you did not report to your employer?  

   Yes

   You must use Long Schedule SE on page 2.

   No

   No

   No

   No

   No

   No

   You may use Short Schedule SE below.

2. Did you receive church employee income reported on Form W-2 of $108.28 or more?

   Yes

   You must use Long Schedule SE on page 2.

   No

   No

   No

   No

   No

   No

   You may use Short Schedule SE below.

Section A—Short Schedule SE. Caution. Read above to see if you can use Short Schedule SE.

1. Net farm profit or loss from Schedule F, line 36, and farm partnerships, Schedule K-1 (Form 1065), box 14, code A: ________________

2. Net profit or (loss) from Schedule C, line 31; Schedule C-EZ, line 3; Schedule K-1 (Form 1065), box 14, code A (other than farming); and Schedule K-1 (Form 1065-B), box 9. Ministers and members of religious orders, see page SE-1 for amounts to report on this line. See page SE-2 for other income to report: ________________

3. Combine lines 1 and 2: ________________

4. Net earnings from self-employment. Multiply line 3 by 92.35% (.9235). If less than $400, do not file this schedule; you do not owe self-employment tax: ________________

5. Self-employment tax. If the amount on line 4 is:

   ● $90,000, or less, multiply line 4 by 15.3% (.153). Enter the result here and on Form 1040, line 57: ________________

   ● More than $90,000, multiply line 4 by 2.9% (.029). Then, add $11,160.00 to the result. Enter the total here and on Form 1040, line 57: ________________

6. Deduction for one-half of self-employment tax. Multiply line 5 by 50% (.5). Enter the result here and on Form 1040, line 27: ________________

For Paperwork Reduction Act Notice, see Form 1040 instructions.
## SCHEDULE J (Form 1040)
### Income Averaging for Farmers and Fishermen

**OMB No. 1545-0074**

**Department of the Treasury**

**Internal Revenue Service**

**See Instructions for Schedule J (Form 1040).**

**WALTER A. & JANE W. BROWN**

<table>
<thead>
<tr>
<th>Name(s) shown on Form 1040</th>
<th>Social security number (SSN)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>543 00 2111</td>
</tr>
</tbody>
</table>

**2005**

### Income Averaging Details

1. Enter the taxable income from your 2005 Form 1040, line 43.
2. Enter your elected farm income (see page J-1). Do not enter more than the amount on line 1.
3. Subtract line 2 from line 1.
4. Figure the tax on the amount on line 3 using the 2005 tax rates (see page J-2).
5. If you used Schedule J to figure your tax for:
   - 2004, enter the amount from your 2004 Schedule J, line 11.
   - 2003 but not 2004, enter the amount from your 2003 Schedule J, line 15.
   - 2002 but not 2003 nor 2004, enter the amount from your 2002 Schedule J, line 3.
   Otherwise, enter the taxable income from your 2002 Form 1040, line 41; Form 1045A, line 27; or Form 1040EZ, line 6. If zero or less, see page J-2.
6. Divide the amount on line 2 by 3.0.
7. Combine lines 5 and 6. If zero or less, enter -0-.
8. Figure the tax on the amount on line 7 using the 2002 tax rates (see page J-4).
9. If you used Schedule J to figure your tax for:
   - 2004, enter the amount from your 2004 Schedule J, line 15.
   - 2003 but not 2004, enter the amount from your 2003 Schedule J, line 3.
   Otherwise, enter the taxable income from your 2003 Form 1040, line 40; Form 1045A, line 27; or Form 1040EZ, line 6. If zero or less, see page J-4.
10. Enter the amount from line 6.
11. Combine lines 9 and 10. If less than zero, enter as a negative amount.
12. Figure the tax on the amount on line 11 using the 2003 tax rates (see page J-5).
13. If you used Schedule J to figure your tax for 2004, enter the amount from your 2004 Schedule J, line 3. Otherwise, enter the taxable income from your 2004 Form 1040, line 42; Form 1045A, line 27; or Form 1040EZ, line 6. If zero or less, see page J-6.
14. Enter the amount from line 6.
15. Combine lines 13 and 14. If less than zero, enter as a negative amount.
16. Figure the tax on the amount on line 15 using the 2004 tax rates (see page J-6).
17. Add lines 8, 12, and 16.
18. If you used Schedule J to figure your tax for:
   - 2004, enter the amount from your 2004 Schedule J, line 12.
   - 2003 but not 2004, enter the amount from your 2003 Schedule J, line 16.
   Otherwise, enter the tax from your 2002 Form 1040, line 42; Form 1045A, line 28; or Form 1040EZ, line 10.
19. If you used Schedule J to figure your tax for:
   - 2004, enter the amount from your 2004 Schedule J, line 16.
   Otherwise, enter the tax from your 2003 Form 1040, line 41; Form 1045A, line 28; or Form 1040EZ, line 10.
20. If you used Schedule J to figure your tax for 2004, enter the amount from your 2004 Schedule J, line 4. Otherwise, enter the tax from your 2004 Form 1040, line 43; Form 1045A, line 28; or Form 1040EZ, line 10.

**Do not include tax from Form 8814 or 4972 or from recapture of an education credit. Also, do not include alternative minimum tax from Form 1040A.**

22. Tax. Subtract line 21 from line 17. Also include this amount on Form 1040, line 44.

**Caution. Your tax may be less if you figure it using the 2005 Tax Table, Tax Computation Worksheet, Qualified Dividends and Capital Gain Tax Worksheet, or the Schedule D Tax Worksheet.**

**Attach Schedule J only if you are using it to figure your tax.**

For Paperwork Reduction Act Notice, see Form 1040 instructions.

Cat. No. 25513Y

Schedule J (Form 1040) 2005
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### Section B—Business and Income-Producing Property

#### Part I

**Casualty or Theft Gain or Loss** (Use a separate Part I for each casualty or theft.)

<table>
<thead>
<tr>
<th>Property</th>
<th>Description of properties (show type, location, and date acquired for each property). Use a separate line for each property lost or damaged from the same casualty or theft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>DAIRY COW #42</td>
</tr>
<tr>
<td>B</td>
<td>HOMETOWN, VA</td>
</tr>
<tr>
<td>C</td>
<td>6-22-01</td>
</tr>
</tbody>
</table>

**Table of Gains and Losses**

<table>
<thead>
<tr>
<th>Properties</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

22. **Cost or adjusted basis of each property**, . . .

23. **Insurance or other reimbursement (whether or not you filed a claim).** See the instructions for line 3.

24. **Gain from casualty or theft.** If line 24 is **more** than line 23, enter the difference here and on line 32 or line 37, column (c), except as provided in the instructions for line 36. Also, skip lines 26 through 30 for that column.

25. **Fair market value before casualty or theft**.

26. **Fair market value after casualty or theft**.

27. **Subtract line 27 from line 26**.

28. **Enter the smaller of line 23 or line 24**.

29. **Enter the smaller of line 23 or line 24**.

30. **Subtract line 24 from line 23**.

31. **Casualty or theft loss. Add the amounts of line 30. Enter the total here and on line 32 or line 37 (see instructions)**.

#### Summary of Gains and Losses from Separate Parts

<table>
<thead>
<tr>
<th>(a)</th>
<th>(b)</th>
<th>(c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gains from casualties or thefts</td>
<td>Losses from casualties or thefts</td>
<td>Gains from casualties or thefts includable in income</td>
</tr>
<tr>
<td>(Trade, business, rental or royalty income-producing and employee property)</td>
<td>(Trade, business, rental or royalty income-producing and employee property)</td>
<td>(Trade, business, rental or royalty income-producing and employee property)</td>
</tr>
</tbody>
</table>

**Casualty or Theft of Property Held One Year or Less**

<table>
<thead>
<tr>
<th>Line 32</th>
<th>Line 33</th>
<th>Line 34</th>
<th>Line 35</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

**Casualty or Theft of Property Held More Than One Year**

<table>
<thead>
<tr>
<th>Line 36</th>
<th>Line 37</th>
<th>Line 38</th>
<th>Line 39</th>
<th>Line 40</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

38. **Total losses. Add amounts on line 37, columns (b)(ii) and (b)(iii)**.

39. **Total gains. Add lines 36 and 37, column (c)**.

40. **Add amounts on line 38, columns (b)(ii) and (b)(iii)**.

41. **If the loss on line 40 is **more** than the gain on line 39**:
   - a. Combine line 38, column (b)(ii) and line 39, and enter the net gain or (loss) here. Partnerships (except electing large partnerships) and S corporations, see the note below.
   - b. Enter the amount from line 38, column (b)(ii) here. Individuals, enter the amount from income-producing property on Schedule A (Form 1040), line 27, and enter the amount from property used as an employee on Schedule A (Form 1040), line 22. Estates and trusts, enter on the "Other deductions" line of your tax return.

42. **If the loss on line 40 is **less** than or **equal** to the gain on line 39**, combine lines 38 and 40 and enter here. Partnerships (except electing large partnerships), see the note below. All others, enter this amount on Form 4797, line 3.

**Note:** Partnerships, enter the amount from line 41a or 41b on Form 1120S, Schedule K, line 11.

**Form 4684 (2005)**

**Attachment Sequence No.** 26

**Identifying number** 545-00-2111
### Part I: Sales or Exchanges of Property Used in a Trade or Business and Involuntary Conversions From Other Than Casualty or Theft—Most Property Held More Than 1 Year (see instructions)

<table>
<thead>
<tr>
<th></th>
<th>Description of property</th>
<th>Date acquired (mo., day, yr.)</th>
<th>Date sold (mo., day, yr.)</th>
<th>Gross sales price</th>
<th>Depreciation allowed or allowable since acquisition</th>
<th>Cost or other basis, plus improvements and expense of sale</th>
<th>Gain or (loss)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>RAISED Cows</td>
<td>Before 2001</td>
<td>2005</td>
<td>13,160</td>
<td>- 0 -</td>
<td>525</td>
<td>12,635</td>
</tr>
<tr>
<td></td>
<td>Dairy Cow #52</td>
<td>7-15-01</td>
<td>2-3-05</td>
<td>325</td>
<td>514</td>
<td>912</td>
<td>(39)</td>
</tr>
</tbody>
</table>

**Part II: Ordinary Gains and Losses (see instructions)**

<table>
<thead>
<tr>
<th></th>
<th>Description of property</th>
<th>Date acquired (mo., day, yr.)</th>
<th>Date sold (mo., day, yr.)</th>
<th>Gross sales price</th>
<th>Depreciation allowed or allowable since acquisition</th>
<th>Cost or other basis, plus improvements and expense of sale</th>
<th>Gain or (loss)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Gain, if any, from Form 4684, line 42</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Section 1231 gain from installment sales from Form 6252, line 26 or 37</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Section 1231 gain or (loss) from like-kind exchanges from Form 8824</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Gain, if any, from line 32, from other than casualty or theft</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Combine lines 2 through 6. Enter the gain or (loss) here and on the appropriate line of Form 6252.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Partnerships (except electing large partnerships) and S corporations:** Report the gain or (loss) following the instructions for Form 1065, Schedule K, line 10, or Form 1120S, Schedule K, line 13a, lines 8, 9, 11, and 12 below.

**Individuals, partners, S corporation shareholders, and all others:** If line 7 is zero or a loss, enter the amount from line 7 on line 11 below and skip lines 8, 9, 11, and 12 below.

<table>
<thead>
<tr>
<th></th>
<th>Description of property</th>
<th>Date acquired (mo., day, yr.)</th>
<th>Date sold (mo., day, yr.)</th>
<th>Gross sales price</th>
<th>Depreciation allowed or allowable since acquisition</th>
<th>Cost or other basis, plus improvements and expense of sale</th>
<th>Gain or (loss)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Nonrecaptured net section 1231 losses from prior years (see instructions)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Subtract line 8 from line 7. If line 8 is zero or less, enter zero. If line 9 is zero, enter the gain from line 7 on line 12 below.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Ordinary Gains and Losses not included on lines 11 through 16 (include property held 1 year or less):**

<table>
<thead>
<tr>
<th></th>
<th>Description of property</th>
<th>Date acquired (mo., day, yr.)</th>
<th>Date sold (mo., day, yr.)</th>
<th>Gross sales price</th>
<th>Depreciation allowed or allowable since acquisition</th>
<th>Cost or other basis, plus improvements and expense of sale</th>
<th>Gain or (loss)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>RAISED Dairy Heifer</td>
<td>10-2-04</td>
<td>5-3-05</td>
<td>265</td>
<td>- 0 -</td>
<td>525</td>
<td>250</td>
</tr>
<tr>
<td>11</td>
<td>Loss, if any, from line 7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Gain, if any, from line 7 or amount from line 8, if applicable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Gain, if any, from line 31</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Net gain or (loss) from Form 4684, lines 34 and 41a</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Ordinary gain from installment sales from Form 6252, line 25 or 36</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Ordinary gain or (loss) from like-kind exchanges from Form 8824</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Combine lines 10 through 16</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>For all except individual returns, enter the amount from line 17 on the appropriate line of your return and skip lines a and b below. For individual returns, complete lines a and b below:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>If the loss on line 11 includes a loss from Form 4684, line 38, column b(i), enter that part of the loss here. Enter the part of the loss from income-producing property on Schedule A (Form 1040), line 27, and the part of the loss from property used as an employee on Schedule A (Form 1040), line 22. Identify as from “Form 4797, line 18a.” See instructions.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b</td>
<td>Redetermine the gain or (loss) on line 17 excluding the loss, if any, on line 18a. Enter here and on Form 1040, line 14.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18a</td>
<td>Gain or (loss) from Form 4797, line 18a</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Part III  Gain From Disposition of Property Under Sections 1245, 1250, 1252, 1254, and 1255
(see instructions)

19  (a) Description of section 1245, 1250, 1252, 1254, or 1255 property:

   (b) Date acquired  (mo., day, yr.)
   (c) Date sold    (mo., day, yr.)

   A  Truck
     6-22-95
   B  Mower
     4-21-96
   C  Purchased Dairy Cow #60
     2-21-02

D  Adjusted basis. Subtract line 22 from line 21
    7-9-05
    8-12-05
    10-28-05

20  Gross sales price  (Note: See line 1 before completing)  .

21  Cost or other basis plus expense of sale  .

22  Depreciation (or depletion) allowed or allowable

23  Adjusted basis. Subtract line 22 from line 21

24  Total gain. Subtract line 23 from line 21

25  If section 1245 property:

26  If section 1250 property: If straight line depreciation was used, enter

27  If section 1252 property: Skip this section if you did not

28  If section 1254 property:

29  If section 1255 property:

30  Total gains for all properties. Add property columns A through D, line 24

31  Add property columns A through D, line 25b, 26g, 27c, 28b, and 29b.

32  Subtract line 31 from line 30. Enter the portion from casualty or theft on Form 4684, line 36. Enter the portion from other than casualty or theft on Form 4797, line 6

Part IV  Recapture Amounts Under Sections 179 and 280F(b)(2) When Business Use Drops to 50% or Less
(see instructions)

33  Section 179 expense deduction or depreciation allowable in prior years

34  Recapture amount. Subtract line 34 from line 33. See the instructions for where to report

Form 4797  (2005)
**Form 4562**

**Depreciation and Amortization**
(Including Information on Listed Property)

---

**Part I**

**Election To Expense Certain Property Under Section 179**

<table>
<thead>
<tr>
<th>Note: If you have any listed property, complete Part V before you complete Part I.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Maximum amount. See the instructions for a higher limit for certain businesses.</td>
</tr>
<tr>
<td>2. Total cost of section 179 property placed in service (see instructions).</td>
</tr>
<tr>
<td>3. Threshold cost of section 179 property before reduction in limitation.</td>
</tr>
<tr>
<td>4. Reduction in limitation. Subtract line 3 from line 2. If zero or less, enter -0-.</td>
</tr>
<tr>
<td>5. Dollar limitation for tax year. Subtract line 4 from line 1. If zero or less, enter -0-. If married filing separately, see instructions.</td>
</tr>
</tbody>
</table>

---

**WALTER A. & JANE W. BROWN FARMING 543-00-2111**

---

<table>
<thead>
<tr>
<th>Line</th>
<th>Description of property</th>
<th>Cost (business use only)</th>
<th>Elected cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>DAIRY EQUIPMENT</td>
<td>72,000. –</td>
<td>72,000. –</td>
</tr>
</tbody>
</table>

---

**Part II**

**Special Depreciation Allowance and Other Depreciation (Do not include listed property.)**

(See instructions.)

---

**Part III**

**MACRS Depreciation (Do not include listed property.)**

(See instructions.)

---

**Section A**

**MACRS deductions for assets placed in service in tax years beginning before 2005**

---

**Section B—Assets Placed in Service During 2005 Tax Year Using the General Depreciation System**

<table>
<thead>
<tr>
<th>(a) Classification of property</th>
<th>(b) Months and basis for depreciation</th>
<th>(c) Recovery period</th>
<th>(d) Convention</th>
<th>(e) Method</th>
<th>(f) Depreciation deduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>19a</td>
<td>3-year property</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b</td>
<td>5-year property</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c</td>
<td>7-year property</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d</td>
<td>10-year property</td>
<td>28,250. –</td>
<td>10</td>
<td>HY</td>
<td>100DB</td>
</tr>
<tr>
<td>e</td>
<td>15-year property</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f</td>
<td>20-year property</td>
<td>650. –</td>
<td>20</td>
<td>HY</td>
<td>100DB</td>
</tr>
<tr>
<td>g</td>
<td>25-year property</td>
<td>25 yrs.</td>
<td>S/L</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h</td>
<td>Residential rental property</td>
<td>27.5 yrs.</td>
<td>MM</td>
<td>5/A</td>
<td></td>
</tr>
<tr>
<td>i</td>
<td>Nonresidential real property</td>
<td>39 yrs.</td>
<td>MM</td>
<td>5/A</td>
<td></td>
</tr>
</tbody>
</table>

---

**Section C—Assets Placed in Service During 2005 Tax Year Using the Alternative Depreciation System**

<table>
<thead>
<tr>
<th>(b) Class life</th>
<th>(c) Years and basis for depreciation</th>
<th>(d) Method</th>
<th>(e) Depreciation deduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>20a</td>
<td>12-year</td>
<td>5/A</td>
<td></td>
</tr>
<tr>
<td>c</td>
<td>40-year</td>
<td>40 yrs.</td>
<td>5/A</td>
</tr>
</tbody>
</table>

---

**Part IV**

**Summary (see instructions)**

<table>
<thead>
<tr>
<th>Line</th>
<th>Description of property</th>
<th>Total</th>
<th>Addition from line 12, lines 14 through 17, lines 19 and 20 in column (g), and line 21. Enter here and on the appropriate lines of your return. Partnerships and S corporations—see instructions.</th>
<th>For assets shown above and placed in service during the current year, enter the portion of the basis attributable to section 263A costs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>Listed property. Enter amount from line 28.</td>
<td>1,779. –</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td></td>
<td>77,915. –</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td></td>
<td>0 –</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Part VI

Listed Property (Include automobiles, certain other vehicles, cellular telephones, certain computers, and property used for entertainment, recreation, or amusement.)

Note: For any vehicle for which you are using the standard mileage rate or deducting lease expense, complete only 24a, 24b, columns (a) through (c) of Section A, all of Section B, and Section C if applicable.

Section A—Depreciation and Other Information (Caution: See the instructions for limits for passenger automobiles.)

24a. Do you have evidence to support the business/investment use claimed? [Y] Yes [N] No

24b. If "Yes," is the evidence written? [Y] Yes [N] No

Type of property listed first

Cost or other basis

Basis for depreciation (business/investment use only)

Recovery period

Method/Convention

Depreciation deduction

Elected section 179 cost

25. Special allowance for certain aircraft, certain property with a long production period and qualified New York Liberty Zone listed property placed in service during the tax year and used more than 50% in a qualified business use (see instructions).

26. Property used more than 50% in a qualified business use:

<table>
<thead>
<tr>
<th>Type of property</th>
<th>Date placed in service</th>
<th>Business/investment use percentage</th>
<th>Cost or other basis</th>
<th>Basis for depreciation (business/investment use only)</th>
<th>Recovery period</th>
<th>Method/Convention</th>
<th>Depreciation deduction</th>
<th>Elected section 179 cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>PICKUP TRUCK</td>
<td>5-18-02</td>
<td>100%</td>
<td>7,076.</td>
<td>7,076.</td>
<td>9</td>
<td>180DB/HY</td>
<td>1,179.</td>
<td>0</td>
</tr>
</tbody>
</table>

27. Property used 50% or less in a qualified business use:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>%</th>
<th>%</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Add amounts in column (h), lines 25 through 27. Enter here and on line 21, page 1.</td>
<td>28</td>
<td>1,179.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

29. Add amounts in column (i), line 26. Enter here and on line 7, page 1.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>%</th>
<th>%</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section B—Information on Use of Vehicles

Complete this section for vehicles used by a sole proprietor, partner, or other "more than 5% owner," or related person.

If you provided vehicles to your employees, first answer the questions in Section C to see if you meet an exception to completing this section for those vehicles.

30. Total business/investment miles driven during the year (do not include commuting miles)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>11,350</td>
<td></td>
</tr>
</tbody>
</table>

31. Total commuting miles driven during the year

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>31</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

32. Total other personal (noncommuting) miles driven

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>32</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

33. Total miles driven during the year. Add lines 30 through 32

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>33</td>
<td>11,350</td>
<td></td>
</tr>
</tbody>
</table>

34. Was the vehicle available for personal use during off-duty hours?

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>34</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

35. Was the vehicle used primarily by a more than 5% owner or related person?

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>35</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

36. Is another vehicle available for personal use?

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

Section C—Questions for Employers Who Provide Vehicles for Use By Their Employees

Answer these questions to determine if you meet an exception to completing Section B for vehicles used by employees who are not more than 5% owners or related persons (see instructions).

37. Do you maintain a written policy statement that prohibits all personal use of vehicles, including commuting, by your employees?

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>37</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

38. Do you maintain a written policy statement that prohibits personal use of vehicles, except commuting, by your employees?

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>38</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

39. Do you treat all use of vehicles by employees as personal use?

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>39</td>
<td>Yes</td>
<td></td>
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40. Do you provide more than five vehicles to your employees, obtain information from your employees about the use of the vehicles, and retain that information received?

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>%</th>
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<tbody>
<tr>
<td>40</td>
<td>Yes</td>
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41. Do you meet the requirements concerning qualified automobile demonstration use? (See instructions.)

<table>
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<tr>
<td>41</td>
<td>No</td>
<td></td>
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</table>

Note: If your answer to 37, 38, or 40 is "Yes," do not complete Section B for the covered vehicles.

Part VI Amortization

42. Amortization of costs that begins during your 2005 tax year (see instructions):

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>42</td>
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</table>

43. Amortization of costs that began before your 2005 tax year

<table>
<thead>
<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td>43</td>
<td></td>
<td>43</td>
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44. Total. Add amounts in column (f). See the instructions for where to report.

<table>
<thead>
<tr>
<th></th>
<th></th>
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<tr>
<td>44</td>
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</table>
![Depreciation Worksheet](image)

<table>
<thead>
<tr>
<th>Description of Property</th>
<th>Date Placed in Service</th>
<th>Cost or Other Basis</th>
<th>Business/Investment Use %</th>
<th>Section 179 Deduction and Special allowances</th>
<th>Depreciation Prior Years</th>
<th>Basis for Depreciation</th>
<th>Method/Convention</th>
<th>Recovery Period</th>
<th>Rate or Table %</th>
<th>Depreciation Deduction</th>
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<tr>
<td>STRAIGHT LINE</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>BARN</td>
<td>1-8-78</td>
<td>6,400</td>
<td>100%</td>
<td></td>
<td>6,400</td>
<td>0 ⚫</td>
<td>SL</td>
<td>25</td>
<td></td>
<td>0</td>
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<tr>
<td>SILO</td>
<td>1-2-80</td>
<td>16,000</td>
<td></td>
<td></td>
<td>16,000</td>
<td>0 ⚫</td>
<td>SL</td>
<td>20</td>
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<td>ALTERNATE ACRS</td>
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<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MACHINE SHED</td>
<td>1-2-86</td>
<td>6,000</td>
<td>100%</td>
<td></td>
<td>6,000</td>
<td>- O -</td>
<td>Mod SL</td>
<td>18</td>
<td></td>
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<tr>
<td>MACRS</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DAIRY COW #42 (killed 7/05)</td>
<td>6-22-01</td>
<td>600</td>
<td></td>
<td></td>
<td>300</td>
<td>600</td>
<td>SL/HY</td>
<td>7</td>
<td>14.29</td>
<td>42,871</td>
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<tr>
<td>DAIRY COW #52 (sold 2/05)</td>
<td>7-15-01</td>
<td>900</td>
<td></td>
<td></td>
<td>900</td>
<td>SL/HY</td>
<td>7</td>
<td>14.29</td>
<td>64,311</td>
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<tr>
<td>DAIRY COW #54</td>
<td>9-9-01</td>
<td>1,200</td>
<td></td>
<td></td>
<td>1,200</td>
<td>SL/HY</td>
<td>7</td>
<td>14.29</td>
<td>171,480</td>
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<tr>
<td>DAIRY COW #50 (sold 10/05)</td>
<td>2-21-02</td>
<td>1,200</td>
<td>100%</td>
<td></td>
<td>1,500</td>
<td>150DB/HY</td>
<td>7</td>
<td>12.25</td>
<td>73,500</td>
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<tr>
<td>FLOW</td>
<td>4-3-02</td>
<td>4,821</td>
<td>100%</td>
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<td>4,821</td>
<td>150DB/HY</td>
<td>10</td>
<td>10.02</td>
<td>4,823,06</td>
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<tr>
<td>PICKUP TRUCK (listed property)</td>
<td>9-18-02</td>
<td>7,076</td>
<td></td>
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<td>7,076</td>
<td>150DB/HY</td>
<td>5</td>
<td>16.66</td>
<td>1,799,86</td>
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<tr>
<td>DAIRY COW #61</td>
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<td>14,000</td>
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<td>150DB/HY</td>
<td>7</td>
<td>12.25</td>
<td>171,900</td>
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<tr>
<td>TRACTOR #4</td>
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<td>13,483</td>
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<tr>
<td>MILK TANK</td>
<td>1-4-03</td>
<td>11,500</td>
<td>100%</td>
<td></td>
<td>10,000</td>
<td>449</td>
<td>1,500</td>
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<td>MANURE SPREADER</td>
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<td>3,400</td>
<td>3,400</td>
<td>150DB/HY</td>
<td>7</td>
<td>15.03</td>
<td>511,02</td>
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<tr>
<td>DAIRY FACILITY BUILDING</td>
<td>1-8-05</td>
<td>28,250</td>
<td>100%</td>
<td></td>
<td>- O -</td>
<td>28,250</td>
<td>150DB/HY</td>
<td>10</td>
<td>7.50</td>
<td>2,188,75</td>
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<td>DAIRY FACILITY EQUIPMENT</td>
<td>1-8-09</td>
<td>72,000</td>
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<td>72,000</td>
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<td>MACHINE SHED IMPROVEMENT</td>
<td>2-20-05</td>
<td>660</td>
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<td>660</td>
<td>150DB/HY</td>
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<td>3.76</td>
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<td><strong>TOTAL</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>5,915,17</td>
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</tbody>
</table>

1 Depreciation limited to half-year
2 Adjusted basis
17.

How To Get Tax Help

You can get help with unresolved tax issues, order free publications and forms, ask tax questions, and get information from the IRS in several ways. By selecting the method that is best for you, you will have quick and easy access to tax help.

Contacting your Taxpayer Advocate. If you have attempted to deal with an IRS problem unsuccessfully, you should contact your Taxpayer Advocate.

The Taxpayer Advocate independently represents your interests and concerns within the IRS by protecting your rights and resolving problems that have not been fixed through normal channels. While Taxpayer Advocates cannot change the tax law or make a technical tax decision, they can clear up problems that resulted from previous contacts and ensure that your case is given a complete and impartial review.

To contact your Taxpayer Advocate:
• Call the Taxpayer Advocate toll free at 1-877-777-4778.
• Call, write, or fax the Taxpayer Advocate office in your area.
• Call 1-800-829-4059 if you are a TTY/TDD user.
• Visit www.irs.gov/advocate.

For more information, see Publication 1546, How To Get Help With Unresolved Tax Problems (now available in Chinese, Korean, Russian, and Vietnamese, in addition to English and Spanish).

Free tax services. To find out what services are available, get Publication 910, IRS Guide to Free Tax Services. It contains a list of free tax publications and an index of tax topics. It also describes other free tax information services, including tax education and assistance programs and a list of TeleTax topics.

Internet. You can access the IRS website 24 hours a day, 7 days a week, at www.irs.gov:
• E-file your return. Find out about commercial tax preparation and e-file services available free to eligible taxpayers.
• Check the status of your 2005 refund. Click on Where’s My Refund. Be sure to wait at least 6 weeks from the date you filed your return (3 weeks if you filed electronically). Have your 2005 tax return available because you will need to know your social security number, your filing status, and the exact whole dollar amount of your refund.
• Download forms, instructions, and publications.
• Order IRS products online.

• Research your tax questions online.
• Search publications online by topic or keyword.
• View Internal Revenue Bulletins (IRBs) published in the last few years.
• Figure your withholding allowances using our Form W-4 calculator.
• Sign up to receive local and national tax tips by email.
• Get information on starting and operating a small business.

Phone. Many services are available by phone.
• Ordering forms, instructions, and publications. Call 1-800-829-3676 to order current-year forms, instructions, and publications and prior-year forms and instructions. You should receive your order within 10 days.
• Asking tax questions. Call the IRS with your tax questions at 1-800-829-1040.
• Solving problems. You can get face-to-face help solving tax problems every business day in IRS Taxpayer Assistance Centers. An employee can explain IRS letters, request adjustments to your account, or help you set up a payment plan. Call your local Taxpayer Assistance Center for an appointment. To find the number, go to www.irs.gov/localcontacts or look in the phone book under United States Government, Internal Revenue Service.
• TTY/TDD equipment. If you have access to TTY/TDD equipment, call 1-800-829-4059 to ask tax questions or to order forms and publications.
• TeleTax topics. Call 1-800-829-4477 and press 2 to listen to pre-recorded messages covering various tax topics.
• Refund information. If you would like to check the status of your 2005 refund, call 1-800-829-4477 and press 1 for automated refund information or call 1-800-829-1954. Be sure to wait at least 6 weeks from the date you filed your return (3 weeks if you filed electronically). Have your 2005 tax return available because you will need to know your social security number, your filing status, and the exact whole dollar amount of your refund.

Evaluating the quality of our telephone services. To ensure that IRS representatives give accurate, courteous, and professional answers, we use several methods to evaluate the quality of our telephone services. One method is for a second IRS representative to sometimes listen in on or record telephone calls. Another is to ask some callers to complete a short survey at the end of the call.

Walk-in. Many products and services are available on a walk-in basis.
• Products. You can walk in to many post offices, libraries, and IRS offices to pick up certain forms, instructions, and publications. Some IRS offices, libraries, grocery stores, copy centers, city and county government offices, credit unions, and office supply stores have a collection of products available to print from a CD-ROM or photocopy from reproducible proofs. Also, some IRS offices and libraries have the Internal Revenue Code, regulations, Internal Revenue Bulletins, and Cumulative Bulletins available for research purposes.
• Services. You can walk in to your local Taxpayer Assistance Center every business day for personal, face-to-face tax help. An employee can explain IRS letters, request adjustments to your tax account, or help you set up a payment plan. If you need to resolve a tax problem, have questions about how the tax law applies to your individual tax return, or you’re more comfortable talking with someone in person, visit your local Taxpayer Assistance Center where you can spread out your records and talk with an IRS representative face-to-face. No appointment is necessary, but if you prefer, you can call your local Center and leave a message requesting an appointment to resolve a tax account issue. A representative will call you back within 2 business days to schedule an in-person appointment at your convenience. To find the number, go to www.irs.gov/localcontacts or look in the phone book under United States Government, Internal Revenue Service.

Mail. You can send your order for forms, instructions, and publications to the address below and receive a response within 10 business days after your request is received.

National Distribution Center
P.O. Box 8903
Bloomington, IL 61702-8903

CD-ROM for tax products. You can order Publication 1796, IRS Tax Products CD-ROM, and obtain:
• A CD that is released twice so you have the latest products. The first release ships in late December and the final release ships in late February.
• Current-year forms, instructions, and publications.
• Prior-year forms, instructions, and publications.
• Tax Map: an electronic research tool and finding aid.
• Tax law frequently asked questions (FAQs).
• Tax Topics from the IRS telephone response system.
• Fill-in, print, and save features for most tax forms.
• Internal Revenue Bulletins.
• Toll-free and email technical support.

Buy the CD-ROM from National Technical Information Service (NTIS) at www.irs.gov/coordinates for $25 (no handling fee) or call 1-866-583-2970 toll free to buy the CD-ROM for $25 (plus a $5 handling fee).
CD-ROM for Small Businesses.
Publication 3207, The Small Business Resource Guide CD-ROM for 2005, has a new look and enhanced navigation features. This year’s CD includes:

- Helpful information, such as how to prepare a business plan, find financing for your business, and much more.
- All the business tax forms, instructions, and publications needed to successfully manage a business.
- Tax law changes for 2005.
- IRS Tax Map to help you find forms, instructions, and publications by searching on a keyword or topic.
- Web links to various government agencies, business associations, and IRS organizations.
- “Rate the Product” survey—your opportunity to suggest changes for future editions.

An updated version of this CD is available each year in early April. You can get a free copy by calling 1-800-829-3676 or by visiting www.irs.gov/smallbiz.
**Tax Publications for Business Taxpayers**

<table>
<thead>
<tr>
<th>General Guides</th>
<th>Specialized Publications</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong> Your Rights as a Taxpayer</td>
<td><strong>225</strong> Farmer’s Tax Guide</td>
</tr>
<tr>
<td><strong>17</strong> Your Federal Income Tax (For Individuals)</td>
<td><strong>379</strong> Fuel Tax Credits and Refunds</td>
</tr>
<tr>
<td><strong>334</strong> Tax Guide for Small Business (For Individuals Who Use Schedule C or C-EZ)</td>
<td><strong>463</strong> Travel, Entertainment, Gift, and Car Expenses</td>
</tr>
<tr>
<td><strong>509</strong> Tax Calendars for 2006</td>
<td><strong>505</strong> Tax Withholding and Estimated Tax</td>
</tr>
<tr>
<td><strong>553</strong> Highlights of 2005 Tax Changes</td>
<td><strong>510</strong> Excise Taxes for 2006</td>
</tr>
<tr>
<td><strong>910</strong> Guide to Free Tax Services</td>
<td><strong>515</strong> Withholding of Tax on Nonresident Aliens and Foreign Entities</td>
</tr>
<tr>
<td><strong>926</strong> Household Employer’s Tax Guide</td>
<td><strong>517</strong> Social Security and Other Information for Members of the Clergy and Religious Workers</td>
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<table>
<thead>
<tr>
<th>Specialized Publications</th>
<th>Commonly Used Tax Forms</th>
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<tbody>
<tr>
<td><strong>225</strong> Farmer’s Tax Guide</td>
<td><strong>W-2</strong> Wage and Tax Statement</td>
</tr>
<tr>
<td><strong>379</strong> Fuel Tax Credits and Refunds</td>
<td><strong>W-4</strong> Employee’s Withholding Allowance Certificate</td>
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<tr>
<td><strong>463</strong> Travel, Entertainment, Gift, and Car Expenses</td>
<td><strong>940</strong> Employer's Annual Federal Unemployment (FUTA) Tax Return</td>
</tr>
<tr>
<td><strong>505</strong> Tax Withholding and Estimated Tax</td>
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<td><strong>510</strong> Excise Taxes for 2006</td>
<td><strong>941</strong> Employer's Quarterly Federal Tax Return</td>
</tr>
<tr>
<td><strong>515</strong> Withholding of Tax on Nonresident Aliens and Foreign Entities</td>
<td><strong>1040</strong> U.S. Individual Income Tax Return</td>
</tr>
<tr>
<td><strong>517</strong> Social Security and Other Information for Members of the Clergy and Religious Workers</td>
<td><strong>Sch. A &amp; B</strong> Itemized Deductions &amp; Interest and Ordinary Dividends</td>
</tr>
<tr>
<td><strong>2210</strong> Underpayment of Estimated Tax by Individuals, Estates, and Trusts</td>
<td><strong>Sch. C</strong> Profit or Loss From Business</td>
</tr>
<tr>
<td><strong>2441</strong> Child and Dependent Care Expenses</td>
<td><strong>Sch. C-EZ</strong> Net Profit From Business</td>
</tr>
<tr>
<td><strong>2491</strong> Power of Attorney and Declaration of Representative</td>
<td><strong>Sch. D</strong> Capital Gains and Losses</td>
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<td><strong>2848</strong> General Business Credit</td>
<td><strong>Sch. D-1</strong> Continuation Sheet for Schedule D</td>
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<tr>
<td><strong>3000</strong> Moving Expenses</td>
<td><strong>Sch. E</strong> Supplemental Income and Loss</td>
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<tr>
<td><strong>4562</strong> Depreciation and Amortization</td>
<td><strong>Sch. F</strong> Profit or Loss From Farming</td>
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<tr>
<td><strong>4797</strong> Sales of Business Property</td>
<td><strong>Sch. G</strong> Credit for the Elderly or the Disabled</td>
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<tr>
<td><strong>4866</strong> Application for Automatic Extension of Time To File U.S. Individual Income Tax Return</td>
<td><strong>Sch. H</strong> Household Employment Taxes</td>
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<td><strong>5329</strong> Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts</td>
<td><strong>Sch. J</strong> Income Averaging for Farmers and Fishermen</td>
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<tr>
<td><strong>6252</strong> Installment Sale Income</td>
<td><strong>Sch. K</strong> Self-Employment Tax</td>
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<td><strong>8283</strong> Noncash Charitable Contributions</td>
<td><strong>1040-ES</strong> Estimated Tax for Individuals</td>
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<tr>
<td><strong>8300</strong> Report of Cash Payments Over $10,000 (Received in a Trade or Business)</td>
<td><strong>1040X</strong> Amended U.S. Individual Income Tax Return</td>
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<tr>
<td><strong>8582</strong> Passive Activity Loss Limitations</td>
<td><strong>1065</strong> U.S. Return of Partnership Income</td>
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<td><strong>8606</strong> Nondeductible IRAs</td>
<td><strong>Sch. D</strong> Capital Gains and Losses</td>
</tr>
<tr>
<td><strong>8622</strong> Change of Address</td>
<td><strong>Sch. K-1</strong> Partner’s Share of Income, Deductions, Credits, etc.</td>
</tr>
<tr>
<td><strong>8829</strong> Expenses for Business Use of Your Home</td>
<td><strong>1120</strong> U.S. Corporation Income Tax Return</td>
</tr>
</tbody>
</table>

**Form Number and Title**

- W-2 Wage and Tax Statement
- W-4 Employee’s Withholding Allowance Certificate
- 940 Employer’s Annual Federal Unemployment (FUTA) Tax Return
- 940-EZ Employer’s Annual Federal Unemployment (FUTA) Tax Return
- 941 Employer’s Quarterly Federal Tax Return
- 1040 U.S. Individual Income Tax Return
- Sch. A & B Itemized Deductions & Interest and Ordinary Dividends
- Sch. C Profit or Loss From Business
- Sch. D Capital Gains and Losses
- Sch. D-1 Continuation Sheet for Schedule D
- Sch. E Supplemental Income and Loss
- Sch. F Profit or Loss From Farming
- Sch. G Credit for the Elderly or the Disabled
- Sch. H Household Employment Taxes
- Sch. J Income Averaging for Farmers and Fishermen
- Sch. K Self-Employment Tax
- 1040-ES Estimated Tax for Individuals
- 1040X Amended U.S. Individual Income Tax Return
- 1065 U.S. Return of Partnership Income
- Sch. D Capital Gains and Losses
- Sch. K-1 Partner’s Share of Income, Deductions, Credits, etc.
- 1120 U.S. Corporation Income Tax Return
- 1120-A U.S. Corporation Short-Form Income Tax Return

**Form Number and Title**

- 1120S U.S. Income Tax Return for an S Corporation
- Sch. D Capital Gains and Losses and Built-In Gains
- Sch. K-1 Shareholder’s Share of Income, Deductions, Credits, etc.
- 2104 Employee Business Expenses
- 2106-EZ Unremitted Employee Business Expenses
- 2210 Underpayment of Estimated Tax by Individuals, Estates, and Trusts
- 2441 Child and Dependent Care Expenses
- 2491 Power of Attorney and Declaration of Representative
- 3000 General Business Credit
- 3003 Moving Expenses
- 4562 Depreciation and Amortization
- 4797 Sales of Business Property
- 4866 Application for Automatic Extension of Time To File U.S. Individual Income Tax Return
- 5329 Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts
- 6252 Installment Sale Income
- 8283 Noncash Charitable Contributions
- 8300 Report of Cash Payments Over $10,000 Received in a Trade or Business
- 8582 Passive Activity Loss Limitations
- 8606 Nondeductible IRAs
- 8622 Change of Address
- 8829 Expenses for Business Use of Your Home
Recapture: (Cont.)

Section 1250 property .......... 63
Section 179 deduction .......... 42
Recordkeeping ............... 3, 24
Reforestation costs ........ 25, 51
Refund: Deduction taken .......... 18
Fuel tax ............... 18, 86
Reimbursments:
Casualties and thefts ......... 32, 60, 71
Deduction taken ........ 18
Expenses ............... 19
Feed assistance ........... 11
Real estate taxes .......... 30
Reforestation expenses .... 51
To employees ............. 24
Related persons .......... 6, 26, 34, 40, 53, 66, 73
Rental income .......... 9
Rented property,
improvements ........ 39
Repairs .................. 21, 39
Repayment of Income ........ 6
Replacement:
Period ............... 73
Property .......... 3
Replacement period .......... 2, 69
Reportable transactions .... 3
Repossessions ........ 59
Residual method, sale of
business ........ 58
Returns:
Penalties .......... 88
Sample .......... 88
Right-of-way income .... 18

S
Sale of home ............... 59
Section 179 deduction:
How to elect .......... 42
Listed property .......... 48
Qualifying property .... 39
Recapture ........ ... 42
Section 179 intangibles .... 37
Self-employed health
insurance ............. 22
Self-employment tax:
Community property .... 77
Deduction ............. 79
How to pay ........... 76
Landlord participation .... 77
Material participation ... 78
Methods for figuring net
earnings ............. 78
Optional method .......... 78
Regular method .......... 78
Rental income .......... 77
Reporting ............. 79
Self-employment tax
rate .................. 76
Share farming .......... 76
Tax rates and maximum net
earnings ........ 2, 75
Who must pay .......... 76
Selling expenses .......... 65
Selling price:
Defined ............... 65
Reduced ............... 66
Settlement costs (fees) .... 30
Social security and Medicare:
Credits of coverage ......... 76
Withholding of tax .... 81
Social security number .... 76
Software, computer .......... 37
Soil:
Conservation ........... 28
Contamination .......... 73
Special depreciation allowance:
How to elect not to claim .... 43
Qualified property .......... 43
Spouse, property transferred
from .................... 35
Standard mileage rate .......... 23
Start-up costs for
businesses ............. 25
Suggestions for
publication ........ 2

T
Tangible personal
property .................. 40
Tax help ................. 106
Tax preparation fees ........ 24
Tax shelter:
At-risk limits ........ 26
Defined ............... 26
Tax-free exchanges ........ 52
Taxes:
Excise ............... 83
Federal use ........... 22
General ............. 21
Self-employment .......... 75
State and federal .......... 22
State and local general
sales .................. 22
Withholding ........ 81, 82
Taxpayer Advocate .......... 106
Telephone expense .......... 23
Tenant house expenses ....... 24

Term interests ................. 37
Thief losses ............... 69
Timber ................ 25, 50, 57
Tobacco quota buyout
payments ............. 13
Tobacco settlement
payments ............. 13
Trade-in .......... 34
Travel expenses .......... 23
Truck expenses .......... 23
Trucks and vans .......... 49
Trust fund recovery
penalty ........ 83
TTY/TDD information ...... 106

U
Uniform capitalization rules:
Basis of assets .......... 31
Inventory ........ 7
Unstated interest .......... 67

W
Wages and salaries .......... 77
Water conservation .......... 28
Weather-related sales, livestock .......... 9, 72
Withholding:
Income tax .......... 82
Social security and Medicare
tax .......... 81