

**Form 8924 ( XX-2008), Excise Tax on Certain Transfers of Qualifying  
Geothermal or Mineral Interests**

**Purpose:** This is the first circulated draft of the new Form 8924 for your review and Comments. See below for a discussion of the form.

**TPCC Meeting:** None, but one may be arranged if requested.

**Prior Version:** There is no prior version of this form.

**Other Products:** Circulations of draft tax forms, instructions, notices, and publications are posted at: <http://taxforms.web.irs.gov/Circulations/index.htm>.

**Comments:** Please email, fax, call, or mail any comments by **March 17, 2008** to me at the address below and email the form's reviewer, Sharon Dewsbury, at [Sharon.A.Dewsbury@irs.gov](mailto:Sharon.A.Dewsbury@irs.gov).

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**Major changes to Form 8924 ( XX -2008)**

Form 8924 is a new form which is used to compute and report the tax due on the transfer of certain mineral rights by an eligible entity when the entity originally received the rights in a conservation sale. This form was created by P.L. 109-432, section 403.

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# Excise Tax on Certain Transfers of Qualifying Geothermal or Mineral Interests

▶ See instructions below.

Name of entity \_\_\_\_\_ Employer identification number \_\_\_\_\_

Number, street, and room or suite no. (If a P.O. box, see instructions) \_\_\_\_\_

City or town, state, and ZIP code \_\_\_\_\_

### Tax Computation (see instructions)

1	Date of sale or other disposition (MM/DD/YYYY) . . . . . / /		
2	If the property was sold or exchanged, enter the sales price of the interest transferred. If the property was leased, enter the income realized as a result of the transfer . . . . .	2	
3	Cost or other basis of interest transferred. Enter -0- if the property was leased	3	
4	Gain or income realized. Subtract line 3 from line 2. If zero or less, enter -0-	4	
5	Fair market value of the interest transferred on the date shown on line 1. . . . .	5	
6	Multiply line 5 by 20% (.20) . . . . .	6	
7	Multiply line 4 by 35% (.35) . . . . .	7	
8	<b>Tax.</b> Add lines 6 and 7 . . . . .	8	
9	Tax paid with Form 7004. . . . .	9	
10	<b>Tax due.</b> Enter the excess, if any, of line 8 over line 9 . . . . .	10	
11	<b>Overpayment.</b> Enter the excess, if any, of line 9 over line 8 . . . . .	11	

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

### Sign Here

▶ \_\_\_\_\_ Date \_\_\_\_\_ Title \_\_\_\_\_  
Your signature

### Paid Preparer's Use Only

Preparer's signature ▶ \_\_\_\_\_ Date \_\_\_\_\_ Check if self-employed  Preparer's SSN or PTIN \_\_\_\_\_  
Firm's name (or yours if self-employed), address, and ZIP code ▶ \_\_\_\_\_ EIN \_\_\_\_\_  
Phone no. ( ) \_\_\_\_\_

### General Instructions

Section references are to the Internal Revenue Code.

#### Purpose of Form

Use Form 8924 to report and pay the excise tax on certain transfers of qualifying geothermal or mineral interests.

#### Who Must File

An eligible entity who subsequently transfers ownership or possession (by sale, exchange, or lease) of a qualifying mineral or geothermal interest that was acquired in

a conservation sale or a transfer in which no income or gain was recognized must file Form 8924 for each transfer.

**Relief from liability.** An entity is not required to file Form 8924 if:

- The transferee is an eligible entity which provides the organization with a qualifying letter of intent at the time of the transfer,
- The transferee that is not an eligible entity establishes to the satisfaction of the Secretary of the Treasury that the transfer of ownership or possession will be consistent with section 170(h)(5) and provides the organization a qualifying letter of intent at the time of the transfer, or

- Form 8924 tax has previously been paid as a result of a prior transfer of ownership or possession of the same interest.

#### When To File

File Form 8924 by the later of April 30, 2008, or the 90th day following the taxable transfer. If you need more time to file, use Form 7004, Application for Automatic 6-Month Extension of Time To File Certain Business Income Tax, Information, and Other Returns, by the due date of Form 8924. Form 7004 does not extend the time for payment of tax.

### Amended Return

To amend a previously filed Form 8924, file a corrected Form 8924 and write "Amended" at the top of the form.

### Where To File

File Form 8924 with the Department of the Treasury, Internal Revenue Service Center, Cincinnati, OH 45999.

### Rounding Off to Whole Dollars

You may show money items on the return as whole dollars. To do so, drop any amount less than 50 cents and increase any amount from 50 cents through 99 cents to the next higher dollar.

### Signature

See the instructions for the Signature section of your federal income tax return.

### Interest and Penalties

**Interest.** Interest is charged on taxes not paid by the due date at a rate determined under section 6621.

**Late filing of return.** A penalty of 5% a month or part of a month, up to a maximum of 25%, is imposed on the net amount due if Form 8924 is not filed when due.

**1/2 of Late payment of tax.** Generally, the penalty for not paying tax when due is 1% of the unpaid amount, up to a maximum of 25%, for each month or part of a month the tax remains unpaid. The penalty is imposed on the net amount due.

### Definitions

**Bureau of Land Management land.** This term means the Bureau of Land Management land and any federally-owned minerals located south of the Blackfeet Indian Reservation and east of the Lewis and Clark National Forest to the eastern edge of R. 8 W., beginning in T. 29 N. down to and including T. 19 N. and all of T. 18 N., R. 7 W.

**Conservation sale.** A conservation sale means a sale which meets the following requirements.

- The transferee of the qualifying mineral or geothermal interest is an eligible entity.
- At the time of the sale, the transferee provides the entity with a qualifying letter of intent.
- The sale is not made pursuant to an order of condemnation or eminent domain.

**Eligible federal land.** The term eligible federal land means the Bureau of Land Management land and the Forest Service land as generally depicted on the map entitled Rocky Mountain Front Mineral Withdrawal Area and dated December 31, 2006.

**Eligible entity.** An eligible entity means:

- A governmental unit referred to in section 170(c)(1) or an agency or department thereof operated primarily for 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A), or
- An entity that is described in section 170(b)(1)(A)(vi) or section 170(h)(3)(B) and organized and at all times operated primarily for 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A).

**Entire interest.** An interest in any mineral or geothermal deposit is not an entity's entire interest if the interest in that mineral or geothermal deposit was divided in order to avoid the requirements of a qualifying mineral or geothermal interest or section 170(f)(3)(A). An entity's entire interest in such deposit does not fail to be a qualifying mineral or geothermal interest solely because the entity has retained an interest in other deposits, even if the other deposits are contiguous with such certain deposit and were acquired by the entity along with such certain deposit in a single conveyance.

**Forest Service land.** This term means the Forest Service land and any federally-owned minerals located:

- In the Rocky Mountain Division of the Lewis and Clark National Forest, including the approximately 356,111 acres of land made unavailable for leasing by the August 28, 1997, Record of Decision for the Lewis and Clark National Forest Oil and Gas Leasing Environmental Impact Statement and that is located from T. 31 N. to T. 16 N. and R. 13 W. to R. 7 W.; and
- Within the Badger Two Medicine Area of the Flathead National Forest including the land located in T. 29 N. from the western edge of R. 16 W. to the eastern edge of R. 13 W., T. 28 N., Rs. 13, and 14 W.

**Qualifying mineral or geothermal interest.** A qualifying mineral or geothermal interest means an interest in any mineral or geothermal deposit located on eligible federal land that constitutes the entity's entire interest in the deposit.

**Qualifying letter of intent.** A qualifying letter of intent means a written letter of intent that includes the following statement: *The transferee's intent is that this acquisition will serve 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986, that the transferee's use of the deposits so acquired will be consistent with section 170(h)(5) of such Code, and that the use of the deposits will continue to be consistent with such section, even if ownership or possession of such deposits is subsequently transferred to another person.*

### Specific Instructions

**Name and address.** Enter the name shown on your most recently filed federal income tax return. Include the suite, room, apartment, or other unit number after the street address. If the Post Office does not deliver mail to the

street address and the organization has a P.O. box, show the box number instead of the street address.

### Tax Computation

#### Line 5

Enter the fair market value of the interest the ownership or possession of which is transferred. The fair market value is determined at the time of the transfer.

#### Line 9

If Form 7004 was filed, enter the amount of tax paid, if any, when that form was filed.

#### Line 10

The tax due must be paid in full when Form 8924 is filed. Make the check or money order payable to the United States Treasury. Write the entity's name, address, identifying number, and Form 8924 on the check or money order.

Privacy Act and

#### Line 11

The IRS will refund the amount on line 11 if no other taxes are owed.

**Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

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

- Recordkeeping** . . . . . 4 hr., 4 min.
- Learning about the law or the form** . . . . . 42 min.
- Preparing and sending the form to the IRS** . . . . . 47 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:T:T:SP, 1111 Constitution Ave., NW, IR-6526, Washington, DC 20224. DO NOT send the tax form to this address. Instead, see *Where To File* above.

Section 6109 requires return preparers to provide their identifying numbers on the return.