

# Instructions for Form 4768

(Rev. August 2012)



Department of the Treasury  
Internal Revenue Service

## Application for Extension of Time To File a Return and/or Pay U.S. Estate (and Generation-Skipping Transfer) Taxes

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

### General Instructions

#### Purpose of Form

Use Form 4768 for the following purposes:

- To apply for an automatic 6-month extension of time to file:
  1. Form 706, United States Estate (and Generation-Skipping Transfer) Tax Return;
  2. Form 706-A, United States Additional Estate Tax Return;
  3. Form 706-D, United States Additional Estate Tax Return Under Code Section 2057;
  4. Form 706-NA, United States Estate (and Generation-Skipping Transfer) Tax Return, Estate of nonresident not a citizen of the United States; or
  5. Form 706-QDT, United States Estate Tax Return for Qualified Domestic Trusts.
- To apply for a discretionary (additional) extension of time to file Form 706 (Part II of Form 4768);
- To apply for a discretionary (for cause) extension of time to file Form 706; or
- To apply for an extension of time to pay estate or generation-skipping transfer tax under section 6161 (Part III of Form 4768).

**Note.** If you are applying for an extension for Form 706-A or 706-D, substitute “qualified heir” (or “trustee/designated filer” for Form 706-QDT) for “executor” in these instructions unless the context clearly requires otherwise.

#### Who May File

An executor filing Forms 706 or 706-NA for a decedent's estate may file Form 4768 to apply for an extension of time to file under section 6081(a) and/or an extension of time to pay the estate tax under section 6161(a)(2). See the instructions for Forms 706 or 706-NA for a definition of the term “executor.” If there is more than one executor, only one is required to sign Form 4768.

Also, an authorized attorney, certified public accountant, enrolled agent, or agent holding power of attorney may use this form to apply for an extension of time on behalf of the executor.

A qualified heir who is filing Form 706-A or Form 706-D, or a trustee/designated filer filing Form 706-QDT, may use Form 4768 to request an extension of time to file the return and/or pay the additional tax.

The form must be signed by the person filing the application. If filed by an attorney, certified public

accountant, enrolled agent, or agent holding a power of attorney, check the appropriate box.

#### When To File

**Automatic extension (Part II).** If you are applying for an automatic 6-month extension of time to file Forms 706, 706-A, 706-D, 706-NA, or 706-QDT, file Form 4768 by the original due date for the applicable return.

**Additional extension (Part II).** An additional extension is available only if you are an executor who is out of the country.

If you have already received an automatic 6-month extension and are applying for an additional extension, include an explanation of why a reasonably complete return cannot be filed by the due date. File Form 4768 early enough to allow the IRS to consider the application before the extended due date.

**Extension for cause.** If you have not filed an application for an automatic extension for Form 706, and the time for filing such an application has passed, an extension of time to file may still be granted if good cause is shown. File Form 4768, along with explanations of why the automatic extension was not requested and why a complete return was not filed by the due date, as soon as possible.

**Note.** An application for an extension of time to pay estate tax applied for after the estate tax due date will generally not be considered by the IRS.

#### How To File

File a separate Form 4768 for each form for which you are requesting an extension of time to file. Check the appropriate form number in Part II of Form 4768.

A separate Form 4768 is required to request an extension of time to pay:

- The tax due shown on Form 706,
- The tax due as a result of an amended or supplemental Form 706,
- The additional tax due as a result of an IRS examination of Form 706, or
- The tax due as a section 6166 installment payment.

When requesting an extension of time to pay, do not send Form 4768 with Form 706. It must be mailed in a separate envelope to the Internal Revenue Service Center listed under *Where To File*.

The return must be filed before the extension of time expires. It may not be amended after this time, although supplemental information may later be filed which may result in a different amount of tax.

## Where To File

**Forms 706, 706-A, 706-D, 706-NA, and 706-QDT.** File an extension request for these forms at the following address:

Department of the Treasury  
Internal Revenue Service Center  
Cincinnati, OH 45999

**Private delivery services (PDS).** In addition to the United States mail, filers can use certain PDS designated by the IRS to meet the “timely mailing as timely filing/paying” rule for tax returns and payments. These private delivery services include only the following:

- DHL Express (DHL): DHL Same Day Service.
- Federal Express (FedEx): FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2Day, FedEx International Priority, and FedEx International First.
- United Parcel Service (UPS): UPS Next Day Air, UPS Next Day Air Saver, UPS 2nd Day Air, UPS 2nd Day Air A.M., UPS Worldwide Express Plus, and UPS Worldwide Express.

The private delivery service can tell you how to get written proof of the mailing date.

## Interest

Interest must be paid on any estate and GST taxes that are not paid in full by the original due date of the tax return, regardless of whether an extension of time to file and/or pay has been obtained.

## Penalties

Penalties may be imposed for failure to file the estate (and GST) tax return within the extension period granted, or failure to pay the balance of the estate (and GST) tax due within the extension period granted.

## Bond

If an extension of time to pay is granted, the executor may be required to furnish a bond.

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## Specific Instructions

### Due Dates

**Forms 706 and 706-NA.** The due date for Form 706 and Form 706-NA is 9 months after the date of the decedent's death. If there is no numerically corresponding date in the 9th month, the due date is the last date of the 9th month.

**Form 706-A.** Form 706-A is due 6 months after the taxable disposition or cessation of qualified use.

**Form 706-D.** Form 706-D is due 6 months after the taxable disposition, cessation of material participation, or disqualifying act.

**Form 706-QDT.** Form 706-QDT is due:

- On or after January 1 but not later than April 15 of the year following any calendar year in which a taxable event occurred, or

- Nine months after (a) the death of the surviving spouse, or (b) the failure of the trust to qualify as a Qualified Domestic Trust (QDOT).

**Note.** If the due date falls on a Saturday, Sunday, or legal holiday, the return is due on the next business day.

## Part II. Extension of Time To File Forms 706, 706-A, 706-D, 706-NA, or 706-QDT (Section 6081)

**Automatic extension.** An executor may apply for an automatic 6-month extension of time to file Form 706, 706-A, 706-D, 706-NA, or 706-QDT. Unless you are an executor who is out of the country (see below), the maximum extension of time to file is 6 months from the original due date of the applicable return. Check the designated box and complete the form as instructed.

You do not have to explain why you are asking for an automatic extension. However, you must file Form 4768 by the original due date of the applicable return. We will contact you only if your request for extension of time to file is denied. Keep a copy of the form for your records.

**Note.** An extension of time to file does not extend the time to pay.

**Additional extension.** If you are an executor who is out of the country, you can apply for an additional extension of time to file in excess of the automatic 6-month extension. Check the designated box, complete the form as instructed, and attach the statement described in Part II of Form 4768. For Forms 706-A, 706-D, and 706-QDT, the qualified heir or trustee/designated filer must also include the date and a description of the taxable event.

You should apply for an automatic 6-month extension and then apply for any additional extension. You cannot combine an application for an automatic extension and an additional extension on the same Form 4768.

Applications for an additional extension following an automatic extension should be filed early enough to give the IRS time to consider the application before the due date.

**Note.** We will contact you only if your request for extension of time to file is denied. Keep a copy of the form for your records.

### Extension for Cause

Under Regulations section 20.6081-1(c), an executor who failed to timely apply for an automatic 6-month extension of time to file Form 706 may still apply for an extension of time to file upon a showing of good and sufficient cause.

If you are applying for an extension for cause, you must:

- Complete Part I;
- Sign the declaration (on the appropriate line) at the bottom of Form 4768 under penalties of perjury;
- Check all boxes that apply; and
- Attach a written statement explaining in detail why:
  1. You were unable to request an automatic extension,

2. It is impossible or impractical to file Form 706 by the due date, and

3. You should be granted an extension at this time.

Unless the executor is out of the country, the requested extension cannot be for more than 6 months from the original due date of the Form 706.

**Note.** We will contact you only if your request for extension of time to file is denied. Keep a copy of the form for your records.

**If a form on extension is not required to be filed after an extension of time to file has been granted.** If you have been granted an automatic extension, additional extension, or extension for cause, and it is later determined that you are not required to file the form extended (that is, Forms 706, 706-A, 706-D, 706-NA, or 706-QDT), write a letter to the Internal Revenue Service Center listed under *Where To File*, stating that no return is required for the estate. Sending this letter should eliminate the need for any further correspondence with the IRS. Please include with your letter a copy of the Estate's Probate Inventory and Appraisal.

### **Part III. Extension of Time To Pay (Section 6161)**

An extension of time to pay may not exceed 12 months. An extension of time to pay for reasonable cause may be granted, for 1 year at a time, for up to a maximum of 10 years. An extension of time to pay a deficiency for reasonable cause may be granted, for 1 year at a time, up to a maximum of 4 years. Different extension periods may apply to extensions of time granted for a section 6163 election (reversionary or remainder interest) or a section 6166 election (closely-held business).

The application must establish why it is impossible or impractical for the executor to pay the full amount of the estate tax by the estate tax return due date. Examples of reasonable cause provided in Regulations section 20.6161-1(a) include the following.

- An estate includes sufficient liquid assets to pay the estate (and GST) tax when otherwise due. The liquid assets, however, are located in several jurisdictions and are not immediately subject to the control of the executor. Consequently, such assets cannot readily be collected by the executor, even with reasonable effort.
- An estate is comprised, in substantial part, of assets consisting of rights to receive payments in the future (for example, annuities, copyright royalties, contingent fees, or accounts receivable). These assets provide insufficient present cash with which to pay the estate (and GST) tax when otherwise due and the estate cannot borrow against these assets except upon terms that would cause a loss to the estate.
- An estate includes a claim to substantial assets which cannot be collected without litigation. Consequently, the size of the gross estate is unascertainable at the time the tax is otherwise due.
- An estate does not have sufficient funds (without borrowing at a rate of interest higher than that generally available) with which to pay the entire estate (and GST) tax when otherwise due, to provide a reasonable

allowance during the remaining period of administration of the estate for the decedent's surviving spouse and dependent children, and to satisfy claims against the estate that are due and payable. In addition, the executor has made a reasonable effort to convert assets in the executor's possession (other than an interest in a closely-held business to which section 6166 applies) into cash.

In general, an extension of time to pay will be granted only for the amount of the cash shortage. You must show on Part IV, line 1 the amount of the estate and GST taxes due (attach a copy of the return if it has already been filed; otherwise estimate the tax). On Part IV, line 2, indicate the amount of the cash shortage, including a statement of the current assets already distributed, and if applicable, the plan for partial payments during the extension period. On Part IV, line 3, show the balance due.

To assist us in processing the return, read the bulleted items, check the appropriate box, and enter the extension date you are requesting as indicated.

See Part V. Notice to Applicant, below, for details on appeal rights.

**Note.** An extension of time to pay does not extend the time to file.

### **Part IV. Payment To Accompany Extension Request**

Interest must be paid on any estate and GST taxes that are not paid in full by the original due date of the tax return, regardless of whether an extension of time to file and/or pay has been obtained. For this reason, you should pay as much of the tax as possible by the original (not extended) due date of the return.

**Note.** A payment submitted with Form 4768 that is designated as a payment of estimated non-deferrable tax based on the intention to elect to extend the time for payment of estate tax under section 6166 will not be refunded if it exceeds the amount of the non-deferred liability when the section 6166 election is made. Payments in excess of the non-deferred portion of tax as well as excess 6166 installment payment will be applied to the remaining tax liability pursuant to sections 6402 and 6403.

**Paying the tax.** Make the check or money order payable to the "United States Treasury." Write the decedent's (or qualified heir's) social security number and the type of return (for example, "Form 706") on the payment.

### **Part V. Notice to Applicant**

If you are applying for an extension of time to pay, file page 2 of Form 4768 in **duplicate**. The IRS will complete Part V and return one copy to the executor. When submitting payment, attach a copy of the approved application. The part of the estate tax for which the extension is granted must be paid with interest from the estate tax due date before the expiration of the extension granted.

## Application Denied—Appeal Rights

If your application for extension of time to pay is denied, you may file a written appeal with the IRS. To file an appeal, you must:

- Send your appeal to the address shown on the second page of Form 4768 that was returned to the executor by the IRS (providing the reason for the denial),
- Send your appeal by registered or certified mail, and
- File your appeal within 10 days after the denial is mailed to the executor.

The appeal is considered filed on the date it is postmarked if postmarked timely but received after the 10-day period. If the due date falls on a Saturday, Sunday, or legal holiday, file by the next business day.

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## Paperwork Reduction Act Notice

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:

<b>Recordkeeping</b> .....	26 min.
<b>Learning about the law or the form</b> .....	22 min.
<b>Preparing the form</b> .....	43 min.
<b>Copying, assembling, and sending the form to IRS</b> .....	24 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:MS, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Do not send the tax form to this address. Instead, see Where To File, above.