



CT-43

New York State Department of Taxation and Finance

Claim for Special Additional Mortgage Recording Tax Credit

Tax Law — Articles 9, sections 183, 184, 185, and 186
Articles 9-A, 32, and 33

2003 calendar-year filers check box: []

Other filers enter tax period:

beginning [] ending []

Name, Employer identification number, File number

Please read instructions on back.

Attach this form to your franchise tax return.

Table with 3 rows: 1 Special additional mortgage recording tax due and paid during current tax year that qualifies for the credit, 2 Unused special additional mortgage recording tax credit from preceding period, 3 Total available tax credit (add lines 1 and 2)

Computation of special additional mortgage recording tax credit used and available to be carried forward

Table with 10 rows: 4 Tax (see below*), 5 Tax credits claimed before the special additional mortgage recording tax, 6 Subtotal (subtract line 5 from line 4), 7 Minimum tax (see below**), 8 Limitation on credit used, 9 Special additional mortgage recording tax credit used this period, 10 Unused special additional mortgage recording tax credit

Refund or credit and carryforward of special additional mortgage recording tax credit (only Article 9-A taxpayers complete)

Table with 5 rows: 11 Amount of recording tax included on line 1 for recording of residential mortgages only, 12 Amount of special additional mortgage recording tax credit eligible for refund or credit, 13 Balance to be refunded, 14 Balance to be credited as an overpayment, 15 Amount of carryforward

If you filed:

* Enter on line 4 the amount from:

** Enter on line 7 the minimum tax shown below:

Table mapping forms to line numbers and minimum tax amounts: Form CT-3, Form CT-3-A, Form CT-3-S, Form CT-3-S-A, Form CT-32 or CT-32-A, Form CT-32-S, Form CT-33, Form CT-33-A, Form CT-33-NL, Form CT-183, Form CT-184, Form CT-185, Form CT-186

Instructions

General information

Transition provisions for utility and pipeline corporations –

Any portion of the special additional mortgage recording tax credit allowed that was not applied against the tax due under sections 183, 184, or 186 of the Tax Law for any tax year ending on or before December 31, 2000, may be claimed under Article 9-A.

Reporting period

If you are a calendar-year filer, check the box in the upper right corner on the front of this form.

If you are a fiscal-year filer, complete the beginning and ending tax period boxes in the upper right corner on the front of the form.

If you file one of the following franchise tax returns, you may claim as a credit against your franchise tax certain special additional mortgage recording tax you paid.

Form number	Tax Law	Reference to credit
CT-3*, CT-3-A, CT-3-S, and CT-3-S-A	Article 9-A	— sections 210.17, 210.21
CT-32, CT-32-A, and CT-32-S ...	Article 32	— section 1456(c)
CT-33, CT-33-A, and CT-33-NL ...	Article 33	— section 1511(e)
CT-183	Article 9	— section 187.1
CT-184	Article 9	— section 187.1
CT-185	Article 9	— section 187.1
CT-186	Article 9	— section 187.1

* General business corporations previously filing Form CT-4 or Form CT-4-S may claim the credit by filing Form CT-3 or Form CT-3-S in any year the credit is claimed.

A tax credit is not allowed for the special additional mortgage recording tax paid on **residential** mortgages (defined below) recorded on or after May 1, 1987, if the real property is located in Erie County or any of the counties within the Metropolitan Commuter Transportation District (MCTD). The MCTD includes the counties of New York, Bronx, Queens, Kings, Richmond, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester.

A *residential mortgage* is defined as a mortgage of real property that has been or will be principally improved by one or more structures containing a total of not more than six **residential** dwelling units, each with its own separate cooking facilities.

Article 9-A taxpayers who paid the special additional mortgage recording tax on residential mortgages in any tax year beginning before 1986 may **not** carry forward unused special additional recording tax credit relating to these residential mortgages. For tax years beginning on or after January 1, 1986, and before January 1, 1990, and tax years beginning in or after 1994, these taxpayers may elect, in lieu of carryover, to treat the unused portion of special additional mortgage recording tax credit as an overpayment of tax to be credited or refunded. See Technical Services Bureau Memorandum TSB-M-94(4)C for additional information.

For tax periods beginning in and after 1994, New York S corporations taxable under Article 9-A may apply this credit against the franchise tax, carry it over, or treat it as an overpayment of tax as discussed above.

When claiming this credit, you must add back, to your entire net income, the amount of the special additional mortgage recording tax used as a deduction in the computation of federal

taxable income. (For additional information, see Technical Services Bureau Memorandums TSB-M-87(7)C and TSB-M-87(10)C.)

For corporations filing Forms CT-3, CT-3-A, CT-3-S, CT-3-S-A, CT-32, CT-32-A, CT-32-S, CT-33, or CT-33-A, the gain or loss on the sale of real property on which the special additional mortgage recording tax credit was claimed must be increased, in the case of a gain, or decreased, in the case of a loss, when all or any portion of the credit was used in the basis for computing federal gains.

Line instructions

Line 1 — Also include any amount of special additional mortgage recording tax credit received from a flow-through entity.

Line 5 — If you are claiming more than one tax credit for this year, enter the amount of credit(s) you wish to apply against your franchise tax due before the application of the special additional mortgage recording tax credit. Otherwise, enter "0." Article 33 filers: do not enter any amount of EZ wage tax credits, ZEA wage tax credits, and EZ capital tax credits you may be claiming on this line. You must apply certain credits before the special additional mortgage recording tax credit. Refer to the instructions of your franchise tax return to determine the order of credits that applies. Article 9-A taxpayers: refer to Form CT-600, *Ordering of Corporation Tax Credits*.

If filing as a member of a combined return, include any amount of tax credit(s), including special additional mortgage recording tax credit(s), being claimed by other members of the combined group that you wish to apply before your special additional mortgage recording tax credit. Article 33 combined filers: do not enter any amount of EZ wage tax credit(s), ZEA wage tax credit(s), and EZ capital tax credit(s) being claimed by other members of the combined group.

Line 7 — Article 33 combined filers (using Form CT-33-A): multiply the number of taxpayers in the combined group by \$250 and enter the result here.

Order of credits — You must apply certain credits before the special additional mortgage recording tax credit. Refer to the instructions for your franchise tax return to determine the order of credits. Article 9-A taxpayers: refer to Form CT-600, *Ordering of Corporation Tax Credits*.

Article 9-A taxpayers only: To claim a credit or refund of the special additional mortgage recording tax credit, complete lines 11 through 15.

Line 11 — Enter only that amount from line 1 that represents special additional mortgage recording tax due and paid during the **current** tax year for recording of **residential** mortgages.

To avoid an unnecessary exchange of funds, we will apply the refundable portion of the tax credit to any unpaid balance of the franchise tax and MTA surcharge, and refund the remaining balance. Enter the line 13 amount on Form CT-3, line 99; Form CT-3-A, line 100; Form CT-3-S, line 54; or Form CT-3-S-A, line 66.

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