



CT-43

New York State Department of Taxation and Finance

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Claim for Special Additional Mortgage Recording Tax Credit

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

All filers must 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.

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

Table with 10 rows: 4. Tax; 5. Tax credits claimed before the special additional mortgage recording tax credit; 6. Subtotal; 7. Minimum tax; 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 (Article 9-A taxpayers only)

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.

Table with 3 columns: If you filed; * Enter on line 4 the amount from; ** Enter on line 7 the minimum tax shown below. Lists various forms and their corresponding line numbers and minimum tax amounts.

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 Tax Law sections 183, 184, or 186 for any tax year ending on or before December 31, 2000, may be claimed under Article 9-A.

Reporting period — 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 and 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 CT-4-S may claim the credit by filing Form CT-3 or 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 mortgage 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, in lieu of a carryforward, these taxpayers may elect 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 more 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 forward, 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. (See TSB-M-87(7)C and TSB-M-87(10)C for more information.)

For corporations filing Form 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. Attach a statement showing the name, employer identification number (EIN), and amount of credit received from each 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**.

Life insurance corporations: Do not enter on this line any amount of empire zone (EZ) wage tax credit(s), zone equivalent area (ZEA) wage tax credit(s), or EZ capital tax credit(s) you may be claiming. 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 you are included in 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 on this line any amount of EZ wage tax credit(s), ZEA wage tax credit(s), or 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.

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 metropolitan transportation business tax (MTA surcharge) and refund the remaining balance.

Enter the line 13 amount on Form CT-3, line 99a; Form CT-3-A, line 100a; Form CT-3-S, line 54; or Form CT-3-S-A, line 66a.

Enter the line 14 amount on Form CT-3, line 99b; Form CT-3-A, line 100b; Form CT-3-S, line 55; or Form CT-3-S-A, line 66b.

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