New York State Department of Taxation and Finance

Instructions for Form IT-2106

Estimated Income Tax Payment Voucher for Fiduciaries

New York State • New York City • Yonkers

(These instructions apply to Form IT-2106-MN.)

IT-2106-I

Note: At the present time there is only one version of Form IT-2106 and it is designated as Form IT-2106-MN. Any reference to Form IT-2106 within these instructions, or within any income tax forms, applies to Form IT-2106-MN.

General information

Fiduciaries filing Form IT-2106 must use these instructions and not Form IT-2105-I.

Estates and certain grantor trusts that receive the residue of the decedent's estate under the decedent's will are exempt from paying estimated income tax for the tax year of the decedent's death and the following tax year.

Estimated income tax is the amount of New York State, New York City, and Yonkers tax owed for the year after subtracting:

- tax withheld;
- estimated income tax paid with Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*;
- estimated income tax paid with Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*; **and**
- credits.

If any of the income of the estate or trust is subject to New York City or Yonkers resident income taxes or Yonkers nonresident earnings tax, substitute *New York City* or *Yonkers* for *New York State* in the following instructions to determine if the estate or trust is required to make estimated payments of these taxes.

Nonresident estates and trusts must compute their income tax as if they were New York State resident estates and trusts and then prorate the taxes based on the ratio of New York adjusted gross income from New York State sources to total New York adjusted gross income from all sources. The New York adjusted gross income of an estate or trust must be computed as if the estate or trust were an individual.

Who must make estimated income tax payments

Generally, a fiduciary of an estate or trust must pay estimated income tax if the estate or trust is expected to owe, after subtracting its withholding, estimated income tax paid with Form IT-2663 and/or IT-2664, and credits, at least $300 of New York State, New York City, or Yonkers income tax for 2008 and can expect withholding, estimated income tax paid with Form IT-2663 and/or IT-2664, and credits to be less than:

(1) 90% of the income tax shown on the 2008 return, or

(2) 100% of the income tax shown on the 2007 return (110% of that amount if the estate's or trust's New York adjusted gross income on that return is more than $150,000 and less than two-thirds of the total federal gross income for 2007 or 2008 is from farming or fishing).

However, if a return was not filed for 2007, or that return did not cover a full 12 months, item 2 above does not apply.

Note: Do not include in the estimate any amount of sales or use tax the estate or trust expects to owe on its 2008 fiduciary income tax return.

When to pay the estate's or trust's estimated income tax

Generally, the first payment of 2008 estimated income tax should be made by April 15, 2008. All of the estimated income tax due can be paid with the first voucher or it can be paid in four equal installments by April 15, June 16, September 15, 2008, and January 15, 2009.

Changes in income or deductions during 2008 may require that the original estimate be amended or that the first payment of estimated income tax be made after April 15, 2008. Use the *Amended estimated income tax worksheet* on page 6 to amend the original estimate. If the first payment is not due until after April 15, 2008, the payment due dates are as follows:

If the requirement is met after:	Payment due date is:
March 31 and before June 1	June 16, 2008
May 31 and before September 1	September 15, 2008
August 31	January 15, 2009

If Form IT-205, *Fiduciary Income Tax Return,* is filed on or before February 2, 2009, with full payment of the tax due, it is not necessary to make the payment due on January 15, 2009.

If, after March 31, 2008, the estate or trust has a large change in income, deductions, additional taxes, or credits that requires the estate or trust to start making estimated income tax payments, the estate or trust should compute the amount of its estimated income tax payments by using the annualized income installment method explained in Publication 94, *Should You Be Paying Estimated Tax in 2008?*, and Form IT-2105.9-I, *Instructions for Form IT-2105.9, Underpayment of Estimated Income Tax by Individuals and Fiduciaries*, Worksheet 1 (and, if applicable, Worksheet 2 and Worksheet 3). Although the payment due dates will be the same as shown above, the payment amounts will vary based on the estate or trust income, deductions, additional taxes, and credits for the months ending before each payment due date. As a result, this method may allow the estate or trust to skip or lower the amount due for one or more payments. If the estate or trust uses the annualized income installment method, be sure to file Form IT-2105.9, with its 2008 tax return, even if no penalty is owed.

Fiscal-year filers — If the estate reports income on a fiscal-year basis, adjust the calendar-year due dates to correspond with the fifteenth day of the fourth, sixth, and ninth months of the fiscal year, and the first month of the succeeding fiscal year. If any date falls on a Saturday, Sunday, or legal holiday, use the next regular workday.

Where to file

Do not staple or clip the check or money order to the voucher. Detach any check stubs before mailing. Mail the payment and Form IT-2106 to:

NYS ESTIMATED INCOME TAX
PROCESSING CENTER
PO BOX 4122
BINGHAMTON NY 13902-4122

Private delivery services

If you choose, you may use a private delivery service, instead of the U.S. Postal Service, to mail in your return and tax payment.

However, if, at a later date, you need to establish the date you filed your return or paid your tax, you cannot use the date recorded by a private delivery service **unless** you used a delivery service that has been designated by the U.S. Secretary of the Treasury or the Commissioner of Taxation and Finance. (Currently designated delivery services are listed in Publication 55, *Designated Private Delivery Services.* See *Need help?* on page 4 of these instructions for information on obtaining forms and publications.) If you have used a designated private delivery service and need to establish the date you filed your return, contact that private delivery service for instructions on how to obtain written proof of the date your return was given to the delivery service for delivery. If you use **any** private delivery service, whether it is a designated service or not, send the forms covered by these instructions to: JPMorgan Chase, NYS Tax Processing — Estimated Tax, 33 Lewis Rd, Binghamton NY 13905-1040.

How to complete the payment voucher

Enter the estate's or trust's employer identification number (EIN). Print or type the name of the estate or trust and the address of the fiduciary or firm in the spaces provided. To ensure that payments of estimated income tax are properly credited, this information **must** agree with the information on Form IT-205, *Fiduciary Income Tax Return*. The name of the estate or trust and the name of the fiduciary or firm must be spelled correctly.

Foreign addresses — Enter the information in the following order: city, province or state, and then country (all in the *City, village, or post office* box). Follow the country's practice for entering the postal code. **Do not abbreviate the country name**.

Fiscal year filers only — Enter in the fiscal-year box the date the estate's or trust's fiscal year begins and ends.

To obtain forms, see *Need help?* on page 4.

When computing the amounts to be entered in the *Record of estimated income tax payments* on page 6, the estate or trust may apply an estimated overpayment of New York State, New York City, or Yonkers tax to an estimated underpayment of New York State, New York City, or Yonkers tax.

Enter the amount(s) due as computed at the bottom of the *Estimated income tax worksheet* on page 5, or line 6 of the *Amended estimated income tax worksheet* on page 6, in the appropriate space(s) on the voucher. Be sure to **separately enter** the amounts for New York State, New York City, and Yonkers; then enter the total in the *Total payment* box. If there is **no amount** to be entered, **leave blank**. If entering a whole dollar amount (no cents), enter ***00*** to the right of the decimal. If too much tax was paid on the 2007 return and the overpayment is to be applied to 2008 estimated income tax, all or part of the overpayment can be applied to any installment. Enter only the net amount of each installment in the appropriate space(s) on the voucher. **Do not** send the voucher unless a payment is included.

An estate or trust may now make its payment by transferring funds directly from the estate's or trust's bank account (ACH debit) using the Tax Department's Web application. Go to our Web site at *www.nystax.gov* and click on *Electronic Services*. **Do not** send a voucher if an estate or trust is making its payment by ACH debit.

Make a check or money order payable to ***New York State Income Tax*** for the total amount due as shown on the voucher. Write the EIN of the estate or trust and ***2008 IT-2106*** on it.

If payment is being made by check or money order, enclose the check or money order with the payment voucher and mail to the applicable address shown on the front of the voucher. Fill in the *Record of estimated income tax payments* section on page 6 so that the estate or trust will have a record of its past payments.

Certain payments of estimated income tax treated as paid by beneficiary — If the payments of estimated income tax made by the fiduciary for 2008 exceed the tax liability shown on the fiduciary's 2008 Form IT-205, the fiduciary (or executor, under certain circumstances) may elect to treat any portion of the payment as a payment made by a beneficiary and not as a payment made by the fiduciary. Such an amount is treated as a payment by the beneficiary of estimated income tax which would otherwise be due January 15, 2009.

The fiduciary must make the election on the 2008 Form IT-205-T, *Allocation of Estimated Tax Payments to Beneficiaries.* The election must be filed on or before the 65th day after the close of the fiduciary's tax year and is irrevocable.

The estate or trust can view and reconcile its estimated income tax account by accessing our Web site at *www.nystax.gov* and clicking on *Online Tax Center*, or by calling our Personal Income Tax Information Center; see *Need help?* on page 4.

Penalty for underpayment of estimated income tax

A penalty may be charged for not paying enough estimated income tax or for not making the payments on time. The penalty does not apply if each payment is timely and the total tax paid is:

- at least 90% (66⅔% for farmers and fishermen) of the amount of income tax due as shown on the 2008 Form IT-205, or 90% of the tax due if no return was filed (if the estate or trust is unsure of its estimated tax liability for the current year, it may want to pay more than 90% (or 66⅔%)); **or**
- 100% of the income tax shown on the 2007 Form IT-205 (110% of that amount if the estate's or trust's New York adjusted gross income on that return is more than $150,000 and less than two-thirds of the total federal gross income for 2007 or 2008 is from farming or fishing). A full 12-month year Form IT-205 must have been filed for 2007; **or**
- 90% of the income tax computed by annualizing the taxable income received for the months ending before the due date of the installment.

The penalty will not apply if the estate or trust is a New York State resident estate or trust (or a nonresident estate or trust or part-year resident estate with New York source income) that had no tax liability for the full 12-month preceding tax year.

Line instructions for estimated income tax worksheet *(see page 5)*

Line 1 — Estimate the 2008 New York taxable income of the fiduciary using 2007 Form IT-205 or Form IT-205-A, *Fiduciary Allocation*, as a guide.

Nonresident estates and trusts and part-year resident trusts

Estimate the estate's or trust's taxable income as if it was a resident estate or trust, including income from sources in and out of New York State.

(continued)

Line 2 — New York State tax

New York adjusted gross income (NYAGI) worksheet

1. Enter federal adjusted gross income *(as computed using federal Form 1041, line 15b instructions)* ..... 1. _____
2. Enter New York State modifications relating to amounts allocated to principal ..... 2. _____
3. Enter the net amount of the fiduciary's share of additions and subtractions from Form IT-205, lines 63 through 69, that related to items of income reported on Form IT-205, lines 43 through 50, or Form IT-205-A, lines 14 through 21 ... 3. _____
4. Add lines 2 and 3..... 4. _____
5. New York adjusted gross income *(line 1 and add or subtract line 4)* ..... 5. _____

Tax computation

☐ If *NYAGI worksheet*, line 5, is **$100,000 or less**, compute the estate's or trust's New York State tax on the amount from page 5, *Estimated income tax worksheet*, line 1, using the *New York State tax rates* on page 6. Enter the tax amount on page 5, *Estimated income tax worksheet*, line 2.

☐ If *NYAGI worksheet*, line 5, is **more than $100,000 but not more than $150,000**, the estate or trust must compute its tax using *Tax computation worksheet 1* below.

☐ If *NYAGI worksheet*, line 5, is **more than $150,000**, the estate or trust must compute its tax using *Tax computation worksheet 2* below.

Tax computation worksheet 1

1. Enter the amount from *NYAGI worksheet*, line 5 above..... 1. _____
2. Enter the estate's or trust's taxable income from page 5, *Estimated income tax worksheet*, line 1..... 2. _____
3. Multiply line 2 by 6.85% (.0685) ..... 3. _____
4. Enter the estate's or trust's New York State tax on the line 2 amount above from the *New York State tax rates* on page 6 ..... 4. _____
5. Subtract line 4 from line 3..... 5. _____
6. Enter the excess of line 1 over $100,000 or enter $50,000, whichever amount is less..... 6. _____
7. Divide line 6 by $50,000 and round to the fourth decimal place (cannot exceed 1.0000) ..... 7. ☐.☐☐☐☐
8. Multiply line 5 by line 7 ..... 8. _____
9. Add lines 4 and 8. Enter here and on page 5, *Estimated income tax worksheet*, line 2 ..... 9. _____

Note: For some estates or trusts, the line 3 amount may be the same as the line 9 amount.

Tax computation worksheet 2

1. Enter the taxable income from page 5, *Estimated income tax worksheet*, line 1 ... 1. _____
2. Multiply line 1 by 6.85% (.0685) Enter here and on page 5, *Estimated income tax worksheet*, line 2 ... 2. _____

(continued)

Nonresident estates and trusts and part-year resident trusts

Compute the amount of estimated income tax due using the following worksheet (**Note:** *NYAGI* means New York adjusted gross income):

a) New York State tax on amount entered from page 5, *Estimated income tax worksheet*, line 1. a. _____

b) Multiply line a by $\frac{\text{NYAGI from New York sources}}{\text{Total NYAGI from all sources}}$

Enter result here and on page 5, *Estimated income tax worksheet*, line 2 ..... b. _____

Line 3 — New York City tax (New York City resident estates and trusts only).

If the estate or trust is subject to the New York City resident tax, compute the estate's or trust's New York City tax on the amount from page 5, *Estimated income tax worksheet*, line 1, using the *New York City tax rates* on page 6. Enter the tax amount on page 5, *Estimated income tax worksheet*, line 3.

Line 4 — Enter any estimated New York City accumulation distribution credit that the estate or trust is entitled to claim. For information on how to compute this credit, see Form IT-205-I, *Instructions for Form IT-205*.

Line 6 — Enter any estimated New York City tax on the ordinary income portion of lump-sum distribution.

Line 8 — Enter any estimated New York City unincorporated business tax credit the estate or trust is entitled to claim using Form IT-219, *Credit for New York City Unincorporated Business Tax,* as a guide.

Line 10 — Enter on line 10 an estimate of the total nonrefundable credits that the estate or trust is eligible to claim. See Form IT-205-I for the allowable credits.

Line 12 — Include on line 12 any New York State and New York City additional taxes from:

– Form IT-220, *Minimum Income Tax*

– Form IT-230, *Separate Tax on Lump-Sum Distributions*

Line 14 — Include on line 14 any New York State refundable credits. See Form IT-205-I for the allowable credits.

Line 16 — The current rate for Yonkers is 10% (.10). If the estate or trust is subject to the Yonkers resident income tax surcharge, multiply the amount on line 13, New York State column, by 10% (.10) and enter the result on line 16.

Line 17 — If the estate or trust is subject to the Yonkers nonresident fiduciary earnings tax, complete Form Y-206, *Yonkers Nonresident Fiduciary Earnings Tax Return*, and transfer the amount of tax computed to line 17.

Privacy notification

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 5-a, 171, 171-a, 287, 308, 429, 475, 505, 697, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).

This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Director of Records Management and Data Entry, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the United States and outside Canada, call (518) 485-6800.

Need help?

Internet access: *www.nystax.gov*
Access our Answer Center for answers to frequently asked questions; check your refund status; check your estimated tax account; download forms, publications; get tax updates and other information.

Fax-on-demand forms: Forms are available 24 hours a day, 7 days a week. 1 800 748-3676

Telephone assistance is available from 8:00 A.M. to 5:00 P.M. (eastern time), Monday through Friday.

Refund status: 1 800 443-3200
(Automated service for refund status is available 24 hours a day, 7 days a week.)

To order forms and publications: 1 800 462-8100

Personal Income Tax Information Center: 1 800 225-5829

From areas outside the U.S. and outside Canada: (518) 485-6800

Hearing and speech impaired: (telecommunications device for the deaf (TDD) callers only): 1 800 634-2110

Persons with disabilities: In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call 1 800 225-5829.

How to compute the estate's or trust's estimated income tax

Complete the *Estimated income tax worksheet* below to compute the estate's or trust's 2008 estimated income tax. Use the 2007 Form IT-205 as a guide for computing estimated income tax. If necessary, also use 2007 Form IT-205-A and 2007 Form Y-206. Line instructions for the worksheet begin on page 2 of these instructions.

Estimated income tax worksheet *(see instructions)*		**New York State**		**New York City**		**Yonkers**
1 New York taxable income of fiduciary *(see instructions, page 2)*	**1.**					
2 New York State tax on line 1 amount *(see instructions, page 3)*	**2.**					
3 New York City resident tax on line 1 amount *(see instructions, page 4)*				**3.**		
4 New York City accumulation distribution credit				**4.**		
5 Subtract line 4 from line 3				**5.**		
6 New York City tax on ordinary income portion of lump-sum distribution				**6.**		
7 Add lines 5 and 6				**7.**		
8 New York City unincorporated business tax credit				**8.**		
9 Subtract line 8 from line 7				**9.**		
10 New York State nonrefundable credits *(see instructions, page 4)*	**10.**					
11 Subtract line 10 from line 2	**11.**					
12 Enter any additional taxes *(see instructions, page 4)*	**12.**					
13 Add lines 11 and 12, New York State column; and/or add lines 9 and 12, New York City column	**13.**					
14 Refundable credits *(see instructions, page 4)*	**14.**					
15 Subtract line 14 from line 13	**15.**					
16 Yonkers resident income tax surcharge *(multiply line 15, New York State column, by 10% (.10))*					**16.**	
17 Yonkers nonresident fiduciary earnings tax *(from Form Y-206)*					**17.**	
18 Totals (New York State *column, enter amount from line 15;* New York City *column, enter amount from line 13;* Yonkers *column, add lines 16 and 17)*	**18.**					
19 Multiply line 18 by 90% (.90) (66⅔% (.6667) for farmers and fisherman)	**19.**					
20 Enter 100% of the personal income tax shown on the 2007 Form IT-205 (110% (1.1) of that amount if the estate's or trust's New York adjusted gross income on that return is more than $150,000 and less than ⅔ (66.67) of the total federal gross income for 2007 or 2008 is from farming or fishing)	**20.**					
21 Enter the **lesser** of line 19 or 20. This is the estate's or trust's required annual payment	**21.**					
22 Estimate of income tax to be withheld and estimated income tax paid with Form IT-2663 and/or IT-2664	**22.**					
23 Balance *(subtract line 22 from line 21).* If any amount on this line is $300 or more, fill out and file the payment voucher along with the payment. If each amount on this line is less than $300, no payment is required at this time. If applying an overpayment from 2007 to 2008, see *How to complete the payment voucher* on page 2	**23.**					

Computation of installments: **If the first payment is due:**	**Enter in the appropriate spaces on the voucher (less any 2007 overpayment being applied to this installment):**
April 15, 2008	25% (.25) of line 23
June 16, 2008	50% (.50) of line 23
September 15, 2008	75% (.75) of line 23
January 15, 2009	amount on line 23

Tax rate schedules

(Use only to compute your 2008 estimated income taxes.)

New York State tax rates							
If line 1 is: over	**but not over**	**The tax is:**					
$ 0	$ 8,000			4%	of line 1		
8,000	11,000	$ 320	plus	4.5%	of the excess over	$ 8,000
11,000	13,000	455	plus	5.25%	" " " "	11,000
13,000	20,000	560	plus	5.9%	" " " "	13,000
20,000		973	plus	6.85%	" " " "	20,000

New York City tax rates						
If line 1 is: over	**but not over**	**The tax is:**				
$ 0	$ 12,000			2.907%	of line 1	
12,000	25,000	$ 349	plus	3.534%	of the excess over	$ 12,000
25,000	50,000	808	plus	3.591%	" " " "	25,000
50,000		1,706	plus	3.648%	" " " "	50,000

Amended estimated income tax worksheet

(Use only if the estate's or trust's estimated income tax increases or decreases.)

			New York State		New York City		Yonkers	
1	Amended estimated income tax	**1.**						
2	Overpayment from 2007 credited to estimated income tax	**2.**						
3	Balance *(subtract line 2 from line 1)*	**3.**						
4	Estimated income tax payments made to date	**4.**						
5	Unpaid balance *(subtract line 4 from line 3)*	**5.**						
6	Installment due *(divide line 5 by the number of remaining payments due)*	**6.**						

Record of estimated income tax payments

(Record credits and payments in this table. Keep this record; the estate or trust **will not** be receiving notices indicating the amount due each quarter.)

A Payment type	**B** Payment date	**C** Amount		**D** 2007 overpayment credit applied		**E** Total amount paid and credited (add *C* and *D*)	
	Total						