



Computation of Credit for Gift Tax

For estates of decedents who died after May 25, 1990

Attach this completed form to the original or amended Form ET-90.

Decedent's last name		First	Middle initial	
Social security number	County of residence		Date of death	
Donee's last name	First	Middle initial	Relationship to donor	Calendar quarter of the NY gift tax returns

Part I — First Limitation (use column B for portion of gift by donor reported by spouse in case of split gifts)

	A		B	
1 Value of gift as reported on New York gift tax return	1		1	
2 New York annual exclusion applicable to line 1	2		2	
3 New York marital deduction applicable to line 1	3		3	
4 New York charitable deduction applicable to line 1	4		4	
5 Add lines 2, 3 and 4	5		5	
6 Amount of gift (subtract line 5 from line 1)	6		6	
7 New York taxable gifts (from Form TP-400, page 1, line 1)	7		7	
8 Total New York gift tax paid (from Form TP-400, page 1, line 6)	8		8	
9 First limitation (divide line 6 by line 7; multiply the result by line 8)	9		9	
10 Total first limitation (line 9, add column A and column B)			10	

Part II — Second Limitation

11 Value of gift as reported on New York estate tax return		11	
12 If line 1 is less than or equal to line 11, subtract line 2 from line 1		12	
13 If line 1 is more than line 11, divide line 11 by line 1 and multiply the result by line 2; subtract the result from line 11		13	
14 New York estate tax marital deduction of donee	14		
15 Value of property interests qualifying for New York estate tax marital deduction (see instructions)	15		
16 Divide line 14 by line 15 and multiply the result by line 13 (applicable only to the extent that line 12 includes the value of property interests qualifying for New York estate tax marital deduction)	16		
17 New York estate tax charitable deduction attributable to line 11	17		
18 If line 1 is less than or equal to line 11, subtract line 2 from line 17	18		
19 If line 1 is more than line 11, divide line 11 by line 1 and multiply the result by line 2; subtract the result from line 17	19		
20 Add lines 16 and 18 or 19		20	
21 Value of the gift (subtract line 20 from line 12 or line 13)			21
22 New York adjusted gross estate (from Form ET-90, line 34)		22	
23 New York marital deduction (from Form ET-90, line 46)	23		
24 New York charitable deduction (from Form ET-90, line 49)	24		
25 Add lines 23 and 24		25	
26 Subtract line 25 from line 22			26
27 New York estate tax (from Form ET-90, line 6)			27
28 Second limitation (divide line 21 by line 26; multiply the result by line 27)			28
29 Unified credit limitation (divide line 21 by line 26; multiply the result by the amount of unified credit)		29	
30 Agricultural credit limitation (divide the estate tax value of farm from Schedule G by line 22; multiply result by the amount on Form ET-90, line 15a)		30	
31 Closely held business credit limitation (divide the estate tax value of closely held business from Schedule G by line 22; multiply result by the amount on Form ET-90, line 15b)		31	
32 Add lines 29, 30 and 31			32
33 Subtract line 32 from line 28			33
34 Credit (enter the lesser of line 10 or line 33; also enter on Form ET-90, line 17)			34

Instructions

This credit is not allowable for gifts made after December 31, 1982. Therefore, any reference to *Form TP-400* or *gift tax return* refers to the quarterly return (Form TP-400 or TP-401) with a revision date of 10/80 or earlier, or to Form MT-730 or MT-731.

Do not complete this form if the gift was made to the decedent donor's spouse and the unlimited marital deduction is claimed.

When the credit is claimed for more than one gift included in the adjusted gross estate, a separate computation of the two limitations on the credit is required for each gift.

Attach a copy of all gift tax returns that report gifts for which the credit is claimed. Also, attach copies of amended returns and/or audit adjustments.

Part I - First Limitation

Line 1 — Enter the value of the gift at the time of transfer, as reported on the gift tax return. This amount should include only gifts for which New York gift tax has been paid and that are included in the New York adjusted gross estate.

Line 7 — This amount should be taken from the gift tax return that included the gift for which this computation is being made.

Line 9 — The *first limitation* equals the portion of the gift tax paid that is attributable to the gifts included in the estate of the donor.

Line 10 — Total first limitation - if the gifts are split between husband and wife and the entire value of the gift is included in the deceased spouse's estate, the credit will be based on the tax paid on the gift tax returns of both the husband and wife. However, if only one-half of the gift is included in the estate, the credit will be based on the deceased spouse's return only.

Part II - Second Limitation

Line 11 — Enter the date of death value or alternative value of the included transfer, as reported on the estate tax return - Schedule G. (**Note:** The amount of gift tax reported on Schedule G as paid on the included gift does not increase the value of the interest transferred.)

Line 14 - 16 — Complete these lines only if the spouse is the donee of the gift and a marital deduction is claimed on the estate tax return.

Line 15 — This amount should equal the total amount received from the estate by the spouse that **qualifies** for the New York State estate tax marital deduction.

Line 28 — This amount should equal the portion of the estate tax attributable to the inclusion of the gift.

Line 29 — This computation apportions the amount of the unified credit allowed due to the inclusion of the gift. The unified credit is taken from Form ET-90, page 1, line 7.

Line 30 — This computation apportions the amount of the agricultural credit allowed due to the inclusion of the gift. The agricultural credit is taken from Form ET-90, page 1, line 15a.

Line 31 — This computation apportions the amount of the closely held business credit allowed due to the inclusion of the gift. The closely held business credit is taken from Form ET-90, page 1, line 15b.

Line 33 — The amount shown on this line represents the net amount of estate tax on this gift.

Line 34 — Limitation of credit - in no event may the credit exceed the amount of estate tax due before the credit is claimed.

Need Help?

Telephone Assistance is available from 8:30 a.m. to 4:25 p.m., Monday through Friday. For tax information, call toll free 1 800 641-0004. To order forms and publications, call toll free 1 800 462-8100. From areas outside the U.S. and outside Canada, call (518) 485-6800.

Fax-on-Demand Forms Ordering System - Most forms are available by fax 24 hours a day, 7 days a week. Call toll free from the U.S. and Canada 1 800 748-3676. You must use a Touch Tone phone to order by fax. A fax code is used to identify each form.

Internet Access - <http://www.tax.state.ny.us>
Access our website for forms, publications, and information.

Hotline for the Hearing and Speech Impaired - If you have access to a telecommunications device for the deaf (TDD), you can get answers to your New York State tax questions by calling toll free from the U.S. and Canada 1 800 634-2110. Assistance is available from 8:30 a.m. to 4:15 p.m., Monday through Friday. If you do not own a TDD, check with independent living centers or community action programs to find out where machines are available for public use.

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 the information numbers listed above.

Mailing Address - If you need to write, address your letter to: NYS Tax Department, Taxpayer Assistance Bureau, W A Harriman Campus, Albany, NY 12227.

Privacy Notification

The right of the Commissioner of Taxation and Finance and the Department of Taxation and Finance to collect and maintain personal information, including mandatory disclosure of social security numbers in the manner required by tax regulations, instructions, and forms, is found in Articles 22, 26, 26-A, 26-B, 30, 30-A, and 30-B of the Tax Law; Article 2-E of the General City Law; and 42 USC 405(c)(2)(C)(i).

The Tax Department will use this information primarily to determine and administer tax liabilities due the state and city of New York and the city of Yonkers. We will also use this information for certain tax offset and exchange of tax information programs authorized by law, and for any other purpose authorized by law.

Information concerning quarterly wages paid to employees and identified by unique random identifying code numbers to preserve the privacy of the employees' names and social security numbers will be provided to certain state agencies for research purposes to evaluate the effectiveness of certain employment and training programs.

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

This information will be maintained by the Director of the Registration and Data Services Bureau, NYS Tax Department, Building 8 Room 924, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the U.S. and outside Canada, call (518) 485-6800.



Change in Mailing Address and Assistance Information for Certain Estate Tax Forms

On July 1, 2008, we changed processing centers. Any estate tax form that instructs you to mail the form to: NYS Estate Tax, Processing Center, PO Box 5556, New York NY 10087-5556, must be mailed to this address instead (see *Private delivery services* below):

**NYS ESTATE TAX
PROCESSING CENTER
PO BOX 15167
ALBANY NY 12212-5167**

Any estate tax form that instructs you to mail the form to: TTTB-Estate Tax Audit-855, TTTB-Estate Tax-855, Transaction and Transfer Tax Bureau-Estate Tax, TTTB-Estate Tax Audit, or TTTB-Estate Tax, must be mailed to one of these addresses instead:

If you are sending by U.S. Mail:

**NYS TAX DEPARTMENT
TDAB/ESTATE TAX
W A HARRIMAN CAMPUS
ALBANY NY 12227-2994**

If you are sending by a private delivery service:

**NYS TAX DEPARTMENT
TDAB/ESTATE TAX
90 COHOES AVENUE
GREEN ISLAND NY 12183-1515**

Note: Forms mailed to the old address may be delayed in processing.

Private delivery services

If you choose, you may use a private delivery service, instead of the U.S. Postal Service, to mail in your form and tax payment. However, if, at a later date, you need to establish the date you filed 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?* below 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 form, contact that private delivery service for instructions on how to obtain written proof of the date your form was given to the delivery service for delivery.

Need help?



Visit our Web site at **www.tax.ny.gov**

- get information and manage your taxes online
- check for new online services and features



Telephone assistance

Estate Tax Information Center: (518) 457-5387

To order forms and publications: (518) 457-5431



Text Telephone (TTY) Hotline (for persons with hearing and speech disabilities using a TTY):

If you have access to a TTY, contact us at (518) 485-5082. If you do not own a TTY, check with independent living centers or community action programs to find out where machines are available for public use.



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, call the information center.