

For office use only



New York State Department of Taxation and Finance

New York State Estate Tax Return

TT-385

(11/95)

For estates of decedents who died before May 26, 1990

For faster service check applicable box(es)
 Tax waivers required (attach completed Form ET-99)
 Release of lien required (attach completed Form ET-117)

The estate waives its right to a refund of any overpayment of estate tax at this time (see instructions)

Mail the completed return to: NYS TAX DEPARTMENT, TTTB - ESTATE TAX AUDIT, BUILDING 8 - 855
W A HARRIMAN CAMPUS, ALBANY NY 12227

Attach a copy of the death certificate

Decedent's last name		First	Middle initial	Social security number	
Address of decedent at time of death (number and street)				Date of death	
City, village or post office		State	ZIP code	County of residence	

On the date of death, decedent was a:
 Resident of New York State
 Nonresident of New York State

Name of attorney (last, first, middle initial)			Name of executor (if more than one, check box and see instructions) <input type="checkbox"/>		
Address of attorney			Address of executor		
City, village or post office	State	ZIP code	City, village or post office	State	ZIP code
Social security number of attorney		Telephone number ()	Social security number of executor		Telephone number ()

Tax Computation	1	New York taxable estate (from Form TT-86.5, Recapitulation, line 24)	1		
	2	Adjusted taxable gifts (total amount of New York taxable gifts (within the meaning of section 1002) made by the decedent after December 31, 1982, other than New York taxable gifts that are includable in the decedent's gross estate (from Form TT-86.5, page 6, Worksheet No. 1, line 5))	2		
	3	Tentative tax base (add lines 1 and 2)	3		
	4	Estate tax on tentative tax base (compute on the amount shown on line 3; see Table A in the instructions for Form TT-86.5)	4		
	5	Unified credit against estate tax (compute on the amount shown on line 4; see Table B in the instructions for Form TT-86.5)	5		
	6	Tax before credit for gift taxes paid (subtract line 5 from line 4)	6		
	7	Total New York gift taxes paid/payable (under Article 26-A) for gifts made by the decedent after December 31, 1982, including gift taxes paid by decedent's spouse for split gifts (under IRC section 2513) if the decedent was the donor of such gifts and they are includable in the decedent's gross estate (from Form TT-86.5, page 6, Worksheet No. 2, line 11)	7		
	8	Estate tax before other credits, if any (subtract line 7 from line 6)	8		
	9	Agricultural exemption credit (from Form TP-411)	9		
	10	Credit for New York estate tax on prior transfers (from Form TT-190)	10		
	11	Credit for New York gift tax applicable to gifts made before January 1, 1983 (from Form TP-412)	11		
	12	Add lines 9, 10 and 11	12		
	13	New York net estate tax (subtract line 12 from line 8) or minimum tax (see instructions; enter here and on line 32)	13		
	14	New York nonresident tax, if applicable (from Schedule NR, line 34)	14		
	15	Prior tax payments (attach a schedule of dates and amounts of payments)	15		
	16	If line 15 is less than line 13, or 14 (if applicable), enter balance due	16		
	17	If line 15 is greater than line 13, or 14 (if applicable), enter overpayment	17		

Attach check of money or order here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer other than the executor is based on all information of which preparer has any knowledge.

Signature of executor	Date
Signature of executor	Date
Signature of preparer other than executor	Date
Address of preparer	City State ZIP code

18 Decedent's business or occupation (if retired, check the box and state decedent's former business or occupation below)

Business or occupation

19 Marital status of decedent at the time of death

Single Divorced - date divorce decree became final

Legally separated - name of legally separated spouse

<input type="checkbox"/> Widow or widower	Name of deceased spouse	
	Social security number of deceased spouse	Date of death of deceased spouse

<input type="checkbox"/> Married	Domicile at date of marriage to surviving spouse	
	Social security number of surviving spouse	Date of marriage to surviving spouse

20 Individuals who receive benefits from the estate (list all beneficiaries, whether the property passes by will, jointly, in trust, etc.; attach additional sheets if necessary)

Name	Social security number	Age	Relationship to decedent	Amount

Check the Yes or No box for each question

- | | Yes | No |
|--|--------------------------|--------------------------|
| 21 Do you elect alternate valuation in accordance with section 954(b) of the Tax Law? | <input type="checkbox"/> | <input type="checkbox"/> |
| 22 Do you elect the special use valuation in accordance with section 954-a of the Tax Law? | <input type="checkbox"/> | <input type="checkbox"/> |
| 23 Do you elect to claim the marital deduction for qualified terminable interest property under section 955(c) of the Tax Law? | <input type="checkbox"/> | <input type="checkbox"/> |
| 24 Does the gross estate contain any IRC section 2044 property? | <input type="checkbox"/> | <input type="checkbox"/> |
| 25 Do you elect to pay the tax in installments as described in IRC section 6166? | <input type="checkbox"/> | <input type="checkbox"/> |
| 26 Did the decedent leave a will? If Yes, attach a copy | <input type="checkbox"/> | <input type="checkbox"/> |
| 27 Have New York gift tax returns ever been filed? If Yes, attach copies of returns, if available | <input type="checkbox"/> | <input type="checkbox"/> |
| 28 Has a federal estate tax return been filed for this estate? If Yes, attach a copy of Form 706 | <input type="checkbox"/> | <input type="checkbox"/> |
| 29 Has a final federal determination of estate tax liability of this estate been made?
If Yes, attach a copy of the determination | <input type="checkbox"/> | <input type="checkbox"/> |

Schedule NR - Computation of Tax for a Non-Resident of New York State (Attach completed Form ET-141)

30 Real and tangible personal property located in New York State (see instructions for Form TT-865)	30		
31 New York gross estate (from Form TT-865, page 3, line 12)	31		
32 Divide line 30 by line 31 (carry the decimal to four places)	32		
33 New York net estate tax (from line 13)	33		
34 Multiply line 33 by the decimal on line 32; enter here and on line 14	34		

Instructions

Which Estates Must File

Form TT-385, *New York State Estate Tax Return*, can only be filed for decedents dying before May 26, 1990, and only if an order has not been previously entered in the Surrogate's Court.

For decedents dying after May 25, 1990, refer to the instructions for Form ET-90.

How to File

Instructions for form TT-86.5 apply to Form TT-385 unless these instructions state otherwise.

Form TT-385 replaces pages 1 and 2 of Form TT-86.5 and is attached to the remaining pages (3 through 12) of Form TT-86.5. If federal Form 706 has been filed, attach a copy and only complete pages 3 through 6 of Form TT-86.5.

Where to File

Mail Form TT-385, with all required attachments, to:

NYS TAX DEPARTMENT
TTTB - ESTATE TAX AUDIT
BUILDING 8 - 855
W A HARRIMAN CAMPUS
ALBANY NY 12227

Filing with Surrogate's Court

If an estate is required to file a New York State estate tax return and also files a petition to commence either a proceeding for probate of the will or a proceeding for administration in intestacy in Surrogate's Court, then a copy of the New York State estate tax return must also be filed simultaneously with the Surrogate's Court in the county where the petition was filed. Consult the Surrogate's Court regarding payment of fees in connection with this filing.

Waivers or Releases of Lien

Waivers are requested — Submit a completed Form ET-99 (or AU-99-A), *Estate Tax Waiver Notice*, for each institution having assets in the name of the decedent, either alone or jointly with another, in excess of \$30,000 (\$50,000 for life insurance policies or employee death benefits). Waivers are not required for assets held jointly by the decedent and the surviving spouse as the only tenants or life insurance policies if the surviving spouse is the sole beneficiary.

Releases of Lien are requested — Submit a completed Form ET-117 (or AU-117.1), *Release of Estate Tax Lien* in duplicate, for each county in which real property is located, and payment of the fee of \$10 per county. Make check payable to **Commissioner of Taxation and Finance**.

Name and Address Area

Decedent information

Enter the name of the decedent (last name first), home address at the time of death, social security number, date of death (month, day and year), and county of residence. Indicate if the decedent was a resident or nonresident of New York State at the time of death by checking the appropriate box.

Attorney information

To provide us with a person to contact about the return, please enter the name (last name first) of the attorney of record for the New York estate (not the firm name). Also enter the firm's address, and telephone number (including area code).

Note: If the estate is represented by an accountant (for filing tax returns and receiving tax information), enter that information in the attorney area and so indicate.

To comply with section 994 of the Tax Law, the Tax Department must obtain a power of attorney from the attorney (or accountant) for the estate to establish that he or she is the duly authorized representative of the person or persons liable for the estate tax. The power of attorney form should accompany the first estate tax form filed with the Tax Department. A subsequent change of the attorney for the estate will require a new power of attorney form to be filed.

Executor Information

Enter the name (last name first) and other information requested for the executor (executor, executrix, administrator or administratrix) of the estate. If the estate has more than one executor, check the box, enter the name and other information for the primary executor (preferably a person residing in New York State) in the area provided and attach a list of the other executors with their addresses and social security numbers.

Payments

Payment of estate tax should be made by check or money order payable to the **Commissioner of Taxation and Finance** and attached to the front of Form TT-385.

Extensions of Time to Pay New York Estate Tax

The time for payment will be extended, upon application to the department, when the total New York estate tax imposed exceeds 5% of the net estate. Extensions may be granted when payment of any part of the tax within the first nine months would impose undue hardships upon the estate. Extensions may not exceed four years from the date of death and annual installments may be required (Tax Law section 962(k)(6)). Form TP-133, *Application for Extension of Time to Pay Estate Tax*, must be completed and mailed to the following address for a request to be considered:

NYS TAX DEPARTMENT
TTTB - ESTATE TAX AUDIT
BUILDING 8 - 855
W A HARRIMAN CAMPUS
ALBANY NY 12227

Interest

Special rules apply to estates of decedents dying before January 15, 1983, regarding computation of interest on underpayments and overpayments. Refer to instructions TT-86.5-I with a print date of 10/88 or earlier.

Underpayment of Tax

Interest, compounded daily, is charged from the date of death to the date of payment on tax remaining unpaid after nine months. Rates may be adjusted periodically and can vary during the period the tax remains unpaid.

If an extension of time for payment of the tax is granted and payment made within the period of extension, interest is charged from the beginning of the tenth month to the date of payment on the amount of tax the extension applies to. Interest is computed at the rate or rates applicable during the time the tax remains unpaid and is compounded daily.

When the tax is not paid during the period of extension or in accordance with the terms of extension, interest is charged from the date of death to the date of payment. Interest is computed at the rate or rates applicable during the time the tax remains unpaid and is compounded daily.

Overpayment of Tax and Refunds

If we have to pay interest to you because we don't issue your refund check within three months from the due date of the return or within three months from the date the return is filed, whichever is later, it also will be compounded daily at the various applicable interest rates from the due date or filing date (Tax Law sections 990 and 688).

If a temporary payment of tax is made before the filing of Form TT-385 and the amount of such temporary payment exceeds the amount due, the overpayment, plus interest if applicable, will be refunded automatically unless the estate waives its right to a refund at this time.

Waiver of Refund

If you filed a federal estate tax return and have not yet received a final federal determination, you may waive the right to a refund of any overpayment of New York State estate tax until the federal estate tax liability is finalized.

Check the box on page 1 of Form TT-385 if you do not want the overpayment refunded at this time.

You may later request the refund of the overpayment by submitting a copy of the final federal determination along with a copy of the original Form TT-385 (if there are no changes) or an amended Form TT-385.

Penalty for Underpayment of Tax

If the tax is not fully paid within **nine** months from the date of death, or within the period of extension, or is not paid in accordance with the terms of the extension, a penalty is imposed at the rate of one-half of 1% per month or fraction thereof (not to exceed 25% in total) on the taxes remaining unpaid beyond the ninth month, unless nonpayment was due to reasonable cause and not willful neglect.

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, 23, 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 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 Data Management Services Bureau, NYS Tax Department, Building 8 Room 905, W A Harriman Campus, Albany NY 12227; telephone (from New York State only) 1 800 CALL TAX (1 800 225-5829); from areas outside New York State call (518) 438-8581.

Need Help?

For forms or publications, call toll free (from New York State only) 1 800 462-8100. From areas outside New York State, call (518) 438-1073.

For information, call toll free (from New York State only) 1 800 CALL TAX (1 800 225-5829). From areas outside New York State, call (518) 438-8581.

Telephone assistance is available from 8:30 a.m. to 4:25 p.m., Monday through Friday.

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 and assistance numbers listed above.

Hotline for the Hearing and Speech Impaired - If you have a hearing or speech impairment and have access to a telecommunications device for the deaf (TDD), you can get answers to your New York State tax questions by calling 1 800 634-2110 toll free from anywhere in the U.S. (including Alaska and Hawaii) and Canada. Hours of operation are 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.

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