

# 2018 MICHIGAN

## MI-1041

### Fiduciary Income Tax Return

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- ⚡ Fiduciary returns are eligible for e-file beginning with tax year 2018 returns.
  - ⚡ E-filing your return is easy, fast, and secure!
  - ⚡ Tax preparers who complete 11 or more fiduciary tax returns are required to e-file all eligible returns supported by their software.
  - ⚡ Visit [www.MIfastfile.org](http://www.MIfastfile.org) for more information on e-file services.



**WWW.MIFASTFILE.ORG**

**UNCLAIMED PROPERTY.** The Michigan Department of Treasury is holding millions of dollars in abandoned and unclaimed property belonging to Michigan residents. **In the past three years nearly \$270 million has been returned to rightful owners.** To check if Treasury is holding funds for you or your family visit [www.michigan.gov/unclaimedproperty](http://www.michigan.gov/unclaimedproperty) and experience the new online claims process.

**FILING DUE DATE:  
APRIL 15, 2019**

**(OR THE 15TH DAY OF THE FOURTH MONTH AFTER THE CLOSE OF YOUR TAX YEAR)**

**WWW.MICHIGAN.GOV/TAXES**

This booklet is intended as a guide to help complete your return. It does not take the place of the law.

## GENERAL INFORMATION

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### New for 2018

**Choose e-file Instead of Paper Returns.** E-filing your return is easy, fast, and secure. When e-filing federal and Michigan returns together, much of the same data is used, so information is entered only once, lessening the possibility of error. Tax preparers who complete 11 or more fiduciary tax returns are required to e-file all eligible returns. Visit [www.MIfastfile.org](http://www.MIfastfile.org) for more information on e-file services. When e-filing, do not mail a paper copy of your return.

**Excess Business Loss Limitation.** Estates or trusts with a federal excess business loss limitation must complete *Michigan Excess Business Loss* (Form MI-461). Refer to instructions on Form MI-461 for further information on adjustments to Michigan income.

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### Tax Assistance

#### Internet Options

Current year forms are available at [www.michigan.gov/iit](http://www.michigan.gov/iit)

#### Telephone Options

You may also call 517-636-4486 to have current year forms mailed to you, or if you have questions, to speak to a customer service representative.

Assistance is available using TTY through the Michigan Relay Service by calling 711. Printed material in an alternate format may be obtained by calling 517-636-4486.

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### Who Must File

You must file a *Michigan Fiduciary Income Tax Return* (Form MI-1041) and pay the tax due if you are the fiduciary for an estate or trust that was required to file a U.S. Form 1041 or 990-T or that had income taxable to Michigan that was not taxable on the U.S. Form 1041. If no tax is due, you must file an informational MI-1041. The only exceptions are:

1. Tax-exempt trusts unless the trust has unrelated business income (UBI) attributable to Michigan.

**Note:** Estates or trusts with a charitable purpose or charitable beneficiaries should contact the Michigan Department of Attorney General, Charitable Trust Section at 517-373-1152 regarding filing requirements.

2. Common trust funds. The trustee must notify each beneficiary of their portion of Michigan income from the fund and of the gains and/or losses available to each under Section 271 of the Michigan Income Tax Act.

3. Nonresident estate or trust with income from Michigan sources less than the federal exemption deduction. The deductions are \$600 for estates, \$300 for trusts currently distributing income, and \$100 for all other trusts. See *Fiduciary Nonresident Schedule* (MI-1041 Schedule NR) instructions for more information.

4. A grantor trust. When the grantor, or another person, is treated as the owner of the trust's assets (Internal Revenue Code (IRC) sections 671 through 678), do not file an MI-1041. Instead, the owner must report the trust's income, deductions, and credits on the owner's *Michigan Individual Income Tax Return* (Form MI-1040).

5. Michigan cannot impose an income tax on income accumulated by a trust that became irrevocable by the death of the settlor (while a Michigan resident) when **all** of the following conditions are met:

- The trustee is not a Michigan resident.
- The assets of the trust are neither held, located, nor administered in Michigan.
- The beneficiaries are all nonresidents.

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### When to File

Fiduciary returns are due on or before April 15, 2019, or on the 15th day of the fourth month after the close of the tax year. If a refund is due, a return must be filed within four years of the due date to obtain the refund. Keep a copy of the return and all supporting schedules for six years.

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### Where to Mail the Return

Mail returns without payments to:

**Michigan Department of Treasury**  
**P.O. Box 30058**  
**Lansing, MI 48909**

Mail returns with payments to:

**Michigan Department of Treasury**  
**Department 781041**  
**P.O. Box 78000**  
**Detroit, MI 48278-1041**

To ensure accurate processing of the return, send **one check for each return**. Make the check payable to "State of Michigan." Enter the **FEIN of the estate or trust** and "2018 MI-1041" on the front of the check.

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### Penalty and Interest

If the fiduciary payment is late, the Michigan Department of Treasury (Treasury) will add a penalty of 5 percent of the tax due. After the second month, penalty will increase by an additional 5 percent per month, or fraction thereof, up to a maximum of 25 percent of the tax due. If the fiduciary payment is late, add penalty and interest to the amount due. For the latest interest rates visit, [www.michigan.gov/taxes](http://www.michigan.gov/taxes).

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### Capital Gains/Losses

*Adjustments of Capital Gains and Losses* (Form MI-1041D) must be used for the following:

- Capital gains election under Section 271 for property acquired before October 1, 1967;
- Sale or exchange of U.S. obligations which cannot be taxed by Michigan; or
- Sale or exchange of property subject to allocation or apportionment provisions.

MI-1041, Schedule 4 must be completed if a capital gain/loss is distributed to beneficiaries and MI-1041D is filed.

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### Tax Credits an Estate or Trust Can Claim

An estate or trust may be able to claim credits for each of the following:

- Income tax imposed by government units outside Michigan on income also taxed by Michigan.
- Michigan Historic Preservation Tax Credit (nonrefundable).
- Small Business Investment Tax Credit.
- Michigan Historic Preservation Tax Credit (refundable).

A nonrefundable credit is available to owners or long-term lessees of qualified historic resources who undertake rehabilitation projects. To be eligible for the credit, the rehabilitation project must be certified by the State Historic Preservation Office prior to December 31, 2011, and a *Michigan Historic Preservation Tax Credit* (Form 3581) must be included with the Michigan return. For information regarding certification, visit [www.michigan.gov/shpo](http://www.michigan.gov/shpo). Form 3581 is available from the resources listed on this page. Instructions for credits begin on page 4.

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## Resident and Nonresident Estates or Trusts

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If a decedent was domiciled in Michigan at the time of death, the estate is a **resident estate**.

If a decedent was not domiciled in Michigan at the time of death, the estate is a **nonresident estate**. A trust created by the nonresident decedent's will is a **nonresident trust**.

If a trust was created by a grantor domiciled in Michigan at the time the trust becomes irrevocable, the trust is a **resident trust**. If the grantor was not domiciled in Michigan at the time the trust became irrevocable, the trust is a **nonresident trust**.

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## Amended Returns

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To amend MI-1041, check the box at the top of the MI-1041 and explain the reason for amending on line 41. Include a copy of the amended U.S. Form *1041* with all supporting schedules.

**U.S. Form 1041 changes.** Treasury must be notified of any changes to the estate's or trust's U.S. Form *1041* if the items changed affect the Michigan liability. File an amended return within 120 days of the change and include payment of the tax due. If there was an overpayment of tax, file an amended return to request a refund.

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## Extensions

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An extension of time to file may be requested by sending Treasury payment of the estimated tax liability with a copy of the federal extension. Treasury will extend the due date to the new federal due date. If a federal extension was not filed, file an *Application for Extension of Time to File Michigan Tax Returns* (Form 4) with the payment and Treasury will grant a 5 1/2 month extension for fiduciary returns. Treasury does not send a notice of approval.

**An extension of time to file is not an extension of time to pay.** If the tax due is underestimated and the payment made with the extension request is insufficient, interest is due on the unpaid amount. Interest is computed from April 15 (or the due date of the return) to the date the tax is paid. Interest is 1 percent above prime rate and is adjusted on July 1 and January 1.

Treasury may charge a penalty of 10 percent or more if the balance due is not paid with the extension request.

When MI-1041 is filed, include the amount of tax that was paid with the extension request on line 21. Include a copy of the federal or state extension.

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## Closing an Estate

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Before closing an estate, all taxes due must be paid on the liability of the estate and of the decedent. You may then request a tax clearance letter to close the estate by writing to:

Michigan Department of Treasury  
P.O. Box 30058  
Lansing, MI 48909

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## Estimated Tax Payments

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In general, a fiduciary for an estate or trust must file quarterly estimated payments if the estate or trust is expected to owe more than \$500 with the 2019 return after crediting amounts paid through withholding and all other credits.

If the estate or trust owes more than \$500, estimated payments may not have to be made if the estate or trust expects the 2019 withholding to be at least:

- 90 percent of the total tax for 2019,
- 100 percent of the total tax shown on the 2018 return, or
- 110 percent of the total 2018 tax if the estate's or trust's taxable income for 2018 is more than \$150,000. To figure the estate's or trust's taxable income, see the instructions for line 22 of the U.S. Form *1041*. Total tax is the amount on the 2018 MI-1041, line 13.

If estimated payments are necessary, use the *Estimated Income Tax Voucher for Fiduciary and Composite Filers (Form MI-1041ES)*. Filing instructions are with the form. **Do Not Use MI-1040ES** to make estimated payments for an estate or trust.

If an estate owes more than \$500, estimated payments do not have to be made if the decedent died within the last two years.

If a fiduciary fails to make required estimated payments, pays late, or underpays, Treasury may charge penalty and interest. Penalty is 25 percent of the tax due (with a minimum of \$25) for failing to file estimated payments, or 10 percent (with a minimum of \$10) for underpaying estimated payments. Interest is 1 percent above the prime rate and is computed monthly. The rate is adjusted on July 1 and January 1.

A financial institution that submits estimated payments through the Federal Tax Deposit System on magnetic tape and acts as a fiduciary for 250 or more trusts must submit Michigan estimated payments on magnetic tape. An institution acting as fiduciary for more than 49 and fewer than 250 trusts may make an irrevocable agreement to file magnetically.

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## Farmland Preservation Tax Credits

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There is no provision for a farmland preservation tax credit on the fiduciary return. If the fiduciary is claiming this credit, use the *Michigan Business Tax Farmland Preservation Tax Credit (Form 4594)*.

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## Bankruptcy Estates

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Every trustee (or debtor-in-possession) for an individual's bankruptcy estate under Chapter 7 or 11, of the U.S. Code Title 11, who must file a U.S. Form *1041* must also file an MI-1041. Use MI-1041 only as a transmittal for MI-1040. In the top margin of MI-1040, write "Attachment to MI-1041. Do not detach." Include MI-1040 behind MI-1041. Complete only the identification area of MI-1041. Enter the name of the debtor on line 2 (e.g., "John Smith, Public Bankruptcy Estate"). Enter the name of the trustee on line 4 (e.g., "Allen Snow, Trustee). On MI-1041, line 25, enter the amount from MI-1040, line 33. If applicable, enter on MI-1041, line 28, the amount from MI-1040, line 36. Copies of the U.S. Forms *1040*, *1041*, and all supporting schedules **must be included** with your Michigan return.

## LINE-BY-LINE INSTRUCTIONS

Michigan's fiduciary law is very similar to federal law. These instructions include only those points of Michigan laws and procedures that differ from federal laws and procedures. If a federal short-year return must be filed, a Michigan short-year return must also be filed. Before preparing the MI-1041, complete the U.S. Form *1041* and all supporting schedules.

- All estates and trusts must complete page 1.
- Resident estate and trust filers must complete Schedule 1 if there are any necessary adjustments.
- Complete Schedule 2 if income is distributed and Schedule 1 was not completed.
- Complete Schedule 3 if income is distributed **and** there are adjustments on Schedule 1.
- If the resident estate or trust distributed a capital gain, filers must also complete Schedule 4 and MI-1041D. See "Capital Gains/Losses" on page 2.

Nonresident estate or trust filers may omit lines 8 through 11 on page 1, Schedule 1 and Schedule 3. Nonresident estates or trusts must complete MI-1041D, Schedule 2, MI-1041 Schedule NR if any income is distributed, and Schedule 4 if the estates or trusts distributed any capital gains or losses.

Include a copy of the U.S. Form 1041 and all supporting schedules with the Michigan return.

*Line numbers not listed are explained on the form.*

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## **PART 1: Name and Identification**

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**Lines 1 through 7:** Complete all items. Enter the full nine-digit Federal Employer Identification Number (FEIN). Enter a mailing address that Treasury can use to request more information or to issue a refund.

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## **PART 2: Income and Adjustments**

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**Line 8:** Enter federal taxable income of the estate or trust from U.S. Form 1041, line 22, or U.S. Form 990-T.

**Line 9:** Enter federal taxable income of Electing Small Business Trusts (ESBT) from the Sec. 641(c) worksheet attached to the U.S. Form 1041. Include a copy of the worksheet with the Michigan return.

**Line 10:** A fiduciary for a resident estate or trust should complete Schedule 1 if there are Michigan adjustments to federal taxable income. If no income was distributed, enter the amount from line 40 on line 10. If any income was distributed, complete Schedules 2 and 3. Enter the amount from line 42, column C, on line 10.

**Line 11: Capital Gain/Loss Adjustments for Resident Estates or Trusts.** Enter the amount from MI-1041D, line 21, if any (see “Capital Gains/Losses” on page 2).

**Line 13: Tax.** If line 12 is a negative number, enter “0” on line 13.

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## **PART 3: Credits and Payments**

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**Line 14: Credit for Income Tax Paid to Another State.** Include the amount of income tax paid to:

- A nonreciprocal state
- A local government unit outside Michigan, including tax paid to local units located in reciprocal states
- The District of Columbia
- A Canadian province.

**Include only income tax paid to another state on income earned by a resident estate or trust and taxed by Michigan.**

Include a copy of the return filed with the other government unit with the MI-1041.

Do **not** include taxes paid on income subtracted on lines 35 through 38 of MI-1041 (e.g., rental or business income from another state). If credit is claimed for a Canadian provincial tax, file a *Resident Credit for Tax Imposed by a Canadian Province* (Michigan Form 777). Include copies of the appropriate Canadian federal T-3 fiduciary tax return, *Computation of Foreign Tax Credit* (U.S. Form 1116) and U.S. Form 1041. The credit is limited to the part of the Canadian provincial tax not used as a credit on the U.S. Form 1041. The credit is not available for tax paid to other foreign countries.

**Line 14a:** Enter the total income tax paid to other government units on income also taxed by Michigan. Include a schedule if tax was paid to more than one source.

**Line 14b:** Calculate the maximum allowable credit as follows:

1. Divide out-of-state income subject to tax by both states by total income subject to Michigan tax.
2. Multiply the amount of tax shown on line 13 by the result.
3. Enter the allowable credit, which is the smaller of:
  - The calculation or
  - The tax imposed by another government.

**Line 15: Michigan Historic Preservation Tax Credit (Form 3581)**

**Line 15a:** Enter the amount from your 2018 Form 3581, line 9.

**Line 15b:** Enter the amount from your 2018 Form 3581, line 14.

**Line 16: Small Business Investment Tax (Venture Investment) Credit.** Estates and trusts eligible for this credit will have a certificate from the Michigan Strategic Fund, which must be included to the return.

**Line 19:** Enter amount from your 2018 Form 3581, line 16a or 16b.

**Line 20: State Income Tax Withheld.** Use line 20 to claim a credit for any Michigan income tax withheld by:

- An employer on wages and salaries of a decedent received by the decedent’s estate.
- A payer of certain gambling winnings (for example, state lottery winnings).
- A payer of distributions from pensions, annuities, retirement or profit-sharing plans, IRAs, insurance contracts, etc., received by a decedent’s estate or trust

Include a 2018 *Michigan Fiduciary Withholding Tax Schedule* (Form MI-1041 Schedule W) and all supporting documents.

**Line 21: Payments.** Enter the total estimated tax paid with the 2018 MI-1041ES and any Michigan tax paid with an extension request. See line 25 instructions.

**Note:** Michigan does not allow the estate’s or trust’s estimated tax payments and/or withholding payments to be transferred to beneficiaries.

**Line 22:** Enter the amount of the 2017 overpayment applied to this year’s tax from 2017 MI-1041, line 26.

**Line 23: This line is for amended returns only.** Enter the refund and/or credit forward amount received on the original return as a negative number. Enter the amount paid with the original return as a positive number. Do not include any interest or penalty paid with the original return.

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## **PART 4: Balance Due or Refund**

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**Line 25: Tax Due.** If line 24 is less than line 18, enter the difference. This is the tax owed with the return. The return must be filed even if the balance due is less than \$1 and no payment is required. If e-filing the return with a tax due, make a payment using the Form MI-1041-V.

If penalty and interest are due for late payment of tax, enter these amounts on the appropriate lines. See “Penalty and Interest” on page 2. Add penalty and interest to the tax due and enter the total.

If the estate or trust owes more than \$500 and is required to file estimated payments, penalty and interest may be due for underpayment, late payment, or failing to pay estimated payments. Use the *Underpayment of Estimated Income Tax* (Form MI-2210) to compute interest and penalty. If MI-2210 is filed, enter the interest and penalty amount on the line provided. Obtain complete instructions for MI-2210 from the resources listed on page 2.

**Line 28: Refund.** Subtract line 27 from line 26. This is the refund. The State does not refund amounts less than \$1.

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## **SCHEDULE 1: Net Michigan Adjustment for Resident Estates or Trusts**

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### **ADDITIONS**

**Line 29:** Enter gross interest and dividend income from obligations or securities of states and their political subdivisions other than Michigan. Include this interest income from partnerships, S corporations, and other estates and trusts.

**Line 30:** Enter taxes deducted on U.S. Form 1041, line 11, which were imposed on or measured by income, such as state or city income taxes.

**Line 32:** Enter expenses and interest incurred in production of income from obligations of the U.S. government on U.S. Form 1041. Enter on this line any interest expense on indebtedness incurred in carrying the obligations and any related expenses that were deducted in arriving at federal taxable income.

**Line 33:** Enter any adjustments not taken into account on lines 29 through 32, such as any federal net operating loss (NOL) deduction that is included on line 8. Also include gross expenses from the production of Michigan oil and gas and nonferrous metallic minerals extraction subject to Michigan severance tax and losses from a business or property located in another state. Include a schedule or statement showing this activity and the location. If there are business losses attributable to both Michigan and another state, losses must be apportioned. Include a *Michigan Schedule of Apportionment* (MI-1040H). Enter all adjustments as positive numbers.

### SUBTRACTIONS

**Line 35:** Enter the income from U.S. government obligations (e.g., U.S. Series E Bonds). This income may be subtracted even if it comes through a partnership, S corporation, or another estate or trust. Include a schedule showing the source of the income from U.S. obligations (Treasury Bonds, Series E bonds, etc.) and the amount of income from each source.

**Line 36:** Enter income attributable to another state. If there is business income sourced to Michigan and another state, the income must be apportioned. Include a *Michigan Schedule of Apportionment* (MI-1040H) and a schedule or a statement showing the activity and the location. Income reported on the MI-4797 and carried to the MI-1041D is business income and subject to apportionment, if applicable. The following are examples of income attributed to another state:

- Net rents and royalties from real and personal property located or used in other states.
- Business income included in taxable income that was earned solely in other states. (Losses from an activity in another state that have reduced federal taxable income must be entered as a positive figure on line 33.)

Salaries, wages, and other compensation for personal services are not business income. Resident estates cannot subtract salaries and wages earned by the decedent in another state. However, the estate may be entitled to a tax credit for tax imposed by another state. See line 14 instructions on page 4.

**Note:** Capital gains from the sale of real or personal property located in other states at the time of disposal are adjusted on MI-1041D and factored into line 11.

**Line 37:** Enter expenses related to obligations of other states not deducted on U.S. Form 1041 or not allowed as a deduction by IRC Section 265. Also enter interest expense on indebtedness incurred in carrying the obligations and related expenses that were not used on U.S. Form 1041.

**Line 38:** Enter subtractions not taken into account on lines 35 through 37, such as a Michigan NOL or gross income and related expenses from producing Michigan oil and gas and nonferrous metallic minerals extraction to the extent subject to Michigan severance tax and included in federal taxable income. Provide a schedule listing these subtractions and include supporting documentation.

Retirement or pension benefits may not be subtracted.

**Line 40:** Subtract line 39 from line 34. If no income was distributed, enter the amount from line 40 on line 10. Otherwise, complete Schedules 2 and 3.

### Signatures and Declarations

The fiduciary or the officer representing the fiduciary must sign the return. Before mailing the return:

- Verify that all forms are completed using the correct tax year.
- Include all required Michigan attachments.
- The corresponding U.S. Form 1041 must also be included.

### SCHEDULE 2: Beneficiary Identification

**Note:** Schedule 2 must be completed if any income is distributed. Otherwise, it is not necessary.

Enter in the appropriate column the name, residency status, address, and Social Security number or Federal Employer Identification Number (FEIN) of each beneficiary of the estate or trust, both residents and nonresidents. Identify residents with an “R” and nonresidents with “NR.” When completing the rest of this form, use the lower-case letter (a, b, c, etc.) to the left of each name to refer to a beneficiary listed in Schedule 2. If additional space is needed, include a schedule similar to Schedule 2 identifying additional beneficiaries by consecutive letters.

### SCHEDULE 3: Allocation of Net Michigan Adjustment for Resident Estates or Trusts

If any income is distributed, the net Michigan adjustment for resident estates or trusts from MI-1041, line 40, must be allocated in the proportion that each beneficiary’s share of federal distributable net income bears to the total federal distributable net income with the remaining portion going to the fiduciary.

If the estate or trust has no distributable net income for the taxable year, the net Michigan adjustment will be allocated in the proportion that each beneficiary’s share of the distributed estate or trust income for the year bears to the total estate or trust income with the remaining portion going to the fiduciary. (Distributed income includes amounts required to be distributed currently under local law or the terms of the estate or trust instrument, and any other amounts distributed.)

Use Schedule 3 to compute this allocation. See Example for Completing Schedule 3 on page 6. These percentages may not be the same as the distribution percentages listed in the estate or trust instrument.

Complete columns A, B, and C one column at a time.

Identify each beneficiary by locating the lower-case letter from Schedule 2.

**Column A:** Enter the distributions reported to each beneficiary on his or her U.S. *Schedule K-1* in columns provided. Indicate the sources, locations, and amounts for each type of income such as dividends, rents, interest, etc. Enter the fiduciary’s share on line 42. The total on line 43 should equal the distributable net income reported on U.S. Form 1041, Schedule B.

**Column B:** Divide each amount in column A by the total amount on line 43 and enter the percent in column B.

**Column C:** Multiply the amount on Schedule 1, line 40, by the percentage in column B. Enter the result in column C for each beneficiary and the fiduciary. Carry the fiduciary’s share (line 42) to Part 2, line 10. The total on line 43C must equal the amount on Schedule 1, line 40.

### Example for Completing Schedule 3

For this example, the fiduciary has reported \$5,000 on MI-1041 Schedule 1, line 40.

Beneficiary Identification from Schedule 2	A Federal Distributable Net Income			B Percentage of Amount in Column A	C Allocation of Net Michigan Adjustment (Multiply amount on line 40 by percentage in Column B)
	Type of Income (Dividend, Interest, Rent, etc.)	Location (City, State)	Amount		
a.	Rent and Capital Gains	Lansing, MI	\$2,420	9.4642%	\$473
b.	Rent and Capital Gains	Lansing, MI	20,550	80.3676%	4,018
c.	Rent and Capital Gains	Lansing, MI	600	2.3465%	117
42. Fiduciary's Share			2,000	7.8217%	391
43. Total			\$25,570	100%	\$5,000

### SCHEDULE 4 - Capital Gain or (Loss) Distributed to Beneficiaries When Form MI-1041D Is Filed

Complete Schedule 4 if capital gains or losses have been distributed to beneficiaries and MI-1041D was completed.

Identify each beneficiary using the lower-case beneficiary identification letter from Schedule 2.

**Column A:** (Federal) Enter each beneficiary's share of capital gain/loss as reported on U.S. *Schedule K-1 (Form 1041)*.

**Column B:** (Michigan) Enter each beneficiary's share of capital gain/loss as recomputed on Form MI-1041D.

**Line 44:** Enter the total of all beneficiaries' shares. Line 44 totals in the federal and Michigan columns must equal the beneficiaries' amounts reported on U.S. *Schedule D (Form 1041)* Part III, column (I) or Form MI-1041D, Part 3, line 15, column C.

### OTHER INFORMATION

#### For the Fiduciary

The fiduciary must provide a U.S. *Schedule K-1* to each beneficiary. The fiduciary must also provide notice of Michigan adjustments to each beneficiary. The notice may be noted on a copy of the U.S. *Schedule K-1* or a separate letter to each beneficiary. If a letter is used, it must include the name and federal identification number of the estate or trust. Each beneficiary must be advised of his or her share of the following:

- Michigan adjustments from resident estates or trusts.
- Michigan income from nonresident estates or trusts.
- Capital gains/losses available for adjustment under Section 271 of the Michigan Income Tax Act.
- Small Business Investment Tax Credit Certificate if a credit is claimed on line 16.

#### For the Beneficiary

Both resident and nonresident beneficiaries may have an obligation to file a Michigan income tax return. Refer to the MI-1040 instruction booklet to determine individual filing requirements.

If an MI-1040 is required, include copies of the following:

- U.S. *Schedule K-1* including footnotes.
- The letter received from the fiduciary notifying the beneficiary of Michigan adjustments or Michigan income.
- MI-1040D, if the beneficiary is eligible to adjust gains and losses under Section 271 of the Michigan Income Tax Act.

**Note:** Excess deductions available upon termination of an estate or trust may be passed on to the beneficiaries. They are reported on U.S. Form *1040, Schedule A*, and do not reduce federal adjusted gross income (AGI). Itemized deductions are not an allowable subtraction on the Michigan return. Michigan follows the federal guidelines regarding the termination of an estate or trust and the treatment of any unused NOL carryover. To be eligible to claim the unused NOL carryover, a copy of the final U.S. Form *1041 Schedule K-1* must be provided.