



Schedule K-1 (Form 38)

2016

Final Amended

Estate's or trust's tax year: Calendar year 2016 (Jan. 1 - Dec. 31, 2016) Fiscal year: Beginning, 2016 Ending, 20

Beneficiary's Share of North Dakota Income (Loss), Deductions, Adjustments, Credits, and Other Items

See separate instructions

Part 1 Estate or trust information

A Estate's or trust's federal EIN B Name of estate or trust C Fiduciary's name, address, city, state, and ZIP code

Part 2 Beneficiary information

D Beneficiary's SSN or FEIN (from Federal Schedule K-1) E Beneficiary's name, address, city, state, and ZIP code (from Federal Schedule K-1) F What type of entity is this beneficiary? G If beneficiary is an individual, estate, or trust, beneficiary is a: Full-year resident of North Dakota Part-year resident of North Dakota Full-year nonresident of North Dakota H Is this an eligible nonresident beneficiary who elected to be included in a composite filing? Yes No

Part 3 All beneficiaries: North Dakota adjustments and tax credits

1 Income from non-ND bonds and securities 2 State and local income taxes deducted 3 Interest from U.S. obligations 4 Renaissance zone income exemption: a For projects approved before August 1, 2013 b For projects approved after July 31, 2013 5 New or expanding business income exemption 6 College SAVE contribution deduction 7 Renaissance zone: a Historic property preservation tax credit b Renaissance fund organization tax credit c Nonparticipating property owner tax credit 8 Seed capital investment tax credit 9 Agricultural commodity processing facility investment tax credit 10 Biodiesel/green diesel fuel blending tax credit 11 Biodiesel/green diesel fuel sales equipment tax credit

Part 3 continued . . .

12 Geothermal energy device tax credit 13 Employer internship program tax credit 14 Microbusiness tax credit 15 a Research expense tax credit b Purchased research tax credit 16 Angel fund investment tax credit 17 a Endowment fund tax credit b Endowment fund contribution adjustment 18 Workforce recruitment tax credit 19 Wages paid to mobilized employee credit 20 a Housing incentive fund (HIF) tax credit b HIF contribution adjustment 21 Automation tax credit 22 Nonprofit private primary school credit 23 Nonprofit private high school credit 24 Nonprofit private college credit

Part 4 Nonresident individual, estate, or trust beneficiary: North Dakota income (loss)

25 Interest income 26 Ordinary dividends 27 Net short-term capital gain 28 Net long-term capital gain 29 Other portfolio and nonbusiness income 30 Ordinary business income 31 Net rental real estate income 32 Other rental income 33 Directly apportioned deductions 34 Final year deductions 35 Other

Part 5 Nonresident beneficiary: North Dakota income tax withheld or composite tax paid

36 North Dakota distributive share of income (loss) 37 North Dakota income tax withheld 38 North Dakota composite income tax

2016

Beneficiary's Instructions for North Dakota Schedule K-1 (Form 38)

Purpose of form

North Dakota Schedule K-1 (Form 38) is a supplemental schedule provided by a fiduciary of an estate or trust to its beneficiaries. It provides information the beneficiaries may need to complete their North Dakota income tax returns. For this purpose, "beneficiary" includes an owner of a grantor trust.

Resident individual, estate, or trust beneficiary.

If you are a North Dakota resident individual, estate, or trust, your entire distributive share of income from the estate or trust is subject to North Dakota income tax. North Dakota Schedule K-1 was issued to you only to show your distributive share of the estate's or trust's North Dakota statutory adjustments and tax credits that may affect your North Dakota income tax return. See Part 3 of the schedule.

Nonresident individual, estate, or trust beneficiary.

If you are a nonresident individual, estate, or trust, only the portion of your distributive share of income from the estate or trust that is derived from North Dakota sources is subject to North Dakota income tax. North Dakota Schedule K-1 was issued to you to show your distributive share of the following items:

- North Dakota income, gains, losses, and deductions. See Part 4 of the schedule.
- North Dakota statutory adjustments and tax credits. See Part 3 of the schedule.
- North Dakota income tax withheld from your distributive share of North Dakota income. See Part 5 of the schedule.
- North Dakota income tax paid on your distributive share of North Dakota income in a composite filing. See "Composite filing election" under "General instructions" and Part 5 of the schedule.

Partnership or corporation beneficiary.

If you are a partnership, C corporation, S corporation, or a limited liability company treated like a partnership or corporation, North Dakota Schedule K-1 was issued to you only to show your distributive share of North Dakota statutory adjustments and tax credits. See Part 3 of the schedule.

If you are a partnership, S corporation, or a limited liability company treated like a partnership or S corporation, and if your commercial domicile is located outside North Dakota, the schedule may also show your distributive share of the following items:

- North Dakota income subject to North Dakota income tax withholding. See Part 5 of the schedule.
- North Dakota income tax withheld from your distributive share of North Dakota income. See Part 5 of the schedule.
- North Dakota income tax paid on your distributive share of North Dakota income in a composite filing. See "Composite filing election" under "General instructions" and Part 5 of the schedule.

General instructions

These instructions explain where to report the information from Schedule K-1 (Form 38) on the North Dakota income tax return.

Tax year. References to a North Dakota form and line number contained in these instructions are references to the form in use for the 2016 calendar year. However, if you file your return on a calendar year basis, but the estate or trust files its return on a fiscal year basis, report the amounts on your return for the year in which the estate's or trust's fiscal year ends. For example, if the estate or trust has a fiscal year ending in February 2017, report the amounts from the 2016 Schedule K-1 (Form 38) on your 2017 tax return. The estate's or trust's tax year is shown at the top of the schedule.

Composite filing election. If Item H in Part 2 of Schedule K-1 (Form 38) is checked "Yes," you elected to include your distributive share of North Dakota income in a composite filing by the fiduciary. Ignore any amounts shown in Parts 3 through 5 of Schedule K-1 (Form 38); they are not applicable if you elected to be included in a composite filing. The income tax paid on your behalf by the fiduciary under the composite filing method satisfies your North Dakota income tax filing and payment obligations with respect to your North Dakota distributive share of income from the estate or trust. The North Dakota distributive share of income and composite income tax paid, as shown in Part 5 of Schedule K-1 (Form 38), are provided only for your information. If you later choose to revoke your composite filing election and file your own North Dakota income tax return, follow the instructions to Parts 3 through 5 to transfer the amounts from Schedule K-1 (Form 38) to your return.

Amended Schedule K-1 (Form 38). If you receive an amended North Dakota Schedule K-1 (Form 38) from the fiduciary for the estate or trust, you generally must file

an amended North Dakota income tax return to report the revised information, in which case a copy of the amended Schedule K-1 (Form 38) must be attached to your amended North Dakota income tax return. If you previously elected to include your distributive share of North Dakota income in a composite filing, and you are not changing that election, you generally do not have to take any action and should retain the amended Schedule K-1 (Form 38) for your tax records.

Specific Instructions

Part 3

All beneficiaries—North Dakota adjustments and tax credits

Except for a nonresident beneficiary who elected to be included in a composite filing, the information in Part 3 of Schedule K-1 (Form 38) applies to all beneficiaries.

The following lists show where to enter an amount from Part 3 of Schedule K-1 (Form 38) on the North Dakota income tax return. Use the list that applies to your return. "Not applicable" in the right-hand means that the item does not apply and should not be entered on the return.

Lines 1–24

Form ND-1 filer:

Include the amount from this schedule: On:

Lines 1–2	Not applicable
Line 3	Form ND-1, line 7
Line 4a	Sch. RZ, Part 1, line 19a
Line 4b	Sch. RZ, Part 1, line 19b
Line 5	Sch. ND-1SA, line 2
Line 6	Form ND-1, line 14
Line 7a	Sch. RZ, Part 4, line 7
Line 7b	Sch. RZ, Part 5, line 4
Line 7c	Sch. RZ, Part 6, line 6
Line 8	Sch. ND-1TC, line 4
Line 9	Sch. ND-1TC, line 3
Line 10	Sch. ND-1TC, line 6
Line 11	Sch. ND-1TC, line 7
Line 12	Sch. ND-1TC, line 14b
Line 13	Sch. ND-1TC, line 8a
Line 14	Sch. ND-1TC, line 9a
Line 15a	Sch. ND-1TC, line 10a
Line 15b	Sch. ND-1TC, line 10b
Line 16	Sch. ND-1TC, line 11a
Line 17a	Sch. ND-1TC, line 12
Line 17b	Form ND-1, line 4a
Line 18	Sch. ND-1TC, line 13a
Line 19	Sch. ND-1TC, line 15

Line 20a Sch. ND-ITC, line 18
 Line 20b Form ND-1, line 4b
 Line 21 Sch. ND-ITC, line 19
 Line 22 Sch. ND-ITC, line 20
 Line 23 Sch. ND-ITC, line 21
 Line 24 Sch. ND-ITC, line 22

Line 21 Sch. TC, line 26
 Line 22 Sch. TC, line 3
 Line 23 Sch. TC, line 2
 Line 24 Sch. TC, line 1

Forms 58 and 60: Include the amounts from lines 1–24 of this schedule on the applicable lines of Schedule K of Form 58 or Form 60.

**Part 4
 Nonresident individual, estate,
 or trust beneficiary only—North
 Dakota income (loss)**

If you are a nonresident individual, estate, or trust, lines 25 through 35 of Part 4 show your share of the estate’s or trust’s North Dakota income, gains, losses, and deductions that you must report on your North Dakota income tax return. Transfer these amounts to your North Dakota income tax return as instructed below based on the type of return you are filing.

If the full amount of any item is not included in your adjusted gross income on your federal income tax return because of limitations on the deductibility of a passive activity loss, capital loss, section 179 deduction, or for any other reason, enter on your North Dakota return only that portion of the item included in your federal adjusted gross income.

Attach a statement to your North Dakota income tax return explaining any difference between the amount shown on North Dakota Schedule K-1 (Form 38) and the amount reported on your North Dakota income tax return.

Form ND-1 filer (nonresident only):
 Include the amount On Schedule ND-1NR,
 from this schedule: Column B:
 Lines 25-26 Line 2
 Lines 27-28 Line 4
 Lines 29–33 Line 6
 Line 34 Line 4 (if capital
 loss) or line 8 (if net
 operating loss)
 Line 35 Line 8

Form 38 filer (nonresident only):
 Include the amount On Page 2, Part 2,
 from this schedule: Column B:
 Line 25 Line 1
 Line 26 Line 2
 Lines 27–28 Line 4
 Lines 29–33 Line 5
 Line 34 Line 4 (if capital
 loss) or line 8 (if net
 operating loss)
 Line 35 Line 8

Part 5

Nonresident beneficiary only

Lines 36 through 38 only apply if you are (1) an individual not domiciled in North Dakota, (2) a trust, including a grantor trust, not organized under North Dakota law, or (3) a passthrough entity, such as a partnership, with a commercial domicile outside North Dakota.

Line 36

This is the net amount of your North Dakota distributive share of income (loss) from the estate or trust. Do not enter the amount from this line anywhere on your return. **It is for your information only.**

Line 37

This is the amount of North Dakota income tax withheld by the fiduciary from your North Dakota distributive share of income. Enter this amount on your return as follows:

- If an individual, enter on Form ND-1, line 26.
- If an estate or trust, enter on Form 38, page 1, line 8.
- If a partnership, enter on Form 58, page 1, line 4.
- If an S corporation, enter on Form 60, page 1, line 5.

Attach a copy of North Dakota Schedule K-1 (Form 38) to your return.

Line 38

If you elected to include your North Dakota distributive share of income (loss) in a composite filing, this is the amount of North Dakota composite income tax paid on your behalf by the fiduciary. For more information, see “Composite filing election” in the general instructions to this schedule.

Note: If you later choose to file your own North Dakota income tax return, you may claim this amount as a tax payment on your return. Attach a copy of the North Dakota Schedule K-1 (Form 38) to your return to support the amount claimed.

Form 38 filer:

Include the amount from this schedule:

On:
 Lines 1–2 Not applicable
 Line 3 Form 38, page 2, Part 1, line 4a
 Line 4a Sch. RZ, Part 1, line 19a
 Line 4b Sch. RZ, Part 1, line 19b
 Lines 5-6 Form 38, page 2, Part 1, line 4d
 Line 7a Sch. RZ, Part 4, line 7
 Line 7b Sch. RZ, Part 5, line 4
 Line 7c Sch. RZ, Part 6, line 6
 Lines 8–17a Form 38, page 1, line 3
 Line 17b Form 38, page 2, Part 1, line 2
 Lines 18-20a Form 38, page 1, line 3
 Line 20b Form 38, page 2, Part 1, line 2
 Lines 21-24 Form 38, page 1, line 3

Form 40 filer:

Include the amount from this schedule:

On:
 Line 1 Sch. SA, line 4
 Line 2 Sch. SA, line 3
 Line 3 Sch. SA, line 11
 Line 4a Sch. RZ, Part 1, line 19a
 Line 4b Sch. RZ, Part 1, line 19b
 Line 5 Page 1, line 9
 Line 6 Not applicable
 Line 7a Sch. RZ, Part 4, line 7
 Line 7b Sch. RZ, Part 5, line 4
 Line 7c Sch. RZ, Part 6, line 6
 Line 8 Sch. TC, line 14
 Line 9 Sch. TC, line 17
 Line 10 Sch. TC, line 15
 Line 11 Sch. TC, line 16
 Line 12 Sch. TC, line 4
 Line 13 Sch. TC, line 20
 Line 14 Sch. TC, line 19
 Line 15a Sch. TC, line 7
 Line 15b Sch. TC, line 8
 Line 16 Sch. TC, line 21
 Line 17a Sch. TC, line 18
 Line 17b Sch. SA, line 5
 Line 18 Sch. TC, line 23
 Line 19 Sch. TC, line 24
 Line 20a Sch. TC, line 25
 Line 20b Sch. SA, line 6