Form **38**

North Dakota Office of State Tax Commissioner

Fiduciary Income Tax Return

2018

A Tax year: ○ **Calendar year 2018** ○ **Fiscal year** beginning ______, 2018, and ending ______, 20____

B Name of estate or trust

C Federal EIN *

Name and title of fiduciary

D Date created:

Mailing address | Apt. or suite

City | State | ZIP code

E TOTAL no. of beneficiaries ▶ ______

Enter number of —

Resident individual beneficiaries ▶ ______

Nonresident individual beneficiaries ▶ ______

Other types of beneficiaries ▶ ______

F Residency status: ○ Resident ○ Nonresident

G Entity type:
- ○ **1** Decedent's estate
- ○ **2** Simple trust
- ○ **3** Complex trust
- ○ **4** Qualified disability trust
- ○ **5** ESBT (S portion only)
- ○ **6** Grantor type trust
- ○ **7** Bankruptcy estate (Ch. 7)
- ○ **8** Bankruptcy estate (Ch. 11)
- ○ **9** Pooled income fund
- ○ **10** Other *(Identify below)*: ______

H Fill in all that apply: ○ Initial return ○ Final return ○ Composite return ○ Amended return ○ Extension

1	Tax on fiduciary's North Dakota taxable income *(from Tax Computation Schedule, line 8)*	▶ 1 ______
2	Credit for income tax paid to another state or local jurisdiction *(from Schedule CR, line 7)*	▶ 2 ______
3	Other credits *(Attach Schedule 38-TC)*	▶ 3 ______
4	Net tax liability on fiduciary's taxable income. Line 1 less lines 2 and 3	▶ 4 ______
5	Income tax withheld from nonresident beneficiaries *(from Schedule BI, line 3)*	▶ 5 ______
6	Composite income tax for electing nonresident beneficiaries *(from Schedule BI, line 4)*	▶ 6 ______
7	Total taxes due. Add lines 4, 5, and 6	7 ______
	Tax paid	
8	North Dakota income tax withheld from wages and other payments taxable to estate or trust *(Attach Form W-2, Form 1099, and North Dakota Schedule K-1)*	▶ 8 ______
9	Estimated tax paid on 2018 Forms 38-ES and 38-EXT plus an overpayment, if any, applied from the 2017 return	▶ 9 ______
10	Total payments. Add lines 8 and 9	▶ 10 ______
11	**Overpayment.** If line 10 is MORE than line 7, subtract line 7 from line 10 and enter result; otherwise, go to line 14. If result is less than $5.00, enter 0	▶ 11 ______
12	Amount of line 11 to be applied to 2019 estimated tax	▶ 12 ______
13	**Refund.** Subtract line 12 from line 11. If result is less than $5.00, enter 0 — **REFUND**	▶ 13 ______
14	**Tax due.** If line 10 is LESS than line 7, subtract line 10 from line 7. If result is less than $5.00, enter 0	▶ 14 ______
15	Penalty ▶ ______ Interest ▶ ______ Enter total penalty and interest	15 ______
16	**Balance due.** Add lines 14, 15, and, if applicable, line 17 — **BALANCE DUE**	16 ______
17	Interest on underpaid estimated tax *(from 2018 Schedule 38-UT)*	▶ 17 ______

- **Attach copy of 2018 Form 1041 (including Schedule K-1s) and copy of North Dakota Schedule K-1s**

I declare that this return is correct and complete to the best of my knowledge and belief.

Signature of fiduciary	Date
Print name of fiduciary	Telephone number
Paid preparer signature	Date
Print name of paid preparer / PTIN	Telephone number

***Privacy Act Notice - See inside front cover of booklet**

○ I authorize the ND Office of State Tax Commissioner to discuss this return with the paid preparer.

For Tax Department Use Only

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Mail to: Office of State Tax Commissioner, 600 E. Blvd. Ave., Dept. 127, Bismarck, ND 58505-0599

Enter name of estate or trust | FEIN

Tax Computation Schedule: Tax on fiduciary's taxable income

Part 1 - Calculation of tax

1 **Federal taxable income** from Form 1041, page 1, line 22, or Form 1041-QFT, line 12 ▶ 1 ______

2 Additions *(See instructions) (Attach statement)* ▶ 2 ______

3 Add lines 1 and 2 3 ______

4 a Interest from U.S. obligations ▶ 4a ______

b Net long-term capital gain exclusion *(from worksheet in instructions)* ▶ 4b ______

c Qualified dividend exclusion ▶ 4c ______

d Other subtractions *(See instructions) (Attach statement)* ▶ 4d ______

e Total subtractions. Add lines 4a through 4d 4e ______

5 North Dakota taxable income of fiduciary. Subtract line 4e from line 3 ▶ 5 ______

6 Tax on amount on line 5 using the 2018 Tax Rate Schedule below ▶ 6 ______

- If resident estate or trust, enter amount from line 6 on line 8. Do not complete lines 7a, 7b, and 7c.
- If nonresident estate or trust, complete lines 7a, 7b, and 7c.

7 a Fiduciary's income from Part 2, line 11, Column A, less the amount from Part 1, line 4a ▶ 7a ______

b Income (loss) reportable to North Dakota from Part 2, line 11, Column B ▶ 7b ______

c Divide line 7b by line 7a. Round to the nearest four decimal places. If line 7b is more than line 7a, enter 1 7c ______

8 Tax on fiduciary's North Dakota taxable income: If resident estate or trust, enter amount from line 6. If nonresident estate or trust, multiply line 6 by line 7c. Enter this amount on page 1, line 1 ▶ 8 ______

2018 Tax Rate Schedule

If the amount on line 5 is:

Over	But not over	The tax is:
$ 0	$ 2,600	1.10% of amount on line 5
2,600	6,100	$ 28.60 plus 2.04% of the amount over $ 2,600
6,100	9,300	100.00 plus 2.27% of the amount over 6,100
9,300	12,700	172.64 plus 2.64% of the amount over 9,300
12,700		262.40 plus 2.90% of the amount over 12,700

Part 2 - Calculation of fiduciary's income

This part must be completed by all estates and trusts

- **Resident estate or trust:** Complete Column A only.
- **Nonresident estate or trust:** Complete Columns A, B, and C. See instructions for how to complete Columns B and C.

		Column A **Federal return**	Column B **North Dakota** (Nonresident estates or trusts only)	Column C **Other States** (Nonresident estates or trusts only)
1 Interest income	1			
2 Ordinary dividends	2			
3 Business income or (loss)	3			
4 Capital gain or (loss)	4			
5 Rents, royalties, partnerships, other estates and trusts, etc.	5			
6 Farm income or (loss)	6			
7 Ordinary gain or (loss)	7			
8 Other income	8			
9 Total income. Add lines 1 through 8	9			
10 Portion of amount on line 9 distributed to beneficiaries	10			
11 Fiduciary's income. Subtract line 10 from line 9	11			

Enter name of estate or trust	FEIN

Schedule BI Beneficiary information

All estates and trusts must complete this schedule. Complete Columns 1 through 4 for all beneficiaries. Complete Column 5 for a nonresident beneficiary. If applicable, complete Column 6 or Column 7 for a nonresident beneficiary. See instructions for the definition of a "nonresident beneficiary," which includes entities other than individuals.

	All Beneficiaries		
Bene-ficiary	**Column 1** Name and address of beneficiary ***If additional lines are needed, attach additional pages***	**Column 2** Social Security Number/FEIN	**Column 3** Type of entity *(See instructions)*
A	Name Address State Zip Code		
B	Name Address State Zip Code		
C	Name Address State Zip Code		
D	Name Address State Zip Code		

	All Beneficiaries ***Complete Column 4 for ALL beneficiaries***	**Nonresident Beneficiaries Only** ***Important: Columns 5 through 7 are for a NONRESIDENT BENEFICIARY only. See instructions for which beneficiaries to include in Columns 5, 6, and 7.***			
	Column 4	**Column 5**	**Column 6**		**Column 7**
Beneficiary	Federal distributive share of income (loss)	North Dakota distributive share of income (loss)	North Dakota income tax withheld (2.90%)	Form PWA or Form PWE *(Attach copy)*	North Dakota composite income tax (2.90%)
A				○	
B				○	
C				○	
D				○	

1 Total for **Column 4** 1

2 Total for **Column 5** 2

3 Total for **Column 6.** Enter this amount on Form 38, page 1, line 5 3

4 Total for **Column 7.** Enter this amount on Form 38, page 1, line 6 4

Schedule CR Credit for income tax paid to another state or local jurisdiction

1 Fiduciary's share of total income from page 2, Tax Computation Schedule, Part 2, line 11, Column A ▶ 1

2 Portion of amount on line 1 that has its source in the other state *(See instructions)* ▶ 2

3 Credit ratio. Divide line 2 by line 1 and round to the nearest four decimal places 3

4 Tax on fiduciary's North Dakota taxable income from page 1, line 1 4

5 Multiply line 3 by line 4 ▶ 5

6 Amount of income tax paid to the other state and its local jurisdictions *(See instructions)* ▶ 6

7 Credit for income tax paid to another state or local jurisdiction. Enter lesser of line 5 or line 6. Enter this amount on page 1, line 2 7

Important: Attach a copy of the income tax return filed with the other state and/or local jurisdiction

Form **38-PV** North Dakota Office of State Tax Commissioner

Fiduciary Return Payment Voucher 2018

What is Form 38-PV?

Use this form if submitting a paper check or money order to pay a tax balance due on a 2018 Form 38. Do not use this form if paying electronically—see "How to make payment" for payment options.

Do not use Form 38-PV to make an extension payment. Extension payments should be made using the extension payment voucher, Form 38-EXT.

When is the payment due?

The payment must be made on or before the 15th day of the 4th month following the end of the tax year to avoid any late payment penalty or interest.

How to make payment

Make check or money order payable to "ND State Tax Commissioner" and write last four digits of federal employer identification number (FEIN) and "2018 38-PV" on it. Complete the payment voucher, detach it from this page, and enclose it with payment and return. If Form 38 has already been filed, mail payment and voucher to:

Office of State Tax Commissioner
600 E. Boulevard Ave., Dept. 127
Bismarck, ND 58505-0599

Only a check drawn on a U.S. or Canadian bank in U.S. dollars and using a standard 9-digit routing number is accepted.

Electronic payment options. Instead of paying by check or money order with this payment voucher, the payment may be made electronically in one of two ways. ***If paying electronically, do not use this voucher.***

- **Online**—Pay online with an electronic check or a debit or credit card. The electronic check option is free. North Dakota contracts with a payment service to provide the debit or credit card option, for which there is a fee, none of which goes to the State of North Dakota. To pay online, go to **www.nd.gov/tax/payment**.
- **Electronic funds transfer**—A payment may be made by means of an Automated Clearing House (ACH) credit transaction that the taxpayer initiates through its banking institution. For more information, go to our website at **www.nd.gov/tax**.

Need help?

Phone: 701.328.1258
Speech or hearing impaired—800.366.6888

Email: individualtax@nd.gov

Privacy Act Notification. In compliance with the Privacy Act of 1974, disclosure of a social security number or Federal Employer Identification Number (FEIN) on this form is required under N.D.C.C. §§ 57-01-15 and 57-38-31, and will be used for tax reporting, identification, and administration of North Dakota tax laws. Disclosure is mandatory. Failure to provide the social security number or FEIN may delay or prevent the processing of this form.

▼ *Detach here and mail with payment* ▼

Form 38-PV - Fiduciary Return Payment Voucher 2018

North Dakota Office of State Tax Commissioner
SFN 28749

Do not use this voucher if paying electronically

Name of estate or trust as it will appear on Form 38	
Name of fiduciary	
Mailing address	
City, state, ZIP Code	

Federal Employer Identification Number . . . . ▶	
Fiscal year filer: Tax year ending (mm/dd/yyyy). . . . ▶	
Payment amount . . . . . ▶	

- Mail payment and voucher to: Office of State Tax Commissioner
  600 E. Boulevard Ave., Dept. 127
  Bismarck, ND 58505-0599

- Make payable to: ND State Tax Commissioner
- Write "2018 38-PV" on check

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