

# Information Return for Publicly Offered Original Issue Discount Instruments

<b>1</b> Issuer's name		<b>2</b> Issuer's taxpayer identification number	
Present address (including number, street, apt. or suite no., or P.O. Box, city or town, state, and ZIP code)			
<b>3a</b> Name of representative (See instructions.)		<b>3b</b> Telephone number (      )	
Present address (if different from issuer's)			
<b>4</b> CUSIP number	<b>5</b> Issue date	<b>6</b> Maturity date	
<b>7</b> Type of instrument (See instructions.)	<b>8</b> Issue price (percent of principal amount)	<b>9</b> Stated interest rate (See instructions.)—Check if variable <input type="checkbox"/>	
<b>10</b> Interest payment dates			
<b>11</b> Amount of OID for entire issue	<b>12</b> Yield to maturity	<b>13</b> Stated redemption price at maturity of the entire issue (If the redemption price of each debt instrument within the issue is other than \$1,000, indicate the stated redemption price of each debt instrument.)	
<b>14</b> Description of debt instruments. (See instructions.) Attach a schedule of OID per \$1,000 principal amount for each calendar year. If the principal amount is other than \$1,000, indicate actual OID per principal amount per year.			

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.

Signature ►

Title ►

Date ►

## General Instructions

(Section references are to the Internal Revenue Code.)

### Paperwork Reduction Act Notice

We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

**Recordkeeping** . . . . . 5 hr., 1 min.

**Learning about the law or the form** . . . . . 18 min.

**Preparing, copying, assembling, and sending the form to the IRS** . . . 23 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form more simple, we would be happy to hear from you. You can write to both the **Internal Revenue Service**, Washington, DC 20224, Attention: IRS Reports Clearance Officer, T:FP; and the **Office of Management and Budget**, Paperwork Reduction Project (1545-0887), Washington, DC 20503. **DO NOT** send this form to either of these offices. Instead, see **Where To File** below.

### Purpose of Form

Use Form 8281 if you are the issuer of publicly offered debt instruments having original issue discount (OID) to provide the information required by section 1275(c).

### Who Must File

An issuer of a publicly offered debt instrument (obligation) having OID, such as a bond, debenture, or note, must file. Publicly offered debt instruments also may include:

1. Serial obligations.
2. Exchanges of one debt instrument for another debt instrument, or exchanges of debt instruments for stock.
3. Investment unit offerings consisting of a debt instrument sold together with options or warrants.
4. Sinking fund instruments.
5. Convertible instruments.

**Exceptions.**—DO NOT FILE this form for the following:

1. Regular interests of a real estate mortgage investment conduit (REMIC) or collateralized debt obligations. REMICs and issuers of collateralized debt obligations must file **Form 8811**, Information Return for Real Estate Mortgage Investment Conduits (REMICs) and Issuers of Collateralized Debt Obligations.
2. Instruments on which OID is de minimis, as defined in section 1273(a)(3).
3. Tax-exempt obligations (the interest on which is not taxable).

4. Short-term obligations (those that mature in 1 year or less).

5. Certificates of deposit (CDs) issued by banks or other financial institutions.

6. CDs that are sold by brokers or other middlemen.

7. A public offering of stripped bonds or stripped coupons, including instruments issued under the Department of the Treasury's STRIPS program and instruments that constitute ownership interests in U.S. Treasury securities.

### When To File

File Form 8281 within 30 days of the date of issuance of an OID instrument. File a separate Form 8281 for each issue.

### Where To File

Send Form 8281 to Internal Revenue Service Data Center, P.O. Box 331200, Detroit, MI 48232-7200, Attn: OID.

### Definitions

**Original issue discount** means the excess of the stated redemption price at maturity over the issue price.

**Stated redemption price** at maturity means the amount fixed by the last modification of the purchase agreement and includes interest and other amounts payable at maturity (other than interest based on a fixed rate and payable unconditionally at fixed periodic intervals of 1 year or less during the entire term of the debt instrument).

**Issue price**, in the case of publicly offered instruments not issued for property, means the initial offering price to the public (excluding bond houses and brokers) at which a substantial amount of such instruments was sold.

For more information about OID instruments and the OID reporting requirements, see **Pub. 1212**, List of Original Issue Discount Instruments.

### Penalty

An issuer who fails to timely file Form 8281 will be subject to a penalty of 1% of the aggregate issue price of the debt instruments, unless such failure is due to reasonable cause and not willful neglect. The maximum penalty with respect to any issue is \$50,000.

## Specific Instructions

For serial obligations, complete Items 1 through 3 and attach a list showing the information for Items 4 through 14 for each obligation within the series. For all other obligations, complete all items.

**Items 3a and 3b.**—Enter the name, address, and telephone number of an official or representative of the issuing company who has personal knowledge of this offering and who can be contacted if additional information is needed.

**Item 4.**—Enter the Committee on Uniform Security Identification Procedures (CUSIP) number assigned to the instruments.

**Item 5.**—Enter the date on which the issue was first sold to the public at the issue price.

**Item 7.**—Enter the type of instrument issued, such as unsecured public issue, an instrument backed by Treasury obligations, or foreign issue.

**Item 8.**—Enter the issue price as a percent of the principal amount. For example, XYZ bonds were first offered to the public at \$900 with a principal amount of \$1,000. The issue price of \$900 expressed as a percent of principal is 90. If the percent is 100 or more, explain in Item 14.

If the instrument is part of an investment unit or exchange offering, attach a description of the method used to determine the issue price.

**Item 9.**—Enter the annual stated (or coupon) interest rate. If zero, enter "0." If the interest rate is variable, check the box and indicate the rate for the first year. If the rate is determined annually, check the box and explain in Item 14 how the annual rate will be determined. If any terms or conditions under the offering could change the stated interest rate, check the box and attach an explanation or a copy of the prospectus or offering circular containing such information.

**Item 10.**—Enter the interest payment dates.

**Item 11.**—Enter the amount of OID for the entire issue. For example, if the issue price for the entire issue totals \$890,000, and the stated redemption price at maturity totals \$1 million, the OID for the entire issue is \$110,000.

**Item 12.**—Enter the yield to maturity as a percent. For example, if the annual yield is 9% and the yield to maturity is 9.6%, enter 9.6%. If the interest rate is determined annually, do not complete this item.

**Item 14.**—Please provide a description of the instruments including any terms and conditions that provide for payments of principal before maturity or early retirement. Also indicate whether the instruments are:

1. Part of an investment unit.
2. Issued in an exchange offering described in section 368(a).
3. Part of a serial issue.

You may provide a copy of the prospectus or offering circular instead of the required description.

To compute the OID allocable to a debt instrument having a short accrual period, you may use one of the following methods: (1) simple interest, (2) continuous compounding of interest, or (3) any other reasonable method. **Please indicate which method you have chosen.**

You must attach a schedule of OID per \$1,000 principal amount for each calendar year. However, if the principal amount is other than \$1,000, indicate the OID per actual principal amount for each year and specify the actual principal amount.