

Application for Automatic Extension of Time To File U.S. Return for a Partnership, REMIC, or for Certain Trusts

Department of the Treasury
Internal Revenue Service

► **File a separate application for each return.**

| | | |
|--|---|--------------------------------|
| Please type or print. File by the due date for filing the return for which an extension is requested. (See instructions.) | Name | Employer identification number |
| | Number, street, and room or suite no. If a P.O. box, see instructions. | |
| | City or town, state, and ZIP code. If a foreign address, enter city, province or state, postal code, and country. | |

- 1** I request an automatic **3-month** extension of time to file (check only one):
 Form 1041 Form 1065 Form 1066
- 2** If the entity does not have an office or place of business in the United States, check this box ►
- 3a** For calendar year 19....., or other tax year beginning, 19....., and ending....., 19.....
b If this tax year is for less than 12 months, check reason:
 Initial return Final return Change in accounting period
- 4** If this extension is requested for Form 1041 or Form 1066, enter the following amounts:
- a** Tentative total tax from Form 1041 or Form 1066 (see instructions) \$ _____
- b** Refundable credits and estimated tax payments, including any prior year overpayment allowed as a credit, from Form 1041 (see instructions). REMICs, enter -0- \$ _____
- c Balance due.** Subtract line 4b from line 4a. If zero or less, enter -0-. Include payment with Form 8736 ► \$ _____

Caution: Interest will be charged on any tax not paid by the regular due date of Forms 1041 and 1066 from the due date until the tax is paid.

Signature and Verification

Under penalties of perjury, I declare that I have examined this form, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete; and that I am authorized to prepare this form.

| | | |
|-------------|---------|--------|
| Signature ► | Title ► | Date ► |
|-------------|---------|--------|

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 3 hr., 7 min.
Learning about the law or the form 42 min.
Preparing, copying, assembling, and sending the form to the IRS 47 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler,

we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send Form 8736 to this address. Instead, see **Where To File** on page 2.

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

Use Form 8736 to request an automatic 3-month extension of time to file a return for:

- Trusts filing **Form 1041**, U.S. Income Tax Return for Estates and Trusts,
- Partnerships filing **Form 1065**, U.S. Partnership Return of Income, and
- Real estate mortgage investment conduits filing **Form 1066**, U.S. Real Estate

Mortgage Investment Conduit (REMIC) Income Tax Return.

If granted, the automatic extension will extend the due date of the return to the 15th day of the 3rd month following the month in which the regular due date falls. The automatic 3-month extension period includes any 2-month extension granted under Regulations section 1.6081-5 to certain foreign partnerships.

Note: An estate filing Form 1041 should not file this form. Instead, it should request an extension using **Form 2758, Application for Extension of Time To File Certain Excise, Income, Information, and Other Returns.**

Generally, an extension will be granted if you complete Form 8736 properly, file it on time, and pay the balance of any tax due (as shown on line 4c) when Form 8736 is filed. We will notify you only if your request for an extension is denied.

For most partnerships, trusts, and REMICs, the granting of an automatic extension will extend the due date of the return to July 15th of the year following the close of the calendar year.

When To File

File Form 8736 by the regular due date of the return for which an extension is requested (or, in the case of certain foreign partnerships, by the expiration date of any extension of time to file granted under Regulations section 1.6081-5). The regular due date of Form 1041, Form 1065, and Form 1066 is generally the 15th day of the 4th month following the close of the entity's tax year. However, the regular due date for a partnership in which all partners are nonresident aliens is the 15th day of the 6th month following the close of the partnership's tax year.

Additional Extension of Time To File

If Form 8736 has already been filed but more time is needed, file **Form 8800**, Application for Additional Extension of Time To File U.S. Return for a Partnership, REMIC, or for Certain Trusts. Except in cases of undue hardship, do not file Form 8800 unless Form 8736 has already been filed. Before an additional extension can be granted, the entity must show reasonable cause for the additional time needed to file.

Ask for the additional extension early so that if it is denied the return can still be filed on time.

Where To File

File Form 8736 with the Internal Revenue Service Center where the entity will file its return. If the entity does not have a principal office or place of business in the United States, file Form 8736 with the Internal Revenue Service Center, Philadelphia, PA 19255.

No Blanket Requests

File a separate Form 8736 for each return for which you are requesting an extension of time to file. This extension will apply only to the specific return checked on line 1. It does not extend the time for filing any related returns. For example, an automatic extension of time to file Form 1065 will not apply to the income tax returns of the partners of the partnership.

Interest and Penalties

Forms 1041 and 1066.—The following interest and penalties may be assessed:

Interest.—Interest is charged on any tax not paid by the regular due date of the return from the due date until the tax is paid. It will be charged even if the entity has been granted an extension or has shown reasonable cause for not paying on time.

Late payment penalty.—Form 8736 does not extend the time to pay any tax due. Generally, a penalty of $\frac{1}{2}$ of 1% of any tax not paid by the due date is charged for each month or part of a month that the tax

remains unpaid. The penalty cannot exceed 25% of the amount due. The penalty will not be charged if the entity can show reasonable cause for not paying on time.

Late filing penalty.—A penalty is charged if the return is filed after the due date (including extensions) unless the entity can show reasonable cause for not filing on time. The penalty is 5% of the tax not paid by the regular due date (even if an extension of time to pay has been granted) for each month or part of a month that the return is late, up to a maximum of 25% of the unpaid tax. If the return is more than 60 days late, the minimum penalty is \$100 or the balance of the tax due on the return, whichever is smaller.

Forms 1065 and 1066.—A penalty may be assessed against the partnership (or REMIC) if it is required to file a return, but fails to file it on time, including extensions. The penalty is \$50 for each month or part of a month (for a maximum of 5 months) the failure continues multiplied by the total number of partners (or residual interest holders) in the partnership (or REMIC) during any part of the partnership's (or REMIC's) tax year. See the instructions for Form 1065 or 1066 for more information.

Specific Instructions

Address

Include the suite, room, or other unit number after the street address. If the Post Office does not deliver mail to the street address and the entity has a P.O. box, show the box number instead of the street address.

Note: *If the mailing address has changed since the entity filed its last return, use **Form 8822**, Change of Address, to notify the IRS of the change. A new address shown on Form 8736 will not update the entity's record. To order Form 8822, call 1-800-TAX-FORM (1-800-829-3676).*

Line 1

Check the box for the form to be filed by the entity for which an extension is requested. A separate Form 8736 must be filed for each return. Check only one box.

Line 3b

Change in accounting period.—Generally, a partnership must conform its tax year to the tax year of a majority of its partners, unless the partnership can establish a business purpose for a different period or makes a section 444 election. See **Pub. 538**, Accounting Periods and Methods, for details. REMICs and trusts (other than trusts exempt under section 501(a), section 4947(a)(1) nonexempt charitable trusts, and trusts treated as wholly owned by a grantor) must use a calendar tax year.

Line 4a

Enter the total tax that the trust or REMIC expects to owe for the tax year. The total tax for the trust consists of the regular income tax on the taxable income of the trust, plus other taxes, less allowable

nonrefundable credits, plus recapture taxes and alternative minimum tax.

The total tax for REMICs consists of the sum of the tax on net income from prohibited transactions, the tax on net income from foreclosure property, and the tax on contributions after the startup day.

Line 4b

Include in the amount entered on line 4b all estimated tax payments, any overpayment from the prior year that was applied to the current year, any refundable credits, and all Federal income tax withheld.

Line 4c

Filing Form 8736 does not extend the time to pay any tax due. To qualify for an extension of time to file, the entity must pay the amount of tax shown on line 4c in full when it files Form 8736. To help ensure proper crediting, write the trust's or REMIC's employer identification number, the tax year to which the payment applies, and "Form 8736" on the check you enclose.

Signature

Form 8736 must be signed by one of the following individuals:

- If this extension is for Form 1041, a fiduciary or other person duly authorized to file the trust return, but only if such other person is **(a)** an attorney who is a member in good standing of the bar of the highest court of a state, possession, territory, commonwealth, or the District of Columbia, **(b)** a certified public accountant duly qualified to practice in a state, possession, territory, commonwealth, or the District of Columbia, **(c)** a person currently enrolled to practice before the Treasury Department, or **(d)** a duly authorized agent holding a power of attorney with respect to the filing of the trust return.
- If this extension is for Form 1065, either a general partner or limited liability company member authorized to file the partnership return or some other person authorized to file Form 8736, but only if such other person is a person specified in **(a)** through **(c)**, above.
- If this extension is for Form 1066 with a startup day for the REMIC after November 9, 1988, any person who would be authorized to sign the return of the entity in the absence of the REMIC election.
- If this extension is for Form 1066 with a startup day for the REMIC before November 10, 1988, the form may be signed by a residual interest holder or, as provided in section 6903, by a fiduciary who is acting for the REMIC and who has furnished adequate notice in the manner prescribed in Regulations section 301.6903-1(b). The term "fiduciary" means a guardian, trustee, executor, or any person acting in any fiduciary capacity for any person. However, if the REMIC so elects, the form may be signed by any person who would be authorized to sign the return of the entity in the absence of the REMIC election.

