

General Instructions

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

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 required payment.

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 1 hr., 5 min.

Preparing, copying, assembling, and sending the form to the IRS 1 hr., 14 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 (1545-1181), Washington, DC 20503. **DO NOT** send Form 8752 to either of these offices. Instead, see **Where To File** below.

Purpose of Form.—Partnerships and S corporations use Form 8752 to figure and report the payment required under section 7519 or to obtain a refund of net prior year payments. Such payments are required of any partnership or S corporation that has elected under section 444 to have a tax year other than a required tax year.

Who Must File.—A partnership or S corporation must file Form 8752 if it made a section 444 election by filing **Form 8716**, Election To Have a Tax Year Other Than a Required Tax Year, and its election is still in effect for the tax year. Any tax year for which a section 444 election is in effect, including the first tax year the section 444 election is made, is an “applicable election year.”

Do not file Form 8752 for a personal service corporation (as defined in Temporary Regulations section 1.441-4T). Instead, file **Schedule H (Form 1120)**, Section 280H Limitations for a Personal Service Corporation (PSC), with the corporation’s income tax return.

When To File.—For applicable election years beginning in 1992, Form 8752 must be filed and the required payment made on or before May 17, 1993.

Note: *Temporary Regulations section 1.444-3T(b)(4)(iii) provides a special rule that extends the due date for filing Form 8752 and making the required payment related to certain back-up section 444 elections.*

Where To File.—File Form 8752 at the applicable IRS address listed below.

If the entity’s principal place of business or principal office or agency is located in	Use the following Internal Revenue Service Center address
New Jersey, New York (New York City and counties of Nassau, Rockland, Suffolk, and Westchester)	Holtsville, NY 00501
New York (all other counties), Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	Andover, MA 05501
Florida, Georgia, South Carolina	Atlanta, GA 39901
Indiana, Kentucky, Michigan, Ohio, West Virginia	Cincinnati, OH 45999
Kansas, New Mexico, Oklahoma, Texas	Austin, TX 73301
Alaska, Arizona, California (counties of Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba), Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming	Ogden, UT 84201
California (all other counties), Hawaii	Fresno, CA 93888
Illinois, Iowa, Minnesota, Missouri, Wisconsin	Kansas City, MO 64999
Alabama, Arkansas, Louisiana, Mississippi, North Carolina, Tennessee	Memphis, TN 37501
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia	Philadelphia, PA 19255

An entity without a principal office or agency or principal place of business in the United States must file Form 8752 with the Internal Revenue Service Center, Philadelphia, PA 19255.

Penalties.—The penalty for not making the required payment when due is 10% of the underpayment. For this purpose, the term “underpayment” means the excess of the required payment over the amount (if any) of such payment made on or before the due date for the applicable election year. The accuracy-related penalty and the fraud penalty may also apply. Willful failure of the entity to make the payment will terminate the section 444 election. See section 7519(f)(4) for more details.

Amended Return.—To correct an error in a Form 8752 already filed, file an amended Form 8752 and write “AMENDED RETURN” across the top.

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.

Line A.—If an applicable election year is the entity’s first year of existence (i.e., it is a

newly formed entity and therefore does not have a base year), the required payment for such applicable election year is zero.

Line 1—Net income for base year.—The base year is the tax year preceding the applicable election year. For example, if you are completing Form 8752 for the applicable election year beginning October 1, 1992, and ending September 30, 1993, the base year is the tax year beginning October 1, 1991, and ending September 30, 1992.

For partnerships, line 1 net income is the aggregate of the partnership’s items of income and expense (but not less than zero) described in section 702(a) other than credits, tax-exempt income, and guaranteed payments under section 707(c). When figuring line 1, disregard any limitations on the amount of any item described in section 702(a) that may be taken into account in figuring the taxable income of a partner.

For S corporations, line 1 net income is the aggregate of the corporation’s items of income and expense (but not less than zero) described in section 1366(a) (other than credits and tax-exempt income). When figuring line 1, disregard any limitation on the amount of any item described in section 1366(a) that may be taken into account in figuring the taxable income of a shareholder.

If an S corporation was a C corporation for its base year, the C corporation’s taxable income is treated as the net income of the S corporation for the base year. See Temporary Regulations section 1.7519-1T(b)(5) for other details.

Line 2—Applicable payments.—In general, the term “applicable payments” means any amount deductible in the base year that is includible at any time, directly or indirectly, in the gross income of any partner or shareholder who was a partner or shareholder during the base year. However, the term “applicable payments” does not include any guaranteed payments under section 707(c). Examples of applicable payments are officer’s compensation, wages, and rent paid to any partner or shareholder.

If the S corporation was a C corporation for its base year, applicable payments of the C corporation are treated as if from an S corporation.

Line 3—Base year deferral ratio.—The deferral period covers the months between the beginning of the elected tax year and the close of the first required tax year ending within the elected tax year.

Line 9b.—If you enter zero on line 9b and you did not make any prior year required payment for which a refund can be claimed, enter zero on line 10, skip lines 11 and 12, and complete the signature section. You are required to file Form 8752 to show that you have a zero liability for the applicable election year beginning in 1992.

Line 12—Refund of net prior year payments.—A refund of net prior year payments will not be made before the later of April 15, 1993, or 90 days after Form 8752 is filed (see Temporary Regulations section 1.7519-2T(a)(6)). No interest will be paid on the amount refunded.