

**SCHEDULE D
(Form 1065)**

Capital Gains and Losses

OMB No. 1545-0099

1995

Department of the Treasury
Internal Revenue Service

▶ Attach to Form 1065.

Name of partnership	Employer identification number
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Part I Short-Term Capital Gains and Losses—Assets Held 1 Year or Less					
(a) Description of property (e.g., 100 shares 7% preferred of "Z" Co.)	(b) Date acquired (month, day, year)	(c) Date sold (month, day, year)	(d) Sales price (see instructions)	(e) Cost or other basis (see instructions)	(f) Gain (loss) ((d) minus (e))
1					
2 Short-term capital gain from installment sales from Form 6252, line 26 or 37					2
3 Short-term capital gain (loss) from like-kind exchanges from Form 8824					3
4 Partnership's share of net short-term capital gain (loss), including specially allocated short-term capital gains (losses), from other partnerships, estates, and trusts					4
5 Net short-term capital gain (loss). Combine lines 1 through 4. Enter here and on Form 1065, Schedule K, line 4d or 7					5

Part II Long-Term Capital Gains and Losses—Assets Held More Than 1 Year					
6					
7 Long-term capital gain from installment sales from Form 6252, line 26 or 37					7
8 Long-term capital gain (loss) from like-kind exchanges from Form 8824.					8
9 Partnership's share of net long-term capital gain (loss), including specially allocated long-term capital gains (losses), from other partnerships, estates, and trusts					9
10 Capital gain distributions					10
11 Net long-term capital gain (loss). Combine lines 6 through 10. Enter here and on Form 1065, Schedule K, line 4e or 7					11

General Instructions

Section references are to the Internal Revenue Code.

Caution: At the time these instructions were printed, Congress was considering legislation that would change the tax treatment of capital gains. Get **Pub. 553, Highlights of 1995 Tax Changes**, for more information. See **General Instructions** on page 1 of the Form 1065 instructions for how to get forms and publications.

Purpose of Schedule

Use Schedule D (Form 1065) to report sales or exchanges of capital assets, capital gain distributions, and nonbusiness bad debts. Do not report on Schedule D capital gains (losses) specially allocated to any partners.

Enter capital gains (losses) specially allocated to the partnership as a partner in other partnerships and from estates and trusts on Schedule D, line 4 or 9, whichever applies. Enter capital gains (losses) of the partnership that are specially allocated to partners directly on line 4d, 4e, or 7 of Schedules K and K-1, whichever applies. See **How Income Is Shared Among Partners** in the Instructions for Form 1065 for more information.

To report sales or exchanges of property other than capital assets, including the sale or exchange of property used in a trade or business and involuntary conversions (other than casualties and thefts), get **Form 4797, Sales of Business Property**, and related instructions. If property is involuntarily converted because of a casualty or theft, use **Form 4684, Casualties and Thefts**.

For amounts received from an installment sale, the holding period rule in effect in the year of sale will determine the treatment of the amounts received as long-term or short-term capital gain.

Report every sale or exchange of property in detail, even if there is no gain or loss.

For more information, get **Pub. 544, Sales and Other Dispositions of Assets**.

What Are Capital Assets?

Each item of property the partnership held (whether or not connected with its trade or business) is a capital asset **except**:

1. Assets that can be inventoried or property held mainly for sale to customers.
2. Depreciable or real property used in the trade or business.

3. Certain copyrights; literary, musical, or artistic compositions; letters or memoranda; or similar property.

4. Accounts or notes receivable acquired in the ordinary course of trade or business for services rendered or from the sale of property described in 1 above.

5. U.S. Government publications, including the Congressional Record, that the partnership received from the government, other than by purchase at the normal sales price, or that the partnership got from another taxpayer who had received it in a similar way, if the partnership's basis is determined by reference to the previous owner.

Items for Special Treatment and Special Cases

The following items may require special treatment:

- Transactions by a securities dealer. See section 1236.
- Bonds and other debt instruments. Get **Pub. 550, Investment Income and Expenses**.
- Certain real estate subdivided for sale that may be considered a capital asset. See section 1237.

- Gain on the sale of depreciable property to a more than 50%-owned entity, or to a trust in which the partnership is a beneficiary, is treated as ordinary gain.
- Liquidating distributions from a corporation. See Pub. 550 for details.
- Gain on disposition of stock in an Interest Charge Domestic International Sales Corporation. See section 995(c).
- Gain on the sale or exchange of stock in certain foreign corporations. See section 1248.
- Gain or loss on options to buy or sell, including closing transactions. See Pub. 550 for details.
- Transfer of property to a foreign corporation as paid-in surplus or as a contribution to capital, or to a foreign estate, trust, or partnership. Get **Form 926**, Return by a U.S. Transferor of Property to a Foreign Corporation, Foreign Estate or Trust, or Foreign Partnership.
- Transfer of property to a partnership that would be treated as an investment company if the partnership were incorporated. Get **Pub. 541**, Tax Information on Partnerships, for details.
- Transfer of property to a political organization if the fair market value of the property exceeds the partnership's adjusted basis in such property. See section 84.
- Any loss on the disposition of converted wetland or highly erodible cropland that is first used for farming after March 1, 1986, is reported as a long-term capital loss on Schedule D, but any gain on such a disposition is reported as ordinary income on Form 4797. See section 1257 for details.
- Conversion of a general partnership interest into a limited partnership interest in the same partnership. See Rev. Rul. 84-52, 1984-1 C.B. 157.
- Transfer of partnership assets and liabilities to a newly formed corporation in exchange for all of its stock. See Rev. Rul. 84-111, 1984-2 C.B. 88.
- Contribution of limited partnership interests in exchange for limited partnership interests in another partnership. See Rev. Rul. 84-115, 1984-2 C.B. 118.
- Disposition of foreign investment in a U.S. real property interest. See section 897.
- Any loss from a sale or exchange of property between the partnership and certain related persons is not allowed, except for distributions in complete liquidation of a corporation. See sections 267 and 707(b) for details.
- Any loss from securities that are capital assets that become worthless during the year is treated as a loss from the sale or exchange of a capital asset on the last day of the tax year.
- Gain from the sale or exchange of stock in a collapsible corporation is not a capital gain. See section 341.
- A nonbusiness bad debt must be treated as a short-term capital loss and can be deducted only in the year the debt becomes totally worthless. For each bad debt, enter the name of the debtor and "schedule attached" in column (a) of line 1 and the amount of the bad debt as a loss in column (f). Also attach a statement of facts to support each bad debt deduction.
- Any loss from a wash sale of stock or securities (including contracts or options to acquire or sell stock or securities) cannot be deducted unless the partnership is a dealer in stock or securities and the loss was sustained in a transaction made in the ordinary course of the partnership's trade or business. A wash sale occurs if the partnership acquires (by purchase or exchange), or has a contract or option to acquire, substantially identical stock or securities within 30 days before or after the date of the sale or exchange. See section 1091 for more information.
- Gains and losses from section 1256 contracts and straddles are reported on **Form 6781**, Gains and Losses From Section 1256 Contracts and Straddles.
 - If there are limited partners, see section 1256(e)(4) for the limitation on losses from hedging transactions.
 - Gains from the sale of property (other than publicly traded stock or securities) for which any payment is to be received in a tax year after the year of sale must be reported using the installment method on **Form 6252**, Installment Sale Income, unless the partnership elects to report the entire gain in the year of sale. The partnership should also use Form 6252 if it received a payment this year from a sale made in an earlier year on the installment method.
 - If the partnership wants to elect out of the installment method for installment gain that **is not** specially allocated among the partners, it must report the full amount of the gain on a timely filed return (including extensions).
 - If the partnership wants to elect out of the installment method for installment gain that **is** specially allocated among the partners, it must do the following on a timely filed return (including extensions):
 1. For a **short-term capital gain**, report the full amount of the gain on Schedule K, line 4d or 7.
 - For a **long-term capital gain**, report the full amount of the gain on Schedule K, line 4e or 7.
 2. Enter each partner's share of the full amount of the gain on Schedule K-1, line 4d, 4e, or 7, whichever applies.
 - An exchange of business or investment property for property of a like kind is reported on **Form 8824**, Like-Kind Exchanges.

Specific Instructions

Columns (b) and (c)—Date Acquired and Date Sold

Use the trade dates for date acquired and date sold for stocks and bonds traded on an exchange or over-the-counter market.

Column (d)—Sales Price

Enter in this column either the gross sales price or the net sales price from the sale. On sales of stocks and bonds, report the gross amount as reported to the partnership by the partnership's broker on **Form 1099-B**, Proceeds From Broker and Barter Exchange Transactions, or similar statement. However, if the broker advised the partnership that gross proceeds (gross sales price) less commissions and option premiums were reported to the IRS, enter that net amount in column (d).

Column (e)—Cost or Other Basis

In general, the cost or other basis is the cost of the property plus purchase commissions and improvements and minus depreciation, amortization, and depletion. If the partnership got the property in a tax-free exchange, involuntary conversion, or wash sale of stock, it may not be able to use the actual cash cost as the basis. If the partnership does not use cash cost, attach an explanation of the basis.

When selling stock, adjust the basis by subtracting all the stock-related nontaxable distributions received before the sale. This includes nontaxable distributions from utility company stock and mutual funds. Also adjust the basis for any stock splits or stock dividends.

If a charitable contribution deduction is passed through to a partner because of a sale of property to a charitable organization, the adjusted basis for determining gain from the sale is an amount that has the same ratio to the adjusted basis as the amount realized has to the fair market value.

See section 852(f) for the treatment of certain load charges incurred in acquiring stock in a mutual fund with a reinvestment right.

If the gross sales price is reported in column (d), increase the cost or other basis by any expense of sale, such as broker's fees, commissions, or option premiums, before making an entry in column (e).

For more information, get **Pub. 551**, Basis of Assets.

Lines 4 and 9—Capital Gains and Losses From Other Partnerships, Estates, and Trusts

See the Schedule K-1 or other information supplied to you by the other partnership, estate, or trust.

Line 10—Capital Gain Distributions

On line 10, report as capital gain distributions (a) capital gain dividends and (b) the partnership's share of undistributed capital gains from a regulated investment company. Report the partnership's share of taxes paid on undistributed capital gains by a regulated investment company on Schedule K, line 24, and Schedule K-1, line 25.

