



Application for Automatic Extension of Time to File for Partnerships and Fiduciaries (with instructions)

IT-370-PF

Instructions

Ask for your extension online — Instead of using paper Form IT-370-PF to ask for an extension of time to file the partnership's, estate's, or trust's return, you have two electronic options. If you have Internet access, you can complete your request for free by visiting our Web site at www.nystax.gov, and clicking on the *Online Tax Center*. If you are using a paid preparer or tax preparation software, check your software package or ask your paid preparer to find out if you have the option to e-file the request for an extension. Unlike a paper extension, when you use the Tax Department's Web application or e-file, you will receive a confirmation that we received the extension request.

If the estate or trust owes tax, it must be paid by the original date that the income tax return is due. The Web and e-file applications let you pay through direct transfer of funds from the estate's or trust's bank account (ACH debit). If you want to send a check or money order, you can print out a payment voucher to mail with your payment and ensure that your account is properly credited.

General information — When an application for an automatic six-month extension of time to file is submitted, full remittance must be made of the amounts properly estimated as New York State, New York City, and Yonkers personal income tax remaining unpaid as of the due date for filing the income tax return.

Purpose — File Form IT-370-PF on or before the due date of the return to get an automatic six-month extension of time to file Form IT-204, *Partnership Return*, or Form IT-205, *Fiduciary Income Tax Return* (including attachments).

If you have to file Form Y-206, *Yonkers Nonresident Fiduciary Earnings Tax Return*, the time to file is automatically extended when you file Form IT-370-PF. For more information on who is required to file Form Y-206, see the instructions for the form.

You may file Form IT-204 or Form IT-205 any time before the extension period ends. An extension of time to file Form IT-204 or IT-205 will not extend the time for filing New York State income tax returns of partners of a partnership or the beneficiaries of an estate or trust.

When to file — File your completed Form IT-370-PF on or before the filing deadline for the return. For calendar year 2008, the filing deadline is April 15, 2009. For fiscal-year filers, the filing deadline is the fifteenth day of the fourth month following the close of your tax year. Extension applications filed after the filing deadline of the return will be rejected.

How to file — Complete a separate Form IT-370-PF for each partnership, (including limited liability companies (LLCs), limited liability investment companies (LLICs), and limited liability trust companies (LLTCs) treated as partnerships), each limited liability partnership and each estate or trust for which you are extending the time to file. Form IT-370-PF must be filed with payment for any tax owed on or before the due date of the return.

You may instead file an extension application online; see *Ask for your extension online* above.

To request an automatic extension of time to file:

- **Partnerships** (including LLC's, LLIC's, and LLTC's treated as partnerships) and limited liability partnerships file Form IT-370-PF by the due date of the return. Partnerships may file a copy of their federal extension (Form 7004) with New York State by the due date of the return and attach another copy to the return when you file it.
- **Estates and trusts** file Form IT-370-PF by the due date of the return or, if the estate or trust expects to receive a refund or anticipates having no amount of New York State, New York City, or Yonkers income tax remaining unpaid as of the due date of the return, Form IT-370-PF or a copy of their federal extension (Form 7004). Send the copy of federal Form 7004 on or before the due date of the return and attach another copy to the return when you file it.

Payment of tax — **Form IT-205 filers only** — Form IT-370-PF must indicate the properly estimated amount of tax liability due and must be accompanied by a full remittance of the properly estimated tax due. Use the worksheet on the back of this form to determine if a payment is required.

Penalties — There are penalties for filing returns late and for paying the tax late.

Late payment penalty — If an estate or trust does not pay the income tax liability when due (determined with regard to any valid extension of time to pay), it will have to pay a penalty of ½ of 1% of the unpaid amount for each month or part of a month it is not paid, up to a maximum of 25%. The penalty will not be charged if you can show reasonable cause for paying late. This penalty is in addition to the interest charged for late payments.

Reasonable cause will be presumed with respect to the addition to tax for late payment of income tax if the requirements relating to extensions of time to file have been complied with, the balance due shown on the income tax return, reduced by any sales or use tax that is owed, is no greater than 10% of the total New York State, New York City, and Yonkers tax shown on the income tax return, and the balance due shown on the income tax return is paid with the return.

Late filing penalty — If you do not file Form IT-205 or Form IT-204 when due (determined with regard to any extension of time to file), or if you do not file Form IT-370-PF on time and obtain an extension of time to file, you will have to pay a penalty of 5% of the income tax due for each month, or part of a month, the return is late up to a maximum of 25%.

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Mark an X in one box for the form you will be filing:

Form IT-204

Form IT-205

IT-370-PF

To get this extension, you **must** pay in full the balance due with this form. Enclose your check or money order payable to **New York State Income Tax**. Write your identification number and **2008 Income Tax** on your remittance.

Partnership, estate or trust ID number (EIN)	Date fiscal year begins	Date fiscal year ends
Name of partnership, estate, or trust		
Name and title of fiduciary		
Mailing address (number and street or rural route) of partnership or fiduciary		Apartment number
City, village, or post office (see instructions)	State	ZIP code
E-mail:		

Paid preparer? Mark an X in the box and complete the back

Mark an X in the box for each tax that the estate or trust is subject to:

New York State tax New York City tax Yonkers tax

1 Sales and use tax Dollars Cents **00**

2 Total payment Dollars Cents **00**



However, if the return is not filed within 60 days of the time prescribed for filing a return (including extensions), this penalty will not be less than the lesser of \$100 or 100% of the amount required to be shown as income tax due on the return reduced by any income tax paid and by any credit that may be claimed. The penalty will not be charged if reasonable cause for filing late is shown.

Partnerships — A partnership that is required to file Form IT-204 and: (1) fails to file that return on time, including any extension of time, or (2) files a return that is incomplete and fails to show the information required under section 658(c), will have to pay a penalty. The penalty will be imposed for each month or part of a month, up to a maximum of 5 months, that the failure continues. The amount of the penalty for each month will be calculated by multiplying \$50 by the total number of partners in the partnership during any part of the partnership's tax year who were also subject to New York personal income tax during any part of the tax year. The penalty will not be charged if reasonable cause for filing late is shown.

Paid preparers — Paid preparers may be subject to a penalty for failure to conform to certain requirements. For more information, see Publication 58, *Information for Income Tax Return Preparers*.

Interest — Interest will be charged on any income tax or sales or use tax that is not paid on or before the due date of your return, even if you received an extension of time to file your return. Interest is a charge for the use of money and in most cases may not be waived. Interest is compounded daily and the rate is adjusted quarterly.

Specific instructions

See the instructions for your tax return for the *Privacy notification* or if you need help contacting the Tax Department.

Filing in your form — Please use black ink (and never use red ink) when making entries on this form.

Name and address box — Enter the name, address and employer identification number (EIN) of the partnership (including limited liability companies treated as partnerships, limited liability partnerships, and limited liability investment companies) or an estate or trust (if applicable, enter the name and title of fiduciary in the box provided). Failure to provide an identification number may invalidate this extension. If the entity does not have an employer identification number, enter **do not have one**. If the entity does not have an employer identification number but has applied for one, enter **applied for**.

Foreign addresses — Enter the information in the following order: city, province or state, and then country (all in the *City, village, or post office box*). Follow the country's practice for entering the postal code. **Do not abbreviate the country name.**

If the entity files on a fiscal year basis, enter the beginning and ending dates of the fiscal year in the appropriate boxes.

Worksheet instructions

Form IT-205 filers only — Complete the following worksheet to determine if the estate or trust must make a payment with Form IT-370-PF.

If you enter an amount on lines 1, 2, or 3 of this worksheet, mark an **X** in the appropriate box on the front of this form.

Line 1 — Enter the amount of your New York State income tax liability for 2008 that you expect to enter on Form IT-205, line 14.

Line 2 — Enter the amount of your New York City income tax liability for 2008 that you expect to enter on Form IT-205, lines 23 and 24.

Line 3 — Enter the amount of your Yonkers income tax liability for 2008 that you expect to enter on Form IT-205, lines 25 through 27.

Line 4 — Enter the amount of sales or use tax, if any, that you will be required to report when you file your 2008 return. See the instructions for your NYS fiduciary income tax return for information on how to compute your sales and use tax. Also enter this amount on line 1 on the front of this form.

Line 6 — Enter the amount of 2008 income tax already paid that you expect to enter on Form IT-205, line 37 (excluding the amount paid with Form IT-370-PF).

Worksheet	
1 New York State income tax liability for 2008	1. _____
2 New York City income tax liability for 2008...	2. _____
3 Yonkers income tax liability for 2008.....	3. _____
4 Sales and use tax due for 2008 (enter this amount here and on line 1 on the front)	4. _____
5 Total taxes (add lines 1 through 4).....	5. _____
6 Total 2008 income tax already paid	6. _____
7 Total payment (subtract line 6 from line 5 and enter this amount here and on line 2 on the front). If line 6 is more than line 5, enter 0	7. _____

Note: You may be subject to penalties if you underestimate the balance due.

Payment options — This extension of time to file does not extend the time to pay tax. If you want to make your payment by transferring funds directly from your bank account (ACH debit), you must use the Tax Department's Web application or e-file your extension request. Go to our Web site at www.nystax.gov, and click on the *Online Tax Center*.

How to claim credit for payment made with this form

Include the amount paid with your extension on Form IT-205, line 30. For more information, see the line instructions for Form IT-205.

Where to file

If you are enclosing a payment with this extension request, mail Form IT-370-PF with your payment to: **EXTENSION REQUEST, PO BOX 4125, BINGHAMTON NY 13902-4125.**

If not enclosing a payment with this extension request, mail Form IT-370-PF to: **EXTENSION REQUEST - NR, PO BOX 4126, BINGHAMTON NY 13902-4126.**

For information about private delivery services, see Publication 55, *Designated Private Delivery Services*.

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Paid preparer information

Preparer's signature		Date	Preparer's SSN or PTIN
Preparer's firm name (or preparer's name, if self-employed)	Address		Preparer's EIN
E-mail:			

