

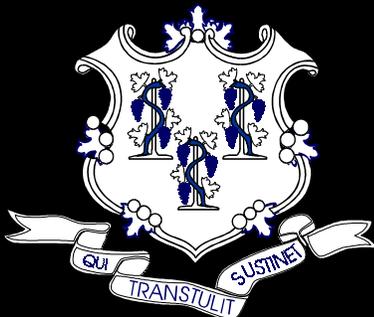
2001 FORM CT-709

Connecticut Gift Tax

Return and Instructions

This booklet
contains:

- Form CT-709
- Form CT-709 EXT
- Form CT-709
FARMLAND



Dear Customer:

Beginning in calendar year 2001, the Connecticut gift tax will be reduced in increments until it is ultimately repealed for gifts up to \$1 million. These tax savings are part of over \$2 billion in tax cuts that have been implemented over the past seven years, reducing the tax burden for all taxpayers.

Please see *Steps to Completing Form CT-709* on Page 5, to determine if you are required to file a Connecticut Gift Tax Return for calendar year 2001. You will not owe Connecticut gift tax if the amount of taxable gifts, for Connecticut gift tax purposes, is \$25,000 or less.

DRS Taxpayer Services personnel can answer your tax questions by telephone, letter, or e-mail. Use the information on the back cover of this booklet to reach them. The DRS Web site listed below is also a valuable resource that is available 24-hours a day, 7-days a week, to download Connecticut tax forms, DRS publications, and other information that you may need.

I always welcome your comments and ideas on how we can improve the way we do business. Please phone, write, or e-mail me through our Web site.

Sincerely,

A handwritten signature in black ink that reads "Gene Gavin".

Gene Gavin

Commissioner of Revenue Services

Taxpayer information is available on our Web site:

www.drs.state.ct.us

CONN-TAX

If you have a touch-tone phone, you can obtain important income tax information 24 hours a day from CONN-TAX, the Department's information line. Call **1-800-382-9463** (toll-free from within Connecticut) or **860-297-5962** (from anywhere), press "1" to be connected to "Income Tax Information Menu," then press "2" to select "Recorded Income Tax Information." Enter the three-digit number next to the topic of your choice shown below, or follow the prerecorded instructions.

GENERAL INCOME TAX INFORMATION

- | | | | |
|-----|--|-----|---|
| 101 | Important income tax changes for 2001 | 107 | Amending a Connecticut return |
| 102 | How to choose the correct form and filing method | 108 | Getting a copy of a previously filed return |
| 103 | Where to get forms and assistance | 109 | Offsets of state income tax refunds |
| 104 | Requesting a filing extension | 110 | Deducting Connecticut income tax when completing your federal income tax return |
| 105 | Filing a decedent's return | | |
| 106 | Filing an error-free return | | |

INCOME TAX FILING REQUIREMENTS, RESIDENCY, AND FILING STATUS

- | | | | |
|-----|--|-----|--|
| 201 | Who must file a Connecticut return? | 205 | Members of the armed forces |
| 202 | What is gross income? | 206 | Student's filing requirements |
| 203 | Who is a resident, nonresident, or part-year resident? | 207 | Dependent children's filing requirements |
| 204 | What is Connecticut source income of a nonresident? | 208 | What is your filing status? |
| | | 209 | Title 19 recipients |

INDIVIDUAL USE TAX, GIFT TAX, AND OTHER INCOME TAX RETURNS

- | | | | |
|-----|---|-----|--|
| 301 | Individual use tax | 305 | Partnership income tax return |
| 302 | Gift tax | 306 | Group return for shareholders, partners, and beneficiaries |
| 303 | Income tax on trusts and estates | | |
| 304 | S corporation information and composite income tax return | | |

COMPLETING FORM CT-1040 OR FORM CT-1040NR/PY

- | | | | |
|-----|---|-----|--|
| 401 | Tax status of United States government obligations | 406 | Modifications to federal adjusted gross income |
| 402 | Tax status of state or local obligations | 407 | Connecticut alternative minimum tax |
| 403 | Residents and part-year residents who paid income tax to another jurisdiction | 408 | Property tax credit |
| 404 | Deferred compensation | 409 | Questions about a state tax refund or the federal advance payments |
| 405 | Pension income, Social Security benefits, and Individual Retirement Accounts | | |

ESTIMATED INCOME TAX REQUIREMENTS

- | | | | |
|-----|---|-----|---------------------------|
| 501 | Who must estimate? | 505 | Annualization of income |
| 502 | Withholding instead of making estimates | 506 | Interest on underpayments |
| 503 | Estimated income tax form | 507 | Farmers and fishermen |
| 504 | When to file and how much to pay | | |

QUESTIONS ON TELEFILING AND WEB FILING

- | | | | |
|-----|--|-----|--|
| 601 | Who is eligible to Telefile? | 604 | Web Filing – <i>New for 2001</i> |
| 602 | Tips for successful Telefiling | 605 | What if I make a mistake while Web Filing? |
| 603 | What if I make a mistake while Telefiling? | | |

Extended Telephone Hours for the 2002 Filing Season (Option "0"):

Monday,	January 28	(until 7 p.m.)
Thursday,	January 31	(until 7 p.m.)
Monday,	February 11	(until 7 p.m.)
Tuesday,	February 19	(until 7 p.m.)

2002 Extended Telephone Personal Assistance and Walk-in Hours:

(25 Sigourney Street, Hartford Only)

Saturday,	April 13	(8:30 a.m. - 12:00 p.m.)
Monday,	April 15	(until 8 p.m.)

TABLE OF CONTENTS

<p>Some Important Changes..... 4</p> <p>Gift Tax Rate Schedule 4</p> <p>General Information 5</p> <p>How to Get Help 5</p> <p>How to Get Additional Forms and Publications 5</p> <p>Steps to Completing Form CT-709 5</p> <p>Person Responsible For Filing Return and Paying Tax 6</p> <p>When to File Form CT-709 6</p> <p>Using the 2001 Form CT-709 For Gifts Made in 2002 ... 6</p> <p>Extension Requests 6</p> <p>Where to File 7</p> <p>Interest and Penalties 7</p> <p>Waiver of Penalty 7</p> <p>Comparison Between Federal Gift Tax and Connecticut Gift Tax 7</p> <p style="padding-left: 20px;">Gifts . . . 7</p> <p style="padding-left: 20px;">Valuation . . . 7</p> <p style="padding-left: 20px;">Gift Splitting . . . 8</p> <p style="padding-left: 20px;">No Joint Gift Tax Return . . . 8</p> <p style="padding-left: 20px;">Total Amount of Gifts . . . 8</p> <p style="padding-left: 20px;">Taxable Gifts . . . 8</p> <p style="padding-left: 20px;">Annual Exclusion . . . 8</p> <p style="padding-left: 20px;">Unified Credit . . . 9</p> <p>Gifts of Farmland 9</p> <p style="padding-left: 20px;">Transfers of Farmland or Change of Classification . . . 9</p> <p style="padding-left: 20px;">Due Date of Additional Tax Liability . . . 9</p> <p>Nonresident Aliens 9</p>	<p>Instructions For Form CT-709..... 10</p> <p>Section 1 10</p> <p>Section 2 - Tax Computation 11</p> <p>Schedule A - Computation of Taxable Gifts 11</p> <p style="padding-left: 20px;">General Instructions . . . 11</p> <p style="padding-left: 20px;">Contributions to Qualified State Tuition Programs . . . 11</p> <p style="padding-left: 20px;">Gifts to Your Spouse . . . 11</p> <p style="padding-left: 20px;">If You Do Not Elect to "Gift Split" . . . 12</p> <p style="padding-left: 20px;">If You Elect to "Gift Split" . . . 12</p> <p style="padding-left: 20px;">Charitable Remainder Trusts . . . 12</p> <p style="padding-left: 20px;">Order For Grouping Gifts . . . 12</p> <p>Schedule A - Line Instructions 12</p> <p style="padding-left: 20px;">Terminable Interests . . . 13</p> <p style="padding-left: 20px;">Life Estate With Power of Appointment . . . 13</p> <p style="padding-left: 20px;">Election to Deduct Qualified Terminable Interest Property (QTIP) . . . 13</p> <p style="padding-left: 20px;">Terminable Interest Marital Deduction . . . 14</p> <p>Form CT-709 Attachments 14</p> <p>Amended Returns 15</p> <p>Financial Disability 15</p> <p>Recordkeeping 15</p> <p>Copies of Returns 15</p>
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CONNECTICUT SUCCESSION TAX

The Connecticut succession tax is imposed on the transfer of property after death. The succession tax differs from an estate tax in that the size of the exemption and the rate of taxation vary depending upon the relationship of the decedent to the individual receiving the decedent's property.

The tax is levied on the transfer of property to heirs or beneficiaries after an individual dies. The relationship of the decedent to the individual receiving the property determines the class of the transfer, and fixes the applicable exemption from taxation as well as the tax rate.

Since 1997, the succession tax is being reduced in increments, and ultimately will be repealed in 2005. For more information on the phaseout of the Connecticut succession tax, request a copy of **Special Notice 95(18)**, *1995 Legislative Changes Affecting the Succession and Transfer Taxes and the Estate Tax*. See *How to Get Additional Forms and Publications* on Page 5.

A credit is allowed on a succession tax return in the amount of gift tax imposed **and paid** on **Form CT-709**, *Connecticut Gift Tax Return*, for taxable gifts that are includable in the gross taxable estate of the donor.

SOME IMPORTANT CHANGES

- The Connecticut gift tax will be reduced in increments, starting with gifts made during 2001. The tax will ultimately be repealed after 2005 other than for those donors who make taxable gifts, for Connecticut tax purposes, in an amount exceeding \$1 million during a calendar year.
See **Special Notice 2000(10)**, *2000 Legislation Affecting the Connecticut Gift Tax*.
- If the amount of taxable gifts, for Connecticut gift tax purposes, is \$25,000 or less for calendar year 2001, no Connecticut gift tax is due. When this is the case, the donor is not required to file **Form CT-709**, *Connecticut Gift Tax Return*, unless the donor made a gift of farmland and valued it based upon its use as farmland (and not based upon its fair market value).

GIFT TAX RATE SCHEDULE

Calendar Year	Amount of Taxable Gifts, for Connecticut Gift Tax Purposes	Tax
Prior to 2001	\$25,000 or less	1%
	over \$25,000 but not over \$50,000	\$250 plus 2% of the excess over \$25,000
	over \$50,000 but not over \$75,000	\$750 plus 3% of the excess over \$50,000
	over \$75,000 but not over \$100,000	\$1,500 plus 4% of the excess over \$75,000
	over \$100,000 but not over \$200,000	\$2,500 plus 5% of the excess over \$100,000
	over \$200,000	\$7,500 plus 6% of the excess over \$200,000
2001	\$25,000 or less	EXEMPT
	over \$25,000 but not over \$50,000	\$250 plus 2% of the excess over \$25,000
	over \$50,000 but not over \$75,000	\$750 plus 3% of the excess over \$50,000
	over \$75,000 but not over \$100,000	\$1,500 plus 4% of the excess over \$75,000
	over \$100,000 but not over \$675,000	\$2,500 plus 5% of the excess over \$100,000
	over \$675,000	\$31,250 plus 6% of the excess over \$675,000
2002	\$50,000 or less	EXEMPT
	over \$50,000 but not over \$75,000	\$750 plus 3% of the excess over \$50,000
	over \$75,000 but not over \$100,000	\$1,500 plus 4% of the excess over \$75,000
	over \$100,000 but not over \$700,000	\$2,500 plus 5% of the excess over \$100,000
	over \$700,000	\$32,500 plus 6% of the excess over \$700,000
2003	\$75,000 or less	EXEMPT
	over \$75,000 but not over \$100,000	\$1,500 plus 4% of the excess over \$75,000
	over \$100,000 but not over \$700,000	\$2,500 plus 5% of the excess over \$100,000
	over \$700,000	\$32,500 plus 6% of the excess over \$700,000
2004	\$100,000 or less	EXEMPT
	over \$100,000 but not over \$850,000	\$2,500 plus 5% of the excess over \$100,000
	over \$850,000	\$40,000 plus 6% of the excess over \$850,000
2005	\$950,000 or less	EXEMPT
	over \$950,000	\$45,000 plus 6% of the excess over \$950,000
After 2005	\$1,000,000 or less	EXEMPT
	over \$1,000,000	\$47,500 plus 6% of the excess over \$1,000,000

GENERAL INFORMATION

How to Get Help

DRS is ready to help you and offers several resources where you can get answers to your Connecticut tax questions. Visit the DRS Web site at: www.drs.state.ct.us or for personal assistance, refer to the back cover of this booklet for a list of DRS walk-in offices and telephone numbers. DRS offices are open Monday through Friday, 8:00 a.m. to 5:00 p.m. If you visit, be sure to bring your **completed** federal Form 709.

Personal telephone assistance is available Monday through Friday, 8:00 a.m. to 5:00 p.m. Extended hours are offered January through April. Automated information may answer your questions anytime. Call Conn-Tax, the DRS information line or visit the DRS Web site for details.

How to Get Additional Forms and Publications

Download and print Connecticut tax forms and publications seven days a week from the DRS Web site at: www.drs.state.ct.us. Forms are also available during regular business hours at any of the DRS walk-in offices and the other sources listed on the back cover of this booklet. You may also photocopy the forms you need from the *2001 Connecticut Package X*, which is available at most public libraries.

Steps to Completing Form CT-709

Step One – Determine whether you are required to file a federal gift tax return.

Before you begin, gather all your records, and use them to determine whether you are required to file federal Form 709, United States Gift (and Generation-Skipping Transfer) Tax Return. The instructions for federal Form 709 will help you determine whether you are required to file federal Form 709.

If you are not required to file federal Form 709, *stop here*. You are not required to file **Form CT-709**.

Step Two – Determine whether you are required to file a Connecticut gift tax return.

If you are required to file federal Form 709, use the information on that return to determine whether you are

required to file **Form CT-709**, *Connecticut Gift Tax Return*. The instructions in this booklet will help you determine whether you are required to file **Form CT-709**.

If you are a resident individual you are required to file Form CT-709 if:

- You made a gift of real or tangible personal property located within Connecticut or made a gift of intangible property, and your amount of taxable gifts, for Connecticut gift tax purposes (the amount entered on your **Form CT-709**, *Schedule A*, Line 13) is more than \$25,000;
- You are required to file federal Form 709 and you made a gift of farmland, and valued it in accordance with the provisions of Conn. Gen. Stat. §12-646a by completing *Schedule CT-709 Farmland*.

If you are a nonresident individual you are required to file Form CT-709 if:

- You made a gift of real or tangible personal property located within Connecticut or made a gift of intangible property employed in carrying on any trade or business within Connecticut and your amount of taxable gifts, for Connecticut gift tax purposes (the amount entered on your **Form CT-709**, *Schedule A*, Line 13) is more than \$25,000.
- You are required to file federal Form 709 and you made a gift of farmland, and valued it in accordance with the provisions of Conn. Gen. Stat. §12-646a by completing *Schedule CT-709 Farmland*.

Your residency status is determined at the time a gift is made. The criteria used to determine residency for Connecticut gift tax purposes are the same as the criteria used to determine residency for Connecticut income tax purposes.

Step Three – Complete your Form CT-709.

If you are required to file Form CT-709, remove the gift tax forms from this booklet. One copy is for you to file with DRS. The other copy is for your records. Proceed item by item, reading the instructions for each line item before you enter any amount. Then copy all information carefully onto the form you intend to file. The line instructions on Pages 10 through 14 in this booklet will help you complete your **Form CT-709**.

Person Responsible For Filing Return and Paying Tax

If **Form CT-709** is required to be filed, the donor must file the return and pay the Connecticut gift tax reported to be due on the return.

If a donor becomes legally incompetent or dies before filing the return, the donor's guardian, conservator, executor, or administrator must file the return. If there is no duly qualified executor or administrator, the donor's heirs, legatees, devisees, and distributees are liable for and required to pay the tax to the extent of the value of their inheritances, bequests, devises, or distributive shares of the donor's estate.

If the gift tax is not paid when due, each donee is personally liable for the tax to the extent of the value of the gift to the donee.

When to File Form CT-709

In general, **Form CT-709** is due on or before April 15 of the year following the calendar year when the gifts were made, unless an extension for filing **Form CT-709** is granted.

Death of donor: Where gifts were made during the calendar year in which the donor died, the due date for **Form CT-709** depends on whether the donor's estate is required to file a federal estate tax return.

1. If no federal estate tax return is required, **Form CT-709** is due on or before April 15 following the calendar year when the gifts were made, unless an extension for filing **Form CT-709** is granted.
2. If a federal estate tax return is required, **Form CT-709** is due on or before the **earlier** of:
 - The due date for filing the federal estate tax return (within nine months of the date of the donor's death), unless an extension is granted for filing the federal estate tax return; or
 - April 15 of the year following the calendar year when the gifts were made, unless an extension is granted for filing **Form CT-709**.

If the due date falls on a Saturday, Sunday, or legal holiday, the next business day is the due date.

Your return will meet the timely filed and timely payment rules if the U.S. Postal Service cancellation date, or the date recorded or marked by a designated private delivery service (PDS) using a designated type of service, is on or before the due date. Not all services provided by these designated PDSs qualify.

The following are the designated PDSs and designated types of service at the time of publication:

Airborne Express (Airborne) <ul style="list-style-type: none"> • <i>Overnight Air Express Service</i> • <i>Next Afternoon Service</i> • <i>Second Day Service</i> 	DHL Worldwide Express (DHL) <ul style="list-style-type: none"> • <i>DHL "Same Day" Service</i> • <i>DHL USA Overnight</i>
Federal Express (FedEx) <ul style="list-style-type: none"> • <i>FedEx Priority Overnight</i> • <i>FedEx Standard Overnight</i> • <i>FedEx 2Day</i> 	United Parcel Service (UPS) <ul style="list-style-type: none"> • <i>UPS Next Day Air</i> • <i>UPS Next Day Air Saver</i> • <i>UPS 2nd Day Air</i> • <i>UPS 2nd Day Air A.M.</i> • <i>UPS Worldwide Express Plus</i> • <i>UPS Worldwide Express</i>

This list is subject to change.

To verify the names of designated PDSs and designated types of service, check the DRS Web site or call DRS. See **Special Notice 99(14)**, *Designated Private Delivery Services*, and **Announcement 2001(9)**, *Designated Private Delivery Services and Designated Types of Service*.

Using the 2001 Form CT-709 For Gifts Made in 2002

The 2001 **Form CT-709** may also be used for gifts made during 2002 if:

1. The donor of the gifts dies before July 15, 2002, and the due date for filing federal Form 709 is nine months after the date of death; **and**
2. The 2002 **Form CT-709** is not available by the time the return is required to be filed. **However, you must incorporate any tax law changes that are effective for the year in which the gifts were made.**

If you use the 2001 form for gifts made in 2002, cross out 2001 on the top of **Form CT-709** and enter 2002.

Extension Requests

You may request an extension of time to file your Connecticut gift tax return by filing **Form CT-709 EXT**, *Application for Extension of Time to File Connecticut Gift Tax Return*. If you request an extension of time to file your federal gift tax return, you do not have to provide an explanation for requesting an extension of time to file your Connecticut gift tax return. If you do not request an extension of time to file your federal gift tax return, you must provide an explanation for requesting an extension of time to file your Connecticut gift tax return.

If you file **Form CT-709 EXT**, payment of all of the Connecticut gift tax that you expect to owe must accompany Form CT-709 EXT. Filing Form CT-709 EXT extends only the time to file your Connecticut gift tax return;

it does not extend the time to pay Connecticut gift tax. If the payment accompanying your Form CT-709 EXT is less than the gift tax reported on your Form CT-709, you will owe interest and may owe a penalty. See *Interest and Penalties* below.

If a taxpayer is unable to request an extension because of illness, absence, or other good cause, any person standing in a close personal or business relationship to the taxpayer (including an attorney, accountant, or enrolled agent) may sign the request on the taxpayer's behalf. This person is considered a duly authorized agent for this purpose, provided the request states the reason(s) for a signature other than that of the taxpayer, and states the relationship existing between the taxpayer and the signer.

Where to File

Use the pre-addressed envelope enclosed with your return or mail to:

**Department of Revenue Services
PO Box 2978
Hartford CT 06104-2978**

Interest and Penalties

In general, interest and penalty apply to any portion of the tax that is not paid on or before the original due date of the return.

Interest

If you do not pay the tax when due, you will owe interest at the rate of 1% (.01) per month or fraction of a month until the tax is paid in full.

Interest on underpayment or late payment of tax cannot be waived.

Penalty for Late Payment or Late Filing

The penalty for late payment or underpayment of the gift tax is 10% (.10) of the tax due or \$50, whichever is greater.

If no tax is due, DRS may impose a \$50 penalty for the late filing of any return or report that is required by law to be filed.

Penalty for Failure to File

If you do not file your return and DRS files a return for you, the penalty for failure to file is 10% (.10) of the balance due or \$50, whichever is greater. If you were required to file an amended **Form CT-709** and failed to do so, you will be subject to a penalty. See *Amended Returns*, on Page 15.

Waiver of Penalty

The donor may be able to have the penalty waived if the failure to file or pay tax on time was due to reasonable cause. Interest cannot be waived. Before a penalty waiver

can be granted, all tax and interest must be paid. All requests must:

- Be in writing and contain a clear and complete explanation;
- Include the donor's name and Social Security Number (SSN);
- Include the name of the original form filed or billing notice received;
- Include the taxable filing period; **and**
- Include documentation supporting your explanation.

Attach the penalty waiver request to the **front** of the tax return or mail separately with a copy of the tax return to:

**Department of Revenue Services
Penalty Review Committee
PO Box 5089
Hartford CT 06102-5089**

Comparison Between Federal Gift Tax and Connecticut Gift Tax

Gifts

Any transfer that is treated as a gift for federal gift tax purposes is also treated as a gift for Connecticut gift tax purposes. All gifts that are subject to Connecticut gift tax are also subject to federal gift tax, but not all gifts that are subject to federal gift tax are subject to Connecticut gift tax. See *Total Amount of Gifts* on Page 8.

Valuation

In general, the valuation rules that are used for federal gift tax purposes are also used for Connecticut gift tax purposes unless a gift of farmland is made. (If a gift of farmland is made, see *Gifts of Farmland*, on Page 9.) These rules include the special valuation rules of I.R.C. §§2701 to 2704 where they apply. Generally, the special valuation rules apply if a donor transfers certain property to a member of his or her family and, immediately after the transfer, retains or is deemed to have retained an interest in the property. For example, certain gifts of real property in which the donor retains a life estate and transfers a remainder interest to a member of his or her family are subject to the special valuation rules. Where the special valuation rules apply, the value of the retained interest is disregarded in determining the value of the gift made to the family member. See I.R.C. §2702.

Example: During 2001, Mary conveys title to her house to her three children and retains a life use for herself. Mary does not receive any money or other type of payment from her children. Mary has made a gift of a future interest to her children. Because this is a gift of a future interest to her lineal descendants, it is subject to the special valuation rules (I.R.C. §§2702 et seq.). The value of Mary's gift determined under the special valuation rules is the property's fair market value (less encumbrances). No annual exclusions are allowed because this is a gift of a future interest.

Gift Splitting

If spouses both elect to gift split for federal gift tax purposes, they are required to gift split for Connecticut gift tax purposes. The rules that apply to determine whether and which gifts may be gift-split for federal gift tax purposes also apply for Connecticut gift tax purposes. If spouses do not both elect to gift split for federal gift tax purposes, they are not permitted to gift split for Connecticut gift tax purposes.

If spouses both elect to gift split for federal gift tax purposes, all gifts made to third parties during the calendar year, whether made by one spouse alone or made partly by each spouse, are considered made one-half by each spouse (but only if, at the time of the gift, each spouse is a citizen or resident of the United States).

Thus, the first \$20,000 of gifts of a present interest in property to any donee by consenting spouses during the calendar year are not subject to tax. Where such consent is given, the gift tax liability of the spouses is joint and several, which means one or both parties can be held responsible to pay the full amount of the tax due.

The spouses must be legally married to each other at the time the gifts were made for gift splitting to apply. If they are subsequently divorced during the year, they still may gift split for gifts made while they were married so long as neither marries anyone else during the year. In addition, both must be citizens or residents of the United States on the date of the gift and one spouse may not create a general power of appointment in the other spouse over the property transferred. If the spouses consent to gift splitting, all gifts made during the year that qualify must be split.

The executor or administrator for a deceased spouse's estate, or the guardian of a legally incompetent spouse, as the case may be, may signify the consent. The consent of an executor or administrator will not be effective for gifts made by the surviving spouse during that portion of the calendar year that his or her spouse was deceased.

No Joint Gift Tax Return

A married couple may **not** file a joint gift tax return for federal or Connecticut gift tax purposes.

Total Amount of Gifts

For **federal** gift tax purposes, the *total amount of gifts* is the sum of the value, on the date of the gift, of each gift that was made by a donor to each donee during the calendar year. Certain gifts are wholly or partially excluded from the total amount of gifts. (See *Annual Exclusion* below.)

For **Connecticut** gift tax purposes, the *total amount of gifts* is the sum of the value, on the date of the gift, of each gift that was made by a donor to each donee during the calendar year and that was subject to Connecticut gift tax.

Certain gifts are wholly or partially excluded from the total amount of gifts. (See *Annual Exclusion* below.)

The total amount of gifts, for Connecticut gift tax purposes, will be less than the total amount of gifts, for federal gift tax purposes, if:

- Any gifts made by the donor are not subject to Connecticut gift tax (such as a gift of real or tangible personal property located outside Connecticut);
- The donor is not entitled to all or a portion of the annual exclusion (the first \$10,000 of any gifts to a particular donee during a calendar year) for Connecticut gift tax purposes because all or a portion of the first \$10,000 of any gifts to the donee during the calendar year was not subject to Connecticut gift tax (such as a gift of real property located outside Connecticut); **or**
- The value of any gift for Connecticut gift tax purposes differs from the value for federal gift tax purposes (such as a gift of farmland, where the donor claims special valuation on *Schedule CT-709 Farmland*).

Taxable Gifts

For **federal** gift tax purposes, *taxable gifts* means the total amount of gifts, for federal gift tax purposes, less deductions for gifts that were made to charitable organizations or for gifts that were made to a spouse who is a United States citizen.

For **Connecticut** gift tax purposes, *taxable gifts* means the total amount of gifts, for Connecticut gift tax purposes, less deductions for gifts that were made to charitable organizations and that were included in the total amount of gifts, for Connecticut gift tax purposes, or for gifts that were made to a spouse who is a United States citizen and that were included in the total amount of gifts, for Connecticut gift tax purposes.

The deductions allowed from the total amount of gifts, for Connecticut gift tax purposes, will be less than the deductions allowed from the total amount of gifts, for federal gift tax purposes, if the gifts made to a charitable organization or to a spouse were not included in the total amount of gifts, for Connecticut gift tax purposes (such as a gift of real or tangible personal property located outside Connecticut).

Annual Exclusion

For **federal** gift tax purposes, the first \$10,000 (first \$20,000 if spouses gift split) of any gifts to a donee during the calendar year of a present (not future) interest in property is excluded from the total amount of gifts. There is no annual exclusion for gifts of future interests. A present interest in property is an unrestricted right to the immediate use, possession, or enjoyment of property or the income from the property. Also, if gifts are made to a spouse who is not a United States citizen, the first \$106,000 of any gifts to the spouse during the calendar year of a present (not future) interest in property is excluded from the total amount of gifts.

For **Connecticut** gift tax purposes, the first \$10,000 (first \$20,000 if spouses gift split) of any gifts to a donee during the calendar year of a present (not future) interest in property is excluded from the total amount of gifts only if those gifts are of real or tangible personal property located in Connecticut, gifts of intangible property (if the donor is a resident individual), or gifts of intangible property employed in carrying on any trade or business within Connecticut (if the donor is a nonresident individual). Also, if gifts are made to a spouse who is not a United States citizen, the first \$106,000 of any gifts to the spouse during the calendar year of a present (not future) interest in property is excluded from the total amount of gifts only if those gifts are of real or tangible personal property located in Connecticut, gifts of intangible property (if the donor is a resident individual), or gifts of intangible property employed in carrying on any trade or business within Connecticut (if the donor is a nonresident individual).

The annual exclusion amount, for Connecticut gift tax purposes, will be less than the annual exclusion amount, for federal gift tax purposes, if the first \$10,000 of any gifts to a donee during the calendar year of a present interest in property are, for example, gifts of real or tangible personal property located outside Connecticut.

Unified Credit

There is a unified credit against the federal estate and gift taxes. There is no unified credit against the Connecticut gift tax. Any tax computed as payable on **Form CT-709** must be remitted with **Form CT-709**.

Gifts of Farmland

Transfers of Farmland or Change of Classification

If land that is classified as farmland under Conn. Gen. Stat. §12-107c is transferred to a donee who is a lineal descendant or that descendant's spouse, the property may be valued based upon its current use as farmland without regard to neighborhood land use of a more intensive nature. If, within ten years of the transfer, the donee transfers this farmland to a person other than the donee's lineal descendant or that descendant's spouse, or the land is no longer classified as farmland, the donee (or, if the land was transferred to the donee's lineal descendant or the descendant's spouse, the descendant or the descendant's spouse) will be liable for the difference between the tax that was due from the donor and the tax that would have been due if the land had been valued based upon its fair market value, rather than at its value as land classified as farmland.

A **lineal descendant** is a person in the direct line of descent, such as a child or grandchild. A lineal descendant does not include a corporation, partnership, or trust.

The donor who claims special valuation on a gift of farmland must provide a copy of *Schedule CT-709 Farmland* to the

donee, so the donee knows the amount of any additional tax that may become due.

Due Date of Additional Tax Liability

If additional gift tax becomes due because, within ten years after a gift of farmland, the donee transfers the farmland to a person other than the donee's lineal descendant or that descendant's spouse, or the land is no longer classified as farmland under Conn. Gen. Stat. §12-107c, the donee (or, if the land was transferred to the donee's lineal descendant or the descendant's spouse, the descendant or the descendant's spouse) must submit to DRS the copy of *Schedule CT-709 Farmland* that the original donor provided to the donee. The additional tax entered on Line F of *Schedule CT-709 Farmland* must be paid no later than 60 days following the transfer or the change in classification. The donee (or, if the land was transferred to the donee's lineal descendant or the descendant's spouse, the descendant or the descendant's spouse) must provide a written statement indicating when the land was transferred to a person other than the donee's lineal descendant or that descendant's spouse, or, if the land is no longer classified as farmland under Conn. Gen. Stat. §12-107c, when the classification of the land was changed.

Attach a check or money order for the additional tax to a copy of *Schedule CT-709 Farmland* provided by the donor to the donee and the written statement and mail them to:

**Department of Revenue Services
PO Box 2978
Hartford CT 06104-2978**

The check or money order should be payable to the “**Commissioner of Revenue Services**.”

If the tax is not paid on time, the penalty is 10% (.10) of the balance due or \$50, whichever is greater. Interest will be charged on the underpayment of the tax at the rate of 1% (.01) per month or fraction of a month.

The Commissioner may, for good cause, extend the time for payment of the tax if the donee (or, if the land was transferred to the donee's lineal descendant or the descendant's spouse, the descendant or the descendant's spouse) files a written application with the Commissioner on or before the 60-day period expires.

Nonresident Aliens

Nonresident aliens are subject to gift tax for gifts of property located within Connecticut. Under certain circumstances they are also subject to gift tax for gifts of intangible property. For additional guidance on the treatment of those gifts for Connecticut gift tax purposes, see I.R.C. §2501(a).

If the nonresident alien does not have and is not eligible for a SSN, he or she must obtain an Individual Taxpayer Identification Number (ITIN) from the IRS and enter it in the space provided for a SSN.

INSTRUCTIONS FOR FORM CT-709

Section 1

General Instructions

The top of **Form CT-709** requests information concerning the donor and the consenting spouse if gift splitting is elected. You must enter the donor's name, address, SSN, legal residence, and citizenship. Check the box for **Amended Return** if you are filing an amended return.

Line Instructions

- A.** 1. Check this box if the donor died during the year **and** enter the date of death.
2. Check this box if the donor died during the calendar year for which this return is filed **and** the donor is not required to file a federal estate tax return.
- B.** Check this box if the donor died during the year **and** the donor's estate filed federal Form 4768, Application for Extension of Time to File a Return and/or Pay U.S. Estate (and Generation-Skipping Transfer) Taxes.
- C.** 1. Check this box if you are making a gift of land that is classified as farmland under Conn. Gen. Stat. §12-107c to a lineal descendant or that descendant's spouse and you are using a value based on its current use as farmland. Attach an appraisal or other document showing an adequate explanation of value based upon its current use and *Schedule CT-709 Farmland*. If no appraisal is attached to show how the property is valued, explain in detail how it was determined.
2. Check this box if, for federal gift tax purposes, you elected to treat certain contributions made during calendar year 2001 to qualified state tuition programs as being made ratably over a five-year period. If your total contributions during calendar year 2001 are \$50,000 or less, report only 20% of your total contributions on your 2001 Form CT-709, and report 20% of your total contributions on your Form CT-709 for calendar years 2002, 2003, 2004, and 2005. If your total contributions during calendar year 2001 are more than \$50,000, report on your 2001 Form CT-709 the amount in excess of \$50,000 plus \$10,000 (20% of the your total contributions of \$50,000 or less), and report 20% of your total contributions on your Form CT-709 for calendar years 2002, 2003, 2004, and 2005. Please refer to the *Gift Tax Rate Schedule* on Page 4. If the amount of your taxable gifts does not exceed \$25,000, you are **not** required to file **Form CT-709**, unless you made a gift of farmland and valued it based upon its use as farmland (and not based upon its fair market value).

Example: In Year 1, when the annual exclusion amount under I.R.C. §2503(b) is \$10,000, **P** makes a contribution of \$60,000 to a qualified state tuition program for the benefit of **P**'s child. **P** elects under I.R.C. §529(c)(2)(B) to account for the gift ratably over a five-year period beginning with the calendar year of contribution. **P** is treated as making an excludible gift of \$10,000 in each of Years 1 through 5 and a taxable gift of \$10,000 is reported in Year 1.

- D.** Indicate whether your spouse is a United States citizen. If "NO," indicate if any property was transferred to him or her during the calendar year.
- E.** If you and your spouse elect to consider all the gifts made during the calendar year as made one-half by each spouse, check the box marked "YES" on Line E and enter the consenting spouse's name and SSN on Line H. If the gift splitting election is made, the consenting spouse must sign and date **Form CT-709** on Line H.

The consent may generally be signed any time after the end of the calendar year. However, there are two exceptions:

1. The consent may not be signed after April 15 following the end of the year in which the gift was made. (If neither you nor your spouse has filed a gift tax return for the year on or before that date, the consent must be made on the first gift tax return for the year filed by either of you.); **and**
2. The consent may not be signed after a notice of deficiency for the gift tax for the year has been sent to either you or your spouse.

The executor for a deceased spouse or the guardian for a legally incompetent spouse may consent.

The consent is effective for the entire calendar year. Therefore, all gifts made by both you and your spouse to third parties during the calendar year (while you were married) must be split. (See *Gift Splitting* on Page 8.)

- F.** If you were married to one another for the entire calendar year, check the "YES" box. If you were married for only part of the year, check the "NO" box.
- Also, check the box that explains the change in your marital status during the year and give the date you were married, divorced, or widowed.
- G.** Indicate whether or not a gift tax return will be filed by your spouse for the year.
- H.** See instructions for Line E.

Section 2 - Tax Computation

Line Instructions

Line 1

Enter the amount from **Form CT-709, Schedule A**, Line 13. This is the amount of taxable gifts for the year.

Line 2

Calculate the Connecticut gift tax by using the *Gift Tax Rate Schedule* (on Page 4) and enter the amount on Line 2. (The unified credit allowed to offset gift taxes on lifetime transfers for federal gift tax purposes cannot be taken for Connecticut gift tax purposes.)

Line 3

Enter the amount, if any, paid with **Form CT-709 EXT, Application for Extension of Time to File Connecticut Gift Tax Return**.

Line 4

If the amount on Line 3 is greater than Line 2, enter the amount overpaid.

Line 5

If the amount on Line 3 is less than Line 2, enter the balance of tax due.

Line 6

If you fail to pay the tax when due, see *Interest and Penalties* on Page 7.

Line 7

If you are making a late payment or filing the return after the due date of the return, see *Interest and Penalties* on Page 7.

Line 8

Add Lines 5, 6, and 7 and enter the total on Line 8. This is your balance due. Pay this amount in full with the return. Make your check or money order payable to the “**Commissioner of Revenue Services**.” Write your SSN and “**2001 Form CT-709**” on the check or money order. **Do not send cash.**

Who Must Sign the Return

The donor must sign and date **Form CT-709**. If the donor becomes legally incompetent or dies before filing the gift tax return, the donor’s guardian, conservator, executor, or administrator, as the case may be, may sign the return on the donor’s behalf.

Paid Preparer Information

Anyone you pay to prepare your return must sign and date it. Paid preparers must also enter their SSN or Preparer Tax Identification Number (PTIN), their firm’s Federal Employer Identification Number, and their firm’s name and address in the spaces provided.

Mailing Your Return

Retain a copy of this return for your records. Attach to this return a complete copy of federal Form 709, United States Gift (and Generation-Skipping Transfer) Tax Return, including **all** attachments, and other documents listed on Page 14. Use the envelope provided when mailing the return.

SCHEDULE A - COMPUTATION OF TAXABLE GIFTS

General Instructions

The information on *Schedule A* for each gift should generally be identical to the information reported on federal Form 709, Schedule A on the same gift. However, **only** those gifts subject to Connecticut gift tax should be reported on **Form CT-709, Schedule A**. For gifts of land classified as farmland under Conn. Gen. Stat. §12-107c, the land’s value as farmland may differ from that reported on federal Form 709 Schedule A. (See *Gifts of Farmland* on Page 9.)

You must always enter all gifts of future interests that you made during the calendar year regardless of value. There is no annual exclusion for gifts of future interests. (See *Taxable Gifts* on Page 8.)

Contributions to Qualified State Tuition Programs

If the donor elects under I.R.C. §529(c)(2)(B) to treat any transfers made this year to a qualified state tuition program as made ratably over a five-year period beginning this year, see Section 1, Line Instructions, C. 2., on Page 10.

Gifts to Your Spouse

Do not enter any gifts to your spouse on *Schedule A* unless:

- You gave a gift of a terminable interest to your spouse;
- You gave a gift of a terminable future interest to your spouse; **or**
- Your spouse was not a citizen of the United States at the time of the gift.

If all the terminable interests that you gave to your spouse qualify as life estates with power of appointment, do not enter any of them on *Schedule A*.

A **terminable interest in property** is an interest that will end or fail after a period of time or when some contingency occurs or fails to occur. Some examples of terminable interests are:

- A life estate;
- An estate for a specified number of years; or
- Any other property interest that after a period of time may terminate or fail.

Report all terminable interest gifts whether or not they can be deducted.

There is no marital deduction for gifts to a spouse who is not a United States citizen. However, an annual exclusion may apply. (See *Taxable Gifts* on Page 8.)

If You Do Not Elect to “Gift Split”

If the total amount of gifts, for Connecticut gift tax purposes, of present interests to any donee is more than \$10,000 in the calendar year, you must enter all such gifts that you made during the year to or on behalf of that donee, including those gifts that will be excluded under the annual exclusion. If the total amount of gifts, for Connecticut gift tax purposes, is \$10,000 or less, do not enter on *Schedule A* any gifts (except gifts of future interests) that you made to that donee.

If You Elect to “Gift Split”

Enter on *Schedule A* the entire value of every gift you made during that portion of the calendar year that you were married, even if the gift’s value will be less than \$10,000 after it is split on *Schedule A*, Line 2. (See *Gift Splitting* on Page 8.)

The donor’s adjusted basis for Connecticut gift tax purposes is the same as the donor’s adjusted basis for federal gift tax purposes.

Charitable Remainder Trusts

If you made a gift to a charitable remainder trust and your spouse is the only noncharitable beneficiary other than you, the interest you gave to your spouse is not considered a terminable interest gift and, therefore, should not be reported on **Form CT-709, Schedule A**.

Order For Grouping Gifts

List all gifts to each donee in chronological order. The order for grouping gifts on *Schedule A*, Column A is:

1. Gifts to the donor’s spouse;
2. Gifts to third parties that are to be split with the spouse;
3. Charitable gifts (if taxpayer is not splitting with the spouse); **and**
4. Other gifts.

If a transfer results in gifts to two people (for example, a life estate to one, remainder to another), the gifts must be listed separately.

Each gift made during the year should be identified by number in Column A.

SCHEDULE A - LINE INSTRUCTIONS

Line 1

Add the values listed in *Schedule A*, Column E and enter the sum on Line 1.

Line 2

If you are not splitting gifts with your spouse, skip this line and enter the amount from Line 1 on Line 3. If you are splitting gifts with your spouse, indicate in the space provided on Line 2 which numbered items from *Schedule A* you are gift splitting. Enter one-half of the gifts you made to third parties on Line 2. (Your spouse should enter this amount on *Schedule A*, Line 4, of his or her return.)

Line 3

Subtract Line 2 from Line 1, and enter the balance on Line 3. This is the amount of the donor’s gifts after subtracting the spouse’s portion of gifts subject to gift splitting.

Line 4

If you are not splitting gifts, skip this line and go to Line 5. If you gave all of the gifts, and your spouse is filing **Form CT-709** only to show his or her half of those

gifts, you need not enter any gifts on Line 4 of your return, nor include your spouse’s half anywhere else on your return. Your spouse should enter the amount from *Schedule A*, Line 2, of your return on *Schedule A*, Line 4, of his or her return. If both you and your spouse make gifts for which a return is required, the amount each of you reports on *Schedule A*, Line 2, of his or her return must be reported on *Schedule A*, Line 4, of the other’s return.

Example: *H* and *W* elect to gift split for the year. During the year, *W* made gifts totaling \$80,000. Half of the total gifts made by *W*, \$40,000, are allocated to *H*. The \$40,000 allocated to *H* is shown on *W*’s return, *Schedule A*, Line 2. This amount is also entered on *H*’s return, *Schedule A*, Line 4 and will be added to the gifts on Line 3 to determine the total gifts *H* made during the year.

Line 5

Add Line 3 and Line 4. The total consists of the donor’s own gifts less the amount that is split with a consenting spouse, plus the donor’s share of the spouse’s gifts that he or she has consented to split.

Line 6

Enter the total annual exclusions you are claiming for the gifts listed on *Schedule A* (including gifts listed on Line 4). The **first \$10,000 or less** of gifts to any donee during the calendar year of a present (not future) interest in property is excluded. However, if the first \$10,000 of gifts to any donee involves tangible personal property or real property located outside Connecticut, no exclusion is available for Connecticut gift tax purposes for additional gifts to that donee.

If you split a gift with your spouse, the annual exclusion you claim against the gift may not be more than your half of the gift. (See *Gift Splitting* on Page 8.)

Example: You give your sister a new car costing \$16,000. Your spouse agrees to gift split with you. Each of you has made a gift of \$8,000 (\$16,000 X .50). While the maximum annual exclusion per donee is \$10,000, in this case each spouse is allowed an exclusion of \$8,000 and not \$10,000.

Line 7

Subtract Line 6 from Line 5 and enter the balance on Line 7. This is the total amount of gifts before the calculation of the marital deduction and charitable deduction.

Line 8

If you are claiming a marital deduction, indicate which numbered items from *Schedule A* you are deducting in the space provided on Line 8. Enter on Line 8 all of the gifts to your spouse which you entered on *Schedule A* and for which you are claiming a marital deduction. Do not enter any gift that you did not include on *Schedule A*.

You may deduct all gifts of nonterminable interests made during this time that you entered on *Schedule A* regardless of amount, and certain gifts of terminable interests as outlined below.

Do not enter on Line 8 any gifts to your spouse if your spouse was not a United States citizen at the time of the gift.

Terminable Interests

Generally, you cannot take the marital deduction if the gift to your spouse is a terminable interest. In most cases, a terminable interest is nondeductible if someone other than the donee spouse will have an interest in the property following the termination of the donee spouse's interest.

Some examples of terminable interests are:

- A life estate;
- An estate for a specified number of years; or
- Any other property interest that after a period of time may terminate or fail.

Life Estate With Power of Appointment

You may deduct, without an election, a gift of a terminable interest if **all** five of the following requirements are met:

1. The donee spouse must be entitled for life to all of the income from the entire interest, or to a specific portion of all the income from the entire interest;
2. The income payable to the donee spouse must be payable annually or at more frequent intervals;
3. The donee spouse must have the power to appoint the entire interest or the specific portion either to himself or herself or to his or her estate;
4. The power in the donee spouse must be exercisable by him or her alone and (whether exercisable by will or during life) must be exercisable in all events; **and**
5. The entire interest or the specific portion must not be subject to a power in any other person to appoint any part to any person other than the donee spouse.

Election to Deduct Qualified Terminable Interest Property (QTIP)

You may elect to deduct a gift of a terminable interest if the gift meets **all** of the following requirements:

1. The donee spouse must be entitled for life to all of the income from the entire interest, or to a specific portion of all the income from the entire interest;
2. The income payable to the donee spouse must be payable annually or at more frequent intervals; **and**
3. The entire interest or the specific portion must not be subject to a power in any other person to appoint any part to any person other than the donee spouse.

Make the election by checking the box on *Schedule A*, Line 14. You may only make this election if you were eligible to make and made the election for federal gift tax purposes.

Line 9

Enter the amount of the annual exclusions that were claimed for the gifts that you entered on Line 8.

Line 10

Subtract Line 9 from Line 8 and enter the balance on Line 10. This is the marital deduction that can be claimed for the year. If a terminable interest is given to a spouse and a QTIP election is made, the value of the property transferred should equal the amount on Line 10.

Line 11

If you are claiming a deduction for charitable gifts, enter your total charitable, public, or similar gifts (minus exclusions allowed) on Line 11 and enter (on the short line) the item number(s) of the gift(s) from *Schedule A*

that you are deducting on Line 11. You may deduct from the total amount of gifts made during the calendar year all gifts you gave to or for the use of:

- The United States, a state or political subdivision of a state, or the District of Columbia, for exclusively public purposes;
- Any corporation, trust, community chest, fund, or foundation organized and operated only for religious, charitable, scientific, literary, or educational purposes, or to prevent cruelty to children or animals, or to foster national or international amateur sports competition (if none of its activities involve providing athletic equipment, unless it is a qualified amateur sports organization), as long as no part of the earnings benefits any one person, no substantial propaganda is produced, and no lobbying or campaigning for any candidate for public office is done;
- A fraternal society, order, or association operating under a lodge system, if the transferred property is to be used only for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals; **or**
- Any war veterans organization organized in the United States (or any of its possessions) or any of its auxiliary departments of local chapters or posts, as long as no part of any of the earnings benefits any one person.

Line 12

Add Line 10 and Line 11 and enter the amount on Line 12. This is the total of the marital deduction and the charitable gift deduction.

Line 13

Subtract Line 12 from Line 7. If the balance is \$25,000 or less, stop. Do not file this return, unless you made a gift of farmland and valued it based upon its use as farmland (and not based upon its fair market value). If the amount is greater than \$25,000, enter on Line 13. This is the amount of taxable gifts for the year. The amount from Line 13 is also entered on **Form CT-709**, Section 2, Line 1.

Terminable Interest Marital Deduction

Line 14

Check the box if an election is made under I.R.C. §2523(f) for terminable interest transfers to a spouse and enter the item numbers (from **Form CT-709**, *Schedule A*) of the gifts for which you made this election on the space provided.

Line 15

Check the box on Line 15 if the transferor wishes to elect out of the automatic QTIP treatment for certain annuities. (I.R.C. §2523(f)(6) creates an **automatic** QTIP election for gifts of joint and survivor annuities where the spouses are the only possible recipients of the annuity prior to the death of the last surviving spouse.) Then enter the item number from **Form CT-709**, *Schedule A*, for the annuities for which he or she is making the election.

Any annuities entered on Line 15 cannot also be entered on *Schedule A*, Line 8. Any such annuities that are not listed on Line 15 must be entered on *Schedule A*, Line 8. If there is more than one such joint and survivor annuity, the donor is not required to make the election for all of them. However, once made, the election is irrevocable.

FORM CT-709 ATTACHMENTS

- Attach a complete copy of federal Form 709, United States Gift (and Generation-Skipping Transfer) Tax Return, including all attachments.
- A donor claiming special valuation on a gift of farmland **must** attach *Schedule CT-709 Farmland* to provide the fair market value of the farmland, based on its highest and best use value at the time of the transfer or change in classification. The donor must also provide a copy of *Schedule CT-709 Farmland* to the donee(s).
- For each gift of a life insurance policy, attach a copy of federal Form 712, Life Insurance Statement.

For single premium or paid-up policies, where the surrender value of the policy exceeds its

replacement cost, the true economic value of the policy will be greater than the amount shown on federal Form 712, Line 59. In these situations, you should report the true economic value of the policy.

- For gifts of stock of closely held or inactive corporations, attach the balance sheet for the period nearest the date of the gift, statements of net earnings or operating results and dividends paid for each of the five preceding years, and a concise statement of the method of valuation.
- Attach any other documents, such as **appraisals** required for adequate explanation of value. If no appraisal is attached to show how property is valued, explain in detail how value was determined.

Please remember to fill out all required returns and schedules and attach all required information or your return will be incomplete.

Amended Returns

Use **Form CT-709** to amend a previously filed return whether to report additional gift tax due or to claim a refund. **Include a statement explaining why the return is being amended.** Check the “Amended Return” box on the front of **Form CT-709**. Complete the return using the corrected figures, as if you were filing it for the first time. Enter the amount paid with the original return on Line 3.

If an amended return is filed to have an overpayment of Connecticut gift tax refunded, the amended return must be filed before the Connecticut statute of limitations expires. Generally, the Connecticut statute of limitations for refunding any Connecticut gift tax overpayment expires three years after the original due date of the return. If an amended return is not timely filed, a penalty may be imposed. If additional tax is due, interest will apply. See *Interest and Penalties* on Page 7. **The following circumstances require the filing of an amended Form CT-709:**

<p>1. The IRS or federal courts change or correct the federal gift tax return, and the change or correction results in the Connecticut gift tax being overpaid or underpaid.</p>	<p>File no later than 90 days after the final determination. If you file an amended Form CT-709 no later than 90 days after the final determination, any Connecticut gift tax overpayment resulting from the final determination will be refunded even if the Connecticut statute of limitations has otherwise expired.</p>
<p>2. The donor files a timely amended federal gift tax return, and the amendment results in the Connecticut gift tax being overpaid or underpaid.</p>	<p>File no later than 90 days after the date of filing the timely amended federal gift tax return. If you file an amended Form CT-709 no later than 90 days after the date of filing the timely amended federal gift tax return, any Connecticut gift tax overpayment resulting from filing the timely amended federal gift tax return will be refunded even if the Connecticut statute of limitations has otherwise expired.</p>
<p>3. Neither of the above circumstances apply, but the donor made a mistake or omission on Form CT-709, and the mistake or omission results in the Connecticut gift tax being overpaid or underpaid.</p>	<p>File no later than three years after the original due date of the return.</p>

Financial Disability

If you, as the donor, are financially disabled, as defined in I.R.C. §6511(h)(2), the statute of limitations for having an overpayment of Connecticut gift tax refunded to you is extended for as long as you are financially disabled. You are considered financially disabled if you are unable to manage your own affairs by reason of a medically determinable physical or mental impairment that has lasted or can be expected to last for a continuous period of not less than 12 months. You are not considered financially disabled during any period that your spouse or any other person is authorized to act on your behalf in financial matters.

Recordkeeping

Keep a copy of your tax return, worksheets that you used, and records of all items appearing on the return until the statute of limitations expires for that return. Usually, this is three years from the date the return was due or filed, whichever is later. You may need this information to prepare future returns or to file amended returns.

Copies of Returns

Copies of previously filed Connecticut gift tax returns may be requested from DRS by completing **LGL-002, Request for Disclosure of Tax Return or Tax Return Information**. Requests are normally processed in three weeks.

CONNECTICUT TAX ASSISTANCE

FOR TAX INFORMATION

- Visit the DRS Web site at:
www.drs.state.ct.us
- Call CONN-TAX:
1-800-382-9463 (toll-free from within Connecticut) or
860-297-5962 (from anywhere)

TTY, TDD, and Text Telephone users only may transmit inquiries 24 hours a day, seven days a week by calling 860-297-4911.

Personal taxpayer assistance is available during business hours listed at right. Extended hours are offered January through April. Call Conn-Tax or visit our Web site for details.

- Write to:
**Department of Revenue Services
Taxpayer Services Division
25 Sigourney Street
Hartford CT 06106-5032**

FORMS AND PUBLICATIONS

May be obtained 24 hours a day, seven days a week by using any of the following resources:

- **Internet**
Preview and download forms and publications from the DRS Web site at: www.drs.state.ct.us
- **DRS TaxFax**
Call **860-297-5698** from the handset attached to your fax machine and select from the menu; or
- **Telephone**
From a touch-tone phone call:
1-800-382-9463 (toll-free from within Connecticut) and select **Option 2**, or
860-297-4753 (from anywhere).

WALK-IN OFFICES

For free assistance or forms, visit our offices from Monday through Friday 8:00 a.m. to 5:00 p.m. For pre-recorded directions to DRS offices call CONN-TAX. If you require special accommodations, please advise the DRS representative.

BRIDGEPORT
10 Middle Street
203-579-6251

HAMDEN
3074 Whitney Avenue, Bldg. #2
203-287-8243

HARTFORD
25 Sigourney Street
860-297-5962

NORWICH
2 Cliff Street
860-889-2669

WATERBURY
Rowland State Government Center
55 West Main Street, Suite 100
203-805-6789

STATEWIDE SERVICES

For information on statewide services and programs, visit the ConneCT Web site at www.state.ct.us

For questions about federal taxes, contact the Internal Revenue Service (IRS) at 1-800-829-1040.
To order federal tax forms, call 1-800-829-3676.

DEPARTMENT OF REVENUE SERVICES MISSION STATEMENT

The Mission of the Connecticut Department of Revenue Services is to administer the tax laws of the State of Connecticut and collect the tax revenues in the most cost effective manner; achieve the highest level of voluntary compliance through accurate, efficient, and courteous customer services; and perform in a manner which instills public confidence in the integrity, and fairness of the state's tax programs.

State of Connecticut
Department of Revenue Services
25 Sigourney Street
Hartford CT 06106-5032