

# United States Short Form Gift Tax Return

Calendar year 20 .....

|   |                            |  |
|---|----------------------------|--|
| <b>1</b> Donor's first name and middle initial  | <b>2</b> Donor's last name | <b>3</b> Donor's social security number<br>:<br>:<br>:         |
| <b>4</b> Address (number, street, and apartment number)   |                            | <b>5</b> Legal residence (domicile)                            |
| <b>6</b> City, state, and ZIP code  |                            | <b>7</b> Citizenship   |
| <b>8</b> Did you file any gift tax returns for prior periods? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No<br><br>If "Yes," state when and where earlier returns were filed ▶ |                            |  |
| <b>9</b> Name of consenting spouse  |                            | <b>10</b> Consenting spouse's social security number<br>:<br>: |

**Note:** Do not use this form to report gifts of closely held stock, partnership interests, fractional interests in real estate, or gifts for which the value has been reduced to reflect a valuation discount. Instead, use Form 709.

**List of Gifts**

| (a)<br>Donee's name and address and description of gift | (b)<br>Donor's adjusted basis of gift | (c)<br>Date of gift | (d)<br>Value at date of gift |
|---|---------------------------------------|---------------------|------------------------------|
|   |                                       |                     |                              |

|                                 |   |
|---------------------------------|---|
| <b>Consent</b>                  | I consent to have the gifts made by my spouse to third parties during the calendar year considered as made one-half by each of us.<br><br><b>Consenting spouse's signature</b> ▶ _____ <b>Date</b> ▶ _____  |
| <b>Sign Here</b>                | Under penalties of perjury, I declare that I have examined this return, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than donor) is based on all information of which preparer has any knowledge.<br><br>Signature of donor _____ Date _____ |
| <b>Paid Preparer's Use Only</b> | Preparer's signature ▶ _____ Date _____ Check if self-employed ▶ <input type="checkbox"/><br>Firm's name (or yours if self-employed), address, and ZIP code ▶ _____ Phone no. ▶ ( ) _____   |

## A Change To Note

The annual exclusion for gifts of present interests made after 2001 has increased to \$11,000.

## General Instructions

### Purpose of Form

Form 709-A is an annual short form gift tax return that certain married couples may use instead of **Form 709**, United States Gift (and Generation-Skipping Transfer) Tax Return, to report nontaxable gifts that they consent to split.

### Who Must File a Gift Tax Return

**Gifts to your spouse.** For gifts to your spouse who is a U.S. citizen, you must only file a gift tax return to report certain gifts of terminable interests. For details on this and for filing rules for gifts to a spouse who is not a U.S. citizen, see the Instructions for Form 709.

**Gifts to donee other than your spouse.** You must file a gift tax return if you gave either of the following gifts to someone other than your spouse:

1. Gifts of future interests of any amount or
2. Gifts of present interests of more than \$11,000 to any one donee.

**Exceptions.** You do not have to file a gift tax return for any year in which the only gifts you made were for either of the following:

1. Gifts that were paid on behalf of an individual as tuition to an educational organization or
2. Gifts that were paid on behalf of an individual as payment for medical care to a provider of medical care.

### Who May Use Form 709-A

You may use Form 709-A if all of the following requirements are met:

1. You are a citizen or resident of the United States, and were married during the entire calendar year to one individual who is also a citizen or resident of the United States. Both you and your spouse must have been alive at the end of the calendar year.
2. Your only gifts (other than gifts for tuition or medical care) to a third party consisted entirely of present interests in tangible personal property, cash, U.S. Savings Bonds, or stocks and bonds listed on a stock exchange. A "third-party donee" is any donee other than your spouse.

3. Your gifts to any one third-party donee (other than gifts for tuition or medical care) during the calendar year did not total more than \$22,000. If the donee is a charity, no part of that gift may be given to a noncharitable donee.

4. During the calendar year, you did not make any gifts of terminable interests to your spouse.

5. During the calendar year, your spouse did not make any gifts to any of the donees listed on this form, did not make gifts of terminable interests to you, did not make gifts (other than gifts for tuition or medical care) of over \$11,000 to any other donee, and did not make any gifts of future interests to any other donee.

6. You and your spouse agree to split all of the gifts either of you made during the calendar year.

7. You did not file a Form 709 for this calendar year.

If all seven requirements above are met, you may also use Form 709-A to report gifts made under the Uniform Gifts to Minors Act.

**Note:** *Gifts include transfers of property when no money changes hands and also transfers when some payment was made, but the payment made was less than the value of the item transferred.*

### When To File

Form 709-A is a calendar year return to be filed on or after January 1 but not later than April 15 of the year following the year when the nontaxable split gifts were made.

Any extension of time granted to file your calendar year income tax return will also extend the time to file Form 709-A. Income tax extensions are made using Forms 4868, 2688, or 2350. If you received an extension, attach a copy of it to Form 709-A.

You may not file Form 709-A later than April 15 (or the extension due date). Instead, you must file Form 709.

## Where To File

File Form 709-A at the Internal Revenue Service Center listed below.

| If you are a . . .   | Then the address is:<br>Internal Revenue Service Center  |
|--|--|
| U.S. citizen or resident alien living in the 50 states or the District of Columbia   | Cincinnati, OH 45999<br>(If using private delivery service:<br>201 W. Rivercenter Blvd.<br>Covington, KY 41011.) |
| U.S. citizen living in a foreign country, American Samoa, Guam, the Virgin Islands, Puerto Rico, or having an APO or FPO address | Philadelphia, PA 19255   |

## Additional Help

The Instructions for Form 709 contain further information on the gift tax, including information about the following matters:

1. Annual exclusion.
2. Present and future interest.
3. Fair market value.
4. Adjusted basis. See **Pub. 551**, Basis of Assets, and the instructions for Schedule D (Form 1040).
5. Extension of time to file.
6. Terminable interest.
7. Gifts for tuition or medical care.

## Specific Instructions

### Column (a)

List the names and addresses of all third party donees to whom you made gifts (other than gifts for tuition or medical care) totaling more than \$11,000 during the calendar year. Do not list the names of donees to whom you gave only gifts for tuition or medical care or to whom you gave gifts (other than tuition or medical care) of present interests of \$11,000 or less.

Describe the gifts in enough detail so they may be easily identified.

If you list **bonds**, include in your description:

- The number of bonds transferred;
- The principal amount of the bonds;
- The name of the obligor;
- The date of maturity of the bonds;
- The rate of interest;
- The date or dates on which interest is payable;
- The series number (if there is more than one issue);

- The exchange where the bond is listed; and
- The CUSIP number. The CUSIP number is a nine-digit number assigned by the American Banking Association to traded securities.

If you list **stocks**, you should include:

- The number of shares transferred;
- Whether the stocks are common or preferred (If the stocks are preferred, list the issue and par value.);
- Exact name of corporation;
- Principal exchange where the stocks are sold; and
- The CUSIP number (see **"bonds"** above).

If you list **tangible personal property** (such as a car), describe the property in enough detail so that its fair market value can be accurately figured.

**Column (b)**

Show the basis you would use for income tax purposes if you sold or exchanged the property.

**Column (d)**

If you make the gift in property other than money, determine the fair market value as of the date the gift was made.

**Consent**

Your spouse must consent to split all gifts made by either of you. Your spouse gives this consent by signing in the space provided. You give your consent by signing in the space for the donor's signature. The guardian of a legally incompetent spouse may sign the consent. The executor for a deceased spouse may sign the consent if the spouse died after the close of the calendar year. Although a properly filed Form 709-A will not result in any gift tax liability, you should know that if you and your spouse consent to split gifts, either or both of you will be liable in the event any gift tax is later determined to be due.

**Signature**

You, as a donor, must sign the return. If you pay another person, firm, or corporation to prepare your return, that person must also sign the return as preparer unless he or she is your regular, full-time employee.

**Disclosure, Privacy Act, and Paperwork Reduction Act Notice.**

We ask for the information on this form to carry out the Internal Revenue laws of the United States. We need the information to figure and collect the right amount of tax. Form 709-A may be used by certain married couples in lieu of Form 709 to report nontaxable gifts that they consent to split.

Our legal right to ask for the information requested on this form is Internal Revenue Code sections 6001, 6011, 6019, and their regulations. You are required to provide the information requested on this form. Internal Revenue Code section 6109 requires that you provide your social security number; this is so we know who you are, and can process your Form 709-A.

Generally, tax returns and return information are confidential, as stated in Internal Revenue Code section 6103. However, Code section 6103 allows or requires the Internal Revenue Service to disclose or give such information to others as described in the Code. We may give the information shown on your Form 709-A to the Department of Justice, to enforce the tax laws, both civil and criminal, and to cities, states, the District of Columbia, U.S. commonwealths or possessions, and certain foreign governments for use in administering their tax laws.

We may disclose the information on your Form 709-A to the Department of the Treasury and contractors for tax administration purposes; and to other persons as necessary to obtain information which we cannot get in any other way for purposes of determining the amount of or to collect the tax you owe. We may disclose the information on your Form 709-A to the Comptroller General of the United States to permit the Comptroller General to review the Internal Revenue Service. We may also disclose the information on your Form 709-A to Committees of Congress; Federal, state, and local child support agencies; and to other

Federal agencies for the purpose of determining entitlement for benefits or the eligibility for, and the repayment of, loans.

We may also disclose this information to other countries under a tax treaty, or to Federal and state agencies to enforce Federal nontax criminal laws and to combat terrorism.

If you are required to but do not file a gift tax return, or do not provide the information requested on the form, or provide fraudulent information, you may be charged penalties and be subject to criminal prosecution.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

|   |         |
|---|---------|
| <b>Recordkeeping</b> . . . . .  | 13 min. |
| <b>Learning about the law or the form</b> . . . . .                   | 11 min. |
| <b>Preparing the form</b> . . . . .                                   | 13 min. |
| <b>Copying, assembling, and sending the form to the IRS</b> . . . . . | 20 min. |

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **Do not** send the tax form to this office. Instead, see **Where To File** on page 2.

