REG-23-009 FILING OF RETURNS AND PAYMENT OF TAX

009.01 **Filing Date**. The Nebraska Fiduciary Income Tax Return, Form 1041N, must be filed on or before the fifteenth day of the fourth month following the close of the taxable year of the estate or trust.

009.01A Simple trusts do not have to file a fiduciary return if all of the trust's beneficiaries are residents of the State of Nebraska, all of the trust's income is derived from sources within Nebraska, and the trust has no federal tax liability.

009.02 **Extension of Filing Date.** The fiduciary return may be filed at a later date if the fiduciary has obtained an extension of time.

009.02A The Tax Commissioner may grant a reasonable extension of time, not to exceed seven (7) months, for the filing of the return. Such an extension must be requested prior to the prescribed due date for the filing of the return or during the period of a federal extension to avoid levy of penalty. Application should be made on the ~~Nebraska~~ Application for Automatic Extension of Time to File a Nebraska ~~Individual~~ Corporation, Fiduciary, or Partnership Return, Form ~~2688N~~ 7004N. ~~and must give the reasons for the extension request.~~

009.02B Form ~~2688N~~ 7004N is not required to be filed if the Internal Revenue Service has already granted an extension of time for filing the return. In this instance the due date for filing the comparable Nebraska return is automatically extended for the same period as the federal extension. However, a copy of the federal application for automatic extension of time or other documentation showing the Internal Revenue Service granted an extension of time to file must be attached to the Nebraska return when filed.

009.03 **Effect of Extension on Payment of Tax.** An extension of time granted for filing a fiduciary return also extends the time for payment of the tax. However, interest will be imposed at the rate specified in section 45-104.02, from the due date of the return until the date payment is received.

(Sections 77-2717(2), 77-2768, 77-2770, and 77-2788(1) and (2), R.R.S. 1996. .)