

Instructions for Form MI-1041D Adjustments of Capital Gains and Losses

When To File

Use this form to adjust Michigan taxable income if the estate or trust has capital gains or losses that are attributable to:

- Gains or losses from the sale of certain types of properties located in other states and/or subject to Michigan's allocation provisions. Gains or losses subject to Michigan's apportionment provisions, refer to the MI-1040H.
- Periods before October 1, 1967 (Section 271 adjustment). If U.S. Forms *1041 Schedule D* or *4797* were filed, and an election to adjust under Section 271 of the Michigan Income Tax Act was made, file the equivalent Michigan forms (MI-1041D or MI-4797). All items of gain or loss realized during the tax year must be included.
- Gains or losses from the sale or exchange of U.S. obligations that cannot be taxed by Michigan.

Form MI-1041D must be included with the *Michigan Fiduciary Income Tax Return* (MI-1041).

General Information

Page 1 of Form MI-1041D follows the pattern of page 1 of the U.S. Form *1041 Schedule D* and all the information necessary for completing it should be taken from the U.S. Form *1041 Schedule D*.

Rounding Dollar Amounts

Round down amounts of 49 cents or less. Round up amounts of 50 cents or more. If cents are entered on the form, they will be treated as whole dollar amounts.

Identification

Enter the name of the estate or trust and the Federal Employer Identification Number (FEIN) at the top of the MI-1041D.

Parts 1 and 2

If U.S. Form *8949* Sales and Other Dispositions of Capital Assets was filed, complete Form MI-8949 in the same manner. Transfer the information to MI-1041D, following the instructions on Form MI-1041D. If the U.S. Form *8949* discloses capital assets reported under Internal Revenue Code (IRC) Sections 1245 and 1250, these assets must be reported on MI-8949. Also, if capital assets are allocated to another state, they are excluded from the portion subject to Michigan income tax. A capital loss carryover from preceding years is entered as a short-term loss on line 4 or as a long-term loss on line 11.

Federal Information

Line 1: Combine the amount from MI-8949, line 2, and the amount from U.S. Form *1041 Schedule D*, line 1a, column h.

For lines 2, 3, 4, 5, 7, 8, 9, 10, 11 and 12 column D, enter the amounts from U.S. Form *1041 Schedule D*, for the corresponding line numbers listed on the top of the next column.

<i>Corresponding lines on MI-1041D and U.S. 1041 Schedule D</i>											
MI-1041D	2	3	4	5	7	8	9	10	11	12	
U.S. 1041 Schedule D	4	5	6	7	11	12	13	14	15	16	

Line 6: Combine the amount from MI-8949, line 4, and the amount from U.S. Form *1041 Schedule D*, line 8a, column h.

Michigan Information

Enter the portion of federal gain and loss subject to Michigan tax in column E on lines 2, 3, 4, 5, 7, 8, 9, 10, 11 and 12.

Section 271 of the Michigan Income Tax Act. To apportion under Section 271 multiply the gain (loss) in column E by the number of months the property was held after September 30, 1967. Divide the result by the total number of months held. Enter the result in Michigan column E. For the purpose of this computation, the first month is excluded if acquisition took place after the 15th, and the last month is excluded if disposal took place on or before the 15th.

Gains from installment sales made before October 1, 1967, must show the federal gain in federal column D and zero in Michigan column E. Gains or losses from installment sales made after October 1, 1967, are subject to Michigan tax but may be apportioned under Section 271.

Distributions from employee's pension, stock bonus or profit-sharing trust plans that are considered to be long-term capital gains (under IRC 402) and capital gains distributions are not eligible for Section 271 treatment. Enter the total gain in both the federal and state columns.

U.S. Obligations. Gains from the sale or exchange of some U.S. obligations are not subject to tax and losses are not deductible. Enter a zero in the Michigan column for gains or losses realized from the sale of these non-taxable U.S. obligations.

Note: Any interest expense and other expenses incurred in the production of income from U.S. obligations should be entered on MI-1041, line 32. (See MI-1041 instruction booklet for line 32 on page 5.)

Capital gains or losses from the sale or exchange of municipal bonds are taxable for Michigan residents.

Out-of-State Property. Gains from the sale of property located in another state are not subject to Michigan tax, and losses are not deductible. Enter in the Michigan column the gain or loss from the sale or exchange of (1) real property located in Michigan, or (2) tangible personal property located in Michigan at the time of the sale or if the taxpayer was a Michigan resident estate or trust, or (3) intangible personal property sold by a Michigan resident estate or trust.