



**Joe Manchin III, Governor**

**Christopher G. Morris, Tax Commissioner**

Name \_\_\_\_\_

FEIN: -

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Estate or Trust Name \_\_\_\_\_

**WEST VIRGINIA FIDUCIARY INCOME TAX RETURN**  
**(for resident and nonresident estates and trusts)**

Filing Period Ended:  /  /   
M M D D Y Y Y Y

IRC § 671-678 Grant or Trust Election

IT141 v.1 - Web

<b>Type of Entity:</b>	Simple Trust <input type="checkbox"/>	Complex Trust <input type="checkbox"/>	Decedent's Estate <input type="checkbox"/>	Grantor Type Trust <input type="checkbox"/>
	Bankruptcy Estate <input type="checkbox"/>	Qualified Funeral Trust <input type="checkbox"/>	<b>Check one:</b>	Resident <input type="checkbox"/> Nonresident <input type="checkbox"/>
<b>Decedent Info:</b>	Date of Death: <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <small>M M D D Y Y Y Y</small>		SSN: <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
	Final Individual Return Filed for Decedent <input type="checkbox"/>	<b>Check if Applicable:</b>	Final Return <input type="checkbox"/>	Amended Return <input type="checkbox"/>

1. Federal Taxable Income (Enter line 22, Federal Form 1041 or line 12, 1041-QFT)	1		00
2. West Virginia net fiduciary modifications from schedule B, line 11	2		00
3. West Virginia taxable income (Line 1 plus or minus line 2)	3		00
<b>IF THIS IS A SIMPLE TRUST HAVING NO TAXABLE INCOME, OMIT LINES 4 - 7</b>			
4. West Virginia Tax (check one) Rate Schedule <input type="checkbox"/> Schedule NR <input type="checkbox"/> Schedule T <input type="checkbox"/>	4		00
5. Business Credits	5		00
6. Credit for income taxes paid to other states	6		00
7. Adjusted Tax Due (Line 4 minus lines 5 and 6)	7		00
8. Income Subject to Withholding (Total of Schedule A, Column F)	8		00
9. West Virginia income tax withheld for nonresident beneficiaries (Total of Sch. A, Col. H)	9		00
10. Combined Tax Due (Sum of lines 7 and 9)	10		00
11. Previous payments/Payments with extension of time	11		00
12. Tax Due (If line 11 is smaller than line 10, enter amount owed. If line 11 is larger than line 10, enter -0- and skip to line 16)	12		00
13. Interest for late payment	13		00
14. Additions to tax for late filing and/or late payment	14		00
15. Total due with return (Add lines 12 - 14) Make check payable to WV State Tax Department	15		00
16. Overpayment (If line 11 is larger than line 10, enter amount)	16		00
17. Amount of line 16 to be credited to next year's tax	17		00
18. Amount to be refunded (line 16 minus line 17)	18		00





**SCHEDULE NR**

**PART I - NONRESIDENT INCOME AND ALLOCATION**  
(To be completed by nonresident estates and trusts only)

INCOME	COLUMN I REPORTED ON FEDERAL RETURN		COLUMN II ALLOCATED TO WEST VIRGINIA	
1. Interest Income (includes QFT) .....	1		1	
2. Dividends (includes QFT) .....	2		2	
3. Business Income or Loss .....	3		3	
4. Capital Gain or Loss (includes QFT) .....	4		4	
5. Rents, Royalties, Partnerships, other Estates and Trusts, etc. ....	5		5	
6. Farm Income or Loss .....	6		6	
7. Ordinary Gain or Loss .....	7		7	
8. Other Income (state nature of income) _____	8		8	
9. Total Income (add lines 1 through 8) .....	9		9	

DEDUCTIONS	COLUMN I REPORTED ON FEDERAL RETURN		COLUMN II ALLOCATED TO WEST VIRGINIA	
10. Interest .....	10		10	
11. Taxes (includes QFT) .....	11		11	
12. Fiduciary Fees (includes QFT) .....	12		12	
13. Charitable Deduction .....	13		13	
14. Attorney, Accountant, and Return Preparer Fees (includes QFT) .....	14		14	
15. Other Deductions (see instructions for QFT) .....	15		15	
16. Total (sum of lines 10 through 15) .....	16		16	
17. Adjusted Total Income or Loss (line 9 minus line 16) .....	17		17	
18. Income Distribution Deduction .....	18		18	
19. Federal Exemption .....	19		19	
20. Total Deductions (sum of lines 18 and 19) .....	20		20	
21. Taxable Income of Fiduciary (line 17 minus line 20) .....	21		21	

**PART II - CALCULATION OF WEST VIRGINIA TAX**

- 22. West Virginia Taxable Income (page 1, line 3) .....
- 23. Tentative Tax (apply rate schedule to amount on line 22) .....
- 24. Income Percentage (carry to four decimal places)  

$$\frac{\text{WV Income (line 21, col. II)}}{\text{Federal Income (line 21, col. I)}} =$$
- 25. West Virginia Tax (line 23 times line 24)  
 (Enter here and on page 1, line 4) .....

**Note:** In the case of a trust, the federal income used in the calculation of the income percentage (line 3) must be increased by the amount of any gain (reduced by any deductions) upon which tax is imposed under section 644 of the Internal Revenue Code.

**Check box on line 4, page 1 for Schedule NR**

# INSTRUCTIONS FOR NONRESIDENT ESTATE OR TRUST

## GENERAL INSTRUCTIONS

Schedule NR must be completed for all nonresident estates and trusts, including the Qualified Funeral Trust (QFT) having items of income, gain or deduction derived from West Virginia sources. Schedule NR is designed to conform to the federal fiduciary or QFT return. Column I must be completed regardless of the source of income, gain or deduction. These figures are taken directly from Federal Form 1041 or 1041-QFT. In column II, enter the amount which is attributable to or connected with

West Virginia sources. Because of the conformity of all amounts in column I of Schedule NR to the federal return, the instructions for the federal return are equally applicable here. The specific instructions below relate only to column II, to be used by nonresident estates and trusts, including the QFT, for allocation of income and deductions to West Virginia and for determining the West Virginia income distribution deduction and West Virginia taxable income.

## SPECIFIC INSTRUCTIONS FOR SCHEDULE NR (Column II)

*Enter that amount which is attributable to West Virginia only*

**Lines 1 and 2 (Include the QFT) - Interest and dividends:** Interest and dividends should be allocated to West Virginia only to the extent that such income is from property employed in a business, trade, profession or occupation carried on in this State.

**Line 3 - Business income or loss:** Enter the amount of gross profit or loss from any trade, business or profession carried on within West Virginia. If separate accounting is not maintained for the West Virginia business, income derived from business carried on both within and without the State must be allocated by a fair and equitable method; and such method of allocation must be explained by a separate statement attached to the return.

**Line 4 (Include the QFT) - Capital gain or loss:** Enter the net amount of gains or losses from capital assets. The net gains or losses allocable to West Virginia are those from the sale or exchange of property having a situs within the State.

**Line 5 - Rents, royalties, partnerships, other estates and trusts:** Enter the amount of gross rents and royalties received from real or tangible personal property having a situs in West Virginia. Also, enter the amount of income from partnerships and other fiduciaries. This would be the proportionate share of income from a resident partnership, estate or trust, or from the West Virginia portion of a nonresident partnership, estate or trust.

**Line 7 - Ordinary gain or loss:** Enter the amount of gain or loss from the sale or exchange of property other than capital assets and also from involuntary conversions (other than casualty or theft).

**Line 8 - Other income:** Enter the total amount of other income which is allocated to West Virginia and not specifically mentioned above.

**Line 10 - Interest:** Enter the total amount of interest expense allocated to West Virginia. Interest is only allocated to the extent to which it can be related to items of income allocated to West Virginia.

**Line 11 (Include the QFT) - Taxes:** Enter the amount of taxes allocated to West Virginia. Taxes are allocated to the extent such are connected with the operation of a business or property having a situs within the State.

**Line 12 (Include the QFT) - Fiduciary/Trustee fees:** Enter the deductible fees paid to the fiduciary for administering the estate, trust, or QFT during the tax year that are connected to West Virginia. **Note:** Fiduciary/Trustee fees deducted on Federal Form 706 cannot be deducted on this form.

**Line 13 - Charitable deduction:** Charitable contributions can be allocated to the extent they are made to West Virginia charities or are gifts to the State or any political subdivision of the State.

**Line 14 (Include the QFT) - Attorney, accountant, and return preparer fees:** Enter the deductible fees paid by the estate or trust during the tax year that are connected with West Virginia.

**Line 15 (Estate or Trust filing a 1041) - Other deductions:** Enter the total amount of all other expenses authorized by law and allocated to West Virginia. These expenses must be connected with income previously allocated to West Virginia. **Additional instructions for QFT filers:** Other deductions not subject to the 2% Floor: Enter the total amount of all other expenses authorized by law and allocated to West Virginia. These expenses must be connected with income previously allocated to West Virginia. Allowable miscellaneous deductions subject to the 2% Floor: Enter the amount of the allowable miscellaneous deductions subject to the 2% Floor. These deductions must be connected with income previously allocated to West Virginia.

**Line 18 - Income distribution deduction:** In order to establish the West Virginia allocation percentage, divide the amount on line 17, col. II by the amount on line 17, col. I. Multiply the West Virginia percentage by amount on line 18, col. I and enter the product in col. II. This amount will be your West Virginia distribution deduction.

**Line 19 - Federal exemption:** Enter the amount of the federal exemption from Form 1041, in both col. I and col. II (this amount need not be allocated).

# WEST VIRGINIA FIDUCIARY INCOME TAX RETURN INSTRUCTIONS

## GENERAL INSTRUCTIONS

**RESIDENT AND NONRESIDENT ESTATE, TRUST, AND QFT DEFINED** - WV is a federal conformity state. When a Federal 1041 or Federal 1041-QFT is filed with the IRS, then any resident or non resident estate, trust, or QFT would be required to file the IT-141 or IT-141-QFT with the WV State Tax Department. For income tax purposes as filed on the IT-141, a resident estate or trust means: (a) the estate of a decedent who at his/her death was domiciled in this state, (b) a trust created by will of a decedent who at his/her death was domiciled in this state, or (c) a trust created by or consisting of property of a person domiciled in this state. Form IT-141 marked as QFT is required when the Federal 1041-QFT is filed according to §685 of the Internal Revenue Code to permit certain trusts to elect Qualified Funeral Trust Status (QFT). A nonresident estate, trust, or QFT is required to file the IT-141 or the IT-141 marked as a QFT and report the income that is attributable to West Virginia. The residence of the fiduciary does not affect the classification of the estate, trust, or QFT as a resident or nonresident. **Note:** The IT-141-QFT will no longer be a separate return. It will be integrated with the IT-141 with a selection box if an IT-141-QFT is required.

**ESTATES, TRUSTS, AND QFT REQUIRED TO FILE A RETURN** -Fiduciary returns must be filed for the following estates and trusts:

- (a) Resident estates, trusts, or QFT's required to file a Federal Income Tax return, or having any West Virginia taxable income.
- (b) Nonresident estates, trusts, or QFT's having items of income or gain derived from West Virginia sources.

**WHEN TO FILE** -All returns must be filed on or before the 15th day of the fourth month following the close of the taxable year. The taxable year of the estate, trust, or QFT for West Virginia income tax purposes is the same as the one used for federal tax purposes.

**WHERE TO FILE** -All returns must be filed with the West Virginia State Tax Department, Internal Auditing Division, P.O. Box 1071, Charleston, West Virginia 25324-1071.

**USE OF FEDERAL FIGURES** -All items of income and deduction to be used for West Virginia tax purposes are the same as for federal tax purposes and the meaning of all terms is the same, but are subject to verification, audit and revision. Please see the instructions for nonresident estates or trusts.

**EXTENSION OF TIME TO FILE** -Any estate, trust, or QFT needing an extension of time to file the West Virginia Fiduciary Income Tax Return (Form IT-141) and/ or that expects to owe income tax and/or nonresident withholding tax (QFT not required to pay the nonresident withholding tax) must file Form WV/NRW-1, Extension of Time to File Information Returns. File Form WV/ NRW-1 on or before the due date of your return. Any estate or trust granted an extension of time to file their federal return is granted the same extension of time to file their West Virginia return. An extension of time to file does not extend the time for payment. To avoid interest and additions to tax for late payment, use Form WV/NRW-1 to make a tentative payment pending the filing of your annual return.

**NONRESIDENT BENEFICIARY WITHHOLDING** -Estates and Trusts are required to withhold West Virginia Income Tax from each nonresident beneficiary that has not given to the Estate or Trust a West Virginia Nonresident Income Tax Agreement, Form WV/NRW-4. The amount of withholding tax payable is

four percent (.04) of a pass-through entity's effectively connected taxable income, which may be lawfully taxed by West Virginia, and which is allocable to a nonresident beneficiary.

The nonresident beneficiaries may claim the amount to tax withheld as a credit against his or her West Virginia Personal Income Tax liability by attaching a copy of the information statement provided by the Estate or Trust to their West Virginia Nonresident Personal Income Tax Return, Form IT-140.

**PAYMENT OF TAX WITHHELD** -The entire amount of tax withheld from the nonresident beneficiary is required to be paid with the annual return Form IT-141 on or before the 15th day of the fourth month following the close of the taxable year of the Estate or Trust. Make check payable to the West Virginia State Tax Department. An extension of time to file does not extend the date for payment of tax.

**INFORMATION STATEMENT OF TAX WITHHELD** -Every Estate or Trust required to deduct and withhold tax on nonresident beneficiaries must provide an information statement to each nonresident beneficiary on or before the date it files its West Virginia Fiduciary Tax Return. The information statement shall show the amount of West Virginia Income subject to withholding and the amount of West Virginia Income Tax withheld. The Estate or Trust may satisfy this requirement by indicating this information on Form WV/NRW-2, Statement of West Virginia Income Tax Withheld for Nonresident Individual or Organization or in the supplemental area of the nonresident beneficiary's copy of Federal Schedule K-1 or by an attachment to the Federal Schedule K-1 listing the same information. The nonresident beneficiary must attach their copy of this statement to their **WEST VIRGINIA** Income Tax Return to claim credit for the tax withheld.

**COMPOSITE RETURN** -An Estate or Trust, instead of withholding tax on taxable distributions to its nonresident beneficiaries, may opt instead to satisfy the nonresident withholding requirements by filing a West Virginia Nonresident Composite Income Tax Return (Form IT-140NRC) for its nonresident beneficiaries. A composite return is a return filed on a group basis as though there was only one taxpayer. A list setting forth the name, address, social security number and the beneficiary's share of West Virginia income of each beneficiary included in the return must be maintained. The list should not be submitted with the composite return, but should be made available to the West Virginia State Tax Department upon request. The return does not have to be signed by each nonresident beneficiary. However, it must be signed by the executor or administrator of the estate, or trustee of the trust filing the composite return.

When filing a composite return, no personal exemptions may be utilized and the rate of tax is six and one-half (.065) percent of the taxable income. The Estate or Trust is responsible for collecting and remitting all income tax due at the time the return is filed. The due date for the composite return is the 15th day of the fourth month following the close of the taxable year. A \$50.00 filing fee must accompany the composite return.

Any nonresident beneficiary included in a composite return that has income from any other West Virginia source, must file a separate Nonresident Personal Income Tax Return and pay Personal Income Tax on the other West Virginia source income.

## SPECIFIC INSTRUCTIONS

**A resident estate, trust, or QFT** must complete page 1 and Schedule A and B (if applicable) of Form IT-141. A nonresident estate, trust, or QFT must also complete Schedule NR, Parts I and II. A simple trust having no taxable income must complete the first three lines of page 1, and Schedules A and B, if applicable.

**Line 4 - West Virginia tax:** The amount of West Virginia income tax is to be calculated from the West Virginia Tax Rate Schedule. A nonresident estate, trust, or QFT must complete Schedule NR to determine the amount of West Virginia tax. If the estate or trust was subject to the Federal Minimum or Alternative Minimum Tax, Schedule T must be used to compute the West Virginia total tax due.

**Line 5 - Business Credits:** The sum of the following (1) Credit for B&O Tax imposed (Sch. C), (2) Military Incentive Credit (Sch. J), (3) WV Capital Company Credit (Sch. CCP), (4) WV Business Investment and Jobs Expansion Credit (Sch. BCS-1 or BCS-Small), and (5) Credit for Qualified Rehabilitated Buildings Investment (Sch. RBIC).

**Line 6 - Credit for income taxes paid to other states:** The amount to be entered here is to be determined by the completion of Schedule E, Form IT140 (West Virginia Resident Income Tax Return). The schedule and a copy of the other state's return must be attached to support this entry.

**Line 11 - Fiduciary Income & Nonresident Withholding Tax Payments:** Enter fiduciary income and nonresident withholding tax payments on this line. Include

any previous payments with extension of time, or if this is an amended return enter the amount of fiduciary income and nonresident withholding tax paid with the original return.

**Line 13 - Interest:** You must pay the entire tax due on or before the due date of the tax return (determined without regard to an extension of time to file). If you do not pay the entire tax due on or before the due date, you must pay interest on the amount of the underpayment from the due date to the date paid. Interest is always due, without exception, on any underpayment of tax.

Interest is imposed at an adjusted rate established by the Tax Commissioner. The annual rate will never be less than eight percent (.08). The interest rate will be determined and in effect for periods of six months.

Contact the West Virginia State Tax Department, Taxpayer Services Division, for the interest rate currently in effect. The telephone number is (304) 558-3333 or toll free to: 1-800-982-8297.

**Line 14 - Additions to Tax - Late Filing:** Additions to tax are imposed for failure to file a return on or before the due date (determined without regard to an extension of time to file). On any amount of tax shown to be due on the return, the additions to tax for late filing is five percent (.05) per month or any part of a month not to exceed twenty-five percent (.25).

**Late Payment:** Additions to tax are imposed for failure to pay all tax shown to be due on a return on or before the due date (determined without regard to an extension of time to file). Additions to tax for late payment are imposed at the rate of one half of one percent (.005) per month or part of a month not to exceed twenty-five percent (.25).

When both the five percent (.05) additions to tax for late filing and the one half of one percent (.005) additions to tax for late payment are imposed, the maximum monthly percent is five percent (.05) not to exceed forty-seven and one-half percent (.475) of the tax due.

**Line 15 - Total Due With Return:** Remit the amount on line 15 by check made payable to the West Virginia State Tax Department.

**SCHEDULE A: BENEFICIARY INFORMATION AND NONRESIDENT WITHHOLDING**

Enter the name, address, city, state, and zip code of each beneficiary that the Estate/Trust had during its taxable year. If additional space is needed, attach additional copies of Schedule A.

**Column A:** Enter the social security number of the beneficiary listed on the same numbered line in the top part of Schedule A.

**Column B:** If the beneficiary is a resident of West Virginia check this column. Do not complete columns C through H for a West Virginia resident beneficiary.

**Column C:** If the beneficiary is a nonresident of West Virginia and the Estate or Trust will satisfy the nonresident withholding requirements by filing a composite return for its nonresident beneficiaries, check this column. Do not complete columns D through H if you are filing a composite return for nonresident beneficiaries.

**Column D:** If the beneficiary is a nonresident of West Virginia and the Estate or

Trust is not filing a composite return for its nonresident beneficiaries check this column.

**Column E:** Check this column if you have received or previously had on file, a completed Form WV/NRW-4 from this nonresident beneficiary. Do not complete columns F through H if you checked column E. If you received the Form NRW-4 during the current taxable year, a copy must be attached to your West Virginia Fiduciary Income Tax Return when filed.

**Column F:** Enter the amount of West Virginia source income allocated to this nonresident beneficiary.

**Column H:** Multiply the dollar amount in column F by the tax rate in column G and enter the result in column H.

**Line 6:** Total columns F and H. If you have attached additional copies of Schedule A enter the grand total of the columns from all the copies of Schedule A on the first Schedule A and label the figures as "grand total".

Transfer the appropriate column totals to the front of the return.

**SCHEDULE B: WEST VIRGINIA FIDUCIARY MODIFICATIONS**

The income of the estate, trust, or QFT for federal tax purposes may be subject to a fiduciary modification for West Virginia tax purposes. Some of these modifications increase and others decrease income for West Virginia tax purposes. The net modification may be a plus or a minus figure. In column I, enter the total amount of all additions and subtractions. On line 10, column I, enter the difference between the additions and subtractions. If this is a complex trust or estate, or a simple trust having taxable income, complete column II by entering that share of the modification which is allocable to the estate, trust, or QFT. The amount entered on line 11, column II, is to be entered on line 2, page 1 of this return.

**WEST VIRGINIA TAX RATE SCHEDULE FOR RESIDENT AND NONRESIDENT ESTATES AND TRUSTS  
APPLY RATE SCHEDULE TO THE WEST VIRGINIA TAXABLE INCOME ON LINE 3**

Less than \$10,000 .....	3% of the taxable income
At least -	But less than -
\$10,000	\$25,000 ..... \$ 300.00 plus 4% of excess over \$10,000
\$25,000	\$40,000 ..... \$ 900.00 plus 4.5% of excess over \$25,000
\$40,000	\$60,000 ..... \$1,575.00 plus 6% of excess over \$40,000
\$60,000 .....	\$2,775.00 plus 6.5% of excess over \$60,000

**For Tax Information:**  
(304) 558-3333  
or Toll-Free  
1-800-982-8297  
(1-800-WVA-TAXS)

**Mail to:**  
West Virginia State Tax Department  
Internal Auditing Division  
P.O. Box 1071  
Charleston, WV 25324-1071

**To Order Forms:**  
344-2068 or  
Toll-Free West Virginia  
1-800-422-2075

**Internet Address**  
<http://www.state.wv.us/taxdiv>

**Hearing Impaired?**  
TDD Service 1-800-282-9833  
(1-800-2TAXTDD)