

NJ-1041SB
2004

State of New Jersey
GROSS INCOME TAX
FIDUCIARY RETURN
ELECTING SMALL BUSINESS TRUST

5-F

For Taxable Year January 1, 2004 - December 31, 2004

Or Other Taxable Year Beginning _____ 2004, Ending _____, 20____

Check this block if application for Federal extension is attached or enter confirmation number _____

	Federal Employer Identification Number			Name of Trust		
				Name and Title of Fiduciary		
				Address of Fiduciary (Number and Street or Rural Route)		
				City, Town, Post Office	State	Zip Code

1. Net pro rata share of S corporation income (attach Schedule(s) NJ-K-1)	1	
2. Net gain from disposition of S corporation stock	2	
3. Taxable income (add line 1 and line 2)	3	
4. Tax Due (multiply line 3 by .0897)	4	
5. Estimated tax payments and prior year's credit	5	
6. Balance of tax due (line 4 less line 5)	6	
7. Overpayment (line 5 less line 4)	7	
8. Credit to 2005 tax	8	
9. Refund (line 7 less line 8)	9	

SIGN HERE	<p>Election Statement: I declare that this trust is a federal Electing Small Business Trust and consents to be taxed as a New Jersey Electing Small Business Trust for tax year 2004.</p> <p>Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct and complete. If prepared by a person other than taxpayer, this declaration is based on all information of which the preparer has any knowledge.</p>			<p>Pay amount on Line 6 in full. Write Federal ID number on check or money order and make payable to:</p> <p>STATE OF NEW JERSEY-TGI Division of Taxation Income Tax Audit Branch PO Box 288 Trenton, NJ 08695-0288</p>
	<p align="center">Signature of Fiduciary or Officer Representing Fiduciary</p>	<p align="center">Date</p>		
	<p>Signature of Preparer Other than Fiduciary</p>	<p>Address</p>	<p>Date</p>	

1041SB INSTRUCTIONS

The New Jersey Electing Small Business Trust election

A federal Electing Small Business Trust can make an election to be taxed as a *New Jersey Electing Small Business Trust* if **all** of the trust's income is from federal S corporations that made the New Jersey S election, from federal S corporations that have income allocated outside of New Jersey or from the disposition of federal S corporation stock.

A New Jersey election is made by filing a New Jersey Gross Income Tax Fiduciary Return, Form 1041SB and signing the election statement at the bottom of the return. A New Jersey Electing Small Business Trust waives its right to claim a minimum taxable income threshold, an exemption, a deduction for distributions, a deduction for income commissions, and a credit for taxes paid to other jurisdictions and consents to have all of the trust's income taxed at the maximum tax rate in effect.

Line 1 - Enter on Line 1 the amount of the trust's net pro rata share of S corporation income from New Jersey electing S corporations and from federal S corporations which have income earned outside of New Jersey. Attach a copy of the Schedule NJ-K-1, Form CBT-100S which was received from each S corporation. If the trust did not receive a Schedule NJ-K-1, you must attach a copy of the Federal Schedule K-1 and complete Reconciliation Worksheet B contained in Tax Topic Bulletin GIT-9S, *Income from S Corporations*. In the case of a loss, make no entry on line 1.

Line 2 - Enter on Line 2 the net gain from the disposition of federal S corporation stock. The gain or loss from the sale of S corporation stock is determined using the New Jersey adjusted basis of the stock. For instructions on calculating the New Jersey adjusted basis and the New Jersey gain or loss on disposition of S corporation shares request Tax Topic Bulletin GIT-9S, *Income from S Corporations*. In the case of a loss, make no entry on line 2.

Line 3 - Add the amounts on line 1 and line 2.

Line 4 - Multiply the amount on line 3 by .0897.

Line 5 - Enter the total of estimated tax payments made for 2004.

Line 6 - Subtract line 5 from line 4 and enter balance owing. Please make your check for this amount payable to "State of New Jersey - TGI" and mail to: State of New Jersey-TGI, Division of Taxation, Income Tax Audit Branch, PO Box 288, Trenton, NJ 08695-0288

Line 7 - Subtract line 4 from line 5 and enter overpayment.

Line 8 - Enter on line 8 the amount of overpayment you wish to credit to 2005.

Line 9 - Subtract line 8 from line 7 and enter result. This is the amount to be refunded.

Signature and Date

The return must be signed and dated by the individual fiduciary or by the authorized officer of the organization receiving, having custody or control and management of the income of the trust and having the authority to make the election.