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Charts for Notice 2011-76

(Version 4)

On September 13, 2011, the IRS released [Notice 2011-76](#), which gives executors of estates of 2010 decedents more time to make an informed decision about whether to stay in the default estate tax regime for 2010 or opt out of the estate tax entirely.

I created two charts to summarize the information:

1. [Changes to Deadlines](#)
2. [Form 4768 Will Automatically Extend Time to Pay](#)

(For my blog post on Notice 2011-76, see [Kinder, Gentler IRS Provides Deadline Relief For 2010 Heirs.](#))

Changes to Deadlines

	Date of Death	Estate Tax	Form	Old Deadline	New Deadline	Explanation
[1.1]	Jan. 1, 2010 through Dec. 16, 2010	yes	706 or 706-NA	Sept. 19, 2011	Sept. 19, 2011; with Form 4768, March 19, 2012	Filing Form 4768 secures automatic extension of time to • <i>file</i> Form 706 and • <i>pay</i> any tax owed
[1.2]	Dec. 17, 2010 through Dec. 31, 2010	yes	706 or 706-NA	9 months after date of death	9 months after date of death; with Form 4768, 15 months after date of death	IRS will not impose: • late filing penalty • late payment penalty But interest will be charged on any estate tax paid after the original due date.
[2]	2010	no: opting out	8939	Nov. 15, 2011	Jan. 17, 2012	
[3]	2010	recipient doesn't know	income tax return	not changed by Notice 2011-76		Taxpayer received property from 2010 decedent and sold the property in 2010. Taxpayer already filed a 2010 federal income tax return, or obtained an extension and plans to file by the Oct. 17, 2011 extended due date. Basis & other tax attributes unclear. Taxpayer does not know if executor is opting out of estate tax, and if so, amount of basis increase executor will allocate under IRC § 1022. Good faith estimate. Taxpayer must make a good faith estimate of gain or loss. Relief. The IRS will not impose penalties for late payment or negligence. Procedure. Taxpayer must write "IR Notice 2011-76" at top of amended income tax return.

Form 4768 Will Automatically Extend Time to Pay

	Before Notice 2011-76	Under Notice 2011-76
Extension: time to File ?	automatic; 6 month extension (except for taxpayers abroad) (IRC 6081)	automatic; 6 month extension (except for taxpayers abroad)
Extension: time to Pay?	only for reasonable cause (IRC 6161)	automatic; 6 month extension
Interest applied on late payment?	yes (IRC 6601)	yes (IRC 6601, N 2011-76)
Due date of Form 4768?	by the due date to file Form 706 or Form 706-NA	by the due date to file Form 706 or Form 706-NA