



2012

VT CAPITAL GAINS EXCLUSION

for **ESTATES** or **TRUSTS**

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Schedule FI-162

SCHEDULE FI-162

Capital Gains Exclusion for Estates or Trusts

If the Federal return shows a capital loss, do not complete this form.

INSTRUCTIONS

VT allows a portion of net adjusted capital gains, as defined by Internal Revenue Code Section 1(h), to be excluded from VT taxable income, but in no case may the amount exceed 40% of federal taxable income. Taxpayers calculate their capital gains exclusion and enter that amount on the VT Fiduciary tax return FI-161 at Line 4b from Part III Line 21. Each line contains instructions directing you to the appropriate federal schedule and line numbers.

Part I Flat Exclusion

The general exclusion amount for tax year 2012 is \$5,000 or the actual amount of net adjusted capital gains, whichever is less.

Special instructions for Line 1

If you do not file Schedule D (Form 1041) enter the amount from Form 1041, Line 4 on Line 1.

If you have qualified dividends, you may add the amount on Form 1041, Line 2b(2) to the lesser of Lines 14a(2) or 15(2) of Schedule D. If you did not file Schedule D, you can add the amounts from Line 2b(2) and Line 4 of the 1041 and enter the total on Line 1.

Part II Percentage Exclusion

Taxpayers may opt to exclude 40% of their adjusted net capital gain from the sale of assets held for more than three years. Only certain categories of capital gain income are eligible for this exclusion.

Capital Gains from the sale of the following assets are **NOT Eligible For Exclusion** under the Percentage Method even if they have been held for more than three (3) years:

1. Real estate or a portion of real estate used as a taxpayer's primary or nonprimary home.
2. Depreciable personal property (*except for farm or standing timber*).
3. Stocks or bonds which are publicly traded or traded on an exchange.
4. Any other financial instrument.

Part III Capital Gain Exclusion Amount

This part applies the limitation of 40% of federal taxable income and calculates your capital gain exclusion. Enter the amount from Line 21 on FI-161, Line 4b.

PRINT in BLUE or BLACK INK

Name of Estate or Trust	Employer Identification Number
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PART I Flat Exclusion

- 1. Enter smaller of Line 14a(2) or 15(2) from Federal Form 1041, Schedule D..... **1.** _____
- 2. **Enter amount from:**
 - 2a. Federal Form 1041, Schedule D, Line 14b(2) **2a.** _____
 - 2b. Federal Form 1041, Schedule D, Line 14c(2) **2b.** _____
- 3. Add Lines 2a and 2b. **3.** _____
- 4. Subtract Line 3 from Line 1. **4.** _____

If you filed Federal Form 4952, complete Lines 5 through 7

- 5. **Enter amount from:**
 - 5a. Federal Form 4952, Line 4g **5a.** _____
 - 5b. Federal Form 4952, Line 4e **5b.** _____
 - 5c. Multiply Line 5a by Line 5b and enter result here..... **5c.** _____
 - 5d. Federal Form 4952, Line 4b **5d.** _____
 - 5e. Federal Form 4952, Line 4e **5e.** _____
- 6. Add Lines 5d and 5e; enter result here **6.** _____
- 7. Divide Line 5c by Line 6; enter result here **7.** _____
- 8. Subtract Line 7 from Line 4. *Entry cannot be less than zero.* **8.** _____
- 9. Enter the smaller of Line 8 or \$5,000 **9.** _____

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Name of Estate or Trust	Employer Identification Number
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PART II Percentage Exclusion

(Use this section only if you have eligible gains - See *Technical Bulletin 60* for more information)

10. Enter the amount from Part I, Line 4 **10.** _____

11. Enter amount of adjusted net capital gain from the sale of assets held for three years or less and any qualified dividends included in Line 1 **11.** _____

12. Assets held for more than three years. Subtract Line 11 from Line 10. Entry cannot be less than zero. **12.** _____

Enter the amount of net adjusted capital gain from the sale of the following assets held for more than three years

13a. Real estate or portion of real estate used as a primary or nonprimary home **13a.** _____

13b. Depreciable personal property (*except for farm property or standing timber*) **13b.** _____

13c. Stocks or bonds publicly traded or traded on an exchange or any other financial instruments (*see instructions for information on a negative*) **13c.** _____

14. Add Lines 13a through 13c **14.** _____

15. Subtract Line 14 from Line 12; enter result here. This is the amount of net adjusted capital gain eligible for exclusion. **15.** _____

Line 16 Federal Form 4952 information. If no investment interest expense for ineligible assets reported on Federal Form 4952, enter Line 7 from Part I of this form. Otherwise, you may need to recompute Federal Form 4952 to reflect only investment interest income for assets eligible for the capital gain exclusion.

16. Enter amount from Part I, Line 7 or recomputed Federal Form 4952. **16.** _____

17. Subtract Line 16 from Line 15. **17.** _____

18. Multiply Line 17 by 40%; enter result here. **18.** _____

PART III Capital Gain Exclusion

19. Enter the greater of Line 9 or Line 18 **19.** _____

20. Multiply _____ x 40%; enter result here **20.** _____
Federal Taxable Income from Form FI-161, Line 1

21. Enter the smaller of Line 19 or Line 20. This is the capital gain exclusion. Enter on Form FI-161, Line 4b. **21.** _____