

Please staple above. Do not staple check.



IT 1140  
Rev. 1/09

## 2008 IT 1140 Pass-Through Entity and Trust Withholding Tax Return

Federal Employer I.D. Number (FEIN) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<input type="checkbox"/> Check box if amended return	Month <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	Year <div style="border: 1px solid black; padding: 5px; font-size: 24px; text-align: center;">2008</div>
For the entity's taxable year beginning			
Name	Schedule C, line 4 – apportionment ratio	Entity Type – Check only one	
Address (if address change, check box <input type="checkbox"/> )	Schedule B, line 1 – total of columns A and B	<input type="checkbox"/> S corporation	
City, state and ZIP code	Total assets	<input type="checkbox"/> Limited liability corporation	
		<input type="checkbox"/> Partnership	
		<input type="checkbox"/> Trust	

1. File this form with the Ohio Department of Taxation by the 15th day of the fourth month following the last day of the entity's taxable year. Please see general instructions for automatic extensions of time to file this return. The due date for payment of tax cannot be extended.
  2. Attach (i) Ohio Schedules B and C or Schedule D and (ii) the qualifying K-1 information as indicated on page 4 of the instructions and (iii) Ohio form IT/SD 2210.
- Instructions for this form are on our Web site at [tax.ohio.gov](http://tax.ohio.gov).

### Schedule A – Reconciliation Tax and Payments

Please round all numbers to the nearest dollar.

1. Tax for each column (from Schedule B, line 11, columns A and B or from Schedule D, line 5).....1.
2. Interest penalty on underpayment of tax if the sum of columns A and B on line 9 on page 2 exceeds \$10,000 (attach Ohio form IT/SD 2210) .....2.
- 2a. Add line 1 and line 2.....2a.
3. Ohio IT 1140ES and IT 1140EXT payments that the entity or trust made and 2007 overpayment credited to 2008 (see Note 1 on page 4) .....3.
  - a. Payments transferred from Ohio forms IT 4708ES and IT 4708EXT (attach schedule if required; see instructions) and other payments previously made for this taxable year.....3a.
  - b. Payments transferred to Ohio form IT 4708 and refunds, if any, previously claimed for this taxable year.....3b.
  - c. Net payments (line 3 plus line 3a minus line 3b) .....3c.
4. For each column, subtract line 3c from line 2a (show negative amounts in parentheses) .....4.
5. If the sum of line 4, columns (I) and (II), is an overpayment, enter this sum on line 5 ..... **OVERPAYMENT** .....
6. Amount of line 5 to be **CREDITED** to year 2009 ..... **CREDIT** .....
7. Amount of line 5 to be **REFUNDED** (line 5 minus line 6) ..... **REFUND** .....
8. If the sum of line 4, columns (I) and (II), above, is a balance due or zero, enter on line 8 the amount you owe (make check payable to Ohio Treasurer of State and place FEIN on check) ..... **AMOUNT OWED** .....

	Column (I) Withholding Tax <i>Whole dollars only</i>	Column (II) Entity Tax <i>Whole dollars only</i>	
1.	00		00
2.	00		00
2a.	00		00
3.	00		00
3a.	00		
3b.	< > 00		
3c.	00		00
4.	00		00
5.			00
6.			00
7.			00
8.			00

**If you owe less than \$1.01, no payment is necessary. If your refund is less than \$1.01, no refund will be issued.**

I have read this return. Under penalties of perjury, I declare that, to the best of my knowledge and belief, the return is true, correct and complete.

Signature of officer or agent of pass-through entity or trust	Date	Preparer's name (please print)
Title of officer or agent	Preparer's address (including ZIP code)	
Telephone number	Preparer's telephone number	
Do you authorize your preparer to contact us regarding this return? <input type="checkbox"/> Yes <input type="checkbox"/> No		

Processing Code
Check Amount
Mail to: Ohio Dept. of Taxation P.O. Box 181140 Columbus, OH 43218-1140



## Ohio Form IT 1140 for Taxable Years Beginning in 2008

### Schedule C: Qualifying Pass-Through Entities – Apportionment Ratio

Use this schedule to calculate the apportionment ratio for a qualifying pass-through entity that is not a financial institution as defined in R.C. section 5725.01. For detailed instructions, please refer to page 7 in the instructions for this form. If the pass-through entity is a financial institution, use the apportionment and weighting schedules set forth in the tax year 2009 Ohio form FT 1120FI, Corporation Franchise Tax Report for Financial Institutions.

	(1) Within Ohio	(2) Total Everywhere	(3) Ratio (carry to six decimal places)	(4) Weight	(5) Weighted Ratio (carry to six decimal places)
1. Property					
(a) owned (average cost)	_____	_____			
(b) rented (annual rental X 8)	_____	_____			
(c) total (lines 1a and 1b)	_____	÷	_____	=	• _____
				X .20	= 1(c) • _____
2. Payroll		÷	_____	=	• _____
				X .20	= 2. • _____
3. Sales		÷	_____	=	• _____
				X .60	= 3. • _____
4. Total weighted apportionment ratio (add column (5), lines 1(c), 2 and 3). Enter ratio here and on Schedule B, line 8 (both columns).					4. • _____

**Note:** If the denominator of any factor is zero, the weight given to the other factors must be proportionately increased so that the total weight given to the combined number of factors used is 100%.

### Schedule D: Trusts – Tax Due

Use this schedule to calculate the adjusted qualifying amounts and withholding tax due for nonresident individuals who are beneficiaries of trusts that made distributions of either income or gain attributable to the trust's ownership of or disposition of either tangible personal property located in Ohio or real property located in Ohio.

1. Sum of all distributions to nonresident individuals of income or gain attributable to the trust's ownership of or disposition of either tangible personal property located in Ohio or real property located in Ohio .....	1.	
2a. Add: 5/6 of I.R.C. section 168(k) bonus depreciation and 5/6 of the qualifying section 179 depreciation and miscellaneous federal tax adjustments attributed to nonresident individuals who are beneficiaries of trusts (see page 6 of the instructions for Schedule B) .....	2a.	
2b. Other statutory adjustments and miscellaneous federal tax adjustments attributed to nonresident individuals who are beneficiaries of trusts (see page 6 of the instructions for Schedule B, line 2(b)) .....	2b.	< _____ >
3. Adjusted qualifying amount: Line 1 plus line 2a minus line 2b. Complete the remainder of the worksheet only if line 3 exceeds \$1,000.....	3.	
4. Tax rate.....	4.	<b>X .05</b>
5. Tax (to Ohio form IT 1140, page 1, line 1, column (I)). Please round tax to the nearest dollar .....	5.	

**Note 1:** Instructions for page 1, Schedule A, line 3. If this pass-through entity or trust has invested in a partnership or limited liability company that also filed Ohio form IT 1140, this pass-through entity or trust is **not** entitled to any payment or credit for this pass-through entity's or this trust's proportionate share of tax paid by that investee partnership or investee limited liability company.

Furthermore, this pass-through entity or trust **cannot** claim such payment as an estimated payment for this pass-through entity's or trust's taxable year. However, the pass-through entity or trust can "pass through" (via the K-1s it will issue) to its qualifying investors or to its qualifying beneficiaries the pass-through entity's or trust's proportionate share of such tax payment that the investee partnership or investee limited liability company paid on behalf of this pass-through entity or trust.

**Note 2:** Instructions for page 2, line 4. "Related member" is defined in Ohio Revised Code section (R.C.) 5733.042(A) (6) but is modified by R.C. section 5733.40(P). For purposes of the line 4 adjustment, a related member is any business entity or person directly or indirectly related to the taxpayer if the direct and indirect ownership interests equals or exceeds 40% of all ownership interests.

**Note 3:** Instructions for page 2, line 4. Include on this line all compensation paid to or for family member employees if the pass-through entity owner who is a member of family directly, indirectly and/or by attribution owns at least 40% of the pass-through entity. See R.C. section 5733.40(A)(3). Do not show on line 6 any amount you show on line 4.

**Note 4:** Instructions for page 2, line 10, column (B). For those qualifying corporate investors that are **not** listed below, compute the tax at the rate of 1.7% for the taxable year beginning in year 2008. For the taxable year beginning in 2009, the rate is reduced to zero. For those qualifying corporate investors that are listed below and for qualifying investors that are estates, trusts and pass-through entities, compute the tax at the rate of 8.5%. See R.C. 5733.41.

- Financial holding companies as defined in the federal "Bank Holding Company Act."
- Bank holding companies as defined in the federal "Bank Holding Company Act."
- Savings and loan holding companies as defined in the federal "Home Owners Loan Act" that are engaging only in activities permissible under 12 United States Code (U.S.C.) 1843(k).

- Persons, other than persons held pursuant to merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 U.S.C. 1843(k)(4)(I), directly or indirectly "owned" by one or more financial institutions, financial holding companies, bank holding companies, or savings and loan holding companies, but only if those persons are engaged in activities permissible for a financial holding company under 12 U.S.C. 1843(k).
- Persons directly or indirectly "owned" by one or more insurance companies, but only if those persons are authorized to conduct the business of insurance in this state.
- Persons that solely facilitate or service one or more "securitizations" or similar transactions for financial institutions, financial holding companies, bank holding companies, savings and loan holding companies, insurance companies, or persons directly or indirectly "owned" by such businesses.

Definition of "owned" for this purpose: a person "owns" another entity if the person . . .

. . . owns at least 50% of the entity's voting stock (corporations),

. . . owns at least 50% of the entity's membership interests (LLCs), or

. . . has a beneficial interest in the entity's profits, surpluses, losses or distributions (partnerships, trusts or other business interests).

Definition of "securitization" for this purpose: Transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

If you use multiple rates for column (B), please attach a schedule reflecting the computation of tax for each type of investor.

Fiscal filers: Please use the rate in effect on the last day of the taxable year. If Schedule B, line 10, column (B) reflects both the 8.5% rate and the phase-out rate, please attach a schedule reflecting the computation of tax for each investor.

**Note 5:** Instructions for page 2, line 11, column (B). Enter the sum of (i) the tax for qualifying corporate investors subject to the 1.7% rate and (ii) the tax for qualifying investors subject to the 8.5% rate.