

TITLE 86: REVENUE
CHAPTER III: ATTORNEY GENERAL

PART 2000

ILLINOIS ESTATE AND GENERATION-SKIPPING TRANSFER TAX RETURN

Section

- 2000.100 Prescribed Return
- 2000.101 Form of Return (Repealed)
- 2000.110 Schedule of Assets
- 2000.200 Estate Tax Treatment of Civil Unions

2000.APPENDIX A Estate and Generation Skipping Transfer Tax Return (Repealed)

AUTHORITY: Implementing Section 6(f) and authorized by Section 16 of the Illinois Estate and Generation-Skipping Transfer Tax Act [35 ILCS 405].

SOURCE: Adopted at 14 Ill. Reg. 17183, effective November 1, 1990; amended at 31 Ill. Reg. 117, effective December 20, 2006; amended at 33 Ill. Reg. 13930, effective September 17, 2009; amended at 36 Ill. Reg. 13474, effective August 9, 2012; amended at 48 Ill. Reg. _____, effective _____.

Section 2000.100 Prescribed Return

All persons required by Section 6(c) of the Illinois Estate and Generation-Skipping Transfer Tax Act [35 ILCS 405/6(c)] to file a return pursuant to the Illinois Estate and Generation-Skipping Transfer Tax shall file a return. The Attorney General shall provide a form for the return, but other forms that contain the information prescribed in this Section will also be accepted. An acceptable form must contain the following information:

- a) Decedent's name;
- b) Date of death;
- c) Decedent's complete address;
- d) Decedent's Social Security Number;
- e) Name of Illinois county in which decedent resided or, if non-resident, Illinois county in which the greatest value of property is located;
- f) Name of personal representative or person filing return;

- 44 g) Complete address and telephone number of personal representative or person
45 filing return;
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- 47 h) Name of preparer of return;
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- 49 i) Complete address and telephone number of preparer of return;
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- 51 j) Statement of whether a federal estate tax return is required to be filed and, if so, a
52 copy of the federal return shall be attached to the Illinois return; if not, an
53 itemized schedule of all assets, wherever located, in the form described in Section
54 2000.110, shall be attached;
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- 56 k) Statement of whether the decedent was an Illinois resident, a non-resident or a
57 nonresident not a citizen~~an alien~~, and the year domicile was established;
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- 59 l) Statement of the due date of the return, any extension of the due date of the
60 federal estate tax return, and, if extended, a copy of the federal return extension
61 request;
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- 63 m) A certification that the return, and all accompanying schedules and attachments,
64 are true and correct and that any copies of the federal return and its attachments
65 are true and correct copies of the originals;
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- 67 n) Signature, title and date of signature of the personal representative;
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- 69 o) Signature and date of signature of the preparer;
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- 71 p) A statement of the total amount of Illinois estate tax due, which is an amount
72 equal to the maximum tax credit calculable from the federal state death tax credit
73 table in effect on December 31, 2001 (26 U.S.C.~~USCA~~ 2011(b)(1) (~~West~~ 2002));
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- 75 q) A statement of taxes that were paid to other states and that would have qualified
76 for the federal state death tax credit as of December 31, 2001 in accordance with
77 subsection (p) ~~of this Section~~;
78
- 79 r) A statement of the net tax remaining after deduction of qualifying taxes paid to
80 other states;
81
- 82 s) A statement of the gross estate value for estate tax purposes of assets having
83 taxable situs in Illinois;
84
- 85 t) A statement of the gross estate assets' value for federal estate tax purposes
86 wherever located;

- 87
88 u) A statement of the percentage of Illinois situs assets to gross estate assets;
89
90 v) A statement as to the amount of tax attributable to Illinois as determined by
91 multiplying the total amount of Illinois estate tax due by the percentage of the
92 Illinois situs assets to gross estate assets;
93
94 w) A statement of the maximum allowable credit for ~~State~~ taxes pursuant to
95 section 2604 of the Internal Revenue Code (26 ~~U.S.C.~~ ~~USC~~ 2604, Generation-
96 Skipping Transfer Tax provisions). If any such credit is allowable, the federal
97 Generation-Skipping Transfer Tax return with computations shall be attached;
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99 x) A statement of any allowable Generation-Skipping Transfer Tax credit for tax
100 paid to other states;
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102 y) A statement of the difference between the total Generation-Skipping Transfer Tax
103 ~~State~~ credit and the amount paid to other states;
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105 z) A statement of the total tax payable to Illinois;
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107 aa) A statement of any late filing penalty;
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109 bb) A statement of any late payment penalty;
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111 cc) A statement of any interest;
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113 dd) A statement of the total tax, penalties, and interest due;
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115 ee) A statement of all payments made and copies of receipts for payments;
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117 ff) A statement of any balance due;
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119 gg) A statement of any amount payable in installments under 35 ILCS 405/6;
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121 hh) If any amounts are payable in installments, a statement of the gross value of the
122 closely held business in Illinois, the gross value of all Illinois assets, the
123 percentage of Illinois closely held business assets to all Illinois assets, and the
124 result of applying the percentage to tax due Illinois;
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126 ii) If any Illinois qualified terminable interest property (QTIP) election is claimed, a
127 statement as to the amount of the election claimed. If this amount includes trust
128 property, state the percentage of the trust made subject to the election; and
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130 jj) If any Illinois QTIP election was made in the estate of the decedent's predeceased
131 spouse, a statement as to the value at the date of death of the current decedent of
132 the assets made subject to the prior Illinois QTIP election.
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134 (Source: Amended at 48 Ill. Reg. _____, effective _____)
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136 **Section 2000.110 Schedule of Assets**
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- 138 a) Any itemized schedule of all assets must contain:
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- 140 1) A schedule showing real estate owned individually by the decedent, with
141 identification of any real estate valued under Section 2032A of the Internal
142 Revenue Code (26 U.S.C.~~USC~~ 2032A);
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 - 144 2) A schedule showing stocks and bonds owned individually by the decedent
145 with description, face amount of bonds, or number of shares;
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 - 147 3) A schedule showing mortgages, notes and cash owned individually;
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 - 149 4) A schedule showing insurance on the decedent's life;
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 - 151 5) A schedule showing all jointly owned property of the decedent separated
152 by interests held with a spouse as the only joint tenant and all other joint
153 interests;
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 - 155 6) A schedule showing all other miscellaneous property not reportable under
156 any other schedule of the decedent;
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 - 158 7) A schedule showing all transfers within three years before the decedent's
159 death;
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 - 161 8) A schedule showing powers of appointment held by the decedent;
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 - 163 9) A schedule showing all annuities owned by the decedent;
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 - 165 10) A schedule showing funeral expenses and expenses incurred in
166 administering property subject to claims of the decedent's estate;
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 - 168 11) A schedule showing debts of the decedent, and mortgages and liens;
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 - 170 12) A schedule showing net losses during administration and expenses
171 incurred in administering property not subject to claims;
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- 13) A schedule showing bequests and transfers to a surviving spouse;
 - 14) A schedule showing charitable, public, and similar gifts and bequests;
 - 15) A recapitulation of all schedules;
 - 16) A schedule of all adjusted taxable gifts as determined under the Gift and Estate Taxes provisions of the Internal Revenue Code ([26 U.S.C. 2001 and 2503](#));
 - 17) A schedule showing the calculation of the tentative taxable estate by subtracting allowable deductions from the gross estate total of all schedules without adjusted taxable gifts;
 - 18) An explanation and documentation of the distribution of the estate, including, but not limited to, wills, trusts, and beneficiary designations, including the social security numbers of such transferees;-
 - 19) A schedule of assets as to which an Illinois QTIP election is claimed. The schedule need not list the individual assets included in the corpus of a trust made subject to election; and
 - 20) A schedule of assets of the decedent's predeceased spouse for which an Illinois QTIP election was claimed, valued as of the date of death of the current decedent. The schedule should include the total value of the corpus of any trust made subject to the election.
- b) All schedules provided as part of the itemized schedule of assets shall include documentation of values and amounts. Real estate listings, including any such listings obtained from websites, are not sufficient to establish the fair market value of real property for purposes of the Illinois Estate Tax unless the listings provide the underlying factual basis for the value assigned to the property and explain how the value assigned was determined. "Underlying factual basis" may consist of comparable sales, recent appraised value, or other indicators of fair market value. The adequacy of any documentation submitted to establish the fair market value of real property will be determined on a case-by-case basis.
- c) The requirements of this Section may be satisfied by the filing of the most recent United States Estate (and Generation-Skipping Transfer) Tax Return published by the Internal Revenue Service or by the filing of any other form that contains the same information. Any return or other form must state the value of each individual asset and deduction. If a return has been filed with the Internal Revenue Service that omits the value of any individual asset or deduction

pursuant to 26 CFR 20.2010-2(a)(7)(ii), a copy of the return shall be filed with the Attorney General along with a second return or form which lists the value of each individual asset or deduction.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2000.200 Estate Tax Treatment of Civil Unions

a) Whenever the Illinois Estate and Generation-Skipping Transfer Tax Act incorporates provisions of the Internal Revenue Code, those provisions shall be construed in accordance with the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75]. Individuals who are parties to a civil union recognized under 750 ILCS 75 occurring on or after June 1, 2011 shall be subject to the same obligations and responsibilities and afforded the same protections and benefits under this Part as apply to spouses in a marriage recognized for federal estate tax purposes. An Illinois marital deduction, including qualified ~~terminable~~ ~~terminal~~ interest property (~~QTIP~~~~Q-TIP~~) elections allowable under 35 ILCS 405/2(b-1), is therefore allowable for property passing from a decedent to his or her partner in a civil union recognized under 750 ILCS 75 to the same extent that property transferred to a husband or wife is allowable as a marital deduction, including ~~QTIP~~~~Q-TIP~~ elections, under the Internal Revenue Code (26 ~~U.S.C.~~~~USC~~ 2044 and 2056). Because civil unions are not recognized for federal estate tax purposes, civil union partners recognized under 750 ILCS 75 who elect a marital deduction and ~~QTIP~~~~Q-TIP~~ elections for Illinois estate tax purposes are required to file the following returns, or the information required by Sections 2000.100 and 2000.110, with the Illinois Attorney General:

- 1) A Form 700 Illinois Estate and Generation-Skipping Transfer Tax Return, available on the Attorney General's website (<https://www.illinoisattorneygeneral.gov/estate-taxes/http://www.illinoisattorneygeneral.gov/publications/estatetax.html>);
- 2) A pro forma Federal Form 706 United States Estate (and Generation-Skipping Transfer) Tax Return completed as if the federal estate tax statutes allowed a marital deduction to civil union partners recognized under 750 ILCS 75 that reflects the marital deductions claimed; and
- 3) For those estates that were required to file a return in accordance with federal law (26 ~~U.S.C.~~~~USC~~ 2001 et seq.), a copy of the Federal Form 706 United States Estate (and Generation-Skipping Transfer) Tax Return actually filed with the Internal Revenue Service.

258 b) As used in this Section, the term "Qualified ~~terminable~~~~terminal~~ interest property"
259 or "~~QTIP~~~~Q-TIP~~" has the same meaning as prescribed in 26 ~~U.S.C.~~~~USC~~
260 2056(b)(7)(B).
261

262 (Source: Amended at 48 Ill. Reg. _____, effective _____)