



POINT SQUARE CONSULTING
INTERNATIONAL TAX CONSULTING AND ADVOCACY

TAXATION OF FOREIGN INVESTORS IN U.S. REAL ESTATE

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Objective

Non-U.S. persons routinely invest in the U.S. real estate market. Numerous international tax implications accompany cross-border investment activity and this presentation will serve as an overview of the taxation of various cross-border holding structures.

Agenda

- Economic context
- International tax terminology (U.S. inbound)
- Common holding structures
 - Income tax compliance and IRS reporting guidelines
 - Investors' long-term goals and economic objectives
 - Planning considerations

Economic Context

- Freddie Mac's first quarter 2015 real estate report
- Foreign direct investment ("FDI") and economic growth
- U.S. real estate market
- Promotion of FDI in U.S. real estate via tax treaties

Concepts and Terminology...

- U.S. source income (IRC § 861)
- U.S. trade or business (IRC § 871(b))
- U.S. Effectively Connected Income
 - “ECI” (IRC § 864(c))
 - Taxation analogous to that of U.S. persons
 - Graduated tax rates under IRC § 1
 - “Permanent establishment” articles of applicable tax treaties

...Concepts and Terminology

- U.S. Fixed, Determinable, Annual or Periodic income
 - “FDAP” (IRC § 871(a))
 - Essentially a combination of passive and portfolio income
 - Flat 30% tax rate
 - Tax treaties play a significant role in this area
- Withholding Agent (Treas. Reg. § 1.1441-7(a))
- United States Real Property Interest
 - “USRPI” (Treas. Reg. § 1.897-1)



Holding Structure No. 1

Direct Individual Ownership

Operational Income: FDAP

- Operational income
 - FDAP by default
 - Flat 30% tax at source
 - Expenses are foregone

Operational Income: ECI

- Operational income
 - “Net basis” election (IRC § 871(d))
 - Treats the income as ECI even though it is not
 - Expenses become deductible
 - Manner of making the election (Treas. Reg. § 1.871-10(d))

Sample Net Basis Election Statement

Taxpayer's Name – ITIN #XXX-XX-XXXX
12/31/201X Tax Year End

**Election to Treat Real Property Income as Effectively
Connected with U.S. Business Under Internal Revenue
Code § 871(d) and Treas. Reg. § 1.871-10**

Taxpayer is making an election to treat real property income as effectively connected with a U.S. trade or business. Taxpayer is the beneficial owner of the following real property, owned by an LLC in which taxpayer has an interest:

1. Single residence home with the following address:
 - a. 123 Any Street, Any Town, AS XXXXX
2. There have been no substantial improvements on the property since acquisition.
3. There has not been a revocation or new election under this section.

Documentation Requirements

- The withholding agent's role and obligations
- ECI is taxable under a separate set of rules and is not subject to withholding
- Form W-8ECI

Form W-8ECI

| | | | | | | | | | | | | | | |
|---|---|--|--------------------------------------|---------------------------------------|--------------------------------------|-------------------------------------|--|---------------------------------|---|---|--|--|--|--|
| <p>Form W-8ECI (Rev. February 2014)</p> <p>Department of the Treasury Internal Revenue Service</p> | <p>Certificate of Foreign Person's Claim That Income Is Effectively Connected With the Conduct of a Trade or Business in the United States</p> <p>▶ Section references are to the Internal Revenue Code. ▶ Information about Form W-8ECI and its separate instructions is at www.irs.gov/formw8eci. ▶ Give this form to the withholding agent or payer. Do not send to the IRS.</p> | <p>OMB No. 1545-1621</p> | | | | | | | | | | | | |
| <p>Note. Persons submitting this form must file an annual U.S. income tax return to report income claimed to be effectively connected with a U.S. trade or business (see instructions).</p> | | | | | | | | | | | | | | |
| <p>Do not use this form for:</p> <ul style="list-style-type: none"> • A beneficial owner solely claiming foreign status or treaty benefits • A foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession claiming the applicability of section(s) 115(2), 501(c), 892, 895, or 1443(b) • A foreign partnership or a foreign trust (unless claiming an exemption from U.S. withholding on income effectively connected with the conduct of a trade or business in the United States) • A person acting as an intermediary <p>Note. These entities should use Form W-8ECI if they received effectively connected income and are not eligible to claim an exemption for chapter 3 or 4 purposes on Form W-8EXP.</p> <p>Note. See instructions for additional exceptions.</p> | | | | | | | | | | | | | | |
| | | <p>Instead, use Form: W-8BEN or W-8BEN-E W-8EXP W-8BEN-E or W-8IMY W-8IMY</p> | | | | | | | | | | | | |
| <p>Part I Identification of Beneficial Owner (see instructions.)</p> | | | | | | | | | | | | | | |
| 1 Name of individual or organization that is the beneficial owner | | 2 Country of incorporation or organization | | | | | | | | | | | | |
| 3 Name of disregarded entity receiving the payments (if applicable) | | | | | | | | | | | | | | |
| 4 Type of entity (check the appropriate box): | | | | | | | | | | | | | | |
| <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Partnership</td> <td><input type="checkbox"/> Simple trust</td> <td><input type="checkbox"/> Corporation</td> </tr> <tr> <td><input type="checkbox"/> Government</td> <td><input type="checkbox"/> Grantor trust</td> <td><input type="checkbox"/> Estate</td> </tr> <tr> <td><input type="checkbox"/> Private foundation</td> <td><input type="checkbox"/> International organization</td> <td><input type="checkbox"/> Central bank of issue</td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> Tax-exempt organization</td> </tr> </table> | | | <input type="checkbox"/> Partnership | <input type="checkbox"/> Simple trust | <input type="checkbox"/> Corporation | <input type="checkbox"/> Government | <input type="checkbox"/> Grantor trust | <input type="checkbox"/> Estate | <input type="checkbox"/> Private foundation | <input type="checkbox"/> International organization | <input type="checkbox"/> Central bank of issue | | | <input type="checkbox"/> Tax-exempt organization |
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Simple trust | <input type="checkbox"/> Corporation | | | | | | | | | | | | |
| <input type="checkbox"/> Government | <input type="checkbox"/> Grantor trust | <input type="checkbox"/> Estate | | | | | | | | | | | | |
| <input type="checkbox"/> Private foundation | <input type="checkbox"/> International organization | <input type="checkbox"/> Central bank of issue | | | | | | | | | | | | |
| | | <input type="checkbox"/> Tax-exempt organization | | | | | | | | | | | | |
| 5 Permanent residence address (street, apt. or suite no., or rural route). Do not use a P.O. box or in-care-of address. | | | | | | | | | | | | | | |
| City or town, state or province. Include postal code where appropriate. | | Country | | | | | | | | | | | | |
| 6 Business address in the United States (street, apt. or suite no., or rural route). Do not use a P.O. box or in-care-of address. | | | | | | | | | | | | | | |
| City or town, state, and ZIP code | | | | | | | | | | | | | | |
| 7 U.S. taxpayer identification number (required—see instructions) | | 8 Foreign tax identifying number | | | | | | | | | | | | |
| <input type="checkbox"/> SSN or ITIN <input type="checkbox"/> EIN | | | | | | | | | | | | | | |
| 9 Reference number(s) (see instructions) | 10 Date of birth (MM-DD-YYYY) | | | | | | | | | | | | | |
| 11 Specify each item of income that is, or is expected to be, received from the payer that is effectively connected with the conduct of a trade or business in the United States. (attach statement if necessary) | | | | | | | | | | | | | | |
| <p>-----</p> <p>-----</p> <p>-----</p> | | | | | | | | | | | | | | |
| <p>Part II Certification</p> <p>Under penalties of perjury, I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete. I further certify under penalties of perjury that:</p> <ul style="list-style-type: none"> • I am the beneficial owner (or I am authorized to sign for the beneficial owner) of all the payments to which this form relates, • The amounts for which this certification is provided are effectively connected with the conduct of a trade or business in the United States, • The income for which this form was provided is includible in my gross income (or the beneficial owner's gross income) for the taxable year, and • The beneficial owner is not a U.S. person. <p>Furthermore, I authorize this form to be provided to any withholding agent that has control, receipt, or custody of the payments of which I am the beneficial owner or any withholding agent that can disburse or make payments of the amounts of which I am the beneficial owner.</p> <p>I agree that I will submit a new form within 30 days if any certification made on this form becomes incorrect.</p> | | | | | | | | | | | | | | |
| <p>Sign Here</p> | Signature of beneficial owner (or individual authorized to sign for the beneficial owner) | | | | | | | | | | | | | |
| | Print name | Date (MM-DD-YYYY) | | | | | | | | | | | | |
| <input type="checkbox"/> I certify that I have the capacity to sign for the person identified on line 1 of this form. | | | | | | | | | | | | | | |

Dispositional Income: FIRPTA

- Foreign Investment in Real Property Tax Act (“FIRPTA”) enacted in 1980
- Gain of NRAs always treated as ECI even though it is not (IRC § 897)
- Purchaser required to withhold 10% of the gross purchase price from the foreign seller (IRC § 1445(a))

Exceptions to FIRPTA Withholding

- Domestic law provides several exceptions. Three of the most commonly invoked exceptions include:
 - Affidavit of U.S. personhood (IRC § 1445(b)(2))
 - Statement from the IRS (IRC § 1445(b)(4)(B))
 - Purchaser's acquisition of principal residence under \$300,000 (IRC § 1445(b)(5))

Additionally, an applicable tax treaty may articulate either lower rates of, or a complete exemption from, withholding.



Holding Structure No. 2

Ownership Through Domestic Corporations

Ownership Through Domestic Corporations

- Operational income
 - Worldwide tax regime (IRC §§ 61, 11)
 - Limited liability, avoidance of FIRPTA and branch profits taxes
 - Profit repatriation
 - Default 30% withholding on FDAP (IRC § 1441)
 - Treaties play a very significant role in this area

Documentation Requirements

- Domestic corporation is the withholding agent
- An applicable treaty will either significantly reduce the default rate or eliminate withholding entirely
- Form W-8BEN

Form W-8BEN

Form **W-8BEN**

(Rev. February 2014)

Department of the Treasury
Internal Revenue Service

Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting (Individuals)

► For use by individuals. Entities must use Form W-8BEN-E.
► Information about Form W-8BEN and its separate instructions is at www.irs.gov/formw8ben.
► Give this form to the withholding agent or payer. Do not send to the IRS.

OMB No. 1545-1621

Do NOT use this form if:

- You are NOT an individual
- You are a U.S. citizen or other U.S. person, including a resident alien individual
- You are a beneficial owner claiming that income is effectively connected with the conduct of trade or business within the U.S. (other than personal services)
- You are a beneficial owner who is receiving compensation for personal services performed in the United States
- A person acting as an intermediary

Instead, use Form:

- W-8BEN-E
- W-9
- W-SECI
- 8233 or W-4
- W-8IMY

Part I Identification of Beneficial Owner (see instructions)

| | | | |
|--|--|--|--|
| 1 Name of individual who is the beneficial owner | | 2 Country of citizenship | |
| 3 Permanent residence address (street, apt. or suite no., or rural route). Do not use a P.O. box or in-care-of address. | | | |
| City or town, state or province. Include postal code where appropriate. | | Country | |
| 4 Mailing address (if different from above) | | | |
| City or town, state or province. Include postal code where appropriate. | | Country | |
| 5 U.S. taxpayer identification number (SSN or ITIN), if required (see instructions) | | 6 Foreign tax identifying number (see instructions) | |
| 7 Reference number(s) (see instructions) | | 8 Date of birth (MM-DD-YYYY) (see instructions) | |

Part II Claim of Tax Treaty Benefits (for chapter 3 purposes only) (see instructions)

9 I certify that the beneficial owner is a resident of _____ within the meaning of the income tax treaty between the United States and that country.

10 Special rates and conditions (if applicable—see instructions): The beneficial owner is claiming the provisions of Article _____ of the treaty identified on line 9 above to claim a _____ % rate of withholding on (specify type of income): _____

Explain the reasons the beneficial owner meets the terms of the treaty article: _____

Part III Certification

Under penalties of perjury, I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete. I further certify under penalties of perjury that:

- I am the individual that is the beneficial owner (or am authorized to sign for the individual that is the beneficial owner) of all the income to which this form relates or am using this form to document myself as an individual that is an owner or account holder of a foreign financial institution,
- The person named on line 1 of this form is not a U.S. person,
- The income to which this form relates is:
 - (a) not effectively connected with the conduct of a trade or business in the United States,
 - (b) effectively connected but is not subject to tax under an applicable income tax treaty, or
 - (c) the partner's share of a partnership's effectively connected income,
- The person named on line 1 of this form is a resident of the treaty country listed on line 9 of the form (if any) within the meaning of the income tax treaty between the United States and that country, and
- For broker transactions or barter exchanges, the beneficial owner is an exempt foreign person as defined in the instructions.

Furthermore, I authorize this form to be provided to any withholding agent that has control, receipt, or custody of the income of which I am the beneficial owner or any withholding agent that can disburse or make payments of the income of which I am the beneficial owner. I agree that I will submit a new form within 30 days if any certification made on this form becomes incorrect.

Sign Here ►

Signature of beneficial owner (or individual authorized to sign for beneficial owner)

Date (MM-DD-YYYY)

Print name of signer

Capacity in which acting (if form is not signed by beneficial owner)

For Paperwork Reduction Act Notice, see separate instructions.

Cat. No. 25047Z

Form **W-8BEN** (Rev. 2-2014)

Form 8833

Form **8833**
(Rev. August 2006)
Department of the Treasury
Internal Revenue Service

Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b)

OMB No. 1545-1354

▶ **Attach to your tax return.**

Attach a separate Form 8833 for each treaty-based return position taken. Failure to disclose a treaty-based return position may result in a penalty of \$1,000 (\$10,000 in the case of a C corporation) (see section 6712).

| | | |
|---------------------------------|--|----------------------------------|
| Name | | U.S. taxpayer identifying number |
| Address in country of residence | | Address in the United States |

Check one or both of the following boxes as applicable:

- The taxpayer is disclosing a treaty-based return position as required by section 6114
 - The taxpayer is a dual-resident taxpayer and is disclosing a treaty-based return position as required by Regulations section 301.7701(b)-7
- Check this box if the taxpayer is a U.S. citizen or resident or is incorporated in the United States

| | |
|--|--|
| 1 Enter the specific treaty position relied on: a Treaty country b Article(s) | 3 Name, identifying number (if available to the taxpayer), and address in the United States of the payor of the income (if fixed or determinable annual or periodical). See instructions. |
| 2 List the Internal Revenue Code provision(s) overruled or modified by the treaty-based return position | |
| 4 List the provision(s) of the limitation on benefits article (if any) in the treaty that the taxpayer relies on to prevent application of that article ▶ | |
| 5 Explain the treaty-based return position taken. Include a brief summary of the facts on which it is based. Also, list the nature and amount (or a reasonable estimate) of gross receipts, each separate gross payment, each separate gross income item, or other item (as applicable) for which the treaty benefit is claimed | |

Disposition of a USRPHC's Stock

- Generally, capital gains from the sale of U.S. stock by NRAs are not subject to U.S. tax
- United States Real Property Holding Corporations (“USRPHC”) pose an exception to the general international income sourcing rule of IRC § 865(a)(2)
- Basic idea: At least 50% of the FMV of the corporation's assets constitute USRPIs (IRC § 897(c)(2))



Holding Structure No. 3

Ownership Through Foreign Corporations

Ownership Through Foreign Corporations

- Operational income
 - FDAP by default
 - Flat 30% tax at source
 - Expenses are foregone
 - “Net basis” election (IRC § 882(d))
 - Treats the income as ECI even though it is not
 - Expenses become deductible

Branch Profits Tax (IRC § 884)

- Operational income
 - Mechanism to effectuate back-end parity
 - Additional 30% tax (unless reduced by an applicable treaty) in addition to the regular corporate income tax typically renders this arrangement uneconomical
 - No additional taxation (and thus no withholding) upon profit repatriation

Dispositional Income

- As in the case of dispositions by foreign individuals, FIRPTA applies
- The branch profits tax can be avoided in the year of complete termination of a U.S. trade or business with some planning (Treas. Reg. § 1.884-2T)



Holding Structure No. 4

Ownership Through Partnerships

Ownership Through Partnerships

- Ownership of U.S. real estate by NRAs through partnerships (whether foreign or domestic) involves distinct U.S. tax consequences
- Not a taxpaying entity. Rather partners are taxed on their share of ECI directly *regardless* of whether the income is actually distributed.
- Two different withholding regimes apply to partnerships with foreign partners
 - Guaranteed payments and FDAP (IRC § 1441)
 - ECI allocable to foreign partners (IRC § 1446)

ECI Allocable to Foreign Partners

- Net basis election made at the partner level
- Withholding under IRC § 1446 is essentially an indifferent mechanism
 - Exists in exception to the rule exempting ECI from withholding
 - Withheld and paid in advance regardless of whether distributions are made and regardless of the foreign partners' ultimate U.S. tax liabilities
 - Withholding rate is the highest rate applicable under IRC § 1 (presently 39.6% for individuals)
 - Withholding tax returns (Forms 8804 and 8805) in addition to annual income tax returns (Form 1065)

Form 8804, Page 1

| | | |
|---|--|--|
| Form 8804 <small>Department of the Treasury Internal Revenue Service</small> | Annual Return for Partnership Withholding Tax (Section 1446) <small>▶ Attach Form(s) 8804-C and 8805. ▶ Information about Form 8804 and its instructions is at www.irs.gov/form8804.</small> For calendar year 2014 or tax year beginning _____, 2014, and ending _____, 20____ | <small>OMB No. 1545-0123</small> <div style="font-size: 2em; font-weight: bold; text-align: center;">2014</div> |
| Check this box if the partnership keeps its records and books of account outside the United States and Puerto Rico <input type="checkbox"/> | | |

| Part I Partnership | | | | | | | | | | | | | |
|--|---|------------------|--|----|----|----|----|-----|----|----|---|-----|--|
| 1a Name of partnership | b U.S. employer identification number (EIN) | | | | | | | | | | | | |
| c Number, street, and room or suite no. If a P.O. box, see instructions. | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2">For IRS Use Only</th> </tr> <tr> <td style="font-size: 0.8em;">CC</td> <td style="font-size: 0.8em;">FD</td> </tr> <tr> <td style="font-size: 0.8em;">RD</td> <td style="font-size: 0.8em;">FF</td> </tr> <tr> <td style="font-size: 0.8em;">CAF</td> <td style="font-size: 0.8em;">FP</td> </tr> <tr> <td style="font-size: 0.8em;">CR</td> <td style="font-size: 0.8em;">I</td> </tr> <tr> <td style="font-size: 0.8em;">EDC</td> <td></td> </tr> </table> | For IRS Use Only | | CC | FD | RD | FF | CAF | FP | CR | I | EDC | |
| For IRS Use Only | | | | | | | | | | | | | |
| CC | FD | | | | | | | | | | | | |
| RD | FF | | | | | | | | | | | | |
| CAF | FP | | | | | | | | | | | | |
| CR | I | | | | | | | | | | | | |
| EDC | | | | | | | | | | | | | |
| d City or town, state or province, country, and ZIP or foreign postal code. If a foreign address, see instructions. | | | | | | | | | | | | | |

| | |
|--|---------------------------------------|
| Part II Withholding Agent | |
| 2a Name of withholding agent. If partnership is also the withholding agent, enter "SAME" and do not complete lines 2b, 2c, or 2d. | b Withholding agent's U.S. EIN |
| c Number, street, and room or suite no. If a P.O. box, see instructions. | |
| d City or town, state or province, country, and ZIP or foreign postal code. | |

| | | | |
|--|-----------|----------|-----------|
| Part III Section 1446 Tax Liability and Payments | | | |
| 3a Enter number of foreign partners | | | |
| b Enter number of Forms 8805 attached to this Form 8804 | | | |
| c Enter number of Forms 8804-C attached to Forms 8805 | | | |
| 4 Total effectively connected taxable income (ECTI) allocable to foreign partners (see instructions): | | | |
| a Total ECTI allocable to corporate partners | 4a | | |
| b Reduction to line 4a for state and local taxes under Regulations section 1.1446-6(c)(1)(iii) | 4b | () | |
| c Reduction to line 4a for certified foreign partner-level items submitted using Form 8804-C | 4c | () | 4d |
| d Combine lines 4a, 4b, and 4c | | | |
| e Total ECTI allocable to non-corporate partners other than on lines 4i, 4m, and 4q | 4e | | |
| f Reduction to line 4e for state and local taxes under Regulations section 1.1446-6(c)(1)(iii) | 4f | () | |
| g Reduction to line 4e for certified foreign partner-level items submitted using Form 8804-C | 4g | () | 4h |
| h Combine lines 4e, 4f, and 4g | | | |
| i 28% rate gain allocable to non-corporate partners | 4i | | |
| j Reduction to line 4i for state and local taxes under Regulations section 1.1446-6(c)(1)(iii) | 4j | () | |
| k Reduction to line 4i for certified foreign partner-level items submitted using Form 8804-C | 4k | () | 4l |
| l Combine lines 4i, 4j, and 4k | | | |
| m Unrecaptured section 1250 gain allocable to non-corporate partners | 4m | | |
| n Reduction to line 4m for state and local taxes under Regulations section 1.1446-6(c)(1)(iii) | 4n | () | |
| o Reduction to line 4m for certified foreign partner-level items submitted using Form 8804-C | 4o | () | 4p |
| p Combine lines 4m, 4n, and 4o | | | |

Form 8804, Page 2

Form 8804 (2014)

Page **2**

| | | | | | | |
|-----------|--|-----------|---|--|---|-----------|
| q | Adjusted net capital gain (including qualified dividend income and net section 1231 gain) allocable to non-corporate partners | 4q | | | | |
| r | Reduction to line 4q for state and local taxes under Regulations section 1.1446-6(c)(1)(ii) | 4r | (| |) | |
| s | Reduction to line 4q for certified foreign partner-level items submitted using Form 8804-C | 4s | (| |) | |
| t | Combine lines 4q, 4r, and 4s | | | | | 4t |
| 5 | Gross section 1446 tax liability: | | | | | |
| a | Multiply line 4d by 35% (.35) | 5a | | | | |
| b | Multiply line 4h by 39.6% (.396) | 5b | | | | |
| c | Multiply line 4l by 28% (.28) | 5c | | | | |
| d | Multiply line 4p by 25% (.25) | 5d | | | | |
| e | Multiply line 4t by 20% (.20) | 5e | | | | |
| f | Add lines 5a through 5e | | | | | 5f |
| 6a | Payments of section 1446 tax made by the partnership identified on line 1a during its tax year (or with a request for an extension of time to file) and amount credited from 2013 Form 8804 | 6a | | | | |
| b | Section 1446 tax paid or withheld by another partnership in which the partnership identified on line 1a was a partner during the tax year (enter only amounts reported on Form(s) 8805 and attach the Form(s) 8805 to Form 8804) | 6b | | | | |
| c | Section 1446 tax paid or withheld by another partnership in which the partnership identified on line 1a was a partner during the tax year (enter only amounts reported on Form(s) 1042-S and attach the Form(s) 1042-S to Form 8804) | 6c | | | | |
| d | Section 1445(a) or 1445(e)(1) tax withheld from or paid by the partnership identified on line 1a during the tax year for a disposition of a U.S. real property interest (enter only amounts reported on Form(s) 8268-A and attach the Form(s) 8268-A to Form 8804) | 6d | | | | |
| e | Section 1445(e) tax withheld from the partnership identified on line 1a during the tax year for a disposition of a U.S. real property interest (enter only amounts reported on Form(s) 1042-S and attach the Form(s) 1042-S to Form 8804) | 6e | | | | |
| 7 | Total payments. Add lines 6a through 6e | | | | | 7 |
| 8 | Estimated tax penalty (see instructions). Check if Schedule A (Form 8804) is attached <input type="checkbox"/> | | | | | 8 |
| 9 | Add lines 5f and 8 | | | | | 9 |
| 10 | Balance due. If line 7 is smaller than line 9, enter balance due. Attach a check or money order for the full amount payable to "United States Treasury." Write the partnership's U.S. EIN, tax year, and "Form 8804" on it | | | | | 10 |
| 11 | Overpayment. If line 7 is more than line 9, enter amount overpaid | | | | | 11 |
| 12 | Amount of line 11 you want refunded to you ▶ | | | | | 12 |
| 13 | Amount of line 11 you want credited to next year's Form 8804 | 13 | | | | |

Sign Here

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. Declaration of preparer (other than general partner, limited liability company member, or withholding agent) is based on all information of which preparer has any knowledge.

Signature of general partner, limited liability company member, or withholding agent _____ Title _____ Date _____

| | | | | | |
|-------------------------------|----------------------------|----------------------|------|---|------|
| Paid Preparer Use Only | Print/Type preparer's name | Preparer's signature | Date | Check <input type="checkbox"/> if self-employed | PTIN |
| | Firm's name ▶ | | | Firm's EIN ▶ | |
| | Firm's address ▶ | | | Phone no. | |

Form 8805

| | | | | | |
|---|--|---|--|--|--|
| Form 8805 Department of the Treasury Internal Revenue Service | | Foreign Partner's Information Statement of Section 1446 Withholding Tax Information about Form 8805 and its instructions is at www.irs.gov/form8805 . For partnership's calendar year 2014, or tax year beginning _____, 2014, and ending _____, 20____ | | OMB No. 1545-0123 2014 Copy A for Internal Revenue Service Attach to Form 8804 | |
| 1a Foreign partner's name | | b U.S. identifying number | | 5a Name of partnership | |
| c Address (if a foreign address, see instructions) | | c Address (if a foreign address, see instructions) | | b U.S. EIN | |
| 2 Account number assigned by partnership (if any) | | 6 Withholding agent's name. If partnership is also the withholding agent, enter "SAME" and do not complete line 7. | | | |
| 3 Type of partner (specify—see instructions) ▶ | | 7 Withholding agent's U.S. employer identification number | | | |
| 4 Country code of partner (enter two-letter code; see instructions) | | | | | |
| 8a Check if the partnership identified on line 5a owns an interest in one or more partnerships <input type="checkbox"/> | | | | | |
| b Check if any of the partnership's effectively connected taxable income (ECTI) is exempt from U.S. tax for the partner identified on line 1a <input type="checkbox"/> | | | | | |
| 9 Partnership's ECTI allocable to partner for the tax year (see instructions) | | 9 | | | |
| 10 Total tax credit allowed to partner under section 1446 (see instructions). Individual and corporate partners: Claim this amount as a credit against your U.S. income tax on Form 1040NR, 1120-F, etc. | | 10 | | | |
| Schedule T—Beneficiary Information (see instructions) | | | | | |
| 11a Name of beneficiary | | c Address (if a foreign address, see instructions) | | | |
| b U.S. identifying number of beneficiary | | | | | |
| 12 Amount of ECTI on line 9 to be included in the beneficiary's gross income (see instructions) | | 12 | | | |
| 13 Amount of tax credit on line 10 that the beneficiary is entitled to claim on its return (see instructions) | | 13 | | | |

For Paperwork Reduction Act Notice, see separate Instructions for Forms 8804, 8805, and 8813.

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Form **8805** (2014)

Questions

