

Election to Claim the Qualified Small Business and Farm Property Deduction 2012

2012 M706Q

To be completed by the executor of the estate with a date of death after June 30, 2011, and qualified heirs.

Type or Print	Decedent's first name, middle initial		Last name		Decedent's Social Security number	
	Last home address (street, apartment, route)				Date of death (must be after June 30, 2011)	
	City		State	Zip code	Minnesota probate county and file number	
	Executor's first name, middle initial		Last name		Executor's Social Security number	
	Name of firm (if applicable)				Executor's phone	
	Address (street, apartment, route)		City	State	Zip code	

Part 1 – Qualified Small Business Property Requirements

Complete Part 1 to determine if the estate meets the qualified small business property requirements. If the answer is "No" for any of the questions, the estate is not eligible to claim the small business property deduction.

- 1 Is the value of the property included in the decedent's federal adjusted taxable estate, which is after federal allowable deductions, including debts, expenses and bequests to a surviving spouse? **1** Yes No
- 2 Does the property consist of assets of a trade or business (or shares of stock or other ownership interests in a corporation or other entity that is engaged in a trade or business and is not publicly traded)? **2** Yes No
- 3 Did the decedent or the decedent's spouse materially participate in the trade or business during the taxable year that ended before the decedent's death? **3** Yes No
- 4 Did the trade or business have gross annual sales of \$10 million or less during the last taxable year that ended before the decedent's death? **4** Yes No
- 5 Did the decedent continuously own the property for the three-year period ending at the decedent's death? **5** Yes No

If you answered yes to all of the Part 1 questions, the estate may be eligible to claim the small business property deduction. Complete Part 3 to determine if the estate has qualified heirs.

Part 2 – Qualified Farm Property Requirements

Complete Part 2 to determine if the estate meets the qualified farm property requirements. If the answer is "No" for any of the questions, the estate is not eligible to claim the farm property deduction.

- 6 Is the value of the property included in the decedent's federal adjusted taxable estate, which is after federal allowable deductions, including debts, expenses and bequests to a surviving spouse? **6** Yes No
- 7 Does the property consist of a farm meeting the requirements of M.S. 500.24? **7** Yes No
- 8 Was the property classified for property tax purposes as the homestead of the decedent and/or the decedent's spouse under M.S. 273.124? **8** Yes No
- 9 Was the property classified for property tax purposes as class 2a property under M.S. 273.13, subd. 23? . . . **9** Yes No
- 10 Did the decedent continuously own the property for the three-year period ending at the decedent's death? **10** Yes No

If you answered yes to all of the Part 2 questions, the estate may be eligible to claim the farm property deduction. Complete Part 3 to determine if the estate has qualified heirs.

Election to Claim the Qualified Small Business and Farm Property Deduction 2012 (continued)

Decedent's first name, middle initial, last name	Decedent's Social Security number	Executor's first name, middle initial, last name	Executor's Social Security number
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Part 3 — Qualified Heirs and Family Members Requirements

11 Are each of the persons who acquired the qualified property from the decedent family members (see instructions)? **11** Yes No

12 Describe the trade or business the decedent and the qualified property was engaged in and provide the NAICS Code.

Trade or business	NAICS Code

13 Do the persons from question 11, the qualified heirs, agree that a family member will continuously use the property in the operation of the trade or business described in question 12 for three years following the decedent's death? **13** Yes No

14 Do the persons from question 11, the qualified heirs, agree not to dispose of any interest in the qualified property other than to a family member during the three years following the decedent's death? **14** Yes No

Important: If, within three years following the decedent's death, a qualified heir disposes of any interest in the qualified property, other than by disposition to a family member, or a family member ceases to use the qualified property in the operation of the trade or business, a recapture tax will be imposed.

15 Enter the name of each qualified heir from question 11, their relationship to the decedent, the Federal schedule and item number where the properties are reported on Federal Form 706, and the fair market value of the properties received.

Federal Schedule and Item Number Where Reported	Name	Relationship to Decedent	Fair Market Value Received

Part 3

Election to Claim the Qualified Small Business and Farm Property Deduction 2012 (continued)

Decedent's first name, middle initial, last name	Decedent's Social Security number	Executor's first name, middle initial, last name	Executor's Social Security number
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Part 4 – Agreement (Must be completed and signed by each and every qualified heir and the executor)

Heirs: All persons signing below agree and attest to the following:

I am a "family member" as provided by M.S. 291.03, subd. 8.

I am a "qualified heir" as provided by M.S. 291.03, subd. 8(c).

Each and every qualified heir who acquired the qualified property or an interest in the qualified property described on Line 1, Parts 5 and 6 is listed below.

If any qualified heir or family member disposes of any interest in the qualified property described on Line 1, Parts 5 and 6, other than by a disposition to a family member, during the three-year period following decedent's death, I am personally responsible for filing and paying the recapture tax equal to the amount listed on Line 4, Part 7, multiplied by 16%. The filing and payment due date is no later than six months from the date of the disqualifying disposition.

If a family member ceases to use the qualified property described on Line 1, Parts 5 and 6 in the operation of the trade or business described on Line 12, Part 3 during the three-year period following decedent's death, I am personally responsible for filing and paying the recapture tax equal to the amount listed on Line 4, Part 7, multiplied by 16%. The filing and payment due date is no later than six months from the date of the disqualifying cessation of the trade or business.

This schedule is correct and complete to the best of my knowledge and belief.

Name	Address	City	State	Zip code
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Signature of qualified heir	Date	Social Security number	Phone number
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Name	Address	City	State	Zip code
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Signature of qualified heir	Date	Social Security number	Phone number
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Name	Address	City	State	Zip code
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Signature of qualified heir	Date	Social Security number	Phone number
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Name	Address	City	State	Zip code
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Signature of qualified heir	Date	Social Security number	Phone number
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Name	Address	City	State	Zip code
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Signature of qualified heir	Date	Social Security number	Phone number
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Executor: I agree and attest to the following:

I am the executor of the decedent's estate.

Each and every qualified heir who acquired the qualified property or an interest in the qualified property described on Line 1, Parts 5 and 6 signed the agreement above.

If any qualified heir or family member disposes of any interest in the qualified property described on Line 1, Parts 5 and 6, other than by a disposition to a family member, during the three-year period following decedent's death, I am personally responsible for filing and paying the recapture tax equal to the amount listed on Line 4, Part 7, multiplied by 16%. The filing and payment due date is no later than six months from the date of the disqualifying disposition.

If a family member ceases to use the qualified property described on Line 1, Parts 5 and 6 in the operation of the trade or business described on Line 12, Part 3 during the three-year period following decedent's death, I am personally responsible for filing and paying the recapture tax equal to the amount listed on Line 4, Part 7, multiplied by 16%. The filing and payment due date is no later than six months from the date of the disqualifying cessation of the trade or business.

This schedule is correct and complete to the best of my knowledge and belief.

Name	Address	City	State	Zip code
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Signature of executor	Date
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Attach separate sheets, if needed.

Part 4

Election to Claim the Qualified Small Business and Farm Property Deduction for Qualified Small Business Property 2012 *(continued)*

Decedent's first name, middle initial, last name	Decedent's Social Security number	Executor's first name, middle initial, last name	Executor's Social Security number
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Part 5 – Deduction Calculation for Qualified Small Business Property

1 Value of assets. For each asset elected to be deducted from the decedent's Minnesota adjusted taxable estate as qualified small business property, provide a description, indicate the Schedule and item number from the Federal Form 706 where the asset is reported, and report the asset's fair market value at the valuation date.

Description of Asset	Federal Schedule and Item Number Where Reported	Fair Market Value At Valuation Date

Subtotal from additional sheets attached to this schedule, if any _____
 Total value of assets **1** _____

2 Noneligible property. List property included on your Federal Form 706 and on line 1 above that is not eligible for the qualified small business deduction (*see instructions*).

Noneligible Property	Value Included in Federal Gross Estate	Amount Not Allowed in Deduction

Subtotal from additional sheets attached to this schedule, if any _____
 Total amount not allowed in deduction **2** _____

3 Federal allowable deductions. Report allowable deductions that are related to the assets included on line 1 above and indicate the Schedule and item number from the Federal Form 706 where the allowable deduction is reported.

Description of Deduction	Federal Schedule and Item Number Where Reported	Amount Claimed as a Deduction

Subtotal from additional sheets attached to this schedule, if any _____
 Total allowable deductions **3** _____

4 Add line 2 and line 3 **4** _____

5 Tentative Deduction. Subtract line 4 from line 1. If you are also claiming a deduction for qualified farm property, continue to Part 6. If not, continue to Part 7..... **5** _____

Part 5

Election to Claim the Qualified Small Business and Farm Property Deduction for Qualified Farm Property 2012 (continued)

Decedent's first name, middle initial, last name	Decedent's Social Security number	Executor's first name, middle initial, last name	Executor's Social Security number
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Part 6 – Deduction Calculation for Qualified Farm Property

1 Value of assets. For each asset elected to be deducted from the decedent's Minnesota adjusted taxable estate as qualified farm property, provide a description, indicate the Schedule and item number from the Federal Form 706 where the asset is reported, and report the asset's fair market value at the valuation date.

Description of Asset	Federal Schedule and Item Number Where Reported	Fair Market Value At Valuation Date

Subtotal from additional sheets attached to this schedule, if any _____
 Total value of assets **1** _____

2 Noneligible property. List property included on your Federal Form 706 and on line 1 above that is not eligible for the qualified farm property deduction (see instructions).

Noneligible Property	Value Included in Federal Gross Estate	Amount Not Allowed in Deduction

Subtotal from additional sheets attached to this schedule, if any _____
 Total amount not allowed in deduction **2** _____

3 Federal allowable deductions. Report allowable deductions that are related to the assets included on line 1 above and indicate the Schedule and item number from the Federal Form 706 where the allowable deduction is reported.

Description of Deduction	Federal Schedule and Item Number Where Reported	Amount Claimed as a Deduction

Subtotal from additional sheets attached to this schedule, if any _____
 Total allowable deductions **3** _____

4 Add line 2 and line 3 **4** _____

5 Tentative Deduction. Subtract line 4 from line 1. Continue to Part 7 **5** _____

Part 6

Election to Claim the Qualified Small Business and Farm Property Deduction 2012 *(continued)*

Decedent's first name, middle initial, last name	Decedent's Social Security number	Executor's first name, middle initial, last name	Executor's Social Security number
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Part 7

Part 7 — Deduction Calculation for Qualified Small Business Property and Qualified Farm Property

- 1** Enter the amount from Part 5, Line 5 **1** _____
- 2** Enter the amount from Part 6, Line 5 **2** _____
- 3** Add line 1 and line 2 **3** _____
- 5 Deduction.** Enter the lesser of line 3 or \$4,000,000. Also, enter the amount on step 6 and step 20 of the "Worksheet to Determine Line 1," on page 4 of the M706 instructions.. **5** _____

You must attach the following to the Form M706Q:

- A complete copy of the decedent's federal income tax return, schedules, and attachments for the three taxable years ending prior to the decedent's death.
- Documentation demonstrating decedent's continuous ownership of the qualified property for the three-year period prior to decedent's death (deeds, titles, Federal Schedules K-1, etc.).
- If the deducted property is qualified farm property, a copy of the decedent's property tax statements for the three years before death.

Schedule M706Q Instructions 2012

Purpose of Schedule M706Q

Schedule M706Q allows the estate of a decedent dying after June 30, 2011 to make an election to deduct qualified small business or qualified farm property from the Minnesota adjusted taxable estate. The deduction cannot exceed \$4 million and qualified heirs must pay a recapture tax if a qualified heir fails to own the property or if a family member fails to use the property for a qualified use during the three years after the decedent's death.

Who Should File

An estate may be eligible for this deduction if:

- the decedent died after June 30, 2011;
- the estate is required to file Form M706;
- the value of the Minnesota adjusted taxable estate includes qualified small business or qualified farm property;
- the estate and all qualified heirs agree that a family member will continuously use the property in the operation of the trade or business for three years following the decedent's death; and
- the estate and all qualified heirs agree not to dispose of any interest in the qualified property other than to a family member during the three years following the decedent's death.

When to File

File Schedule M706Q with Form M706.

Required Attachments

You must attach the following to Form M706Q:

- A complete copy of the decedent's federal income tax return, schedules, and attachments for the three taxable years ending prior to the decedent's death.
- Documentation demonstrating decedent's continuous ownership of the qualified property for the three-year period prior to decedent's death.
- If the deducted property is qualified farm property, a copy of the decedent's property tax statements for the three years before death.

Assembly Required

See Form M706 instructions for how to assemble the required information.

Line Instructions

Part 1 - Qualified Small Business Property Requirements

The estate must complete the federal Form 706 and Minnesota Form M706 to determine if the value of the qualified property is included in the decedent's federal adjusted taxable estate. The federal adjusted taxable estate is after deductions, including debts, expenses and bequests to a surviving spouse. Material participation is described in section 469 of the Internal Revenue Code. The existence of material participation is a factual determination that generally requires regular, continuous, and substantial involvement in the operations of the trade or business activity. Passively collecting rents, draws, dividends, or other income from a trade or business does not constitute material participation.

If the estate answers "no" to any of the questions in Part 1, stop here: the estate is not eligible to claim the small business property deduction. If the estate answers "yes" to all questions in Part 1, the estate may be eligible to claim the small business property deduction. Continue to Part 3.

(M.S. 291.03, subd. 9)

Part 2 - Qualified Farm Property Requirements

The estate must complete the federal Form 706 and Minnesota Form M706 to determine if the value of the qualified property is included in the decedent's federal adjusted taxable estate. The federal adjusted taxable estate is after deductions, including debts, expenses and bequests to a surviving spouse.

Minnesota law, in general, bars corporations, limited liability companies, pension or investment funds, trusts, and limited partnerships from farming, owning, or leasing farmland in Minnesota. To meet the requirements of the qualified farm property deduction, the land cannot be owned by an entity that is prohibited from owning agricultural land under section 500.24 of Minnesota Statutes.

Class 2a agricultural land consists of parcels of property, or portions thereof that are agricultural land and buildings. Class 2a land may be homestead or non-homestead depending on ownership, occupancy and active farming scenarios. Depending on the circumstances, land may be the homestead of the decedent's or the decedent's spouse or the

homestead of a qualifying relative. To meet the requirements of qualified farm property, the property must be the homestead of the decedent or the decedent's spouse.

To meet the requirements of qualified farm property, the property must be classified as class 2a agricultural land and as the homestead of the decedent or the decedent's spouse.

If the estate answers "no" to any of the questions in Part 2, stop here: the estate is not eligible to claim the farm property deduction. If the estate answers "yes" to all questions in Part 2, the estate may be eligible to claim the small business property deduction. Continue to Part 3.

(M.S. 291.03, subd. 10)

Part 3 - Qualified Heirs and Family Members Requirements

A "family member" means:

- an ancestor of the decedent (parent, grandparent, etc.);
- the decedent's spouse;
- a lineal descendant (child, grandchild, etc.) of the decedent, of the decedent's spouse; or of the decedent's parents; or
- the spouse of any lineal descendant described above.

A decedent's aunts, uncles, and cousins do not qualify as family members. A decedent's nieces or nephews, however, do qualify as family members.

A "qualified heir" means a family member who acquired qualified property from the decedent.

Family members who, upon the death of the decedent, acquire a beneficial interest in a trust are not qualified heirs, even if all beneficiaries of the trust are family members.

(M.S. 291.03, subd. 8)

Describe the trade or business, including the type of industry, and enter the six-digit NAICS code that best describes the business activities. To determine the appropriate NAICS code, go to <http://www.census.gov/eos/www/naics/index.html>. Enter a keyword to search the most recent NAICS list.

If a family member ceases to use the qualified property in the operation of the existing trade or business throughout the three years following the decedent's death, a recapture tax will be imposed.

Continued

M706Q Instructions 2012 *(continued)*

If the qualified heirs dispose of any interest in the qualified property other than to a family member during the three years following the decedent's death, a recapture tax will be imposed.

The recapture tax is equal to 16% of the amount deducted by this election from the Minnesota adjusted taxable estate. The recapture tax is due no later than six months from the date of the disqualifying cessation of the trade or business or the disqualifying disposition of the qualified property.

(M.S. 291.03, subd. 11)

If the estate answers "no" to any of the questions in Part 3, stop here: the estate is not eligible to claim the small business or farm property deduction. If the estate answers "yes" to all questions in Part 3, the estate may be eligible to claim the small business or farm property deduction. Continue to Part 4.

Part 4 – Agreement

To make a valid election, the agreement must be completed and signed by each and every qualified heir who acquired the qualified property from the decedent. In addition, the executor of the estate must sign the agreement on behalf of the estate.

Parts 5 and 6 – Deduction Calculation

Value of Assets. Complete section 1 by entering a description of each asset that is elected to be deducted as qualifying property from the decedent's Minnesota adjusted taxable estate. Enter the schedule and item number from the federal Form 706 where the asset is reported. Then enter the fair market value of the asset at the valuation date. This is the value included in the Federal gross estate. If the estate is electing to deduct only a portion of an asset reported on the federal Form 706, enter the appropriate valuation percentage that qualifies for the deduction. Subtotal all amounts as line 1.

Non-eligible Property. For qualified small business property, complete section 2 by entering a description of any cash or cash equivalents included in the values entered above in section 1. Cash equivalents are short-term securities that are liquid enough to be considered equivalent to cash. Examples include negotiable instruments, money market holdings, short-term government bonds or Treasury bills, marketable securities, commercial paper, and other like items. For assets entered above in section 1 consisting of shares of stock or other ownership interests in a business entity, the amount of cash or cash equivalents held by the corporation or business entity must be entered in section 2 in proportion to the decedent's share of ownership of the corporation or business entity on the date of death.

For qualified farm property, complete section 2 by entering a description of any property other than class 2a agricultural land (real property) included in the values entered above in section 1.

Subtotal all amounts as line 2.

Allowable Deductions. Complete section 3 by entering a description of the Federal allowable deductions that are related to the assets entered above in section 1, including:

- marital deduction,
- mortgages and liens held against the qualifying property,
- property tax payable on the qualifying property, and
- expenses and costs taken as a deduction used to preserve the qualifying property.

Enter the schedule and item number from the federal Form 706 where the allowable deduction is reported. Subtotal all amounts as line 3.

Questions?

You can find forms and information, including answers to frequently asked questions and options for paying electronically, on our website at:

www.revenue.state.mn.us

Send us an email at:
BusinessIncome.tax@state.mn.us

Call us at:
651-556-3075
Weekdays, 8 a.m. to 4:30 p.m.
TTY: 711 Minnesota Relay

Or write to:
Minnesota Revenue
Mail Station 1315
St. Paul, MN 55146-1315