

Application for Settlement of Tax Liability for Individuals

This Packet Contains:

- Information You Need to Know Before Submitting the Application for Settlement of Tax Liability
- Form OTC-600 Application for Settlement of Tax Liability
- Information for Completing the Statement of Financial Condition for Individuals
- Form OTC-600-A Statement of Financial Condition for Individuals
- Form OTC-600-D Document Checklist
- Form BT-129 Power of Attorney

Oklahoma Tax Commission Oklahoma City, Oklahoma 73194

Information You Need to Know Before Submitting the Application for Settlement of Tax Liability

What Are the Grounds for Requesting a Settlement of Tax Liability?

The Oklahoma Tax Commission (OTC), as authorized by 68 OS Sec. 219.1, will consider a settlement of tax liability when it is determined that:

- A. Collection of the tax, and interest and penalties accruing thereto, would reasonably result in the taxpayer declaring bankruptcy;
- B. The tax is uncollectible due to insolvency of the taxpayer resulting from factors beyond the control of the taxpayer or for other similar cause beyond the control of the taxpayer;
- C. The tax liability is attributable to actions of a person other than the taxpayer and it would be inequitable to hold the taxpayer liable for the tax liability; or
- D. In cases of nonpayment of trust fund taxes, the taxes were not collected by the taxpayer from its customer and the taxpayer had a good faith belief that collection of the taxes was not required;

Administrative rules for the settlement process are found at 710:1-5-80 et. seq. of the Oklahoma Administrative Code.

Am I Eligible?

Taxpayers are eligible to file an Application for Settlement if they believe they qualify for settlement on one or more of the grounds referenced above and the following eligibility requirements are met:

- 1) The tax liability must be final;
- 2) All administrative remedies and appeals must be exhausted;
- 3) The taxpayer must be current with all tax return filing requirements of the OTC;
- 4) The taxpayer must not be the subject of an open bankruptcy proceeding
- 5) The taxpayer must not be the subject of a State tax related criminal investigation or prosecution.

When Am I Not Eligible?

- 1) Settlement of liability is not available if the taxpayer does not meet one of the four grounds for settlement listed above and all of the eligibility requirements.
- 2) Trust fund taxes collected, but not remitted to the OTC, can not be settled for less than the amount of tax collected.
- 3) Appointed or elected officials are not eligible to seek relief.

Making an Offer for Settlement of Tax Liability

- An Application for Settlement of Tax Liability, Packet S-I and/or Packet S-T, must be submitted to the Oklahoma Tax Commission.
- If the settlement is requested on grounds A or B, an Application for Settlement of Tax Liability must be accompanied by (1) the appropriate Statement(s) of Financial Condition for Individuals and/or Businesses, and (2) all documentation required to support the facts and figures on those forms.
- For individual taxpayers that apply for settlement on grounds A or B, proof of employment, income, commissions, fees, pensions, etc., must be provided for the taxpayer, spouse and dependants. Although the taxpayer may be the only person liable for the tax, this information is needed for equitable distribution of cost of living expenses.
- Applications submitted by individuals who are self employed or are business owners must include Statements of Financial Condition for both individuals and businesses.
- When Settlement is requested by a business, Statements of Financial Condition for Individuals may also be required of corporate officers or business partners.
- If the settlement is requested exclusively on grounds C or D, no Statements of Financial Condition is required. Additional documentation in support of the taxpayer's claim may be requested based on individual circumstances.
- The Income Tax Accounts (ITA) Division will evaluate the Application and make a recommendation to the Commission
 to accept or reject the offer. The ITA may request additional documentation to verify financial or other information
 concerning the Application. The ITA's financial investigation may require verification of financial data by visual inspection
 of records and personal interview.
- The Commission may consider additional circumstances when determining whether to enter a settlement agreement.
 These circumstances may include, but are not limited to: whether the taxpayer has made efforts in good faith to comply with the tax laws of Oklahoma; whether the taxpayer has benefited from nonpayment of the tax; and involvement of the taxpayer in economic activity from which the liability originated.
- Power of Attorney must be submitted in all cases where the taxpayers designate another individual to submit their application.

If the Settlement Application Is Accepted

The ITA Division will notify the applicant by mail if the Application is accepted. Payment of the accepted settlement offer must be made by the payment due date as indicated on the acceptance letter. Any issued and recorded tax lien subject to the accepted settlement amount will be released and mailed upon full payment of the settlement amount. Payment of the settlement amount by cash, cashier's check, money order, or charge to an approved credit card will assure faster release of the lien. **Compliance with all terms and conditions of the settlement agreement is required**.

In the event the amount abated exceeds \$25,000.00, the settlement agreement must be approved by Oklahoma County District Court. In cases that require district court approval, lien releases will not be issued until the taxpayer provides the Division with a certified copy of the Oklahoma County District Court's order approving the agreement and fulfills all requirements specified in the agreement.

If the Settlement Application Is Declined

The ITA Division will notify the applicant by mail if the application is declined. The applicant should immediately contact the Oklahoma Tax Commission to arrange payment of the entire liability. If immediate payment of the entire liability is not possible, the applicant may request an installment payment arrangement through the Collections Division of the Oklahoma Tax Commission. Oklahoma law makes no provision for appeal of a declined Application.

The Commission May Reject the Application as not Processable for any of the Following Reasons:

- (1) The applicant is not adequately identified (name, address, ID#, etc.) or required signatures are not provided.
- (2) The settlement offer includes an amount already collected or subject to refund.
- (3) The tax liability is not adequately identified.
- (4) The Application does not include a statement supporting the reason for the settlement.
- (5) Financial statements or other required documentation have not been included or are incomplete.
- (6) The Commission's records indicate noncompliance with filing of required returns.
- (7) The applicant is currently under bankruptcy court jurisdiction.
- (8) Power of Attorney Form BT-129, if required, has not been included.

Other Information Concerning Settlement of Tax Liability

- The Commission may suspend the enforcement of collection while a settlement offer is being considered. Any installment payment arrangement already in effect will be continued while the settlement offer is considered. Interest and penalty will continue to accrue on any unpaid tax debt while the settlement offer is being considered.
- Any payment made with the Application for Settlement of Tax Liability will be applied to the outstanding liability. Payments will not be refunded if the Application is declined or withdrawn.
- All information and statements provided by the applicant are subject to verification, and are submitted under oath.
- Any collection by the Commission prior to approving a Settlement Agreement or any refund to which the Commission is entitled cannot be considered part of the settlement offered.
- Timely filing of all tax returns is required while the Application is pending and during any pay-out period allowed.
- Tax liens will be released only after an Application for a Settlement is accepted and all requirements of the settlement agreement are fulfilled.
- Acceptance of an Offer in Compromise by the Internal Revenue Service does not guarantee acceptance by the State. An Application for Settlement tendered to the Commission will be reviewed and evaluated on its own merits.
- No information written in this Application shall be construed as granting any legal right to any taxpayer for the settlement of any tax liability. The decision of the Commission in denying a settlement offer shall be final and no right of appeal to any court may be taken from such decision.

Mail the completed Application along with all supporting schedules and documents to:

Oklahoma Tax Commission Oklahoma City, Oklahoma 73194

Looking for Additional Information?

No matter what the tax topic, the OTC invites you to visit us at **tax.ok.gov** to get any additional information you might need.

Still can't find what you need?

Contact our Taxpayer Resource Center at 405.521.3160.

Oklahoma Tax Commission Application for Settlement of Tax Liability 1. Applicant(s) Name and Address **Social Security Number Social Security Number FEI Number** County Daytime Phone Number (area code and number) 2. Applicant(s) Mailing Address (If different from above) 3. Applicant(s) Legal Structure Individual Proprietorship Partnership Corporation Trust/Estate Corporation Officer(s) to settle the tax liabilities listed in Section 5 below and will pay this 4. I/We agree to pay the amount of \$___ amount in the following manner: (Check One Only) Paid in full with this agreement. (Make check payable to the "Oklahoma Tax Commission") A deposit of \$ _____ is attached, the balance to be paid within 30 days from acceptance. The settlement amount will be paid in _____ monthly payments of _____. 5. Description of Tax Liabilities To Be Settled. **Account Number** Period(s) Tax Type Individual Income Tax Other (Specify) 6. Grounds for settlement: A Collection of the tax with interest and penalties would reasonably result in the taxpayer declaring bankruptcy. B The tax liability is uncollectible due to the insolvency of the taxpayer resulting from factors beyond the control of the taxpayer or other similar factors. C The tax liability is the result of actions of a person other than the taxpayer and to hold taxpayer liable for the tax liability would be inequitable.

D In case of "trust fund taxes", the applicant must show that the tax was not collected and that the applicant had a good faith belief that collection of the taxes was not required. (Trust fund taxes collected, but not remitted to the Commission, can not

be settled for less than the amount of tax collected.)

7.	If any or all of the amount offered is from a loan or gift, provide the name of the lender or donor.
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_	
Ω	If any or all of the amount offered is from a source other than a loan or gift, provide the name of the source.
0.	in any or all of the amount offered is from a source other than a foar or gift, provide the name of the source.
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_	
9.	1 If you marked Grounds A or B on page one, Item 6, or are requesting a settlement based in part on financial hardship, provide (a) a detailed explanation of the events that resulted in the tax liability, (b) why the tax was not filed and/or paid when it was due, and (c) the circumstances that presently prevent you from paying in full.
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9.	2 If you marked Grounds C or D on page one, Item 6, provide a detailed explanation of the nature of the events that resulted in the tax liability. You may also include any other information that supports your grounds for settlement.
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10. Terms and Conditions

By submitting this Application and signing below, I/we are requesting from the Oklahoma Tax Commission settlement of tax liability as authorized by 68 OS Sec. 219.1. I/we understand and agree to the Terms and Conditions of the Application for Settlement of Tax Liability as follows:

- a) I/We voluntarily submit any payment made with this Application.
- b) The Commission will apply any payment made with the Application to the oldest existing tax liabilities.
- c) If the Commission rejects the Application or if the Application is withdrawn, the Commission will treat any amount paid with the Application as payment toward the outstanding tax liability.
- d) I/We will remain in compliance with all tax return filing and payment provisions of Oklahoma Statutes while this Application is pending and during the period of any subsequent pay plan arrangement.
- e) The Application remains pending until an authorized Commission official issues notification of acceptance or rejection, or until the Application is withdrawn by me/us.
- f) I/We understand that collection activities may continue during the review process, however, the Commission may suspend its collection efforts if the interests of the State will not be compromised.
- g) Payments and refunds applied prior to receipt of the Application by the Commission cannot be considered part of the settlement offer and are not subject to refund.
- h) I/We understand that the tax owed will remain a tax liability until all the terms and conditions of the settlement agreement are met. If I/we file bankruptcy before the terms and conditions of the settlement agreement are completed, any claim the Commission files in a bankruptcy proceeding will be a tax claim.

Under penalty of perjury, I/we declare that the information contained in this Application for Settlement of Tax Liability, Attachments, and Schedules are true and correct to the best of my knowledge and belief.

Applicant's Signature	Date
Applicant's Signature	Date
0	
Power of Attorney Signature	Date

Mail to: Oklahoma Tax Commission Oklahoma City, Oklahoma 73194

Note: If settlement is requested on grounds A or B, the Statement of Financial Condition for Individuals Form OTC-600-A, located in Packet S-I, and/or Statement of Financial Condition for Businesses Form OTC-600-B, located in Packet S-T, must be completed, signed and attached along with the required supporting documentation. In all cases, additional documentation may be requested for verification of information.

Information for Completing the Statement of Financial Condition for Individuals

Income Sources

Calculating Gross Monthly Wages and Salaries:

- If paid weekly multiply weekly gross wages by 4.33
- If paid bi-weekly (every 2 weeks) multiply bi-weekly gross wages by 2.17
- If paid semi-monthly (twice each month) multiply semi-monthly gross wages by 2

Salaries, Wages, Pensions and Social Security: Enter your gross monthly totals from these income sources. Do not deduct payroll withholdings, allotments or other items you elect to take out of your pay, such as insurance payments, credit union deductions, car payments, etc.

Net Rental Income: Enter your monthly net rental income. This is the amount remaining after you pay ordinary and necessary monthly rental expenses. If your net rental income is a loss, enter "0". Do not enter a negative number.

All income amounts are to be reported at Gross Amount except Rental Income.

Monthly Expenses

Expenses Generally Not Allowed:

- Tuition for private secondary schools;
- Tuition for public or private colleges;
- Charitable contributions;
- Voluntary retirement contributions;
- Payments on unsecured debts such as credit card bills;
- Other similar discretionary expenses.

Exceptions may be granted for expenses if you can prove that they are necessary for the health and welfare of you or your family or for the production of income.

Oklahoma Tax Commission Statement of Financial Condition for Individuals

The information requested in this statement should include all household income and expense. Spouse and dependent information are required although only one person may be liable for the tax.

Section I - Personal Information							
1. Taxpayer's Name(s) and Residence Addres	2. Daytime Phone Num	e Phone Number 3. Marital Status (Check One)					
		Sin			ingle Married		
				Sep	parated Divorced		
		4. Social Security Num	ber	5. Date of E	Birth		
		Taxpayer:		Taxpayer:_			
County Do you ow	vn or rent ?	Spouse:		Spouse:			
6. Previous Address If At Current Address Le	ss Than Two Years	7. Income Tax Return II	nformation				
	A. Year of Last Filed Fed	deral Income	Tax Return				
		B. Federal Adjusted Gross Income From Last Return \$					
		C. Year of Last Filed Oklahoma Income Tax	x Return				
	Section II - Emplo	yment Information					
8. Taxpayer's Employer or Business - Name a	and Addresss	9. Employer Phone Nui	mber	10. Occupa	ation		
		11. Length of Employm	ent	12. Work Relationship			
	Mantha En			oloyee Proprietor			
		Years Months Par			er Officer		
13. Spouse's Employer or Business - Name a	14. Employer Phone Number 15. Occupation			tion			
	16. Length of Employm	nont.	17 Mork D	elationship			
	10. Length of Employin	ient		<u></u>			
	Years Month	s	Emplo				
18. Taxpayer's Part-time and Previous Emplo		19. Spouse's Part-time and Previous Employment					
Employer's Name	Employment Dates	Employe	r's Name		Employment Dates		
	То				То		
	То				То		
	То	То			То		
Section III - Dependent Information							
20. Dependent Name (Other Than Spouse)	Social Security Number	Date of Birth	Relation	onship	Monthly Income		
					\$		
					\$		
					\$		
					\$		
					\$		

Section IV - Assets									
21. Cash on Hand TOTAL (Enter also on Page 3, Item 28-A)						\$			
22. Bank or Credit Union Accounts (Checking, Savings, Certificate of Deposit, etc.)							•		
Name of Institution and Address Account Number Type of Account								Balance	
								\$	
								\$	
			•	TOTAL (Enter also on Page 3, Item 28-B)				\$	
23. Investments (Stocks, B	onds, Mutual Fi	unds, IRA, Gov	vernmer	nt Securiti	es, Money Mar	ket Funds, etc.)		-	
Туре				Issuer			Quantity or Denomination		Current Value
								\$	
								\$	
								\$	
	·				TOTAL (Enter also on Pag	e 3, Item 28-C)	\$	
24. Real Property (Persona	Residence, Va	cation or Seco	ond Hon	ne, Investi	ment Property,	Unimproved Land	, etc.)	•	
Description		A	Address	ress		Current Market Value	Amount Owed		Equity in Property
								\$	
								\$	
								\$	
					TOTAL (Enter also on Pag	e 3, Item 28-D)	\$	
25. Vehicles - Excluding Le	ased Vehicles (Including Mot	or Home	es, Campe	ers, Motorcycle	s, Boats, Trailers,	etc.)	•	
Description	Make	Model	Year		VIN Number	Current Market Value	Amount Owed		Equity in Vehicle
								\$	
								\$	
								\$	
		•		-	TOTAL (Enter also on Pag	e 3, Item 28-E)	\$	
26. Other Assets									
			Current aised Va					Ap	Current opraised Value
Notes Receivable		\$			Furniture/Per	sonal Effects		\$	
Cash Surrender Value of Life	\$	\$		Jewelry			\$		
Judgments or Settlements R	\$	\$ Til		Timber, Mineral or Drilling Rights			\$		
Vested Retirement Account	\$			Patents or Co	tents or Copyrights				
Collectibles, Antiques or Artw	\$			Other (Specify)			\$		
TOTAL (Enter also on Page 3, Item 28-F) \$									

Section V - Liabilities						
27. Liabilities (Do not include any amounts owed listed in Section IV above)						
Description	Total Amount Owed	Description		Total Amount Owed		
Notes Payable	\$	Past Due Other Taxes	\$	B		
Installment or Personal Loans	\$	Vehicle Leases	\$	\$		
Education or Student Loans	\$	Other Liabilities (specify)	\$	\$		
Bank Revolving Credit/Credit Card Debt	\$		\$	\$		
Judgements Payable	\$		\$	\$		
Past Due Federal Taxes	\$		\$	Б		
Past Due State Taxes	\$		\$	\$		
	ТОТ	AL (Enter this total on Item 29 be	low) \$	B		
	Section VI - Net Worth	n Calculation				
28. Assets						
A. Cash			\$	B		
B. Bank or Credit Union Accounts			\$	Б		
C. Investments			\$	\$		
D. Real Property			\$	\$		
E. Vehicles			\$	\$		
F. Other Assets			\$	\$		
Total Assets			\$	\$		
29. Liabilities			\$	\$		
30. Net Worth ("Total Assets" Minus "Liabilities")			\$	B		
	Section VII - Other I	nformation				
31. Are you currently in filing compliance with all Okla	☐ Ye	es No				
If "No", identify tax type and period:				_		
32. If the tax liability was incurred in the operation of	a business, has the busine	ess been discontinued?	☐ Ye	es No		
Date discontinued:						
33. Have you disposed of any assets or property by s	ale, transfer, exchange, g	ift, or in any other manner during th	ne past 1	18 months?		
If "Yes", identify:			Ye	es No		
34. Is a foreclosure proceeding pending on any real e	Ye	es No				
35. Is anyone holding any assets on your behalf?			Ye	es No		
If "Yes", identify type of assets and value:		Relationship of asset holder:	_			
36. Are you a party to any lawsuit now pending?			∐ Ye			
37. Is there a likelihood that you will receive assets or		•	Ye	es No		
If "Yes", from whom?						
38. Have you previously petitioned the Commission for	•	•	Ye	es No		
If "Yes", identify tax type and period:			Ye	es \square No		
Are you or any business that you own currently un Bankruptcy Case Number:			re	=5		
40. Do you have income sources other than your bus			Ye	es \square No		
If "Yes", from whom?						
41. Do you anticipate any increase in household inco	Ye	es No				
If "Yes", how much will the income increase? \$ _	_	-				
42. Do you have credit available on credit cards? (i.e. Visa, MasterCard) If yes, attach schedule indicating the amount available on each card.						

Form OTC-600-A (Page 4) **Section VIII - Income and Expense Analysis** 43. Monthly Household Disposable Income **Gross Monthly Income Monthly Living Expenses** Source **Taxpayer Spouse** Source **Amount** House or Rent Payment \$ Salary, Wages, Commissions and Tips \$ Self-Employment Income Income Taxes (Federal, State, FICA) \$ \$ Pensions, Disability and Social Security \$ Estimated Quarterly Tax (If Applicable) \$ \$ \$ Dividends, Interest and Investments \$ Groceries \$ Gift or Loan Proceeds Medical Expenses and Prescriptions \$ \$ Utilities: Net Rental Income Electric Gas \$ Estate, Trust and Royalty Income \$ Workers' Compensation and Unemployment Water + Phone \$ \$ Alimony and Child Support Insurance: + Health \$ Life Other (Specify) + Home \$ \$ \$ Auto \$ \$ \$ \$ \$ Court Ordered Payment Child Care \$ \$ \$ Clothing and Personal Grooming \$ Transportation Expense \$ Vehicle Loan Payment Vehicle Lease Payment \$ \$ \$ \$ Property and Ad Valorem Taxes Other (Specify) \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ Subtotal \$

Combined Monthly Income

44. Net Monthly Household Disposable Income ("Combined Monthly Income" Minus "Total Monthly Living Expenses")

\$

\$

Total Monthly Living Expenses

Oklahoma Tax Commission Oklahoma City, Oklahoma 73194

Statement of Financial Condition for Individuals

I/We have examined this Statement of Financial Condition for Individuals and hereby affirm that to the best of my/our knowledge and belief, it is true, correct and complete.

Applicant's Signature	Date
Applicant's Signature	Date
Power of Attorney Signature	Date

(Attach Form BT-129 Power of Attorney)

Oklahoma Tax Commission Application for Settlement of Tax Liability Document Checklist

An application submitted pursuant to the provisions of 68 OS Sec. 219.1 will require an in-depth analysis of your financial condition. To expedite this process, it is necessary that you provide the following additional information and documents along with your initial application.

Provide proof of gross earnings, pension, social security and other income, including statements showing deductions for the past three months.
Provide copies of federal income tax returns for three most current years, and copy of your IRS Offer-in Compromise agreement. If you filed your return electronically, you do not submit your federal return. Only provide a copy of your offer and acceptance letter from the IRS.
Provide copies of bank statements for all checking and savings accounts, personal and business, for the three most current periods.
Provide copies of statements, showing the value of your interest in all retirement accounts, pensions, and profit sharing plans for the three most current periods.
A list of all stocks, bonds, and/or other securities you own, along with the current market value for each. Provide the most current brokerage statements where available.
A statement from the insurance company for each life insurance policy showing the current cash loan value, accumulated dividends and interest, dates and amounts of policy, loans, and the amount of loan.
Statements for all mortgages of real estate you own or have interest in. Also appraisals, if any, on all real estate you own or have interest in.
Statement from lending institutions and other creditors that clearly indicates current balances owed, and payment schedules on all notes payable and/or revolving accounts.
Copies of any judgements or legal decrees, (excluding bankruptcy), for past six years.
Copies of medical bills not covered by insurance and documentation from insurance company indicating the items are not covered.
Copies of expenses including utilities, rent, insurance, property taxes for last ninety days.
A list of all your business equipment, office furniture, and other business assets, including fair market value of each item, copies of documents, etc.
A list of all accounts and loans receivable, showing the payer, amount due, age, and status of each account.

Return this document checklist with your Application For Settlement of Liability and Statement(s) of Financial Condition. For any item above that is not required, mark "NA".

Form BT-129 Revised 11-2021

Oklahoma Tax Commission Oklahoma City, Oklahoma 73194



Power of Attorney (Please Type or Print.)

Taxpayer Name and Address:	Social	Social Security/Federal Employer Identification Number(s):				
	Daytim	e Telephone Number:	Permit Number(s):			
Hereby appoints:						
Representative(s) Name and Address:		Daytime Telephone	Number:	Fax Number:		
Representative(s) Name and Address:		Daytime Telephone	Number:	Fax Number:		
Note: If you appoint an organization, firm or partnership	o, you must also name an	individual within the org	anization	to act on your behalf.		
As attorney(s)-in-fact to represent taxpayer before the 0 ments that taxpayer would be entitled to receive.	Oklahoma Tax Commissio	on (OTC) and/or acquire	any tax f	form(s) and/or docu-		
Type of Tax (Income, Sales, etc.)	State Tax Number or Description of Tax Docume	nt (Da	Year(s) or te of Death	Period(s) if Estate Tax)		
If you do not want to revoke a prior Power of Attorney, a Attach a copy of any Power of Attorney you want to	remain in effect.	fiduciary on behalf of				
Signature Title	e (If applicable)	Da	te			
Type or print your name below if signing for a taxpa	yer who is not an indivi	idual.				
Name Titl	e (If applicable)	Da	te			
Declaration of Representative Under penalties of perjury, by my signature below, I I am authorized to represent the taxpayer iden I am one of the following:		r(s) specified there; and	d			
Attorney – A member in good standing of the bar of the highest court of the jurisdiction shown below. Certified Public Accountant – Duly qualified to practice as a certified public accountant in the jurisdiction shown below. Enrolled Agent – Enrolled as an agent by the Internal Revenue Service per the requirements of IRS Circular 230. Officer – A bona fide officer of the taxpayer organization. Full-Time Employee – A full-time employee of the taxpayer. Family Member – A member of the taxpayer's immediate family. Tax Return Preparer Other						
Signature of Representative Titl	e (If applicable)		te			