

**Form AS 2801**

Rev. 03.97  
Rep. 06.15



**COMMONWEALTH OF PUERTO RICO  
DEPARTMENT OF THE TREASURY**

**ESTATE TAX RETURN OF NONRESIDENT  
OR  
UNITED STATES CITIZEN RESIDENT OF  
PUERTO RICO**

Serial Number

Case Number

Receipt Stamp

Decedent's first name and middle initial	Decedent's last name	Social Security Number

Date of death	Place of death	Citizenship (Nationality)

Residence (domicile) at time of death	Business or occupation

**FOR COLLECTOR'S USE ONLY**  
Receipt Control Number  
No. \_\_\_\_\_  
Amount: \_\_\_\_\_

**IN PUERTO RICO**

Name of executor, administrator, or person in possession of property:	Name of attorney for estate:
Address	Address
Telephone	Telephone

**OUTSIDE PUERTO RICO**

Name of executor, administrator, or person in possession of property:	Name of attorney for estate:
Address	Address
Telephone	Telephone

**Questionnaire**

	Yes	No		Yes	No
1. a. Did the decedent die testate? .....			5. Did the decedent, at the time of his death, own any property located in Puerto Rico, as a joint tenant or as a tenant by the entity with right of survivorship or with his spouse as community property? .....		
b. Were letters testamentary or administration granted for the estate? If granted to persons other than those filing the return, submit names and addresses .....					
_____			6. Did the decedent make any transfer within 3 years before his death of a value of \$1,000 or more, or any transfer during his lifetime of a value of \$5,000 or more, without an adequate and full consideration in money or money's worth, any part of which was located in Puerto Rico either at the time of transfer or at the time of the decedent's death? .....		
_____					
_____			7. Where there in existence at the time of the decedent's death any trust created by him during his lifetime, any part of the property of which was located in Puerto Rico either when the trust was created or at the time of the decedent's death? .....		
2. Did the decedent, at the time of his death, own any:					
a. Real property located in the Government of Puerto Rico? .....					
b. Stock of Puerto Rican corporations? .....					
c. Debt obligations of (1) a Puerto Rican person, or (2) the Government of Puerto Rico, or any political subdivision thereof? .....					
d. Other property located in Puerto Rico? .....					
3. Was the decedent engaged in business in Puerto Rico at the date of death? .....					
4. Did the decedent at date of death, personally or through an agent, have access to a safe deposit box in Puerto Rico? .....					
If so, indicate name of institution:					
_____					
Box Number: _____					

**SCHEDULE A - GROSSESTATE**

Item Number	Complete description of real property. Indicate land area according to title, location, property, code number and the Section of the Registry of the Property, page and book number where it is registered. Also give complete description of other properties such as stock, bond, bank accounts, etc.	Community or Separate (C or S)	Value at date of Death in United States Dollars
			\$
<b>Total Schedule A</b>			\$

**SCHEDULE B - COMPUTATION OF TAXABLE ESTATE**

1. Gross estate in the Government of Puerto Rico (Total, Schedule A) .....	\$
2. Gross estate outside the Government of Puerto Rico .....	\$
3. Total gross estate wherever located .....	\$
4. Amount of funeral expenses, administration expenses, debts of decedents, mortgages and liens, and losses during administration (attach itemized schedule) .....	\$
5. Deduction of expenses, claims, ect. (that proportion of line 4 that line 1 bears to line 3) .....	\$
line 1	
6. Exemption for \$30,000 (if qualifying for "prorated exemption", use \$30,000 or -----x \$60,000 whichever is greater) or \$10,000 for other nonresident .....	\$
line 3	
7. Total deductions (Line 5 plus line 6) .....	\$
8. Taxable estate (Line 1 less line 7) .....	\$

**COMPUTATION OF TAX FOR NONRESIDENT IN GENERAL**

1. Taxable estate (Line 8, Schedule B) .....	\$
2. Gross tax on taxable estate (For computing estate tax, use table from Sec. 4 of Act. No.167 of June 30,1968) .....	\$
3. Credit for foreign death taxes.....	\$
4. Net estate tax payable (Line 2 less line 3).....	\$

**COMPUTATION OF TAX FOR NONRESIDENT, COVERED BY SECTION 107 OF ACT NO. 167 OF JUNE 30, 1968**

1. Gross tax determined by the United States Internal Revenue Service.....	\$
2. Maximum Credit Allowable under Section 2014(b)(2) of the United States Internal Revenue Code. ....	\$
3. Net estate tax payable in Puerto Rico (Line 2) .....	\$

**Under penalties of perjury, I declare that this return, including the additional schedules attached, if any, has been examined by me, and to the best of my knowledge and belief, is a true, correct, and complete return. It is understood that a complete return requires the listing herein of all the property constituting the part of the decedent's gross estate (as defined by the statute) located in the United States.**

\_\_\_\_\_  
Signature of executive or administrator

\_\_\_\_\_  
Date

**Note to Taxpayer: If you paid a specialist to prepare your return, the specialist must sign and write his (her) registration number in the space provided.**

Specialist's signature	Registration no. 	Date	Check if self employed (Check here) <input type="checkbox"/>	Specialist's social security no. 
Specialist's name (Print letter)	Firm's name (or specialist's name if self employed)		Employer identification number 	
Address			Zip Code	

**INSTRUCTIONS FOR FILING THE ESTATE TAX RETURN OF NONRESIDENTS*****(United States citizens residents of Puerto Rico who were not born in Puerto Rico are treated as nonresidents)*****GENERAL INFORMATION**

**Time and place for filing the return** - The Estate Tax Return must be filed within 270 days following the decedent's death.

The return can be mailed to:

DEPARTMENT OF THE TREASURY  
INHERITANCE AND DONATIONS DIVISION  
PO BOX 9022503  
SAN JUAN PR 00902-2503

You can also deliver it personally at any of the Taxpayer's Service Centers: Office 211 of the Department of the Treasury at Intendente Alejandro Ramírez Building in Old San Juan; Office 410, Governmental Center, Luis A. Ferré Blvd. #2440 in Ponce; Office 108, Governmental Center, Nenadich Street #50 in Mayagüez; Office 507, Governmental Center, Goyco Street, Acosta Corner in Caguas; 2<sup>nd</sup> floor, Gutiérrez Building, Road #2, beside Hermanos Meléndez Hospital in Bayamón; Punta Borinquen Shopping Center, Bert Street, East Parade Street Intersection, Malezas Abajo Ward, Ramey Base in Aguadilla; and Building B, Office 106, 372 José A. Cedeño Ave., Governmental Center in Arecibo. If you need additional information please contact (787) 722-0216, option 4 of the directory.

Extension of time for filing the return may be granted under special situations, but in no case for more than 6 months.

**Payment of tax**-The tax is due 270 days after the date of the decedent's death and must be paid within such period unless an extension of time for payment thereof has been granted by the Secretary of the Treasury. Payment should be made by check or money order payable to the Secretary of the Treasury or in collectible United States currency at par, without any deduction for exchange or other charges.

**Penalties** - Severe penalties are provided by the Code for willful failure to make and file a return on time and for willful attempt to evade or defeat payment of tax.

**I. GENERAL**

The Government Estate Tax is imposed by the Puerto Rico Internal Revenue Code of 1994 (the Code) for all decedents dying on or after June 30, 1995. It is imposed upon the transfer of the taxable estate of the decedent and not upon the receipt of any particular legacy, devise, or distributive share.

The first step in the determination of tax liability in the case of a nonresident not a citizen of the United States, is to ascertain the entire gross estate wherever located. The second step is to determine the part of such gross estate, located in Puerto Rico, which should be set forth in Schedule A. The third step is to determine the amount of the deductions authorized, the total as indicated in Section 6 of which should be entered as line 7 of Schedule B and subtracted from the part of the gross estate located in Puerto Rico in order to arrive at the taxable estate. The fourth step is to compute the tax and any allowable credit.

Nonresident not a citizen of the United States means a decedent who, at the time of his death, was neither a resident of Puerto Rico nor a citizen of the United States. A decedent who was a citizen of the United States under Subtitle B, Chapter 11 of the United States Internal Revenue Code and a resident of Puerto Rico at the time of his death shall be considered as nonresident of Puerto Rico for the purpose of taxation under the Code.

**II. REQUIREMENT OF RETURN**

An estate tax return must be filed for the estate of a nonresident not a citizen of the United States or United States citizen resident of Puerto Rico if part of his gross estate (regardless of its value) is located in the Commonwealth of Puerto Rico at the date of his death.

If there is no executor or administrator appointed, qualified, and acting in Puerto Rico, every person in actual or constructive possession of any property of the decedent is liable for the filing of the return. If two or more

persons are liable for the filing of the return, it is preferable for all to join in the filing of one complete return, but if they are unable to join in making one complete return, each is required to file a return disclosing all the information he has in the case, including the name of every person holding an interest in the property and a full description of such property.

**III. PROPERTY LOCATED IN THE COMMONWEALTH OF PUERTO RICO**

The part of the gross estate located within the Commonwealth of Puerto Rico should be listed in Schedule A. In determining whether property is located in Puerto Rico, there shall be applied the rules established by Sections 2104 and 2105 of the United States Internal Revenue Code as amended, and applicable at the time of death of the decedent.

**IV. DESCRIPTION OF THE PROPERTY**

The description of property under Schedule A should be such that the property may be readily identified. Real property should be described according to its title, or as recorded in the corresponding Registry of Real Property, including volume and page number, and the number therein assigned to the property. Descriptions of stocks should include number of shares, whether common or preferred, and, if preferred, what issue thereof, par value, quotation at which returned, exact name of corporation, and if the stock is listed or unlisted.

Description of bonds should include number, principal amount, name of obligor, date of maturity, rate of interest, date or dates on which interest is payable, series number where there is more than one issue, the exchange upon which listed, or the principal business office of the corporation, if unlisted.

**Jointly owned property** and property held **as tenant by the entirety** should be identified as such, and the entire value and description thereof should be disclosed in Schedule A. The right to include less than the full value of the entire property for purpose of the tax must be supported by proof.

**V. DATE OF VALUATION OF PROPERTY**

All property must be valued at the fair market value as of the date of death. The Code does not provide for alternate valuation.

**VI. DEDUCTION OF ADMINISTRATION EXPENSES, CLAIMS, ETC.**

Subject to the limitations provided by the Code, deduction may be taken for the following expenses, claims, etc., that the value of the part of the gross estate, located in Puerto Rico bears to the value of the entire gross estate wherever located: (1) funeral expenses; (2) administration expenses; (3) claims against the estate; (4) unpaid mortgages and other liens; and (5) casualty losses within 270 days after the decedent's death arising from fires, storms, and earthquakes, if such losses are not compensated by insurance or otherwise.

It is immaterial whether the amounts to be deducted, were incurred or expended within or without the Government of Puerto Rico. However, no deduction whatever may be taken unless the value of the entire gross estate wherever located, as described in Section III of these instructions, is entered at line 3 of Schedule B. Adequate proof in support of line 3 and 4 of Schedule B must be submitted, otherwise, this deduction will be disallowed. For this purpose, there should be submitted a certified copy of the foreign death tax return, or, if no such return was filed, a certified copy of the inventory of the estate, together with the schedule of debts and charges, filed in conjunction with the administration proceedings of the estate or with the foreign court of probate jurisdiction. Additional proof may be required in specific cases. The total amount of expenses, claims, etc., should be entered as line 4 of Schedule B, this entry must be supported by an itemized schedule. Such schedule should show the exact nature and amount of each expense or claim as well as the name of the creditor.

Other deductions must be fully described and, if relating to particular property, the property must be identified. Death taxes, taxes on income received after death, and property taxes not accrued prior to death are not to any extent deductible. If a claim against the estate or a mortgage is founded upon a promise or agreement, the amount included in line 4 must be limited to the extent to which the liability was contracted bona fide and for an adequate and full consideration in money or money's worth. Deduction may be taken for a mortgage only if the value of the property undiminished by the amount of indebtedness secured by the mortgage is included in the entire gross estate wherever located.

## VII. EXEMPTION

- a. Estates of nonresidents not citizens of the United States are allowed an exemption of \$10,000.00.
- b. Estates of residents of Puerto Rico who are considered citizens of the United States, under Subtitle B, Chapter II of the United States Internal Revenue Code, are allowed an exemption which is the greater of (i) \$30,000.00 or (ii) that proportion of \$60,000 which the value of that part of the decedent's gross estate located in Puerto Rico bears to the value of his entire gross estate wherever located. This increased exemption will be disallowed unless the value of the entire gross estate wherever located is entered at line 3 of Schedule B and supported by adequate proof, as explained in the second paragraph of Section VI of these instructions.

## VIII. TAXATION OF AMERICAN CITIZENS

The Code provides that in the case of the estate of an American citizen, whether or not resident of Puerto Rico, who is a citizen of the United States for purposes of the United States Internal Revenue Code, the tax upon the transfer of that part of the estate, shall be equal to the amount determined under Section 2014(b)(2) of the United States Internal Revenue Code or any successor thereof.

## IX. COMPUTATION OF TAX

- a. The person filing the return for a nonresident not a citizen of the United States, and for a nonresident, citizen of the United States, who is a nonresident for purposes of the United States Internal Revenue Code, should compute the tax on the taxable estate as shown in line 8 of the return, Schedule B, in accordance with instructions for "Table for Computing Estate Tax", and should enter such amount of tax at line 2 of the return, and unless credit is claimed, also at line 4 of the return.
- b. In the case of American citizens, whether or not residents of Puerto Rico, who are citizens of the United States for purposes of the United States Internal Revenue Code, the tax is determined as indicated in Section 8 of instructions. The amount so determined should be entered on line 2, page 1 of the return, on the item entitled "Computation of Tax for Nonresidents covered by Section 107 of the Act No. 167 of June 30, 1968".

## X. SUPPLEMENTED DOCUMENT

If the decedent died testate, a certified copy of the will must be filed. In the case of closely held or inactive stocks or a corporation, there must be submitted balance sheets, particularly the one nearest the valuation date, and statements of the net earnings or operating results and dividends paid for each of the five preceding years. Any other documents, such as appraisal lists, required for an adequate explanation should be filed with the return. Other supplemental documents may be required as explained in Sections VI and VII of these instructions. An English translation should be submitted with all foreign supplemental documents.

1. Federal Estate of Nonresident or United States Citizen Resident of Puerto Rico.
2. Receipt of Payment Voucher for the amount of \$25 or money order or certified check payable to the Secretary of the Treasury.
3. Certification of property tax payments (CRIM).