Clear Form

SCHEDULE D
FORM N-20
(REV. 2004)

STATE OF HAWAII—DEPARTMENT OF TAXATION

Capital Gains and Losses

To be filed with Form N-20

2004

Name of Partnership

Federal Employer I.D. No.

Part I Short-Term Capital Gains and Losses — Assets Held 1 Year or Less

(a) Description of property (e.g., 100 shares of "Z" Co.)	(b) Date acquired (month, day, year)	(c) Date sold (month, day, year)	(d) Sales price (see Instructions)	(e) Cost or other basis (see Instructions)	(f) Gain or (loss) (column (d) minus column (e))
1					

2	Short-term capital gain from installment sales from federal Form 6252	2	
3	Short-term capital gain (loss) from like-kind exchanges from federal Form 8824	3	
4	Partnership's share of net short-term capital gain (loss), including specially allocated short-term capital gains (losses), from other partnerships, estates, and trusts	4	
5	Short-term gain from stock acquired through stock options from qualified high technology businesses	5	( )
6	**Net short-term capital gain or (loss).** Add lines 1 through 5 in column (f). Enter here and on Schedule K (Form N-20), line 4d or 7	6	

Part II Long-Term Capital Gains and Losses — Assets Held More Than 1 Year

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8	Long-term capital gain from installment sales from federal Form 6252	8	
9	Long-term capital gain (loss) from like-kind exchanges from federal Form 8824	9	
10	Partnership's share of net long-term capital gain (loss), including specially allocated long-term capital gains (losses), from other partnerships, estates, and trusts	10	
11	Capital gain distributions	11	
12	Long-term gain from stock acquired through stock options from qualified high technology businesses	12	( )
13	**Net long-term capital gain or (loss).** Add lines 7 through 12 in column (f). Enter here and on Schedule K (Form N-20), line 4e or 7	13	

General Instructions

(Section references are to the Internal Revenue Code.)

Purpose of Schedule

Use Schedule D (Form N-20) to report the sale or exchange of capital assets, except capital gains (losses) that are specially allocated to any partners.

Enter capital gains (losses) specially allocated to the partnership as a partner in other partnerships and from estates and trusts on Schedule D (Form N-20), line 4 or 10, whichever applies. Enter capital gains (losses) of the partnership that are specially allocated to partners directly on line 4d, 4e, or 7 of Schedule K and K-1 (Form N-20), whichever applies. Do not include these amounts on Schedule D. See **How Income Is Shared Among Partners** in the Instructions for Form N-20 for more information.

General Information

To report sales or exchanges of property other than capital assets, including the sale or exchange of property used in a trade or business and involuntary conversions (other than casualties and thefts) see Schedule D-1, Sales of Business Property, and related instructions. If property is involuntarily converted because of a casualty or theft, use federal Form 4684, Casualties and Thefts.

Gain and losses from section 1256 contracts and straddles are reported on federal Form 6781, Gains and Losses From Section 1256 Contracts and Straddles. If there are limited partners, see section 1256(e)(4) for the limitation on losses from hedging transactions.

An exchange of business or investment property for property of a like kind is reported on federal Form 8824, Like-Kind Exchange.

For more information, see federal Publication 544, Sales and Other Dispositions of Assets.

Note: *Effective for tax years beginning after December 31, 1999, all income earned and proceeds derived from stock options or stock, including stock issued through the exercise of stock options or warrants, from a qualified high technology business or from a holding company of a qualified high technology business by an employee, officer, or director of the qualified high technology business, or investor who qualifies for the high technology business investment tax credit is excluded from income taxes.*

Items for Special Treatment

- Bonds and other debt instruments. See federal Publication 550, Investment Income and Expenses.
- Certain real estate subdivided for sale that may be considered a capital asset. See section 1237.
- Gain on the sale of depreciable property to a more than 50% owned entity, or to a trust in which the partnership is a beneficiary, is treated as ordinary gain.
- Liquidating distributions from a corporation. See federal Publication 550 for details.
- Gain on the sale or exchange of stock in certain foreign corporations. See section 1248.
- Gain or loss on options to buy or sell, including closing transactions. See federal Publication 550 for details.
- Gain or loss from a short sale of property. See federal Publication 550 for details.
- Transfer of property to a political organization if the fair market value of the property exceeds the partnership's adjusted basis in such property. See section 84.
- Any loss on the disposition of converted wetland or highly erodible cropland that is first used for farming after March 1, 1986, is reported as a long-term capital loss on Schedule D, but any gain on such a disposition is reported as ordinary income on Schedule D-1. See section 1257 for details.
- Transfer of partnership assets and liabilities to a newly formed corporation in exchange for all of its stock. See IRS Rev. Rul. 84-111, 1984-2 C.B. 88.

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- Disposition of foreign investment in a U.S. real property interest. See section 897.
- Any loss from a sale or exchange of property between the partnership and certain related persons is not allowed, except for distributions in complete liquidation of a corporation. See sections 267 and 707(b) for details.
- Any loss from securities that are capital assets that become worthless during the year is treated as a loss from the sale or exchange of a capital asset on the last day of the tax year.
- Gain from the sale or exchange of stock in a collapsible corporation is not a capital gain. See section 341.
- Nonrecognition of gain on sale of stock to an employee stock ownership plan (ESOP) or an eligible cooperative. See section 1042 and Temporary Regulations section 1.1042-1T for rules under which the partnership may elect not to recognize gain from the sale of certain stock to an ESOP or an eligible cooperative.
- A nonbusiness bad debt must be treated as a short-term capital loss and can be deducted only in the year the debt becomes totally worthless. For each bad debt, enter the name of the debtor and "schedule attached" in column (a) of line 1 and the amount of the bad debt as a loss in column (f). Also attach a statement of facts to support each bad debt deduction.
- Any loss from a wash sale of stock or securities (including contracts or options to acquire or sell stock or securities) cannot be deducted unless the partnership is a dealer in stock or securities and the loss was sustained in a transaction made in the ordinary course of the partnership's trade or business. A wash sale occurs if the partnership acquires (by purchase or exchange), or has a contract or option to acquire, substantially identical stock or securities within 30 days before or after the date of the sale or exchange. See section 1091 for more information.
- Gain from the sale of property (other than publicly traded stock or securities) for which any payment is to be received in a tax year after the year of sale, must be reported using the installment method on federal Form 6252, Installment Sale Income, unless the partnership elects to report the entire gain in the year of sale. The partnership should also use federal Form 6252 if it received a payment this year from a sale made in an earlier year on the installment method.

  If the partnership wants to elect out of the installment method for installment gain that **is not** specially allocated among the partners, it must report the full amount of the gain on a timely filed return (including extensions).

  If the partnership wants to elect out of the installment method for installment gain that **is** specially allocated among the partners, it must do the following on a timely filed return (including extensions):

  1. For a **short-term capital gain,** report the full amount of the gain on Schedule K (Form N-20), line 4d or 7.

     For a **long-term capital gain,** report the full amount of the gain on Schedule K (Form N-20), line 4e or 7.
  2. Enter each partner's share of the full amount of the gain on Schedule K-1 (Form N-20), line 4d, 4e, or 7, whichever applies.

Constructive sales treatment for certain appreciated positions.
Generally, the partnership must recognize gain (but not loss) on the date it enters into a constructive sale of any appreciated position in stock, a partnership interest, or certain debt instruments as if the position were disposed of at fair market value on that date.

For more details, see the federal Instructions for Schedule D (Form 1065) and federal Publication 550.

Rollover of gain from qualified stock.
If the partnership sold qualified small business stock it held for more than 6 months, it may postpone gain if it purchased other qualified small business stock during the 60-day period that began on the date of the sale. The partnership must recognize gain to the extent the sale proceeds exceed the cost of the replacement stock. Reduce the basis of the replacement stock by any postponed gain.

If the partnership chooses to postpone gain, report the entire gain realized on the sale on line 1 or 7. Directly below the line on which the partnership reported the gain, enter in column (a) "Section 1045 Rollover" and enter as a (loss) in column (f) the amount of the postponed gain.

Caution: The partnership also must separately state the amount of the gain rolled over on qualified stock under section 1045 on Form N-20, Schedule K, line 7, because each partner must determine if he or she qualifies for the rollover at the partner level. Also, the partnership must separately state on that line (and not on Schedule D) any gain that would qualify for the section 1045 rollover at the partner level instead of the partnership level (because a partner was entitled to purchase replacement stock) and any gain on qualified stock that could qualify for the 50% exclusion under section 1202.

Specific Instructions

Columns (b) and (c) — Date Acquired and Date Sold

Use the trade dates for date acquired and date sold for stocks and bonds traded on an exchange or over-the-counter market.

Column (d) — Sales Price

Enter in this column either the gross sales price or the net sales price from the sale. On sales of stocks and bonds, report the gross amount as reported to the partnership by the partnership's broker on federal Form 1099-B, Proceeds From Broker and Barter Exchange Transactions, or similar statement. However, if the broker advised the partnership that gross proceeds (gross sales price) less commissions and option premiums were reported to the Department of Taxation, enter that net amount in column (d).

Column (e) — Cost or Other Basis

In general, the cost or other basis is the cost of the property plus purchase commissions and improvements and minus depreciation, amortization, and depletion. If the partnership got the property in a tax-free exchange, involuntary conversion, or wash sale of stock, it may not be able to use the actual cash cost as the basis. If the partnership does not use cash cost, attach an explanation of the basis.

When selling stock, adjust the basis by subtracting all the stock-related nontaxable distributions received before the sale. This includes nontaxable distributions from utility company stock and mutual funds. Also adjust the basis for any stock splits or stock dividends.

If a charitable contribution deduction is passed through to a partner because of a sale of property to a charitable organization, the adjusted basis for determining gain from the sale is an amount that has the same ratio to the adjusted basis as the amount realized has to the fair market value.

See section 852(f) for the treatment of certain load charges incurred in acquiring stock in a mutual fund with a reinvestment right.

If the gross sale price is reported in column (d), increase the cost or other basis by any expense of sale, such as broker's fees, commissions, or option premiums, before making an entry in column (e).

For more information, see federal Publication 551, Basis of Assets.

Column (f) — Gain or (Loss)

Make a separate entry in this column for each transaction reported on lines 1 and 7 and any other line(s) that applies to the partnership. For lines 1 and 7, subtract the amount in column (e) from the amount in column (d). Enter negative amounts in parentheses.

Lines 4 and 10 — Capital Gains and Losses From Other Partnerships, Estates, and Trusts

See the Schedule K-1 or other information supplied to you by the other partnership, estate, or trust.

Lines 5 and 12 — Short-Term and Long-Term Capital Gains From Stock Acquired Through Stock Options From Qualified High Technology Businesses

Effective for tax years beginning after December 31, 1999, all income earned and proceeds derived from stock options or stock, including stock issued through the exercise of stock options or warrants, from a qualified high technology business or from a holding company of a qualified high technology business by an employee, officer, or director of the qualified high technology business, or investor who qualifies for the high technology business investment tax credit is excluded from income taxes.

Use lines 5 and 12 to reduce the partnership's capital gain for these amounts reported on other lines of Schedule D.

Line 11 — Capital Gain Distributions

On line 11, column (f), report as capital gain distributions **(a)** capital gain dividends and **(b)** the partnership's share of undistributed capital gains from a regulated investment company or real estate investment trust (REIT). Report the partnership's share of Hawaii income taxes paid on undistributed capital gains by a regulated investment company or REIT on a statement attached to Form N-20 for Schedule K, line 29, and on Schedule K-1, line 32.