

U.S. Information Return
Creation of or Transfers to Certain Foreign Trusts

(Under section 6048 of the Internal Revenue Code)

Attach additional sheets if more space is needed.

All information must be in the English language. Show all amounts in U.S. dollars.

Name of U.S. person(s) filing return	Identifying number(s)
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Number, street, and room or suite no. (If a P.O. box, see instructions.)

City or town, state, and ZIP code

1 Title of person filing return (check applicable box)

Grantor Transferor Fiduciary of an estate in the case of testamentary trust

2 If fiduciary of an estate, give name and social security number of the decedent.

3 Name of the trust

4 Foreign country under whose laws the trust was created

5 Date trust was created

6 Name and business address of foreign trustee(s)

7 Date of transaction

8 Amount of money and value of property transferred
 \$

9 Name of beneficiary	Address of beneficiary	Date of birth (see instructions)	Identifying number (if any)
a			
b			
c			
d			
e			
f			
g			

10 Name and address of the person(s) creating the trust

11 Termination date. If no termination date, attach a statement describing the conditions that will cause the trust to terminate.

12 Is trustee required to distribute all trust income currently? **Yes** **No**
 If "No," attach a statement showing each beneficiary's **(a)** right to receive income or corpus, or both; **(b)** proportionate interest in the income or corpus, or both; and **(c)** any condition governing the time a distribution to the beneficiary may be made, such as a specific date or age. You may attach a copy of the trust instrument instead of the statement.

13 Attach a statement listing the property transferred to the foreign trust in the transaction for which this return is being filed. Include in the statement a detailed description of each item transferred, its adjusted basis and fair market value on the date transferred, and the consideration, if any, paid by the foreign trust for the property.

14 Name and address (Number and street, city, state or province, ZIP or postal code, and country) of person(s) having custody of the books of account and records of the foreign trust

15 Location of the books of account and records if different from above

Signature—Under penalties of perjury, I declare that I have examined this return, including any accompanying reports, schedules, or statements, and to the best of my knowledge and belief, it is true, correct, and complete.

Signature ►

Title (if any) ►

Date ►

Paperwork Reduction Act Notice.—We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

The time needed to complete and file the form will vary depending on individual circumstances. The estimated average time is:

- Recordkeeping** 5 hr., 44 min.
- Learning about the law or the form** 35 min.
- Preparing and sending the form to the IRS** 43 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the **Internal Revenue Service**, Attention: Tax Forms Committee, PC:FP, Washington, DC 20224. **DO NOT** send the form to this office. Instead, see **When and Where To File** on this page.

General Instructions

Section references are to the Internal Revenue Code.

Who Must File.—Any U.S. person who creates a foreign trust or directly or indirectly transfers money or property to a foreign trust must file Form 3520. However, employers and employees are not required to file if contributions are made to a foreign trust under a plan which provides employee benefits such as pension, profit-sharing, stock bonus, sickness, accident, unemployment, welfare, or a combination of benefits.

If any person is not the actual owner of the money or the property transferred but is merely acting for a U.S. person, the information must be furnished in the name of and by the actual owner of the money or property. A fiduciary of an estate must file information relating to the decedent.

Definitions.—A "U.S. person" means citizen or resident of the United States, a domestic corporation, a domestic partnership, and any estate or trust

(other than a foreign estate or trust whose income from sources outside the United States is not effectively connected with the conduct of a trade or business within the United States).

The term "transferor" means any U.S. person other than a person who is the grantor or the fiduciary who transfers money or property to or for the benefit of a foreign trust. It does not refer to a person who transfers money or property to a foreign trust under a sale or exchange made for full and adequate consideration.

When and Where To File.—Unless an extension of time to file is granted, Form 3520 must be filed by the 90th day after a U.S. person creates a foreign trust or transfers any money or property to a foreign trust. The Assistant Commissioner (International) is authorized to grant reasonable extensions of time to file Form 3520. You can request an extension of time by writing to A/C International, 950 L'Enfant Plaza South, SW, Washington, DC 20224.

File Form 3520 with the Internal Revenue Service Center, Philadelphia, PA 19255.

Identifying Number.—Individuals, enter your social security number (SSN). All others, enter your employer identification number (EIN). If the fiduciary of an estate must file **Form 1041**, U.S. Income Tax Return for Estates and Trusts, enter the EIN on the line for identifying number and the decedent's SSN on line 2 of Form 3520.

Beneficiaries.—Attach a statement listing the name, address, identifying number, if any, for each beneficiary who is named in the trust instrument or whose identity can definitely be determined at the time this form must be filed. Also, list the date of birth for each beneficiary who is a U.S. person and whose rights under the trust are determined, in whole or in part, by reference to the beneficiary's age.

Joint Returns.—Two or more persons who jointly create a foreign trust or jointly transfer money or property to a foreign trust may file a joint Form 3520 instead of filing separate Forms 3520.

Multiple Transfers.—If a U.S. person creates more than one foreign trust or transfers money or property to more than one foreign trust, a separate Form 3520 must be filed for each foreign trust. If a U.S. person transfers money or property to a foreign trust at different times, a separate Form 3520 must be filed for each reportable transfer. However, if a U.S. person makes more than one transfer to the same foreign trust during any 90-day period, he or she may elect to file one Form 3520. The form must include all of the information required for each transfer by the 90th day after the earliest transfer made during the 90-day period.

Penalties.—A penalty of 5% of the amount transferred to a foreign trust (but not more than \$1,000) is imposed by section 6677 for failure to file on time, or failure to report the required information, unless due to reasonable cause. Criminal penalties for failure to file on time and for filing a false or fraudulent return are provided by sections 7203, 7206, and 7207.

Address.—Include the room, suite, or other unit number after the street address. If the Post Office does not deliver mail to the street address and the transferor has a P.O. box, show the box number instead of the street address.

Signature.—If this form is filed by an individual (including a fiduciary of an estate or trust), it must be signed by that individual. If it is filed by a partnership, one partner must sign. If it is filed by a corporation, it must be signed by the president, vice-president, treasurer, assistant treasurer, or chief accounting officer, or by any other officer (such as a tax officer) who is authorized to sign.

Note: *Persons filing this form may be required to file **Form TD F 90-22.1**, Report of Foreign Bank and Financial Accounts, **Form 926**, Return by a U.S. Transferor of Property to a Foreign Corporation, Foreign Estate or Trust, or Foreign Partnership, and **Form 3520-A**, Annual Return of Foreign Trust with U.S. Beneficiaries.*