



2009 Ohio Form IT/SD 2210 – Interest Penalty on Underpayment of Ohio or School District Income Tax – Long Method

Include with your 2009 income tax return (see listing below).

Note: In December 2009 the Ohio Revised Code was amended to maintain 2009 income tax rates at the 2008 levels. Underpayment of tax may result because employers withheld and/or taxpayers made estimated payments at the rates that were originally enacted for 2009. If so, the interest penalty otherwise imposed by Ohio Revised Code 5747.09 will not apply. **Ohio form IT/SD 2210 has been revised to eliminate penalty if withholdings and/or estimated payments were made based on the original 2009 rates.**

Use this form in conjunction with the following Ohio income tax return (check only one appropriate box):

- IT 1040EZ or IT 1040, Individual Income Tax Return – complete Section 1 below
- IT 1040X, Amended Individual Income Tax Return – complete Section 1 below
- SD 100, School District Income Tax Return – complete Section 1 below
- SD 100X, Amended School District Income Tax Return – complete Section 1 below
- SD 100E or amended SD 100E, School District Income Tax Return (for estates) – complete Section 2 below
- IT 1041 or amended IT 1041, Fiduciary Income Tax Return – complete Section 2 below
- IT 1140 or amended IT 1140, Pass-through Entity and Trust Withholding Tax Return – complete Section 2 below
- IT 4708 or amended IT 4708, Composite Income Tax Return for Pass-Through Entity Investors Other Than C Corporations – complete Section 2 below

Use UPPERCASE letters.

Section 1

Taxpayer's first name	M.I.	Last name
<input style="width: 95%;" type="text"/>	<input style="width: 20px;" type="text"/>	<input style="width: 95%;" type="text"/>
Spouse's first name (only if married filing jointly)	M.I.	Last name
<input style="width: 95%;" type="text"/>	<input style="width: 20px;" type="text"/>	<input style="width: 95%;" type="text"/>
Taxpayer's Social Security no. (required)	Spouse's Social Security no. (only if married filing jointly)	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	

Section 2

Name of pass-through entity, trust or estate

Additional line, if necessary, for name of pass-through entity, trust or estate

Federal employer I.D. number	Social Security no. of decedent (estates)
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Total interest penalty due (from page 3, line 9)

Please include pages 1, 2 and 3 when you file your income tax return. If you use the "annualized income" method (see worksheets on pages 4-10), you must also include (i) the completed worksheet and (ii) the annualized income tax worksheet you prepared for IRS form 2210.

Federal Privacy Act Notice

Because we require you to provide us with a Social Security number, the *Federal Privacy Act of 1974* requires us to inform you that providing us with your Social Security number is mandatory. Ohio Revised Code sections 5703.05, 5703.057 and 5747.08 authorize us to request this information. We need your Social Security number in order to administer this tax.

Part I – Calculating the Required Annual Payment – Long Method

Use this form to calculate interest penalty on underpayment of taxes and to show the exceptions where no interest penalty is due. Individuals and estates subject to school district income tax should see Note 1 on page 11.

Check here if you engage in farming or fishing activities and see Note 2 on page 11.

1. 2009 Ohio income tax after all nonrefundable credits (from 2009 Ohio form IT 1040EZ, line 13; 2009 IT 1040, line 16; 2009 IT 1040X, line 14, as amended; 2008 and forward SD 100, line 8; 2009 SD 100X, line 6, as amended; 2009 SD 100E, line 3; 2009 IT 1041, line 11; 2009 IT 1140, line 1, the sum of both columns; 2009 IT 4708, line 12)1.	_____	00
2. 2009 Ohio income taxes withheld by others, refundable credits and overpayment credit carryover from 2008 (do not include estimated tax payments on this line). ¹ Note: For Ohio form IT 1140, there are no taxes withheld by others and no refundable credits other than last year's tax overpayment credited to this year.....2.	_____	00
3. Line 1 minus the amount on line 2 (if less than zero, enter -0-)3.	_____	00
Is line 3 less than or equal to \$500? <input type="checkbox"/> Yes <input type="checkbox"/> No If the answer is yes, STOP. You have no interest penalty. If the answer is no, continue to line 4.		
4. Multiply line 1 by 84% (.84) for 2009 Ohio forms IT 1040EZ, IT 1040, IT 1040X, IT 1041, IT 1140, and IT 4708. Use 90% (.90) for 2009 Ohio forms SD 100, SD 100X and SD 100E.4.	_____	00
Is line 2 greater than or equal to the amount on line 4? <input type="checkbox"/> Yes <input type="checkbox"/> No If the answer is yes, STOP; you have no interest penalty. If the answer is no, continue to line 5.		
5. 2008 income tax after all nonrefundable credits (from 2008 Ohio form IT 1040EZ, line 12; 2008 IT 1040, line 16; 2008 IT 1040X, line 14, as amended; 2008 SD 100, line 8; SD 100X, line 6, as amended; 2008 SD 100E, line 3; 2008 IT 1041, line 11; 2008 IT 1140, line 1, the sum of both columns; 2008 IT 4708, line 12)5.	_____	00
Is line 2 greater than or equal to the amount on line 5? <input type="checkbox"/> Yes <input type="checkbox"/> No If the answer is yes, STOP; you have no interest penalty. If the answer is no, continue to line 6		
6. Amount shown on line 1 above6.	_____	00
7. Statutory amount.....7.	_____ < \$500 > _____	00
8. Line 6 minus line 78.	_____	00
9. Required annual payment. Enter the smallest of lines 4, 5 or 8. Please continue to page 3, line 19.	_____	00

¹Do not include on this line any portion of the overpayment credit carryforward from 2008 to the extent that the overpayment is attributable to year 2008 income tax that you paid after April 15, 2009.

Ohio Form IT/SD 2210

Annualized Income Worksheet for Ohio Form IT 1040EZ Filers – Long Method

Note: If you annualize for one period, you **must** annualize for **all** periods. The time periods listed in each column are **cumulative**. That is, the amounts in columns B, C and D include amounts for all previous periods in the taxable year. Note that the ending dates of 5/31/09 and 8/31/09 for columns B and C do not reflect quarterly ending dates. Include a copy of (i) the IRS annual income tax worksheet and (ii) this Ohio annualized income tax worksheet.



1. Cumulative federal adjusted gross income for each period 1.
2. Additions to federal adjusted gross income2.
3. Deductions from federal adjusted gross income 3.
4. Ohio adjusted gross income for each period: each column's line 1 plus line 2 minus line 3. If less than zero, enter -0- 4.
5. Annualization factor..... 5.
6. Annualized Ohio adjusted gross income (line 4 times line 5 factor).... 6.
7. Exemptions deduction 7.
8. Annualized Ohio taxable income (line 6 minus line 7). If line 7 is more than line 6, enter -0- 8.
9. Gross tax on annualized Ohio taxable income for each period (from Income Tax Table 1 or 2 of the 2009 Ohio IT 1040 booklet) 9.
10. Exemption credit10.
11. Annualized tax after exemption credit (line 9 minus line 10). If line 10 is more than line 9, enter -0- 11.
12. Joint filing credit12.
13. Annualized tax after joint filing credit (line 11 minus line 12). If line 12 is more than line 11, enter -0-13.
14. Deannualization factor14.
15. For columns A through C, multiply line 13 by line 14. For column D, enter the amount from page 2, line 415.
16. Amount from page 2, line 1 (enter the same amount in all four columns).....16.
17. Applicable percentage.....17.
18. Line 16 times line 1718.
19. Deannualized adjustment for first \$500.....19.
20. Line 18 minus line 19. If line 19 is more than line 18, enter -0-.....20.
- 20a. Enter in columns A, B, C and D, respectively, 25%, 50%, 75% and 100% of the amount shown on page 2, line 5.....20a.
21. Enter here and in the respective columns on page 3, line 1 the smallest of lines 15, 20 or 20a21.

A	B	C	D
1/01/09 to 3/31/09	1/01/09 to 5/31/09	1/01/09 to 8/31/09	1/01/09 to 12/31/09
			N/A
-0-	-0-	-0-	
4	2.4	1.5	
21%	42%	63%	↓
25%	50%	75%	100%
\$125	\$250	\$375	\$500

Ohio Form IT/SD 2210

Annualized Income Worksheet for Ohio Form SD 100 Filers – Long Method

Note: If you annualize for one period, you **must** annualize for **all** periods. The time periods listed in each column are **cumulative**. That is, the amounts in columns B, C and D include amounts for all previous periods in the taxable year. Note that the ending dates of 5/31/09 and 8/31/09 for columns B and C do not reflect quarterly ending dates. Include a copy of (i) the IRS annual income tax worksheet and (ii) this Ohio annualized income tax worksheet.



1. Cumulative Ohio taxable income for each period. If you reside in an earned income only school district, enter on this line your cumulative school district taxable earned income for each period..... 1.
2. Part-year resident adjustment (see line 2 instructions for Ohio form SD 100). Earned income only taxpayers must leave this line blank ... 2.
3. School district taxable income for each period: each column's line 1 plus or minus line 2. If less than zero, enter -0- 3.
4. Annualization factor..... 4.
5. Annualized school district taxable income (line 3 times line 4 factor) 5.
- 5a. The decimal rate for the school district (see the 2009 Ohio SD 100 booklet)5a.
6. Gross tax on annualized school district taxable income for each period. Multiply the amount on line 5, above, by the decimal rate on line 5a..... 6.
7. If you (or your spouse if filing a joint return) reached age 65 before Jan. 1, 2010, enter the \$50 senior citizen credit in the column(s) for the period(s) in which you (or your spouse) were 65 or older7.
8. Annualized Ohio school district income tax after credits (line 6 minus line 7). If less than zero, enter -0-8.
9. Deannualization factor9.
10. For columns A through C, multiply line 8 by line 9. For column D, enter the amount from page 2, line 410.
- 10a. Amount from page 2, line 1, (enter the same amount in all four columns).....10a.
- 10b. Applicable percentage.....10b.
- 10c. Line 10a times line10b10c.
11. Deannualized adjustment for first \$500..... 11.
12. Line 10c minus line 11. If line 11 is more than line 10c, enter -0-12.
- 12a. Enter in columns A, B, C and D, respectively, 25%, 50%, 75% and 100% of the amount shown on page 2, line 5.....12a.
13. Enter here and in the respective columns on page 3, line 1 the smallest of lines 10, 12 or 12a13.

	A 1/01/09 3/31/09	B 1/01/09 5/31/09	C 1/01/09 8/31/09	D 1/01/09 12/31/09
				N/A
	4	2.4	1.5	
	.	.	.	
	22.5%	45%	67.5%	↓
	25%	50%	75%	100%
	\$125	\$250	\$375	\$500

Ohio Form IT/SD 2210

Annualized Income Worksheet for Ohio Form SD 100E Filers – Long Method

Note: If you annualize for one period, you **must** annualize for **all** periods. The time periods listed in each column are **cumulative**. That is, the amounts in columns B, C and D include amounts for all previous periods in the taxable year. Note that the ending dates of 4/30/09 and 7/31/09 for columns B and C do not reflect quarterly ending dates. Include a copy of (i) the IRS annual income tax worksheet and (ii) this Ohio annualized income tax worksheet.

The dates below are for calendar year taxpayers. So, fiscal year filers must adjust the dates below accordingly.



- 1. Cumulative Ohio taxable income for each period1.
- 2. Annualization factor.....2.
- 3. Annualized Ohio taxable income (line 1 amount times line 2 factor) ..3.
- 4a. Tax decimal rate for the school district (see Ohio form SD 100E)4a.
- 4b. Annualized tax on annualized school district taxable income for each period. Multiply the amount on line 3 above by the decimal rate on line 4a4b.
- 5. Deannualization factor5.
- 6. Multiply line 4b by the line 5 factor6.
- 7. Amount from page 2, line 1 (enter the same amount in all four columns).....7.
- 7a. Applicable percentage.....7a.
- 7b. Line 7 times line 7a7b.
- 7c. Deannualized adjustment for first \$500.....7c.
- 8. Line 7b minus line 7c. If line 7c is more than line 7b, enter -0-8.
- 8a. Enter in columns A, B, C and D, respectively, 25%, 50%, 75% and 100% of the amount shown on page 2, line 58a.
- 9. Enter here and in the respective columns on page 3, line 1 the smallest of lines 6, 8 or 8a9.

	A 1/01/09 to 2/28/09	B 1/01/09 to 4/30/09	C 1/01/09 to 7/31/09	D 1/01/09 to 11/30/09
	6	3	1.7	1.1

	22.5%	45%	67.5%	90%
	25%	50%	75%	100%
	\$125	\$250	\$375	\$500

Ohio Form IT/SD 2210

Annualized Income Worksheet for Ohio Form IT 1041 Filers – Long Method

Note: If you annualize for one period, you **must** annualize for **all** periods. The time periods listed in each column are **cumulative**. That is, the amounts in columns B, C and D include amounts for all previous periods in the taxable year. Note that the ending dates of 4/30/09 and 7/31/09 for columns B and C do not reflect quarterly ending dates. Include a copy of (i) the IRS annual income tax worksheet and (ii) this Ohio annualized income tax worksheet.

The dates below are for calendar year taxpayers. So, fiscal year filers must adjust the dates below accordingly.



- 1. Cumulative net Ohio taxable income (estates) or cumulative modified Ohio taxable income (trusts) for each period 1.
- 2. Annualization factor..... 2.
- 3. Annualized Ohio taxable income (estates) or annualized modified Ohio taxable income (trusts): Line 1 amount times line 2 factor 3.
- 4. Annualized tax on annualized Ohio taxable income (estates) or cumulative modified Ohio taxable income (trusts) for each period (see the tax table in the instruction booklet for Ohio form IT 1041)4.
- 4a. Nonrefundable credits for each period.....4a.
- 4b. Line 4 minus line 4a (if less than -0-, enter -0-).....4b.
- 5. Deannualization factor5.
- 6. Multiply line 4b by the line 5 factor6.
- 6a. Amount from page 2, line 1, (enter the same amount in all four columns).....6a.
- 6b. Applicable percentage.....6b.
- 6c. Line 6a times line 6b6c.
- 7. Deannualized adjustment for first \$500.....7.
- 8. Line 6c minus line 7. If line 7 is more than line 6c, enter -0-8.
- 8a. Enter in columns A, B, C and D, respectively, 25%, 50%, 75% and 100% of the amount shown on page 2, line 5.....8a.
- 9. Enter here and in the respective columns on page 3, line 1 the smallest of lines 6, 8 or 8a9.

A 1/01/09 to 2/28/09	B 1/01/09 to 4/30/09	C 1/01/09 to 7/31/09	D 1/01/09 to 11/30/09
6	3	1.7	1.1
21%	42%	63%	84%
25%	50%	75%	100%
\$125	\$250	\$375	\$500

Ohio Form IT/SD 2210

Annualized Income Worksheet for Ohio Form IT 1140 Filers – Long Method

Note: If you annualize for one period, you **must** annualize for **all** periods. The time periods listed in each column are **cumulative**. That is, the amounts in columns B, C and D include amounts for all previous periods in the taxable year. Note that the ending dates of 6/30/09 and 9/30/09 for columns B and C do not reflect quarterly ending dates. Include a copy of (i) the IRS annual income tax worksheet and (ii) this Ohio annualized income tax worksheet.

The dates below are for calendar year taxpayers. So, fiscal year filers must adjust the dates below accordingly.



1. Cumulative net income and gain for each period.....1.
2. Additions, including additions for related member transactions2.
3. Deductions3.
4. Adjusted distributive shares for each period: each column's line 1 plus line 2 minus line 3. If less than zero, enter -0-.....4.
5. Annualization factor.....5.
6. Annualized adjusted distributive shares (line 4 times line 5 factor).....6.
7. Apportionment ratio for each period (see instructions for Ohio form IT 1140).....7.
8. Annualized Ohio qualifying amount (line 6 times line 7 ratio)8.
9. Gross annualized tax on annualized Ohio qualifying amount for each period (to compute the tax, please see page 2, line 10 of Ohio form IT 1140)9.
10. Nonrefundable credits for the period.....10.
11. Net annualized tax (line 9 minus line 10)11.
12. Deannualization factor12.
13. For columns A through C, multiply line 11 by the line 12 factor. For column D, enter the amount from page 2, line 4.....13.
- 13a. Amount from page 2, line 1 (enter the same amount in all four columns).....13a.
- 13b. Applicable percentage.....13b.
- 13c. Line 13a times line 13b13c.
14. Deannualized adjustment for first \$500.....14.
15. Line 13c minus line 14. If line 14 is more than line 13c, enter -0-15.
- 15a. Enter in columns A, B, C and D, respectively, 25%, 50%, 75% and 100% of the amount shown on page 2, line 5.....15a.
16. Enter here and in the respective columns on page 3, line 1, the smallest of lines 13, 15 or 15a16.

A 1/01/09 to 3/31/09	B 1/01/09 to 6/30/09	C 1/01/09 to 9/30/09	D 1/01/09 to 12/31/09
			N/A
4	2	1.33	
.	.	.	
-0-	-0-	-0-	
21%	42%	63%	↓
25%	50%	75%	100%
\$125	\$250	\$375	\$500

Ohio Form IT/SD 2210

Annualized Income Worksheet for Ohio Form IT 4708 Filers – Long Method

Note: If you annualize for one period, you **must** annualize for **all** periods. The time periods listed in each column are **cumulative**. That is, the amounts in columns B, C and D include amounts for all previous periods in the taxable year. Note that the ending dates of 5/31/09 and 8/31/09 for columns B and C do not reflect quarterly ending dates. Include a copy of (i) the IRS annual income tax worksheet and (ii) this Ohio annualized income tax worksheet.

The dates below are for calendar year taxpayers. So, fiscal year filers must adjust the dates below accordingly.



1. Cumulative net income and gain for each period.....1.
2. Additions to federal adjusted gross income2.
3. Deductions3.
4. Income to be allocated and apportioned for each period: each column's line 1 plus line 2 minus line 3. If less than zero, enter -0-4.
5. Annualization factor.....5.
6. Annualized income to be allocated and apportioned (line 4 times line 5 factor)6.
7. Less: Annualized allocable income everywhere (attach explanation and supporting schedules; all income is presumed to be business income)7.
8. Annualized apportionable income (line 6 minus line 7). If line 7 is more than line 6, enter -0-.....8.
9. Apportionment ratio for each period (see instructions for Ohio form IT 4708).....9.
10. Annualized income apportioned to Ohio (line 8 times line 9 ratio)10.
11. Nonbusiness income allocated to Ohio (attach explanation and supporting schedules; all income is presumed to be business income)11.
12. Annualized Ohio taxable income (line 10 plus line 11).....12.
13. Tax rate13.
14. Annualized tax before credits (line 12 times line 13 tax rate).....14.
15. Nonrefundable business credits for each period.....15.
16. Annualized Ohio tax after credits (line 14 minus line 15). If less than zero, enter -0-.....16.
17. Deannualization factor17.
18. For columns A through C, multiply line 16 by the line 17 factor. For column D, enter the amount from page 2, line 418.
- 18a. Amount from page 2, line 1 (enter the same amount in all four columns).....18a.
- 18b. Applicable percentage.....18b.
- 18c. Line 18a times line 18b18c.
19. Deannualized adjustment for first \$500.....19.
20. Line 18c minus line 19. If line 19 is more than line 18c, enter -0-20.
- 20a. Enter in columns A, B, C and D, respectively, 25%, 50%, 75% and 100% of the amount shown on page 2, line 520a.
21. Enter here and in the respective columns on page 3, line 1 the smallest of lines 18, 20 or 20a21.

	A 1/01/09 to 3/31/09	B 1/01/09 to 5/31/09	C 1/01/09 to 8/31/09	D 1/01/09 to 12/31/09
				N/A
	4	2.4	1.5	
	.	.	.	
	6.24%	6.24%	6.24%	
	21%	42%	63%	↓
	25%	50%	75%	100%
	\$125	\$250	\$375	\$500

Notes for Part I and Part II

Note 1 (for pages 2 and 3): Some individuals may avoid the interest penalty if they combine their state income tax with their school district income tax and then determine if any of the following three circumstances applies:

- (a) The sum of (i) the taxpayer's state income tax liability for the current year (2009 Ohio form IT 1040, line 16) and (ii) the taxpayer's school district income tax liability (2009 Ohio form SD 100, line 8) minus the taxpayer's combined withholdings, refundable credits and combined overpayment credit carryovers from year 2008 is \$500 or less.
- (b) The sum of (i) the taxpayer's combined withholdings, (ii) combined refundable credits and (iii) combined overpayment credit carryovers from 2008 is equal to or greater than the sum of (i) the taxpayer's state income tax liability for the immediately preceding year (2008 Ohio form IT 1040, line 16) and (ii) the taxpayer's school district income tax liability for the immediately preceding year (2008 Ohio form SD 100, line 8).
- (c) The sum of (i) the taxpayer's combined withholdings, (ii) combined refundable credits and (iii) combined overpayment credit carryovers from 2008 is equal to or greater than the sum of 84% of the taxpayer's state income tax liability for the current year (2009 Ohio form IT 1040, line 16) and 90% of the taxpayer's school district income tax liability for the current year (2009 Ohio form SD 100, line 8).

If this note applies to you, modify this form accordingly and include with Ohio forms IT 1040 and SD 100 a copy of the modified Ohio form IT/SD 2210.

The above provisions also apply to estates. If these provisions apply to an estate, modify this form accordingly and include with Ohio forms IT 1041 and SD 100E a copy of the modified Ohio form IT/SD 2210.

Note 2 (for pages 2 and 3): Special Rule for Farmers and Fishermen

Ohio Administrative Code Rule 5703-7-04 provides two options for each taxpayer for whom at least two-thirds of gross income is from farming and fishing, as those terms are defined under U.S. Treasury regulation sections 1.6073-1(b)(2) and (3). Such taxpayers may choose either of the following two options instead of making the four estimated income tax payments:

- **Option 1** – Make no payments of estimated tax but file the yearly individual income tax return and the yearly school district income tax return and pay all tax due by the first day of the third month following the close of the taxpayer's taxable year (for calendar year taxpayers, this would be March 1 of the year immediately following the taxable year). If this date falls on a Saturday, Sunday or holiday, then the payment of tax and the filing of the income tax return are due on the first business day immediately following the first day of the third month following the close of the taxable year.
- **Option 2** – Pay all estimated tax (84% of the current taxable year's tax or 100% of the immediately preceding taxable year's

tax) by the 15th day of the first month following the close of the taxpayer's taxable year (for calendar year taxpayers, this would be Jan. 15 of the calendar year immediately following the taxable year), and file the annual individual income tax return and school district income tax return and pay all remaining tax due on or before the 15th day of the fourth month following the close of the taxpayer's taxable year (for calendar year taxpayers, this would be April 15 of the year immediately following the taxable year). If this date falls on a Saturday, Sunday or holiday, then the due date becomes the first business day immediately following such due date.

Under this second option the taxpayer has the election to extend the filing of the Ohio income tax return and the school district income tax return **if** the taxpayer has received from the IRS an extension of time to file the federal income tax return. Note that there is no extension of time to pay the taxes due. See Ohio Administrative Code Rule 5703-7-05, which addresses the imposition of interest and penalties (and safe harbors to avoid penalties) for taxpayers who fail to pay all taxes due by the unextended due date.

If the taxpayer qualifies for and chooses Option 1, enter -0- on Ohio form IT/SD 2210, page 1 and print "Option 1." Also, enter -0- on the interest penalty line on both Ohio form IT 1040 and form SD 100. When mailing Ohio form IT 1040, SD 100 or SD 100E, include page 1 of this form.

If the taxpayer qualifies for and chooses Option 2, do not complete columns A, B and C on page 3, but print "Option 2" on line 8 across columns A, B and C. Complete column D on page 3 to determine if there is any interest penalty due. Enter on page 1 of Ohio form IT/SD 2210 and on line 28 of Ohio form IT 1040 the amount shown on page 3, line 9, column D of this form. Follow the same procedures with respect to Ohio form SD 100 or SD 100E.

Note 3 (for page 3, line 3): Information release #IT-2006-01, issued March 2006, discusses how the Ohio Department of Taxation will apply married filing jointly estimated income tax payments when the spouses subsequently file married filing separately income tax returns. As a general rule, the Ohio Department of Taxation will credit to the "first spouse to file" the entire amount of such married filing jointly estimated tax payments. If the amount of such married filing jointly estimated tax payments exceeds the amount of tax, reduced by credits and withholdings, then the Ohio Department of Taxation will credit the excess to the "second spouse to file."

The "first to file" rule discussed in the information release applies only for purposes of determining either additional tax due or a tax refund and does not apply for purposes of computing interest penalty, if any, due. So, for purposes of computing the Ohio Revised Code section 5747.09 interest penalty, spouses who remit married filing jointly estimated tax payments but who file married filing separately income tax returns, may allocate in any manner those estimated payments. That is, for purposes of completing this form, the spouses need not follow the "first to file" rule set forth in the information release.

See Example 1 and Example 2 on page 12.

Example 1 for Note 3 on Page 11**Facts**

- Married filing jointly estimated taxes paid for the current taxable year are as follows:
April 15.... \$4,000
June 15... \$4,000
Sept. 15.. \$4,000
Jan. 15.... \$4,000
- W's tax (married filing separately) for the current taxable year after credits: \$10,000.
H's tax (married filing separately) for the current taxable year after credits: \$6,600.
Each taxpayer recognized the income equally over the year (so the "annualization method" is not applicable).
- W files timely, but prior to H, who also files timely. W claims estimated tax payment of \$10,000; W owes no tax. H claims estimated tax payments of \$6,000; H owes (and timely pays) \$600 tax.

Analysis

According to the information release, **for purposes of determining tax due and refunds** the Ohio Department of Taxation will allocate the payments as follows:

Date Paid	Amount Allocated to W	Amount Allocated to H
April 15	\$ 4,000	\$ 0
June 15	\$ 4,000	\$ 0
Sept. 15	\$ 2,000	\$ 2,000
Jan. 15	\$ 0	\$ 4,000
Total	\$10,000	\$ 6,000

Note that the Ohio Department of Taxation allocates to the "first to file married filing separately" taxpayer all married filing jointly estimated tax payments. If, after such allocation, the married filing jointly estimated tax payments exceed the tax due by the "first to file married filing separately" taxpayer, the department will then allocate to the "second to file married filing separately" taxpayer the excess married filing jointly estimated tax payments.

However, **for purposes of determining interest penalty due**, W and H may allocate in any manner the married filing jointly estimated tax payments. As such, to avoid interest penalty, W and H may allocate the married filing jointly payments as follows:

Date Paid	Amount Allocated to W	Amount Allocated to H
April 15	\$ 2,500	\$ 1,500
June 15	\$ 2,500	\$ 1,500
Sept. 15	\$ 2,500	\$ 1,500
Jan. 15	\$ 2,500	\$ 1,500
Total	\$10,000	\$ 6,000

By allocating the married filing jointly estimated tax payments in the manner shown above, neither W nor H will owe any interest penalty since each taxpayer will be deemed to have timely paid sufficient estimated tax (at least 90% of the tax for the current taxable year).

Example 2 for Note 3 on Page 11**Facts**

- Married filing jointly estimated taxes paid for the current taxable year are as follows:
April 15.... \$4,000
June 15... \$4,000
Sept. 15.. \$4,000
Jan. 15.... \$4,000
- For the previous taxable year W's married filing separately tax liability was \$1,000, and H's married filing separately tax liability was \$15,000.
- W's tax (married filing separately) for the current taxable year after credits: \$17,000
H's tax (married filing separately) for the current taxable year after credits: \$3,000
Each taxpayer recognized the income equally over the current taxable year (so the "annualization method" is not applicable).
- W's married filing separately tax return claims the entire \$16,000 of married filing jointly estimated tax payments. W timely pays \$1,000 shown to be the balance due. H's married filing separately return claims none of the married filing jointly estimated tax payments. H timely pays the \$3,000 shown to be the balance due. W timely files before H, who also timely files.

Analysis

According to the information release, **for purposes of determining tax due and refunds**, the Ohio Department of Taxation will allocate the payments as follows:

Date Paid	Amount Allocated to W	Amount Allocated to H
April 15	\$ 4,000	\$ 0
June 15	\$ 4,000	\$ 0
Sept. 15	\$ 4,000	\$ 0
Jan. 15	\$ 4,000	\$ 0
Total	\$16,000	\$ 0

Note that the Ohio Department of Taxation allocates to the “first to file married filing separately” taxpayer all married filing jointly estimated tax payments. If, after such allocation, the married filing jointly estimated tax payments exceed the tax due by the “first to file married filing separately” taxpayer, the department will then allocate to the “second to file married filing separately” taxpayer the excess married filing jointly estimated tax payments.

In this example, W’s tax before application of estimated tax payments is greater than the allocated amounts. So for purposes of determining the tax due or a refund due, H, the “second to file married filing separately” taxpayer cannot claim any portion of the estimated tax payments.

However, **for purposes of determining interest penalty due**, W and H may allocate in any manner the married filing jointly estimated tax payments. As such, to avoid interest penalty, W and H may allocate the married filing jointly payments as follows:

Date Paid	Amount Allocated to W	Amount Allocated to H
April 15	\$ 250	\$ 3,750
June 15	\$ 250	\$ 3,750
Sept. 15	\$ 250	\$ 3,750
Jan. 15	\$ 250	\$ 3,750
Total \$	1,000	\$15,000

By allocating the married filing jointly estimated tax payments in the manner shown above, neither W nor H will owe any interest penalty since each taxpayer will be deemed to have timely paid sufficient estimated tax (at least 100% of the tax for the previous taxable year).

Note 4 for Page 3, Line 7

The listed ratios on page 3, line 7 are based upon the statutory interest rate (5% for 2009 and 4% for 2010) and the time during which the estimated payment was late. The **general formula** for computing the ratio is: ratio = interest rate X numbers of days the payment is late/365.* The listed ratios are computed from the payment due date at the top of each column to the following payment due date and apply **only if** the taxpayer either (i) never made the estimated payment or (ii) made full payment on or after the next payment due date.

Example 1 – No payment made. Assume that the underpayment shown on page 3, line 6 for the 4/15/09 due date is \$1,000. Also assume that the taxpayer made no estimated payment during the period 4/15/09 through 6/15/09. The taxpayer will compute interest penalty for the period 4/15/09 through 6/15/09 by multiplying the underpayment shown on line 6, column A by the ratio (.008356) shown on line 7, column A:

Interest penalty = \$1,000 X .008356 = \$8.36 to line 8, column A

.008356 = .05 X 61/365. There are 61 days from April 15 until June 15.

Note: If the taxpayer made a full or a partial payment of the required estimated payment after the payment due date, but before the next payment date, ignore the ratio on page 3, line 7 and calculate the line 8 interest penalty using the following formula:

Interest penalty = underpayment X interest rate X number of days late/365.* See Example 2, below, and Example 3, at right.

Example 2 – Full payment made after the due date but before the next due date. Assume that the underpayment on page 3, line 6 for the 4/15/09 due date is \$1,000. Also assume that the taxpayer paid this full amount on 5/15/09. The taxpayer should ignore the ratio on line 7 and compute the rate for the late payment as follows:

Step 1 – Determine the number of days from the date the payment was due (4/15/09) to the date the payment was made (5/15/09): 4/15/09 to 5/15/09 = 30 days.

Step 2 – Calculate the ratio by using the following formula:

Ratio = interest rate X number of days late/365*
Ratio = .05 X 30/365 = .00411

The taxpayer would enter the recomputed ratio (.00411) on page 3, line 7, and then compute the interest penalty (page 3, line 8, column A) for the period 4/15/09 through 5/15/09 by multiplying

*For leap years use 366 days instead of 365 days.

the underpayment by the recomputed ratio. Line 8, column A would show \$4.11 (include detailed calculations).

This method applies **only** if the taxpayer made **full** payment of the required estimated payment after the due date but before the next payment due date. If the taxpayer made a **partial** payment after the due date but before the next payment due date, see Example 3, below.

Example 3 – Partial payment made after the due date but before the next due date. Assume that the underpayment shown on page 3, line 6 for the 4/15/09 due date is \$1,000. Also assume that the taxpayer paid \$600 of this amount on 5/15/09. The taxpayer would ignore the ratio on page 3, line 7 and would compute the line 8 interest penalty on the underpayment for the periods both before and after the partial payment as follows:

Step 1 – Determine the number of days from the date the payment was due (4/15/09) to the date the payment was made (5/15/09): 4/15/09 to 5/15/09 = 30 days.

Step 2 – Using the following formula, calculate the interest penalty for that period:

Interest penalty = underpayment X interest rate X number of days late/365*

Interest penalty for 4/15/09 to 5/15/09 = \$1,000 X .05 X 30/365 = \$4.11

Step 3 – Determine the number of days from the payment date (5/15/09) to the next required due date (6/15/09): 5/15/09 to 6/15/09 = 31 days.

Step 4 – Using the following formula, calculate the interest penalty on the \$400 underpayment (\$1,000 minus \$600) for the 31-day period from 5/15/09 to 6/15/09:

Interest penalty = underpayment X interest rate X number of days late/365*

Interest penalty for 5/15/09 to 6/15/09 = \$400 X .05 X 31/365* = \$1.70

Step 5 – Add the amounts determined in Steps 2 and 4: \$4.11 + \$1.70 = \$5.81. The taxpayer would (i) cross out the ratio on line 7, column A, page 3, (ii) enter \$5.81 on page 3, line 8, column A, and (iii) include detailed calculations.