



Amended Nebraska Individual Income Tax Return

FORM 1040XN

2010

Taxable Year of Original Return beginning _____, _____ and ending _____, _____

Please Type or Print

| | | | | | |
|---|--|-----------|----------|-----------------------------------|---------------------------------|
| Your First Name and Initial | | Last Name | | PLEASE DO NOT WRITE IN THIS SPACE | |
| If a Joint Return, Spouse's First Name and Initial | | Last Name | | | |
| Current Mailing Address (Number and Street or PO Box) | | | | | |
| City, Town, or Post Office | | State | Zip Code | Your Social Security Number | Spouse's Social Security Number |

- (1) Farmer/Rancher (3) Deceased Taxpayers (First Names and Dates of Death) _____
- (2) Active Military _____

Are you filing this amended return because:

a. The Nebraska Department of Revenue has notified you that your return will be audited? YES NO

b. The Internal Revenue Service has corrected your federal return? YES NO

If Yes, identify office: _____

Attach a copy of changes from the Internal Revenue Service.

Are you filing for a refund based on:

a. The filing of a federal amended return or claim for refund? YES NO
Attach copies of Federal Form 1045 or 1040X and supporting schedules.

b. Carryback of a net operating loss or IRC § 1256 loss? YES NO
If Yes, year of loss: _____ Amount: \$ _____

Attach copies of Federal Form 1045 or 1040X with supporting schedules, and a completed Nebraska NOL Worksheet.

| 1 FEDERAL FILING STATUS (check only one for each return): | | 2 CHECK IF (on federal return): | | Original | Amended | 3 TYPE OF RETURN FILED (check only one for each return): | |
|---|--|---|--------------------------|--------------------------|---------|--|--|
| | | | | | | | |
| (1) Single | <input type="checkbox"/> Original <input type="checkbox"/> Amended | (1) You were 65 or over | <input type="checkbox"/> | <input type="checkbox"/> | | (1) Resident | <input type="checkbox"/> Original <input type="checkbox"/> Amended |
| (2) Married, filing jointly | <input type="checkbox"/> | (2) You were blind | <input type="checkbox"/> | <input type="checkbox"/> | | (2) Partial-year resident | <input type="checkbox"/> |
| (3) Married, filing separately Spouse's SSN: _____ | <input type="checkbox"/> | (3) Spouse was 65 or over | <input type="checkbox"/> | <input type="checkbox"/> | | from _____ / _____ / _____ | <input type="checkbox"/> |
| (4) Head of household | <input type="checkbox"/> | (4) Spouse was blind | <input type="checkbox"/> | <input type="checkbox"/> | | to _____ / _____ / _____ | <input type="checkbox"/> |
| (5) Widow(er) with dependent child(ren) | <input type="checkbox"/> | (5) You or your spouse can be claimed as a dependent on another person's return | <input type="checkbox"/> | <input type="checkbox"/> | | (3) Nonresident | <input type="checkbox"/> |

4 Federal exemptions (correct number of exemptions claimed on your federal return) 4

| Computation of Tax | Correct Amount |
|---|----------------|
| 5 Federal adjusted gross income (AGI) | 5 |
| 6 Nebraska standard deduction (see Form 1040N instructions) | 6 |
| 7 Total itemized deductions (see instructions) | 7 |
| 8 State and local income tax included in line 7 | 8 |
| 9 Nebraska itemized deductions (line 7 minus line 8) | 9 |
| 10 Amount from line 6 or line 9, whichever is greater | 10 |
| 11 Nebraska income before adjustments (line 5 minus line 10) | 11 |
| 12 Adjustments increasing federal AGI (from line 47 of Nebraska Schedule I) | 12 |
| 13 Adjustments decreasing federal AGI (from line 57 of Nebraska Schedule I) | 13 |
| 14 Nebraska Tax Table income (line 11 plus line 12 minus line 13) | 14 |
| 15 Nebraska income tax | 15 |
| 16 Nebraska minimum or other tax | 16 |
| 17 Total Nebraska income tax (line 15 plus line 16) | 17 |

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www.revenue.ne.gov, (800) 742-7474 (NE and IA), (402) 471-5729

| Computation of Tax | Correct Amount |
|---|----------------|
| 18 Amount from line 17 | 18 |
| 19 Nebraska personal exemption credit (\$118 x the number of exemptions on line 4) | 19 |
| 20 Credit for tax paid to another state | 20 |
| 21 Credit for the elderly or the disabled | 21 |
| 22 CDAA credit | 22 |
| 23 Form 3800N nonrefundable credit. | 23 |
| 24 Nebraska child/dependent care nonrefundable credit | 24 |
| 25 Credit for financial institution tax | 25 |
| 26 Total nonrefundable credits (total of lines 19 through 25) | 26 |
| 27 Nebraska tax after nonrefundable credits. Line 18 minus line 26 (if less than zero, enter -0-) (see instructions) | 27 |
| 28 Nebraska income tax withheld | 28 |
| 29 Estimated tax payments. | 29 |
| 30 Form 3800N refundable credit. | 30 |
| 31 Nebraska child/dependent care refundable credit. | 31 |
| 32 Beginning Farmer credit. | 32 |
| 33 Nebraska earned income credit. Number of qualifying children 97 <input type="text"/> . Federal credit 98 <input type="text"/> x .10 (10%). Enter the result in line 33. Partial-year residents should complete lines 74 and 75 | 33 |
| 34 Amount paid with original return, plus additional tax payments made after it was filed | 34 |
| 35 Total payments (add lines 28 through 34) | 35 |
| 36 Overpayment allowed on original return, plus additional overpayments of tax allowed after it was filed | 36 |
| 37 Line 35 minus line 36 | 37 |
| 38 Penalty for underpayment of estimated tax | 38 |
| 39 Total tax and penalty for underpayment of estimated tax. (total of lines 27 and 38) | 39 |
| 40 Use tax reported on line 37 of Form 1040N. | 40 |
| 41 TOTAL AMOUNT DUE. If line 39 is greater than line 37 minus line 40, subtract the result of line 37 minus line 40 from line 39. Otherwise, skip to line 45 | 41 |
| 42 Penalty (see instructions) | 42 |
| 43 Interest (see instructions) | 43 |
| 44 Total BALANCE DUE (total of lines 41 through 43). Pay in full with this return | 44 |
| 45 REFUND to be received (If line 39 is less than line 37 minus line 40, subtract line 39 from the result of line 37 minus line 40). (Allow three months for your refund) | 45 |

Explanation of Changes

• Attach additional sheets or schedules if necessary. • Reference net change and line number.

Expecting a Refund? Have it sent directly to your bank account!

46a Routing Number **46b** Type of Account Checking Savings

(Enter 9 digits. First two digits must be 01 through 12, or 21 through 32.
Use an actual check or savings account number, not a deposit slip.)

46c Account Number

(Can be up to 17 characters. Omit hyphens, spaces, and special symbols. Enter from left to right and leave any unused boxes blank.)



46d Check this box if this refund will go to a bank account outside the United States.

Under penalties of perjury, I declare that, as taxpayer or preparer, I have examined this return and to the best of my knowledge and belief, it is correct and complete.

sign here Your Signature Date E-Mail Address

paid preparer's use only Spouse's Signature (if filing jointly, **both** must sign) Daytime Phone

Preparer's Signature Date Preparer's PTIN E-Mail Address



NEBRASKA SCHEDULE I—Nebraska Adjustments to Income
NEBRASKA SCHEDULE II—Credit for Tax Paid to Another State
NEBRASKA SCHEDULE III—Computation of Nebraska Tax

FORM 1040XN
Schedules
I, II, and III
2010

Name as Shown on Form 1040XN

Social Security Number

Nebraska Schedule I—Nebraska Adjustments to Income
for Nebraska Residents, Nonresidents, and Partial-Year Residents

PART A—Adjustments Increasing Federal Adjusted Gross Income

| | Correct Amount |
|--|----------------|
| 47 Total adjustments increasing income (include interest from non-Nebraska state and local obligations). Enter here and on line 12 of Form 1040XN. List the items being changed _____ | 47 |

PART B—Adjustments Decreasing Federal Adjusted Gross Income

| | | |
|---|-----------|--|
| 48 State income tax refund deduction..... | 48 | |
| 49 Interest or dividend income from U.S. obligations | 49 | |
| 50 Tier I and/or II benefits paid by the Railroad Retirement Board | 50 | |
| 51 Special capital gains/extraordinary dividends deduction (see instructions) | 51 | |
| 52 Nebraska College Savings Program | 52 | |
| 53 Bonus depreciation subtraction (see instructions) | 53 | |
| 54 Enhanced section 179 subtraction (see instructions)..... | 54 | |
| 55 Nebraska Long-Term Care Savings Plan | 55 | |
| 56 Other adjustments decreasing income (see instructions). List items being changed. _____ | 56 | |
| 57 Total adjustments decreasing income (add lines 48 through 56). Enter here and on line 13, Form 1040XN | 57 | |

Nebraska Schedule II—Credit for Tax Paid to Another State for Full-Year Residents Only

• If line 59 or 61 is amended, a copy of the return filed with another state must be attached.

| | Correct Amount |
|---|----------------|
| 58 Total Nebraska income tax (line 17, Form 1040XN) | 58 |
| 59 Adjusted gross income (AGI) from another state (do not enter amount of taxable income from the other state) | 59 |
| 60 Calculated tax credit: $\frac{\text{Line 59}}{\text{Line 5} + \text{Line 12} - \text{Line 13}} = \frac{\boxed{}}{} = \boxed{} \times \text{Line 58} \boxed{} =$ | 60 |
| 61 Tax due and paid to another state (do not enter amount withheld for the other state)..... | 61 |
| 62 Maximum tax credit (line 58, 60, or 61, whichever is least). Enter amount here and on line 20, Form 1040XN . | 62 |

Nebraska Schedule III—Computation of Nebraska Tax

• Nonresidents and partial-year residents complete lines 63 through 75 below.

| | Correct Amount |
|--|---|
| 63 Income derived from Nebraska sources | 63 |
| 64 Adjustments as applied to Nebraska income. Refer to Form 1040N instructions and list the items being changed _____ | 64 |
| 65 Nebraska AGI (line 63 minus line 64)..... | 65 |
| 66 Ratio – Nebraska’s share of the total income (round to four decimal places): $\frac{\text{Line 65}}{\text{Line 5} + \text{Line 12} - \text{Line 13}} = \frac{\boxed{}}{} =$ | 66 . <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> |
| 67 Nebraska tax table income (from line 14, Form 1040XN) | 67 |
| 68 Nebraska total income tax (see instructions): \$ _____, minus credits: \$ _____ . Enter difference here | 68 |
| 69 Enter personal exemption credit (if any) | 69 |
| 70 Difference (line 68 minus line 69) (if less than zero, enter -0-)..... | 70 |
| 71 Nebraska share of line 70 (multiply line 70 by line 66 ratio). Enter here and on line 15, Form 1040XN | 71 |
| 72 Nebraska minimum and other taxes (see instructions) | 72 |
| 73 Nebraska share of line 72. Subtract any unused personal exemption credit from line 69. Multiply the result by the line 66 ratio. Enter here and on line 16, Form 1040XN. | 73 |
| 74 Earned income credit (Partial-year residents only) Number of qualifying children <input type="text"/> . Federal earned income credit <input type="text"/> x .10 (10%) | 74 |
| 75 Partial-year residents, multiply line 74 by line 66 ratio. Enter here and on line 33, Form 1040XN | 75 |

AMENDED NEBRASKA INDIVIDUAL INCOME TAX RETURN for Tax Year 2010

This Form 1040XN can **only** be used when amending tax year 2010.
Do not use Form 1040XN to change the amount of use tax reported. (See instructions for line 40 below)

INSTRUCTIONS

WHEN TO FILE AN AMENDED NEBRASKA INDIVIDUAL INCOME TAX RETURN.

- Form 1040XN is filed when:
- The 2010 federal tax return, or another state's 2010 tax return, is amended or corrected; or
 - The information on the 2010 Nebraska income tax return that was previously filed is not correct.

Form 1040XN may only be filed after an original Nebraska return has been e-filed, or paper-filed using Form 1040N.

The amended return must be filed within 60 days after filing an amended federal return, or after an Internal Revenue Service (IRS) correction becomes final. A correction is final, even though the taxpayer and the IRS are still contesting the amount due, when one or more of the following has occurred:

1. The taxpayer has paid the tax;
2. The taxpayer has accepted the examining officer's findings;
3. The IRS has approved a closing argument; or
4. A court decision has become final.

An amended return reporting a change or correction to another state's return must also be filed within 60 days after the amended return is filed with the other state, or the correction becomes final.

To establish timeliness of the refund claim, attach copies of:

- The federal claim for refund;
- The IRS audit determination; or
- The amended federal or state return.

FILING 1040XN TO CLAIM A REFUND.

- Except as otherwise noted:
- When claiming a refund, Form 1040XN must be filed
 - ✓ Within three years of the due date, extended due date, or when the original return was filed; or
 - ✓ Within two years from the time the tax was paid; whichever is later.
 - Form 1040XN must be filed to claim a refund resulting from a federal or state change within two years and 60 days following the final determination of the change (but not more than 10 years from the due date of the original return in the case of a change made by another state).

A hearing may be requested when filing for a refund on Form 1040XN by writing the request in the Explanation of Changes section of the form.

PROTECTIVE CLAIM. A Nebraska amended return filed as a protective claim is not required when a federal amended return has been filed as a protective claim. The payment of a refund by the IRS on a protective claim is a federal change that must be reported within 60 days of the refund.

NEBRASKA NET OPERATING LOSS. When carrying back a Nebraska net operating loss, you must attach a copy of the completed [Nebraska Net Operating Loss Worksheet, Form NOL](#), and a copy of either Federal Form 1045 or Form 1040X and all supporting schedules. Any federal NOL deduction is entered on line 47 of Schedule I, Form 1040XN, and the amount of the Nebraska NOL deduction is entered on line 56 of Schedule I.

AMENDING AN E-FILED RETURN. E-filed returns are amended by filing a paper Form 1040XN. Amounts and other information needed for completing the amended return should be available on saved or printed copies of the original 1040N return. If help is needed in completing the amended return, contact Taxpayer Assistance (see Department contact information).

TAXPAYER ASSISTANCE. Taxpayer assistance is available at the Nebraska Department of Revenue (Department) offices in Lincoln and Omaha from 8 a.m. to 5 p.m., Monday through Friday.

Office addresses and phone numbers are shown on page 4 of these instructions. Office hours at the Scottsbluff, North Platte, and Norfolk offices are 8 a.m. to Noon, Monday through Friday, and appointments may be scheduled upon request.

CONFIDENTIAL TAX INFORMATION. Confidential tax information will be released only by a return telephone call, after the caller's identity has been established. A representative of a taxpayer requesting confidential tax information must have a [Power of Attorney, Form 33](#), on file with the Department before any information will be released. An income tax return signed by the preparer is considered a limited power of attorney authorizing the Department to release only the information contained on that tax return to the tax preparer.

SPECIFIC INSTRUCTIONS

LINE 1, FEDERAL FILING STATUS. The Nebraska filing status can only be changed when the federal filing status has been changed. An exception is made when a married, filing jointly federal return was filed and the residences of the spouses are different.

Spouses' residences are different when, during all or some part of the year, one spouse is a Nebraska resident and the other spouse is a nonresident at the same time. A couple with different residences may file original returns with Nebraska on either a married, filing jointly basis or a married, filing separately basis.

A couple who has filed separate Nebraska returns may elect, either before or after the original return is due, to file a married, filing jointly return with Nebraska. They are then taxed as though both were Nebraska residents during the time either was a resident.

A couple with different residences who originally filed a married, filing jointly Nebraska return and wish to amend to married, filing separately returns must satisfy the following conditions:

1. Both spouses must file a separate Nebraska return with a "married, filing separately" status.
 - The spouse whose Social Security number was listed first on the original return must file a Form 1040XN.
 - The spouse whose Social Security number was listed as the spouse on the original return must file a Nebraska Individual Income Tax Return, Form 1040N.
2. A copy of the actual federal married, filing jointly return and copies of federal returns recalculated on a married, filing separately basis must be attached to each of the spouse's returns.
3. Each Nebraska return as required in "1" above, must include the full name and Social Security number of the other spouse.
4. Both spouses must sign each Nebraska return as required in "1".

LINE 2. Check the appropriate boxes if you or your spouse:

- Were 65 or over during the tax year;
- Were blind; or
- Could be claimed as a dependent on another person's return.

LINE 3, TYPE OF RETURN BEING FILED. Residency is determined by using Form 1040N instructions and the information guide, [Determining Residency Status for Nebraska](#). Military servicemembers can refer to the [Nebraska Income Tax for Military Servicemembers and Civilians Working with U.S. Forces in Combat Zones](#) information guide on the Department's website.

LINE 5, FEDERAL AGI. Enter adjusted gross income (AGI) from your federal return.

LINE 6, NEBRASKA STANDARD DEDUCTION. Nebraska has its own standard deduction. See [Form 1040N instructions](#) for more information.

LINES 7 THROUGH 9. Only taxpayers who itemized deductions federally should complete these lines. If federal itemized deductions are limited, see Form 1040N instructions. Enter the amount from the worksheet on line 7. Nebraska itemized deductions (line 9) are calculated by subtracting line 8 from line 7 (the result should not be less than -0-). If the result on line 9 is less than the amount of the standard deduction you were entitled to on line 6, then enter the line 6 amount on line 10.

LINE 10. Enter the larger of line 6 or line 9. **NOTE:** You can only itemize deductions on the Nebraska return if you itemize deductions on the federal return.

LINE 12, ADJUSTMENTS INCREASING FEDERAL AGI. Enter the amount from line 47, Schedule 1, Form 1040XN.

LINE 13, ADJUSTMENTS DECREASING FEDERAL AGI. Enter amount from line 57, Schedule 1, Form 1040XN. **Complete Schedule I to change the state income tax refund deduction, even if Schedule I was not filed with your original return.**

LINE 15, NEBRASKA INCOME TAX. Use the [Nebraska Tax Table](#) and [Additional Tax Rate Schedule](#) to determine the Nebraska income tax. Nonresidents and partial-year residents must complete Schedule III.

LINE 16, NEBRASKA MINIMUM OR OTHER TAX. Use the following worksheet to calculate the amount of Nebraska minimum or other tax, line 16.

| NEBRASKA MINIMUM OR OTHER TAX WORKSHEET | |
|---|----------|
| 1. Alternative minimum tax, amount on Federal Form 6251 recalculated for Nebraska in accordance with Neb. Rev. Rul. 22-10-2 | \$ _____ |
| 2. Tax on lump-sum distributions (enter federal tax amount from Federal Form 4972)..... | _____ |
| 3. Tax on early distributions from an IRA or qualified retirement plan (enter federal tax amount)..... | _____ |
| 4. SUBTOTAL (add lines 1 through 3) | _____ |
| 5. TOTAL (line 4 multiplied by .296)..... | \$ _____ |

ENTER THIS TOTAL ON LINE 16, FORM 1040XN.
Nonresidents and partial-year residents should enter this result on line 72, Nebraska Schedule III, Form 1040XN.

Attach a copy of your Federal Form 4972, Form 5329 (Form 1040 if Form 5329 is not required), or Form 6251 recalculated for Nebraska if you are amending the tax previously reported.

LINE 17, TOTAL NEBRASKA INCOME TAX. Enter the sum of lines 15 and 16. If line 17 is changed, and you had previously claimed a credit for tax paid to another state, enter the revised tax amount on line 58 of Form 1040XN, Schedule II, and complete the rest of the schedule.

LINE 19, NEBRASKA PERSONAL EXEMPTION CREDIT. Nebraska resident individuals are allowed a personal exemption credit for each federal personal exemption. The amount is \$118 for 2010.

Nonresidents and partial-year residents must claim the personal exemption credit on line 69, Schedule III.

LINE 20, CREDIT FOR TAX PAID TO ANOTHER STATE. If line 17 is changed, complete Schedule II of Form 1040XN to determine the amount to enter on line 20. If the other state's return is amended or changed by the other state, file Form 1040XN including Schedule II to report the change. Explain any change in detail in the Explanation of Changes section. Attach a copy of the other state's corrected return.

See Schedule II instructions on page 4 of these instructions for additional information.

LINE 21, CREDIT FOR THE ELDERLY OR THE DISABLED. Nebraska residents are allowed a nonrefundable credit equal to 100% of the allowable federal credit. Full-year residents should enter the credit on line 21, and partial-year residents should include the credit on line 68, Schedule III. If you are correcting this credit, the change must be explained in detail in the Explanation of Changes section. Attach a copy of the corrected Federal Schedule R.

LINE 22, COMMUNITY DEVELOPMENT ASSISTANCE ACT (CDA) CREDIT. Individuals are allowed a credit for contributions made to a community betterment organization approved by the Department of Economic Development.

Attach the [Nebraska Community Development Assistance Act Credit Computation, Form CDN](#), to the Form 1040XN if this credit is being claimed or amended.

LINE 23, FORM 3800N NONREFUNDABLE CREDIT. If you are correcting the amount of Nebraska Employment and Investment Credit, copies of the original and corrected credit computations (Form 3800N) must be attached.

LINE 24, NEBRASKA CHILD/DEPENDENT CARE CREDIT. Nebraska residents and partial-year residents with AGI of more than \$29,000 are allowed a nonrefundable credit equal to 25% of the allowable federal credit. Full-year residents should enter the credit on line 24, and partial-year residents should include the credit on line 68, Schedule III. If correcting this credit, the change must be explained in detail in the Explanation of Changes section.

LINE 25, CREDIT FOR FINANCIAL INSTITUTION TAX. Attach supporting documentation if this credit is changed.

LINE 27, NEBRASKA TAX AFTER NONREFUNDABLE CREDITS. If the result is more than your federal tax liability before credits, and your adjustments increasing income (Schedule I, line 47) are less than \$5,000, see the [Form 1040N instructions](#).

LINE 28, NEBRASKA INCOME TAX WITHHELD. If you are correcting the amount of income tax withheld and claimed on line 28, you must attach a Nebraska copy of any additional or corrected Wage and Tax Statements, Federal Forms W-2.

Nonresidents must include the credit for Nebraska income tax paid on their behalf by a partnership, S corporation, LLC, estate, or trust on line 28, as reported on [Form 14N](#).

LINE 29, ESTIMATED TAX PAYMENTS. Enter the total Nebraska estimated income tax paid for tax year 2010. Include the overpayment from your previous year filing that was applied to your 2010 estimated tax credit. If you are claiming more estimated payments than you claimed on the original filing of Form 1040N, you must attach copies of all your payments (cancelled checks, money orders, e-pay or credit card confirmations).

LINE 30, FORM 3800N REFUNDABLE CREDIT. If you are correcting the amount of Nebraska Employment and Investment Credit, you must attach copies of the original and corrected credit computations (Form 3800N).

LINE 31, NEBRASKA CHILD/DEPENDENT CARE REFUNDABLE CREDIT (if AGI is \$29,000 or less). See the Form 1040N instructions for information on this credit. Attach documentation if this credit is changed.

LINE 32, BEGINNING FARMER CREDIT. Attach documentation if this credit is changed.

LINE 33, NEBRASKA EARNED INCOME CREDIT (EIC). Attach documentation of any change in this credit. Include pages 1 and 2 of your federal return. If you are now claiming the EIC because a valid SSN has been received, copies of the Social Security cards for the taxpayer, spouse, and dependents qualifying for the EIC must be attached to Form 1040XN. Also, please provide the Individual Tax Identification Number (ITIN) used when you filed your original Nebraska Individual Income Tax Return, Form 1040N. **If you are married, filing separately, you cannot claim this credit.**

LINE 34, AMOUNT PAID. Enter the amount of tax paid with the original return, plus any tax payments for the same taxable year made after your original return was filed. Do not include the portion of a payment which was for interest or penalty.

LINE 36, OVERPAYMENTS ALLOWED. Enter the amount of overpayment allowed on your original return, previous amended returns, or as later corrected by the Department. This includes:

- Amounts refunded;
- Amount applied to 2011 estimated tax;
- Donations to the Wildlife Conservation Fund; and
- Contributions to the Nebraska Campaign Finance Fund.

Do not include interest received on any refund.

LINE 38, PENALTY FOR UNDERPAYMENT OF ESTIMATED TAX. Enter any change in this penalty due to a change in tax liability or other change. A penalty for underpayment of estimated tax calculated on Form 2210N and reported on an original return cannot be changed unless an amended return is filed on or before the due date for the original return (including any extended due date).

LINE 40, USE TAX REPORTED. Enter the same amount of use tax reported on the original Form 1040N. If you need to make a change to the amounts of use tax reported on Form 1040N, you must file a [Nebraska Individual Use Tax Return, Form 3](#), marked "Amended." **More info . . .**

LINE 42, PENALTY. If your original return was not filed by the due date, or extended due date, and line 41 minus line 38 indicates tax

due, you must calculate a penalty for failure to file in a timely manner. Multiply the result of line 41 minus line 38 by five percent per month or fraction of a month (but not more than a total of 25%) from the due date or extended due date until the original return was filed. Enter the result on line 42.

If this amended return is being filed because of a change made by the IRS who assessed a penalty, multiply the result of line 41 minus line 38 by 5%. Enter the result on line 42. If both the penalty for failure to file in a timely manner and the penalty because of an IRS assessment are calculated, enter the larger amount on line 42.

Additional penalties may be imposed by the Department for:

1. Failure to pay tax when due;
2. Failure to file an amended return when required;
3. Preparing or filing a fraudulent income tax return;
4. Understatement of income on an income tax return; or
5. Underpayment of estimated tax.

Line 43, INTEREST. If line 41 is greater than line 38, tax is due. Interest is also due on the result of line 41 minus line 38 at the statutory rate (2010/2011 rate is 5%) from the original due date to the date the tax is paid.

LINE 44, TOTAL BALANCE DUE. Enter the total of lines 41 through 43. Attach a check or money order payable to the Nebraska Department of Revenue, to your amended return and mail to the Nebraska Department of Revenue, PO Box 98911, Lincoln, Nebraska 68509-8911. Payment can also be made electronically or by credit card. Visit www.revenue.ne.gov/electron/iit_eft.htm for details about these payment options. Checks written to the Department of Revenue may be presented for payment electronically.

LINE 45, REFUND. Enter the refund amount. Amounts less than \$2 will not be refunded. None of the refund will be applied to estimated tax.

If you are owed interest on a refund, it will be calculated by the Department and added to the amount shown on line 45.

If a taxpayer has an existing tax liability of any kind with the Department, any refund shown on this return may be applied to that liability. The Department will notify the taxpayer if the refund has been applied against another tax liability.

EXPLANATION OF CHANGES. Print or type your explanation of changes on Form 1040XN, or attach a schedule for each change reported on this return for lines 5 through 33. Attach a copy of each federal form used to report the change. If you are filing an amended return due to an audit by the IRS or the Department, attach a dated copy of the audit determination. If you are filing for an income tax refund due to a carryback of a Nebraska net operating loss, you must attach a copy of either:

- Federal Form 1045 or Form 1040X;
- All supporting schedules; and
- A completed Nebraska Net Operating Loss Worksheet.

If you are filing an amended return due to a change in Nebraska credits claimed, attach the applicable schedule, form, other state's return, or audit determination.

DIRECT DEPOSIT. To have your refund directly deposited into your checking or savings account, enter the routing number and account number found on the bottom of the checks associated with the account.

Do not enter information found on deposit slips or from a debit card, as this information is not necessarily the routing and account information.

LINE 46a. Enter the routing number listed first. It must be nine digits.

LINE 46b. Enter the number to identify the type of account.

LINE 46c. Enter the account number listed to the right of the routing number. It can be up to 17 digits.

LINE 46d. Box 46d is used to comply with new banking rules regarding International ACH Transactions (IATs). The box must be checked whenever a refund will go to a bank account outside the United States or if a refund is sent to a bank account inside the territorial jurisdiction of the United States and 100% of the original refund is later transferred to a bank outside of the United States. These refunds cannot be processed as direct deposits and instead will be mailed.

SIGNATURES. Both spouses must sign their married, filing jointly return. If another person signs this return for the taxpayer, a copy of a [Power of Attorney, Form 33](#), or court order authorizing the person to sign the return must be on file with this Department or attached to this return.

Any person who is paid for preparing a taxpayer's return must also sign the return as preparer. Additionally, the preparer must enter the Preparer Tax Identification Number (PTIN).

DECEASED TAXPAYERS. A spouse claiming a refund on a married, filing jointly return with a deceased spouse should not file [Form 1310N](#). Instead, sign the Form 1040XN, as "surviving spouse" for the deceased taxpayer. All others, attach Form 1310N if a refund is being claimed on behalf of taxpayers who have died.

INSTRUCTIONS FOR NEBRASKA SCHEDULE I Nebraska Adjustments to Income for Nebraska Residents, Nonresidents, and Partial-Year Residents

PART A, ADJUSTMENTS INCREASING FEDERAL AGI.

LINE 47, TOTAL ADJUSTMENTS INCREASING FEDERAL AGI. Include on line 47:

1. Interest from non-Nebraska state and local municipal obligations;
2. An S corporation's or LLC's loss distribution from non-Nebraska sources;
3. Any federal NOL deduction used in calculating federal AGI on line 5;
4. Any credit for financial institution tax reported on line 25;
5. Any Long-Term Care Savings Plan or College Savings Program recapture.

PART B, ADJUSTMENTS DECREASING FEDERAL AGI.

Adjustments decreasing Nebraska taxable income include:

1. State income tax refund;
2. Interest or dividend income from U.S. government bonds and other U.S. obligations;
3. Tier I and/or Tier II benefits paid by the Railroad Retirement Board; and
4. Bonus depreciation and enhanced section 179 subtractions.

List the source of any adjustments on an attached schedule.

LINE 49, INTEREST OR DIVIDEND INCOME FROM U.S. OBLIGATIONS. A list of qualifying U.S. government obligations is included in [Regulation 22-002 Computing the Nebraska Individual Income Tax](#). Interest income derived from the following sources is subject to Nebraska income tax and cannot be included in the amount on line 49:

1. Savings and loan associations or credit unions;
2. Mortgage participation certificates issued by the Federal National Mortgage Association;
3. Washington D.C. Metropolitan Area Transit Authority bonds;
4. Interest on federal income tax refunds; and
5. Gains on the sale of tax-exempt municipal bonds and U.S. government obligations.

If the interest or dividend income from U.S. government obligations is derived from a partnership, fiduciary, or S corporation, then the partner, beneficiary, or shareholder claiming the Nebraska adjustment decreasing federal taxable income must attach the applicable Federal Schedule K-1.

LINE 51, SPECIAL CAPITAL GAINS/EXTRAORDINARY DIVIDENDS DEDUCTION. If you are correcting the amount of special capital gains/extraordinary dividends deduction, copies of the original and corrected Special Capital Gains/Extraordinary Dividend Election and Computation, Form 4797N, and Federal Schedule D must be attached.

LINE 53, BONUS DEPRECIATION SUBTRACTION. Use this line to report any change in the amount of bonus depreciation subtraction previously reported. For tax year 2010, the subtraction is limited to 20% of the amount of any bonus depreciation add back reported in tax years 2003 through 2005. Attach a schedule.

LINE 54, ENHANCED SECTION 179 SUBTRACTION. For tax year 2010, the subtraction is 20% of the amount of any enhanced

section 179 add back for tax years 2003 through 2005. Attach a schedule.

LINE 56, OTHER ADJUSTMENTS DECREASING INCOME.

Enter other adjustments decreasing income.

- **An S corporation's or LLC's** income distribution from non-Nebraska sources decreases income and is reported on line 56. A Nebraska NOL deduction is also reported on line 56.
- **Native American Indians** residing on a Nebraska reservation with income derived from sources within the boundaries of the reservation may deduct this income on line 56.
- **Resident military personnel cannot deduct military pay** as this is not an allowable adjustment decreasing federal taxable income.
- **Residents are not allowed to deduct** income earned or derived outside Nebraska. However, a resident may be entitled to a credit for income tax paid to another state. See the instructions for Credit for Tax Paid to Another State, Nebraska Schedule II.

LINE 57, TOTAL ADJUSTMENTS DECREASING INCOME.

Enter the total of lines 48 through 56.

**INSTRUCTIONS FOR NEBRASKA SCHEDULE II
Credit for Tax Paid to Another State
for Full-Year Residents Only**

A credit for tax paid to another state is allowed only for full-year Nebraska residents. A change on line 17, Total Nebraska Income Tax, requires Credit for Tax Paid to Another State, Schedule II, to be recalculated. If the amended Schedule II on the back of Form 1040XN is not completed, adequate supporting schedules must be attached.

If another state's return is amended or changed by the other state, Form 1040XN must be filed to report the change in the credit for tax paid to the other state. Attach a complete copy of the corrected return, including schedules and attachments, or a copy of a letter or statement from the other state or subdivision, indicating the amount of income reported and corrected tax paid. If the subdivision does not require that an income tax return be filed, attach a copy of the statement from the employer showing the corrected amount of tax withheld. Failure to attach supporting documents may cause this credit to be disallowed.

Refer to the instructions on Schedule II of Form 1040N for more details on the calculation and limitations of this credit.

LINE 59, ADJUSTED GROSS INCOME FROM ANOTHER STATE. If lines 59 or 61 are changed, a complete copy of the corrected return filed with another state must be attached. If the entire return is not attached, credit for tax paid to another state will not be allowed.

**INSTRUCTIONS FOR NEBRASKA SCHEDULE III
Computation of Nebraska Tax**

NONRESIDENTS AND PARTIAL-YEAR RESIDENTS. If you have income derived from Nebraska sources and Nebraska adjustments

to income, you must first complete lines 47 through 57. Use the copy of your original return and instructions to make the necessary tax computations. Enter the amounts from lines 47 and 57 of Schedule I on lines 12 and 13 of Form 1040XN, respectively.

LINE 63, INCOME DERIVED FROM NEBRASKA SOURCES.

This includes income from wages, interest, dividends, business, farming, partnerships, S corporations, LLCs, estates and trusts, gains or losses, rents and royalties, and personal services provided in Nebraska by nonresidents.

LINE 66, NEBRASKA'S SHARE OF TOTAL INCOME. Calculate the ratio to five decimal places and round to four decimal places.

LINE 68, NEBRASKA TOTAL INCOMETAX. Use the [Nebraska Tax Table](#) and the [Additional Tax Rate Schedule](#) contained in the [2010 Form 1040N booklet](#) to determine the total Nebraska income tax.

Partial-year residents should enter the Nebraska tax amount from the Nebraska Tax Table, based on line 67 income, plus any additional tax from the Additional Tax Rate Schedule less any of the following:

- The Nebraska credit for the elderly or the disabled;
- The nonrefundable credit for child and dependent care expenses;
- The Beginning Farmer credit;
- The credit for financial institution tax; and
- The credit for prior year minimum tax (AMT credit).

See instructions for lines 21 through 33 for specific information. Also complete the partial-year dates in line, "Type of Return Filed," Form 1040XN.

Nonresidents should enter the Nebraska tax applied to the line 67 income amount from the Nebraska Tax Table, plus any additional tax from the Additional Tax Rate Schedule. Nonresidents are NOT ALLOWED the:

- Nebraska credit for the elderly or disabled;
- Nebraska earned income credit; or
- Credit for child and dependent care expenses.

Nonresidents are allowed the AMT credit and the credit for financial institution tax.

LINE 69, PERSONAL EXEMPTION CREDIT. Nonresidents and partial-year residents should enter the 2010 personal exemption credit of \$118 for each federal personal exemption claimed on line 4, Form 1040XN.

LINE 72, NEBRASKA MINIMUM AND OTHER TAXES. To calculate the Nebraska minimum or other tax, see the worksheet provided with the line 16, Form 1040XN instructions. Reduce the result by any unused exemption credit from line 70.

LINES 74 AND 75. Partial-year residents should use lines 74 and 75 to calculate their Nebraska earned income credit. Enter this result here and on line 33. **If you are a nonresident, or married, filing separately, you cannot claim this credit.**



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