

NOTE
If any due date falls on Saturday, Sunday or legal holiday, filing will be timely if made by the next day which is not a Saturday, Sunday or holiday.

PURPOSE OF DECLARATION

This declaration form provides a means of paying Unincorporated Business Tax on a current basis for individuals, estates and trusts engaged in carrying on an unincorporated business or profession, as defined in Section 11-502 of the Administrative Code. Partnerships use Form NYC-5UB for filing their declarations.

Every unincorporated business must file an income tax return after the close of its taxable year and pay any balance of tax due. If the tax has been overpaid, adjustment will be made only after the return has been filed.

WHO MUST MAKE A DECLARATION

A 2004 declaration must be made by every individual, estate and trust carrying on an unincorporated business or profession in New York City if its estimated tax (line 6 of tax computation schedule) can reasonably be expected to exceed \$1,800 for the calendar year 2004 (or, in the case of a fiscal year taxpayer, for the fiscal year beginning in 2004).

WHEN AND WHERE TO FILE DECLARATION

You must file the declaration for the calendar year 2004 on or before April 15, 2005, or on the applicable later dates specified in these instructions.

- **Declarations with remittances -**
NYC Department of Finance
P.O. Box 5070
Kingston, NY 12402-5070
- **All other declarations -**
NYC Department of Finance
P.O. Box 5080
Kingston, NY 12402-5080

Fiscal year taxpayers, read instructions opposite regarding filing dates.

HOW TO ESTIMATE UNINCORPORATED BUSINESS TAX The worksheet on the front of this form will help you in estimating the tax for 2004.

LINE 1 -

The term "net income from business expected in 2004" means the amount estimated to be the 2004 net income from business, including professions, before the unincorporated business exemption. See Schedule A, line 14 of the 2003 Unincorporated Business Tax Return and related instructions (Form NYC-202).

LINE 2 - EXEMPTION

For the amount of the allowable exemption, see the instructions for the 2003 Form NYC-202, Schedule A, line 15.

LINE 4 - UNINCORPORATED BUSINESS TAX

If you expect to receive a refund or credit in 2004 of any sales or compensating use tax for which a credit was claimed in a prior year under Administrative Code Sections 11-503(k) (sales and use tax credit), the amount of the estimated refund or credit must be added to the tax shown on line 4 of the tax computation schedule.

LINE 5b - OTHER CREDITS

Enter on line 5b the amount estimated to be the sum of any credits allowable for 2004 under Administrative Code Sections 11-503(k) (sales and use tax credit), 11-503(e) (real estate tax escalation credit), 11-503(f) (employment opportunity relocation costs credit) and 11-503(i) (relocation and employment assistance program (REAP) credit. (For additional details concerning these credits, refer to instructions for Forms NYC-114.5 and NYC-114.6.)

DECLARATION

On line 1a of the declaration (line 7a of the Estimated Tax Worksheet), enter the amount the unincorporated business reported as tax on line 23 of its 2003 Form NYC-202. On line 1b (line 7b of the Estimated Tax Worksheet) enter the amount from line 6 of the Estimated Tax Worksheet. This is the amount the business estimates as its 2004 Unincorporated Business Tax liability.

PAYMENT OF ESTIMATED TAX

Except as specified elsewhere in these instructions, the estimated tax on line 1b of the declaration is payable in equal installments on or before April 15, 2004, June 15, 2004, September 15, 2004 and January 18, 2005. The first installment payment must accompany the declaration. However, the estimated tax may be paid in full with the declaration.

If there was an overpayment on the 2003 Unincorporated Business Tax Return and on line 30b of that return you elected to have that overpayment applied as a credit toward your 2004 estimated tax, enter the amount from line 30b on line 3 of the declaration.

Make remittance payable to *NYC DEPARTMENT OF FINANCE*. All remittances must be payable in U. S. dollars drawn on a U. S. bank. Checks drawn on foreign banks will be rejected and returned. A separate check for the declaration will expedite processing of the payment.

AMENDED DECLARATION

If, after a declaration is filed, the estimated tax increases or decreases because of a

change in income, deductions, or allocation, you should file an amended declaration on or before the next date for payment of an installment of estimated tax. This is done by completing the amended schedule of the Notice of Estimated Tax Payment Due (Form NYC-B100). This notice will be automatically mailed to you.

CHARGE FOR UNDERPAYMENT OF INSTALLMENTS OF ESTIMATED TAX

A charge is imposed for underpayment of an installment of estimated tax for 2004. For information as to the applicable rate of interest, call Taxpayer Assistance at: (718) 935-6000. The Administrative Code follows provisions similar to the Internal Revenue Code with respect to underpayments of estimated tax. Form NYC-221 may be used to determine if any charge for underpayment is due or if any exceptions apply. If it appears that there was an underpayment of any installment of estimated tax, a completed copy of Form NYC-221 may be attached to the return explaining why an additional charge should not be made.

PENALTIES

The law imposes penalties for failure to make a declaration or pay estimated tax due or for making a false or fraudulent declaration or certification.

FISCAL YEAR TAXPAYERS

A taxpayer filing its Unincorporated Business Tax Return on a fiscal year basis should substitute the corresponding fiscal year months for the months specified in the instructions. For example, if the fiscal year begins on April 1, 2004, the Declaration of Estimated Unincorporated Business Tax will be due on July 15, 2004, together with payment of first quarter estimated tax. In this case, equal installments will be due on or before September 15, 2004, December 15, 2004, and April 15, 2005.

CHANGES IN INCOME

Even though on April 15, 2004, you do not expect your unincorporated business tax to exceed \$1,800, a change in income, allocation or exemption may require that a declaration be filed later. In this event the requirements are as follows:

If requirement for filing occurs:	File declaration by:	Amount of estimated tax due	Installment payment dates
<i>afterbut before</i>			
April 1, 2004June 2, 2004	June 15, 2004	1/3	(1) June 15, 2004 (2) Sept. 15, 2004 (3) Jan. 18, 2005
June 1, 2004.....Sept. 2, 2004	Sept. 15, 2004	1/2	(1) Sept. 15, 2004 (2) Jan. 18, 2005
Sept. 1, 2004Jan. 1, 2005	Jan. 18, 2005	100%	None

If you file your 2004 Unincorporated Business Tax Return by February 15, 2005, and pay the full balance of tax due, you need not: (a) file an amended declaration or an original declaration otherwise due for the first time on January 18, 2005, or (b) pay the last installment of estimated tax otherwise due and payable on January 18, 2005.

ELECTRONIC FILING

Note: Register for electronic filing. It is an easy, secure and convenient way to file and pay an extension on-line.

For more information log on to www.nyc.gov/nycefile

NOTE

Filing a declaration or an amended declaration, or payment of the last installment on January 18, 2005, or filing a tax return by February 15, 2005, will not satisfy the filing requirements if you failed to file or pay an estimated tax which was due earlier in the taxable year.

PRIVACY ACT NOTIFICATION

The Federal Privacy Act of 1974, as amended, requires agencies requesting Social Security Numbers to inform individuals from whom they seek this information as to whether compliance with the request is voluntary or mandatory, why the request is being made and how the information will be used. The disclosure of Social Security Numbers for taxpayers is mandatory and is required by section 11-102.1 of the Administrative Code of the City of New York. Such numbers disclosed on any report or return are requested for tax administration purposes and will be used to facilitate the processing of tax returns and to establish and maintain a uniform system for identifying taxpayers who are or may be subject to taxes administered and collected by the Department of Finance, and, as may be required by law, or when the taxpayer gives written authorization to the Department of Finance for another department, person, agency or entity to have access (limited or otherwise) to the information contained in his or her return.

To receive proper credit, you must enter your correct Social Security Number or Employer Identification Number on your declaration and remittance.