APPLICATION AND AUTHORIZATION FOR INTERNAL REVENUE SERVICE REFUND TURNOVER TO CHAPTER 7 BANKRUPTCY TRUSTEE PURSUANT TO 11 U.S.C. § 542
(Complete One Form for Each Tax Year)
Form_____
Tax Year _____
Or Short Year Election for Period _____

Mail to: Centralized Insolvency Operation, P.O. Box PO Box 7346, Philadelphia, PA 19101-7346

A. Case Information
IN LIEU OF PROVIDING THE INFORMATION IN THIS SECTION, YOU MAY COMPLETE ITEM 4 (CASE #) AND ATTACH A COPY OF THE NOTICE OF MEETING OF CREDITORS

1. Trustee Name: _____

2. Trustee Address: _____

3. Trustee Telephone Number: _____

4. Bankruptcy Case Number: _____

5. Petition Date: _____

6. Court Location of Petition Filing: _____

7. Name of Taxpayer/Petitioner: _____

8. Complete Address of Petitioner: _____

   _____

9. Taxpayer Identification Number: _____

10. Petitioner's Attorney Name: _____

11. Attorney's Complete Address: _____

   _____

12. Attorney's Telephone Number: _____

13. Meeting of Creditors Date:

B. Computation

Information about this section:

When IRS receives and approves this application it will issue a check for the <u>entire</u> refund amount. Therefore, the trustee must demonstrate (using this application) that a portion of the check belongs to the bankruptcy estate.

The check will be issued in the name of the taxpayer(s) c/o the trustee and mailed to the trustee's address. When trustees receive the check from IRS for the <u>entire</u> refund amount, the trustee will, if appropriate, issue funds to the taxpayer(s)/debtor(s) and/or non-debtor spouse.

Note: These procedures use Julian Dates: all the year's days numbered 1 through 365 (366 for leap years).

Complete the following questions to determine the amount of the refund that belongs to the estate:

1. Refund Amount: _____   ***Example:*** <u>***$1000.00***</u>

2. Refund for Tax Year Ending: Provide Date in MMDDYY format _____

3. (a) Date of Beginning of Taxable Period: _____
      (for Calendar Year Filers Jan. 1 YY)

   (b) Julian Date of Beginning of Taxable Period – For Calendar Year Filers enter <u>**"1"**</u> (one).   _____

4. (a) Bankruptcy Petition Date: _____

   (b) Julian Date of Petition Date: _____

5. Number of Days from the beginning of the year (3)(b)
    to the petition date: _____
       Example: (for calendar year filer), if petition date is:
          August 23, 2003:   ***Answer is:*** <u>***235***</u>

6. Answer in (5) above divided by 365 (366 if leap year) _____
       Example: <u>***235***</u>   ***Answer is:*** <u>***.64***</u>
                    365

7. Amount of Refund that belongs to Bankruptcy Estate:
    [Refund amount (1) above) multiplied by answer from (6) above]:

    _____

    Example: for $1000.00 X .64   *Answer is: $640.00*

8. Check only one line below:

    a. _____   No spouse.   [Skip (9) through (12) and write answer from
                      (7) above in (13) below.]

    b. _____   There is a spouse and both spouses are included in the
                      bankruptcy. [Skip (9) through (12) and write answer from
                      (7) above in (13) below.]

    c. _____   There is a spouse and a joint tax return was filed, but the
                      spouse *is not included in the bankruptcy.* (Proceed to (9)
                      below.)

Note: Complete (9) through (12) below ONLY IF (8)(c) above is checked.
         Otherwise skip to (13) below.

9.   Spouse's name: _____

10. Spouse's Social Security Number: _____

11. Percent of total federal income taxes withheld on tax return that are withheld
     from PETITIONING SPOUSE (Debtor)
       (Write the percent in decimal form)   _____
*Example: If 60% of the total federal income taxes withheld is withheld from
the PETITIONING spouse,*
        Answer is: .60

12. Multiply answer from (7) above by (11) above: _____

Example: for $640 X .60
          [(6) above X (11) above]   Answer is: $384.00

Generally, an apportionment based on a spouse's contribution to overpayment of
tax is appropriate to determine that spouse's portion of a refund. See IRS Rev.
Rul. 74-611 and Rev. Rul. 80-7. However, another allocation method may be
appropriate in some cases, such as in community property states (see Rev. Rul.
85-70), or where local law requires a different allocation method. If another
allocation is appropriate, write the appropriate amount of the refund turnover
below and briefly describe the authority for using another allocation method:
_____, _____.

13. Write the amount from either (7) above or (12) above:

   PORTION OF Refund Subject to
   Turnover to Bankruptcy Estate: _____

14. If the amount in (13) above is not the entire refund, use (a) and (b) below to determine the amount to send to the debtor/taxpayer and the non-debtor/spouse:

   a. Determine the amount to be issued to the debtor(s)/taxpayer(s) by subtracting the amount in (7) above from the amount in (1) above:

      Amount to be issued to debtor/taxpayer: _____

   b. If (8)(c) is checked above, determine the additional amount to be issued to the non-petitioning spouse by subtracting the amount in (12) above from the amount in (7) above.

      Amount to be issued to non-debtor spouse: _____

C. Certification and Signature

1. Under penalty of perjury I (trustee) certify that, to the best of my knowledge and belief, the information provided on this form is true and accurate. Please remit the full refund to the (trustee) office name and address provided in (A)(1)-(2) above, for the taxpayer in (A)(7) above.

2. I (trustee) understand the entire tax refund for the period and taxpayer indicated will be mailed to me (trustee), at my address of record.

3. I (trustee) understand that, in accordance with section 542 of the United States Bankruptcy Code (CFR 27), and contingent on accurate completion of this application, only the refund turnover amount identified in section/number (B)(13) above is property of the bankruptcy estate.

4. I (trustee) will use the calculations on this application to determine the pre-petition (bankruptcy estate) portion and post-petition (non-estate) portion of the refund, and, if applicable, the non-petitioning spouse portion, and pay over the non-estate portion to the debtor(s)/taxpayer(s) and the non-petitioning spouse portion to the non-petitioning spouse.

_____   _____
Signature of Trustee or Authorized Designee   Date