Schedule

ND-1UT

North Dakota Office of State Tax Commissioner

Calculation of interest on underpayment or late payment of estimated income tax for individuals

2010
Attach to Form ND-1

Name(s) shown on return	Social security number

IMPORTANT:
- Read the instructions on the reverse side before attempting to complete this form.
- Do not complete this form unless you were required to pay estimated federal income tax for the 2010 tax year. See "**Federal estimated income tax requirement**" in **General Instructions**.

Part 1 - Exceptions to regular computation of underpayment

See the instructions for a description of each of the exceptions listed below. If one of them applies, fill in the applicable circle, complete Parts 2 and 3 as instructed, and attach Schedule ND-1UT to your return.

A. ○ Qualified farmer (4th quarter payment required)

B. ○ Federal annualized income installment method (Attach copy of Form 2210)

C. ○ Federal 4th quarter exception

D. ○ Part-year North Dakota requirement

Part 2 - Computation of underpayment

1. Enter 2010 net tax liability (from Form ND-1, line 27, or Form ND-EZ, line 2) ..... **1** _____

2. Multiply line 1 by 90% (.90) ..... **2** _____

3. Enter 2010 withholding (from Form ND-1, line 28) ..... **3** _____

4. Subtract line 3 from line 1. ***If less than $500, stop; you were not required to pay estimated tax for 2010*** ..... **4** _____

5. Enter 2009 net tax liability (from Form ND-1, line 27, or Form ND-EZ, line 2). If no return was required to be filed for 2009, enter -0-. ***If less than $500, stop; you were not required to pay estimated tax for 2010*** ..... **5** _____

6. Total required payment. Enter smaller of line 2 or line 5. However, if you moved into North Dakota in 2009, fill in this circle ▶ ○ and enter the amount from line 2 above ..... **6** _____

If one of the exceptions in Part 1 applies, see the instructions to line 7 before completing the rest of this form.

		Payment due date			
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
		April 15, 2010	June 15, 2010	Sept. 15, 2010	Jan. 15, 2011
7. Enter 25% of amount on line 6 in each column (or, if an exception in Part 1 applies, enter the amount per instructions to line 7)	**7**				
8. Enter estimated tax paid and tax withheld (See instructions)	**8**				
Complete lines 9 through 15 of one column before going to next column.					
9. Enter amount, if any, from line 13 of previous column	**9**				
10. Total paid. Add lines 8 and 9	**10**				
11. Add lines 14 and 15 of previous column and enter result	**11**				
12. Overpayment. If line 10 is greater than line 7, subtract line 7 from line 10 and enter result. Otherwise, enter -0-	**12**				
13. Overpayment carryover. If line 12 is greater than line 11, subtract line 11 from line 12 and enter result. Otherwise, enter -0-	**13**				
14. Underpayment carryover. If line 11 is greater than line 12, subtract line 12 from line 11 and enter result. Otherwise, enter -0-	**14**				
15. Underpayment. If line 7 is greater than line 10, subtract line 10 from line 7 and enter result. Otherwise, enter -0-	**15**				

Part 3 - Computation of interest (See instructions)

16. Interest computation:

a Enter date of payment (See instructions)	**16a**				
b Enter number of days from the payment due date to the date on line 16(a)	**16b**				
c Divide line 16(b) by 365 and round to three decimal places	**16c**				
d Multiply line 16(c) by 12% (.12) and round to three decimal places	**16d**				
e Multiply line 15 by line 16(d) and enter result	**16e**				

17. Total interest. Add the amounts in all four columns on line 16(e). Enter result here and on Form ND-1, line 39. (See instructions) ..... **17** _____

2010 Schedule ND-1UT instructions

General instructions

You may use Schedule ND-1UT to determine if you paid enough estimated North Dakota income tax by the payment due dates and, if you didn't, to calculate the amount of interest you must pay on the underpayment or late payment. The dates used on Schedule ND-1UT and in these instructions are for calendar year filers. Fiscal year filers should substitute corresponding dates.

Federal estimated income tax requirement. Do not complete Schedule ND-1UT unless you were required to pay estimated federal income tax for the tax year. To determine if you were required to pay estimated federal income tax for 2010, see the 2010 Federal Form 2210.

Instructions for Part 1

Following are descriptions of the exceptions to the regular computation of underpayment listed in Part 1. If one of them applies, fill in the applicable circle.

Item A: Qualified farmer (4th quarter payment required)

This exception applies if you qualified as a farmer for federal estimated income tax purposes in 2010 and you were required to pay estimated federal income tax for the 4th quarter due on January 15, 2011.

Item B: Federal annualized income installment method

This exception applies ***only*** if you actually used the annualized income installment method to calculate the amount of your underpayment and penalty for federal estimated income tax purposes for 2010. **Attach a copy of the federal annualized income installment method worksheet (from 2010 Federal Form 2210) showing the amounts you computed for federal purposes.**

Item C: Federal 4th quarter exception

This exception applies if you did not have to make the 4th quarter estimated federal income tax payment due on January 15, 2011, because you filed your 2010 federal income tax return and paid the remaining federal income tax due by February 1, 2011.

Item D: Part-year North Dakota requirement

This exception applies if you were a nonresident of North Dakota, or you moved into North Dakota during 2010, and you did not receive income subject to North Dakota income tax until after April 15, 2010. **Attach a statement describing your situation.**

Instructions for Part 2

Line 7

If one of the exceptions in Part 1 applies, enter on this line the appropriate amount(s) as follows:

- If **Item A** applies, enter the amount from line 6 in the 4th quarter column. Enter zero in the first three columns.
- If **Item B** applies, use the annualized federal taxable income determined on 2010 Federal Form 2210 to calculate an annualized North Dakota taxable income. Include any adjustments required or allowed under North Dakota tax law in the calculation. Enter the amount of estimated North Dakota income tax due by each payment due date calculated in the same manner as under the federal annualized income installment method on Form 2210.
- If **Item C** applies, enter 25% of the amount on line 6 in the 1st, 2nd and 3rd columns. Enter zero in the 4th quarter column.
- If **Item D** applies, the amount to enter in each column depends on when you first received income from North Dakota sources in 2010. If you received the income after March 31 and before June 1, 2010, enter one-third of the amount on line 6 in the 2nd, 3rd, and 4th quarter columns. If you received the income after May 31 and before September 1, 2010, enter one-half of the amount on line 6 in the 3rd and 4th quarter columns. If you received the income after August 31, 2010, and before January 1, 2011, enter the amount from line 6 in the 4th quarter column.

Line 8

Enter the amount of estimated tax paid and income tax withheld for each quarter. Unless you can show otherwise, one-fourth of the total amount withheld is deemed to have been withheld by each payment due date. If you elected to apply an overpayment from your 2009 North Dakota return to your 2010 estimated tax, enter the overpayment in the 1st quarter column; however, if you had attached a statement to your 2009 return requesting the overpayment to be applied to another quarter, enter the overpayment in the appropriate column.

Instructions for Part 3

Interest of 12% per year is charged on an underpayment or late payment of estimated tax. Interest accrues from the due date of the payment to the earlier of April 15, 2011, or the date the estimated tax due is paid in full. In the case where an overpayment is applied to offset an underpayment, the overpayment is considered to have been applied as of the payment due date for the quarter in which the overpayment occurred.

In some cases, you may find it necessary to compute the interest on a separate worksheet, in which case you should skip lines 16a through 16d and enter the separately computed interest on line 16e in the appropriate column. **Attach your worksheet to Schedule ND-1UT.**

For purposes of computing interest, the amount paid for a particular quarter must be applied first to the amount due for that quarter. If the total amount paid exceeds the amount due, the excess must be applied to offset an outstanding underpayment, if any, from a previous quarter, starting with the earliest underpayment. In addition, in the case of a late payment, the interest on line 16e must be computed on the amount due on line 7 less any tax withheld included on line 8.

Line 16a

Except for a late payment or where an underpayment is offset by a subsequent quarter's overpayment, enter April 15, 2011. If there is a late payment and the amount of the payment equals or exceeds the amount of estimated tax due, enter the date of payment. If an underpayment is fully offset by a subsequent quarter's overpayment, enter the payment due date for the quarter in which the overpayment occurred. In other cases, more than one date may apply and it may be necessary to compute the interest on a separate worksheet, in which case you should skip lines 16a through 16d and enter the separately computed interest on line 16e in the appropriate column. **Attach your worksheet to Schedule ND-1UT.**

Line 17

If there is an amount on this line, you may not file Form ND-EZ; you must file Form ND-1. If there is an overpayment on Form ND-1, line 31, any interest due on Schedule ND-1UT will reduce the amount refunded to you. If there is a tax due on Form ND-1, line 35, any interest due on Schedule ND-1UT must be included in the balance due to be paid with your return. If there is no overpayment or tax due on your return, and if the interest due on Schedule ND-1UT is $5.00 or more, the interest due on Schedule ND-1UT must be included in the balance due, and a check or money order for this amount must be submitted with your return.