

**SCHEDULE D
(Form 1120)**

Department of the Treasury
Internal Revenue Service

Capital Gains and Losses

To be filed with Forms 1120, 1120-A, 1120-IC-DISC, 1120-F,
1120-FSC, 1120-H, 1120-L, 1120-ND, 1120-PC, 1120-POL,
1120-REIT, 1120-RIC, 1120-SF, 990-C, and certain Forms 990-T

OMB No. 1545-0123

1994

Name	Employer identification number
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Part I Short-Term Capital Gains and Losses—Assets Held 1 Year or Less					
(a) Kind of property and description (Example, 100 shares of "Z" Co.)	(b) Date acquired (mo., day, yr.)	(c) Date sold (mo., day, yr.)	(d) Gross sales price	(e) Cost or other basis, plus expense of sale	(f) Gain or (loss) ((d) less (e))
1					
2 Short-term capital gain from installment sales from Form 6252, line 26 or 37				2	
3 Short-term gain or (loss) from like-kind exchanges from Form 8824				3	
4 Unused capital loss carryover (attach computation)				4	()
5 Net short-term capital gain or (loss). (Combine lines 1 through 4.)				5	

Part II Long-Term Capital Gains and Losses—Assets Held More Than 1 Year					
6					
7 Enter gain from Form 4797, line 8 or 10				7	
8 Long-term capital gain from installment sales from Form 6252, line 26 or 37				8	
9 Long-term gain or (loss) from like-kind exchanges from Form 8824				9	
10 Net long-term capital gain or (loss). (Combine lines 6 through 9.)				10	

Part III Summary of Parts I and II					
11 Enter excess of net short-term capital gain (line 5) over net long-term capital loss (line 10).				11	
12 Net capital gain. Enter excess of net long-term capital gain (line 10) over net short-term capital loss (line 5)				12	
13 Add lines 11 and 12. Enter here and on Form 1120, page 1, line 8, or the proper line on other returns.				13	
Note: If losses exceed gains, see instructions on capital losses for explanation of capital loss carrybacks.					

Instructions
Section references are to the Internal Revenue Code.

Purpose of Schedule
Schedule D is used to report sales and exchanges of capital assets for tax years beginning in 1994.

Sales or exchanges of property other than capital assets are reported on **Form 4797, Sales of Business Property**. A sale or exchange of property includes property used in a trade or business; involuntary conversions (other than casualties or thefts); gain from the disposition of oil, gas, or geothermal property; and the section 291 adjustment to section 1250 gains. See the instructions for Form 4797 for more information.

If property is involuntarily converted because of a casualty or theft, use **Form 4684, Casualties and Thefts**.

Parts I and II
Generally, a corporation must report sales and exchanges even though there is no gain or loss. No loss is allowed for a wash sale of stock or securities (including contracts or options to acquire or sell stock or securities) or from a transaction between related persons. See sections 1091 and 267 for details and exceptions.

Use Part I to report the sale or exchange of capital assets held 1 year or less. Use Part II to report the sale or exchange of capital assets held more than 1 year.

What Is a Capital Asset?—Each item of property the corporation held (whether or not connected with its trade or business) is a capital asset except:

1. Assets that can be inventoried or property held mainly for sale to customers.
2. Depreciable or real property used in the trade or business.
3. Certain copyrights; literary, musical, or artistic compositions; letters or memorandums; or similar property.

4. Accounts or notes receivable acquired in the ordinary course of trade or business for services rendered or from the sale of property described in 1 above.

5. A U.S. Government publication (including the Congressional Record) received from the Government or any of its agencies in a manner other than buying it at the price offered for public sale, which is held by a taxpayer who received the publication or by a second taxpayer in whose hands the basis of the publication is determined, for purposes of determining gain from a sale or exchange, by referring to its basis in the hands of the first taxpayer.

Capital losses.—Capital losses are allowed only to the extent of capital gains. A net capital loss may be carried back 3 years and forward 5 years as a short-term capital loss. Carry back a capital loss to the extent it does not increase or produce a net operating loss in the tax year to which it is carried. Foreign expropriation capital losses may not be carried back, but may be carried forward 10

years. A net capital loss for a regulated investment company may be carried forward 8 years.

Special Rules for the Treatment of Certain Gains and Losses

Note: For more information, get **Pub. 544, Sales and Other Dispositions of Assets, and Pub. 542, Tax Information on Corporations.**

- **Like-kind exchanges.**—An exchange of business or investment property for property of a like kind is reported on **Form 8824, Like-Kind Exchanges.**
- **At-risk limitations (section 465).**—If the corporation sold or exchanged a capital asset used in an activity to which the at-risk rules apply, combine the gain or loss on the sale or exchange with the profit or loss from the activity. If the result is a net loss, complete **Form 6198, At-Risk Limitations.** Report any gain from the capital asset on Schedule D and on Form 6198.
- **Gains and losses from passive activities.**—A closely held or personal service corporation that has a gain or loss that relates to a passive activity (section 469) may be required to complete **Form 8810, Corporate Passive Activity Loss and Credit Limitations,** before completing Schedule D. A Schedule D loss may be limited under the passive activity rules. See Form 8810 for more detailed information.
- **Gain on distributions of appreciated property.**—Generally, gain (but not loss) is recognized on a nonliquidating distribution of appreciated property to the extent that the property's fair market value exceeds its adjusted basis. See section 311 for more information.
- **Gain or loss on distribution of property in complete liquidation.**—Generally, gain or loss is recognized on property distributed in a complete liquidation. Treat the property as if it had been sold at its fair market value. An exception to this rule applies for liquidations of certain subsidiaries. See sections 336 and 337 for more information and other exceptions to the general rules.
- **Gains and losses on section 1256 contracts and straddles.**—Use **Form 6781, Gains and Losses From Section 1256 Contracts and Straddles,** to report these gains and losses.
- **Gain or loss on certain short-term Federal, state, and municipal obligations.**—Such obligations are treated as capital assets in determining gain or loss. On any gain realized, a portion is treated as ordinary income and the balance as a short-term capital gain. See section 1271.
- **Gain from installment sales.**—Use **Form 6252, Installment Sale Income,** to report a gain from the casual sale of real or personal property (other than inventory) if payments will be received in more than 1 tax year. See the instructions below for how to elect out of the installment method. Also use Form 6252 if a payment is received this year from a sale made in an earlier year on the installment method.

To elect out of the installment method, report the full amount of the gain with a timely filed return (including extensions).

The installment method may not be used for sales of stock or securities (or certain other property described in the regulations) traded on an established securities market. See section 453(k).

- **Gain on sale of publicly traded securities.**—A corporation that sells publicly traded securities at a gain after August 9, 1993, may elect to postpone all or part of the gain if the seller buys stock or a partnership interest in a specialized small business investment company (SSBIC) during the 60-day period that begins on the date the securities are sold.

An SSBIC is any partnership or corporation licensed by the Small Business Administration under section 301(d) of the Small Business Investment Act of 1958. The corporation must recognize gain on the sale to the extent the proceeds from the sale exceed the cost of the SSBIC stock or partnership interest purchased during the 60-day period that began on the date of the sale (and not previously taken into account). The gain a corporation may postpone each tax year is limited to the lesser of: (a) \$250,000 or (b) \$1 million, reduced by the gain previously excluded under these provisions. The basis of the SSBIC stock or partnership interest is reduced by any postponed gain.

To make the election to postpone gain, complete line 1 or line 6, whichever applies, showing the entire gain realized in column (f). Directly below the line on which the gain is reported, enter "SSBIC Rollover" in column (a). Enter the amount of the postponed gain (in parentheses) in column (f). Also, attach a schedule showing (a) how you figured the postponed gain, (b) the name of the SSBIC in which you purchased common stock or a partnership interest, (c) the date of that purchase, and (d) the new basis in that SSBIC stock or partnership interest.

For details, see section 1044.

- **Gain or loss on an option to buy or sell property.**—See sections 1032 and 1234 for the rules that apply to a purchaser or grantor of an option.
- **Gain or loss from a short sale of property.**—Report the gain or loss to the extent that the property used to close the short sale is considered a capital asset in the hands of the taxpayer.
- **Gains and losses of foreign corporations from the disposition of investment in U.S. real property.**—Foreign corporations are required to report gains and losses from the disposition of U.S. real property interests. See section 897 for details.
- **Gains on certain insurance property.**—Form 1120-L filers with gains on property held on December 31, 1958, and certain substituted property acquired after 1958 should see section 818(c).

- **Gain or loss from shares purchased in a regulated investment company (RIC).**—In some cases, the load charge (advance charge for sales fees) incurred to purchase shares in a RIC may not be allowed when figuring the basis for gain or loss on the disposition of the shares. See section 852(f) if the shares were disposed of within 90 days of purchase, and the load charge on stock subsequently acquired in that RIC (or another RIC) was reduced because of a reinvestment right.
- **Loss from the sale or exchange of capital assets of an insurance company taxable under section 831.**—Under the provisions of section 834(c)(6), capital losses of a casualty insurance company are deductible to the extent that the assets were sold to meet abnormal insurance losses or to provide for the payment of dividend and similar distributions to policyholders.
- **Loss from securities that are capital assets that become worthless during the year.**—Except for securities held by a bank, treat the loss as a capital loss as of the last day of the tax year. (See section 582 for the rules on the treatment of securities held by a bank.)
- **Disposition of market discount bonds.**—See section 1276 for rules on the disposition of market discount bonds.
- **Capital gain distributions.**—Report capital gain distributions paid by mutual funds as long-term capital gains on line 6 regardless of how long the corporation owned stock in the fund.
- **Sale or acquisition of assets.**—If the corporation acquired or disposed of assets that constitute a business, it may be required to file **Form 8594, Asset Acquisition Statement Under Section 1060.**

Determining the Cost or Other Basis of Property

In determining gain or loss, the basis of property will generally be its cost. See section 1012 and the related regulations. Exceptions to the general rule are provided in sections in subchapters C, K, O, and P of the Code. For example, if the corporation acquired the property by dividend, liquidation of a corporation, transfer from a shareholder, reorganization, bequest, contribution or gift, tax-free exchange, involuntary conversion, certain asset acquisitions, or wash sale of stock, see sections 301 (or 1059), 334, 362 (or 358), 1014, 1015, 1031, 1033, 1060, and 1091, respectively. Attach an explanation if the corporation uses a basis other than actual cash cost of the property.

If the corporation is allowed a charitable contribution deduction because it sold property to a charitable organization, figure the adjusted basis for determining gain from the sale by dividing the amount realized by the fair market value and multiplying that result by the adjusted basis.

