



# Instructions for Form CHAR004

Annual Filing for Charitable Lead Trusts  
[www.oag.state.ny.us/charities/charities.html](http://www.oag.state.ny.us/charities/charities.html)

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## Note:

- The information in this form is for charitable lead trusts. For registration and filing requirements for charitable remainder trusts, see the instructions for Form CHAR001-RT. For registration and filing requirements for estates with a charitable interest, see the Charitable Estate Registration Instructions. For registration and annual filing requirements for nonprofit organizations, including wholly charitable trusts that file an IRS Form 990, 990-EZ or 990-PF, see the instructions for Forms CHAR410 (Registration Statement for Charitable Organizations) and CHAR500 (Annual Filing for Charitable Organizations).
- Please place identifying information (registration number if applicable, trust name, etc.) on all correspondence and other documents submitted to the Charities Bureau.
- All references to forms designated "CHAR" are to official forms of the Attorney General's Charities Bureau. Copies of these forms are available on the Charities Bureau's website (see address at top of this page).

## 1. Who Must File CHAR004

Charitable lead trusts registered with the Charities Bureau must file form CHAR004 on an annual basis. See the instructions to form CHAR001-LT (Registration Statement for Charitable Lead Trusts) for information on registration requirements for charitable lead trusts.

\* The term "charitable lead trust" includes any trust for which a charitable beneficiary has a lead interest, including without limitation charitable lead annuity trusts and charitable lead unitrusts.

## 2. Statutory Annual Filing Requirement

The statute requiring annual filings from charitable lead trusts in New York State is section 8-1.4 of the Estates, Powers and Trusts Law (EPTL).

## 3. Entities Required to File a Form Other Than CHAR004

Non-profit organizations (including wholly charitable trusts that file an IRS Form 990, 990-EZ or 990-PF) must file annually using CHAR500. Such entities should consult the instructions for CHAR500 to learn what to file. Charitable remainder trusts and estates with a charitable interest are not required to submit annual filings, but are required to submit final reports. Charitable remainder trusts should consult the instructions for form CHAR001-RT. Estates with a charitable interest should consult the Charitable Estate Registration Instructions.

## 4. What to File

Follow the instructions in part 5 (Line by Line Instructions) to determine which sections of the CHAR004 you must complete and which attachments must accompany the form you submit.

## 5. Line By Line Instructions

### Part A: General Information

1. **Fiscal year beginning and ending:** Enter the month, day and year for both the beginning and end of the report's accounting period, whether your trust has a calendar year accounting period (for example, January 1, 2004 to December 31, 2004) or a different full year accounting period (for example, July 1, 2004 to June 30, 2005) or is filing for a period shorter than a year (for example, July 1, 2004 to December 31, 2004).
2. **Checkboxes:**
  - Address change:* Check this box if the trust changed its address since it submitted its previous filing.
  - Name change:* Check this box if the trust has changed its name since it submitted its previous filing and attach a completed form CHAR001-LT with all required attachments.
  - Initial filing:* If the trust recently registered with the Charities Bureau and is submitting its first annual filing, check this box. If the trust has not yet registered, it must register using form CHAR001-LT.
  - Final filing:* Trusts should file final filings when the charitable lead interest terminates. If that is the case, check this box.
  - Amended filing:* If submitting an amended filing, you must check this box and, if applicable, attach to the CHAR004 a copy of the IRS 5227 marked "Amended return" with all required attachments filed with the IRS.  
If the Charities Bureau filing fee required under the amended filing is higher than the fee submitted as part of the original filing, submit a payment covering the difference.
  - NY reg. pending:* If the trust's New York State registration is pending, check this box and complete the filing.

3. Full name of trust: State the name of the trust exactly as it appears in the trust instrument, including amendments/codicils.
4. Address: State the mailing address of the trust.
5. Fed. employer ID no. (EIN): State the trust's EIN on record with the IRS.
6. NY State Registration No.: State the trust's NY State Registration Number on record with the Charities Bureau. If you do not know your New York State Registration Number, please contact the Charities Bureau for assistance. See part 8 (Questions / Contacting the Charities Bureau) of these instructions.
7. Phone: State the telephone number of the trust where a key person responsible for the trust's filing can be reached.
8. Email Address: State the email address of the trust where a key person responsible for the trust's filing can be reached.

**Part B: Certification**

The form must be certified with an authorized representative's signature, printed name, title and the date the form was signed.

**Part C: Fee Submitted**

Calculate the filing fee due as follows and indicate the fee being submitted with the annual filing.

Amount Distributed to Charity During Fiscal Year	EPTL Filing Fee
Less than \$50,000	\$25
\$50,000 or more, but less than \$250,000	\$50
\$250,000 or more, but less than \$1,000,000	\$100
\$1,000,000 or more, but less than \$10,000,000	\$250
\$10,000,000 or more, but less than \$50,000,000	\$750
\$50,000,000 or more	\$1500

The fee for the CHAR004 must be paid by a single check or money order, payable to "New York State Department of Law." If more than one CHAR004 is being submitted at the same time, include a separate check or money order for each CHAR004. Please write your trust's registration number on your payment. Please clip (do not staple) your payment to the front of the CHAR004. Please do not submit payment separately from the CHAR004.

**Part D: Attachments**

A copy of the trust's IRS Form 5227 (Split Interest Trust Information Return) must be included with the submission of the CHAR004.

**Part E: Financial Report**

**General Instructions**

1. The charges and credits as listed on the reports are to be presented on an annual basis. Each year stands by itself. This is not a cumulative report.
2. All charges and credits are to be analyzed according to fiduciary accounting principles. These items should be allocated to principal and income categories and shown in the proper column on the report.

**A: Charges**

- i. Principal received: State the amount of principal received during the filing period. If this is the first report of the trustee, a schedule must be submitted containing an itemized statement of all monies or properties constituting principal that has been delivered to the trustee or that the trustee was under a duty to collect, and the date of receipt or acquisition of such money or property. If the first report has been submitted, only additional principal assets acquired in current year need be reported here.
- ii. Income collected: State the amount of income collected during the filing period.
- iii. Realized increases: State the amount of realized increases during the filing period.
- iv. Total charges: State the total charges by adding lines i. through iii.

**B: Credits**

- v. Realized decreases: State the amount of realized decreases during the filing period.
- vi. Administrative Expenses: State the amount spent on administrative expenses during the filing period.
- vii. Distributions to charity: State the amount distributed to charity during the filing period. In the Distributions to Charity table accompanying line vii., list each beneficiary and the amount distributed along with a total amount for distributions to charity, which gets carried over to line vii.
- viii. Distribution to others: State the amount distributed to others during the filing period. In the Distributions to Others table accompanying line viii., list each beneficiary and the amount distributed along with a total amount for distributions to others, which gets carried over to line viii.
- ix. Total credits: State the total credits by adding lines v. through viii.

**C. Fund Balance**

- x. Increase (or decrease) for the year: State the total increase or decrease in fund balance for the filing period by subtracting line ix from line iv.
- xi. Beginning fund balance: State the beginning fund balance.

xii. Other changes in fund balance: State the total amount of other changes in fund balance.

xiii. Ending fund balance: State the ending fund balance by adding lines x through xii.

**6. When and Where to Submit**

All annual filings on form CHAR004 must be mailed, postmarked within six months after the end of the trust's fiscal year, to the address at the top of the CHAR004.

**7. Penalties**

Pursuant to EPTL Section 8-1.4, any entity that fails to comply with the EPTL registration and filing requirements may be subject to fines in the amount of \$10 per day, up to a maximum of \$1,000, for each such failure.

**8. Questions / Contacting the Charities Bureau**

Questions about completing the CHAR004 should be directed to the Charities Bureau as follows:

By Email: charities.bureau@oag.state.ny.us (note the form number in the subject line)

By Phone: 212-416-8401 (mention the form number to the representative)

Helpful information may also be found on the Charities Bureau website at [www.oag.state.ny.us/charities/charities.html](http://www.oag.state.ny.us/charities/charities.html).