

1112 Final Franchise Tax Report for Resulting Branches in this State of Out-of-State Banks
5 Del.C. Ch. 11

Formerly Regulation No.: 5.1101etal.0011

Effective Date: ~~September 11, 2004~~ **[Proposed February 11, 2017]**

This report shall be completed by all resulting branch(es) in this state of out-of-state banks and submitted to the Office of the State Bank Commissioner on or before January 30; provided, however, that a resulting branch of an out-of-state bank ~~that is entitled to take an additional 15 days to submit its Report of Condition and Income to the appropriate federal bank supervisory authority shall~~ may submit this report to the Office of the State Bank Commissioner on or before ~~February 15~~ any later date allowed by the Federal Financial Institutions Examination Council guidelines for filings its Report of Condition and Income. Income reported is for the previous calendar year. Instructions for the preparation of this report are found in Regulation 1110 ~~(formerly 5.1101etal.0009).~~

Name of Out-of-State Bank

Tax Year

Location

Federal Employer
Identification Number

List corporation(s) electing under Section 1101(f) and attach hereto separate reports of estimated income for each Electing Corporation (include Federal Employer Identification number).

Rounded to the
nearest thousand \$

1. Net operating income before taxes
(including income of Electing Corporations)

2. ~~Plus: Resulting branch imputed capital addback~~

~~3.~~ 2. Less:

- (a) Adjustment for income from an insurance division or subsidiary paid to Delaware Department of Insurance (report of income attached hereto).
- (b) Adjustment for income from an insurance division or subsidiary paid to another state (report of income attached hereto).

~~4.~~ 3. Subtotal

~~5.~~ 4. Less:

- (a) Net operating income before taxes verifiable by documentary evidence from any subsidiary or foreign branch established within the United States pursuant to §771 of Title 5, or other branch established within the United States but outside of Delaware pursuant to federal law or other applicable Delaware law, which is otherwise subject to income taxation under Delaware law.
- (b) Net operating income before taxes verifiable by documentary evidence from any subsidiary or foreign branch established within the United States pursuant to §771 of Title 5, or other branch established within the United States but outside of Delaware pursuant to federal law or other applicable Delaware law, which is derived from business activities carried on outside the State and subject to income taxation under the laws of another state, and that portion of net operating income before taxes from any such entity other than a Delaware-chartered banking organization or a national bank located in this State (as defined in §801(5) of Title 5 of the **Delaware Code**), which entity is a banking organization and which is subject to income taxation under the laws of another state. In no event shall the amount of income excluded exceed 50% of such subsidiary's net operating income before taxes in the case of a subsidiary engaged in a securities business.
- (c) Net operating income before taxes verifiable by documentary evidence from any subsidiary or foreign branch established within the United States pursuant to §771 of Title 5, or other branch established within the United States but outside of Delaware pursuant to federal law or other applicable Delaware law, which is derived from business activities carried on outside the State, which subsidiary, foreign branch or other branch established outside of

Delaware is subject to shares tax under the laws of another state. In no event shall the income excluded exceed 50% of such subsidiary's net operating income before taxes in the case of a subsidiary engaged in a securities business.

- (d) Net operating income before taxes from any non-United States branch office provided that at least 80% of gross income of such office constitutes "income from sources without the United States" as defined under §862(a) of the Internal Revenue Code of 1954, as amended, or any successor provisions thereto.
- (e) Gross income from international banking transactions after subtracting therefrom any expenses or deductions attributable thereto.
- (f) Gross income from international banking facilities less any attributable expenses or other deductions.
- (g) Interest income from obligations of volunteer fire companies.
- (h) Any examination fee paid to the Office of the State Bank Commissioner pursuant to §127(a) of Title 5 of the **Delaware Code**.

~~6.~~ 5. Total deductions (add lines ~~5~~ 4 (a)-(h)) (Include a report of income showing the name and federal employer identification number of each subsidiary taken as a deduction.)

~~7.~~ 6. Total income before taxes (subtract item ~~6~~ 5 from item ~~4~~ 3)

x .56

~~8.~~ 7. Taxable income (calculated to nearest dollar)

~~9.~~ 8. Subtotal annual franchise tax liability (before tax credits)

Calculation Table:

First \$20,000,000 of item ~~8~~ 7 at 8.7%
Next \$ 5,000,000 of item ~~8~~ 7 at 6.7%
Next \$ 5,000,000 of item ~~8~~ 7 at 4.7%
Next \$620,000,000 of item ~~8~~ 7 at 2.7%
Amount of item ~~8~~ 7 over \$650,000,000 at 1.7%

Subtotal

| | | |
|-------------------------------|---|----------|
| 40. 9. | Less: Total employment tax credits (calculated in accordance with Regulation No. 1109 (formerly 5.1105.0008), completed worksheet attached hereto) | _____ |
| 44. 10. | Less: Travelink tax credits (calculated in accordance with Department of Transportation Travelink tax credit reporting requirements, completed worksheet attached hereto) | _____ |
| 42. 11. | Less: Historic Preservation Tax Credits (calculated in accordance with the Office of Historic Preservation tax credit reporting requirements. Certificate of Completion attached. Certificate of Transfer attached if credits have been transferred, sold or assigned to the taxpayer by another person.) | _____ |
| 12. | <u>Less: Other applicable tax credit(s) [attach supporting schedule identifying the credit(s)]</u> | _____ |
| 13. | Total annual franchise tax liability (subtract items <u>9</u> , 10, 11 and 12 from item <u>9 g</u>) | \$ _____ |
| 14. | Less: Estimated tax payments | |
| | a. June 1 payment | \$ _____ |
| | b. September 1 payment | _____ |
| | c. December 1 payment | _____ |
| | d. Total estimated tax payments (add items 14a, 14b and 14c) | _____ |
| 15. | March 1 final tax payment (subtract item 14d from item 13) | _____ |
| 16. | Additional tax due to underpayment of estimated franchise tax or installment (if applicable) | _____ |
| 17. | Penalty for late payment of final franchise tax (if applicable) | _____ |
| 18. | Total final tax payment (add items 15, 16 and 17) | \$ _____ |

I, the undersigned officer, hereby certify that this report, including any accompanying schedules and statements, has been prepared in conformance with the appropriate instructions and is true and correct to the best of my knowledge and belief.

| | | |
|-------|--|-----------|
| _____ | _____ | _____ |
| Date | Signature of President, Treasurer or Other Proper Officer | Title |
| | _____ | _____ |
| | Print Name | Phone No. |
| | _____ | |
| | _____ | |
| | Print Address | |

Mail Completed Form To:
Office of the State Bank Commissioner
555 E. Loockerman Street, Suite 210
Dover, DE 19901

See 5 DE Reg. 647 (09/01/01)