

NC-14 Notice of Contingent Event or Request to Extend Statute of Limitations

Web
8-14

North Carolina Department of Revenue

Part 1. Taxpayer's Information

Tax Type (Fill in applicable circle): Individual Corporate Sales and Use Excise Other (Specify) _____

Individual's First Name _____ M.I. _____ Individual's Last Name _____ Individual's Social Security Number _____

Spouse's First Name (If joint return filed) _____ M.I. _____ Spouse's Last Name (If joint return filed) _____ Spouse's Social Security Number _____

Entity's Legal Name (First 32 Characters) _____ Federal Employer ID Number _____

Entity's Trade Name _____ Account ID/NCDORID _____

Address _____

City _____ State _____ Zip Code _____

Contact Person if Questions _____ Phone Number of Contact Person _____

Period Beginning (MM-DD-YY) _____

Period Ending (MM-DD-YY) _____

Part 2. Contingent Event (See instructions for definition of contingent event)

Use the space below to describe in clear terms the contingent event and the basis used to determine the estimated amount of overpayment (Attach documentation)

Provide the following information:

_____ \$ _____

Return or Payment Affected Estimated amount of overpayment

Part 3. Event or Condition other than a Contingent Event (See instructions for definition of event or condition other than a contingent event)

Use the space below to provide clear and convincing proof that the event or condition described prevents the timely filing of an accurate and definite request for refund (Attach documentation)

Provide the following information:

_____ \$ _____

Return or Payment Affected Estimated amount of overpayment

Taxpayer Signature: _____ Title: _____ Date: _____

Signature of Taxpayer's Representative: _____ Date: _____

If a taxpayer's representative signs this form, a Power of Attorney must accompany this request.

MAIL TO: North Carolina Department of Revenue, P.O. Box 871, Raleigh, North Carolina 27602-0871.
Address the envelope to the attention of the taxing division for the tax to which the event or condition applies.

Instructions for Form NC-14

Notice of Contingent Event or Request to Extend Statute of Limitations

General Instructions

Effective January 1, 2014, N.C. Gen. Stat. § 105-241.6(b)(5) provides an exception to the general statute of limitations for obtaining a refund of an overpayment due to a contingent event or an event or condition other than a contingent event. The statute addresses specific situations when the general statute of limitations in N.C. Gen. Stat. § 105-241.6(a) may not apply.

- A contingent event means litigation or a state tax audit initiated prior to the expiration of the statute of limitations which prevents a taxpayer from possessing the information necessary to file an accurate and definite request for refund of an overpayment.
- An event or condition other than a contingent event is an event or condition other than litigation or a state tax audit that has occurred that prevents the taxpayer from filing an accurate and definite request for refund of an overpayment within the general statute of limitations.

Use Form NC-14 to give notice of a contingent event or to request an extension of the statute of limitations for an event or condition other than a contingent event. Form NC-14 must be filed with the Secretary of Revenue prior to the expiration of the statute of limitations as set forth in N.C. Gen. Stat. § 105-241.6(a), and must include a detailed explanation, including any supporting documentation, describing the specific basis for filing the form. In lieu of completing Form NC-14, you may mail a letter containing all of the required information identified on Form NC-14 to the taxing division for the tax to which the contingent event or event or condition other than a contingent event applies.

The Department will notify you in writing that either: (1) the contingent event notice has been received with the required information, (2) the contingent event notice has been received without the required information, (3) the request to extend the statute of limitations has been granted, or (4) the request to extend the statute of limitations has been denied. The Secretary of Revenue's decision to grant or deny a request to extend the statute of limitations is not subject to further administrative or judicial review.

Important. Form NC-14, or a letter sent in lieu of Form NC-14, will not be accepted if all the required information is not included or is not filed prior to the expiration of the statute of limitations.

Specific Instructions

1. All taxpayers must complete Part 1, "Taxpayer's Information," in full. If you are an individual, enter your name and social security number; include spousal information if applicable. If you are a corporation, enter the corporation's legal name, as set forth in the corporate charter, and associated federal identification number. Include in this section:
 - your account identification number (ID) or your North Carolina Department of Revenue identification number (NCDORID)
 - the affected tax period begin and end date

- the name and phone number of a person for whom the Department may contact if a question arises regarding this form

2. Part 2, "Contingent Event," must be completed by a taxpayer that is subject to a contingent event and that gives notice to the Secretary of the event as required under N.C. Gen. Stat. § 105-241.6(b)(5)a. Include in this section, in clear terms:

- a description of the contingent event
- the type of tax affected by the contingent event
- the return or payment affected by the contingent event
- the basis used to determine the estimated amount of overpayment
- the estimated amount of overpayment

A request for refund of an overpayment must be filed within six months after the contingent event concludes. Include a copy of the Department's acknowledgment with the request for a refund of an overpayment.

3. Part 3, "Event or Condition other than a Contingent Event," must be completed by a taxpayer who contends that an event or condition other than litigation or a state tax audit has occurred and that event or condition prevents the taxpayer from filing an accurate and definite request for refund of an overpayment. Include in this section:

- clear and convincing proof that the event or condition is beyond the taxpayer's control and that the event or condition prevents the taxpayer's timely filing of an accurate and definite request for refund of an overpayment
- the type of tax affected by the event or condition
- the return or payment affected by the event or condition
- the basis used to determine the amount of estimated overpayment
- the amount of estimated overpayment

The written request seeking an extension of the statute of limitations must be filed within the statute of limitations. If the extension of the statute of limitations is granted, the request for a refund of an overpayment must be filed within six months after the event or condition concludes. Include a copy of the Department's grant of the request to extend the statute of limitations with the request for a refund of an overpayment.

4. Mail Form NC-14, or a letter in lieu of Form NC-14, to P.O. Box 871, Raleigh, North Carolina, 27602-0871. Address the envelope to the attention of the taxing division for the tax to which the event or condition applies. For example:

- Income Tax Division – Personal Taxes Section
- Income Tax Division – Corporate Tax Section
- Sales and Use Tax Division
- Excise Tax Division