

Instructions for the Person Subject to Withholding

Generally, if you are a foreign person that disposes of real property located in the United States, 10% of the amount realized must be withheld by the buyer or other transferee. Generally, certain foreign interest holders that are beneficiaries or shareholders are also subject to the withholding, but at a rate of 35%. Even though tax may have been withheld, you are required to file a Form 1040NR, 1041, 1065, or 1120F to report the sale or other disposition as effectively connected with the conduct of a trade or business in the United States. To receive credit for any Federal income tax withheld shown in box 2, attach Form 8288-A to your Federal income tax return, or send it with any request for refund. However, foreign partnerships should report the withholding on **Form 8804**, Annual Return for Partnership Withholding Tax (Section 1446), and attach Form 8288-A. See **Pub. 519**, U.S. Tax Guide for Aliens, for more information about filing requirements.

If the amount shown in box 2 is greater than your maximum tax liability, you may apply for an early refund before filing your tax return. To do so, you must also apply for a withholding certificate (if you do not already have one). Send your application for an early refund to the Director, Philadelphia Service Center, P.O. Box 21086, Philadelphia, PA 19114-0586. No particular form is required for the application, but it must include the following information in separate paragraphs numbered as shown below:

1. Your name, address, and identification number,
2. The amount required to be withheld as stated in the withholding certificate issued by the IRS,
3. The amount withheld shown in box 2 (attach a copy of this Form 8288-A), and
4. The amount to be refunded.

See Regulations sections 1.1445-3 and 1.1445-6, Rev. Proc. 88-23, and **Form 8288-B**, Application for Withholding Certificate for Dispositions by Foreign Persons of U.S. Real Property Interests, for information about how to request a withholding certificate.

Instructions for the Withholding Agent

Prepare Form 8288-A for each person subject to withholding. **Attach Copies A and B to Form 8288**, U.S. Withholding Tax Return for Dispositions by Foreign Persons of U.S. Real Property Interests. Copy B will be stamped by the IRS and sent to the person subject to withholding for that person's future use. Copy C is for your records. You need not give a copy of this form to the foreign person subject to withholding.

Address.—You must enter the foreign home address (for an individual) or the foreign office address (for other than an individual) for the person subject to withholding. However, you may enter a separate mailing address in the space provided. If provided, the IRS will use the separate mailing address to forward Copy B to the person subject to withholding.

Note: *The foreign address must be an address outside the United States. If the person does not have a*

foreign address, then enter the country of the foreign person in this section and use the mailing address section.

Box 1.—Enter the date of transfer. Enter the date of distribution if you withheld under section 1445(e)(2) or (3) or you made the large trust election to withhold at the date of distribution.

Box 2.—Enter the Federal income tax withheld by you for the foreign person whose name appears on this form.

Box 3.—Enter the amount realized by the foreign person whose name appears on this form.

Box 4.—Complete only if you are a foreign corporation required to withhold under section 1445(e)(2).

Box 6.—Check the applicable box to indicate whether the person subject to withholding is an individual or a corporation. If other, please specify whether the person is a partnership, trust, or estate.

For definitions and other rules, see the instructions for Form 8288.