

Application for Refund of Tax Withheld From Pass-Through Entities - Instructions -

Who May Use This Form: A pass-through entity (PTE) who is subject to withholding tax from its owners, partners, members or beneficiaries (owners) net income according to the Oil and Gas Proceeds and Pass-Through Entity Withholding Tax Act, may use this form to request a refund of tax withheld against the net income it receives from another PTE, reported on Form PTE, *New Mexico Information Return for Pass-Through Entities*, or an overpayment of withholding tax paid and reported on Form RPD-41367, *Annual Withholding of Net Income From a Pass-Through Entity Detail Report*.

For filers of Form PTE, *New Mexico Information Return for Pass-Through Entities*. If you have received a 1099-Misc, Form RPD-41359, *Annual Statement of Pass-Through Entity Withholding*, or Form RPD-41285, *Annual Statement of Withholding of Oil and Gas Proceeds*, showing income tax withheld on the net income of the pass-through entity or withholding on New Mexico oil and gas proceeds received, and you wish to obtain a refund of the tax withheld, then you must submit a completed Form RPD-41373, *Application for Refund of Tax Withheld From Pass-Through Entities*, to the Department. The forms 1099-Misc, RPD-41359, or RPD-41285 must be issued to the PTE.

When requesting a refund, attach Form RPD-41373 to the PTE return and submit it to the address for filing the PTE return. The applicable address is the address listed at the bottom of this page.

For filers of Form RPD-41367, *Annual Withholding of Net Income From a Pass-Through Entity Detail Report*. If you have overpaid the tax to be withheld from the owners allocable net income of a PTE on Form RPD-41367, *Annual Withholding of Net Income From a Pass-Through Entity Detail Report*, you must amend Form RPD-41367 and submit a completed Form RPD-41373, *Application for Refund of Tax Withheld From Pass-Through Entities*, to the Department. If the PTE overpaid the tax by filing Form RPD-41355, *Pass-Through Entity Withholding Tax Return*, then the PTE must amend Form RPD-41355, and indicate that Form RPD-41355 was amended in the "Basis for Refund" portion of this form. Form RPD-41373, *Application for Refund of Tax Withheld From Pass-Through Entities*, may be submitted separately if amending these forms online.

When requesting a refund, submit the completed Form RPD-41373 to the address at the bottom of this page.

Completing This Form: A valid claim for refund requires all information requested on this form. "Basis for Refund" means a brief statement of the facts on which the claim is based, and must explain why the overpayment was made. Do not merely enter the word "overpayment". Attach a letter of explanation if the space provided is insufficient. The application for refund must be signed by the PTE's owner or the PTE's authorized representative.

IMPORTANT: To validate the claim for refund, the Department may require both Form PTE, *New Mexico Information Return for Pass-Through Entities*, and Form RPD-41367, *Annual Withholding of Net Income From a Pass-Through Entity Detail Report*, to be filed. The Department may be required to compare the information provided on both forms to verify that the claim for refund is valid.

Request for Direct Deposit: The refund of tax may be deposited directly into your bank account by completing all information within the Direct Deposit section of this form. If the information is incomplete or incorrect, your refund will be mailed.

Important: A direct deposit of your refund may not be made to a bank account located at a financial institution outside the territorial jurisdiction of the United States. In order to comply with new federal banking rules, anyone wishing to have your refund directly deposited into your account, you must answer an additional question when completing the Direct Deposit portion of your application for tax refund. If you do not answer the question, your refund will be mailed to you in the form of a paper check. If you answer the question incorrectly, your refund may be delayed, rejected or frozen by the National Automated Clearing House Association (NACHA) or the Office of Foreign Assets Control (OFAC). You will be asked whether the refund will go to, or through, an account located outside the territorial jurisdiction of the United States. You will be advised if the answer is "yes", you should not choose the Direct Deposit method of delivering your refund. Your options are to use a different bank account or to leave the Direct Deposit portion of the application blank and have a paper check mailed to the address on the taxpayer's records. A financial institution is located within the territorial jurisdiction of the United States if it is located within the United States; located on a United States military base, or located in American Samoa, Guam, the Northern Mariana Islands, Puerto Rico or the U.S. Virgin Islands.