Instructions for Form FTB 3538
Payment for Automatic Extension for LPs, LLPs, and REMICs

What's New

Beginning November 2010, limited partnerships (LPs), limited liability partnerships (LLPs) and real estate mortgage investment conduits (REMICs) can make payments electronically at the Franchise Tax Boards's (FTB's) website using Web Pay. After a one-time online registration, LPs, LLPs, and REMICs can make an immediate payment or schedule payments up to a year in advance. For more information, go to **ftb.ca.gov** and search for **web pay**.

General Information

California does not require the filing of written extensions. If a partnership cannot file Form 565, Partnership Return of Income, by the return's due date, the partnership is granted an automatic six-month extension.

If the tax return is filed by the 15th day of the 10th month following the close of the taxable year (fiscal year) or by October 17, 2011 (calendar year), the extension will apply.

However, an extension of time to file the LP, LLP, or REMIC return is **not** an extension of time to **pay** the $800 annual tax.

Only use form FTB 3538, Payment for Automatic Extension for LPs, LLPs, and REMICs, if both of the following apply:

- The LP, LLP, or REMIC cannot file Form 565 by the due date
- Tax is owed for 2010

If tax is not owed, there is nothing to file at this time. **Do not** complete or mail this form.

If tax is owed or you are paying the $800 annual tax, complete the form below. Mail the payment form along with the check or money order to the FTB by the 15th day of the 4th month following the close of the taxable year (fiscal year) or April 15, 2011 (calendar year), to avoid a late payment penalty. Due to the federal Emancipation Day holiday on April 15, 2011, tax returns filed and payments received on April 18, 2011, will be considered timely.

How to Complete Form FTB 3538

Enter all the information requested using black or blue ink. To ensure the timely and proper application of this payment to the partnership's account, enter the federal employer identification number (FEIN) and the California Secretary of State (SOS) file number (assigned upon registration with the SOS).

Private Mail Box (PMB)
Include the PMB in the address field. Write "PMB" first, then the box number. Example: 111 Main Street PMB 123.

Where to File

Using black or blue ink, make check or money order payable to the "Franchise Tax Board." Write the FEIN or SOS file number and "2010 FTB 3538" on the check or money order. Detach the payment form from the bottom of this page. Enclose, but **do not** staple, your payment to the form and mail to:

FRANCHISE TAX BOARD
PO BOX 942857
SACRAMENTO CA 94257-0651

Make all checks or money orders payable in U.S. dollars and drawn against a U.S. financial institution.

If no payment is due or paid electronically, do not mail this form.

Penalties and Interest

An extension of time to file a return is **not** an extension of time to **pay** the tax. If the entity fails to pay its tax liability by the original due date, the entity will incur a late payment penalty plus interest. To avoid late payment penalties and interest, the tax liability must be paid by the 15th day of the 4th month, following the close of the taxable year.

Internet Access

You can download, view, and print California tax forms and publications at **ftb.ca.gov**.

Access other state agencies' websites at **ca.gov**.

✂- DETACH HERE _ _ _ _ _ **IF NO PAYMENT IS DUE OR PAID ELECTRONICALLY, DO NOT MAIL THIS FORM** _ _ _ _ _ DETACH HERE ✂

Fiscal year: File and Pay by the 15th day of the 4th month following the close of the taxable year.
Calendar year: File and Pay by April 15, 2011.

TAXABLE YEAR	Payment for Automatic Extension	CALIFORNIA FORM
2010	**for LPs, LLPs, and REMICs**	**3538 (565)**

For calendar year 2010 or fiscal year beginning month_____ day_____ year _____, and ending month_____ day_____ year_____.

LP, LLP, or REMIC name

FEIN

DBA

Secretary of State (SOS) file number

Address (suite, room, PO Box or PMB no.)

City

State   ZIP Code

Contact Telephone no.
(   )

Amount of payment

.00

6211103

FTB 3538 2010