

Final Form 8939 and Instructions Now Available

October 2011 by [Kathleen A. Ryan, Esq.](#) and [David C. Morganelli, Esq.](#)

The IRS just released the final Form 8939 and Instructions. Form 8939 is required to be filed by an Executor of a 2010 decedent's estate to make the election to opt out of the federal estate tax system and apply the modified carry-over basis rules under Internal Revenue Code ("IRC") Section 1022. The deadline for filing Form 8939 is January 17, 2012. No further extension of time to file or to make the IRC Section 1022 election will be allowed. For more information on the IRC Section 1022 election and other filing guidance, see IRS Notices 2011-66 and 2011-76, and Rev. Proc. 2011-41.

[Click for Notice 2011-66](#)

[Click for Notice 2011-76](#)

[Click for Rev. Proc. 2011-41](#)