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Home Mortgage Interest Deduction

For use in preparing
2001 Returns



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Important Change

Third party designee. Beginning with your tax return for 2001, you can check the "Yes" box in the "Third Party Designee" area of your return to authorize the IRS to discuss your return with a friend, family member, or any other person you choose. This allows the IRS to call the person you identified as your designee to answer any questions that may arise during the processing of your return. It also allows your designee to perform certain actions. See your income tax package for details.

Important Reminders

Personal interest. Personal interest is not deductible. Examples of personal interest include interest on a loan to purchase an automobile for personal use and credit card and installment interest incurred for personal expenses.

But you may be able to deduct interest you pay on a qualified student loan. For details, see Publication 970, *Tax Benefits for Higher Education*.

Limit on itemized deductions. Certain itemized deductions (including home mortgage interest) are limited if your adjusted gross income is more than \$132,950 (\$66,475 if you are married filing separately). For more information, see the instructions for Schedule A (Form 1040).

Photographs of missing children. The Internal Revenue Service is a proud partner with the National Center for Missing and Exploited Children. Photographs of missing children selected by the Center may appear in this publication on pages that would otherwise be blank. You can

help bring these children home by looking at the photographs and calling **1-800-THE-LOST (1-800-843-5678)** if you recognize a child.

Introduction

This publication discusses the rules for deducting home mortgage interest.

Part I contains general information on home mortgage interest, including points. It also explains how to report deductible interest on your tax return.

Part II explains how your deduction for home mortgage interest may be limited. It contains *Table 1*, which is a worksheet you may use to figure the limit on your deduction.

Comments and suggestions. We welcome your comments about this publication and your suggestions for future editions.

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We respond to many letters by telephone. Therefore, it would be helpful if you would include your daytime phone number, including the area code, in your correspondence.

Useful Items

You may want to see:

Publication

- 523** Selling Your Home
- 527** Residential Rental Property
- 530** Tax Information for First-Time Homeowners
- 535** Business Expenses

See *How To Get Tax Help*, near the end of this publication, for information about getting these publications.

Part I. Home Mortgage Interest

This part explains what you can deduct as home mortgage interest. It includes discussions on points and on how to report deductible interest on your tax return.

Generally, home mortgage interest is any interest you pay on a loan secured by your home (main home or a second home). The loan may be a mortgage to buy your home, a second mortgage, a line of credit, or a home equity loan.

You can deduct home mortgage interest only if you meet all the following conditions.

- You must file Form 1040 and itemize deductions on Schedule A (Form 1040).
- You must be legally liable for the loan. You cannot deduct payments you make for someone else if you are not legally

liable to make them. Both you and the lender must intend that the loan be repaid. In addition, there must be a true debtor-creditor relationship between you and the lender.

- The mortgage must be a secured debt on a qualified home. "Secured debt" and "qualified home" are explained later.

Fully deductible interest. In most cases, you will be able to deduct all of your home mortgage interest. Whether it is all deductible depends on the date you took out the mortgage, the amount of the mortgage, and your use of its proceeds.

If all of your mortgages fit into one or more of the following three categories at all times during the year, you can deduct all of the interest on those mortgages. (If any one mortgage fits into more than one category, add the debt that fits in each category to your other debt in the same category.) If one or more of your mortgages does not fit into any of these categories, use *Part II* of this publication to figure the amount of interest you can deduct.

The three categories are as follows.

- 1) Mortgages you took out on or before October 13, 1987 (called **grandfathered debt**).
- 2) Mortgages you took out after October 13, 1987, to buy, build, or improve your home (called **home acquisition debt**), but only if throughout 2001 these mortgages plus any grandfathered debt totaled \$1 million or less (\$500,000 or less if married filing separately).
- 3) Mortgages you took out after October 13, 1987, other than to buy, build, or improve your home (called **home equity debt**), but only if throughout 2001 these mortgages totaled \$100,000 or less (\$50,000 or less if married filing separately) **and** totaled no more than the fair market value of your home reduced by (1) and (2).

The dollar limits for the second and third categories apply to the combined mortgages on your main home and second home.

See *Part II* for more detailed definitions of grandfathered, home acquisition, and home equity debt.

You can use *Figure A* to check whether your home mortgage interest is fully deductible.

Secured Debt

You can deduct your home mortgage interest only if your mortgage is a secured debt. A secured debt is one in which you sign an instrument (such as a mortgage, deed of trust, or land contract) that:

- 1) Makes your ownership in a qualified home security for payment of the debt,
- 2) Provides, in case of default, that your home could satisfy the debt, and
- 3) Is recorded or is otherwise perfected under any state or local law that applies.

In other words, your mortgage is a secured debt if you put your home up as collateral to protect the interests of the lender. If you cannot pay the debt, your home can then serve as payment to the lender to satisfy (pay) the debt.

In this publication, **mortgage** will refer to secured debt.

Debt not secured by home. A debt is not secured by your home if it is secured solely because of a lien on your general assets or if it is a security interest that attaches to the property without your consent (such as a mechanic's lien or judgment lien).

A debt is not secured by your home if it once was, but is no longer secured by your home.

Wraparound mortgage. This is not a secured debt unless it is recorded or otherwise perfected under state law.

Example. Beth owns a home subject to a mortgage of \$40,000. She sells the home for \$100,000 to John, who takes it subject to the \$40,000 mortgage. Beth continues to make the payments on the \$40,000 note. John pays \$10,000 down and gives Beth a \$90,000 note secured by a wraparound mortgage on the home. Beth does not record or otherwise perfect the \$90,000 mortgage under the state law that applies. Therefore, that mortgage is not a secured debt, and the interest John pays on it is not deductible as home mortgage interest.

Choice to treat the debt as not secured by your home. You can choose to treat any debt secured by your qualified home as not secured by the home. This treatment begins with the tax year for which you make the choice and continues for all later tax years. You may revoke your choice only with the consent of the Internal Revenue Service (IRS).

You may want to treat a debt as not secured by your home if the interest on that debt is fully deductible (for example, as a business expense) whether or not it qualifies as home mortgage interest. This may allow you, if the limits in *Part II* apply to you, more of a deduction for interest on other debts that are deductible only as home mortgage interest.

Cooperative apartment owner. If you own stock in a cooperative housing corporation, see the *Special Rule for Tenant-Stockholders in Cooperative Housing Corporations*, near the end of this *Part I*.

Qualified Home

For you to take a home mortgage interest deduction, your debt must be secured by a qualified home. This means your main home or your second home. A home includes a house, condominium, cooperative, mobile home, house trailer, boat, or similar property that has sleeping, cooking, and toilet facilities.

The interest you pay on a mortgage on a home other than your main or second home may be deductible if the proceeds of the loan were used for business, investment, or other deductible purposes. Otherwise, it is considered personal interest and is not deductible.

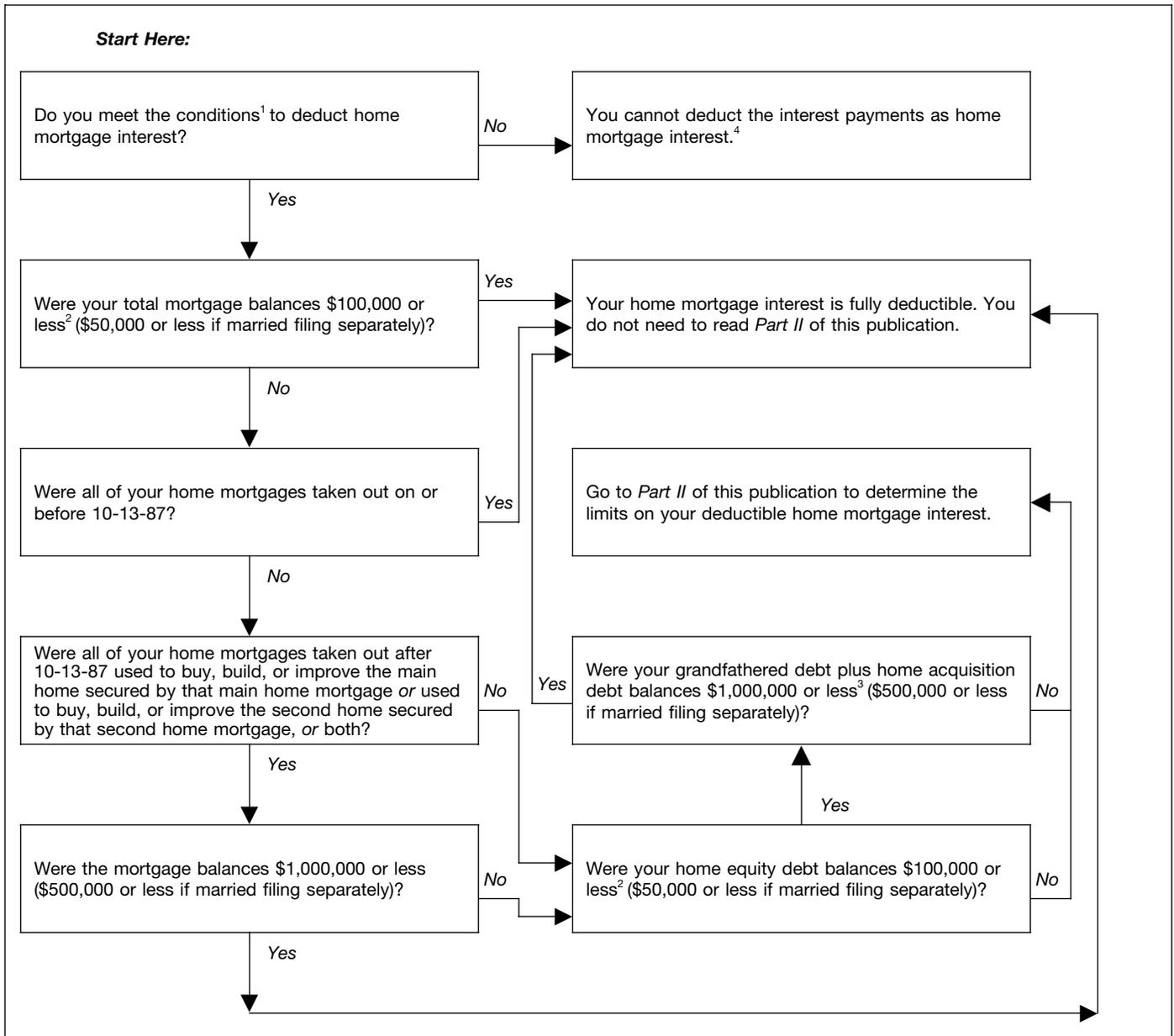
Main home. You can have only one main home at any one time. Generally, this is the home where you spend most of your time.

Second home. A second home is a home that you choose to treat as your second home.

Second home not rented out. If you have a second home that you do not hold out for rent or resale to others at any time during the year,

Figure A. Is My Home Mortgage Interest Fully Deductible?

(Instructions: Include balances of **ALL** mortgages secured by your main home and second home. Answer **YES** only if the answer is true at **ALL** times during the year.)



¹ You must itemize deductions on Schedule A (Form 1040) and be legally liable for the loan. The loan must be a secured debt on a qualified home. See *Part I, Home Mortgage Interest*.

² If all mortgages on your main or second home exceed the home's fair market value, a lower limit may apply. See *Home equity debt limit* under *Home Equity Debt* in *Part II*.

³ Amounts over the \$1,000,000 limit (\$500,000 if married filing separately) qualify as home equity debt if they are not more than the total home equity debt limit. See *Part II* of this publication for more information about grandfathered debt, home acquisition debt, and home equity debt.

⁴ See *Table 2* for where to deduct other types of interest payments.

you can treat it as a qualified home. You do not have to use the home during the year.

Second home rented out. If you have a second home and rent it out part of the year, you also must use it as a home during the year for it to be a qualified home. You must use this home more than 14 days or more than 10% of the number of days during the year that the home is rented at a fair rental, whichever is longer. If you do not use the home long enough, it is considered rental property and not a second home. For

information on residential rental property, see Publication 527.

More than one second home. If you have more than one second home, you can treat only one as the qualified second home during any year. However, you can change the home you treat as a second home during the year in the following three situations.

- 1) If you get a new home during the year, you can choose to treat the new home as your second home as of the day you buy it.

2) If your main home no longer qualifies as your main home, you can choose to treat it as your second home as of the day you stop using it as your main home.

3) If your second home is sold during the year or becomes your main home, you can choose a new second home as of the day you sell the old one or begin using it as your main home.

Divided use of your home. The only part of your home that is considered a qualified home is

the part you use for residential living. If you use part of your home for other than residential living, such as a home office, you must allocate the use of your home. You must then divide both the cost and fair market value of your home between the part that is a qualified home and the part that is not. Dividing the cost may affect the amount of your home acquisition debt, which is limited to the cost of your home plus the cost of any improvements. (See *Home Acquisition Debt* in *Part II*.) Dividing the fair market value may affect your home equity debt limit, also explained in *Part II*.

Renting out part of home. If you rent out part of a qualified home to another person (tenant), you can treat the rented part as being used by you for residential living only if all three of the following conditions apply.

- 1) The rented part of your home is used by the tenant primarily for residential living.
- 2) The rented part of your home is not a self-contained residential unit having separate sleeping, cooking, and toilet facilities.
- 3) You do not rent (directly or by sublease) the same or different parts of your home to more than two tenants at any time during the tax year. If two persons (and dependents of either) share the same sleeping quarters, they are treated as one tenant.

Office in home. If you have an office in your home that you use in your business, see Publication 587, *Business Use of Your Home*. It explains how to figure your deduction for the business use of your home, which includes the business part of your home mortgage interest.

Home under construction. You can treat a home under construction as a qualified home for a period of up to 24 months, but only if it becomes your qualified home at the time it is ready for occupancy.

The 24-month period can start any time on or after the day construction begins.

Home destroyed. You may be able to continue treating your home as a qualified home even after it is destroyed in a fire, storm, tornado, earthquake, or other casualty. This means you can continue to deduct the interest you pay on your home mortgage, subject to the limits described in this publication.

You can continue treating a destroyed home as a qualified home if, within a reasonable period of time after the home is destroyed, you:

- 1) Rebuild the destroyed home and move into it, or
- 2) Sell the land on which the home was located.

This rule applies to your main home and to a second home that you treat as a qualified home.

Time-sharing arrangements. You can treat a home you own under a time-sharing plan as a qualified home if it meets all the requirements. A time-sharing plan is an arrangement between two or more people that limits each person's interest in the home or right to use it to a certain part of the year.

Rental of time-share. If you rent out your time-share, it qualifies as a second home only if you also use it as a home during the year. See

Second home rented out, earlier, for the use requirement. To know whether you meet that requirement, count your days of use and rental of the home only during the time you have a right to use it or to receive any benefits from the rental of it.

Married taxpayers. If you are married and file a joint return, your qualified home(s) can be owned either jointly or by only one spouse.

Separate returns. If you are married filing separately and you and your spouse own more than one home, you can each take into account only one home as a qualified home. However, if you both consent in writing, then one spouse can take both the main home and a second home into account.

Special Situations

This section describes certain items that can be included as home mortgage interest and others that cannot. It also describes certain special situations that may affect your deduction.

Late payment charge on mortgage payment. You can deduct as home mortgage interest a late payment charge if it was not for a specific service in connection with your mortgage loan.

Mortgage prepayment penalty. If you pay off your home mortgage early, you may have to pay a penalty. You can deduct that penalty as home mortgage interest provided the penalty is not for a specific service performed or cost incurred in connection with your mortgage loan.

Sale of home. If you sell your home, you can deduct your home mortgage interest (subject to any limits that apply) paid up to, but not including, the date of the sale.

Example. John and Peggy Harris sold their home on May 7. Through April 30, they made home mortgage interest payments of \$1,220. The settlement sheet for the sale of the home showed \$50 interest for the 6-day period in May up to, but not including, the date of sale. Their mortgage interest deduction is \$1,270 (\$1,220 + \$50).

Prepaid interest. If you pay interest in advance for a period that goes beyond the end of the tax year, you must spread this interest over the tax years to which it applies. You can deduct in each year only the interest that qualifies as home mortgage interest for that year. However, there is an exception that applies to points, discussed later.

Mortgage interest credit. You may be able to claim a mortgage interest credit if you were issued a mortgage credit certificate (MCC) by a state or local government. Figure the credit on **Form 8396**, *Mortgage Interest Credit*. If you take this credit, you must reduce your mortgage interest deduction by the amount of the credit.

See Form 8396 and Publication 530 for more information on the mortgage interest credit.

Ministers' and military housing allowance. If you are a minister or a member of the uniformed services and receive a housing allowance that is not taxable, you can still deduct your home mortgage interest.

Mortgage assistance payments. If you qualify for mortgage assistance payments under

section 235 of the National Housing Act, part or all of the interest on your mortgage may be paid for you. You cannot deduct the interest that is paid for you.

No other effect on taxes. Do not include these mortgage assistance payments in your income. Also, do not use these payments to reduce other deductions, such as real estate taxes.

Divorced or separated individuals. If a divorce or separation agreement requires you or your spouse or former spouse to pay home mortgage interest on a home owned by both of you, the payment of interest may be alimony. See the discussion of *Payments for jointly-owned home* under *Alimony* in Publication 504, *Divorced or Separated Individuals*.

Redeemable ground rents. In some states (such as Maryland), you may buy your home subject to a ground rent. A ground rent is an obligation you assume to pay a fixed amount per year on the property. Under this arrangement, you are leasing (rather than buying) the land on which your home is located.

If you make annual or periodic rental payments on a redeemable ground rent, you can deduct them as mortgage interest.

A ground rent is a redeemable ground rent if all of the following are true.

- 1) Your lease, including renewal periods, is for more than 15 years.
- 2) You can freely assign the lease.
- 3) You have a present or future right (under state or local law) to end the lease and buy the lessor's entire interest in the land by paying a specific amount.
- 4) The lessor's interest in the land is primarily a security interest to protect the rental payments to which he or she is entitled.

Payments made to end the lease and to buy the lessor's entire interest in the land are not ground rents. You cannot deduct them.

Nonredeemable ground rent. Payments on a nonredeemable ground rent are not mortgage interest. You can deduct them as rent if they are a business expense or if they are for rental property.

Rental payments. If you live in a house before final settlement on the purchase, any payments you make for that period are rent and not interest. This is true even if the settlement papers call them interest. You cannot deduct these payments as home mortgage interest.

Mortgage proceeds invested in tax-exempt securities. You cannot deduct the home mortgage interest on grandfathered debt or home equity debt if you used the proceeds of the mortgage to buy securities or certificates that produce tax-free income. Grandfathered debt and home equity debt are defined in *Part II* of this publication.

Refunds of interest. If you receive a refund of interest in the same year you paid it, you must reduce your interest expense by the amount refunded to you. If you receive a refund of interest you deducted in an earlier year, you generally must include the refund in income in the year you receive it. However, you need to include it only up to the amount of the deduction that

reduced your tax in the earlier year. This is true whether the interest overcharge was refunded to you or was used to reduce the outstanding principal on your mortgage. If you need to include the refund in income, report it on line 21, Form 1040.

If you received a refund of interest you overpaid in an earlier year, you generally will receive a Form 1098, *Mortgage Interest Statement*, showing the refund in box 3. For information about Form 1098, see *Mortgage Interest Statement*, later.

For more information on how to treat refunds of interest deducted in earlier years, see *Recoveries* in Publication 525, *Taxable and Nontaxable Income*.

Cooperative apartment owner. If you own a cooperative apartment, you must reduce your home mortgage interest deduction by your share of any cash portion of a patronage dividend that the cooperative receives. The patronage dividend is a partial refund to the cooperative housing corporation of mortgage interest it paid in a prior year.

If you receive a Form 1098 from the cooperative housing corporation, the form should show only the amount you can deduct.

Points

The term "points" is used to describe certain charges paid, or treated as paid, by a borrower to obtain a home mortgage. Points may also be called loan origination fees, maximum loan charges, loan discount, or discount points.

A borrower is treated as paying any points that a home seller pays for the borrower's mortgage. See *Points paid by the seller*, later.

General rule. You generally cannot deduct the full amount of points in the year paid. Because they are prepaid interest, you generally must deduct them over the life (term) of the mortgage.

Exception. You can fully deduct points in the year paid if you meet all the following tests. (You can use *Figure B* as a quick guide to see whether your points are fully deductible in the year paid.)

- 1) Your loan is secured by your main home. (Your main home is the one you live in most of the time.)
- 2) Paying points is an established business practice in the area where the loan was made.
- 3) The points paid were not more than the points generally charged in that area.
- 4) You use the cash method of accounting. This means you report income in the year you receive it and deduct expenses in the year you pay them. Most individuals use this method.
- 5) The points were not paid in place of amounts that ordinarily are stated separately on the settlement statement, such as appraisal fees, inspection fees, title fees, attorney fees, and property taxes.
- 6) The funds you provided at or before closing, plus any points the seller paid, were at least as much as the points charged. The funds you provided do not have to have

been applied to the points. They can include a down payment, an escrow deposit, earnest money, and other funds you paid at or before closing for any purpose. You cannot have borrowed these funds from your lender or mortgage broker.

- 7) You use your loan to buy or build your main home.
- 8) The points were computed as a percentage of the principal amount of the mortgage.
- 9) The amount is clearly shown on the settlement statement (such as the Uniform Settlement Statement, Form HUD-1) as points charged for the mortgage. The points may be shown as paid from either your funds or the seller's.

Note. If you meet all of these tests, you can choose to either fully deduct the points in the year paid, or deduct them over the life of the loan.

Home improvement loan. You can also fully deduct in the year paid points paid on a loan to improve your main home, if tests (1) through (6) above are met.

 **Second home.** The Exception does not apply to points you pay on loans secured by your second home. You can deduct these points only over the life of the loan.

Exception does not apply. If you do not qualify under the exception, or choose not, to deduct the full amount of points in the year paid, see *Points* in chapter 5 of Publication 535 for the rules on when and how much you can deduct. However, if the points relate to refinancing a home mortgage, see *Refinancing*, later.

Amounts charged for services. Amounts charged by the lender for specific services connected to the loan are not interest. Examples of these charges are:

- 1) Appraisal fees,
- 2) Notary fees,
- 3) Preparation costs for the mortgage note or deed of trust,
- 4) Mortgage insurance premiums, and
- 5) VA funding fees.

You cannot deduct these amounts as points either in the year paid or over the life of the mortgage. For information about the tax treatment of these amounts and other settlement fees and closing costs, get Publication 530.

Points paid by the seller. The term "points" includes loan placement fees that the seller pays to the lender to arrange financing for the buyer.

Treatment by seller. The seller *cannot* deduct these fees as interest. But they are a selling expense that reduces the amount realized by the seller. See Publication 523 for information on selling your home.

Treatment by buyer. The buyer reduces the basis of the home by the amount of the seller-paid points and treats the points as if he or

she had paid them. If all the tests under the *Exception*, earlier, are met, the buyer can deduct the points in the year paid. If any of those tests is not met, the buyer deducts the points over the life of the loan.

If you need information about the basis of your home, see Publication 523 or Publication 530.

Funds provided are less than points. If you meet all the tests in the *Exception*, earlier, except that the funds you provided were less than the points charged to you (test (6)), you can deduct the points in the year paid, up to the amount of funds you provided. In addition, you can deduct any points paid by the seller.

Example 1. When you took out a \$100,000 mortgage loan to buy your home in December, you were charged one point (\$1,000). You meet all the tests for deducting points in the year paid, except the only funds you provided were a \$750 down payment. Of the \$1,000 charged for points, you can deduct \$750 in the year paid. You spread the remaining \$250 over the life of the mortgage.

Example 2. The facts are the same as in *Example 1*, except that the person who sold you your home also paid one point (\$1,000) to help you get your mortgage. In the year paid, you can deduct \$1,750 (\$750 of the amount you were charged plus the \$1,000 paid by the seller). You spread the remaining \$250 over the life of the mortgage. You must reduce the basis of your home by the \$1,000 paid by the seller.

Excess points. If you meet all the tests in the *Exception*, earlier, except that the points paid were more than generally paid in your area (test (3)), you deduct in the year paid only the points that are generally charged. You must spread any additional points over the life of the mortgage.

Mortgage ending early. If you spread your deduction for points over the life of the mortgage, you can deduct any remaining balance in the year the mortgage ends. However, if you refinance the mortgage with the same lender, you cannot deduct any remaining balance of spread points. Instead, deduct the remaining balance over the term of the new loan.

A mortgage may end early due to a prepayment, refinancing, foreclosure, or similar event.

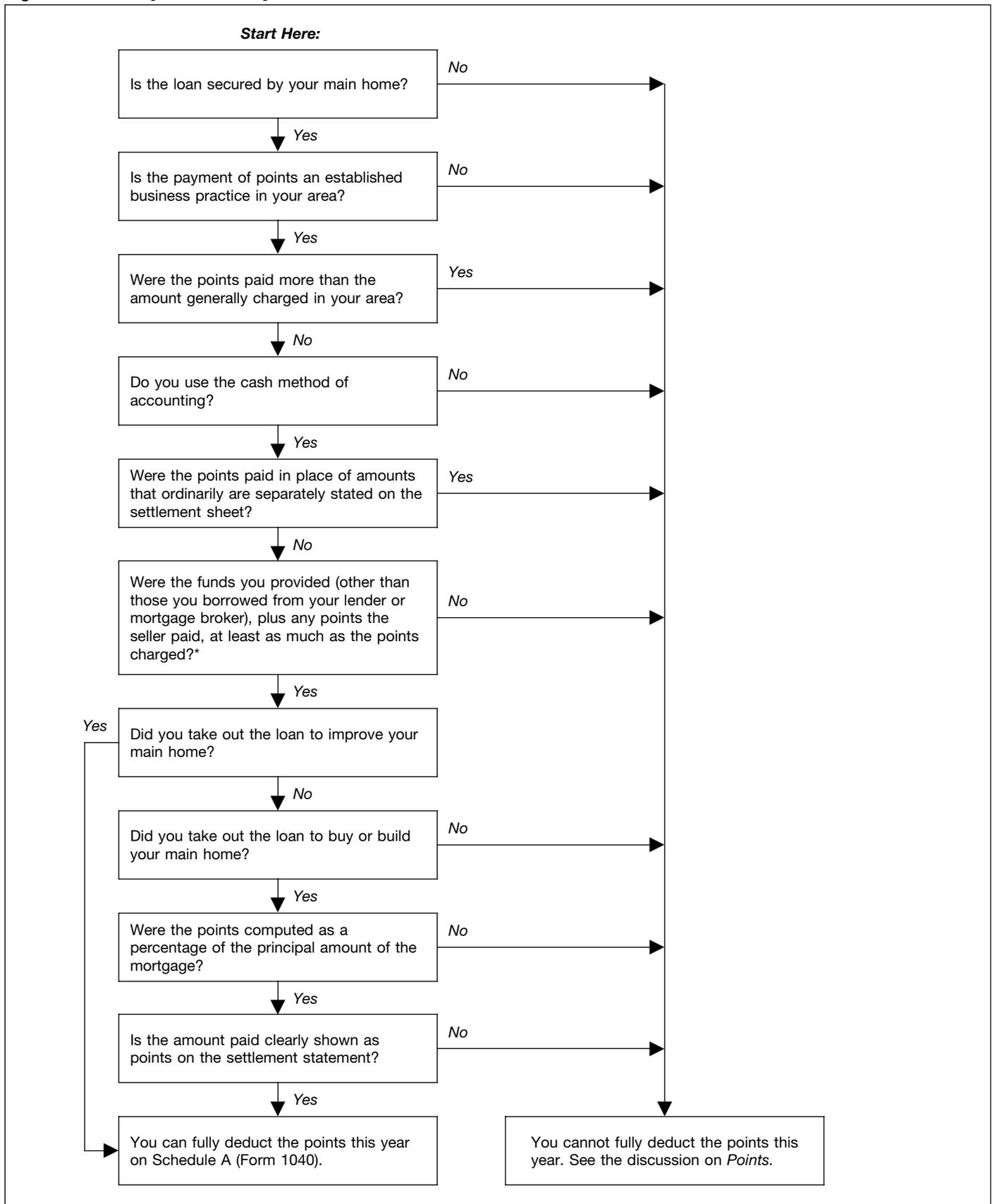
Example. Dan paid \$3,000 in points in 1993 that he had to spread out over the 15-year life of the mortgage. He had deducted \$1,600 of these points through 2000.

Dan prepaid his mortgage in full in 2001. He can deduct the remaining \$1,400 of points in 2001.

Refinancing. Generally, points you pay to refinance a mortgage are not deductible in full in the year you pay them. This is true even if the new mortgage is secured by your main home.

However, if you use part of the refinanced mortgage proceeds to *improve your main home* and you meet the first 6 tests listed under *Exception*, earlier, you can fully deduct the part of the points related to the improvement in the year you paid them with your own funds. You can deduct the rest of the points over the life of the loan.

Figure B. **Are My Points Fully Deductible This Year?**



* The funds you provided do not have to have been applied to the points. They can include a down payment, an escrow deposit, earnest money, and other funds you paid at or before closing for any purpose.

Example 1. In 1991, Bill Fields got a mortgage to buy a home. In 2001, Bill refinanced that mortgage with a 15-year \$100,000 mortgage loan. The mortgage is secured by his home. To get the new loan, he had to pay three points (\$3,000). Two points (\$2,000) were for prepaid interest, and one point (\$1,000) was charged for services, in place of amounts that ordinarily are stated separately on the settlement statement. Bill paid the points out of his private funds, rather than out of the proceeds of the new loan. The payment of points is an established practice in the area, and the points charged are not more than the amount generally charged there. Bill's first payment on the new loan was due July 1. He made six payments on the loan in 2001 and is a cash basis taxpayer.

Bill used the funds from the new mortgage to repay his existing mortgage. Although the new mortgage loan was for Bill's continued ownership of his main home, it was not for the purchase or improvement of that home. He cannot deduct all of the points in 2001. He can deduct two points (\$2,000) ratably over the life of the loan. He deducts \$67 $[(\$2,000 \div 180 \text{ months}) \times 6 \text{ payments}]$ of the points in 2001. The other point (\$1,000) was a fee for services and is not deductible.

Example 2. The facts are the same as in *Example 1*, except that Bill used \$25,000 of the loan proceeds to **improve his home** and \$75,000 to repay his existing mortgage. Bill deducts 25% $(\$25,000 \div \$100,000)$ of the points (\$2,000) in 2001. His deduction is \$500 $(\$2,000 \times 25\%)$.

Bill also deducts the ratable part of the remaining \$1,500 $(\$2,000 - \$500)$ that must be spread over the life of the loan. This is \$50 $[(\$1,500 \div 180 \text{ months}) \times 6 \text{ payments}]$ in 2001. The total amount Bill deducts in 2001 is \$550 $(\$500 + \$50)$.

Limits on deduction. You cannot fully deduct points paid on a mortgage that exceeds the limits discussed in *Part II*. See the *Table 1 Instructions* for line 10.

Form 1098. The mortgage interest statement you receive should show not only the total interest paid during the year, but also your deductible points paid during the year. See *Mortgage Interest Statement*, next.

Mortgage Interest Statement

If you paid \$600 or more of mortgage interest (including certain points) during the year on any one mortgage, you generally will receive a **Form 1098, Mortgage Interest Statement**, or a similar statement from the mortgage holder. You will receive the statement if you pay interest to a person (including a financial institution or cooperative housing corporation) in the course of that person's trade or business. A governmental unit is a person for purposes of furnishing the statement.

You should receive the statement for each year by January 31 of the following year. A copy of this form will also be sent to the IRS.

The statement will show the total interest you paid during the year. If you purchased a main home during the year, it also will show the deductible points paid during the year, including seller-paid points. However, it should not show

any interest that was paid for you by a government agency.

As a general rule, Form 1098 will include only points that you can fully deduct in the year paid. However, certain points not included on Form 1098 also may be deductible, either in the year paid or over the life of the loan. See the earlier discussion of *Points* to determine whether you can deduct points not shown on Form 1098.

Prepaid interest on Form 1098. If you prepaid interest in 2001 that accrued in full by January 15, 2002, this prepaid interest may be included in box 1 of Form 1098. However, you cannot deduct the prepaid amount for January 2002 in 2001. (See *Prepaid interest*, earlier.) You will have to figure the interest that accrued for 2002 and subtract it from the amount in box 1. You will include the interest for January 2002 with other interest you pay for 2002.

Refunded interest. If you received a refund of mortgage interest you overpaid in an earlier year, you generally will receive a Form 1098 showing the refund in box 3. See *Refunds of interest* under *Special Situations*, earlier.

How To Report

Deduct the home mortgage interest and points reported to you on Form 1098 on line 10, Schedule A (Form 1040). If you paid more deductible interest to the financial institution than the amount shown on Form 1098, show the larger deductible amount on line 10. Attach a statement explaining the difference and print "See attached" next to line 10.

Deduct home mortgage interest that was **not** reported to you on Form 1098 on line 11 of Schedule A (Form 1040). If you paid home mortgage interest to the person from whom you bought your home, show that person's name, address, and social security number (SSN) or employer identification number (EIN) on the dotted lines next to line 11. The seller must give you this number and you must give the seller your SSN. A Form W-9, *Request for Taxpayer Identification Number and Certification*, can be used for this purpose. Failure to meet any of these requirements may result in a \$50 penalty for each failure.

If you can take a deduction for points that were **not** reported to you on Form 1098, deduct those points on line 12 of Schedule A (Form 1040).

More than one borrower. If you and at least one other person (other than your spouse if you file a joint return) were liable for and paid interest on a mortgage that was for your home, and the other person received a Form 1098 showing the interest that was paid during the year, attach a statement to your return explaining this. Show how much of the interest each of you paid, and give the name and address of the person who received the form. Deduct your share of the interest on line 11 of Schedule A (Form 1040), and print "See attached" next to the line.

Similarly, if you are the payer of record on a mortgage on which there are other borrowers entitled to a deduction for the interest shown on the Form 1098 you received, deduct only your share of the interest on line 10 of Schedule A (Form 1040). You should let each of the other borrowers know what his or her share is.

Mortgage proceeds used for business or investment. If your home mortgage interest deduction is limited under the rules explained in *Part II*, but all or part of the mortgage proceeds were used for business, investment, or other deductible activities, see *Table 2* near the end of this publication. It shows where to deduct the part of your excess interest that is for those activities. The *Table 1 Instructions* for line 13 in *Part II* explain how to divide the excess interest among the activities for which the mortgage proceeds were used.

Special Rule for Tenant-Stockholders in Cooperative Housing Corporations

A qualified home includes stock in a cooperative housing corporation owned by a tenant-stockholder. This applies only if the tenant-stockholder is entitled to live in the house or apartment because of owning stock in the cooperative.

Cooperative housing corporation. This is a corporation that meets all of the following conditions.

- 1) The corporation has only one class of stock outstanding.
- 2) Each of the stockholders, only because of owning the stock, can live in a house, apartment, or house trailer owned or leased by the corporation.
- 3) No stockholder can receive any distribution out of capital, except on a partial or complete liquidation of the corporation.
- 4) The tenant-stockholders must pay at least 80% of the corporation's gross income for the tax year. For this purpose, gross income means all income received during the entire tax year, including any received before the corporation changed to cooperative ownership.

Stock used to secure debt. In some cases, you cannot use your cooperative housing stock to secure a debt because of either:

- 1) Restrictions under local or state law, or
- 2) Restrictions in the cooperative agreement (other than restrictions in which the main purpose is to permit the tenant-stockholder to treat unsecured debt as secured debt).

However, you can treat a debt as secured by the stock to the extent that the proceeds are used to buy the stock under the allocation of interest rules. See chapter 5 of Publication 535 for details on these rules.

Figuring deductible home mortgage interest. Generally, if you are a tenant-stockholder, you can deduct payments you make for your share of the interest paid or incurred by the cooperative. The interest must be on a debt to buy, build, change, improve, or maintain the cooperative's housing, or on a debt to buy the land.

Figure your share of this interest by multiplying the total by the following fraction.

Your shares of stock in the
cooperative

The total shares of stock in the
cooperative

Limits on deduction. To figure how the limits discussed in *Part II* apply to you, treat your share of the cooperative's debt as debt incurred by you. The cooperative should determine your share of its grandfathered debt, its home acquisition debt, and its home equity debt. (Your share of each of these types of debt is equal to the average balance of each debt multiplied by the fraction just given.) After your share of the average balance of each type of debt is determined, you include it with the average balance of that type of debt secured by your stock.

Form 1098. The cooperative should give you a Form 1098 showing your share of the interest. Use the rules in this publication to determine your deductible mortgage interest.

Part II. Limits on Home Mortgage Interest Deduction

This part of the publication discusses the limits on deductible home mortgage interest. These limits apply to your home mortgage interest expense if you have a home mortgage that does not fit into any of the three categories listed at the beginning of *Part I* under *Fully deductible interest*.

Your home mortgage interest deduction is limited to the interest on the part of your home mortgage debt that is not more than your qualified loan limit. This is the part of your home mortgage debt that is grandfathered debt or that is not more than the limits for home acquisition debt and home equity debt. *Table 1* can help you figure your qualified loan limit and your deductible home mortgage interest.

Home Acquisition Debt

Home acquisition debt is a mortgage you took out after October 13, 1987, to buy, build, or substantially improve a qualified home (your main or second home). It also must be secured by that home.

If the amount of your mortgage is more than the cost of the home plus the cost of any substantial improvements, only the debt that is not more than the cost of the home plus improvements qualifies as home acquisition debt. The additional debt may qualify as home equity debt (discussed later).

Home acquisition debt limit. The total amount you can treat as home acquisition debt at any time on your main home and second home cannot be more than \$1 million (\$500,000 if married filing separately). This limit is reduced (but not below zero) by the amount of your grandfathered debt (discussed later). Debt over this limit may qualify as home equity debt (also discussed later).

Refinanced home acquisition debt. Any secured debt you use to refinance home acquisition debt is treated as home acquisition debt.

However, the new debt will qualify as home acquisition debt only up to the amount of the balance of the old mortgage principal just before the refinancing. Any additional debt is not home acquisition debt, but may qualify as home equity debt (discussed later).

Mortgage that qualifies later. A mortgage that does not qualify as home acquisition debt because it does not meet all the requirements may qualify at a later time. For example, a debt that you use to buy your home may not qualify as home acquisition debt because it is not secured by the home. However, if the debt is later secured by the home, it may qualify as home acquisition debt after that time. Similarly, a debt that you use to buy property may not qualify because the property is not a qualified home. However, if the property later becomes a qualified home, the debt may qualify after that time.

Mortgage treated as used to buy, build, or improve home. A mortgage secured by a qualified home may be treated as home acquisition debt, even if you do not actually use the proceeds to buy, build, or substantially improve the home. This applies in the following situations.

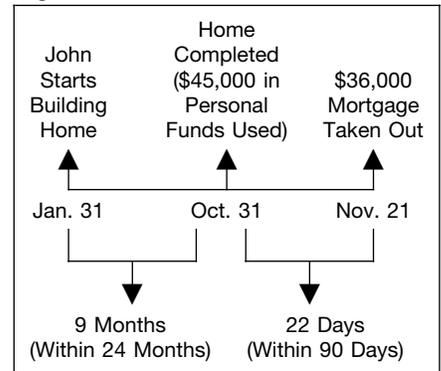
- 1) You buy your home within 90 days before or after the date you take out the mortgage. The home acquisition debt is limited to the home's cost, plus the cost of any substantial improvements within the limit described below in (2) or (3). (See *Example 1*.)
- 2) You build or improve your home and take out the mortgage before the work is completed. The home acquisition debt is limited to the amount of the expenses incurred within 24 months before the date of the mortgage.
- 3) You build or improve your home and take out the mortgage within 90 days after the work is completed. The home acquisition debt is limited to the amount of the expenses incurred within the period beginning 24 months before the work is completed and ending on the date of the mortgage. (See *Example 2*.)

Example 1. You bought your main home on June 3 for \$175,000. You paid for the home with cash you got from the sale of your old home. On July 15, you took out a mortgage of \$150,000 secured by your main home. You used the \$150,000 to invest in stocks. You can treat the mortgage as taken out to buy your home because you bought the home within 90 days before you took out the mortgage. The entire mortgage qualifies as home acquisition debt because it was not more than the home's cost.

Example 2. On January 31, John began building a home on the lot that he owned. He used \$45,000 of his personal funds to build the home. The home was completed on October 31. On November 21, John took out a \$36,000 mortgage that was secured by the home. The mortgage can be treated as used to build the home because it was taken out within 90 days after the home was completed. The entire mortgage qualifies as home acquisition debt because it was not more than the expenses incurred within the period beginning 24 months before the

home was completed. This is illustrated by *Figure C*.

Figure C.



Date of the mortgage. The date you take out your mortgage is the day you receive the loan proceeds. This is generally the closing date. You can treat the day you apply in writing for your mortgage as the date you take it out. However, this applies only if you receive the loan proceeds within a reasonable time (such as within 30 days) after your application is approved. If a timely application you make is rejected, a reasonable additional time will be allowed to make a new application.

Cost of home or improvements. To determine your cost, include amounts paid to acquire any interest in a qualified home or to substantially improve the home.

The cost of building or substantially improving a qualified home includes the costs to acquire real property and building materials, fees for architects and design plans, and required building permits.

Substantial improvement. An improvement is substantial if it:

- 1) Adds to the value of your home,
- 2) Prolongs your home's useful life, or
- 3) Adapts your home to new uses.

Repairs that maintain your home in good condition, such as repainting your home, are not substantial improvements. However, if you paint your home as part of a renovation that substantially improves your qualified home, you can include the painting costs in the cost of the improvements.

Acquiring an interest in a home because of a divorce. If you incur debt to acquire the interest of a spouse or former spouse in a home, because of a divorce or legal separation, you can treat that debt as home acquisition debt.

Part of home not a qualified home. To figure your home acquisition debt, you must divide the cost of your home and improvements between the part of your home that is a qualified home and any part that is not a qualified home. See *Divided use of your home* under *Qualified Home* in *Part I*.

Home Equity Debt

If you took out a loan for reasons other than to buy, build, or substantially improve your home, it may qualify as home equity debt. In addition, debt you incurred to buy, build, or substantially

improve your home, to the extent it is more than the home acquisition debt limit (discussed earlier), may qualify as home equity debt.

Home equity debt is a mortgage you took out after October 13, 1987, that:

- 1) Does not qualify as home acquisition debt or as grandfathered debt, and
- 2) Is secured by your qualified home.

Example. You bought your home for cash 10 years ago. You did not have a mortgage on your home until last year, when you took out a \$20,000 loan, secured by your home, to pay for your daughter's college tuition and your father's medical bills. This loan is home equity debt.

Home equity debt limit. There is a limit on the amount of debt that can be treated as home equity debt. The total home equity debt on your main home and second home is limited to the **smaller** of:

- 1) \$100,000 (\$50,000 if married filing separately), or
- 2) The total of each home's fair market value (FMV) reduced (but not below zero) by the amount of its home acquisition debt and grandfathered debt. Determine the FMV and the outstanding home acquisition and grandfathered debt for each home on the date that the last debt was secured by the home.

Example. You own one home that you bought in 1998. Its FMV now is \$110,000, and the current balance on your original mortgage (home acquisition debt) is \$95,000. Bank M offers you a home mortgage loan of 125% of the FMV of the home less any outstanding mortgages or other liens. To consolidate some of your other debts, you take out a \$42,500 home mortgage loan [(125% × \$110,000) – \$95,000] with Bank M.

Your home equity debt is limited to \$15,000. This is the smaller of:

- 1) \$100,000, the maximum limit, or
- 2) \$15,000, the amount that the FMV of \$110,000 exceeds the amount of home acquisition debt of \$95,000.

Debt higher than limit. Interest on amounts over the home equity debt limit (such as the interest on \$27,500 [\$42,500 – \$15,000] in the preceding example) generally is treated as personal interest and is not deductible. But if the proceeds of the loan were used for investment, business, or other deductible purposes, the interest may be deductible. If it is, see the *Table 1 Instructions* for line 13 for an explanation of how to allocate the excess interest.

Part of home not a qualified home. To figure the limit on your home equity debt, you must divide the FMV of your home between the part that is a qualified home and any part that is not a qualified home. See *Divided use of your home* under *Qualified Home* in *Part I*.

Fair market value (FMV). This is the price at which the home would change hands between you and a buyer, neither having to sell or buy, and both having reasonable knowledge of all relevant facts. Sales of similar homes in your

area, on about the same date your last debt was secured by the home, may be helpful in figuring the FMV.

Grandfathered Debt

If you took out a mortgage on your home before October 14, 1987, or you refinanced such a mortgage, it may qualify as grandfathered debt. To qualify, it must have been secured by your qualified home on October 13, 1987, and at all times after that date. How you used the proceeds does not matter.

Grandfathered debt is not limited. All of the interest you paid on grandfathered debt is fully deductible home mortgage interest. However, the amount of your grandfathered debt reduces the \$1 million limit for home acquisition debt and the limit based on your home's fair market value for home equity debt.

Refinanced grandfathered debt. If you refinanced grandfathered debt after October 13, 1987, for an amount that was not more than the mortgage principal left on the debt, then you still treat it as grandfathered debt. To the extent the new debt is more than that mortgage principal, it is treated as home acquisition or home equity debt, and the mortgage is a mixed-use mortgage (discussed later under *Average Mortgage Balance* in the *Table 1 Instructions*). The debt must be secured by the qualified home.

You treat grandfathered debt that was refinanced after October 13, 1987, as grandfathered debt only for the term left on the debt that was refinanced. After that, you treat it as home acquisition debt or home equity debt, depending on how you used the proceeds.

Exception. If the debt before refinancing was like a balloon note (the principal on the debt was not amortized over the term of the debt), then you treat the refinanced debt as grandfathered debt for the term of the first refinancing. This term cannot be more than 30 years.

Example. Chester took out a \$200,000 first mortgage on his home in 1985. The mortgage was a five-year balloon note and the entire balance on the note was due in 1990. Chester refinanced the debt in 1990 with a new 20-year mortgage. The refinanced debt is treated as grandfathered debt for its entire term (20 years).

Line-of-credit mortgage. If you had a line-of-credit mortgage on October 13, 1987, and borrowed additional amounts against it after that date, then the additional amounts are either home acquisition debt or home equity debt depending on how you used the proceeds. The balance on the mortgage before you borrowed the additional amounts is grandfathered debt. The newly borrowed amounts are not grandfathered debt because the funds were borrowed after October 13, 1987. See *Mixed-use mortgages* under *Average Mortgage Balance* in the *Table 1 Instructions* that follow.

Table 1 Instructions

You can deduct **all** of the interest you paid during the year on mortgages secured by your main home or second home in either of the following two situations.

- 1) All the mortgages are grandfathered debt.
- 2) The total of the mortgage balances for the entire year is within the limits discussed earlier under *Home Acquisition Debt* and *Home Equity Debt*.

In either of those cases, you do not need *Table 1*. Otherwise, you may use *Table 1* to determine your qualified loan limit and deductible home mortgage interest.



Fill out only one *Table 1* for both your main and second home regardless of how many mortgages you have.

Home equity debt only. If all of your mortgages are home equity debt, do not fill in lines 1 through 5. Enter zero on line 6 and complete the rest of *Table 1*.

Average Mortgage Balance

You have to figure the average balance of each mortgage to determine your qualified loan limit. You need these amounts to complete lines 1, 2, and 9 of *Table 1*. You can use the highest mortgage balances during the year, but you may benefit most by using the average balances. The following are methods you can use to figure your average mortgage balances. However, if a mortgage has more than one category of debt, see *Mixed-use mortgages*, later, in this section.

Average of first and last balance method. You can use this method if all the following apply.

- 1) You did not borrow any new amounts on the mortgage during the year. (This does not include borrowing the original mortgage amount.)
- 2) You did not prepay more than one month's principal during the year. (This includes prepayment by refinancing your home or by applying proceeds from its sale.)
- 3) You had to make level payments at fixed equal intervals on at least a semi-annual basis. You treat your payments as level even if they were adjusted from time to time because of changes in the interest rate.



To figure your average balance, complete the following worksheet.

1. Enter the balance as of the first day of the year that the mortgage was secured by your qualified home during the year (generally January 1) _____
2. Enter the balance as of the last day of the year that the mortgage was secured by your qualified home during the year (generally December 31) _____
3. Add amounts on lines 1 and 2 _____
4. Divide the amount on line 3 by 2. Enter the result _____

Interest paid divided by interest rate method. You can use this method if at all times in 2001 the mortgage was secured by your qualified home and the interest was paid at least monthly.

Table 1. **Worksheet To Figure Your Qualified Loan Limit and Deductible Home Mortgage Interest For the Current Year**

(Keep for your records.) See the **Table 1 Instructions**.



Part I Qualified Loan Limit			
1	Enter the average balance of all your grandfathered debt. See line 1 instructions	1	
2	Enter the average balance of all your home acquisition debt. See line 2 instructions	2	
3	Enter \$1,000,000 (\$500,000 if married filing separately)	3	
4	Enter the larger of the amount on line 1 or the amount on line 3	4	
5	Add the amounts on lines 1 and 2. Enter the total here	5	
6	Enter the smaller of the amount on line 4 or the amount on line 5	6	
7	Enter \$100,000 (\$50,000 if married filing separately). See line 7 instructions for a limit that may apply	7	
8	Add the amounts on lines 6 and 7. Enter the total. This is your qualified loan limit	8	

Part II Deductible Home Mortgage Interest			
9	Enter the total of the average balances of all mortgages on all qualified homes. See line 9 instructions	9	
	<ul style="list-style-type: none"> • If line 8 is less than line 9, GO ON to line 10. • If line 8 is equal to or more than line 9, STOP HERE. All of your interest on all the mortgages included on line 9 is deductible as home mortgage interest on Schedule A (Form 1040). 		
10	Enter the total amount of interest that you paid. See line 10 instructions	10	
11	Divide the amount on line 8 by the amount on line 9. Enter the result as a decimal amount (rounded to three places)	11	× .
12	Multiply the amount on line 10 by the decimal amount on line 11. Enter the result. This is your deductible home mortgage interest . Enter this amount on Schedule A (Form 1040)	12	
13	Subtract the amount on line 12 from the amount on line 10. Enter the result. This is not home mortgage interest . See line 13 instructions	13	



Complete the following worksheet to figure your average balance.

Table 2. **Where To Deduct Your Interest**

Type of interest	Where to deduct	Where to find information
Student loan interest	Form 1040, line 24, or Form 1040A, line 17	Publication 970
Deductible home mortgage interest and points reported on Form 1098	Schedule A (Form 1040), line 10	Publication 936
Deductible home mortgage interest <i>not</i> reported on Form 1098	Schedule A (Form 1040), line 11	Publication 936
Points <i>not</i> reported on Form 1098	Schedule A (Form 1040), line 12	Publication 936
Investment interest (other than incurred to produce rents or royalties)	Schedule A (Form 1040), line 13	Publication 550
Business interest (non-farm)	Schedule C or C-EZ (Form 1040)	Publication 535
Farm business interest	Schedule F (Form 1040)	Publications 225 and 535
Interest incurred to produce rents or royalties	Schedule E (Form 1040)	Publications 527 and 535
Personal interest	Not deductible	

1. Enter the interest paid in 2001. Do not include points or any other interest paid in 2001 that is for a year after 2001. However, do include interest that is for 2001 but was paid in an earlier year _____
2. Enter the annual interest rate on the mortgage. If the interest rate varied in 2001, use the lowest rate for the year _____
3. Divide the amount on line 1 by the amount on line 2. Enter the result _____

Example. Mr. Blue had a line of credit secured by his main home all year. He paid interest of \$2,500 on this loan. The interest rate on the loan was 9% (.09) all year. His average balance using this method is \$27,778, figured as follows.

1. Enter the interest paid in 2001. Do not include points or any other interest paid in 2001 that is for a year after 2001. However, do include interest that is for 2001 but was paid in an earlier year \$2,500
2. Enter the annual interest rate on the mortgage. If the interest rate varied in 2001, use the lowest rate for the year09
3. Divide the amount on line 1 by the amount on line 2. Enter the result \$27,778

Statements provided by your lender. If you receive monthly statements showing the closing balance or the average balance for the month,

you can use either to figure your average balance for the year. You can treat the balance as zero for any month the mortgage was not secured by your qualified home.

For each mortgage, figure your average balance by adding your monthly closing or average balances and dividing that total by the number of months the home secured by that mortgage was a qualified home during the year.

If your lender can give you your average balance for the year, you can use that amount.

Example. Ms. Brown had a home equity loan secured by her main home all year. She received monthly statements showing her average balance for each month. She may figure her average balance for the year by adding her monthly average balances and dividing the total by 12.

Mixed-use mortgages. A mixed-use mortgage is a loan that consists of more than one of the three categories of debt (grandfathered debt, home acquisition debt, and home equity debt). For example, a mortgage you took out during the year is a mixed-use mortgage if you used its proceeds partly to refinance a mortgage that you took out in an earlier year to buy your home (home acquisition debt) and partly to buy a car (home equity debt).

Complete lines 1 and 2 of *Table 1* by including the separate average balances of any grandfathered debt and home acquisition debt in your mixed-use mortgage. Do not use the methods described earlier in this section to figure the average balance of either category. Instead, for each category, use the following method.

- 1) Figure the balance of that category of debt for each month. This is the amount of the loan proceeds allocated to that category, reduced by your principal payments on the mortgage previously applied to that category. Principal payments on a mixed-use mortgage are applied in full to each category of debt, until its balance is zero, in the following order:
 - a) First, any home equity debt,
 - b) Next, any grandfathered debt, and
 - c) Finally, any home acquisition debt.
- 2) Add together the monthly balances figured in (1).
- 3) Divide the result in (2) by 12.

Complete line 9 of *Table 1* by including the average balance of the entire mixed-use mortgage, figured under one of the methods described earlier in this section.

Example 1. In 1986, Sharon took out a \$1,400,000 mortgage to buy her main home (grandfathered debt). On March 2, 2001, when the home had a fair market value of \$1,700,000 and she owed \$1,100,000 on the mortgage, Sharon took out a second mortgage for \$200,000. She used \$180,000 of the proceeds to make substantial improvements to her home (home acquisition debt) and the remaining \$20,000 to buy a car (home equity debt). Under the loan agreement, Sharon must make principal payments of \$1,000 at the end of each month. During 2001, her principal payments on the second mortgage totaled \$10,000.

To complete line 2 of *Table 1*, Sharon must figure a separate average balance for the part of her second mortgage that is home acquisition debt. The January and February balances were zero. The March through December balances were all \$180,000, because none of her principal payments are applied to the home acquisition debt. (They are all applied to the home equity debt, reducing it to \$10,000 [\$20,000 – \$10,000].) The monthly balances of the home acquisition debt total \$1,800,000 ($\$180,000 \times 10$). Therefore, the average balance of the home acquisition debt for 2001 was \$150,000 ($\$1,800,000 \div 12$).

Example 2. The facts are the same as in *Example 1*. In 2002, Sharon's January through October principal payments on her second mortgage are applied to the home equity debt, reducing it to zero. The balance of the home acquisition debt remains \$180,000 for each of those months. Because her November and December principal payments are applied to the home acquisition debt, the November balance is \$179,000 ($\$180,000 - \$1,000$) and the December balance is \$178,000 ($\$180,000 - \$2,000$). The monthly balances total \$2,157,000 [$(\$180,000 \times 10) + \$179,000 + \$178,000$]. Therefore, the average balance of the home acquisition debt for 2002 is \$179,750 ($\$2,157,000 \div 12$).

Line 1

Figure the average balance for the current year of each mortgage you had on all qualified homes on October 13, 1987 (grandfathered debt). Add the results together and enter the total on line 1. Include the average balance for the current year for any grandfathered debt part of a mixed-use mortgage.

Line 2

Figure the average balance for the current year of each mortgage you took out on all qualified homes after October 13, 1987, to buy, build, or substantially improve the home (home acquisition debt). Add the results together and enter the total on line 2. Include the average balance for the current year for any home acquisition debt part of a mixed-use mortgage.

Line 7

The amount on line 7 cannot be more than the **smaller** of:

- 1) \$100,000 (\$50,000 if married filing separately), or
- 2) The total of each home's fair market value (FMV) reduced (but not below zero) by the amount of its home acquisition debt and grandfathered debt. Determine the FMV and the outstanding home acquisition and grandfathered debt for each home on the date that the last debt was secured by the home.

See *Home equity debt limit* under *Home Equity Debt*, earlier, for more information about fair market value.

Line 9

Figure the average balance for the current year of each outstanding home mortgage. Add the average balances together and enter the total on line 9. See *Average Mortgage Balance*, earlier.

Note. When figuring the average balance of a mixed-use mortgage, for line 9 determine the average balance of the entire mortgage.

Line 10

If you make payments to a financial institution, or to a person whose business is making loans, you should get Form 1098 or a similar statement from the lender. This form will show the amount of interest to enter on line 10. Also include on this line any other interest payments made on debts secured by a qualified home for which you did not receive a Form 1098. Do not include points on this line.

Claiming your deductible points. Figure your deductible points as follows.

- 1) Figure your deductible points for the current year using the rules explained under *Points in Part I*.
- 2) Multiply the amount in item (1) by the decimal amount on line 11. Enter the result on Schedule A (Form 1040), line 10 or 12, whichever applies. This amount is fully deductible.
- 3) Subtract the result in item (2) from the amount in item (1). This amount is not deductible as home mortgage interest. However, if you used any of the loan proceeds for business or investment activities, see the instructions for line 13, next.

Line 13

You **cannot** deduct the amount of interest on line 13 as home mortgage interest. If you did not use any of the proceeds of any mortgage included on line 9 of the worksheet for business, investment, or other deductible activities, then all the interest on line 13 is personal interest. Personal interest is not deductible.

If you did use all or part of any mortgage proceeds for business, investment, or other deductible activities, the part of the interest on line 13 that is allocable to those activities may be deducted as business, investment, or other deductible expense, subject to any limits that apply. *Table 2* shows where to deduct that interest. See *Allocation of Interest* in chapter 5 of Publication 535 for an explanation of how to determine the use of loan proceeds.

The following two rules describe how to allocate the interest on line 13 to a business or investment activity.

- 1) If you used all of the proceeds of the mortgages on line 9 for one activity, then all the interest on line 13 is allocated to that activity. In this case, deduct the interest on the form or schedule to which it applies.
- 2) If you used the proceeds of the mortgages on line 9 for more than one activity, then

you can allocate the interest on line 13 among the activities in any manner you select (up to the total amount of interest otherwise allocable to each activity, explained next).

You figure the "total amount of interest otherwise allocable to each activity" by multiplying the amount on line 10 by the following fraction.

$$\frac{\text{Amount on line 9 allocated to that activity}}{\text{Total amount on line 9}}$$

Example. Don had two mortgages (A and B) on his main home during the entire year. Mortgage A had an average balance of \$90,000, and mortgage B had an average balance of \$110,000.

Don determines that the proceeds of mortgage A are allocable to personal expenses for the entire year. The proceeds of mortgage B are allocable to his business for the entire year. Don paid \$14,000 of interest on mortgage A and \$16,000 of interest on mortgage B. He figures the amount of home mortgage interest he can deduct by using *Table 1*. Since both mortgages are home equity debt, Don determines that \$15,000 of the interest can be deducted as home mortgage interest.

The interest Don can allocate to his business is the **smaller** of:

- 1) The amount on line 13 of the *Table 1* worksheet (\$15,000), or
- 2) The total amount of interest allocable to the business (\$16,500), figured by multiplying the amount on line 10 (the \$30,000 total interest paid) by the following fraction.

$$\frac{\$110,000 \text{ (the average balance of the mortgage allocated to the business)}}{\$200,000 \text{ (the total average balance of all mortgages)}}$$

Because \$15,000 is the smaller of items (1) and (2), that is the amount of interest Don can allocate to his business. He deducts this amount on his Schedule C (Form 1040).

How To Get Tax Help

You can get help with unresolved tax issues, order free publications and forms, ask tax questions, and get more information from the IRS in several ways. By selecting the method that is best for you, you will have quick and easy access to tax help.

Contacting your Taxpayer Advocate. If you have attempted to deal with an IRS problem unsuccessfully, you should contact your Taxpayer Advocate.

The Taxpayer Advocate represents your interests and concerns within the IRS by protecting your rights and resolving problems that have not been fixed through normal channels. While Taxpayer Advocates cannot change the tax law or make a technical tax decision, they can clear up problems that resulted from previous contacts and ensure that your case is given a complete and impartial review.

To contact your Taxpayer Advocate:

- Call the Taxpayer Advocate at **1-877-777-4778**.
- Call the IRS at **1-800-829-1040**.
- Call, write, or fax the Taxpayer Advocate office in your area.
- Call **1-800-829-4059** if you are a TTY/TDD user.

For more information, see Publication 1546, *The Taxpayer Advocate Service of the IRS*.

Free tax services. To find out what services are available, get Publication 910, *Guide to Free Tax Services*. It contains a list of free tax publications and an index of tax topics. It also describes other free tax information services, including tax education and assistance programs and a list of TeleTax topics.



Personal computer. With your personal computer and modem, you can access the IRS on the Internet at www.irs.gov. While visiting our web site, you can:

- Find answers to questions you may have.
- Download forms and publications or search for forms and publications by topic or keyword.
- View forms that may be filled in electronically, print the completed form, and then save the form for recordkeeping.
- View Internal Revenue Bulletins published in the last few years.
- Search regulations and the Internal Revenue Code.
- Receive our electronic newsletters on hot tax issues and news.
- Get information on starting and operating a small business.

You can also reach us with your computer using File Transfer Protocol at ftp.irs.gov.



TaxFax Service. Using the phone attached to your fax machine, you can receive forms and instructions by calling **703-368-9694**. Follow the directions from the prompts. When you order forms, enter the catalog number for the form you need. The items you request will be faxed to you.

For help with transmission problems, call the FedWorld Help Desk at **703-487-4608**.



Phone. Many services are available by phone.

- **Ordering forms, instructions, and publications.** Call **1-800-829-3676** to order current and prior year forms, instructions, and publications.
- **Asking tax questions.** Call the IRS with your tax questions at **1-800-829-1040**.
- **TTY/TDD equipment.** If you have access to TTY/TDD equipment, call **1-800-829-4059** to ask tax questions or to order forms and publications.

- **TeleTax topics.** Call **1-800-829-4477** to listen to pre-recorded messages covering various tax topics.

Evaluating the quality of our telephone services. To ensure that IRS representatives give accurate, courteous, and professional answers, we evaluate the quality of our telephone services in several ways.

- A second IRS representative sometimes monitors live telephone calls. That person only evaluates the IRS assistor and does not keep a record of any taxpayer's name or tax identification number.
- We sometimes record telephone calls to evaluate IRS assistants objectively. We hold these recordings no longer than one week and use them only to measure the quality of assistance.
- We value our customers' opinions. Throughout this year, we will be surveying our customers for their opinions on our service.



Walk-in. You can walk in to many post offices, libraries, and IRS offices to pick up certain forms, instructions, and publications. Some IRS offices, libraries, grocery stores, copy centers, city and county governments, credit unions, and office supply stores have an extensive collection of products available to print from a CD-ROM or photocopy from reproducible proofs. Also, some IRS offices and libraries have the Internal Revenue Code, regulations, Internal Revenue Bulletins, and Cumulative Bulletins available for research purposes.



Mail. You can send your order for forms, instructions, and publications to the Distribution Center nearest to you and receive a response within 10 workdays after your request is received. Find the address that applies to your part of the country.

- **Western part of U.S.:**
Western Area Distribution Center
Rancho Cordova, CA 95743-0001
- **Central part of U.S.:**
Central Area Distribution Center
P.O. Box 8903
Bloomington, IL 61702-8903
- **Eastern part of U.S. and foreign addresses:**
Eastern Area Distribution Center
P.O. Box 85074
Richmond, VA 23261-5074



CD-ROM. You can order IRS Publication 1796, *Federal Tax Products on CD-ROM*, and obtain:

- Current tax forms, instructions, and publications.
- Prior-year tax forms and instructions.
- Popular tax forms that may be filled in electronically, printed out for submission, and saved for recordkeeping.
- Internal Revenue Bulletins.

The CD-ROM can be purchased from National Technical Information Service (NTIS) by calling **1-877-233-6767** or on the Internet at **www.irs.gov**. The first release is available in mid-December and the final release is available in late January.

IRS Publication 3207, *Small Business Resource Guide*, is an interactive CD-ROM that contains information important to small businesses. It is available in mid-February. You can

get one free copy by calling **1-800-829-3676** or visiting the IRS web site at **www.irs.gov**.

