



**APPLICATION FOR SENIOR CITIZEN  
PROPERTY TAX BENEFITS**

State Form 43708 (R10 / 12-08)  
Prescribed by the Department of Local Government Finance

COUNTY	TOWNSHIP	YEAR

File Mark

Information contained in this document is CONFIDENTIAL pursuant to IC 6-1.1-12-9 and IC 6-1.1-35-9.

**INSTRUCTIONS:**

To be filed in person or by mail with the County Auditor of the county where the property is located.

Filing Dates: 1) Real Property: During the twelve (12) months before December 31 of the year the deduction is to be effective.

2) Mobile Homes assessed under IC 6-1.1-7 or manufactured homes not assessed as real property: During the twelve (12) months before March 31 of the year the deduction is to be effective.

See reverse side for additional instructions and qualifications.

Type of benefit requested (please check all that apply)			
<input type="checkbox"/> Over 65 Deduction from Assessed Valuation		<input type="checkbox"/> Over 65 Circuit Breaker Credit	
Name of applicant (owner or contract buyer)			
Is applicant the sole legal or equitable owner?		If No, what is his/her exact share or interest?	If owned with someone other than spouse, indicate with whom
<input type="checkbox"/> Yes <input type="checkbox"/> No			
If name on record is different than that of applicant, indicate below			
Name of contract seller (applicant must have been buying on contract at least one (1) year)			
Address of contract seller (number and street, city, state, and ZIP code)		Is the property in question:	
		<input type="checkbox"/> Real property <input type="checkbox"/> Mobile home (IC 6-1-1-7)	
Taxing district	Key number / Legal description	Record number	Page number
Is the property used and occupied primarily for his/her residence?		Assessed value of the property as of March 1, current year (may not exceed \$182,430 for Over 65 deduction, or \$160,000 for the Over 65 Circuit Breaker Credit)	
<input type="checkbox"/> Yes <input type="checkbox"/> No			
Was the applicant 65 years of age or more on December 31 of the year prior to the year taxes are first due and payable?		Applicant's date of birth (month, day, year)	If filed by a surviving, unmarried spouse, what was the spouse's age at the time of death?
<input type="checkbox"/> Yes <input type="checkbox"/> No			
Adjusted gross income of applicant, spouse, and any individuals sharing ownership (For Over 65 deduction, income may not exceed \$25,000; for the Over 65 Circuit Breaker Credit, income may not exceed \$30,000 for individuals, or \$40,000 for married couples).		Source of Income	Amount of Income
			\$
		TOTAL	\$ 0.00
Have you filed for any other deductions?		If Yes, what deductions?	
<input type="checkbox"/> Yes <input type="checkbox"/> No			
Have you filed for deductions in any other county?		If Yes, what county?	
<input type="checkbox"/> Yes <input type="checkbox"/> No			
I/We certify under penalty of perjury that the above and foregoing information is true and correct and that the applicant was a resident of Indiana and owner of the aforementioned property on March 1, 20 ____.			
Signature of applicant		Address of applicant (number and street, city, state, and ZIP code)	
Signature of authorized representative		Address of authorized representative (number and street, city, state, and ZIP code)	

RECEIPT FOR APPLICATION FOR SENIOR CITIZEN PROPERTY TAX BENEFITS	
Name of applicant	Date filed (month, day, year)
Name of contract seller	Type of benefit requested (please check all that apply)
Taxing district	
Key number / Legal description	
Signature of County Auditor	Date signed (month, day, year)

## INSTRUCTIONS AND QUALIFICATIONS

### GENERAL INSTRUCTIONS

- *Applicants must be residents of the State of Indiana.*
- *Applications must be filed during the periods specified. Once the application is in effect, no other filing is necessary unless there is a change in the status of the property of applicant that would affect the deduction.*
- *This application may be filed in person or by mail. If mailed, the mailing must be postmarked before the last day of filing.*
- *Any person who willfully makes a false statement of the facts in applying for this deduction is guilty of the crime of perjury and on the conviction thereof will be punished in the manner provided by law.*
- *Applicant and individuals who share ownership must reside on the premises. Living in a nursing home or hospital will not prevent a person from receiving these benefits.*
- *Applicant must have been the owner or contract buyer of the property for at least one year prior to claiming the deduction.*

### BENEFITS

- *For the Over 65 Deduction, the deduction amount equals \$12,480 if all owners are at least 65 years of age on the December 31 prior to filing. If all owners' ages are not at least 65 years, the deduction is reduced by an amount equal to \$12,480 multiplied by a fraction. The numerator is the number of owners who are not 65 years of age and the denominator is the total number of owners.*
- *For the Over 65 Circuit Breaker Credit, the deduction equals the tax liability minus the product of tax liability for preceding year multiplied by 1.02.*

### ELIGIBILITY

- *For the Over 65 Deduction, the applicant must have a total adjusted gross income, when combined with that of his or her spouse and any individual with whom he or she shares ownership, of \$25,000 or less in the prior year. For the Over 65 Circuit Breaker Credit, the adjusted gross income limits are \$30,000 for individuals and \$40,000 for married couples.*
  - *In order to receive the Over 65 Deduction, the applicant may receive no other property deductions other than the Mortgage Deduction and the Standard Deduction.*
  - *To receive the Over 65 Deduction, the assessed value of the property must be \$182,430 or less. For the Over 65 Circuit Breaker Credit, the assessed value of the property may not exceed \$160,000.*
  - *For the Over 65 Deduction, the applicant may be a surviving, un-remarried spouse, at least 60 years of age on or before December 31 of the year preceding the year in which the deduction is claimed provided the decedent was at least 65 years of age at the time of death.*
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# Over 65 Deduction and Over 65 Circuit Breaker Credit Frequently Asked Questions

*Revised April 7, 2009*

## **FILING**

**Question: If a taxpayer, who meets all eligibility requirements, mistakenly was not allowed to apply for and receive the Over 65 Deduction and/or Over 65 Circuit Breaker Credit, what remedy is available to the taxpayer?**

*Answer:* The Department of Local Government Finance will extend flexibility to County Auditors and Assessors to allow qualified taxpayers to file for the Over 65 Deduction and/or Over 65 Circuit Breaker Credit after the December 31, 2008 deadline if the taxpayer was in fact eligible prior to the deadline to apply for and receive the deduction for property taxes due and payable in 2009 but was not allowed to file.

**Question: If an individual has already applied for and is receiving the Over 65 Deduction, is the individual also required to apply for the Over 65 Circuit Breaker Credit?**

*Answer:* If the individual qualifies for and wishes to receive the Over 65 Circuit Breaker Credit, he or she is required to file for the Credit regardless of the status of his or her Over 65 Deduction. Because the eligibility requirements for the Over 65 Deduction differ from that of the Over 65 Circuit Breaker Credit, individuals are required to file for the deduction and credit separately. If an individual already has applied for the Over 65 Deduction and wishes to apply for the Over 65 Circuit Breaker Credit, the Credit application must be filed. An individual may qualify for just the Deduction, just the Credit or both the Deduction and Credit. The Over 65 Deduction can be received in conjunction with the Over 65 Circuit Breaker Credit.

## **AGE REQUIREMENT**

**Question: When is an individual eligible to file for and receive the Over 65 Deduction and the Over 65 Circuit Breaker Credit?**

*Answer:* An individual who is at least 65 years of age on or before December 31 of the calendar year immediately preceding the calendar year in which property taxes are first due and payable meets the age eligibility requirement for both the Over 65 Deduction (IC 6-1.1-12-9) and the Over 65 Circuit Breaker Credit (IC 6-1.1-20.6-8.5). Therefore, if the individual is 65 years of age on or before December 31, 2008, he or she meets the age requirements and is eligible to file for and receive the Over 65 Deduction and/or Over 65 Circuit Breaker Credit on his or her 2008pay2009 property tax bill, assuming all other eligibility requirements are met.

Note: If individuals were required to be 65 years of age on or before December 31, 2007, the deduction could more accurately be described as the "Over 66" Deduction. If the deadline for filing for deductions still was June 11, the December 31, 2007 date would be accurate (i.e., must be 65 years of age by December 31, 2007 in order to file for the deduction by June 11, 2008 and receive the deduction for 2008pay2009). However, when the filing deadline was changed, the interpretation of the age deadline also changed (i.e., must be 65 years of age by December 31, 2008 in order to file for the deduction by December 31, 2008 and receive the deduction for 2008pay2009).

## RESIDENCY REQUIREMENT

**Question: How long is the individual required to have lived on the property in order to be eligible to file for and receive the Over 65 Deduction and the Over 65 Circuit Breaker Credit?**

*Answer:* In order to be eligible to receive the **Over 65 Deduction**, the individual must have owned or be buying under contract the real property, mobile or manufactured home for at least one (1) year before filing for and receiving the deduction under IC 6-1.1-12-9. The individual and any co-owners also must reside on the real property, mobile or manufactured home.

In order to be eligible to receive the **Over 65 Circuit Breaker Credit**, the individual must have qualified for a Homestead Standard Deduction under IC 6-1.1-12-37 for the individual's homestead property in the immediately preceding calendar year and must qualify for a Homestead Standard Deduction for the same homestead property in the current calendar year. The Homestead Standard Deduction requires that the property be used as the individual's primary residence.

## ASSESSED VALUE LIMITATIONS

**Question: Do the assessed value limitations include all real property owned by the individual in the county, only his homestead or the real property parcel on which his residence is located?**

For example, an individual owns and resides on a 2 acre parcel of land (assessed value = \$180,000) on which a dwelling is built. The dwelling and one acre of land immediately surrounding the dwelling are assessed at a value of \$120,000 (the remaining one acre has an assessed value of \$60,000). The same individual also owns the adjacent 3 acre parcel of land (assessed value = \$50,000) and a 1 acre parcel of land across town (assessed value = \$30,000).

Assessed Value Limitations	
Over 65 Deduction	\$182,430
Over 65 Circuit Breaker Credit	\$160,000

*Answer:* In order to be eligible to receive the **Over 65 Deduction**, the assessed value of the individual's real property, mobile home, or manufactured home cannot exceed \$182,430 under IC 6-1.1-12-9. The individual also must reside on the real property. Therefore, the county auditor should consider the assessed value of the entire real property parcel where the individual resides, which is \$180,000 in the example above. This individual would be eligible to receive the Over 65 Deduction on the assessed value of this real property parcel assuming he meets all other eligibility requirements.

In order to be eligible to receive the **Over 65 Circuit Breaker Credit**, the gross assessed value of the homestead cannot exceed \$160,000 under IC 6-1.1-20.6-3.5; 8.5. Therefore, the county auditor should consider the assessed value of the dwelling where the individual resides and up to one (1) acre of land immediately surrounding the dwelling as this is the statutory definition of homestead. In the example above, the assessed value of the homestead is \$120,000. This individual would be eligible to receive the Over 65 Circuit Breaker Credit assuming he meets all other eligibility requirements.

## INCOME LIMITATIONS

**Question: Do the income limitations include only the income of the individual, the income of the individual and spouse or the income of all owners (including non-spouse) of the property?**

**For example, a 65-year-old individual jointly owns and resides on the real property with his older brother. The individual has an adjusted gross income of \$20,000. His older brother has an adjusted gross income of \$15,000.**

Adjusted Gross Income Limitations	
Over 65 Deduction	\$25,000
Over 65 Circuit Breaker Credit	\$30,000 for individuals; \$40,000 for individual and spouse

*Answer:* In order to be eligible to receive the **Over 65 Deduction** (IC 6-1.1-12-9), the combined adjusted gross income of the individual and his or her spouse or the individual and all other individuals (spouse and non-spouse) with whom the individual shares ownership as joint tenants or tenants in common cannot exceed \$25,000 for the calendar year preceding the year in which the Over 65 Deduction is claimed. Therefore, the county auditor should consider the adjusted gross income of all owners (as joint tenants or tenants in common) of the property when determining eligibility for the Over 65 Deduction. In the example, above the combined adjusted gross income of the individual and his brother is \$35,000 and is not eligible for the Over 65 Deduction.

In order to be eligible to receive the **Over 65 Circuit Breaker Credit** (IC 6-1.1-20.6-8.5), the adjusted gross income of the individual claiming the credit cannot exceed \$30,000 or the combine adjusted gross income of the individual and spouse cannot exceed \$40,000. Therefore, the county auditor should consider either the income of the individual filing a single income tax return or the individual and spouse filing a joint income tax return. In the example above, the county auditor would only consider the adjusted gross income of the individual, which is \$20,000. The individual is eligible to receive the Over 65 Circuit Breaker Credit on his homestead property, assuming all other eligibility requirements are met.

Note: For property taxes due and payable in 2009, the adjusted gross income considered for the Over 65 Deduction and the Over 65 Circuit Breaker Credit is that which was reported on the 2007 tax return. 2008 tax returns are not submitted until April 2009 and therefore cannot be used to determine income for deductions for taxes due and payable in 2009.

## APPLYING THE DEDUCTION AND/OR CREDIT

If an individual meets all eligibility requirements for the **Over 65 Deduction**, he or she will receive a deduction from the assessed value of the real property equal to the lesser of one-half (1/2) of the assessed value of the real property or \$12,480. As described in the "Assessed Value Limitations" section, the deduction will be taken from the assessed value of the real property parcel where the individual resides. The deduction is not applied to other real property owned by the individual.

If an individual meets all eligibility requirements for the **Over 65 Circuit Breaker Credit**, he or she will receive a property tax cap that prevents his or her property tax liability on the qualified homestead property (the dwelling and up to one (1) acre of real estate) from increasing by more than 2 percent. Only the tax liability of the qualified homestead property benefits from the 2 percent cap. The cap is not applied to other real property owned by the individual.

Calculation Example for Over 65 Circuit Breaker Credit:

	2007pay2008	2008pay2009
Homestead Property Tax Liability after all Deductions from Assessed Value	\$500	\$600
Over 65 Circuit Breaker Credit	N/A	(\$90)
Homestead Property Tax Liability after application of Over 65 Circuit Breaker Credit	\$500	\$510

Maximum Property Tax Liability for 2008pay2009 limited to:

$$\$500 \times 1.02 = \$510$$