Missouri Department of Revenue



Offer in Compromise

This book includes all of the following to guide taxpayers through the Offer in Compromise process.

- Offer in Compromise policy statement.
- Information you need to know before submitting an Offer in Compromise.
- Instructions for completing the Offer in Compromise.
- Offer in Compromise Application MO-656.
- Terms and Conditions for the Offer in Compromise.
- Offer in Compromise documentation checklist.



What is an Offer in Compromise?

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65 66 The Department is authorized to consider an Offer in Compromise under Section 32.378, RSMo. An Offer in Compromise allows qualifying taxpayers an opportunity to settle unpaid tax accounts for less than the full amount that is owed. The goal of the Offer in Compromise program is to resolve a liability in a way that is in the best interest of both the State of Missouri and the taxpayer.

An offer based on doubt as to collectibility or severe economic hardship is not automatically accepted due to an immediate financial inability to pay. The Department will review the taxpayer's financial situation and will estimate how much can be collected over time if the offer is not accepted.

If taxpayers are unable to pay their taxes in full, there are other payment options, such as monthly installment agreements, that must be explored before an Offer in Compromise is submitted.

What can an Offer in Compromise do for me?

- Provide a "fresh start" towards tax compliance
- Resolve tax debt for less than the amount owed
- Remove economic burdens of state tax liens and levies

What can an Offer in Compromise not do for me?

- Delay or cancel existing collection actions. If it is determined that the offer was filed to delay collections, the offer will likely be rejected.
- Void or abate existing tax liabilities without any offer of payment or reason for a compromise
- Release of lien, levy or other enforced collection until the offer is accepted.

What are some reasons an offer may be rejected?

- An offer of 'zero' or 'none' will not be considered for doubt as to collectibility.
- The taxpayer fails to make full financial disclosure, including all household income.
- There is evidence that assets were transferred or sold for less than the market value.
- The taxpayer submits false or misleading information.
- The taxpayer has not fully filed all tax types.
- The taxpayer has repeated noncompliance or attempts to avoid paying tax obligations.
- The offer does not include a statement supporting the reason for the offer.
- The offer includes an amount already collected.
- The tax liability sought to be compromised directly relates to a crime for which the taxpayer has plead guilty or was
 found guilty.

What is the criteria for submitting an offer?

- 1. Doubt as to liability:
 - a.) Must complete Section 1 of the MO-656
 - b.) Must provide a written statement explaining why the liability is not owed
- 2. Doubt as to Collectibility:
 - a.) Must be fully filed on all required years for all tax types.
 - b.) Must not have an open bankruptcy proceeding.
 - c.) Must be current on all estimated tax payments if the taxpayer is required to make estimated tax payments.
 - d.) Offer in Compromise payment plans must be through Electronic Funds Transfer (EFT) or credit card.
 - e.) The taxpayer must submit all required information listed on the Offer in Compromise checklist.
 - f.) Must complete Sections 1 through 5 of the MO-656. If self-employed or own a business; must complete Sections 1, 2, and 4 through 8.
- 3. Effective Tax Administration: Severe Economic Hardship:
 - a.) Must be fully filed on all required tax years for all tax types.
 - b.) Must not have an open bankruptcy proceeding.
 - c.) Must be current on all estimated tax payments if the taxpayer is required to make estimated tax payments.
 - d.) Offer in Compromise payment plans must be through Electronic Funds Transfer (EFT) or credit card.
 - e.) Must complete Sections 1 through 5 of the MO-656. If self-employed or own a business; must complete Sections 1, 2,and 4 through 8.
- 4. Effective Tax Administration; Exceptional Circumstances:
 - a.) Must complete Section 1 of the MO-656.
 - b.) Must provide a written statement explaining circumstances.



Is professional assistance required to submit an offer?

Taxpayers are welcome to seek tax assistance from a tax professional, but it is not a requirement.

How does the Offer in Compromise process work?

When the Department receives a taxpayer's offer, it is reviewed to determine if all of the required documentation has been submitted and all criteria for submitting an offer have been met. If all documentation is not submitted, documentation is not complete, or if the MO-656 forms are not signed and dated, a letter will be sent requesting additional information. Each offer is considered on an individual basis and can be submitted for one of the following reasons:

- 1. Doubt as to Liability (I do not believe I owe this tax.): The taxpayer or entity must provide sufficient documentation to establish that there is substantial doubt regarding the taxpayer's liability and reasonable cause for failure to produce such documentation earlier in the collection process.
- 2. Doubt as to Collectibility (I agree I owe the tax, but cannot pay.): The taxpayer or entity must provide documentation that demonstrates an inability to pay the liability in full. The amount offered must be the maximum amount the taxpayer can pay, taking into consideration future earning potential and total equity in all assets.
- 3. Effective Tax Administration:

- (a) Severe Economic Hardship Collection of the full liability will result in severe economic hardship to the taxpayer.

 If the Offer in Compromise is based on this reason, the Offer in Compromise Application (MO-656) with the applicable sections completed must be included.
- (b) Exceptional Circumstances Regardless of the taxpayer's financial circumstances, exceptional circumstances exist that make collection of the full amount detrimental to voluntary compliance include, but are not limited to;
 - (i) the taxpayer failed to pay because of circumstances beyond the reasonable control of the taxpayer and not the result of negligence on the part of the taxpayer or;
 - (ii) a reasonable person would not expect the assessment based on previous policy of the Department of Revenue or information provided to the taxpayer by the Department of Revenue.

What happens when a decision is made?

When a decision is made, the taxpayer will be notified in writing. If the offer is accepted, the taxpayer must remain compliant on all Missouri tax filings and payment requirements for three years from the date the offer is accepted. If the taxpayer does not remain compliant, the negotiated amount will be retracted and the original balance due plus additional interest, less payments made, will then be owed. The Department will also offset state and federal refunds for tax periods through the tax year that the offer is accepted. An offset does not reduce the accepted Offer in Compromise amount.

Once an offer is accepted and paid according to the terms of the offer, any enforced collection activity such as liens and levies issued against the taxpayer who submitted the offer will be released. Failure to remain in compliance will result in the default of the offer and the Department will require payment of the original balance due plus additional interest, less payments made.

The law does not provide for an appeal of a rejected offer. The taxpayer must make payment arrangements to pay the debt. If this is not done, the case will be referred for further collection actions to collect the debt in full.

Where do I submit the offer?

Collections Enforcement
P.O. Box 1646
Jefferson City MO 65105-1646
Phone (573) 751-7200
Fax (573) 522-3218



23456789012345678901234567890123456789012345678901234567890123456789012345678901234567890123456789012345 eligible for the Offer in Compromise based on one of the reasons listed below.

If you require additional pages for any information you are providing, attach them as needed.

Section 1: Personal Information

Print or type your name(s), social security number(s), date of birth, dependent information, and address in the spaces provided.

A reason this offer is being submitted must be indicated by checking a box.

Doubt as to Liability

A legitimate doubt exists that the assessed liability is correct. 18 Possible reasons to submit a doubt as to liability offer include:

- 1. You dispute the existence or amount of the correct tax liability.
- Your evidence was not considered.
- 3. You have new evidence.

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64 65 66 If doubt as to liability is chosen, only Sections 1 and 2 are required.

Doubt as to Collectibility

Doubt exists that you could ever pay the full amount of tax liability owed. If the offer in compromise is made for this reason, you must complete Sections 1 through 5 for an individual or if self-employed or you own a business complete Sections 1, 2 and 4 through 8.

Effective Tax Administration

- 33 (a) Severe Economic Hardship Collection of the full liability will result in severe economic hardship to the taxpayer. If the Offer in Compromise is made for this reason, you must complete Sections 1 through 5 for an individual or if self-employed or you own a business complete Sections 1, 2 and 4 through 8.
- 39 (b) Exceptional Circumstances - Regardless of your financial circumstances, exceptional circumstances exist such that collection of the full liability will be detrimental to voluntary compliance by the taxpayer. Such exceptional circumstances include, but are not limited to:
 - (i) Instances where the failure to pay the taxes assessed is the result of circumstances beyond your reasonable control and is not the result of negligence on your part or
 - (ii) Instances in which a reasonable person would not expect the assessment based onprevious policy of the Department of Revenue or information provided to you by the Department of Revenue.

If exceptional circumstances is chosen, only Sections 1 and 2 are required.

Section 2: Payoff Information

Tax Type

Indicate each tax type with a balance due by checking the box. Enter social security number or business tax identification number and periods for each tax type marked. All Missouri tax debt must be included in the settlement offer. Enter the amount you can offer. Offer must be more than zero if the offer is based on doubt as to collectibility. Check cash offer if the amount is to be paid within 30 days after written notice of acceptance of the offer. Check shortterm deferred payment offer if the amount will be paid in more than 30 days.

Indicate if you are borrowing the settlement offer. If so, provide the lender's information in the spaces provided.

If you choose doubt as to collectibility or severe economic hardship for the reason for your offer, you must include an explanation of why you are unable to pay your balance in full.

Section 3: Employment Information

Enter name of employer(s), phone number(s), address, year or months employed, occupation(s), number of allowances claimed on W-4, and how often you are paid.

If you or your spouse are self-employed or own your own business also complete sections 6-8.

Section 4: Personal Financial Information

Bank Accounts

Include IRA'S, other retirement plans, certificates of deposit, etc. Attach all pages of the most recent three months of bank statements for all accounts of each person in the household. If you owe more than \$50,000, attach the most recent six months of bank statements.

Enter the name of the institution(s), address, type of account(s), (checking, saving, IRA, etc.), date the account was opened, account number(s), and the balance of the account.

Personal Property

Include boats, automobiles, ATV's, motorcycles, recreational vehicles, airplanes, machinery, etc, not used in your business. Attach additional pages as needed.

Enter year, make, model or style, license number, lender or lien holder, current market value, current payoff, and available equity. Enter zero if equity is less than zero. Attach copies of loan statements including the current payoff.

Real Property

For each property enter description, county, parcel number, mortgage lender's name and address, current market value, loan balance, and available equity. Include name of owner as it appears on the deed, purchase price, and the date. Attach supporting documentation of the loan balance and your most recent real personal property tax receipt for each property.

Other Valuable Items

Include artwork, guns, collectibles, jewelry, and any other valuable items not previously listed. Enter item, description, and current market value.

Credit Cards and Unsecured Lines of Credit Enter type of credit, name of creditor, record owner, balance owed, and available credit. Attach supporting documentation of balances owed.



Enter name of insurance company, agent name and 05 telephone number, policy number, type of insurance, face amount, and loan or cash surrender value. Include copies of life insurance policies. 08

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Securities

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Other Financial Information

Indicate no or yes for the options in this section. If "yes" is checked provide dates, explanation, and documentation. Transferred assets may include any vehicles, equipment, and property sold, given away, donated, or repossessed in the last 12 months.

Section 5: Personal Income and Expense Analysis

Enter gross monthly income. Under other, include income contributed by others in the household. Enter monthly expenses for each category that applies. Attach proof of monthly living expenses such as receipts, utility bills, tax payments, etc. Subtract total living expenses from total monthly income to obtain total disposable income.

Stop Here!

Complete sections 6-8 only if you own a business or you are self employed. Otherwise skip to Section 9.

Section 6: Business Information

Enter business name, Missouri tax identification number, business address, telephone number, and website. Select the type of business and give a description of the business. Enter the average gross monthly income and average number of employees for the past 12 months. If you or your spouse own additional businesses, complete an additional attachment with the information for each business.

Section 7: Business Financial Information

Bank Accounts

Include certificates of deposit, etc. Attach all pages of the most recent three months bank statements for each account. If you owe more than \$50,000, attach the most recent six months of bank statements. Attach additional pages as needed.

Personal Property

Include automobiles, boats, ATV's, motorcycles, recreational vehicles, airplanes, machinery, and equipment owned by or used in your business.

Enter year, make, model or style, license number, lender or lien holder, current market value, current payoff, and available equity. Enter zero if equity is less than zero. Attach copies of loan statement including current payoff.

For each property, enter description, county, parcel number, mortgage lender's name and address, current market value. loan balance, and available equity.

Include name of owner as it appears on the deed, purchase price, and date. Attach supporting documentation of loan balance and most recent property tax receipt for each property.

Other Valuable Items

Include cash, accounts receivable, artwork, collectibles, and any other valuable items not previously listed. Enter item, description, and current market value.

Securities

Include stocks, bonds, mutual funds, money market funds and 401(k), not previously listed. Enter the type of security, location, record owner, quantity or denomination, and current value. Attach supporting documentation and additional pages as needed.

Business Credit Cards and other Lines of Credit Enter the type of credit, name of the creditor, record owner, balance owed, and available credit. Attach supporting documentation of balances owed.

Other Financial Information

Indicate no or yes for the options in this section. If "yes" is checked provide dates, explanation, and documentation. Transferred assets include vehicles, equipment, and property sold, given away, donated, or repossessed in the last 12 months.

Section 8: Business Income and Expense Analysis

Choose the accounting method used and enter the dates for income and expenses. Enter gross monthly income and monthly business expenses for each category that applies. Attach proof of monthly business expenses and total monthly income.

Before submitting your offer read the terms and conditions in Section 9.

Section 9: Signatures

Signatures and dates are required for your offer to be considered. If the MO-656 is sent without signatures and dates the offer will be deemed invalid.



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90 90 90 90 90 90 90 90 90 90 90 90 90 9	Court proceedings (litigation, probate, etc.).	No ☐ Yes
<u> </u>		
<u>8</u>	Anticipated increase in income	No LJ Yes
R	Bankruptcies or receiverships	No 🗍 Yes
10		
11 ច	Transfer of assets in last 12 months	No Tyes
12 uos	Beneficiary to trust, estate, profit sharing, etc	No 🗍 Yes
13		
14 :	Taxes owed to the IRS (provide proof)	No Tyes
15 g	Taxes owed to other states, counties, districts, agencies, etc	No ☐ Yes
15 16 Section 4		
1 🗸 🖔	B Other debt (explain)	No LJ Yes
18		
19	Monthly household disposal income. Attach documentation.	
20	Gross Monthly Income	Monthly Living Expenses
	Source Taxpayer Spouse	Source Amount
21 22 23 24 25 26 27	Salary, Wages, Commissions, Tips	
23		House or Rent Payment
24	Self-Employment Income	Income Taxes (Federal, State, FICA)
25	Pensions, Disability & Social Security	Estimated Tax (If Applicable)
26	Dividends & Interest	Groceries
27	Gift or Loan Proceeds	
28		Medical Expenses & Prescriptions
29	Rental Income	Utilities:
30	Estate, Trust & Royalty Income	Electric \$ + Gas \$ +
31 (Workers' Comp. & Unemployment	Water \$ + Phone \$ =
0.00	Alimony & Child Support	
33 leu		Insurance:
9 311 ₹	Seller Carried Contracts	Life \$ + Health \$ +
35 sue	Sales	Auto \$ + Home \$ =
36 ×	Other (Specify)	Court Ordered Payment
38 and a	Court Ordered Settlement	Personal Loan Payment
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J G	Restitution	Clothing & Personal Grooming
114		-Legal Fees
11.5 E	<u> </u>	Transportation Expense
Sor		Vehicle Loan or Lease Payment
7 P		Property Taxes
7 - 5 -		
TE 9		Child Care
39 40 41 42 43 44 45 46 47 48 49 49 49 51 52 53 54 56 59 50		Installment & Credit Card Payments
48	?	Tuition Payment
49		Other (Specify)
40		Office (Opechiy)
51		
52		
53		
54		
55		
56		
57	Subtotal	
58	Combined Monthly Income	Total Monthly Living Expenses
59	Net Monthly Household Disposable Income	
50	("Combined Monthly Income" minus "Total Monthly Living Expenses")	
61		Form MQ-656 (Revised 12-2014)
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	Attach additional pages as needed. Attach supporting documentation.	, and any one. Taladon tollo
	Type Location	Record Owner Quantity or Current Value
		Deliginidation
	Total value of all valuable items	
	Counting Include stocks bands mutual funds are an area of the form	1(b) ato Attach additional pages as peopled
Н	Securities: Include stocks, bonds, mutual funds, money market funds, 40 Attach supporting documentation for the most recent three months.	1(K), etc. Attach additional pages as needed.
	Type Location	Record Owner Quantity or Current Value
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直	Total value of all securities	
Financial Information	Deiter and the december of the delivery	
nan	Business credit cards and unsecured lines of credit.	
	Type Name of Creditor	Record Owner Balance Owed Available Credit
- Business		
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Section 7		
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ű	Total unsecured credit balance amount	
	Other Financial Information. If you check "yes", provide dates, an explan	ation, and documentation. Attach additional pages as needed.
		No J Yes
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	Accounting Method Used	
s	Income and expenses during the period (MM/DD/YYYY)	toto
lysi	Total Monthly Business Income	Total Monthly Business Expense
Ana	Source Gross Monthly	Expense Items Actual Monthly
se	Gross Receipts from Sales and Services	Materials Purchased
cper	Gross Rental Income	Inventory Purchased
Û B	Interest Income	Gross Wages & Salaries
an		
Business Income and Expense Analysis	Dividends	Rent
lıc	Cash	Supplies
ess	Other Income (specify below)	Utilities and Telephone
sin		Vehicle Gasoline and Oil
. Bu		Repairs & Maintenance
-8 د		Insurance
Section 8 -		Current Taxes
Sec		Other Expenses (specify)
	Total Income	Total Expenses
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