

**REAL ESTATE TRANSFER TAX
DECLARATION OF CONSIDERATION**

FOR DRA USE ONLY

PRINT OR TYPE

Original Return Amended Return

**STEP 1
SELLER
GRANTOR
ASSIGNOR
TRANSFEROR**

LAST NAME OR ENTITY	FIRST & INITIAL	TAXPAYER IDENTIFICATION NUMBER
LAST NAME OR ENTITY	FIRST & INITIAL	TAXPAYER IDENTIFICATION NUMBER
NUMBER & STREET ADDRESS		
ADDRESS (CONTINUED)		
CITY/TOWN, STATE & ZIP CODE+4		

**STEP 2
PURCHASER
GRANTEE
ASSIGNEE
TRANSFeree**

LAST NAME OR ENTITY	FIRST & INITIAL
LAST NAME OR ENTITY	FIRST & INITIAL
NUMBER & STREET ADDRESS	
ADDRESS (CONTINUED)	
CITY/TOWN, STATE & ZIP CODE+4	

**STEP 3
REAL
ESTATE
PROPERTY**

MUNICIPALITY _____

BOOK NO.	PAGE NO.	COUNTY
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BRIEF DESCRIPTION: (SUCH AS MAP AND LOT NUMBERS; LOCATED AT 17 ELM STREET, AUBURN, OR 10 ACRES, FARM HOUSE AND BARN KNOWN AS SMITH FARM, MILL ROAD, MILTON.) _____

**STEP 4
TRANSFER
DATE**

DATE OF TRANSFER: MONTH _____ DAY _____ YEAR _____

**STEP 5
CALCULATE
THE
TAX**

	Purchaser		Seller	
(a) FULL PRICE OR CONSIDERATION FOR THE REAL ESTATE.....	\$ \$			
(b) ROUND LINE 5(a) UP TO THE NEAREST \$100	\$	00	\$	00
(c) DIVIDE LINE 5(b) BY \$100	\$	00	\$	00
(d) TAX RATE PER \$100 AT TIME OF TRANSFER (See instructions)	\$		\$	
(e) SUBTOTAL OF TAX [Line 5(c) multiplied by 5(d)]	\$		\$	
(f) TOTAL TAX PAID TO COUNTY	\$			00

(Sum of purchaser & seller subtotals rounded to the nearest whole dollar) **DO NOT MAIL PAYMENT WITH THIS FORM.**

**STEP 6
SPECIAL
CIRCUM-
STANCES**

Were there any special circumstances in the transfer which suggest that the full price or consideration of the property was either more or less than its fair market value? NO YES, if yes, please explain.

**STEP 7
SIGNATURES**

Under penalties of perjury, I declare that I have examined this document and to the best of my belief it is true, correct and complete.

FOR DRA USE ONLY

SELLER'S SIGNATURE (IN INK)	DATE
SELLER'S SIGNATURE (IN INK)	DATE
SELLER'S SIGNATURE (IN INK)	DATE
WITNESS SIGNATURE (IN INK)	DATE

MAIL TO: NH DRA
PO BOX 1324
CONCORD NH 03302-1324

CD-57-S**REAL ESTATE TRANSFER TAX DECLARATION OF CONSIDERATION (RSA 78-B)**
GENERAL INSTRUCTIONS

Instructions

WHAT IS REAL ESTATE TRANSFER TAX?

It is a tax on the transfer, sale or granting of real property or an interest in real property. Where the price or consideration is \$4,000 or less there is a minimum tax of \$20 to both, the purchaser and the seller. See the tax rate chart in Step 5 below for applicable tax rates.

WHAT IS FAIR MARKET VALUE?

Rev 801.04 "Fair market value" means the price property would command if sold by a seller who is willing, but not compelled, to sell and purchased by a purchaser who is willing, but not compelled, to purchase.

WHAT IS PRICE OR CONSIDERATION?

Price or consideration means the amount of money, or other property and services, or property or services valued in money which is given in exchange for real estate, and measured at a time immediately after the transfer of the real estate.

WHEN TO FILE

A Declaration of Consideration, Form CD-57-S, and an Inventory of Property Transfer, Form PA-34, formally known as Real Estate Transfer Questionnaire, must be filed with the NH Department of Revenue Administration (NH DRA) within 30 days of recording the deed.

WHO MUST FILE

The purchaser, grantee, assignee, or transferee must file and sign the Declaration CD-57-P. The seller, grantor, assignor or transferor must sign the Declaration CD-57-S.

ARE THERE EXCEPTIONS?

Yes, there are exceptions. Please see attached checklist to determine if any exemptions are applicable to your transfer.

WHO MUST PAY

The tax is assessed on **both** the purchaser and the seller, with a minimum charge of \$20 each. The tax is paid at the Register of Deeds office in the county where the property is located. **DO NOT** send the tax payment with this Declaration.

WHERE TO FILE

File the Declaration of Consideration with: NH DRA, Documents Processing Division, PO Box 1324, Concord, NH 03302-1324.

PENALTIES

If a return is not filed on a timely basis, a failure to file penalty equal to 5% of the outstanding balance, with a minimum of \$10 per month, is charged for each of the first five months or parts thereof after the return is due. **In addition, there is a penalty equal to 100% of the additional tax due if either the buyer or seller makes a false statement on either the transfer tax form or deed that no tax is due, or pays tax on less than the actual price or consideration for the transfer. The 100% false statement penalty is in lieu of the 10% late payment penalty.**

NEED HELP?

Contact the Audit Division at (603) 230-5030 with questions concerning the Real Estate Transfer Tax, Monday through Friday, 8:00 am - 4:30 pm. All written correspondence to the Department should include the taxpayer name, the name of a contact person and a daytime telephone number.

NEED FORMS?

To obtain additional forms please call (603) 230-5001. Copies of Form CD-57-P may also be obtained from our web site at www.nh.gov/revenue. An original (not photocopied) Form PA-34 must also be obtained for filing whenever a sale or transfer of real estate occurs. Contact the Department at (603) 230-5950 if you need an original Form PA-34.

TDD ACCESS

Hearing or speech impaired individuals may call: TDD Access: Relay NH 1-800-735-2964. Individuals who need auxiliary aids for effective

communication in programs and services of the Department of Revenue Administration are invited to make their needs and preferences known to the Department.

LINE-BY-LINE INSTRUCTIONS**STEP 1**

Seller: Enter the full name and address of the seller(s), grantee(s), assignee(s) or transferee(s) and the taxpayer identification number(s). Please attach a supplemental schedule for 3 or more purchasers.

STEP 2

Purchaser: Enter the full name and address, or new address if applicable, of the purchaser(s), grantor(s), assignor(s), or transferor(s). Please attach a supplemental schedule for 3 or more sellers.

STEP 3

Property location and description: Enter the municipality where the property is located and give a brief description of the property in the space provided. Enter the book number, page number and the county where the property transfer is recorded.

STEP 4

Enter the date of the transfer.

STEP 5

Price or consideration and tax calculation for both the purchaser and the seller: Enter the results of the calculations below for **both** the purchaser and the seller in the columns provided.

Line 5 (a)

Enter the full price or consideration paid for the real estate transferred.

Line 5 (b)

Round the amount on Line 5 (a) up to the nearest \$100.

Line 5 (c)

Divide the amount on line 5 (b) by \$100.

Line 5 (d)

Enter the tax rate, for both the purchaser and the seller, in effect as of the date of transfer. (See tax rate chart above).

Line 5 (e)

Enter the subtotal of the tax for both the purchaser and the seller by multiplying 5(c) by 5(d).

Line 5 (f)

Enter the total of Line 5 (e) for the purchaser plus 5(e) for the seller, rounded to the nearest whole dollar.

STEP 6

Special Circumstances: Check the appropriate box. If "yes", describe in the space provided any special circumstances which resulted in the property being transferred at either more or less than its fair market value.

STEP 7

Signatures: Signatures, in ink, of both the purchaser(s) and the seller(s) are required. The signatures, in ink, must be witnessed and dated in the spaces provided.

TAX RATE CHART

7/1/99 - Present	\$0.75	per \$100
7/1/93 - 6/30/99	\$0.50	per \$100
4/1/90 - 6/30/93	\$0.525	per \$100
Prior to 1990 contact the NH DRA		

TAXABLE TRANSFERS

Unless specifically exempted, the tax on the transfer of real property imposed by RSA 78-B applies to each contractual transfer of real estate or interest therein including transfer of a title:

Listed below are some of the more common types of contractual transfers of real estate that are not exempted from transfer tax. (Note: the amount of the tax due on all of the transfers listed below must be determined based on the actual price of consideration paid, with a \$40 minimum. A contractual transfer (i.e. one that is not a true gift) between related parties is taxable on the fair market value of the property involved.

The most common types of taxable contractual transfers are:

- Most transfers of land, house or building. Gifts of real estate are non-contractual and are therefore not subject to transfer tax.
- Transfers between a business entity and its owners, including transfers in dissolution of the business.
- Transfers between related business entities, even if the entity acquiring the real estate immediately resells the property to an unrelated party and pays the full amount of transfer tax on the second sale.
- Parties receiving real property from the State of NH, a county, a town, or other political subdivision of the State are responsible for paying the buyer's share of the tax on the transfer. (Transfers made to such entities are exempt from tax.)
- For transfers involving the US government or any of its agencies or instrumentalities, the US government, agencies and instrumentalities are exempt, but the other party is responsible for paying his/her half of the tax.
- A sale or granting of a right-of-way or an easement on property.
- A transfer of real estate or any interest therein through a foreclosure or by a deed in lieu of foreclosure, even in instances where the buyer and the seller are the same person or entity. (The consideration in such transfers is the reduction in the obligor's debt plus the amount of debt assumed by the transferee.)
- A sale, granting or transfer of real estate or an interest in real estate by a trustee in bankruptcy. (Note: Transfers authorized by a bankruptcy court as part of a reorganization of a company under Chapter 11 of the Federal Bankruptcy Code are not subject to transfer tax.)
- Leases of real estate when the term of the lease is 99 years or longer, or leases of shorter duration if renewal rights extend the total period of time to 99 years or more.
- Property transferred through a deed issued as a result of a sheriff's sale.
- A sale, granting, or transfer of standing timber occurring apart from the sale, granting or transfer of the land on which it stands.
- The transfer of an exclusive interest in or right to take soil, gravel, minerals and the like from another's real estate.
- Transfers of real estate, such as buildings and building fixtures, where the owner of the building leases the land on which the building is located.
- Transfers of interests in vacation time shares property.
- Property transferred as part of a like-kind exchange under Sec. 1031 of the IRC or as part of a land swap are subject to transfer tax based on the fair market value of the property. Transfer tax is payable on each property transferred.
- Prefabricated and modular housing built off site.
- Transfers pursuant to a merger, consolidation, or other reorganization qualify as a tax-free reorganization as defined in section 368 of the US IRC of 1986; (prior to July 1, 2001, transfers of this nature were exempt).
- Transfers pursuant to a conversion from one form of ownership interest to another. Prior to July 1, 2001, transfers of this type were exempt if each entity had transferable shares and their assets, liabilities and ownership interests were identical before and after the transfer.

NON-TAXABLE TRANSFERS

The tax shall not apply to transfers:

- That are non-contractual gift transfers.
- To the State, a state agency, a county, a city/town, school district or village district.
- Of a mortgage or other instrument given to secure payment or debt.
- Of a discharge of a mortgage or other instrument solely to release security for a debt.
- Of a deed or other instrument to correct a deed or other instrument previously given.
- Of a deed given by a collector of taxes for property purchased at a tax sale.
- Of cemetery plot.
- That occur by devise by the laws regulating intestate succession and descent or by the death of any co-tenant in real estate held by joint tenancy.
- To the beneficiaries of a partnership interest where the partnership dissolves by operation of law due to the death of a partner.
- Of title between spouses pursuant to a decree of divorce or nullity.
- Between a land trust incorporated under RSA 292 and established to provide affordable housing to low-income people and a housing cooperative incorporated under RSA 301-A, if the tax is paid on the initial purchase.
- To the Trust for New Hampshire Lands when it acquires the real estate for the purpose of transferring title to the land conservation investment program, the trust is not liable, but the **seller** is liable.
- The initial sale by a dealer of "manufactured housing", which means mobile homes that have never been occupied. Any subsequent sale of a manufactured housing unit is taxable. Prefabricated and modular housing built off-site is subject to tax.