

Application for Exemption from Washington County Transfer Tax

Deeds in lieu of foreclosure and all transfers of real property effected by order of any court of competent jurisdiction in a mortgage or lien foreclosure proceeding, proceeding for execution of a judgment, bankruptcy proceeding, or receivership proceeding. **3.04.030J.2.**

I, _____ being first duly sworn, say that I am the (Grantor) (Grantee) (other) _____ . That the transfer of the property recorded as document number _____ is exempt under the tax pursuant to the following exemption and required information.

Required Information:

If deed in lieu of foreclosure.

1) Statement from mortgage holder or contract holder that the deed is taken in lieu of foreclosure.

2) Reference to recorded document number evidencing prior interest. _____

If transfer by order of any court of competent jurisdiction and involves a mortgage or lien foreclosure proceeding.

1) Name of the court. _____

2) Court file number. _____

3) Date of entry of the judgment or lien. _____

4) The reference to the recording number of the lien interest or copy of the document. _____

If proceeding for an execution of a judgment.

1) Name of the Court. _____

2) Court file number. _____

3) Date of entry of the judgment. _____

If a Bankruptcy proceeding.

1) Bankruptcy Chapter. _____

2) Name of Debtor. _____

3) Name of the Court. _____

4) Court file number. _____

5) Date of entry of the judgment. _____

If a receivership proceeding.

1) Date of appointment of the receiver. _____

2) Name of the Court. _____

3) Court file number. _____

No additional consideration was given for this transfer. I understand that this information is available for inspection by the Internal Revenue Service and The Oregon State Department of Revenue.

(Signature) _____

State of _____

County of _____

Sworn and subscribed to before me this _____ day of _____, 20_____.

Notary Public for Oregon
My Commission Expires _____

Exemption 3.04.030J.2.

Deeds in lieu of foreclosure and all transfers of real property effected by order of any court of competent jurisdiction in a mortgage or lien foreclosure proceeding, proceeding for execution of a judgment, bankruptcy proceeding, or receivership proceeding.

Exemption Guidelines

Deeds in lieu of foreclosure:

The Transfer tax does not apply to the following transfers when no additional consideration passes and the foreclosure is imminent:

- 1) A transfer of real property by deed from mortgagor to a mortgagee in lieu of foreclosure; or
- 2) A transfer from a contract purchaser to the contract holder in lieu of forfeiture of a contract of sale upon default of the underlying obligation.

Mortgage or lien foreclosure proceeding.

The transfer tax does not apply to any transfer or conveyance made pursuant to an order of sale by a court in any mortgage or lien foreclosure proceeding if the purchaser had a lien interest in the property prior to the foreclosure proceeding.

Proceeding for an execution of a judgment.

The transfer tax does not apply to any transfer or conveyance made upon execution of a judgment.

Bankruptcy proceeding.

The transfer tax applies to transfers of real property by a trustee in bankruptcy when made under either a chapter 7 plan or chapter 13 plan. The transfer tax does not apply to transfers of real property when made under chapter 11 or chapter 12 plans.

Receivership.

The transfer tax does not apply to transfers pursuant to court order in a receivership proceeding

Washington County Transfer Tax (Chapter 3.04 Washington County Code)

Washington County "Real Property Transfer Tax Ordinance" requires that all transfers of real property be taxed based on the selling price or file for an exemption. The tax is one dollar per thousand of the "selling price".

Definitions:

"**Selling Price**" means the consideration, in money or any other thing of value which is paid, delivered, or contracted to be paid or delivered, in return for the transfer of real property. "Selling Price" shall include the amount of cash and the amount of any lien, mortgage, contract, indebtedness or any encumbrance existing against the property to which the property remains subject and which the purchaser agrees to pay or assume, as stated pursuant to ORS 93.030 on the face of any instrument conveying or contracting to convey fee title to real property. However, "selling price" also includes other property or value given or promised for the transfer of real property if such other property or value were either part or the whole consideration.

"**Transfer of Real Property**" means and includes every grant, sale, exchange, assignment, quitclaim or other conveyance of property in or title to real property, and also means and includes any contract for sale, exchange, grant, assignment, quitclaim or other conveyance of ownership in or title to real property. Notwithstanding this, "transfer of real property" does not include instruments clearly shown on their face to be the following:

J.1. Estoppel Deeds; J.2. Deeds in lieu of foreclosure and all transfers of real property effected by order of any court of competent jurisdiction in a mortgage or lien foreclosure proceeding, proceeding for execution of a judgment, bankruptcy proceeding, or receivership proceeding; J.3. Vendor's assignments and all transfers or assignments of a seller's interest in a contract for the sale of real property even though accompanied by a conveyance of the seller's interest in the real property; J.4. Earnest money agreements; J.5. Sheriff's deeds; J.6. Options; J.7. Trustee's deed as a result of foreclosure; J.8. Conveyance to or from a government entity; J.9. Re-recording of documents; J.10. Fulfillment deeds; J.11. Documents recorded solely for security purposes; J.12. Transfers of real property affected by appropriation or condemnation proceedings brought by the United States, the State of Oregon, the county, or any municipal or non-profit corporation; J.13. Transfers of real property for which the selling price is thirteen thousand nine hundred ninety-nine dollars (\$13,999.00.) or less; J.14. Transfers of real property to effect a mere change in identity, form or place of organization; J.15. Transfers of real property to effect the dissolution of a corporation, partnership, or joint venture; J.16. Transfers of real property by gift, devise, or inheritance; J.17. Transfers of grave or cemetery lot; or J.18. Transfers of real property between spouses effected by order of any court of competent jurisdiction in a marriage dissolution or separation proceeding.

Failure to pay the tax or file for an exemption within the fifteen (15) days from the date of recording will result in an automatic penalty equal to the amount of the tax owed or \$50.00, whichever is greater. Interest shall accrue on the delinquent tax at a rate of 1½% per month until paid. A party may in writing to the director request a fifteen (15) day extension in which to pay the tax or file for an exemption. The director may approve no more than two (2) extensions.

If a transfer of real property is transfer tax exempt, an application for an allowed exemption must be served, in writing, upon the Washington County Director of Assessment and Taxation within fifteen (15) days of the date of tender of the documents to the county for recording purposes.

Failure to file for an allowed exemption within fifteen (15) days will result in the transfer being taxed no matter what exemption is claimed.

When any person fails to pay the tax or file for an exemption within the time provided for payment of the tax, there shall be a conclusive presumption, for purposes of computation of the tax, that the selling price is not less than the real market value as defined by ORS 308.205, as determined by the Washington County Department of Assessment and Taxation.