

# Application for Exemption from Washington County Transfer Tax

Transfers of real property by gift, devise, or inheritance. **3.04.030J.16.**

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 transfer is a Gift:

- 1) A statement on the document or affidavit is required signed by both the grantor and grantee stating the:
  - a) Real market value of the property. \_\_\_\_\_
  - b) Nature of the relationship between grantor and grantee.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - c) Federal tax identification number for any corporation, company, or partnership involved in the transfer.  
\_\_\_\_\_
  - d) Either a statement that the property is not subject to a financial encumbrance which is assumed by the Grantee or the amount of the encumbrance.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - e) In the case of a trust, the trust document must be submitted with the affidavit or a certification and memorandum of the trust with a sworn statement if it is revocable or not.
  - f) Statement of the real market value from the tax rolls. \_\_\_\_\_

### If transfer is by devise or inheritance:

- 1) The name of the court. \_\_\_\_\_
- 2) The court file number. \_\_\_\_\_
- 3) The location of the court. \_\_\_\_\_
- 4) A copy of the trust instrument, will or court order showing the transferee of the property as the devisee.

*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.16.

Transfers of real property by gift, devise, or inheritance.

## Exemption Guidelines

Transfers of real property as gifts are not subject to the transfer tax provided the transfer is without consideration or that love and affection is the only consideration.

The transfer must be irrevocable, the grantor must relinquish all control, and the property transferred must not be subject to any financial encumbrance assumed by the grantee of the gift.

When any consideration other than love and affection is present in the transfer, the transaction is taxable to the extent of the consideration present.

## 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.

[as of 12-21-98]