

MARYLAND
FORM
MW506AE
2014

Application for Certificate of Full or Partial Exemption

Transferor/Seller's Name _____

Your Social Security Number/FEIN _____

Special Situations

Check the box in the "Special Situations" column that applies to your situation, **if any**. If none apply, your exemption will be based on the amount on the worksheet on page 1. See instructions for required documentation.

<input type="checkbox"/> Principal Residence.	<input type="checkbox"/> Transfer is pursuant to an installment sale under §453 of the Internal Revenue Code.
<input type="checkbox"/> Principal Residence – Active-duty Military, Certain Government Employees.	<input type="checkbox"/> Transfer of inherited property is occurring within 6 months of date of death.
<input type="checkbox"/> Tax-Free Exchange for purposes of §1031 of the Internal Revenue Code.	<input type="checkbox"/> Transfer is pursuant to a specific Internal Revenue Code section. Please see addendum.
<input type="checkbox"/> Transferor/seller is receiving zero proceeds from this transaction.	

Address of Settlement Agent to Mail Certificate if Issued (See instructions.)

Name of contact person and company

Street Address

City

State

ZIP code

Fax number

Email Address

Under the penalties of perjury, I declare that I have examined this application, including any schedules or statements attached, and to the best of my knowledge and belief, it is true, correct and complete. If prepared by a person other than taxpayer, the declaration is based on all information of which the preparer has any knowledge.

.....
Your signature

.....
Date

.....
Spouse's signature

.....
Date

.....
Telephone number



.....
Preparer's PTIN (required by law)

.....
Signature of preparer other than taxpayer

.....
Address of preparer

.....
Telephone number of preparer

Check here if you authorize
us to contact you by email.

.....
Email address

The Comptroller's decision to issue or deny a certificate and the amount of tax is final and not subject to appeal.

GENERAL INSTRUCTIONS

Purpose of Form

Use Form MW506AE to apply for a Certificate of Full or Partial Exemption from the withholding requirements on the proceeds of the sale of real property and associated personal property in Maryland by nonresident individuals and nonresident entities. A nonresident entity is defined to mean an entity that: (1) is not formed under the laws of Maryland and (2) is not qualified by or registered with the Department of Assessments and Taxation to do business in Maryland.

Who May File an Application

An individual, fiduciary, C corporation, S corporation, limited liability company, or partnership transferor/seller may file Form MW506AE. Unless the transferors/sellers are spouses filing a joint Maryland income tax return, a separate Form MW506AE is required for each transferor/seller.

IMPORTANT: The completed Form MW506AE and all required documentation must be received by the Comptroller of Maryland no later than 21 days before the closing date of the sale or transfer to ensure timely receipt of a Certificate of Full or Partial Exemption.

The Comptroller's decision to issue or deny a Certificate of Full or Partial Exemption and the determination of the amount of tax to be withheld if a partial exemption is granted are final and not subject to appeal.

SPECIFIC INSTRUCTIONS

Enter the tax year of the transferor/seller if other than a calendar year.

Transferor/Seller's Information

Enter the name, address and identification number (Social Security number or federal employer identification number) of the transferor/seller applying for the exemption. If the transferor/seller was issued an individual taxpayer identification number (ITIN) by the IRS, enter the ITIN.

Check the box indicating the transferor/seller's entity type.

Enter the transferor/seller's ownership percentage of the property. For example, if there are four equal owners, please enter 25% for single application.

Property Information

Enter the description of the property, including the street address(es) for the property as listed with the State Department of Assessments and Taxation (SDAT), including county. If the property does not have a street address, provide the full property account ID numbers used by SDAT to identify the property.

Enter the date of closing for the sale or transfer of the property.

Enter the property account ID number, if known. If the property is made up of more than one parcel and has more than one property tax account number, include all applicable property account ID numbers.

Check the box to indicate whether the property was used for rental/commercial purposes. Maryland law requires that nonresidents owning real property in Maryland file a nonresident income tax return reporting any rental income or loss. If you checked the rental/commercial box and did not file returns reporting this income or loss, your application will be denied. Please file all appropriate returns before filing this application.

Calculation of Tentative Exemption/Withholding Amount

Complete the calculation of tentative exemption section.

Line 1. Enter the purchase price of the property. This is the

contract amount for the original purchase. DO NOT include settlement costs or other adjustments in this line. If inherited property, use the Date of Death value of the property. You must attach an original HUD-1 (settlement statement), property tax printout (available at www.dat.state.md.us), original contract, date of death appraisal, or other proof of original purchase price.

- Line 2. Enter amount of capital improvements. You **must** attach paid invoices or receipts with cancelled checks for improvements. Documentation must include proof of payment, address of property, and work completed.
- Line 3. Settlement costs. You **must** attach a HUD-1 for this amount. You may add both settlement costs for purchase and sale of the property. If a preliminary HUD-1 is not available at time of filing, you must forward as soon as completed in order to be credited for these costs.
- Line 4. Add lines 1 through 3.
- Line 5. Depreciation. Enter all depreciation already taken for this property, if rental or commercial, on any income tax return. You must attach a depreciation schedule or returns.
- Line 6. Adjusted basis. Subtract line 5 from line 4. This is your adjusted basis.
- Line 7. Contract Sales Price. Enter contract sales price. You **must** attach current contract (page 1 and signature pages only) or HUD-1.
- Line 8. Amount subject to tax. Subtract line 6 from line 7.
- Line 9. Tax Rate. Select which tax rate applies.
- Line 10. Tentative Withholding Amount. Multiply line 8 by the tax rate. This is the tentative amount of withholding. If zero or less than zero, enter zero. If zero, you may qualify for a full exemption (subject to verification).

Note: This amount will be calculated by the Comptroller's Office based on actual documentation received.

Special Situations

Principal Residence.

Transfer is of your principal residence as defined in §121 of the Internal Revenue Code, which means it has been your principal residence for two of the last five years. Resident income tax returns must have been filed to claim principal residence. This will be verified by the Comptroller's Office.

Principal Residence – Active-duty Military, Certain Government Employees.

Transfer is of your principal residence as defined in §121 of the Internal Revenue Code, if you had a move necessitated by government orders. Attach transfer orders and proof of residency. This may include federal income tax return with Maryland address, utility bills, property tax statements, etc. Please see Internal Revenue Service Publication 523.

Tax-Free Exchange for purposes of §1031 of the Internal Revenue Code.

Required documentation in addition to that on page 1. Letter signed by the qualified intermediary, or by the person authorized to sign on behalf of a business entity acting as the qualified intermediary, which states the name(s) of the transferor(s), the property description, that the individual or business will be acting as the qualified intermediary for the transferor(s) as part of a §1031 exchange of the property, whether there will be any boot, and if so, the amount of boot. The amount of any boot must be

stated on the application as the taxable amount.

Transferor/seller is receiving zero proceeds from this transaction.

Note: This situation applies when all proceeds go to a third party. This does not apply if you receive ANY proceeds.

Required documentation in addition to that on page 1. A copy of a letter from the transferor/seller to the title company advising they are to receive zero proceeds from the sale and advising to whom the proceeds are to go; a copy of the acknowledgment letter from the title company to the transferor/seller that all proceeds are to go to a third party.

Transfer is pursuant to an installment sale under §453 of the Internal Revenue Code.

Required documentation in addition to that on page 1. Copy of contract of sale or copy of HUD-1 settlement sheet from the title company; copy of promissory note to transferor which will be executed by transferee at settlement. That portion of the total payment that the transferor receives at or within sixty (60) days of settlement must be stated on the application as the taxable amount.

Transfer of inherited property is occurring within 6 months of date of death.

Required documentation in addition to that on page 1. Provide a copy of the death certificate and a copy of the estimated HUD-1 settlement sheet from the title company.

Transfer is pursuant to a specific Internal Revenue Code section. Please see addendum.

Address to Mail Certificate if Issued

Please provide the name and address of the title company or settlement agent to whom we should mail the exemption certificate if issued. If you do not know the identity of the title company or settlement agent at the time you complete this form, you must email the name and address to NRSHELP@comp.state.md.us as soon as possible. You must provide a mailing address to avoid delay in recording the sale.

Signature(s)

Form MW506AE must be signed by an individual (both taxpayer and spouse, if filing a joint Maryland income tax return), or a responsible corporate officer.

Please include a daytime telephone number where you can be reached between 8:00 AM and 5:00 PM.

If you would like to be contacted by email in the event that more information is needed to process your application, please include your email address and check the box allowing us to contact you by email. The exemption certificate, if issued, will not be emailed to you.

Your signature(s) signifies that your application, including all attachments, is, to the best of your knowledge and belief, true, correct and complete, under penalties of perjury.

If a power of attorney is necessary, complete federal Form 2848 and attach to your application.

Where to File

Mail the completed form and all attachments to:

**Comptroller of Maryland
Revenue Administration Division
Attn: NRS Exemption Requests
P.O. Box 2031
Annapolis, MD 21404-2031**

OR

E-mail the completed form and all attachments to nrshelp@comp.state.md.us

Note: The e-mail submission will not expedite the processing of your application. If you are e-mailing large attachments, send multiple smaller e-mails.

Submit your application via only **one** method.

Additional Information

For additional information visit www.marylandtaxes.com, e-mail nrshelp@comp.state.md.us or call 1-800-MDTAXES (1-800-638-2937) or 410-260-7980 in Central Maryland.

Code Letter	IRC Section	Description	Required Documentation
a	§ 351	Transfer is to a corporation controlled by the transferor for purposes of § 351 of the Internal Revenue Code.	Copy of the agreement of sale; Certificate of Good Standing of transferee issued by the state in which transferee is incorporated; notarized affidavit executed on behalf of transferee by its President and its Treasurer stating that immediately after the exchange the transferor(s) will own stock in the transferee possessing at least eighty percent (80%) of the total combined voting power of all classes of transferee's stock entitled to vote and at least eighty percent (80%) of the total number of shares of all other classes of stock of the transferee; and an appraisal establishing the fair market value, at the time of the exchange, of any property other than stock in the transferee which is part of the consideration for the exchange. The fair market value of any such other property and/or any money which is part of the consideration for the exchange must be stated on the application as the taxable amount.
b	§ 361	Transfer is pursuant to a tax-free reorganization as described in § 361 of the Internal Revenue Code.	Copy of agreement governing the transfer between transferor and transferee; Certificates of Good Standing of transferor and transferee issued by the state(s) in which transferor and transferee are incorporated; copy of the plan or reorganization showing that transferor and transferee are parties to the reorganization; and an appraisal establishing the fair market value, at the time of the exchange, of any property other than stock or securities in the transferee which is part of the consideration for the exchange and will not be distributed by the transferor in pursuance of the plan of reorganization. The fair market value of any such other property and/or any money which is part of the consideration for the exchange must be stated on the application as the taxable amount.
c	§ 501(a)	Transfer is by a tax-exempt entity for purposes of § 501(a) of the Internal Revenue Code and transfer involves limited or no unrelated business taxable income under § 512 of the Internal Revenue Code.	Copy of determination by the Internal Revenue Service that transferor is a tax-exempt entity for purpose of § 501(a) of the Internal Revenue Code; Certificate of Good Standing of transferor issued by the state in which transferor is incorporated; notarized affidavit executed on behalf of transferor by its President and by its Treasurer stating that the transfer involves limited or no unrelated business income under § 512 of the Internal Revenue Code.
d	§ 721	Transfer is to a partnership in exchange for an interest in the partnership such that no gain or loss is recognized under § 721 of the Internal Revenue Code.	Copy of agreement governing transfer between transferor and transferee; copy of the partnership agreement of the transferee.
e	§ 731	Transfer is by a partnership to a partner of the partnership in accordance with § 731 of the Internal Revenue Code.	Copy of agreement governing transfer between transferor and transferee; copy of the partnership agreement of the transferor.
f	§ 857	Transfer is treated as a transfer by a real estate investment trust for purposes of § 857 of the Internal Revenue Code.	Copy of agreement governing transfer between transferor and transferee; certified copy of Articles of Incorporation of transferor; Certificate of Good Standing of transferor issued by the state in which transferor is incorporated.
g	§ 1033	Transfer is pursuant to a condemnation and conversion into a similar property for purposes of § 1033 of the Internal Revenue Code.	Copy of agreement governing transfer between transferor and government body or authority condemning the property; notarized affidavit executed by transferor stating that transferor will identify and purchase replacement property within the time limits required by § 1033 of the Internal Revenue Code, or copy of contract of sale if transferor has already identified replacement property. If proceeds from condemnation exceed price of replacement property, the excess must be stated on the application as the taxable amount.
h	§ 1041	Transfer is between spouses or incident to divorce for purposes of § 1041 of the Internal Revenue Code.	Copy of marriage license or divorce decree; copy of deed which will be recorded to accomplish the transfer; if incident to divorce, copy of section of court order or separation agreement governing transfer of the property.
i	§ 1368	Transfer is treated as a transfer by an S corporation for purposes of § 1368 of the Internal Revenue Code.	Copy of agreement governing transfer between transferor and transferee; copy of approval by the Internal Revenue Service of transferor's S-corporation election; Certificate of Good Standing of transferor issued by the state in which transferor is incorporated.