



RESIDENTIAL BROKERAGE

NOTICE OF TAXPAYER IDENTIFICATION NUMBER REQUIREMENT

Re: 2604 Camloop Dr. San Jose

The enactment of the Housing and Economic Recovery Act of 2008 amended the Foreign Investment in Real Property Tax Act of 1980 ("FIRPTA) with regard to real estate transactions involving foreign sellers.

In order to avoid the withholding penalty of FIRPTA a seller (individuals and corporations) must either (1) provide a buyer, or buyer's agent, with a U.S. taxpayer identification number, or (2) provide a "qualified substitute" with a U.S. taxpayer identification number and the "qualified substitute" must then furnish a written statement to the buyer stating that "under penalty of perjury" the "qualified substitute" has, in his or her possession, the seller's affidavit with the seller's U.S. taxpayer identification number. The law defines a "qualified substitute" as a person responsible for closing the transaction (e.g. escrow holder, title company). Failure to meet the above requirement could delay the closing and potentially create liability under your existing contract.

The IRS has indicated that it may take between 4-6 weeks to process any application for a taxpayer identification number. Coldwell Banker strongly recommends that all foreign sellers promptly contact the Internal Revenue Service and/or a real estate attorney in order to obtain a taxpayer identification number and avoid delays with respect to closing transactions.

12/10/09
Date

x
Seller Christopher White

12/10/09
Date

x
Seller Elicia White

Date

Buyer

Date

Buyer



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SELLER'S AFFIDAVIT OF NON-FOREIGN STATUS (FIRPTA) AND CALIFORNIA TAX WITHHOLDING STATUS

Revision Date 5/06



Federal law (IRC § 1445) and California law (Revenue & Taxation Code §18662, for California properties) mandate the withholding of certain percentages of real estate proceeds, depending on citizenship and/or on the nature and status of the transferor, transferee and the subject property. **Since responses are required by law to be given under penalty of perjury, care must be used in the completion of this form. Tax and/or legal advisors should be consulted as to any questions or uncertainties in regard thereto.**

Property: 2604 Camloop Dr. San Jose (the "Property")

Identity of Seller/Transferor: (Each seller/transferor on title must prepare and sign a **separate copy of this form** unless seller/transferor is a married couple and has the same federal and state exempt status, in which case couple can complete and sign one form.)

A. Printed name: Christopher White

B. Printed name: Elecia White

Telephone number: _____

Address: _____

(Business, trust and estate entities: please enter office address)

Social Security No(s): A. infile B. infile

(Business, trust and estate entities: please enter Federal Tax ID no. and Calif. Corp. no.)

1. **FEDERAL CLAIM AND DECLARATION OF EXEMPT STATUS:** The Transferor is exempt under the Foreign Investment in Real Property Tax Act from federal tax withholding for the reason checked below:

- Transferor is an individual person who is not a "foreign person" (i.e., not a nonresident alien) under federal law. See IRC §1445.
- Transferor is a domestic (or is legally entitled to treatment as a domestic) corporation, partnership, limited liability company, trust, estate or other entity as defined and described in applicable provisions of the Internal Revenue Code and Internal Revenue Regulations.

2. **CALIFORNIA CLAIM AND DECLARATION OF EXEMPT STATUS:** The Transferor is exempt under Revenue & Taxation Code §18662 from California tax withholding for the reason checked below:

Transferor in an individual or is a revocable (grantor) trust, and: (Note: FTB Form 593-C may be required for some exemptions)

- The last use of the Property was as Transferor's principal residence, irrespective of the length of time it was so used.
- The Property otherwise qualifies (per IRC §121) as Transferor's principal residence.
- The Property is to be exchanged (IRC § 1031) for like-kind property. (Note: any recognized gain requires withholding.)
- The Property has been compulsorily or involuntarily converted (per IRC § 1033) and Transferor intends to acquire property similar or related in use for non-recognition of gain for California tax purposes under IRC § 1033.
- Sale of the Property will result in a loss for California income tax purposes.

Transferor is an exempt business, trust or estate entity as follows: (Note: FTB Form 593-W may be required for some exemptions)

By signing on behalf of one of the following entities, signatory warrants that he/she does so with full and complete authority.

- Transferor is a corporation organized and qualified under California law, and maintains a permanent place of business in California.
- Transferor is a bank acting as fiduciary for a trust, or is a partnership or LLC (per California and federal tax law).
- Transferor is tax-exempt under federal or California law, or is an insurance company, IRA or qualified pension or profit sharing plan.
- The Property was decedent's principal residence (per IRC § 121).

3. **Non-applicable transactions** include acquisition by way of a foreclosed trust deed or mortgage or a deed in lieu of foreclosure. Federal tax withholding requirements cited herein apply only to properties with sales prices over \$300,000; California tax withholding requirements cited herein do not apply to properties with sales prices \$100,000 or less.

The undersigned Transferor declares under penalty of perjury that the foregoing information is correct. If none of the above exemptions is applicable, then withholding may be required. Please declare exemption status under both **Federal** (Paragraph 1 above) and **California** (Paragraph 2 above) provisions.

x <u>[Signature]</u>	Christopher White	<u>12/10/09</u>
Transferor's signature	Printed name (and, where applicable, signature authority)	Date
x <u>[Signature]</u>	Elecia White	<u>12/10/09</u>
Transferor's signature	Printed name (and, where applicable, signature authority)	Date

Buyer acknowledges receipt of a completed and signed copy of this document (which should be retained with tax records for five years).

Date Buyer Buyer