



**REAL ESTATE TRANSFER TAX DECLARATION OF CONSIDERATION FOR REAL ESTATE HOLDING COMPANIES (SELLER)**

Entity Type - (Check One):  Individual  Joint  Partnership  Corporation  Trust  LLC

Original Return  
 Amended Return

**STEP 1 - SELLER**

Grantor / Assignor / Transferor

(use new mailing address)

Last Name / Entity

First Name

FEIN / SSN

Last Name / Entity

First Name

FEIN / SSN

Street No.

Street Name

Apt / Unit

Phone Number

City

State

Zip Code + 4 (or Canadian Postal Code)

Email (optional)

**STEP 2 - PURCHASER**

Grantee / Assignee / Transferee

(use new mailing address)

Last Name / Entity

First Name

Last Name / Entity

First Name

Street No.

Street Name

Apt / Unit

Phone Number

City

State

Zip Code + 4 (or Canadian Postal Code)

Email (optional)

**STEP 3 - REAL ESTATE HOLDING COMPANY**

Entity Type - (Check One):  Proprietorship  Corporation / Combined Group  Partnership  Fiduciary  Non-Profit Organization

Last Name / Entity

FEIN

Street No.

Street Name

Apt / Unit

Phone Number

City

State

Zip Code + 4 (or Canadian Postal Code)

Email (optional)



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**STEP 4 - REAL ESTATE**

Municipality  County

Street No.  Street Name  Apt / Unit

Tax Map  Block  Lot

Acreage  Number of Parcels Purchased

Multi Town Sale?  Yes  No If Yes, list municipalities:

Property Use (Check One):  Residential  Commercial  Mixed Res / Comm  Industrial  Other

Property Type (Check All That Apply):  Land Only  Building Only  Land & Building  Condo  Condox  Land & Manufactured Housing  
 Manufactured Housing  Multi-unit  Timber Rights  Mineral Rights

Features (Check One):  Waterfront  Water Access If multi-unit building, how many units?

**STEP 5 - TRANSFER DATE** Transfer Date

**STEP 6 - CALCULATE THE TAX AMOUNT**

1) Fair market value of all NH real estate

2) Percentage of interest transferred (decimal)

3) Consideration (Line 1 multiplied by Line 2)

4) Divide Line 3 by \$100

5) Tax rate per \$100 at time of transfer (See instructions)

6) Subtotal of Tax (Minimum of \$20 for all considerations \$4,000 or less, per RSA 78-B:1)

7(a) Interest

7(b) Penalties

8) Total of Lines 6, 7(a), and 7(b). Make check payable to **State of NH**.  
Enclose your payment with this return

Are you claiming tax exemption under RSA 78-B:2?  Yes  No If Yes, please explain:



**REAL ESTATE TRANSFER TAX DECLARATION OF CONSIDERATION FOR REAL ESTATE HOLDING COMPANIES (SELLER)**

**STEP 7 - SPECIAL CIRCUMSTANCES**

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?

Yes  No

If Yes, please choose all that apply from the list below or select "other" and fill in an explanation.

- Family Sale   
  Sheriff's Sale   
  Business Affiliates   
  Bank Sale   
  Easement   
  Life Estate / Trust   
  Time Share  
 Government Sale   
 Abutter Sale   
 Other

**STEP 8 - PREPARER**

Entity

Last Name  First Name

Street No.  Street Name  Apt / Unit  Phone Number

City  State  Zip Code + 4 (or Canadian Postal Code)

Email (optional)



e57b3a80-66af-40ae-8382-0150502937a4

CO ID  Transfer Date



**REAL ESTATE TRANSFER TAX DECLARATION OF CONSIDERATION FOR REAL ESTATE HOLDING COMPANIES (SELLER)  
SIGNATURE PAGE**

**STEP 9 - SIGNATURES**

**Power of Attorney (POA):** By checking this box and signing below, you authorize the preparer listed on this return to act on your behalf for this return only, including entering the book and page numbers and filing this return electronically.

**TAXPAYER'S SIGNATURE & INFORMATION (Seller's Signature is Required)**

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

Seller 1 Signature

MMDDYYYY

Seller 1 Printed Name

Seller 2 Signature

MMDDYYYY

Seller 2 Printed Name

Witness Signature

MMDDYYYY

Witness Printed Name

**PREPARER'S SIGNATURE & INFORMATION (If prepared by someone other than the Seller)**

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

Preparer's Signature (if other than taxpayer)

MMDDYYYY

Preparer's Printed Name (required if POA box is checked)



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CO ID      Transfer Date

      

Purchaser Last Name

Purchaser Street No

Purchaser Street Name

Municipality

Tax Map

Block

Lot



### **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 of 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 6 below for applicable tax rates.

### **WHAT IS A REAL ESTATE HOLDING COMPANY?**

A "Real Estate Holding Company" means an organization which is engaged principally in owning, holding, selling, or leasing real estate and which owns real estate or an interest in real estate within the state.

### **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.

### **WHEN TO FILE**

A Declaration of Consideration for Real Estate Holding Companies must be filed with the NH Department of Revenue Administration (NH DRA) within 30 days of the transfer.

### **WHO MUST FILE**

The seller, grantor, assignor, or transferor must sign and file the Declaration CD-57-HC-S with payment. A Declaration must be filed for all transfers of transferrable interests in real estate holding companies, as defined by RSA 78-B:1-a, VI, holding real estate, the transfer of which would be taxable under the provisions of RSA 78-B if transferred directly.

### **WHO MUST PAY**

The tax is assessed on both the purchaser and the seller, with a minimum charge of \$20 each.

### **WHERE TO FILE**

File the Declaration of Consideration and payment with:

NH Department of Revenue Administration  
Taxpayer Services Division  
PO Box 637  
Concord, NH 03302-0637

### **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 FORMS?**

To obtain additional forms please call (603) 230-5001. Copies of Form CD-57-HC-S may also be obtained from our website at [www.revenue.nh.gov](http://www.revenue.nh.gov).

### **NEED HELP?**

Questions not covered here may be answered in our Frequently Asked Questions (FAQ) available on our website at [www.revenue.nh.gov](http://www.revenue.nh.gov) or by calling Taxpayer Services at (603) 230-5920, Monday through Friday, 8:00 am to 4:30 pm. All written correspondence to the Department should include the taxpayer name, taxpayer identification number, the name of a contact person and a daytime telephone number. Individuals who need auxiliary aids for effective communications in programs and services of the New Hampshire Department of Revenue Administration are invited to make their needs and preferences known. Individuals with hearing or speech impairments may call TDD Access: Relay NH 1-800-735-2964.

### **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.



**STEP 1 - Seller(s)**

Enter the full name and address after sale of the seller(s), grantor(s), assignor(s) or transferor(s) and the taxpayer identification number(s). Email address is an optional field. Please attach a supplemental schedule for 2 or more sellers.

**STEP 2 - Purchaser(s)**

Enter the full name and address of the purchaser(s), grantee(s), assignee(s) or transferee(s). Email address is an optional field. Please attach a supplemental schedule for 2 or more purchasers.

**STEP 3 - Real Estate Holding Company**

Enter the name, taxpayer identification number and address of the Real Estate Holding Company and check the appropriate box for entity type. Email address is an optional field

**STEP 4 - Real Estate**

**Property Location and Description:** Enter the municipality, county, street number, street name, and apartment/unit number where the property is located. Provide the tax map, block and lot (parcel identification number) used by the municipality to identify the parcel as well as the area in acres and the number of parcels purchased. If the sale is a multi-town sale please enter all of the municipalities where parcels are located.

**Property Use:** Select the primary use of the parcel, only one option may be selected.

**Property Type:** Select the property type of the parcel, select all that apply.

**Features:** Identify if the parcel is waterfront or has water access, if applicable. Only one option may be selected. For multi-unit buildings please indicate the number of units.

**STEP 5 - Transfer Date**

Enter the date of transfer of interest in the Real Estate Holding Company.

**STEP 6 - Calculate the Tax Amount**

**Line 1:** Enter the fair market value of all New Hampshire real estate.

**Line 2:** Enter the percentage of interest being transferred expressed as a decimal to two places.

**Line 3:** Enter the result of Line 1 multiplied by Line 2.

**Line 4:** Divide the amount on Line 3 by \$100.

**Line 5:** Enter the tax rate in effect as of the date of transfer. Tax rate from 7/1/99 - Present is \$0.75 per \$100. Please contact the NH DRA for rates prior to 7/1/99.

**Line 6:** Enter the subtotal for the seller by multiplying Line 4 by Line 5.

**Line 7a:** Interest is calculated on the balance of tax due from the original due date to the date paid. See interest rate chart to the right

PERIOD			INTEREST RATE
1/1/2017	-	12/31/2017	6%
1/1/2016	-	12/31/2016	5%
1/1/2015	-	12/31/2015	5%
1/1/2014	-	12/31/2014	5%
1/1/2013	-	12/31/2013	5%
1/1/2012	-	12/31/2012	6%
Contact NH DRA for rates prior to 1/1/2012			

**Line 7b:** Penalties. See general instructions.

**Line 8:** Enter the total of Lines 6, 7(a) and 7(b), rounded to the nearest dollar.

**STEP 7 - Special Circumstances**

Check the appropriate box as to whether there were any special circumstances that would suggest the full price or consideration of the property was either more or less than its fair market value. If "yes," please choose all reasons that apply or select "other" and provide a detailed explanation.

**STEP 8 - Preparer**

If this form was filled out by someone other than the seller, please enter the full name, entity, address, phone number and email address (optional) of the preparer.

**STEP 9 - Signatures (Paper Form)**

**Power of Attorney (POA):** By checking the POA box, and signing below, the taxpayer authorizes the preparer listed in Step 8 to act on your behalf for this return only, including entering the Book and Page numbers and filing this return. This is a limited POA for this return only.

**Seller's Signature and Information:** The Form must be signed in ink and dated by the Seller(s).

**Witness Signature:** The Seller's signature(s) must be witnessed in ink and dated in the spaces provided.

**Preparer's Signature and Information:** If the Form was prepared by someone other than the Seller, the Form must be dated and signed in ink by the preparer. The preparer's printed name is also required if the POA box is checked.



**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.