

2013

REAL ESTATE WITHHOLDING RETURN FOR TRANSFER OF REAL PROPERTY



1201401

For sellers who are individuals or sole proprietors

TO BE COMPLETED BY THE BUYER OR OTHER TRANSFEREE REQUIRED TO WITHHOLD

For MULTIPLE SELLERS, complete a separate Form REW-1 for each seller receiving proceeds.

1. Use Form REW-1-1040 only for sellers who are individuals or sole proprietors.

Check here if installment sale

2. Name of seller subject to withholding.

Seller's Last Name

First Name

M.I.

Spouse's Last Name (if filing jointly)

Spouse's First Name

M.I.

3. Enter the social security number(s) of the seller and the seller's spouse.

Seller

Spouse

4. Address of seller

Number and street

City

State

ZIP Code

5. Seller's daytime telephone number:

6. Date of transfer

7. Total consideration

\$

.00

8. Percentage of total gross proceeds received by this seller

%

9. Physical location and use of property

10. Date property acquired by seller

11. Rate of withholding

a. 2.5% of sales price

b. Less than 2.5% - attach withholding certificate

(Enter certificate number:)

12. Amount withheld for this seller:

\$

.00

DO NOT SEND CASH - Make check payable to: Treasurer, State of Maine. Write seller's social security number on the check.

13. Name of buyer (Withholding agent or other transferee)

14. Address of buyer/withholding agent

Number and street

15. Social security number/federal ID number of withholding agent

City

State

ZIP Code

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct and complete.

Signature of buyer

Date

Signature of buyer's spouse if property held jointly

Date

Signature of real estate escrow person

Date

Real estate escrow person's EIN or social security number

Real estate escrow person's daytime phone number

Real estate escrow person's address

NOTE: Payments received by Maine Revenue Services will not be refunded prior to filing of the taxpayer's Maine income tax return.

(Any claim for refund of an overpayment of this withholding must be filed within three years from the time the return was filed or three years from the time the tax was paid, whichever expires later.)



Mail this form and check to:

Maine Revenue Services, Income/Estate Tax Division - REW, P.O. Box 9101, Augusta, ME 04332-9101

Overnight delivery address:

Maine Revenue Services, Income/Estate Tax Division - REW, 51 Commerce Drive, Augusta, ME 04330

Telephone: 207-626-8473

Fax: 207-624-5062

realestate.withholding@maine.gov

Rev. 10/12

GENERAL INSTRUCTIONS

PURPOSE OF FORM: 36 M.R.S.A. § 5250-A requires a buyer to withhold state income tax when real property located in Maine is acquired from a nonresident of Maine. The buyer must withhold and remit to the state tax assessor 2.5% of the consideration received by the transferor (seller) on the transfer. A completed Form REW-1-1040 (for sellers who are individuals or sole proprietors), Form REW-1-1041 (for sellers that are trusts or estates), and /or Form REW-1-1120 (for sellers that are corporations) must accompany the remittance.

WHO MUST FILE: A buyer (individual, firm, partnership, association, society, club, corporation, estate, trust, business trust, receiver, assignee or any other group or combination acting as a unit) of a Maine real property interest who is required to withhold tax must file the applicable REW-1 forms. If two or more persons are joint transferees, each must withhold the required amount. However, the obligation of each will be met if one of the joint transferees withholds and remits to Maine Revenue Services the total amount required.

If there are multiple sellers, complete a separate REW-1 form for each seller receiving proceeds from the sale. For example, if the seller is a partnership, complete a separate REW-1 form for each partner receiving proceeds from the disposition. If the partners are individuals, complete forms REW-1-1040. Be sure to complete the appropriate REW-1 form for each seller: REW-1-1040 (individuals, sole proprietors), REW-1-1041 (trusts, estates), REW-1-1120 (corporations).

EXCEPTIONS: The buyer is not required to withhold or file this return if any of the following applies:

- a. The seller furnishes to the buyer written certification stating, under penalty of perjury, that as of the date of transfer the seller is a resident of Maine;
- b. The seller or the buyer has received from the state tax assessor a certificate of waiver stating that no tax is due on the gain from the transfer or that the seller has provided adequate security to cover the liability;
- c. The consideration for the property is less than \$50,000; or,
- d. Written notification of the withholding requirements has not been provided to the buyer. The real estate escrow person is liable for the withholding tax unless it is shown that the failure to notify is due to reasonable cause.

WITHHOLDING CERTIFICATE ISSUED BY THE STATE TAX ASSESSOR: A withholding certificate may be issued by the state tax assessor to reduce or eliminate withholding on transfers of Maine real property interests by nonresidents. The certificate may be issued if:

1. No tax is due on the gain from the transfer; or,
2. Reduced withholding is appropriate because the 2.5% amount exceeds the seller's maximum tax liability.

If one of the above is applicable, apply for the certificate no later than five business days prior to closing.

WHEN TO FILE: A buyer must report and remit the tax withheld to Maine Revenue Services within 30 days of the date of transfer of the property.

WHERE TO FILE: Send Form REW-1-1040 with payment directly to: Maine Revenue Services, Income/Estate Tax Division - REW, P.O. Box 9101, Augusta, ME 04332-9101 (do not send payment or Form REW-1-1040 with the real estate transfer tax form). Provide one copy of Form REW-1-1040 to the real estate escrow person, one copy to the buyer, and two copies to the seller.

SPECIFIC INSTRUCTIONS

Block 2. Enter the name of the seller and the seller's spouse.

Block 3. Enter the social security number(s) of the seller and the seller's spouse.

Block 4. Enter the address of the seller and the seller's spouse.

Block 5. Enter seller's daytime telephone number.

Block 6. Enter the date of this transfer.

Block 7. Enter the total consideration (see 36 MRSA § 5250-A(1)(A) for definition).

Block 8. Enter the percentage of total proceeds received by this seller.

Block 9. Enter the location of the property, including town and street address. Specify use before the transfer, such as principal residence, vacation home, condominium, rental property, commercial, or vacant land.

Block 10. Enter the date the property was acquired by the seller.

Block 11. Check the appropriate space to indicate the amount withheld. If the parties obtained a withholding certificate from the state tax assessor authorizing a reduced rate of withholding, enter the certificate number and attach a copy of the certificate to this return.

Block 12. Enter the dollar amount withheld for the seller in block 2.

Block 13. Enter the name of the withholding agent (buyer).

Block 14. Enter the address of the withholding agent (buyer).

Block 15. Enter the social security number or federal ID number of the withholding agent (buyer).

Seller's Filing Requirement. Generally, a seller who is a nonresident individual must file a Maine income tax return for the tax year during which the sale of the Maine property occurred. A return is not required if the capital gain from the sale, combined with other Maine-source taxable income, does not result in a Maine income tax liability. However, a Maine tax return must be filed to get a refund of any real estate withholding amount in excess of the Maine income tax liability. The seller must attach a copy of the REW-1 form to the Maine income tax return to ensure proper credit for real estate withholding paid. For more information on the Maine filing requirements, see Maine Rule 806 and the instructions for Form 1040ME and Schedule NR or NRH at www.maine.gov/revenue.