

Application for State Real Estate Transfer Tax (SRETT) Refund

Issued under authority of Public Act 330 of 1993.

When a principal residence is sold, State Real Estate Transfer Tax (SRETT) must be paid to the County Treasurer. If the Seller, or the Buyer who paid SRETT on behalf of the seller (under "u"), later believes that the sale or transfer of the property qualifies for exemption under MCL 207.526 (see Page 2), a request for a refund of the SRETT may be made by filing this completed form with the Michigan Department of Treasury along with the required documentation (see Part 4). Submit copies of all documentation as originals will not be returned.

This form and required documents must be filed within four years and 15 days from the date of sale or transfer of the property.

THIS FORM MUST BE FULLY COMPLETED AND SIGNED BY ALL CLAIMANTS. Type or print in blue or black ink.

PART 1: IDENTIFICATION			
Names of ALL Claimants (This section must be completed exactly as listed on the recorded deed.)		Complete Social Security Number or Federal ID Number(s) of ALL Claimants	
Mailing Address for Correspondence and/or Refund Check			
City and State		ZIP Code	Telephone Number
PART 2: BASIS FOR EXEMPTION (see Page 2 for list of exemptions)			
Exemption Being Claimed Under PA 330 of 1993, as Amended		Amount of SRETT Refund Requested (State Tax Only)	
PART 3: RECORDED DEED			
Date of Transfer of Property (MM/DD/YYYY)	Tax Parcel/Sidwell ID Number	Taxing Entity (City, Township, Village)	County
PART 4: REQUIRED DOCUMENTATION (Refer to Additional Information on page 2)			
<p>To qualify for a refund of the SRETT under "u" (1) a principal residence exemption must have been claimed by the seller or transferor, and (2) the state equalized value (SEV) at the time of sale must have been equal to or less than the SEV on: the first Tax Day after a certificate of occupancy was issued or the date of the seller's acquisition of the property, whichever was later, and (3) the transaction must have been for a price at which a willing buyer and a willing seller would have arrived through an arms-length negotiation.</p> <p>If claiming exemption under "u," the Claimant(s) must submit ALL of the following:</p> <ol style="list-style-type: none"> 1. Proof of SRETT paid to the Register of Deeds at the time the property was sold (either a copy of a RECORDED DEED with real estate transfer tax stamp affixed by the county Register of Deeds OR form 2705 (L-4258), <i>Real Estate Transfer Tax Valuation Affidavit validated by the county Register of Deeds and</i> an official receipt from the county treasurer), 2. Copy of the claimant's final, signed HUD-1 Settlement Statement, Closing Disclosure Statement, or Settlement Statement clearly indicating that the claimant incurred the SRETT. 3. Proof of the original date of purchase/date of acquisition of the property, 4. Proof of SEV of the property on the date of original purchase/acquisition, 5. Proof of the SEV of the property in the year of sale. 			
PART 5: CERTIFICATION OF CLAIMANT(S)			
<i>I declare under penalty of perjury that the information on this form and attachments is true and complete to the best of my knowledge. A typed name in the signature field will be accepted. Typing your name in the signature field constitutes your signature.</i>			
Signatures of ALL Claimants exactly as listed on the RECORDED DEED.		Date	
Signatures of ALL Claimants exactly as listed on the RECORDED DEED.		Date	

Questions may be directed to Treasury's Special Taxes Division, Miscellaneous Taxes & Fees Unit at 517-636-0515. Assistance is available using TTY through the Michigan Relay Service by calling 711.

SUBMISSION INSTRUCTIONS: Mail or fax this completed application and copies of supporting documentation to:

**Michigan Department of Treasury
Special Taxes Division
Miscellaneous Taxes and Fees/SRETT
PO Box 30781
Lansing MI 48909**

Fax: 517-636-4593

TREASURY USE ONLY		
Reviewed by		
Treasury Approval Signature	Printed Name	
Title	Date	Amount Approved for Refund

STATE REAL ESTATE TRANSFER TAX ACT (EXCERPT)
Act 330 of 1993

207.526 Written instruments and transfers of property exempt from tax.

Sec. 6. The following written instruments and transfers of property are exempt from the tax imposed by this act:

- (a) A written instrument in which the value of the consideration for the property is less than \$100.00.
- (b) A written instrument evidencing a contract or transfer that is not to be performed wholly within this state only to the extent the written instrument includes land lying outside of this state.
- (c) A written instrument that this state is prohibited from taxing under the United States Constitution or federal statutes.
- (d) A written instrument given as security or an assignment or discharge of the security interest.
- (e) A written instrument evidencing a lease, including an oil and gas lease, or a transfer of a leasehold interest.
- (f) A written instrument evidencing an interest that is assessable as personal property.
- (g) A written instrument evidencing the transfer of a right and interest for underground gas storage purposes.
- (h) Any of the following written instruments:
 - (i) A written instrument in which the grantor is the United States, this state, a political subdivision or municipality of this state, or an officer of the United States or of this state, or a political subdivision or municipality of this state, acting in his or her official capacity.
 - (ii) A written instrument given in foreclosure or in lieu of foreclosure of a loan made, guaranteed, or insured by the United States, this state, a political subdivision or municipality of this state, or an officer of the United States or of this state, or a political subdivision or municipality of this state, acting in his or her official capacity.
 - (iii) A written instrument given to the United States, this state, or 1 of their officers acting in an official capacity as grantee, pursuant to the terms or guarantee or insurance of a loan guaranteed or insured by the grantee.
- (i) A conveyance from a spouse or married couple creating or disjoining a tenancy by the entireties in the grantors or the grantor and his or her spouse.
- (j) A conveyance from an individual to that individual's child, stepchild, or adopted child.
- (k) A conveyance from an individual to that individual's grandchild, step-grandchild, or adopted grandchild.
- (l) A judgment or order of a court of record making or ordering a transfer, unless a specific monetary consideration is specified or ordered by the court for the transfer.
- (m) A written instrument used to straighten boundary lines if no monetary consideration is given.
- (n) A written instrument to confirm title already vested in a grantee, including a quitclaim deed to correct a flaw in title.
- (o) A land contract in which the legal title does not pass to the grantee until the total consideration specified in the contract has been paid.
- (p) A conveyance that meets 1 of the following:
 - (i) A transfer between any corporation and its stockholders or creditors, between any limited liability company and its members or creditors, between any partnership and its partners or creditors, or between a trust and its beneficiaries or creditors when the transfer is to effectuate a dissolution of the corporation, limited liability company, partnership, or trust and it is necessary to transfer the title of real property from the entity to the stockholders, members, partners, beneficiaries, or creditors.
 - (ii) A transfer between any limited liability company and its members if the ownership interests in the limited liability company are held by the same persons and in the same proportion as in the limited liability company prior to the transfer.
 - (iii) A transfer between any partnership and its partners if the ownership interests in the partnership are held by the same persons and in the same proportion as in the partnership prior to the transfer.
 - (iv) A transfer of a controlling interest in an entity with an interest in real property if the transfer of the real property would qualify for exemption if the transfer had been accomplished by deed to the real property between the persons that were parties to the transfer of the controlling interest.
 - (v) A transfer in connection with the reorganization of an entity and the beneficial ownership is not changed.
- (q) A written instrument evidencing the transfer of mineral rights and interests.
- (r) A written instrument creating a joint tenancy between 2 or more persons if at least 1 of the persons

already owns the property.

(s) A transfer made pursuant to a bona fide sales agreement made before the date the tax is imposed under sections 3 and 4, if the sales agreement cannot be withdrawn or altered, or contains a fixed price not subject to change or modification.

(t) A written instrument evidencing a contract or transfer of property to a person sufficiently related to the transferor to be considered a single employer with the transferor under section 414(b) or (c) of the internal revenue code of 1986, 26 USC 414.

(u) A written instrument conveying an interest in property for which an exemption is claimed by the seller or transferor under section 7cc of the general property tax act, 1893 PA 206, MCL 211.7cc, if the state equalized valuation of that property is equal to or lesser than the state equalized valuation determined as of the first tax day after the issuance of a certificate of occupancy for the residence, or the date of acquisition of the property, whichever comes later, by the seller or transferor for that same interest in property and the transaction was for a price at which a willing buyer and a willing seller would arrive through an arms-length negotiation. Notwithstanding section 22 of 1941 PA 122, MCL 205.22, and section 3(4) of this act, if the seller or the buyer who has paid the tax on behalf of the seller believes that the property was eligible for an exemption under this subdivision at the time of transfer, the seller or the buyer who has paid the tax on behalf of the seller may request a refund from the department in a form and manner determined by the department. This subdivision is retroactive and applies to a sale, exchange, assignment, or transfer beginning 4 years immediately preceding the effective date of the amendatory act that amended this sentence subject to the statute of limitations period provided in section 27a of 1941 PA 122, MCL 205.27a. A taxpayer that claimed a refund under this subdivision prior to the effective date of the amendatory act that added this sentence and whose refund was denied and not appealed in accordance with section 21 or 22 of 1941 PA 122, MCL 205.21 and 205.22, may claim a refund under this subdivision notwithstanding section 22 of 1941 PA 122, MCL 205.22.

(v) A written instrument transferring an interest in property pursuant to a foreclosure of a mortgage including a written instrument given in lieu of foreclosure of a mortgage. This exemption does not apply to a subsequent transfer of the foreclosed property by the entity that foreclosed on the mortgage.

(w) A written instrument conveying an interest from a religious society in property exempt from the collection of taxes under section 7s of the general property tax act, 1893 PA 206, MCL 211.7s, to a religious society if that property continues to be exempt from the collection of taxes under section 7s of the general property tax act, 1893 PA 206, MCL 211.7s.

History: 1993, Act 330, Eff. Apr. 1, 1994;—Am. 1994, Act 3, Eff. Mar. 30, 1994;—Am. 1994, Act 255, Imd. Eff. July 5, 1994;—Am. 2000, Act 203, Imd. Eff. June 27, 2000;—Am. 2003, Act 128, Eff. Jan. 1, 2004;—Am. 2008, Act 473, Eff. Jan. 1, 2007;—Am. 2015, Act 217, Imd. Eff. Dec. 15, 2015;—Am. 2018, Act 172, Imd. Eff. June 11, 2018.

Compiler's note: Enacting section 2 of Act 473 of 2008 provides:
"Enacting section 2. This amendatory act shall take effect January 1, 2007."