

Documentary Transfer Tax Affidavit FAQ

(In effect as of 1/03/2011, Updated 2/01/2011)

Q: Do I need a DTT Affidavit for an Affidavit of Death for a trustee.

A: No. An affidavit is needed for the following document types but may change as we develop our process:

- Assignment of Lease
- Grant Deed
- Agreement for Sale
- Land Contract
- Lease
- Memorandum of Lease
- Trustee's Deed
- Easement
- Deed in Lieu of Foreclosure

Q. Who can sign the affidavit?

A. A person with knowledge of the trust may sign the affidavit, but preferably the trustees.

Q. Can my attorney sign the affidavit for me?

A. Yes, if your attorney has knowledge of your trust.

Q. Can someone who has my power of attorney or is my attorney in fact sign the affidavit for me?

A. Yes, if they have knowledge of your trust.

Q. I am putting my spouse on title and I am claiming a DTT exemption of "Gift". Do both of us need to sign the affidavit?

A. No, on the front page of the affidavit, there is a signature line for the Donor only. However, the name of the Donee needs to be listed in Section 4. The back of the affidavit still needs to be signed.

Q. I am re-recording a deed only to correct transfer tax for a refund is the affidavit still required?

A. No