

# FORM LB 2

## Affidavit Claiming Basis For Exemption From Transfer Fee

(please print)

I \_\_\_\_\_ do hereby certify under the pains and penalties of perjury that the transfer of real property interest described in the attached **Form LB1. Affidavit Attesting to the True and Complete Purchase Price** is lawfully entitled to be exempt from the fee imposed by Section 12 of Chapter 736 of the Acts of 1985 of the Commonwealth of Massachusetts by reason of its being a (check one or more)...

(a) Transfer to the government of the United States, the Commonwealth of Massachusetts, and any instrumentalities, agencies or subdivisions thereof.

(b) Transfer which, without additional consideration, confirms, corrects, modifies or supplements a transfer previously made. Attach evidence of transfer previously made.

(c) Transfer made as a gift without consideration. In any preceding to determine the amount of any fee due hereunder, it shall be presumed that any transfer for consideration of less than fair market value of the real property interests transferred was made as a gift without consideration to the extent of the difference between the fair market value of real property interests transferred and the amount of consideration claimed by the purchaser to have been paid or transferred, if the purchaser shall have been at the time of transfer the spouse, the lineal descendant, or the lineal ancestor of the seller, by blood or adoption, and otherwise it shall be presumed that consideration was paid in an amount equal to the fair market value of the real property interests transferred, at the time of transfer.

**HOW IS THE GRANTEE RELATED TO THE GRANTOR?**

- husband     son     mother
- wife     daughter     father
- other (specify) \_\_\_\_\_
- Not a lineal descendant or lineal ancestor.

(d) Transfer to the trustees of a trust in exchange for a beneficial interest received by the seller in such trust; distributions by the trustees of a trust to the beneficiaries of such a trust.

(e) Transfer by operation of law without actual consideration, including but not limited to a transfer occurring by virtue of the death or bankruptcy of the owner of a real property interest.  Death     Bankruptcy     Other  
(specify) \_\_\_\_\_

(f) Transfer made in partition of land and improvements thereto, under chapter two hundred and forty-one of the General Laws.

(g) Transfer to any charitable organization as defined in clause Three of section five of chapter fifty-nine of the General Laws, or any religious organization, provided that the real property interests so transferred will be held by the charitable or religious organization solely for its public charitable or religious purposes.

1. Purchase Price: \$ \_\_\_\_\_

2. Fair market value of any portion of real property interests to be held for non-charitable or non-religious purposes:  
\$ \_\_\_\_\_

3. Value claimed to be exempt:  
(line 1 minus line 2) \$ \_\_\_\_\_

x

\_\_\_\_\_  
(Signature of Grantee)

(h) Transfer to a mortgagee in foreclosure of the mortgage held by such mortgagee, or a transfer of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from foreclosing said mortgage.

(i) Transfer made to a corporation or partnership at the time of its formation, pursuant to which transfer no gain or loss is recognized under the provisions of section three hundred and fifty-one of the Internal Revenue Code of 1954, as amended.

(j) Transfer made to a stockholder of a corporation in liquidation of the corporation, or a transfer made to a partner of a partnership in dissolution of the partnership.

(k) Transfer consisting of the division of marital assets under the provisions of section thirty-four of chapter two hundred and eight of the General Laws or other provisions of the law.

(l) Transfers of property, consisting in part of real property interests situated on Martha's Vineyard and in part of other property interests, to the extent that the property transferred consists of property other than real property situated in Dukes County: provided that the purchaser shall furnish the Commission with such information as it shall require or request in support of the claim of exemption and manner of allocation of the consideration for such transfer.

(m) The first ~~three~~<sup>four</sup> hundred thousand dollars of the purchase price of a transfer made to a purchaser who, or whose spouse at the time of transfer, has at no time prior to said transfer owned or possessed any real property interest as defined in section one either within or without Dukes County; provided that the purchaser makes the real property interest which is the subject of the transfer the purchaser's actual domicile within two years of the time of transfer, with the intention to remain permanently or for an indefinite time and without any certain purpose to return to a former place of abode; provided further that in the event of a subsequent transfer within five years of the transfer exempted from the fee under this subsection, other than the transfer of a mortgage to an institutional lender, the fee exempted shall become due, together with accumulated interest and penalties, and in addition to any fee otherwise due as a result of subsequent transfer. The purchaser shall certify as to the foregoing, and the Commission shall attach to the deed a certificate which shall recite the fact that there is running with the land a lien equal to the amount of the fee exempted plus accumulated interest and penalties until such time as all conditions of this subsection have been met.

**IF THE PERSON CLAIMING NO PRIOR OWNERSHIP OF REAL PROPERTY INTEREST IS THE SPOUSE OF THE PURCHASER, PLEASE PROVIDE HIS OR HER NAME.**

**IMPORTANT:** In order to lawfully be entitled to the "m" exemption, the purchaser shall not have previously owned real property ANYWHERE, including Martha's Vineyard, other parts of Massachusetts, outside Massachusetts or outside the U. S. A.

\_\_\_\_\_  
(Date)

**If signed by purchaser's legal representative, copy of power of attorney must be attached.**

**WHITE:** LAND BANK COMMISSION COPY    **YELLOW:** REGISTRY OF DEEDS    **PINK:** APPLICATION COPY