

NOTICE
OKLAHOMA STATE TAX COMMISSION
Title 68, Article 32 Sections 3201 – 3202 of the Oklahoma Statutes
CHANGE IN DOCUMENTARY STAMP TAX STATUTES
RESULT OF HOUSE BILL 1468
EFFECTIVE JULY 01, 1999

A tax is hereby imposed on each deed, instrument, or writing by which any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds One Hundred Dollars (\$100.00). The tax shall be prorated at the rate of seventy-five (\$0.75) for each Five Hundred Dollars (\$500.00) of the consideration or any fractional part thereof.

1. Documentary Stamps can only be sold when the Deed is offered to the County Clerk for filing and the stamps will be affixed.
2. All Deeds requiring documentary stamps will be filed with the exact amount of stamps at the time of filing.
 - (a) Proof of the amount paid must be presented at the time of filing.
 - (b) Affixing of stamps after the filing of documents will no longer be allowed.
3. Documentary Stamp Exemption: When a document is filed claiming an exemption, the following is required;
 - (a) If a taxpayer claims exemption from the payment of documentary stamp tax, the individual will make a notation on the face of the deed indicating the reason for claiming the exemption under one of the thirteen (13) attached exemptions. The language “No Documentary Stamp required. Consideration less than \$100.00” is no longer sufficient for exemption. It must state the following:

**Exempt Documentary Stamp Tax OS Title 68, Article 32
Section 3201 or 3202, Paragraph _____ .**
 - (b) The individuals claiming exemption must do this.
4. The buyer’s name and complete address shall be on the face of the deed or instrument at the time of filing.

If you have any questions, please contact the Oklahoma Tax Commission at (405) 521-3251.

AMENDATORY
SECTION 3202 (Formerly 5102)

The tax imposed by Section 3201 of this title shall not apply to:

1. Deeds recorded prior to the effective date of Sections 3201 through 3206 of this title;
2. Deeds which secure a debt or other obligation;
3. Deeds which, without additional consideration, confirm, correct, modify or supplement a deed previously recorded;
4. Deeds between husband and wife, or parent and child, or any persons related within the second degree of consanguinity, without actual consideration therefor, deeds between any person and an express revocable trust created by such person or such person's spouse or deeds pursuant to which property is transferred from a person to a partnership, limited liability company or corporation of which the transferor or the transferor's spouse, parent, child, or other person related within the second degree of consanguinity to the transferor are the only owners of the partnership, limited liability company or corporation. However, if the ownership of the partnership, limited liability company or corporation is changed within one (1) year of the property transfer, the seller shall immediately pay the amount of tax which would have been due had this exemption not been granted:

(Underlined portion of exemption #4 became effective 7/1/99.)

5. Tax deeds;
6. Deeds of release of property which is security for a debt or other obligation;
7. Deeds executed by Indians in approval proceedings of the district courts or by the Secretary of the Interior;
8. Deeds of partition, unless, for consideration, some of the parties take shares greater in value than their undivided interests, in which event a tax attaches to each deed conveying such greater share computed upon the consideration for the excess;
9. Deeds made pursuant to mergers of partnerships, limited liability companies or corporations;
10. Deeds made by a subsidiary corporation to its parent corporation for no consideration other than the cancellation or surrender of the subsidiary's stock;
11. Deeds or instruments to which the State of Oklahoma or any of its instrumentality's, agencies or subdivisions is a party, whether as grantee or as grantor or in any other capacity;
12. Deeds or instruments to which the United States or any of its agencies or departments is a party, whether as grantor or as grantee or in any other capacity,

provided that this shall not exempt transfers to or from national banks or federal savings and loan associations;

- 13. Any deed executed pursuant to a foreclosure proceeding in which the grantee is the holder of a mortgage on the property being foreclosed, or any deed executed pursuant to a power of sale in which the grantee is the party exercising such power of sale or any deed executed in favor of the holder of a mortgage on the property in consideration for the release of the borrower from liability on the indebtedness secured by such mortgage except as to cash consideration paid; provided, however, the tax shall apply to deeds in other foreclosure actions, unless otherwise herein above exempted, and shall be paid by the purchaser in such foreclosure actions. Or**

- 14. Deeds and other instruments to which the Oklahoma Space Industry Development Authority or a Spaceport user, as defined in the Oklahoma Space Industry Development is a party. (eff. 7/1/99)**