

**STATE OF NEW JERSEY
DIVISION OF TAXATION
CLAIM FOR REFUND - REALTY TRANSFER FEE**

File this claim with:
**Division of Taxation
Realty Transfer Fee Section
PO Box 251
Trenton, NJ 08695-0251**

Note: This form must be filed to claim refund of State's portion of the Realty Transfer Fee.

Please write legibly or type:

1. _____
Name of individual or entity who made the overpayment

2. _____
Street Address City State Zip Code

3. Deed transferred property from _____ to _____
Grantor Grantee
and was recorded on _____ in _____
Date County

4. Total Realty Transfer Fee paid \$ _____ Amount of Realty Transfer Fee claimed for refund \$ _____

5. Refund is claimed for the following reason(s):

(a) Deed transaction is exempt from State's portion of the Basic Fee, Additional Fee, Supplemental Fee, or General Purpose Fee, as applicable, because of the following:

(b) "Consideration" should be \$ _____ instead of \$ _____

(c) Grantee refund as a result of Chapter 19, P.L. 2005 (See Section II on reverse side.)

Property Class at time of sale _____.

(d) Other reason(s):

6. No claim for the State portion of this transaction has been or will be made to the county clerk or register except

_____ (if no claim, state "none")

7. Name and address of person or legal entity to whom the refund is to be forwarded:

This certifies that I have paid the Realty Transfer Fee and that I am the person entitled to claim the refund.

_____ Date

_____ Signature of person who overpaid Realty Transfer Fee or person claiming the refund in representative capacity

PROCEDURES FOR REFUNDING THE STATE PORTIONS OF THE REALTY TRANSFER FEE

I. GRANTOR FILING A CLAIM FOR REFUND OF THE REALTY TRANSFER FEE

1. All claims for refunds of the Realty Transfer Fee must be submitted in writing with the Division of Taxation on form RTF-3 in accordance with **N.J.S.A.** 54:49-14. The taxpayer may file a claim under oath for refund at any time within four years after the payment of any original Realty Transfer Fee. Claims received beyond the four-year filing period will not be approved.
2. A deed that was originally recorded without a claim for exemption MUST BE RE-RECORDED at the office of the county clerk or register of deeds to reflect the exemption claimed.
3. An "Affidavit of Consideration for Use by Seller" (form RTF-1) must accompany the deed to be re-recorded, attesting to the exemption claimed. Individuals claiming that a real property transfer occurred prior to August 1, 2004 must remit the Realty Transfer Fee at the rates provided by Chapter 66, Laws of 2004 when the deed is offered for recording and file a fully completed Claim for Refund (form RTF-3) to request a refund for the difference between the rates established by Chapter 113, Laws of 2003 and the current rates. Claimants must submit a copy of the settlement statement provided to them at the real estate closing evidencing that the transfer occurred prior to August 1, 2004, and follow all established procedures.
4. The claimant or his representative must file a **CLAIM FOR REFUND - REALTY TRANSFER FEE** with the Division of Taxation. Evidence to show that the deed has been re-recorded must accompany the claim form. Include a copy of the Affidavit of Consideration for Use by Seller or the page in the body of the deed that contains the county recording officer's notation documenting that the deed has been re-recorded.
5. The Fee is imposed upon the grantor (seller) at the time the deed is offered for recording (**N.J.S.A.** 46:15-7) with the exception of the 1% fee imposed upon grantee (buyer) by Chapter 19, **P.L.** 2005 as shown below. Refunds are thus paid to a qualifying grantor. Any individual other than the grantor claiming a refund must support such claim by submitting documentation that he, not the grantor, remitted the original Realty Transfer Fee payment. Documentation must include a copy of the canceled check submitted to the county clerk and an affidavit that explains why the claimant(s) paid the Realty Transfer Fee. Documentation must also include a statement that the grantee (buyer) received no prior reimbursement of the Realty Transfer Fee payment.

II. GRANTEE FILING A CLAIM FOR REFUND PURSUANT TO CHAPTER 19, P.L. 2005, EFFECTIVE FEBRUARY 1, 2005

Chapter 19, Laws of 2005 amended Chapter 66, Laws of 2004, effective February 1, 2005. The 1% fee was based on property zoned for residential use and it is now imposed on the grantee (buyer) of a deed for consideration in excess of \$1,000,000 for the transfer of real property classified as:

1. Class 2 "residential";
2. (a). Class 3A: "farm property (regular)" but only if the property includes a building or structure intended or suited for residential use; and
(b). any other real property, regardless of class, that is effectively transferred to the same grantee in conjunction with farm property as described above; or
3. a cooperative unit that is contained in Property Class 4C and defined in section 3 of P.L. 1987, c. 381 (C.46: 8D-3).

Chapter 19 now exempts from the 1% fee an organization determined by the federal Internal Revenue Service to be exempt from federal income taxation pursuant to section 501 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 501, that is the grantee in a deed for consideration in excess of \$1,000,000.

The Claim for Refund from the 1% fee based upon Chapter 19, Laws of 2005, as outlined above, is limited to a transaction that occurred on or after August 1, 2004 but before February 1, 2005 that would not have been required to pay the 1% fee under Chapter 66, Laws of 2004 if the transaction had occurred on or after February 1, 2005, the effective date of Chapter 19. **Such a Claim for Refund must be filed with the Division of Taxation before May 1, 2005.** Required documentation is: a fully completed Claim for Refund form; copy of the deed upon which the 1% fee was originally paid; fully completed Affidavit of Consideration for Use by Buyer (RTF-1EE). **The Claim for Refund, deed copy and notarized RTF-1EE submitted to the Division of Taxation do not need to be re-recorded at the county offices for claims made pursuant to Chapter 19, Laws of 2005.**

III. GRANTEE FILING A CLAIM FOR REFUND ON OVERPAYMENT OF 1% FEE, OR INCORRECT DATA OR AMOUNTS

Claims for Refund of the 1% fee imposed on grantees must be submitted in writing with the Division of Taxation on form RTF-3 in accordance with **N.J.S.A.** 54:49-14. If the Claim for Refund is for the 1% fee based upon an overpayment of the 1% fee, or for incorrect data (e.g., paying fee in incorrect county, incorrect consideration amount, or for any other reason other than the specific refund provisions of Chapter 19, Laws of 2005, the grantee/taxpayer may file a claim under oath for refund at any time within four years after the payment of any original Realty Transfer Fee. Claims for refunds in these instances that are received beyond the four-year filing period will not be approved.

All completed claim forms should be faxed to (609) 292-9439 or forwarded to:

Division of Taxation
Realty Transfer Fee
PO Box 251
Trenton, NJ 08695-0251

If you have any questions regarding these procedures, please call (609) 292-7813.