

EXEMPTIONS:

Section 13-5-6:

- A. The tax imposed by this article shall not apply to the following transactions:
1. Transactions with secure debt or other obligation.
 2. Transactions in which deeds, without additional consideration, confirm, correct, modify or supplement deeds previously recorded.
 3. Transactions in which the actual consideration is less than one hundred dollars (\$100.00).
 4. Transactions in which the deeds are tax deeds.
 5. Transactions which are releases of property which is security for a debt or other obligation.
 6. Transactions of court-ordered partitions.
 7. Transactions made pursuant to mergers, consolidations, or transfers or sales of substantially all of the assets of a corporation pursuant to court-ordered plans of reorganization.
 8. Transactions between subsidiary corporations and their parents for transfer of real estate for no consideration other than the cancellation or surrender of the subsidiary corporation's stock.
 9. Transactions representing transfers subject to the imposition of a documentary stamp tax imposed by the government of the United States.
 10. Transactions wherein one of the grantors has continuously resided upon the property for the past one year and has evidence of a contract for sale as a purchaser for a residence within the Village, such contract having closed within six (6) months of the exempt transaction or to close by contract within six (6) months after the exempt transaction.
 11. Transfers in which the deed or other instrument of transfer is issued to the mortgagee or secured creditor pursuant to a mortgage or security interest foreclosure proceeding or sale or pursuant to a transfer in lieu of foreclosure.
- B. Every deed or other instrument which is tax exempt pursuant to this Section shall be presented to the Finance Department so as to be appropriately marked by said Department as an exempt deed or instrument eligible for recordation without the payment of tax. At such time as a deed or instrument is presented to the Department a certificate setting forth the facts which justify exemption shall be present.
- C. A processing fee in the amount of \$10.00 shall be collected by the Director of Finance for Real Estate Transfer stamps issued for transactions determined to be exempt as provided for in the above Section A. Upon payment of the fee, the revenue stamp so issued shall be marked "EXEMPT" and shall be affixed to the deed or other instrument of conveyance.

It has been interpreted by Corporation Counsel that the following transactions are exempt from the tax under Section 13-5-6(A)(3):

1. Transfers from a decedent to his executor or administrator.
2. Transfers from a minor to his guardian or from a guardian to his ward upon attaining majority.
3. Transfers from an incompetent to his conservator, or similar legal representative, or from a conservator or similar legal representative to a former incompetent upon removal of disability.
4. Transfers from a bank, trust company, financial institution, insurance company or other similar, entity, or nominee, custodian, or trustee thereof to a public officer or commission, or person designated by such officer or commission or by a court, in the taking over of its assets, in whole or in part, under state or federal law regulating or supervising such institutions, or upon redelivery or retransfer by any such transferee or successor thereto.
5. Transfers from a bankrupt or person in receivership due to insolvency to the trustee in bankruptcy or receiver, from such receiver to such trustee or from such trustee to such receiver, or upon redelivery or retransfer by any such transferee or successor thereto.
6. Transfer from a transferee under 1 through 5, inclusive, to his successors acting in the same capacity, or from one successor to another.
7. Transfers from trustees to surviving, substitute, succeeding or additional trustees of the same trust.
8. Transfers upon the death of a joint tenant by the entirety to the survivor or survivors.