

Declarations of Exemption From Documentary Transfer Tax

How to Prepare a Declaration If the Transfer Is Tax-Exempt

If your transaction is not subject to the documentary transfer tax, you need to print out a simple statement explaining why. You'll record your declaration along with the deed. Here are two declarations that will do the job.

If you and your spouse (or registered domestic partner) are dividing property, use the "Declaration of Exemption from Documentary Transfer Tax: Division of Marital Real Property" form. Check the first box if a judge has officially dissolved your marriage; check the second box if you and your spouse have made your own agreement about property in contemplation of divorce (dissolution). Enter the transferor's name, address, and the city and county in which the declaration is being made. You must sign the declaration, but you do not need to have your signature notarized.

If you're making a gift, use the "Declaration of Exemption From Documentary Transfer Tax: Gift of Real Property" form. All you need to do is sign it and enter your name, address, city, and county. You don't need to have your signature notarized.

**Declaration of Exemption From Documentary Transfer Tax:
Gift of Real Property**

Grantor has not received and will not receive consideration from grantee for the transfer made by the attached deed. Therefore, under Revenue and Taxation Code Sec. 11911, the transfer is not subject to the documentary transfer tax.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Grantor: _____

Date: _____

At: _____, California

Grantor: _____

Date: _____

At: _____, California

**Declaration of Exemption From Documentary Transfer Tax:
Division of Marital Real Property**

The transfer made by the attached deed is made for the purpose of dividing community, quasi-community, or quasi-marital real property between spouses or registered domestic partners, as required by:

- A judgment decreeing a dissolution of the marriage or partnership, or legal separation, by a judgment of nullity, or by any other judgment or order rendered pursuant to part 5 of Division 4 of the Civil Code, or
- A written agreement between the spouses or partners executed in contemplation of such a judgment or order.

Therefore, under Revenue and Taxation Code Sec. 11911, the transfer is not subject to the documentary transfer tax.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Date: _____

At: _____, California

Date: _____

At: _____, California