

TOWN OF WINTER PARK  
APPLICATION FOR  
EXEMPTION FROM REAL ESTATE TRANSFER TAX

The undersigned, a purchaser pursuant to a deed or other instrument of transfer from \_\_\_\_\_  
\_\_\_\_\_ (Grantor) to \_\_\_\_\_ (Grantee) dated \_\_\_\_\_  
\_\_\_\_\_ transferring the following described property situated in the State of Colorado,  
County of Grand, and Town of Winter Park: (insert short title of property and ATTACH A COPY OF THE  
DEED) \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ hereby does apply for an exemption from the payment of the Real Estate Transfer Tax imposed by Title 1,  
Chapter 10 of the Winter Park Town Code. The basis of such exemption is as follows: (*Summary only, refer to  
Town Code and/or Ordinances for full text*)

- a. Transfer wherein any governmental agency, municipality, or political subdivision is the grantee; (Ord. 182, Series of 1990)
- b. Gifts or charitable donations of property;
- c. Transfer for purposes of terminating co-ownership except where additional compensation is paid in connection with such termination;
- d. Transfer due to death, will, or decree of distribution;
- e. Transfer made pursuant to reorganizations, mergers, or consolidations of corporation or formation of business organizations if the owners have the same relative interest immediately prior and after formation. If consideration exceeds the purchase price originally paid by the grantor, the transfer tax shall be paid on the amount of such excess; (Ord. 389, Series of 2006)
- f. Transfer to make effective any plan confirmed or ordered by a court of competent jurisdiction under the Bankruptcy Code or in any equity receivership proceeding;
- g. Transfer made without consideration for purpose of deed correction or supplement, minor boundary adjustment, removing clouds on title or granting easements;
- h. Transfer ordered by a court of record quieting, determining, or resting title (including condemnation);
- i. Transfer of title to cemetery lots;
- j. Lease of any real property provided it does not constitute a taxable lease, as defined in the ordinance;
- k. Mineral deed or royalty deed;

- l. Transfer to secure a debt or transfer or release of property which is security for a debt or other obligations;
- m. An executory contract for the sale of real property of less than three (3) years duration under which the vendee is entitled to possession thereof without acquiring title thereto;
- n. Transfer made in which the deed or instrument of conveyance was executed and recorded on or before November 1, 1983;
- o. Transfer made pursuant to a presale contract in which the deed or instrument of conveyance was executed and recorded on or before November 1, 1983;
- p. Any transfer for the purpose of constructing or providing low or moderate priced housing units for sale or lease to low or moderate income persons; provided, the application to the Town Manager for the exemption is made in advance and the future use of the property is restricted to low and moderate priced housing units by recorded deed;
- q. Simultaneous interim transfers to accommodate "like-kind" exchanges pursuant to section 1031(a) IRC, provided the end transferees shall be subject to the transfer tax on property ultimately received by them; (Ord. 101, Series of 1983)
- r. Any transfer by deed in lieu of foreclosure, on the condition that:
  1. The grantee in such deed is the same entity which is the beneficiary (as determined at the time of the transfer by deed) of the debt which is being cancelled; and
  2. Such transfer shall be exempt only to the extent of the current amount of the debt which is being cancelled.
- s. Any transfer by sheriff's or trustee's deed in connection with an execution sale, foreclosure sale by the public trustee, court decree foreclosing a security instrument, or court decree of lien foreclosure, on the condition that:
  1. The grantee in such deed is the same entity which is the beneficiary (at the time of the commencement of foreclosure) of the instrument which is the basis of the proceeding, or such entity is a junior lienor exercising redemption rights for a lien recorded prior to commencement of the foreclosure; and
  2. Such transfer shall be exempt only to the extent of the current amount of the obligation satisfied, plus any obligations to prior lienholders paid from the sale; and
  3. The evidence of purchase issued by the entity conducting the sale shall, if the above described conditions are met, be exempt. If the conditions are not met, the tax shall be imposed at the time of the issuance of the certificate of purchase by the entity conducting the sale to be paid to the Town in escrow. If no redemption is made by the owner, the tax shall become absolute to the Town upon expiration of the owner's redemption period. If redemption is made by the owner, the tax shall be refunded to the person who paid it. A transfer of the certificate of purchase issued by the entity conducting the sale shall be subject to a transfer tax. The deed issued

by the entity conducting the sale is not subject to the transfer tax. (Ord. 171, Series of 1988)

- t. Simultaneous interim transfers of an individual parcel within a twenty-four (24) hour period, provided the end transferees in such transactions shall be subject to the transfer tax on real property received by them in such transaction. (Ord. 436, Series of 2010)

I hereby certify this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ under penalty of perjury that the foregoing statements are true and correct.

\_\_\_\_\_  
Purchaser (Grantee)

\_\_\_\_\_  
Address

CERTIFICATE OF EXEMPTION

I hereby certify this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, that the above described transfer of real property is exempt from the payment of the Real Estate Transfer Tax under Title 1, Chapter 10, of the Winter Park Town Code.

\_\_\_\_\_  
Town Manager, Town of Winter Park