

UNDERWRITING BULLETIN

Stewart Title Insurance Company, 300 East 42nd Street, 10th Floor -New York, New York 10017
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NY000316

Date: August 1, 2007
To: All New York State Office Counsel, Managers and Agents
From: Harold S. Boxer, Vice President and Senior Agency Counsel
Re: Red Hook Transfer Tax

An additional new transfer tax for property in Red Hook, Dutchess, becomes effective August 1, 2007. Please refer to our bulletin no. 312, which can be found at www.stewartnewyork.com.

Attached is a copy of the form to be used when paying the tax. Additional copies are available at: www.co.dutchess.ny.us/CountyGov/Departments/CountyClerk/CCindex.htm.

The instructions for filling out the return are:

- **Enter \$330,000.00, as the “median residential sales price for Dutchess County”, on Schedule B, Part I, line 2.**
- Attach required document(s) if “box (m)” on Schedule B, Part II is checked.
- Include check for filing fee in the amount of \$5, **plus** the amount of Red Hook Transfer Tax, if any, made payable to “Dutchess County Clerk”.
- Mail or bring completed Return, signed by **both** Grantor and Grantee, together with check to:
 - Dutchess County Clerk’s Office, 22 Market Street, Poughkeepsie, NY 12601

There is no rounding. The tax is 2% of the taxable amount.

Want to receive Alerts & Bulletins by email?

Please email SticMarketing@stewart.com to put your name on the Legal distribution lists for alerts and bulletins.

References:

Bulletins Replaced:	None
Related Bulletins:	312
Underwriting Manual:	None
Exceptions Manual:	None
Forms:	One
Attachments:	None

THIS BULLETIN IS A CONFIDENTIAL COMMUNICATION BETWEEN STEWART AND THE ADDRESSEE. STEWART DOES NOT AUTHORIZE THE DISCLOSURE OF THIS COMMUNICATION TO ANY THIRD PARTIES WITHOUT ITS PRIOR WRITTEN CONSENT.

TOWN OF RED HOOK
TRANSFER TAX – COMMUNITY PRESERVATION FUND

Proceeds Of This Tax Are Deposited In A Dedicated Fund Earmarked For
 The Acquisition Of Land, Development Rights, And Other Interests In Property
 For Conservation Purposes

See Town of Red Hook Local Law No. 1 of 2007 before completing this form

Schedule A – Information relating to conveyance

Grantor/Transferor <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Other	Name <i>(if individual: last, first, middle initial)</i> <hr/> Mailing address <hr/> City State ZIP code	Social security number <hr/> Social security number <hr/> Federal employer ID number <hr/>
Grantee/Transferee <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Other	Name <i>(if individual: last, first, middle initial)</i> <hr/> Mailing address <hr/> City State ZIP code	Social security number <hr/> Social security number <hr/> Federal employer ID number <hr/>

Location and description of property conveyed

Tax map designation			Address	Village	Town	County
Section	Block	Lot				
					Red Hook	Dutchess

Type of property conveyed *(check applicable box)*

- | | | |
|---|--|---|
| 1 <input type="checkbox"/> One- to three-family house | 5 <input type="checkbox"/> Commercial/Industrial | Date of Conveyance: _____/_____/_____
Month Day Year |
| 2 <input type="checkbox"/> Residential cooperative | 6 <input type="checkbox"/> Apartment building | |
| 3 <input type="checkbox"/> Residential condominium | 7 <input type="checkbox"/> Office building | |
| 4 <input type="checkbox"/> Vacant land | 8 <input type="checkbox"/> Other | |

Condition of conveyance *(check all that apply)*

- | | | |
|--|---|--|
| a. <input type="checkbox"/> Conveyance of fee interest | f. <input type="checkbox"/> Conveyance which consists of a mere change of identify or form of ownership or organization | i. <input type="checkbox"/> Option assignment or surrender |
| b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____%) | g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed | m. <input type="checkbox"/> Leasehold assignment or surrender |
| c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____%) | h. <input type="checkbox"/> Conveyance of cooperative apartment(s) | n. <input type="checkbox"/> Leasehold grant |
| d. <input type="checkbox"/> Conveyance to cooperative housing corporation | i. <input type="checkbox"/> Syndication | o. <input type="checkbox"/> Conveyance of an easement |
| e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest | j. <input type="checkbox"/> Conveyance of air rights or development rights | p. <input type="checkbox"/> Conveyance for which exemption from transfer tax claimed <i>(complete Schedule B, Part II)</i> |
| | k. <input type="checkbox"/> Contract assignment | q. <input type="checkbox"/> Conveyance of property partly within and partly outside the town |
| | | r. <input type="checkbox"/> Other <i>(describe)</i> _____ |

<i>For recording officer's use</i>	Amount received	Date received	Transaction number
14			

Schedule B – Red Hook transfer tax return (Tax Law, Article 31-A-1)

Part I — Computation of tax due

1. Enter amount of consideration for the conveyance from line 1 of Schedule B, Part I, of form TP-584.....1. _____
 - a. If you are claiming a total exemption from tax (see Part II below), check the “exemption claimed” box, and proceed to Part II
 Exemption Claimed
 - b. If you are claiming an apportionment of consideration for property partly within the town (Local Law No. 1 of 2007, Section 57-21), check the “apportionment claimed” box, enter the apportioned consideration, and proceed with Part I
 Apportionment Claimed 1b. _____

2. Additional Red Hook Exemption: Enter *median sales price of residential real property in Dutchess County* (Local Law No. 1 of 2007, Section 57-13) (obtain from <http://www.co.dutchess.ny.us/CountyGov/Departments/CountyClerk/CCforms.htm>)2. _____

3. Taxable Consideration (subtract line 2 from line 1 or 1b).....3. _____
 If a negative amount, no tax owed, sign return and file with County Clerk.
 If a positive amount, continue with Part I.

4. Tax: Multiply line 3, taxable consideration, x 2% (.02).....4. _____

5. Enter amount of credit, if any, as follows:
 - a. Amount of credit claimed for prior tax paid (Local Law No. 1 of 2007, Section 57-14):
 If you are claiming this credit, check the credit claimed box, enter amount, and continue with Part I
 Credit Claimed..... 5a. _____
 - b. Cooperative Housing Corporation transfer credit (Local Law No. 1 of 2007, Section 57-15 A2):
 If you are claiming this credit, check the credit claimed box, enter amount, and continue with Part I
 Credit Claimed..... 5b. _____

6. Total Tax Due* (subtract line 5a and/or 5b from line 4).....6. _____

*Please make check(s) payable to the Dutchess County Clerk.

Part II — Exemption for Certain Conveyances.

The real estate transfer tax imposed by Local Law No. 1 of 2007 shall not apply to any of the following conveyances:

- a. Conveyances to the United Nations, the United States of America, the State of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Dominion of Canada).....a
- b. Conveyances to secure a debt or other obligation.....b
- c. Conveyances which, without additional consideration, confirm, correct, modify, or supplement a prior conveyance.....c
- d. Conveyances of real property without consideration and otherwise than in connection with a sale, including conveyances conveying realty as bona fide gifts.....d

Schedule B, continued-Red Hook transfer tax return (Tax Law, Article 31-A-1)

- e. Conveyances given in connection with a tax sale.....e
- f. Conveyances to effectuate a mere change of identity or form of ownership or organization where there is no change in beneficial ownership other than conveyances to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.....f
- g. Conveyances which consist of a deed of partition.....g
- h. Conveyances given pursuant to the federal Bankruptcy Acth
- i. Conveyances of real property which consist of the execution of a contract to sell real property without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property.....i
- j. Conveyances of real property or a portion or portions of real property that are the subject of one or more of the following development restrictions;
 - (a) An agricultural, conservation, scenic, or open space easement.
 - (b) Covenants or restrictions which prohibit the development where the property or portion of property being conveyed has had its development rights permanently removed.
 - (c) A purchase of development rights agreement where the property or portion of property being conveyed has had its development rights permanently removed.
 - (d) A transfer of development rights agreement, where the property being conveyed has had its development rights removed.
 - (e) Real property subject to any locally adopted land preservation agreement.....j
- k. Conveyances of real property, where the property is viable agricultural land as defined in subdivision (7) of Section 301 of the Agriculture and Markets Law and the entire property to be conveyed is to be made subject to one of the development restrictions set forth in the preceding paragraph (j), provided that said development restriction precludes the conversion of the property to a non-agricultural use for at least eight years from the date of transfer, and said development restriction is evidenced by an easement, agreement, or other suitable instrument which is conveyed to the Town simultaneously with the conveyance of the real property.....k
- l. Conveyances of real property for open space, parks, or historic preservation purposes to any not-for-profit tax-exempt corporation operated for conservation, environmental, or historic preservation purposes.....l
- m. Conveyances made on or after August 1, 2007 but made pursuant to binding written contract executed prior to such date. **WRITTEN EVIDENCE OF RECORDING OF PURCHASE AGREEMENT, OR FIRST AND LAST PAGE OF SAID AGREEMENT, MUST BE ATTACHED. BINDER NOT ACCEPTABLE**.....m

Signature (both the grantor(s) and grantee(s) must sign)

The undersigned certify that the above information contained in schedules A and B is to the best of his/her knowledge, true and complete and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance. **Written documentation must be provided upon request of the Town of Red Hook.**

Grantor Signature

Title

Grantee signature

Title

Grantor Signature

Title

Grantee signature

Title

Reminder: Did you complete all of the required information in Schedules A and B?
Have you made your check(s) payable to the Dutchess County Clerk?