

FIRPTA

Foreign Investment In Real Property Tax Act

What are the withholding requirements when a seller is not a U.S. Citizen or U.S. Resident?

DOES THE BUYER HAVE DEFINITE PLANS
TO USE THE PROPERTY AS THEIR RESIDENCE*?

NO

Buyer is required by law to withhold
15% of the purchase price.

NOTE: If the seller believes they may be eligible for an IRS Withholding Certificate, they should contact a CPA or tax attorney regarding application form 8288-B in order to obtain a determination from the IRS whether a lesser amount is due.

*The buyer or a member of their family must have definite plans to reside at the property for at least 50% of the number of days the property is used by any person during each of the first two 12-month periods following the date of transfer. When counting the number of days the property is used, do not count the days the property will be vacant.

YES

What is the sales price?

\$300,000
or less

Complete buyer's
declaration for
\$300,000
residence
exemption form.

More than
\$300,000, but
not more than
\$1 Million

Buyer is required
by law to withhold
10% of the
purchase price.

More than
\$1 Million

Buyer is required
by law to withhold
15% of the
purchase price.

Title Alliance of Indy Metro, LLC

1644 Fry Road, Suite C
Greenwood IN, 46142
O: 317-884-9327 | F: 888-487-4642
www.taofindymetro.com
indy@taofindymetro.com

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