

STATE OF DELAWARE  
DEPARTMENT OF FINANCE  
DIVISION OF REVENUE  
601 DELAWARE AVENUE  
WILMINGTON, DELAWARE 19899

TAX NEWSGRAM 73-6

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GIFT TAXES

**QUESTION:** Is the gift tax applicable to a resident of Delaware who makes a gift of realty located in another State?

Section 1401, Title 30, Delaware Code imposes a tax on the transfer of property by gift during each calendar year by any individual resident of this State. The tax is imposed on the donor of the property for the privilege of transferring the property and is not, as in the case of the inheritance tax, imposed on the property itself or upon the recipient of the property.

Since the law does not exempt foreign real estate from its provisions, it is the position of the Division of Revenue that a gift of realty located outside the State of Delaware by a resident of Delaware is subject to the gift tax.



J. H. Kennedy  
Director of Revenue

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