FORM 5401(8)BP

2009 - 2010

STATE OF DELAWARE
REALTY TRANSFER TAX
DECLARATION FOR BUILDING PERMIT

FOR AGENCY USE ONLY:
Building Permit #:
Building Permit Value:

1. Name and Address of Owner of land or building for which Building Permit is required.	3. Tax Parcel/Property I.D. number and address of realty for which Building Permit is required.	4. Name and Address of person applying for Building Permit **if different from person identified in Item #1**.
2. SSN or Federal EIN of person identified in Item #1.		5. SSN or Federal EIN of person identified in Item #4 **if different from Item #2**.

IF YOU CLAIM AN EXEMPTION FROM THIS TAX, PLEASE COMPLETE PAGE 1.
IF YOU DO NOT CLAIM EXEMPTION, PLEASE COMPLETE PAGE 2.

6. If you answer "YES" to 6A, 6B, or 6C, you may stop and sign at Item 9. If you answer "NO", please continue filling out the form.

A. Is the cost of all contracts for all phases of this construction, alteration or addition less than $10.000? (The total cost must include all contracts entered into after September 1, 1990, and all materials supplied after that date, to the extent such materials are not required to be supplied in a contract entered into before September 1, 1990.)
☐ **YES** ☐ **NO**

B. Is this an application by a builder or developer for a building permit in order to construct, alter, or add to, a building for resale on land owned by the builder or developer? ☐ **YES** ☐ **NO**
IF YES, Enter here your State of Delaware Contractor's License Number:

C. Is this construction totally governed by contracts or agreements entered into before September 1, 1990?
☐ **YES** ☐ **NO**
For purposes of this form, "contract" includes the purchase of goods by the owner of the property. Thus, you must answer NO if you intend to purchase supplies or materials after September 1, 1990, apart from supplies or materials required to be supplied under any agreement or undertaking entered on or before September 1, 1990.

D. Is the Building Permit requested for construction or alteration of, or addition to, a "building" – a structure having a roof supported by columns or walls? ☐ **YES** ☐ **NO** **IF NO, YOU MAY STOP HERE AND SIGN AT ITEM 9 ON PAGE 1.**
IF YES, GO TO ITEM 7 BELOW.

7. A. ☐ Please check box if the property has been owned for more than one year prior to entering into a construction contract. YOU MAY STOP HERE AND SIGN AT ITEM #9 ON PAGE 1.
Date on which ownership in realty on which construction, alteration or addition is intended was transferred (settlement date) to owner identified in Item #1.

B. Date on which contract for this construction was entered into or labor or materials were first supplied, whichever date occurred earlier:

IF DATE IN ITEM 7 "B" IS LATER THAN ONE YEAR AFTER DATE INDICATED IN ITEM 7 "A", YOU MAY STOP HERE AND SIGN AT ITEM #9 ON PAGE 1.

8. Do you claim exemption from this tax on grounds other than those described above? If so, please indicate basis for exemption below. (Subsequent construction is exempt if transfer of realty on which construction is to occur was exempt, but specific but for exemption must be stated.)

PLEASE SIGN AT ITEM 9 BELOW. IF YOU CANNOT CLAIM EXEMPTION ABOVE, YOU MUST COMPLETE PAGE TWO AND SECURE VALIDATION OF TAX PAYMENT FROM THE DELAWARE DIVISION OF REVENUE

9. Subject to the penalties of perjury, I swear or affirm the foregoing is true and correct to the best of my knowledge and belief.

Owner's Signature

Print:

Date

Name of Owner:	*SSN or Federal EIN:*

1. (a) Is the Building Permit applied for solely for alteration of or addition to an existing building?
   ☐ **YES** ☐ **NO** IF NO, GO TO ITEM #2.
   (b) If YES, enter the value at the time of conveyance for realty tax purposes of land and structure on which construction is intended: → $

   GO TO ITEM #2

2. Enter amount of money paid or to be paid under any and all contracts which (a) pertain to all phases of the construction or alteration of, or addition to, the building for which this Building Permit is sought; and (b) were entered into after September 1,1990. Include all purchases of supplies to the extent not required under contracts entered into on or before September 1,1990. $

3. (a) Subtract ’10.000 from the amount entered in Item #2 and enter result here: → $

   (b) If Item “1(a) is answered “YES,” is the amount entered in Item #2 less than 50% of the amount entered in Item #1(b)? ☐ **YES** ☐ **NO**
   ← IF YES, YOU MAY STOP HERE AND SIGN BELOW. →

   (c) IF EITHER Item #1(a) OR Item #3{b} is answered NO, multiply the amount entered in Item #3(a} by 1% (.01) and enter result here: → $

   (d) Have you previously paid a realty transfer tax on FORM 5401(8)BP relative to this or other phases of the same construction? ☐ **YES** ☐ **NO**
   If YES, please attach copy of earlier FORM 5401(8)BP. Amount paid with earlier FORM 5401(8)BP: → $

   (e) Subtract amount entered on line #3(d) from amount entered on line #3(c) and enter the difference here: → $
   YOU MUST PAY THE AMOUNT ON LINE 3 (e) TO THE STATE OF DELAWARE DIVISION OF REVENUE PRIOR TO BEING ISSUED THE BUILDING PERMIT.
   NOTE: YOU MAY OWE AN ADDITIONAL AMOUNT TO THE MUNICIPALITY ISSUING THE BUILDING PERMIT.

4. Subject to the penalties of perjury, I swear or affirm the foregoing is true and correct to the best of my knowledge and belief.

_____
Owner’s Signature

Print: _____

DELAWARE DIVISION OF REVENUE FORM 5401(8) BP

FORM5401(8)BP implements an Act of the Delaware General Assembly, which provides a realty transfer tax (at a rate of 1% against amounts exceeding $10,000) on the value at a cost of construction or alteration of, or addition to, buildings on property that was transferred to the **grantee within one year** prior to the issuance of the building permit for such construction, etc. In the case of alterations of, or additions to existing buildings, the tax applies only if the cost of the alteration or addition **exceeds 50% of the value**, for realty transfer tax purposes, of the realty on which the construction etc., is to occur. No tax is imposed on construction when the conveyance of the realty was itself not subject to the realty transfer ACT.

The Act is effective for all contracts **entered into after September 1, 1990**, for which building permits or certificates of occupancy are sought after that date. The Act does not pertain to the application for a building permit by a builder or developer who acquires the realty with the intention of erecting improvements for resale.

If you have any questions regarding the completion of this form, please contact one of our offices:

Delaware Division of Revenue
Thomas Collins Building
Route 13, Dover, DE 19901
(302) 744 - 1085

Delaware Division of Revenue
820 N. French Street
Wilmington, DE 19801
(302) 577 - 8455

Delaware Division of Revenue
20653 DuPont Blvd., Suite 2
Georgetown, DE 19947
(302) 856 - 5358

(Revised 12/10/09)