

# Certificate of Exemption – Deeds to Trustees

• Documentary Stamp Tax – Neb. Rev. Stat. § 76-902

## SECTION 1

Grantor of Instrument and Trust

Grantee of Instrument (Trustee)

| NAME OF BENEFICIARIES | RELATIONSHIP TO GRANTOR |
|-----------------------|-------------------------|
|                       |                         |
|                       |                         |
|                       |                         |
|                       |                         |

## SECTION 2

Does a trust document exist which sets forth the grantor, the trustee, the beneficiaries, and a description of the real property transfer? .....  YES  NO

**Check the exemption that would apply if the transfer was made directly from the grantor to the beneficiaries of the trust.**

- Deeds to property transferred by or to the U.S., the State of Nebraska, or any of their agencies or subdivisions.
- Deeds which, without additional consideration, confirm, correct, modify, or supplement a deed previously recorded, but which do not extend or limit existing title or interest.
- Deeds without actual consideration between: husband and wife; ex-spouses (conveying property acquired or held during the marriage); or parent and child.
- Deeds to or from a family corporation, partnership, or limited liability company (LLC). All the shares of stock of the corporation or interest in the partnership or LLC are owned by members of a family, or a trust created for the benefit of a member of that family, related to one another within the fourth degree of kindred according to the rules of civil law, and their spouses. In determining relationships between family members, step relationships are considered the same as blood relationships for this exemption only. No consideration is given other than the issuance of stock of the corporation or interest in the partnership or LLC to the family members or the return of the stock to the corporation in partial or complete liquidation of the corporation or deeds in dissolution of the interest in the partnership or LLCs. To qualify for the exemption for family corporations, partnerships, or LLC, the property must be transferred in the name of the corporation or partnership and not in the name of the individual shareholders, partners, or members.

For purposes of clarification, the exemptions set forth in this section shall apply to deeds transferring property to a corporation that is wholly owned by a single shareholder, or to a limited liability company that is wholly owned by a single member, in any of the following situations:

- (i) The grantor is the same person as the single owner of such wholly owned corporation or limited liability company;
- (ii) The grantors are spouses transferring property to a corporation or limited liability company wholly owned by one of the spouses; or
- (iii) The grantors are members of a family, as described this section, transferring property to a corporation or limited liability company wholly owned by one of the members of such family;

- Deeds of partition.
- Deeds made pursuant to mergers, consolidation, sales, or transfers of the assets of a corporation pursuant to the plans of merger or consolidation filed with the Secretary of State. A copy of this plan must be presented to the register of deeds before the documentary stamp tax exemption is granted.
- Deeds made by a subsidiary corporation to its parent corporation for no consideration other than the cancellation or surrender of the subsidiary's stock.
- Cemetery deeds.
- Mineral deeds.
- Deeds executed pursuant to court decrees.

- Deeds which release a reversionary interest, a condition subsequent or precedent, a restriction, or any other contingent interest.
- Deeds of distribution executed by a personal representative conveying to devisees or heirs property passing by testate or intestate succession.
- Deeds transferring property located within the boundaries of an Indian Reservation where the grantor or grantee is a Native American residing on an Indian Reservation in Nebraska.
- Deeds which convey property held in the name of any partnership or LLC, which is not a family partnership or LLC, to any partner in the partnership or member of the LLC, or to his or her spouse.
- Easements.

### SECTION 3

I hereby certify that I am familiar with all of the relevant details of the real estate transaction described above, and if the transaction were made directly from the grantor of the trust to the beneficiaries of the trust, it would be exempt from documentary stamp tax as indicated above.

I further certify that documentation of the trust that supports this exemption is available for inspection at any time by the Nebraska Department of Revenue.

**sign  
here** 

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**File this Certificate of Exemption with the Real Estate Transfer Statement, Form 521,  
when exemption #19 is claimed in Item 25 on the Form 521.**

[www.revenue.ne.gov/PAD](http://www.revenue.ne.gov/PAD) or 402-471-5984