



This is an affidavit of facts. See SC Revenue Ruling #09-13, available at dor.sc.gov/policy, for information about this affidavit.

On oath, being first duly sworn, I certify the following:

1. This affidavit is being given in connection with a sale of real estate. Based on SC Revenue Ruling #09-13, this affidavit is being used to relieve the buyer from withholding or allow the buyer to withhold on the gain stated below.
2. I have attached to this affidavit a description of the real property and any tangible personal property being sold as a part of this sale. The real property is located in _____ County, and its tax map number is _____ .
3. I am the seller of the property described in the attached description.
4. The closing date of this sale is _____
5. My name is _____
6. My address is _____

Street address

_____ City
_____ State
_____ ZIP
7. My SSN or FEIN is _____
8. I acknowledge my obligation to file a South Carolina Income Tax return for the year of sale.
9. **Resident:** I am a resident of South Carolina, as defined in SC Code Section 12-6-30.
10. **Deemed Resident (must be a business):** Based on SC Code Section 12-8-580(C) and SC Revenue Ruling #09-13, I am deemed to be a resident of South Carolina because:
 1. a. I am a corporation incorporated outside of South Carolina, my principal place of business is in South Carolina, and I do no business in my state of incorporation **or**
 - b. I have been in business in South Carolina during the last two tax years, I am going to continue the same business in South Carolina after the sale, I am not delinquent in filing any South Carolina Income Tax returns, I have filed at least one South Carolina Income Tax return, and I have a certificate of authority to do business or am registered to do business in South Carolina **and**
 2. I agree to report the sale on a timely filed South Carolina Income Tax return.
11. **Tax-Exempt Organizations:** I am an organization exempt from Income Tax under Internal Revenue Code (IRC) Section 501(a) or an insurance company exempt from South Carolina Income Tax.
12. **Gain Amount:** Based on SC Code Section 12-8-580(B), I certify that the amount of gain required to be recognized on this transaction, and on which the buyer will make the required withholding, will not be greater than \$ _____ .
13. **Withholding Amount Equals Entire Net Proceeds:** The withholding amount is limited to the entire net proceeds of the sale. Any lien, mortgage, or credit line advance made within one year before the closing was not made in contemplation of the sale.
- Installment Sale:**
14. I will report this sale on the installment method for South Carolina Income Tax purposes. I have attached an amortization schedule showing the principal and interest portions of the payment. If withholding is limited to the amount of gain, I have entered the gain in item 12.
- I elect out of the installment sale method for South Carolina purposes. I will report the entire withholding in one payment. If withholding is limited to the amount of gain, I have entered the gain in item 12.

15. **Principal Residence or Involuntary Conversion-Nonrecognition of Gain:** I am not subject to taxes on the sale of the property because it is a sale of a principal residence under IRC Section 121 or an involuntary conversion under IRC Section 1033. I acknowledge that I am required to file an amended South Carolina Income Tax return if I do not comply with IRC Section 1033.

Like Kind Exchange:

16. This is a simultaneous exchange, and I am deferring the entire gain under IRC Section 1031.
- I will be recognizing part of the gain on the exchange. The amount of gain is entered in item 12.
- I am deferring the gain under IRC Section 1031 using a qualified intermediary and have completed the steps required by SC Revenue Ruling #09-13. I authorize the qualified intermediary to release modified forms and any other information relevant to the withholding, including information otherwise confidential under SC Code Section 12-54-240.
17. **Employee Relocation:** This sale involves the sale of property being sold by an employer or relocation company in connection with my transfer. It is treated as a sale by the employer or relocation company for Income Tax purposes.

For more information, SC Code Sections are available at dor.sc.gov/policy and IRC Code Sections are available at irs.gov.

I understand that this affidavit may be disclosed to the SCDOR and that any false statement could be punished by fine, imprisonment, or both.

Signature

Print name

If the person making this affidavit is not the seller, complete the following:

Affiant's SSN or FEIN

Affiant's street address

Affiant's city, state, ZIP

SUBSCRIBED AND SWORN to

Before me this _____ day of _____, year of _____

Notary Public

My commission expires: _____

Keep the I-295 as part of your tax records. Do not send to the SCDOR unless requested.

Instructions

What you need to know:

- The seller's affidavit is an affidavit of fact provided by the nonresident seller to the buyer.
- The affidavit may relieve the buyer from withholding if:
 - the seller is a resident
 - the seller is a deemed resident, or
 - the sale is tax exempt
- The affidavit may allow the buyer to withhold on the stated gain rather than a higher amount.
- The buyer does not have to obtain a seller's affidavit, but the buyer must have evidence to prove the correct amount was withheld from the sale.
- Keep the I-295 as part of your tax records. **Do not** send to the SCDOR unless requested.

The seller's affidavit must provide:

- county where the property is located
- property's tax map number
- closing date of the sale
- seller's name
- seller's street address (including city, state, and ZIP)
- seller's SSN or FEIN
- appropriate box marked identifying the withholding requirement

Social Security Privacy Act Disclosure

It is mandatory that you provide your Social Security Number on this tax form if you are an individual taxpayer. 42 U.S.C. 405(c)(2)(C)(i) permits a state to use an individual's Social Security Number as means of identification in administration of any tax. SC Regulation 117-201 mandates that any person required to make a return to the SCDOR must provide identifying numbers, as prescribed, for securing proper identification. Your Social Security Number is used for identification purposes.

The Family Privacy Protection Act

Under the Family Privacy Protection Act, the collection of personal information from citizens by the SCDOR is limited to the information necessary for the SCDOR to fulfill its statutory duties. In most instances, once this information is collected by the SCDOR, it is protected by law from public disclosure. In those situations where public disclosure is not prohibited, the Family Privacy Protection Act prevents such information from being used by third parties for commercial solicitation purposes.