

Examples of Supporting Documentation:

The following is a list of examples of supporting documentation that can be used to support a claim of exemption under the RETT ordinance. **The letters on this list relate to the letters on the exemption application.** *Note: This list may not be all-inclusive. There are other forms of documentation that may be able to provide the necessary support of the exemption claim that are not included within this list. The initial decision on a claim of exemption from the RETT (and the decision of adequacy of related supporting documentation) is made by the Town Manager (or designee). Such decision may be appealed to the Town Council (as stated in the RETT Ordinance).*

- A. Credible evidence that the fair market value of the transferred property is \$500 or less, such as an appraisal or where the Grantor and Grantee on the deed are the same person. Name changes should be accompanied with a certified copy of court documentation, marriage license, or other legal proof of change of name.
- B. Proof that the Grantee in the deed is a government agency, municipality, or political subdivision
- C. The deed must reflect that this is a gift or charitable donation. For a gift, the deed must state: "For no consideration other than love and affection," "as a gift," or similar language clearly expressing a donative intent. For a charitable donation, the deed must specifically state that it was made as a charitable contribution and the grantee of the deed must be an entity qualified under Section 501(c)(3) of the Internal Revenue code.
- D. The names of the Grantor and Grantee listed on the deed must match exactly. Additionally, the exemption application must affirm that no additional consideration was paid in connection with the transfer, or must describe the amount of such additional consideration.
- E. Certified copy of death certificate, will, Personal Representative's deed, Decree of Distribution, or other formal transfer of real property made for the purpose of transferring a decedent's interest in real property to those persons entitled to take the property by law or pursuant to the decedent's will.
Note: This exemption does not apply to a sale of real property by a decedent's estate.
- F. Proof that the percentage of ownership has not changed. Examples include: Articles of Organization, Operating Agreement, Stock certificate(s), Membership Ledger, Trust Agreement, Affidavit of Trust, or Memorandum of Trust.
- G. Certified copy of court documentation (bankruptcy or equity receivership).
- H. Wording of deed should clearly describe the situation (ex. "Deed of Correction" or "Corrective Deed") and a written explanation should be provided on the exemption application.
- I. A certified copy of a final judgment of a court (a Quiet Title Decree, a Rule and Order or other court judgment).
- J. A certified copy of a Separation Agreement, Decree of Legal Separation, or Decree of Dissolution of Marriage stating that the Grantor's interest in the subject property is to be transferred to the Grantee.
- K. Documentation demonstrating that the land transferred is a cemetery lot.
- L. A copy of the lease agreement.
- M. The deed must specifically describe the mineral or royalty interest being transferred. This exemption does not apply if any interest in real property other than a mineral or royalty interest is conveyed.
- N. A copy of the mortgage, deed of trust, or other legal documentation providing for the transfer of legal title to the real property to secure a debt or other obligation.
- O. Copy of the Deed-In-Lieu of Foreclosure or Deed-In-Lieu Agreement describing the then-current amount of obligation that is being cancelled by the Grantee in exchange for the transfer of the real property, and evidence of current fair-market value of the transferred real property.
- P. Sheriff's deed, public trustee's deed, or other real property conveyance representing a forced sale of property to satisfy a financial obligation, judgment, or debt of the property owner, and proof of the then-current amount of the obligation to be satisfied at the execution or foreclosure sale and any obligations to prior lien holders from the sale (bid letter provided to Public Trustee), and evidence of current fair-market value of the transferred real property.
- Q. Copy of the executory (unperformed) contract for the sale of real property. Evidence of relationship, such as 1031-reverse exchange documentation (or statement on deed).
- R. Evidence of sale prior to 1/1/1981.
- S. Evidence of pre-sale contract valid prior to 1/1/1981.
- T. Proof that the property has been approved by the Town of Breckenridge Community Development Department as a qualifying deed-restricted property, such as a copy of deed restrictive covenant or other legal restriction creating the qualifying deed restriction and, if applicable, a copy of the signed Appreciation Limiting Deed of Trust and Note.

Questions?

Questions may be addressed to the Tax Auditor for the Town of Breckenridge.

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Disclaimer

The Town's enforcement of the RETT Ordinance always involves applying the ordinance to the facts of a particular situation. Not all possible factual scenarios involving the application of the RETT Ordinance are described in these regulations. Nothing in these regulations limits the Town's authority to apply the RETT Ordinance to factual situations not specifically described in these regulations.