

## Iowa Declaration of Value Filing Instructions

Iowa law requires that a “Declaration of Value” statement reflecting the full consideration paid in certain nonexempt real estate conveyances be submitted to the county recorder at the time a deed, contract, instrument, or other writing is presented for recording.

PART I of this form is the prescribed “Declaration of Value” statement that must be completed by the buyer or seller or either’s agent for nonexempt transactions.

PARTS II AND III of this form are to be completed **only** by the recorder and assessor.

### IMPORTANT

This form does not have to be completed for any document presented for recording which clearly indicates on such document that it is an exempt transaction. The exemptions are listed below.

If the transaction is exempt, but the reason for exemption is not stated on the actual document presented for recording, Part I of this form must be completed.

### EXEMPTIONS

1. Any deed given in fulfillment of a recorded real estate contract provided the deed has a notation that it is given in fulfillment of a contract.
2. Any instrument of mortgage, mortgage assignment, mortgage release, or mortgage satisfaction.
3. Any will.
4. Any plat.
5. Any lease.
6. Any deed, instrument, or writing in which the State of Iowa or any agency, instrumentality, or governmental or political subdivision thereof is the grantor, assignor, transferor, or conveyer. Also, any deed, instrument or writing in which any of such unit of government is the grantee or assignee where there is no consideration.
7. Deeds for cemetery lots.
8. Deeds which secure a debt or other obligation, except those included in the sale of real property.

9. Deeds for the release of a security interest in property excepting those pertaining to the sale of real estate.
10. Deeds which, without additional consideration, confirm, correct, modify, or supplement a deed previously recorded.
11. Deeds between husband and wife, or parent and child, without actual consideration, or where the only consideration is cancellation of indebtedness existing between these family members. However, for this exemption to apply, the debt being cancelled cannot be greater than the fair market value of the property being conveyed.
12. Tax deeds.
13. Deeds partition where the interest conveyed is without consideration.
14. Acquisition of lands by deed or contract for public purposes through an exercise of the power of eminent domain.
15. Conveyances of real property or interest in such property between former spouses mandated by a dissolution of marriage decree.
16. All easement conveyances.
17. Conveyances of real property to lien holders in lieu of forfeiture or foreclosure actions.
18. Deeds executed by public officials in the performance of their official duties.
19. Deeds transferring distributions of assets to heirs at law or devisees under a will.
20. Deeds in which the consideration is five hundred dollars or less.

### CAUTION

If the portion of this form designated Part I is not completed accurately and completely for non-exempt transactions by the buyer or seller or either’s agent, the county recorder is required by law to refuse to record the contract, deed or other instrument conveying the affected property.

Social Security Account numbers are required by 701 IAC 79.5(5), pursuant to Iowa Code sections 428A.1 and 428A.7, as authorized by 42 U.S.C. § 405(c)(2)(C)(i), and will be used for equalization purposes in administering the property tax.

## INSTRUCTIONS FOR COMPLETING PART I

**Name/Address:** Enter the complete name and address and social security number of both the buyer and seller. For multiple ownership, one number is sufficient. Corporations are to report federal I.D. number.

**Address of Property Conveyed:** Enter the complete address of the property being transferred.

**Legal Description:** Enter the legal description of the property being transferred.

**Agricultural Land Sales:** If agricultural land is being sold to a (1) corporation, (2) trust, (3) alien, (4) nonresident alien, or (5) limited partnership, you are required by law to identify the type of buyer by checking the appropriate box.

**The following definitions** are presented to help you determine if this type of sale of agricultural land is to be identified here.

**Agricultural Land** – Land is suitable for use in farming

**Corporation** – Any domestic or foreign corporation including non profit corporations and cooperatives (Chapter 9H, Code of Iowa).

**Trust** – Any fiduciary relationship with respect to property subjecting the person by whom the property is held to equitable duties to deal with the property for the benefit of another person, which arises as a result of manifestation of an intention to create it (Chapter 9H, Code of Iowa).

**Alien** – Any person born outside of the United States and unnaturalized under the Constitution and statutes of the United States.

**Nonresident Alien** – Any person born out of the United States and unnaturalized under the Constitution and statutes of the United States and who is not a resident of the State of Iowa.

**Limited Partnership** – Any partnership formed by two or more persons under the provisions of Chapter 487, Code of Iowa, having as members one or more general partners and one or more limited partners.

## LINE INSTRUCTIONS

**Line 1** – Total Amount Paid – Enter the entire and full purchase price of the property transferred, including down payment.

**Line 2** – Amount Paid for Personal Property – Enter the amount of the purchase price that was paid for personal property. For *residential sales*, personal property includes items that are not attached (“built in”) to the home that are normally removed by the owner, when he or she vacates. This includes, but is not limited to items such as washers, dryers, drapes, stoves, refrigerators and portable dishwashers. For *agricultural sales*, personal property is to include farm machinery and equipment. Personal property for *commercial and industrial property* includes inventories, as well as equipment and fixtures classified and assessed as personal property.

**Line 3** – Amount Paid for Real Property Only – Subtract line 2 from line 1 and enter the difference here.

**Line 4** - Contract Sale Information – If this transaction is a seller financed real estate contract, enter all the requested information concerning down payment, interest rate, monthly payment, length of contract, and *if applicable* a balloon payment date.

## SALES CONDITIONS

Indicate by checking the appropriate box or boxes the designated conditions that apply to the sale.

Also, describe any unusual facts or circumstances that relate to the sale that may affect the sale price or terms of the sales agreement.

**IMPORTANT:** For purposes of indicating a “Sale Between Family Members” **only** the following relationships are to be considered:

|              |                 |                |
|--------------|-----------------|----------------|
| Mother       | Stepsister      | Granddaughter  |
| Father       | Stepbrother     | Grandson       |
| Daughter     | Mother-in-law   | Foster parent  |
| Son          | Father-in-law   | Foster child   |
| Sister       | Daughter-in-law | Aunt           |
| Brother      | Son-in-law      | Uncle          |
| Stepmother   | Sister-in-law   | Niece          |
| Stepfather   | Brother-in-law  | Nephew         |
| Stepdaughter | Grandmother     | Foster brother |
| Stepson      | Grandfather     | Foster sister  |

**Signature:** The declaration of value statement must be signed by the buyer or the seller or either’s agent. One signature is sufficient. The telephone number of the person signing this form is also to be provided.

**Penalty:** It is unlawful to willfully enter false information on this document and anyone entering false information shall be guilty of a simple misdemeanor.

NOTE: When completing the declaration of value form, you may “tab” to each field to enter information.