

Form REW-1-1041
2022

Real Estate Withholding Return for
Transfer of Real Property
By sellers that are trusts or estates



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2209800

To be completed by the buyer or other transferee required to withhold

IMPORTANT - Multiple Sellers: A separate Form REW-1 must be completed for each seller receiving proceeds (see instructions).

1. Check box below to indicate whether the seller is: Trust Estate Check here if installment sale

2. Name of seller subject to withholding. Trusts must enter Federal ID Number on line 3. Seller's Last Name (estates) Seller's First Name M.I. If seller is a trust, enter Trust Name

3. Seller's federal employer identification number (FEIN). Do not enter a social security number on this line, see instructions. FEIN

4. Address of seller Name and Street Number City State ZIP Code

5. Date of transfer 6. Total consideration \$.00 7. Percentage of total gross proceeds received by this seller. %

8. Physical location and use of property Map Block Lot Sub-lot Street address Municipality/Township Use of property

9. Date property acquired by seller

10. Rate of withholding - attach certificate if less than 2.5% a. 2.5% of sales price b. Less than 2.5% (Enter certificate number:)

11. Amount withheld for this seller \$.00 DO NOT SEND CASH - Make check payable to: Treasurer, State of Maine. Write seller's social security number on the check.

12. Name of buyer (withholding agent or other transferee)

13. Address of buyer/withholding agent Number and street City State ZIP Code

14. Social security number/federal ID number of withholding agent

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge belief, they are true, correct and complete.

Signature of buyer Date Signature of buyer's spouse if property held jointly Date

Signature of Seller Date Seller's daytime phone number

NOTE: Payments received by Maine Revenue Services will not be refunded prior to filing of the taxpayer's Maine income tax return.



Mail this form and check to: Maine Revenue Services, Income/Estate Tax Division - REW, P.O. Box 9101, Augusta, ME 04332-9101. Overnight delivery address: Maine Revenue Services, Income/Estate Tax Division - REW, 51 Commerce Drive, Augusta, ME 04330.

Telephone: 207-626-8473 realestate.withholding@maine.gov

Revised: December 2021

General Instructions

Purpose of Form: 36 M.R.S. § 5250-A requires a buyer to withhold state income tax when real property located in Maine is acquired from a nonresident of Maine. The buyer must withhold and remit to the state tax assessor 2.5% of the consideration received by the transferor (seller) on the transfer. A completed Form REW-1-1041 (for sellers that are estates or trusts), Form REW-1-1040 (for sellers who are individuals or sole proprietors), and/or Form REW-1-1120 (for sellers that are corporations) must accompany the remittance.

Who Must File: A buyer (individual, firm, partnership, association, society, club, corporation, estate, trust, business trust, receiver, assignee or any other group or combination acting as a unit) of a Maine real property interest who is required to withhold tax must file the appropriate REW-1 forms. If two or more persons are joint transferees, each must withhold the required amount. However, the obligation of each will be met if one of the joint transferees withholds and remits to Maine Revenue Services the total amount required.

Be sure to complete the appropriate REW-1 form for each seller:

- REW-1-1040 - For sellers who will report this sale on the Maine individual income tax return, Form 1040ME. (Individuals, sole proprietors, grantor or revocable trusts, individual members of pass-through entities);
- REW-1-1041- For sellers who will report this sale on the Maine fiduciary income tax return, Form 1041ME. (estates, trusts); or
- REW-1-1120 - For sellers who will report this sale on the Maine corporate income tax return, Form 1120ME. (C corporations, other entities taxable at the corporate level).

Important note (multiple sellers): If there are multiple sellers, you **must** complete a separate REW-1 form for each seller receiving proceeds from the sale. For example, if the seller is a partnership, complete a separate REW-1 form for each partner receiving proceeds from the disposition.

Exceptions: The buyer is not required to withhold or file this return if any of the following applies:

- a. The seller furnishes to the buyer written certification stating, under penalty of perjury, that as of the date of transfer the seller is a resident of Maine, as defined in 36 M.R.S. § 5250-A;
- b. The seller or the buyer has received from the state tax assessor a certificate of waiver stating that no tax is due on the gain from the transfer or that the seller has provided adequate security to cover the liability;

- c. The consideration for the property is less than \$100,000;
- d. Written notification of the withholding requirements has not been provided to the buyer. The real estate escrow person is liable for the withholding tax unless it is shown that the failure to notify is due to reasonable cause;
- e. The seller is the State or an agency or a political subdivision of the State, the federal government or an agency of the federal government, an organization exempt from income taxes pursuant to the Internal Revenue Code, § 501(a), an insurance company exempt from Maine income taxes or a subsidiary of an insurance company described in 24-A M.R.S., § 1157 (5)(B)(1) that is exempt from Maine income taxes; or,
- f. The property is being transferred via a foreclosure sale. Foreclosure sale means a sale of real property incident to a foreclosure and includes a mortgagee's sale of real estate owned property of which the mortgagee, or third-party entity, retained or took ownership as the result of an unsuccessful attempt to sell the property at the time of a previous foreclosure auction.

Withholding Certificate Issued by the State Tax Assessor: A withholding certificate may be issued by the state tax assessor to reduce or eliminate withholding on transfers of Maine real property interests by nonresidents. The certificate may be issued if:

1. No tax is due on the gain from the transfer; or,
2. Reduced withholding is appropriate because the 2.5% amount exceeds the seller's maximum tax liability.

If one of the above is applicable, apply for the certificate no later than five business days prior to closing.

When to File: A buyer must report and remit the tax withheld to Maine Revenue Services with this form within 30 days of the date of transfer of the property. Any claim for refund of an overpayment of this withholding must be filed within three years from the time the return was filed or three years from the time the tax was paid, whichever expires later.

Where to File: Send Form REW-1-1041 with payment directly to: Maine Revenue Services, Income/Estate Tax Division - REW, P.O. Box 9101, Augusta, ME 04332-9101 (do not send payment or Form REW-1-1041 with the real estate transfer tax declaration). Provide one copy of Form REW-1-1041 to the real estate escrow person, one copy to the buyer, and two copies to the seller.

Seller's Filing Requirement. Generally, a seller that is a nonresident estate or trust must file a Maine income tax return for the tax year during which the sale of the Maine property occurred. Certain filing exceptions apply. See 36 M.R.S. § 5220(4). The seller must attach a copy of the REW-1 form to the Maine income tax return to ensure proper credit for real estate withholding paid. For more information on the Maine filing requirements, see the instructions for Form 1041ME at www.maine.gov/revenue.

Specific Instructions

Important note: If there are multiple sellers, you **must** complete a separate Form REW-1 for each seller receiving proceeds from the sale.

- Block 1.** Check the appropriate box to indicate the type of seller.
- Block 2.** Enter the name of the seller.
- Block 3.** Enter seller's federal employer identification number (FEIN). Do not enter a social security number on this line. For sellers that do not have a FEIN, file Form REW-1-1040.
- Block 4.** Enter the current mailing address of the seller. Do not list the address of the transferred property.
- Block 5.** Enter the date of this transfer.
- Block 6.** Enter the total consideration (see 36 M.R.S. § 5250-A(1)(A) for definition).
- Block 7.** Enter the percentage of total proceeds received by this seller.
- Block 8.** Enter the location of the property, including map, block, lot, and sub-lot numbers, as well as town and street address. Also enter what the property was used for before the transfer. For example, principal residence, vacation home, rental property, commercial, or vacant land.
- Block 9.** Enter the date the property was acquired by the seller.
- Block 10.** Check the appropriate space to indicate the rate of withholding. If the parties obtained a withholding certificate from the state tax assessor authorizing a reduced rate of withholding, enter the certificate number and attach a copy of the certificate to this return.
- Block 11.** Enter the dollar amount withheld for the seller in block 2.
- Block 12.** Enter the name of the withholding agent (buyer).
- Block 13.** Enter the address of the withholding agent (buyer).
- Block 14.** Enter the social security number or federal ID number of the withholding agent (buyer).