Form NR-AF1

Reset Form

8/08

Alabama Department of Revenue

50 North Ripley Street
Montgomery, Alabama 36132
For Information Call 334-242-1170

AFFIDAVIT OF SELLER'S RESIDENCE

_____ _____

Seller's Name | Seller's Identification Number (SSN or FEIN)

_____ _____

_____ Spouse's Identification Number (if jointly owned)

_____ _____ _____ _____

Street Address | City | State | Zip

INSTRUCTIONS

This form is to be executed by the seller and furnished to the buyer to establish Alabama residency, so that the proceeds of the sale of property are not subject to the withholding laws of this state. (See Section 40-18-86, *Code of Alabama 1975*.)

Alabama residents are not subject to the withholding provisions of Alabama Code Section 40-18-86. Alabama residents include both individuals and business entities domiciled in Alabama. Business entities will be considered domiciled in Alabama if they are organized under Alabama law or they have their principal place of business in Alabama.

Sellers are not subject to withholding from the proceeds of a sale if either they are a resident of Alabama or they are deemed to be a resident of Alabama by virtue of the fact that they have filed Alabama tax returns in the preceding two years, do business or own property in Alabama, intend to file an Alabama tax return for the current year, and if they are a corporation or limited partnership registered to do business in Alabama.

The seller is to execute this affidavit by placing an initial in the blank preceding the statements which apply. The buyer may rely on the seller's affidavit unless the buyer knows or should know, based on the buyer's knowledge at the time of closing, that statements made on the affidavit are false. The buyer has no duty to investigate the statements made on a seller's affidavit. The buyer should retain a copy of the affidavit and submit the original copy to the Alabama Department of Revenue, Individual and Corporate Tax Division, P O Box 327950, Montgomery, AL 36132-7950.

Seller is exempt from withholding on the sale of property because:

_____ Seller is a resident of Alabama.

Seller is not a resident of Alabama, but is deemed a resident for purposes of withholding because all of the following apply:

_____ Seller is a nonresident who has filed Alabama tax returns or appropriate extensions have been received by the Department for the preceding two years; AND

_____ Seller is an established business in Alabama and will continue substantially the same business in Alabama after the sale OR the Seller has real property in Alabama at the time of closing of equal or greater value than the withholding tax liability as measured by the 100% property tax assessment of such remaining property; AND

_____ Seller will report the sale on an Alabama income tax return for the current year and file by its due date with extensions; AND

_____ If seller is a corporation or limited partnership, seller is registered to do business in Alabama.

Under penalties of perjury, I swear that the above information is to the best of my knowledge and belief, true, correct, and complete.

_____ _____

Seller's Signature (and Title, if applicable) | Date

Sworn to and subscribed before me this
_____day of _____, _____
_____Notary public

My commission expires_____