

REAL ESTATE TRANSFER FEE

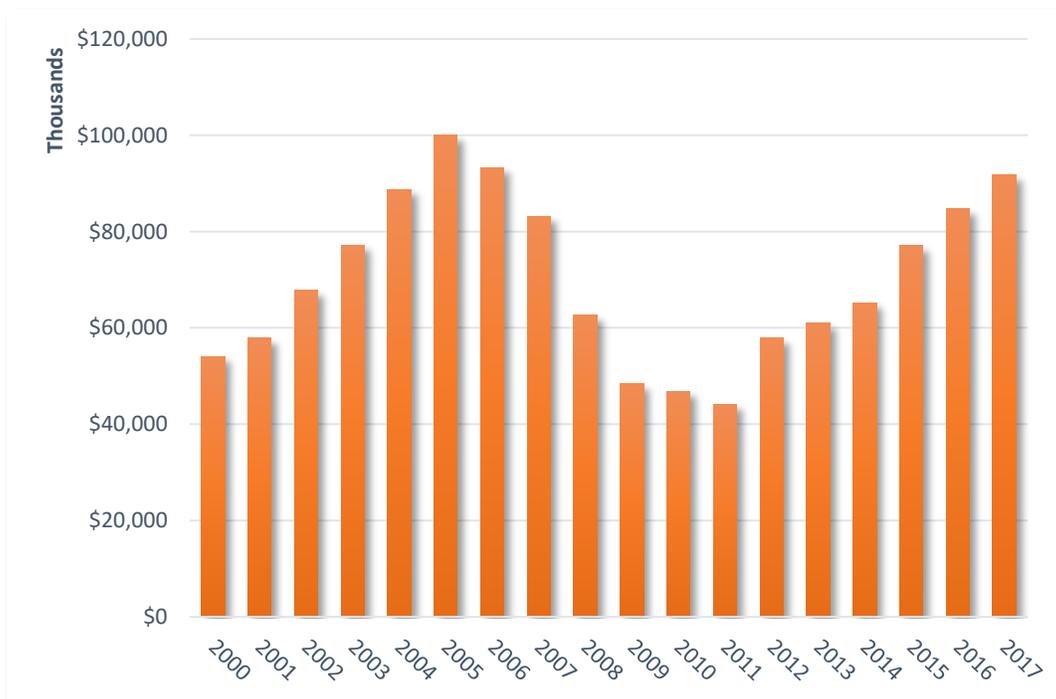
The following is a brief description of the real estate transfer fee. It is intended to give an overview of how the fee works, the amount of revenue collected under the fee, and a list of the types of transfers that are exempt from the fee.

Background

The real estate transfer fee was implemented in 1969, the year the federal stamp tax on real estate transfers was repealed. The current fee is \$0.30 for each \$100 of value or fraction thereof of the value of the property being transferred. For transfers that are a gift or for nominal consideration, the fee is based on the estimated market value of the property. Value data on real estate transfer fee returns are the main source of data Department of Revenue (DOR) uses in its annual determination and certification of municipal equalized values.

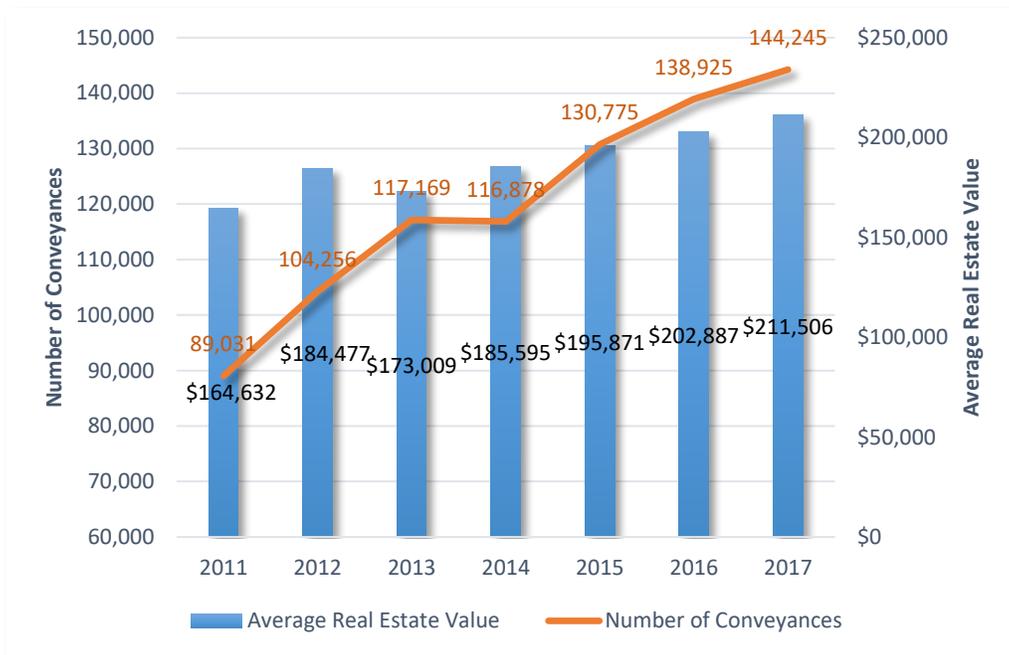
All real estate transfer fee returns must be filed electronically. If a return is filed correctly, a receipt is generated. This receipt, the property deed, and the proper fee are filed with the register of deeds to complete the transfer process. Of the total fee, counties receive 20 percent and the state retains the remaining 80 percent.

Chart 1: Total Real Estate Transfer Fee Collected



The total amount of real estate transfer fee collected in Wisconsin showed steady increases from \$54.0 million in 2000 to \$99.9 million in 2005. During the period between 2006 and 2011, however, the amount declined sharply from \$93.3 to \$44.2 million. Since 2012, the fee collected has increased each year from \$57.8 million to \$91.7 million in 2017. Even with Wisconsin's improved real estate market, the amount collected from Wisconsin's real estate transfer fee has not exceeded 2005. Appendix I contains additional statistics on real estate transfer fee collections.

Chart 2: Average Real Estate Value and the Number of Conveyances¹



Since 2011, the average real estate value has been showing an upward trend, and the market in Wisconsin has been experiencing increasing levels of activity in real estate transfers. During the period, the average real estate value has been somewhere between \$164,500 and \$211,500. In general, the number of conveyances, excluding those that were exempt from the fee, has continued to increase during the same period from 89,000 in 2011 to over 144,000 in 2017. Appendix I contains additional statistics on real estate values and conveyances.

Exemptions from the Fee

A real estate transfer is taxable unless exempted by law. A transfer could also be exempt if it does not meet the definition of a "conveyance" (such as an easement or a lease for less than 99 years), or because they are not deemed a sale. See Appendix IV for the types of conveyances exempt under Section [77.25](#), with the sub-section under which the exemption is granted.

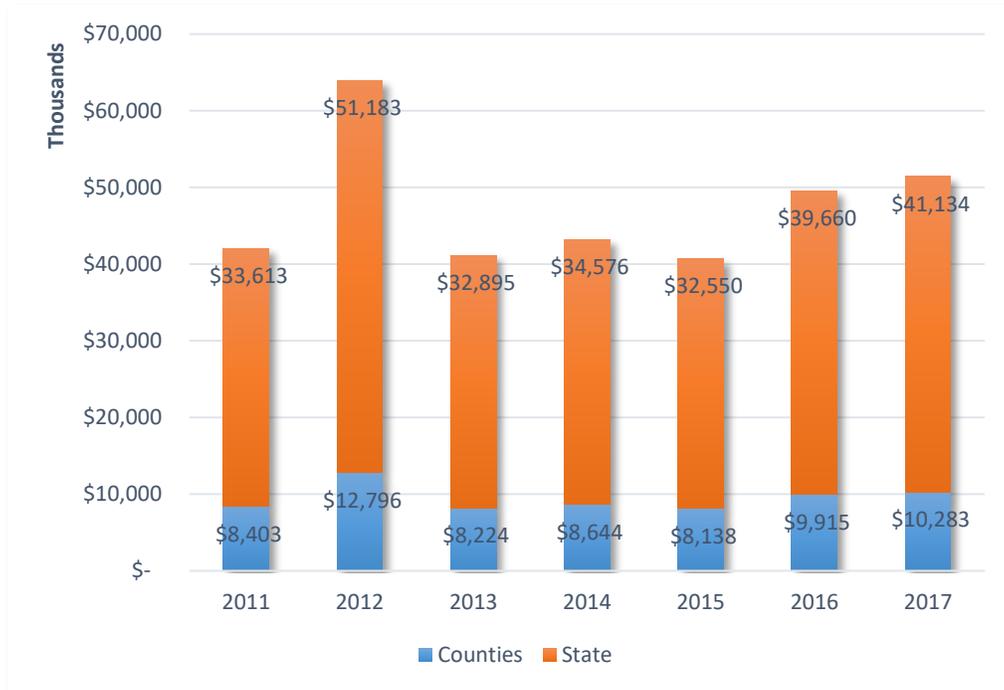
Fiscal Effect of the Exemptions

Revenue losses to the state (orange) and counties (blue) are shown in Chart 3 below. The estimated revenue losses due to a fee exemption only account for cases where a return is

¹ The number excludes conveyances that were exempt from the real estate transfer fee.

required for an exempt property. With that, the estimates maybe understated since certain² exempted conveyances are not required to file a return. The average revenue loss for the state between 2011 and 2017 was approximately \$37.9 million. Appendix III and IV have additional statistics on exemptions.

Chart 3: Estimated Revenue Loss Due to Exemption (in Thousands \$)



² Wis. Stats. [77.255](#) excludes conveyances exempt under s.77.25(1) and 77.25(10m) from filing requirements. Appendix IV has additional information on exemptions.

APPENDIX

Appendix I: Real Estate Value Subject to Real Estate Transfer Fee

Year	Number of Conveyances ³	Total Real Estate Value	Average Value	Median Value	Maximum Value
2011	89,031	\$14,657,325,611	\$164,632	\$109,000	\$40,800,000
2012	104,256	\$19,232,797,030	\$184,477	\$115,985	\$389,968,175
2013	117,169	\$20,271,333,136	\$173,009	\$120,000	\$51,870,000
2014	116,872	\$21,690,893,617	\$185,595	\$124,000	\$72,163,875
2015	130,775	\$25,615,028,336	\$195,871	\$130,000	\$38,000,000
2016	138,925	\$28,186,117,658	\$202,887	\$127,000	\$186,000,000
2017	144,245	\$30,508,677,645	\$211,506	\$142,500	\$144,974,300

Appendix II: Real Estate Transfer Fee per Conveyances Subject to Fee

Year	Total Real Estate Transfer Fee	Average Fee Per Conveyance	Median Fee Per Conveyance
2011	\$43,976,385	\$494	\$327
2012	\$57,709,283	\$554	\$348
2013	\$60,815,111	\$519	\$360
2014	\$65,075,549	\$557	\$372
2015	\$76,846,246	\$588	\$390
2016	\$84,550,757	\$609	\$408
2017	\$91,526,106	\$635	\$428

Appendix III: Fiscal Effects of the Real Estate Transfer Fee Exemptions⁴

Year	State	County	Total
2011	\$33,612,671	\$8,403,168	\$42,015,838
2012	\$51,183,370	\$12,795,843	\$63,979,213
2013	\$32,894,981	\$8,223,745	\$41,118,726
2014	\$34,576,288	\$8,644,072	\$43,220,360
2015	\$32,550,323	\$8,137,581	\$40,687,904
2016	\$39,660,038	\$9,915,009	\$49,575,047
2017	\$41,133,910	\$10,283,477	\$51,417,387

³ The number excludes conveyances that are exempt from the real estate transfer fee.

⁴ The figures excludes conveyances that are not required to file the real estate transfer fee returns.

Appendix IV: Real Estate Transfer Fee Exemptions for Calendar Year 2017

Statutory Reference	Exemption	County	State	Total
<u>77.25 (1)*</u>	Conveyances made prior to October 1, 1969, the date the fee went into effect, are exempt from the fee and from filing a transfer fee return.	\$100	\$500	\$600
<u>77.25 (2)</u>	Conveyances from the United States, the state of Wisconsin, or from an instrumentality, agency, or subdivision of either, are exempt from the fee.	\$232,000	\$927,800	\$1,159,800
<u>77.25 (2g)</u>	Conveyances by gift to the United States, the state of Wisconsin, or to an instrumentality, agency, or subdivision of either, are exempt from the fee.	\$20,200	\$80,700	\$100,900
<u>77.25 (2r)</u>	Conveyances of land by sale or dedication under <u>s. 236.29 (1) or (2)</u> [recording of a plat] or <u>s. 236.34 (1m) (e)</u> [recording of a certified survey], or for the purpose of a road, street or highway, to the United States, the State of Wisconsin, or any instrumentality, agency or subdivision of either, is exempt from the fee.	\$24,800	\$99,200	\$124,000
<u>77.25 (3)</u>	Conveyances that confirm, correct, or reform a previously recorded conveyance are exempt from the fee if the new conveyance is made for no, nominal, or inadequate consideration.	\$896,400	\$3,585,600	\$4,482,000
<u>77.25 (4)</u>	Conveyances on sales for delinquent taxes or assessments are exempt from the fee. These conveyances are also exempt from filing a transfer fee return. The fiscal effect may, therefore, be understated.	\$11,000	\$43,900	\$54,900
<u>77.25 (5)</u>	Conveyances on partition of real estate that belongs to several persons as co-owners to those persons are exempt from the fee.	\$49,600	\$198,400	\$248,000
<u>77.25 (6)</u>	Conveyances pursuant to mergers of corporations are exempt from the fee.	\$75,600	\$302,400	\$378,000
<u>77.25 (6d)</u>	Conveyances pursuant to partnerships reorganizing as limited liability partnerships are exempt from the fee.	\$3,900	\$15,800	\$19,700

Statutory Reference	Exemption	County	State	Total
77.25 (6m)	Conveyances pursuant to the conversion of a business entity to another form of business entity under s. 179.76 [domestic limited partnership], s. 180.1161 [domestic business corporation], s. 181.1161 [domestic non-stock corporation], or s. 183.1207 [domestic limited liability company] are exempt from the fee if, after the conversion, the ownership interests in the new entity are identical with the ownership interests in the original entity immediately preceding the conversion.	\$54,200	\$216,900	\$271,100
77.25(6q)	Conveyances pursuant to a domestic partnership interest exchange under s. 178.1131 .	\$11,500	\$46,100	\$57,600
77.25(6t)	Conveyances pursuant to a domestication under s. 178.1151 .	\$1,000	\$3,800	\$4,800
77.25 (7)	Conveyances by a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of cancellation, surrender or transfer of capital stock are exempt from the fee.	\$22,700	\$90,800	\$113,500
77.25 (8)	Conveyances between parent and child, step-parent and step-child, and parent and son-in-law or daughter-in-law for nominal or no consideration are exempt from the fee.	\$553,100	\$2,212,300	\$2,765,400
77.25 (8m)	Conveyances between a husband and wife are exempt from the fee.	\$1,376,200	\$5,504,700	\$6,880,900
77.25 (8n)	Conveyances between an individual and his or her domestic partner under Chapter 770 (the "Domestic Partnership" Law) are exempt from the fee.	\$8,100	\$32,200	\$40,300
77.25 (9)	Conveyances between agent and principal or from a trustee to a beneficiary without actual consideration are exempt from the fee.	\$546,900	\$2,187,600	\$2,734,500

Statutory Reference	Exemption	County	State	Total
<u>77.25 (10)</u>	Conveyances to provide security or release security for a debt or obligation are exempt from the fee. However, for original land contracts filed before August 1, 1992, a transfer fee will be assessed when the documents relating to fulfillment of the land contract are filed.	\$147,500	\$590,200	\$737,700
<u>77.25 (10m)*</u>	Conveyances for sole purpose of designating a time of death (TOD) beneficiary under <u>s. 705.15</u> [statute that permits non-probate transfers of property at time of death] are exempt from the fee.	\$248,000	\$992,100	\$1,240,100
<u>77.25 (11)</u>	Conveyances by will, descent, or survivorship are exempt from the fee.	\$1,576,500	\$6,306,100	\$7,882,600
<u>77.25 (11m)</u>	Conveyances by non-probate transfer on death under <u>s. 705.15</u> [statute that permits non-probate transfers of property at death] are exempt from the fee.	\$196,700	\$786,700	\$983,400
<u>77.25 (12)</u>	Conveyances pursuant to or in lieu of condemnation are exempt from the fee.	\$9,700	\$38,900	\$48,600
<u>77.25 (13)</u>	Conveyances of real estate having a value of \$1,000 or less are exempt from the fee.	\$400	\$1,800	\$2,200
<u>77.25 (14)</u>	Conveyances under a foreclosure or a deed in lieu of a foreclosure to a person holding a mortgage or to a seller under a land contract are exempt from the fee.	\$520,000	\$2,079,900	\$2,599,900
<u>77.25 (15)</u>	Conveyances between a corporation and its shareholders are exempt from the fee if (a) all of the stock in the corporation is owned by persons who are related to each other as spouses, lineal ascendants or descendants, siblings (by blood or by adoption), or spouses of siblings; (b) if the transfer is for no consideration except the assumption of debt or stock of the corporation; and (c) if the corporation owned the property for at least 3 years.	\$41,300	\$165,200	\$206,500

Statutory Reference	Exemption	County	State	Total
77.25 (15m)	Conveyances between a partnership and one or more of its partners are exempt from the fee if (a) all of the partners are related to each other as spouses, lineal ascendants or descendants, siblings (by blood or adoption), or spouses of siblings; and (b) if the transfer is for no consideration other than the assumption of debt or an interest in the partnership.	\$61,200	\$244,800	\$306,000
77.25 (15s)	Conveyances between a limited liability company and one or more of its members are exempt from the fee if (a) all of the members are related to each other as spouses, lineal ascendants or descendants, siblings (by blood or adoption), or spouses of siblings; and (b) if transfer is for no consideration other than the assumption of debt or an interest in the limited liability company.	\$931,900	\$3,727,600	\$4,659,500
77.25 (16)	Conveyances to a trust are exempt if a transfer from the grantor to the beneficiary of the trust would be exempt under other provisions of the real estate transfer fee law (sec. 77.25 , Wis. Stats.).	\$2,330,000	\$9,319,900	\$11,649,900
77.25 (17)	The recording of deeds in fulfillment of a land contract is exempt from the real estate transfer fee if the proper fee was paid when the land contract was recorded. (The fee on land contracts filed before August 1, 1992, is deferred until the contract is fulfilled. The fee on land contracts filed after July 31, 1992, is due when the contract is filed.)	\$328,000	\$1,312,100	\$1,640,100
77.25 (18)	Transfers of property to a local exposition district organized under Subchapter II of Chapter 229 , Wis. Stats., are exempt from the fee.	\$100	\$500	\$600
77.25 (20)	Conveyances from a fiduciary which held property for the benefit of an unincorporated nonprofit association to the unincorporated nonprofit association in the association's own name are exempt from the fee.	\$4,900	\$19,600	\$24,500

Statutory Reference	Exemption	County	State	Total
77.25 (21)	Conveyances of transmission facilities or land rights for transmission facilities by a utility company to a transmission company in exchange for securities in the transmission company are exempt from the real estate transfer fee.	\$0	\$0	\$0
TOTAL		\$10,283,500	\$41,134,100	\$51,417,600

**Conveyances under these exemptions are not required to file real estate transfer return.*