

2023 Real Estate Withholding Statement

593

AMENDED:

Escrow or Exchange No. _____

Part I Remitter Information REEP Qualified Intermediary Buyer/Transferee Other

| | | | | | |
|---|---------|-----------|---|----------|------------------|
| Business name | | | <input type="checkbox"/> FEIN <input type="checkbox"/> CA Corp no. <input type="checkbox"/> CA SOS file no. | | |
| First name | Initial | Last name | SSN or ITIN | | |
| Address (apt./ste., room, PO box, or PMB no.) | | | | | |
| City (If you have a foreign address, see instructions.) | | | State | ZIP code | Telephone number |

Part II Seller/Transferor Information If a grantor or nongrantor trust, check the box that applies. Grantor Nongrantor Trust

| | | | | | |
|--|---------|-------------------|---|----------------------|------------------|
| First name/Grantor | Initial | Last name/Grantor | SSN or ITIN | | |
| Spouse's/RDP's first name (if jointly owned) | Initial | Last name | Spouse's/RDP's SSN or ITIN (if jointly owned) | | |
| Business/Nongrantor Trust name (if applicable) | | | <input type="checkbox"/> FEIN <input type="checkbox"/> CA Corp no. <input type="checkbox"/> CA SOS file no. | | |
| Address (apt./ste., room, PO box, or PMB no.) | | | | | |
| City (If you have a foreign address, see instructions.) | | | State | ZIP code | Telephone number |
| Property address (provide street address, parcel number, and county) | | | | Ownership percentage | |
| | | | | . % | |

Part III Certifications which fully exempt the sale from withholding (See instructions)

Determine whether you qualify for a full withholding exemption. Check all boxes that apply to the property being sold or transferred.

- 1. The property qualifies as the seller's (or decedent's, if sold by the decedent's estate or trust) principal residence under Internal Revenue Code (IRC) Section 121.
- 2. The seller (or decedent, if sold by the decedent's estate or trust) last used the property as the seller's (decedent's) principal residence under IRC Section 121 without regard to the two-year time period.
- 3. The seller has a loss or zero gain for California income tax purposes on this sale. Complete Part VI, Computation on Side 2.
- 4. The property is compulsorily or involuntarily converted, and the seller intends to acquire property that will qualify for nonrecognition of gain under IRC Section 1033.
- 5. The transfer qualifies for nonrecognition treatment under IRC Section 351 (property transferred to a corporation controlled by the transferor) or IRC Section 721 (property contributed to a partnership in exchange for a partnership interest).
- 6. The seller is a corporation (or a limited liability company (LLC) classified as a corporation for federal and California income tax purposes) that is either qualified through the California Secretary of State or has a permanent place of business in California.
- 7. The seller is a California partnership or qualified to do business in California (or an LLC that is classified as a partnership for federal and California income tax purposes that is not a single member LLC that is disregarded for federal and California income tax purposes).
- 8. The seller is a tax-exempt entity under California or federal law.
- 9. The seller is an insurance company, individual retirement account, qualified pension/profit sharing plan, or charitable remainder trust.

If you checked one or more boxes in line 1 through line 9, withholding is not required. **Do not** complete Part IV. Go to Side 3, complete the perjury statement and sign. Provide Sides 1-3 to the remitter before the close of escrow or exchange transaction to submit to the Franchise Tax Board.

Part IV Certifications that may partially or fully exempt the sale from withholding or if no exemptions apply (See instructions)

Determine whether you qualify for a full, partial, or no withholding exemption. Check all boxes that apply to the property being sold or transferred.

- 10. The transfer qualifies as either a simultaneous or deferred like-kind exchange under IRC Section 1031. See instructions for Form 593, Part IV.
- 11. The transfer of this property is an installment sale where the buyer must withhold on the principal portion of each installment payment. Copy of the promissory note is attached at the close of escrow. Complete Part V, Buyer/Transferee Information on Side 2. Withholding may be required.
- 12. **No exemptions apply.** Check this box if the exemptions in Part III or Part IV, line 10 and line 11, do not apply. Remitter must complete Part VII, Escrow or Exchange Information, on Side 3 for amounts to withhold. Withholding is required.

| | |
|---------------|--|
| Remitter name | SSN, ITIN, FEIN, CA corp no., or CA SOS file no. |
|---------------|--|

Part V Buyer/Transferee Information

Complete this part if you checked box 11 in Part IV for an installment agreement.

| | | | |
|---|--------------------|-------------------|---|
| First name/Grantor | Initial | Last name/Grantor | SSN or ITIN |
| Spouse's/RDP's first name (if jointly purchased) | Initial | Last name | Spouse's/RDP's SSN or ITIN |
| Business/Nongrantor Trust name (if applicable) | | | <input type="checkbox"/> FEIN <input type="checkbox"/> CA Corp no. <input type="checkbox"/> CA SOS file no. |
| Address (apt./ste., room, PO box, or PMB no.) | | | |
| City (If you have a foreign address, see instructions.) | | State | ZIP code |
| | | Telephone number | |
| Principal Amount of Promissory Note | Installment Amount | Interest Rate | Repayment Period |
| | | % | Number of months |

Buyer's/Transferee's Acknowledgment to Withhold
Read the "Buyer/Transferee" information below.

I acknowledge that I am required to withhold on the principal portion of each installment payment to the seller/transferor for the above shown California real property either at the rate of 3 1/3% (.0333) of the sales price or the Alternative Withholding Calculation, as specified by the seller/transferor on Form 593, Real Estate Withholding Statement, of the principal portion of each installment payment. I will complete Form 593 for the principal portion of each installment payment and send one copy of each to the Franchise Tax Board (FTB) along with Form 593-V, Payment Voucher for Real Estate Withholding, the withholding payment, and give one copy of Form 593 to the seller/transferor. I will send each withholding payment to the FTB by the 20th day of the month following the month of the installment payment. If the terms of the installment sale, promissory note, or payment schedule change, I will promptly inform the FTB. I understand that the FTB may review relevant escrow documents to ensure withholding compliance. I also understand that I am subject to withholding penalties if I do not withhold on the principal portion of each installment payment and do not send the withholding along with Form 593 to the FTB by the due date, or if I do not send one copy of Form 593 to the seller/transferor by the due date. **Go to Side 3, complete the perjury statement and sign.**

Part VI Computation

Complete this part if you checked and certified box 3 in Part III, or to calculate an alternative withholding calculation amount.

13. **Selling price** **13** _____

14. **Selling expenses** **14** _____

15. **Amount realized.** Subtract line 14 from line 13 **15** _____

16. Enter the price you paid to purchase the property (see instructions, How to Figure Your Basis.) **16** _____

17. **Seller/Transferor-paid points** **17** _____

18. **Depreciation** **18** _____

19. **Other decreases to basis** **19** _____

20. **Total decreases to basis.** Add line 17 through line 19 **20** _____

21. **Subtract line 20 from line 16** **21** _____

22. **Cost of additions and improvements** **22** _____

23. **Other increases to basis** **23** _____

24. **Total increases to basis.** Add line 22 and line 23 **24** _____

25. **Adjusted basis.** Add line 21 and line 24 **25** _____

26. **Enter any suspended passive activity losses from this property** **26** _____

27. **Add line 25 and line 26** **27** _____

28. **Estimated gain or loss on sale.** Subtract line 27 from line 15 and enter the amount here.
 If you have a loss or zero gain, skip lines 29 and 30. Certify on Side 3. Withholding is not required.
 If you have a gain, go to line 29 to calculate your withholding **28** _____

| | |
|---------------|--|
| Remitter name | SSN, ITIN, FEIN, CA corp no., or CA SOS file no. |
|---------------|--|

- 29. Alternative withholding calculation amount.** Check the applicable box for the filing type.
- Individual 12.3% Corporation 8.84% Bank and Financial Corporation 10.84% Trust 12.3%
 Non-California Partnership 12.3% S Corporation 13.8% Financial S Corporation 15.8%
- Multiply the amount on line 28 by the tax rate for the filing type selected above and enter the amount here. This is the alternative withholding calculation amount. If you elect the alternative withholding calculation amount, then check the appropriate box on line 36, Boxes B-H, and enter the amount on line 37 **29** _____
- 30. Sales price withholding amount.** Multiply the selling price on line 13 by 3 1/3% (.0333).
 This is the sales price withholding amount. If you select the **sales price withholding amount**, check box A on line 36 below and enter the amount on line 37 **30** _____

Part VII Escrow or Exchange Information

- 31.** Escrow or Exchange Number **31** _____
- 32.** Date of Transfer, Exchange Completion, Failed Exchange, or Installment Payment (mm/dd/yyyy) **32** _____
- 33.** Sales Price, Failed Exchange, or Boot Amount \$ _____ x Ownership Percentage _____ % **33** _____
- 34.** Amount that should have been withheld in a **cash poor transaction** **34** _____
- 35.** Type of Transaction (Check One Only): ●
- A** Conventional Sale/Transfer **C** Boot **E** Cash Poor
B Installment Sale Payment **D** Failed Exchange
- 36.** Withholding Calculation (Check One Only): ●
- Sales Price Method**
- A** 3 1/3% (.0333) x Sales Price, Boot, or Installment Sale Payment
- Alternative Withholding Calculation Election**
- B** Individual 12.3% x Gain on Sale **F** S Corporation 13.8% x Gain on Sale
C Non-California Partnership 12.3% x Gain on Sale **G** Financial S Corporation 15.8% x Gain on Sale
D Corporation 8.84% x Gain on Sale **H** Trust 12.3% x Gain on Sale
E Bank and Financial Corp. 10.84% x Gain on Sale
- 37.** Amount Withheld from this Seller/Transferor **37** _____

Title and escrow persons, and exchange accommodators are not authorized to provide legal or accounting advice for purposes of determining withholding amounts. Transferors are strongly encouraged to consult with a competent tax professional for this purpose.

Our privacy notice can be found in annual tax booklets or online. Go to ftb.ca.gov/privacy to learn about our privacy policy statement, or go to ftb.ca.gov/forms and search for **1131** to locate FTB 1131 EN-SP, Franchise Tax Board Privacy Notice on Collection. To request this notice by mail, call 800.338.0505 and enter form code **948** when instructed.

Perjury Statement

Under penalties of perjury, I hereby certify that the information provided above is, to the best of my knowledge, true and correct. I further certify that: Check the applicable box(es):

- The sale is fully exempt from withholding as indicated by a check mark(s) in Part III.
 The sale is fully or partially exempt from withholding as indicated by a check mark in Part IV, box 10 or 11.
 The seller has elected the Alternative Withholding Calculation as indicated by a check mark in Part VII, line 36 (B-H).
 The buyer/transferee understands and accepts the withholding requirements as stated on the Buyer's/Transferee's Acknowledgment to Withhold in Part V. The buyer/transferee should only check this box when involved in an installment sale.
 The Remitter (Qualified Intermediary) acknowledges this is a cash poor transaction as indicated by a check mark in Part VII, line 35, box E.

| | | |
|--|---|-------------------------|
| Sign Here <small>It is unlawful to forge a spouse's/RDP's signature.</small> | Seller's/Transferor's signature X | Date |
| | Seller's/Transferor's spouse's /RDP's signature X | Date |
| | Buyer's/Transferee's signature X | Date |
| | Buyer's/Transferee's spouse's/RDP's signature X | Date |
| Remitter's name and Title/Escrow business name | | Telephone Number |