

## Department of Local Government Finance

# Sales Disclosure Form Overview & Changes

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## Agenda

- Sales Disclosure Form Background
- Sales Disclosure Form Basics
- SDF Committee
- LSA Document No. 19-635 & 50 IAC 26
- Current Version vs. 2021 Version





- Beginning in 1993, the Department was tasked with prescribing the Sales Disclosure Form for local assessing officials to collect sales data that would assist with the study of fair market value and the true tax value of properties in Indiana.
  - The sales data compiled under the Sales Disclosure
     Form was primarily used to measure the equity and
     uniformity of assessed values through the ratio study
     process.



- In 2008, the General Assembly passed HEA 1293, which required the Department to revise the previous version of the Sales Disclosure Form to reflect the requirements of the new law.
  - Under the new law, the Sales Disclosure Form was expanded to allow taxpayers to use the form as an application for certain deductions. Additionally, the definition of "conveyance document" was revised to also include documents for compulsory transactions and partitions of land.



- In order to properly record a property conveyance document, the Sales Disclosure Form originally had to be filed with both the county auditor and the county recorder.
- While there have been eleven (11) versions of the Sales Disclosure Form since 1993, the form has not been updated since 2011.



- Why has the Sales Disclosure Form not been updated since 2011?
  - Ind. Code § 6-1.1-31.5-2
    - Unlike other forms that are prescribed by the Department, Ind. Code § 6-1.1-31.5-2 requires the Department to adopt rules that provide for the file specifications for the information contained in the Sales Disclosure Form, and any modification of the form would require an update to the corresponding file specifications.





 The Sales Disclosure Form must be completed for any transfer of a real property interest for valuable consideration that is transferred under a "conveyance document".



IC 6-1.1-5.5-2

"CONVEYANCE DOCUMENT" DEFINED

**Sec. 2. (a)** As used in this chapter, "conveyance document" means any of the following:

(1) Any of the following that purports to transfer a real property transfer for valuable consideration:

(A) A document.

(B) A deed.

(C) A contract of sale.

(D) An agreement.

**(E)** A judgment.

(F) A lease that includes the fee simple

estate and is for a period in excess of

ninety (90) years.

(G) A quitclaim deed serving as a source of title.

(H) Another document presented for recording.



#### IC 6-1.1-5.5-2 (CONTINUED)

#### "CONVEYANCE DOCUMENT" DEFINED

- (2) Documents for compulsory transactions as a result of foreclosure or express threat of foreclosure, divorce, court order, condemnation, or probate.
- (3) Documents involving the partition of land between tenants in common, joint tenants, or tenants by the entirety.
- (b) The term does *not* include the following:
  - (1) Security interest documents such as mortgage and trust deeds.
  - (2) Leases that are for a term of less than ninety (90) years.
  - (3) Agreements and other documents for mergers, consolidations, etc.
  - (4) Quitclaim deeds not serving as a source of title.
  - (5) Public utility or governmental easements or rights-of-way.



- Who must complete the Sales Disclosure Form?
  - The transferor and the transferee.
    - All parties may sign one (1) form, or if all parties do not agree on the information to be included on the completed form, each party may sign and file a separate form.
    - For transactions involving more than two (2) parties, one (1) transferor and one (1) transferee signing the form is sufficient.



## Sales Disclosure Form Committee



## **SDF Committee**

- The Department formed a Sales Disclosure Form Revision Committee in mid-2018, including:
  - Allen County Assessor & First Deputy
  - Indiana Land Title Association
  - Indiana Association of Realtors
  - Nexus Group
  - Indiana State Bar Association
  - Indiana Business Research Center



## **SDF Committee**

 The SDF Committee met several times to discuss potential changes and improvements to the Sales Disclosure Form, engage with additional stakeholders, and review feedback and questions from local assessing officials and stakeholders.



## LSA Document No. 19-635 & 50 IAC 26



## LSA Document 19-635 & 50 IAC 26

- In addition to working with the SDF Committee to incorporate the necessary updates for the Sales Disclosure Form, the Department initiated the administrative rulemaking process to update the file specifications under 50 IAC 26.
  - Notice of Intent Published <u>December 4, 2019</u>
  - Proposed Rule Published May 27, 2020
  - Public Hearing June 24, 2020



## LSA Document 19-635 & 50 IAC 26

- The Final Rule for LSA Document No. 19-635 containing the updated file specifications for the Sales Disclosure Form was adopted by the Department on July 1, 2020.
- The Final Rule documents are currently being reviewed by the Office of the Attorney General, and the deadline for approval by the Office of the Attorney General is November 1, 2020.



## LSA Document 19-635 & 50 IAC 26

- Additional information related to the Sales Disclosure
   Form File Specification Updates can also be found at:
  - https://www.in.gov/dlgf/2449.htm
  - http://iac.iga.in.gov/iac//irtoc.htm?lsayear=19&lsado
     c=635&view=list&ldn=Y



## Current Version vs. 2021 Version



#### Revised Sales Disclosure Form – Effective Date

- The revised and newly created forms below will be available for use starting January 1, 2021:
  - Sales Disclosure Form (State Form 46021)
  - Addendum Sales Disclosure Form Agricultural or Residential Property (State Form 57017)
  - Addendum Sales Disclosure Form Commercial or Industrial Property (State Form 57018)



## **Summary of SDF Revisions**

- Modifications are primarily related to grouping data fields together in a more logical way.
- Adds a few additional data points to include information that is specific to the various property types.
- Revised form has been designed to reduce the number of rejections.
- Incorporates revisions related to 2020 Legislation.



## Sales Disclosure Form - Instructions

- In addition to updating the Sales Disclosure Form, the Department is also currently working on updates and revisions to the Instructions that are included along with the form.
- These instructions will be available prior to the release of the revised Sales Disclosure Form on January 1, 2021.



## 2020 Legislative Changes

 During the 2020 Legislative Session, SEC. 9 of HEA 1113 removed specific data points related to seller provided financing.

> (14) The terms of seller provided financing. such as interest rate, points, type of loan, amount of loan, and amortization period, and whether the borrower is personally liable for repayment of the loan.

 These fields have also been removed from the Sales Disclosure Form.



## 2020 Legislative Changes

 Additionally, SEC. 8 of HEA 1113 that certain data no longer has to be reported to both the Department and LSA. Beginning July 1, 2020, the Sales Disclosure Form data submissions will only have to be reported to the DLGF.

Sales Disclosure Data

(SALEDISC, SALECONTAC, SALEPARCEL) Due January 31



## Part 1A – Property Information

#### **CURRENT VERSION**

#### **REVISIONS?**

- Font/Spacing
- Property Number vs.Parcel Number
- Space for Single Parcel

PART 1 – To be completed by BUYER A. PROPERTY TRANSFERRED – MUST		· ·	
1. Property Number	Check box if applicable to parcel	5. Complete Address of Property	6. Complete Tax Billing Address (if different from property address)
A.)	□         2. Split           □         3. Land           □         4. Improvement		

#### 2021 VERSION

PART 1 – To be completed by E A. PROPERTY TRANSFERRED – N		on a single conveyance docum	ent (Additional contiguous
1. Parcel Number or Tax Identification Number	Check all boxes applicable to parcel.	5. Complete Address of Property	6. Complete Tax Billing Address (if different from property address)
A.)	☐ 2. Split☐ 3. Land☐ 4. Improvement		



## Part 1B - Conditions

B. CO	NDITI	ONS – IDENTIFY ALL THAT APPLY
If condi	tion 1 ap	plies, filer is subject to disclosure and a disclosure filing fee.
YES	NO	CONDITION
		A transfer of real property interest for valuable consideration.
		2. Buyer is an adjacent property owner.
		3. Vacant land.
		4. Exchange for other real property ("Trade").
		5. Seller paid points. (Provide the value Table C Item 12.)
		6. Change planned in the primary use of the property? (Describe in special circumstances in Table C Item 3.)
		7. Existence of family or business relationship between buyer and seller. (Complete Table C Item 4.)
		8. Land contract. Contract term (ייי): and contract date (мм/рр/үүүү):
		9. Personal property included in transfer. (Provide the value Table C Item 5.)
		10. Physical changes to property between March 1 and date of sale. (Describe in special circumstances in Table C Item 3.)
		11. Partial interest. (Describe in special circumstances in Table C Item 3.)
		12. Easements or right-of-way grants.

#### **CURRENT VERSION**

If condi	tions 13	3-15 apply, filers are subject to disclosure, but no disclosure filing fee.
YES	NO	CONDITION
		<ol> <li>Document for compulsory transactions as a result of foreclosure or express threat of foreclosure, divorce, court order, judgment, condemnation, or probate.</li> </ol>
		<ol> <li>Documents involving the partition of land between tenants in common, joint tenants, or tenants by the entirety.</li> </ol>
		15. Transfer to a charity, not-for-profit organization, or government.



## Part 1B - Conditions

#### 2021 VERSION

#### **REVISIONS?**

- Font/Spacing
- Additional Instructions
- ParcelNumber ofTraded Property

B. C	ONE	OITIONS – Check only those that apply.			
If cond YES	dition 1	<ul> <li>applies, filer is subject to disclosure and a disclosure filing fee. CONDITION</li> <li>1. A transfer of real property interest for valuable consideration.</li> <li>2. Buyer is an adjacent property owner.</li> <li>3. Vacant land (No structures on land)</li> </ul>	YES	NO	CONDITION  7. Easements or right-of-way grants. (Please note that: (i) public utility/governmental easements; or (ii) rights-of-way that do not transfer fee simple; do not require a sales disclosure form. See the instructions for more information.)
		Exchange for other real property ("Trade")  Parcel number of traded property:			s 8-10 apply, filers are subject to disclosure, but isclosure filing fee.
		5. Land contract.  Contract term (YYYY-YYYY):  Contract date (MM/DD/YYYY):			8. Document for compulsory transactions as a result of foreclosure or express threat of foreclosure, divorce, court order, judgment, condemnation, eminent domain, or probate.
		6. Partial interest Describe:		0	9. Documents involving the partition of land between tenants in common, joint tenants, or tenants by entirety.
				U	<b>10.</b> Transfer to a charity, not-for-profit organization, or governmental entity or agency.



## Part 1C - Transaction Details

C. SALES DATA – DISCLOSE VALUE OF ITEMS LISTED IN TABLE B, ITEMS 1-15
1. Conveyance date (MM/DD/YYYY):
2. Total number of parcels:
Describe any unusual or special circumstances related to this sale, including the specification of any less-than-complete ownership interest and terms of seller financing.
YES NO CONDITION
4. Family or business relationship existing between buyer and seller? Amount of discount: \$
Disclose actual value in money, property, a service, an agreement, or other consideration.

#### **CURRENT VERSION**

5. Estim	ated	l value of personal property:	\$
6. Sales	pric	e:	\$
YES	NO	CONDITION	
		7. Is the seller financing sale? questions (8-13).	If yes, answer
		8. Is buyer/borrower persona	ally liable for loan?
		9. Is this a mortgage loan?	
10. Amo	unt	of loan:	\$
11. Inter	rest	rate:	%
12. Amo	unt	in points:	\$
13. Amo	rtiz	ation period:	



## Part 1C – Transaction Details

#### 2021 VERSION

#### **REVISIONS?**

- Special
   Circumstances
   of Transaction –
   Specific
   Examples
- Way to Link
   Connected SDFs

C. T	RANS	ACTION DETAILS – Complete only those t	that apply.
YES	NO	CONDITION	YES NO 6. Transaction includes multiple Sales Disclosure Forms?
		1. Sheriff Sale or Tax Sale	□ □ SDF Form of
		2. Short Sale	7. Date conveyance document signed (MM/DD/YYYY):
		3. Quitclaim Deed	8. Approximate number of days property was on the market:
		4. Auction	9. Total number of parcels on this disclosure:
<b>5.</b> Oth	ner:		(If there is more than one (1) parcel, see Page 5.)
			<ol> <li>Select the type(s) of property below and fill out corresponding page(s).</li> <li>Check all that apply.</li> </ol>
			Residential Agricultural (Complete Page 2, Sec. D-E)
			Commercial Industrial (Complete Page 2, Sec. F-G)



## Specific Property-Type Sections - NEW

11	Select the type(s) of property below ck all that apply.	and fi	Il out corresponding page(s).
	Residential (Complete Page 2, Sec. D-E)	0	Agricultural (Complete Page 2, Sec. D-E)
	Commercial (Complete Page 2, Sec. F-G)		Industrial (Complete Page 2, Sec. F-G)

 While the revised Sales Disclosure Form will contain a few additional fields, the form has been broken down into property-type sections to aid both assessing officials and form preparers.



## Part 1D - Residential/Agricultural Sales Data

# D. SALES DATA – Complete only those that apply. Information contained in question 3 is confidential and non-disclosable under IC § 5-14-3-4 YES NO CONDITION Describe: Describe: Describe: 2. Property is a residential rental property. D. SALES DATA – Complete only those that apply. SALES DATA – Complete only those that apply. Describe: Descri

- Part 1D questions were previously included in Part 1B and Part 1C of the Current Sales Disclosure Form.
- Confidential Information Designation Option



## Part 1E – Residential/Agricultural Finance Data

Part 1C(6)
Part 1C(5)
Part 1C(12)
Part 1C(4)
Part 1C(3)
Part 1C(3)

E. FINANCE DATA – Complete only those that apply.			
1. Sales Price:	YES	NO	condition Part 1C(7)
2. Personal Property included in transfer. Amount:			6. Is the seller financing the sale? (If yes,
3. Seller paid points/closing costs. Amount:			answer questions 7-8) Part 1C(8)
4. Existence of family or business relationship between the buyer			7. Is buyer/borrower personally liable for loan?
and the seller. Amount of discount (if any): \$			8. Is this a mortgage loan? Part 1C(9)
5. Describe any less-than-complete ownership interest and terms			9. Was an appraisal done?
of seller financing			

- Part 1E questions were previously included in Part 1C of the Current Sales Disclosure Form.
- Failure to answer *Italicized* question should NOT result in a denial of the underlying conveyance documents.



## Part 1F - Commercial/Industrial Sales Data

COMMERCIAL	OR INDUSTRIAL	PROPERTY
COMMITTOR		

	n contained in question 3 is confidential and non-disclosable	ie under ic § 5-14-5-4.	
YES NO	CONDITION  1. Changes to the property between Jan. 1 and sale date?  Describe:  2. Property is a residential rental property.	3. Planned use of the property?  Describe:	Pa

- Part 1F questions were previously included in Part 1B and Part 1C of the Current Sales Disclosure Form.
- Confidential Information Designation Option



## Part 1G - Commercial/Industrial Finance Data

<b>~</b> \		les pri	ce. Amount:	9. How was the sale financed? (Check any that apply.)	
Part 1C(6)	Check only those conditions that apply.			9. How was the sale financed? (Check any that apply.)  All Cash  Seller Financing  Construction Loan	
'W	YES	NO	CONDITION	☐ Mortgage Loan ☐ Sale Leaseback ☐ Small Business Loan	
			2. Sale price included an existing business?	10. How was property marketed?   Word of mouth	
	0		3. Sale price included a liquor license?	☐ List with broker ☐ For sale sign ☐ Buyer approached	
			4. Transaction was part of a portfolio sale?	11. Special Circumstances? (Check any that apply.)	
			5. Any part of the property was leased at time of sale?	Sale between same Sale in lieu of Sold at	
			6. Sale included property receiving an abatement?	business entity	
			7. Appraisal was completed for the sale?	☐ Trade of equipment ☐ Sale of partial or services ☐ interest ☐ Part 1	
			Appraisal Value \$	or services interest	

- Part 1G questions were previously included in Part 1C of the Current Sales Disclosure Form.
- Failure to answer Italicized question should NOT result in a denial of the underlying conveyance documents.



## Part 1(I) & 1(J) - Seller(s) & Buyer(s)

#### 2021 VERSION

I. Seller(s)/Grantor(s)	J. Buyer(s)/Grantee(s) – Application for Propert	
Seller 1 – Name as it appears on conveyance document	Buyer 1 – Name as it appears on conveyance document	
Address (number and street)	Address (number and street)	
City, state, and ZIP Code	City, state, and ZIP Code	
Country	Country	
E-mail address Telephone number	E-mail address Telephone number	

- Only substantive change to Part 1(I) and Part 1(J) is the addition of a "Country" field.
- Minor formatting and spacing modifications.



## **Application for Certain Deductions**

#### **CURRENT VERSION**

YES	NO	CONDITION	
		<ol> <li>Will this property be the buyer's primary residence? Provide complete address of pri residence, including county:</li> </ol>	imary
Addr	ess (Nun	nber and Street)	
City,	State ZIF	<sup>o</sup> Code	County
		<ol><li>Does the buyer have a homestead in Indian vacated for this residence? If yes, provide complete address of residence being vacate including county:</li></ol>	
Addr	ess (Nun	nber and Street)	
City,	State ZII	<sup>o</sup> Code	County

#### 2021 VERSION

Pursuant to IC 6-1.1-12-44, the Sales Disclosure Form may be used to			
YES	NO	CONDITION	
	0	1. Will this property be the buyer's primary residence?	
0	0	Does the buyer have a homestead to be vacated for this residence? If yes, provide address:	
Address (number and street)			
City, state, and ZIP Code County			

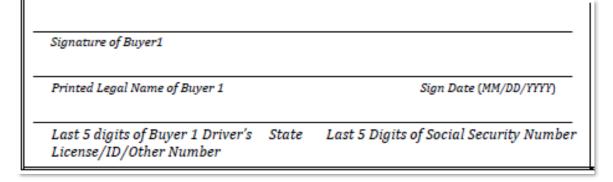
 Simplified what information needs to be provided in order to claim Homestead Deduction.

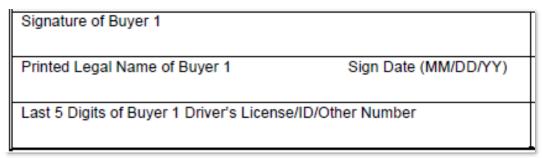


## Signature Requirements

#### **CURRENT VERSION**

#### 2021 VERSION



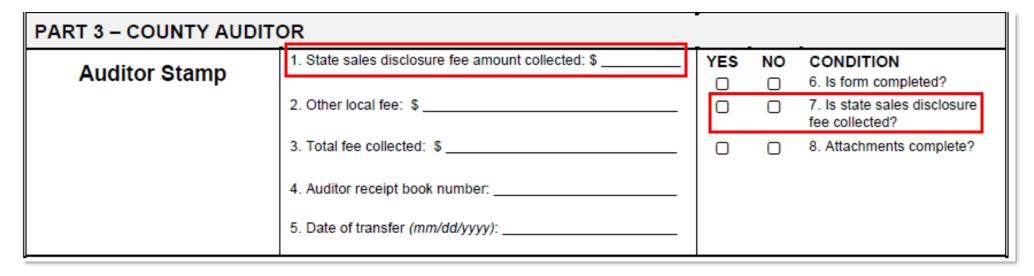


 To better reflect the information that is required for the Homestead Deduction (IC 6-1.1-12-37), the Signature field will no longer include a space for the Buyer to include both the Last 5 digits of SSN and the Last 5 digits of Driver's License/ID/Other Number.



## Part 3 – County Auditor

#### 2021 VERSION



 Clarification has been added specifying that the referenced "disclosure fee" is the State Sales Disclosure Fee.



## Sales Disclosure Part 1(A) - NEW

#### SALES DISCLOSURE PART 1(A)

State Form 55632 (R / 1-21)

PRIVACY NOTICE: The telephone numbers and Social Security numbers of the parties on this form are confidential according to IC 6-1.1-5.5-3. Do NOT place personally identifiable information (e.g. consulate numbers, passport numbers; government ID numbers, etc.) on this form as it may become publicly available.

SDF ID			
	County	Year	Unique ID

PART 1 – To be completed by BUYER/GRANTEE and SELLER/GRANTOR  A. PROPERTY TRANSFERRED – Must be conveyed on a single conveyance document.  (Multiple parcels can be listed on this form and attached to State Form 46021 only if they are contiguous and located entirely within a single taxing district.)				
1. Parcel Number or Tax Identification Number	Check all boxes applicable to parcel.	5. Complete Address of Property	<ol><li>Complete Tax Billing Address (if different from property address)</li></ol>	
B.)	2. Split 3. Land 4. Improvement			
7. Legal Description of Parcel B:				
с.)	2. Split 3. Land 4. Improvement			

For transactions that involve multiple parcels, Part 1(A) has been added as an additional page for the form. Allows for the eight (8) additional parcels to be added.



## Sales Disclosure Form Addenda - NEW

- In order to give local assessing officials the ability to add additional or modified information related to a property transaction, the Department has developed two (2) Sales Disclosure Form Addenda (1) Residential/Agricultural; and (2) Commercial/Industrial.
- These Addenda will only be available for use by the local assessing official and will allow additional information to be tied to the transaction without requiring a modification of the original submission.



## State Forms 57017 & 57018 - SDF Addendum



#### ADDENDUM SALES DISCLOSURE FORM AGRICULTURAL OR RESIDENTIAL PROPERTY

State Form 57017 (1-21)

Prescribed by Department of Local Government Finance Pursuant to IC 6-1.1-5.5

INSTRUCTIONS: This form should only be used by assessing officials to modify or note additional information about a sale that is identified after the original Sales Disclosure Form has been submitted.



#### ADDENDUM SALES DISCLOSURE FORM COMMERCIAL OR INDUSTRIAL PROPERTY

State Form 57018 (1-21)

Prescribed by Department of Local Government Finance Pursuant to IC 6-1.1-5.5

INSTRUCTIONS: This form should only be used by assessing officials to modify or note additional information about a sale that is identified after the original Sales Disclosure Form has been submitted.

F. ADDITIONAL INFORMATION		
Physical changes to the property identified after the submission of the original Sales Disclosure Form:	Identify any additional special circumstances or information relating to the sale identified after the submission of the original Sales Disclosure Form:	



### State Forms 57017 & 57018 - SDF Addendum

- For both State Form 57017 and State Form 57018, the form includes the same fields that are available on the original Sales Disclosure Form for the corresponding property type, and there is new section on each addendum for the local assessing official to add any additional information that is relevant for the transaction.
  - Part 1(F)(2)



## Questions?

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