

RP-5217 ANSWER / FACT SHEET

rev. 11/2/11

(i:\Sales\Correspondence\LocalGovt\County\5217FactsNov2011.doc)

County Clerk Responsibilities:

1. On or before the 15th day of each month, the RP-5217's from the preceding calendar month shall be distributed to the appropriate parties.
2. The County Clerk's office should be reviewing RP-5217's for completeness not accuracy.
3. The County Clerk's office should collect the RP-5217 filing fee. (The filing fee is NOT required from the County or State, but the filing of the RP-5217 is required.)
4. The County Clerk's Office must contact ORPTS if there are any changes to the Book/ Page filing scheme for documents in the County. Book & Page are part of a unique identifier for local and state processes.

1. Additional Info: As per Sec. 574 of the RPTL - 'On or before the 15th day of each month, the county recording officer or such other officer or agency as may be designated by the county legislative body shall furnish to the assessors of each assessing unit in the county, to the county equalization agency through the office of the county director of real property tax services and to the state board a report showing all transfers during the preceding calendar month of real property situated wholly or partly within such assessing unit.'

3. Fee is \$125, if
Item 7A, 7B, 7E or both 7G & 8 have been checked on the RP-5217
OR
Item 18 is equal to 100-199, 200-299 or 411-C.

Fee is \$250 for all other RP-5217's.

Note: If multiple parcels are being transferred on one deed, the primary use, at time of sale, should be identified in Item 7 & 18 of the RP-5217 and the appropriate fee would apply based on above.

General RP-5217 Filing Info:

1. The RP- 5217 **must** be filed with all deeds and correction deeds and the filing fee collected.
(As per Sec. 333 of the Real Property Law)
2. The RP-5217 with a revised date of 7/1/94 or later are the only versions that should be accepted by the County Clerk. See Additional Info for exception.
3. The separate **RP-5217NYC** is filed for transfers of property located within the 5 boroughs of NYC only. *NYC transmits data to Tax and Finance electronically.*
4. The RP-5217 is NOT filed for co-op transfers, right-of-ways, easements, leases, a will, license agreement, mortgage, tax sale certificates, option-to-buy or an executory contract for the sale or purchase of lands.
5. The RP-5217 is NOT required for individual cemetery plots, however, it is required for the transfer of an entire cemetery.
6. Photocopies or facsimiles of the RP-5217 are NOT acceptable in lieu of the 4-part form, unless otherwise approved/agreed upon by ORPTS and the County Clerk.

1. Additional Info: This includes the conveyance of a life estate, the filing of a Notice of Appropriation with an acquisition map by the State, and a deed by which title to privately owned streets in a subdivision is transferred to a municipality. Court orders filed, related to litigation *after* Appropriation, do **not** require another RP-5217.

2. The exception is the filing of an old deed (prior to 7/1/94), where an older version of the RP-5217 had been completed, but paperwork was not filed. As of July 1, 1994 all sales data from the RP-5217 is public, including sales that occurred before that date.

3. NYC sales data is available for the public on the NYC Dept. of Finance's web site.

4a. A transfer of 'mineral rights' is considered a license agreement and the RP-5217 is NOT required.

4b. A Land Contract is considered an executory contract. An RP-5217 is *NOT* required at time of filing contract, but will be required at the time the Land Contract payments have been completed and conveyance of property via Deed occurs.

<p><u>For County Use Only Section - SWIS, Date Deed Recorded, Book and Page (C1 – C4)</u></p> <p><i>MUST be entered by County staff and must NOT be blank.</i></p>	<p>Additional Info:</p> <ul style="list-style-type: none"> - Care should be taken in entry of Date Deed Recorded, especially the year. Entry of a wrong year, especially at the beginning of a new year, results in time-consuming review of cross edits with other dates on the RP-5217. - The Book and Page entered should NOT be a duplicate of any other that have been assigned by the County.
<p><u>Property Location (1)</u> Refers to the actual physical location of property being transferred. This includes street address, city/town and/or village name and zip code. <i>The city/town and/or village name should be the actual municipality in which the parcel is located and not that used as the mailing address.</i></p> <p><i>Property Location must NOT be blank.</i></p>	
<p><u>Buyer and Seller Names (2 & 6)</u> Buyer Name (Grantee) - Enter the name or names of the buyer(s) of the property being transferred. Enter the last name or company name first. Attach additional sheet if necessary. Seller Name (Grantor) - Enter the name or names of the seller(s) of the property being transferred. Enter the last name or company name first. Attach additional sheets if necessary.</p> <p><i>Buyer and Seller Names must NOT be blank.</i></p>	
<p><u>Number of Parcels / Part of Parcel (4)</u> Number of Parcels - Enter the number of assessment roll parcels transferred on the deed (i.e. 1, 2, 3, etc.).</p>	<p>Additional Info:</p> <ul style="list-style-type: none"> - The number of parcels entered in item 4 should equal the number of “Tax Map Identifiers/Roll Identifiers” entered in item 20. - If part of a parcel is included in the transfer, check the box and include part of parcel in the count for number of parcels. <p><i>Examples:</i> 2 parcels and part of a 3rd parcel sold. The number 3 should be entered for the number of parcels and the ‘part of parcel’ box should be checked. Part of 1 parcel sold. The number 1 should be entered for the number of parcels and the ‘part of parcel’ box should also be checked.</p>
<p><u>Subdivision Questions (4A-C)</u> Were added to the form as a consumer protection device as lobbied by the Rural Resources Commission to protect buyers who are unaware that a specific parcel cannot be subdivided.</p>	<p>Additional Info:</p> <ul style="list-style-type: none"> - <i>If part of a parcel is being conveyed and that box is checked, then these questions should be answered if they apply.</i>
<p><u>Deed Property Size (5)</u> Refers to the size of the property conveyed in the deed.</p> <p><i>Must NOT be blank.</i></p>	<p>Additional Info:</p> <ul style="list-style-type: none"> - If multiple parcels are being transferred on one deed, the size represents the combined size. If part of a parcel is being conveyed, it represents only the portion of the parcel being transferred.
<p><u>Property Use (7)</u> Refers to the use that most accurately describes the property (or the intended use of the property) at the time of sale.</p> <p><i>Must NOT be blank.</i></p>	<p>Additional info:</p> <ul style="list-style-type: none"> - If multiple parcels with multiple uses are being transferred, choose the primary use that most accurately describes the property at the time of sale. This is usually the parcel with the largest assessment.

<p><u>Ownership Type is Condo Or New Construction on Vacant Land (8 & 9)</u></p> <p><i>Check boxes only if applicable.</i></p>	<p>Additional info:</p> <ul style="list-style-type: none"> - If the sale is for individual ownership of a condominium unit in a multi-unit structure or property, check Condo. - If the property sold is new construction, check New Construction.
<p><u>Agricultural Questions (10A & B)</u></p> <p>Were added to the form as a consumer protection device as lobbied by the Rural Resources Commission. In order to remove the agricultural status on a property, the buyer must be aware that there is a substantial fine/fee involved. Also, the buyer must be aware that the area consists of operating farms and is not just the “country”.</p> <p><i>Check boxes only if applicable.</i></p>	<p>Additional Info:</p> <ul style="list-style-type: none"> - Local Assessor or County Director of Real Property Tax Services should be able to provide information as to whether a property resides in an agricultural district.
<p><u>Sale Contract Date (11)</u></p> <p>Refers to the date that a contract for sale was signed. In the case of a verbal contract, this refers to the date that the full sale price was established and the parties agreed to the transfer.</p>	<p>Further clarification:</p> <ul style="list-style-type: none"> - This date also represents the date a contract was signed for any land contract sales.
<p><u>Date of Sale (12)</u></p> <p>Refers to the date on which the seller conveyed the title of the real property to the buyer. Generally, this will be the date of the closing or, if there is no formal closing, the date within the text of the deed.</p> <p><i>Date of Sale must NOT be blank.</i></p>	
<p><u>Full Sale Price (13)</u></p> <p>See item 13 in the instructions for details of what constitutes Full Sale Price.</p> <p><i>Full Sale Price must NOT be blank. If there is no Sale Price, a zero (\$0) is required.</i></p>	<p>Additional Info:</p> <ul style="list-style-type: none"> - Enter a whole dollar amount only. - Should not contain decimals.
<p><u>Conditions as applicable to transfer (15)</u></p> <p>If there are no conditions applicable to the transfer, then “J – None” must be checked.</p> <p><i>Must NOT be blank.</i></p>	
<p><u>Year of Assessment Roll and Total Assessed Value (16 & 17)</u></p> <p>Should be taken from <i>latest Final Assessment Roll</i> and tax bill.</p> <p><i>Must NOT be blank.</i></p>	<p>Additional Info:</p> <ul style="list-style-type: none"> - Total Assessed Value should be total of ALL parcels included in the transfer.
<p><u>Property Class (18)</u></p> <p>Refers to the numeric code that reflects the property type as it may appear on the tax bill representing the latest final assessment roll. See item 18 of the instructions for details.</p> <p><i>Must NOT be blank.</i></p>	<p>Additional Info:</p> <ul style="list-style-type: none"> - If multiple parcels with multiple property class codes are being transferred, choose the code that would most accurately describe the primary use of the property as of the latest final assessment roll. This is usually the parcel with the largest assessment. - The ownership portion (after the dash) should be left blank unless the types of ownership are: A, B, C, D, T, U or W if they apply, as per form instructions.
<p><u>School District Name (19)</u></p> <p>Refers to the <i>legal</i> name of the school district in which the property being transferred is located.</p> <p><i>Must NOT be blank.</i></p>	<p>Additional Info:</p> <ul style="list-style-type: none"> - In some cases, only the school district code is available to the person filling out the form. ORPTS staff can decode any of these by acquiring the six-digit code.

<p><u>Tax Map Identifiers / Roll Identifiers (20)</u> Refers to the tax map number(s) or roll identifier(s) for the parcel(s) involved in the transfer. The appropriate identifier can be found on the tax bill or assessment roll. This number should be transcribed exactly as it appears. It is very important to include the dots and dashes found in the identifier (i.e., 087.77-1-22).</p> <p><i>Must NOT be blank.</i></p>	<p>Additional Info:</p> <ul style="list-style-type: none"> - <i>Tax Map ID</i> consists of a unique section, block and lot, which distinguish a parcel from all other parcels in a municipality. - <i>Roll ID</i> consists of a unique number that distinguishes a parcel from all other parcels in a municipality. - The 6-digit SWIS code is not part of the tax map identifier. - Space is provided for up to 4 identifiers. If more than 4 identifiers are being provided, a separate sheet referencing the tax map number(s) should be attached. (The number of identifiers entered in item 20 should equal the "Number of Parcels" entered in item 4 and being transferred as part of the deed.)
<p><u>Buyer / Seller Signatures (Certification)</u> Legislation requires the signature of BOTH the buyer and the seller and not agents to the transfer.</p>	<p>Exceptions:</p> <ul style="list-style-type: none"> - If transfer occurs as a result of eminent domain (condemnation), tax foreclosure, or other involuntary proceeding, then the signature of the buyer (condemner, tax district, other party to whom the property has been conveyed, or by that party's attorney) is only needed. - If the buyer or seller is unable to sign, then a party who has been granted a "Power of Attorney" is acceptable. A copy of the "Power of Attorney" should be presented with the RP-5217 at the time deed is filed. However, attaching a copy to the RP-5217 is not required. - If an old deed is being filed (transaction prior to July 1, 1994), one signature is required which may be a party to the transfer, attorney or other agent to the transfer. An older version of the RP-5217 is acceptable in this case, <u>only</u>. - If multiple buyers and/or sellers are involved in the transfer, only one of each is required to sign. However, all names should be included at the top of the form. -A person transferring a life estate cannot be both a buyer and a seller. - For County Tax Sales - a signature stamp is an acceptable signature from the County. <p>Additional Info:</p> <ul style="list-style-type: none"> - Two copies of the RP-5217 for one transfer (one signed by the buyer and one by the seller) are not acceptable. - Photocopies or facsimiles of signatures are not acceptable. - HUD transactions require two signatures.
<p><u>Attachments related to the RP-5217</u> If the form references an attachment, the attachment (or a copy) should be included when document is forwarded to ORPTS by the County.</p>	