State of California

Board of Equalization
Property and Special Taxes Department

Memorandum

To: Honorable Jerome E. Horton, Chairman
Honorable Michelle Steel, Vice Chair
Honorable Betty T. Yee, First District
Senator George Runner (Ret.), Second District
Honorable John Chiang, State Controller

Date: December 7, 2012

From: David J. Gau, Deputy Director
Property and Special Taxes Department

Subject: ***Board Meeting, December 2012—Item N—Administrative Session***
Form BOE-502-D, Change in Ownership Statement, Death of Real Property Owner

I am requesting approval of the attached form BOE-502-D, *Change in Ownership Statement, Death of Real Property Owner*. Assembly Bill 1700, approved by the Governor on September 30, 2012, provides for a change in ownership exclusion from property taxes for a transfer of an interest in real property between cotenants that takes effect upon the death of one cotenant under the following circumstances:

- The transfer is solely by and between two individuals who together own 100 percent of real property in joint tenancy or tenancy in common;
- As a result of the death of one cotenant, the deceased cotenant's interest in the real property is transferred to the surviving cotenant, resulting in the surviving cotenant owning 100 percent of the real property;
- For the one-year period immediately preceding the death of one cotenant, both of the cotenants were owners of record and both continuously resided in the real property;
- The real property was the principal residence of both cotenants immediately preceding the deceased cotenant's death; and
- The transfer of real property occurs on or after January 1, 2013.

Revenue and Taxation Code section 480 requires that the Board prescribe the form used to advise county assessors of transfers of real property, including those transfers resulting from the death of the owner of the property. Form 502-D is a long-standing form prescribed by the Board and is being revised to include a section whereby the taxpayer can indicate that it is a transfer resulting from the death of a cotenant and, therefore, qualifies for the cotenant exclusion allowed by the provisions of Assembly Bill 1700.

Pursuant to the Board's authority under Government Code section 15606, subdivision (d), which requires the Board to prescribe and enforce the use of all forms for the assessment of property for taxation, and more specifically under Revenue and Taxation Code section 480 for change in

ownership statements, I request that this form be placed on the Board's December 2012 Administrative Session Agenda for approval.

DJG:sk
Attachment

cc: Ms. Joann Richmond

Approved:
Cynthia Bridges
Executive Director

Board Approved:
Joann Richmond, Chief
Board Proceedings Division

BOE-502-D (P1) REV. 06 (12-12)

CHANGE IN OWNERSHIP STATEMENT
DEATH OF REAL PROPERTY OWNER

This notice is a request for a completed Change in Ownership Statement. Failure to file this statement will result in the assessment of a penalty.

NAME AND MAILING ADDRESS
(Make necessary corrections to the printed name and mailing address)

Section 480(b) of the Revenue and Taxation Code requires that the personal representative file this statement with the Assessor in each county where the decedent owned property at the time of death. **File a separate statement for each parcel of real property owned by the decedent.**

NAME OF DECEDENT	DATE OF DEATH

☐ YES ☐ NO Did the decedent have an interest in real property in this county? If **YES**, answer all questions. If **NO**, sign and complete the certification on page 2.

STREET ADDRESS OF REAL PROPERTY	CITY	ZIP CODE	ASSESSOR'S PARCEL NUMBER (APN)

DESCRIPTIVE INFORMATION ☑ *(IF APN UNKNOWN)*

- ☐ Copy of deed by which decedent acquired title is attached.
- ☐ Copy of decedent's most recent tax bill is attached.
- ☐ Deed or tax bill is not available; legal description is attached.

DISPOSITION OF REAL PROPERTY ☑

- ☐ Succession without a will
- ☐ Probate Code 13650 distribution
- ☐ Affidavit of death of joint tenant
- ☐ Decree of distribution pursuant to will
- ☐ Action of trustee pursuant to terms of a trust

TRANSFER INFORMATION ☑ Check all that apply and list details below.

- ☐ Decedent's spouse
- ☐ Decedent's registered domestic partner
- ☐ Decedent's child(ren) or parent(s.) If qualified for exclusion from assessment, a *Claim for Reassessment Exclusion for Transfer Between Parent and Child* must be filed (see instructions).
- ☐ Decedent's grandchild(ren.) If qualified for exclusion from assessment, a *Claim for Reassessment Exclusion for Transfer from Grandparent to Grandchild* must be filed (see instructions).
- ☐ Cotenant to cotenant. If qualified for exclusion from assessment, an *Affidavit of Cotenant Residency* must be filed (see instructions).
- ☐ Other beneficiaries.
- ☐ A trust.

NAME OF TRUSTEE	ADDRESS OF TRUSTEE

List names and percentage of ownership of all beneficiaries:

NAME OF BENEFICIARY	RELATIONSHIP TO DECEDENT	PERCENT OF OWNERSHIP RECEIVED

☐ This property has been or will be sold prior to distribution. (Attach the conveyance document and/or court order).

NOTE: Sale of the property does not relieve the need to file a *Claim for Reassessment Exclusion for Transfer Between Parent and Child* if appropriate.

THIS DOCUMENT IS NOT SUBJECT TO PUBLIC INSPECTION

☐ YES ☐ NO Will the decree of distribution include distribution of an ownership interest in any legal entity that owns real property in this county? If **YES**, will the distribution result in any person or legal entity obtaining control of more than 50% of the ownership of that legal entity? ☐ YES ☐ NO If **YES**, complete the following section.

NAME AND ADDRESS OF LEGAL ENTITY	NAME OF PERSON OR ENTITY GAINING SUCH CONTROL

☐ YES ☐ NO Was the decedent the lessor or lessee in a lease that had an original term of 35 years or more, including renewal options? If **YES**, provide the names and addresses of all other parties to the lease.

NAME	MAILING ADDRESS	CITY	STATE	ZIP CODE

MAILING ADDRESS FOR FUTURE PROPERTY TAX STATEMENTS

ADDRESS	CITY	STATE	ZIP CODE

CERTIFICATION

I certify (or declare) under penalty of perjury under the laws of the State of California that the information contained herein is true, correct and complete to the best of my knowledge and belief.

SIGNATURE OF PERSONAL REPRESENTATIVE ▶	PRINTED NAME OF PERSONAL REPRESENTATIVE
TITLE	DATE
E-MAIL ADDRESS	DAYTIME TELEPHONE ( )

INSTRUCTIONS

IMPORTANT

Failure to file a Change in Ownership Statement within the time prescribed by law may result in a penalty of either $100 or 10% of the taxes applicable to the new base year value of the real property or manufactured home, whichever is greater, but not to exceed five thousand dollars ($5,000) if the property is eligible for the homeowners' exemption or twenty thousand dollars ($20,000) if the property is not eligible for the homeowners' exemption if that failure to file was not willful. This penalty will be added to the assessment roll and shall be collected like any other delinquent property taxes and subjected to the same penalties for nonpayment.

Section 480 of the Revenue and Taxation Code states, in part:

(a) Whenever there occurs any change in ownership of real property or of a manufactured home that is subject to local property taxation and is assessed by the county assessor, the transferee shall file a signed change in ownership statement in the county where the real property or manufactured home is located, as provided for in subdivision (c). In the case of a change in ownership where the transferee is not locally assessed, no change in ownership statement is required.

(b) The personal representative shall file a change in ownership statement with the county recorder or assessor in each county in which the decedent owned real property at the time of death that is subject to probate proceedings. The statement shall be filed prior to or at the time the inventory and appraisal is filed with the court clerk. In all other cases in which an interest in real property is transferred by reason of death, including a transfer through the medium of a trust, the change in ownership statement or statements shall be filed by the trustee (if the property was held in trust) or the transferee with the county recorder or assessor in each county in which the decedent owned an interest in real property within 150 days after the date of death.

The above requested information is required by law. Please reference the following:

- Passage of Decedent's Property: Beneficial interest passes to the decedent's heirs effectively on the decedent's date of death. However, a document must be recorded to vest title in the heirs. An attorney should be consulted to discuss the specific facts of your situation.
- Change in Ownership: California Code of Regulations, Title 18, Rule 462.260(c), states in part that "[i]nheritance (by will or intestate succession)" shall be "the date of death of decedent."
- Inventory and Appraisal: Probate Code, Section 8800, states in part, "Concurrent with the filing of the inventory and appraisal pursuant to this section, the personal representative shall also file a certification that the requirements of Section 480 of the Revenue and Taxation Code either:
  (1) Are not applicable because the decedent owned no real property in California at the time of death
  (2) Have been satisfied by the filing of a change in ownership statement with the county recorder or assessor of each county in California in which the decedent owned property at the time of death."
- Parent/Child and Grandparent/Grandchild Exclusions: A claim must be filed within three years after the date of death/transfer, but prior to the date of transfer to a third party; or within six months after the date of mailing of a Notice of Assessed Value Change, issued as a result of the transfer of property for which the claim is filed. An application may be obtained by calling XXX-XXX-XXXX.
- Cotenant to cotenant. An affidavit must be filed with the county assessor. An affidavit may be obtained by calling XXX-XXX-XXXX.

This statement will remain confidential as required by Revenue and Taxation Code Section 481, which states in part: "These statements are not public documents and are not open to inspection, except as provided by Section 408."