

# WV/NRER

Rev. 02/13

## APPLICATION FOR EARLY REFUND OF WITHHOLDING ON SALES OF REAL PROPERTY BY NONRESIDENTS

West Virginia State Tax Department

Mail completed form to: WV State Tax Department, Tax Account Administration Division, PO Box 784, Charleston, WV 25323-0784

|                    |            |                 |            |
|--------------------|------------|-----------------|------------|
| Tax Year Beginning | MM DD YYYY | Tax Year Ending | MM DD YYYY |
|--------------------|------------|-----------------|------------|

**THIS FORM IS OPTIONAL AND IS NOT REQUIRED TO BE FILED.** DO NOT file this form unless your only source of WV income is the sale of real property and associated personal property in WV. **DO NOT file this form prior to 60 days or later than 120 days of the effective date of transfer or after the end of the tax year in which the property is sold.**

|   |           |                                 |
|---|-----------|---------------------------------|
| NAME (if joint, include first name and initial of both)         | LAST NAME | YOUR SOCIAL SECURITY NUMBER     |
| NAME (Corporation, Partnership, Trust or Estate)                |           | SPOUSE'S SOCIAL SECURITY NUMBER |
| CORPORATE OFFICER, PARTNER, TRUSTEE, EXECUTOR, OR ADMINISTRATOR |           | FEIN                            |
| ADDRESS (NUMBER AND STREET)                                     |           |                                 |
| CITY, STATE AND ZIP CODE  |           |                                 |

### DESCRIPTION OF WV REAL PROPERTY TRANSACTION

CHECK ONE:  INDIVIDUAL  BUSINESS ENTITY

A. Date of Transfer MM DD YYYY B. Property Account ID number

C. Location and general description of property:

|   |   |   |
|---|---|---|
| 1. Enter amount withheld on Form WV/NRSR (attach photocopy of Copy C).....                      | 1 | ⋮ |
| 2. Sales price.....   | 2 | ⋮ |
| 3. Cost or other basis.....   | 3 | ⋮ |
| 4. Gain (line 2 less line 3).....   | 4 | ⋮ |
| 5. Complete whichever applies: 5a) 2.5% of total payment, or 5b) 6.5% of estimated capital gain | 5 | ⋮ |
| 6. REFUND. Line 1 less line 5 (this line MUST be completed).....                                | 6 | ⋮ |

### SCHEDULE FOR COMPUTATION OF COST OR OTHER BASIS

|  |   |   |
|--|---|---|
| a. Purchase price of property.....                         | a | ⋮ |
| b. Add: Capital Improvements.....                          |   | ⋮ |
| Selling expenses.....                                      |   | ⋮ |
| Other (list).....  | b | ⋮ |
| c. Less: Depreciation.....                                 |   | ⋮ |
| Other (list).....  | c | ⋮ |
| d. Adjusted basis of property (enter on line 3 above)..... | d | ⋮ |

|  |   |  |                       |
|--|---|--|-----------------------|
| Under the penalties of perjury, I declare that I have examined this application, accompanying schedules or statements, and to the best of my knowledge and belief, it is true, correct and complete. If prepared by a person other than the taxpayer, the declaration is based upon information of which the preparer has knowledge. | Signature                                 | Title (if applicable)                    | Date                  |
|  | Signature (spouse, if applicable)         | Title (if applicable)                    | Date                  |
|  | Signature of preparer other than taxpayer | Address and telephone number of preparer | Prepare's SSN or PTIN |

# WV/NRER

## INSTRUCTIONS FOR APPLICATION FOR EARLY REFUND

### GENERAL INSTRUCTIONS

THIS FORM IS OPTIONAL AND IS NOT REQUIRED TO BE FILED.

#### *PURPOSE OF FORM*

The income tax withheld at closing and paid to the WV State Tax Department is claimed on the WV Income Tax return filed by transferor for the tax year in which the transfer of the real property and associated tangible personal property in WV is sold. You may elect to receive a refund of excess income tax withheld prior to filing the income tax return. Use form WV/NRER to apply for a refund of the amount of tax withheld on the sale or transfer of WV real property interest(s) by a nonresident individual or nonresident entity which is in excess of the transferor/seller's tax liability for the transaction. **Form WV/NRER may not be filed prior to 60 days after the date the tax withheld is paid to the State Tax Department and may not be filed more than 120 days after the date of transfer of the real property.**

**Form WV/NRER may not be filed after the end of the tax year in which the transfer of the real property occurs. Form WV/NRER will be rejected if it is filed after the end of the tax year in which the transfer occurs.**

**IMPORTANT:** If Form WV/NRER is filed, the transferor/seller must still file the appropriate WV Income Tax return after the end of the tax year, report the entire income for the year (from all sources, including the transfer), and pay any additional tax due on the income or request an additional refund.

#### *WHO MAY FILE AN APPLICATION*

An individual, fiduciary, or corporation transferor/seller may file Form WV/NRER. A pass-through entity transferor/seller may not file Form WV/NRER.

### SPECIFIC INSTRUCTIONS

At the top of Form WV/NRER, enter the tax year of the transferor/seller if other than a calendar year.

Enter the name, address and identification number (social security number or federal employer identification number) of the transferor/seller applying for a refund of the amount withheld. The name and identification number entered must be the same as the name and identification number entered for the transferor/seller on the Form WV/NRSR. If the identification number on this form is incorrect, enter the correct identification number and attach an explanation to the form. If the transferor/seller was issued an individual taxpayer identification number (ITIN) by the IRS, enter the ITIN.

Line A. Enter the date of the transfer.

Line B. Enter the location and general description of the property, including the WV property account ID number assigned by the County Assessor.

Check the box applicable to the type of taxpayer.

Line C. Enter the information describing the WV real property transaction.

Line 1. Enter the amount of tax withheld and reported on Line 8i of the Form WV/NRSR. A photocopy of Copy B of the form must be attached to this form. Retain the original Copy B with your tax records.

Line 2. Enter the contract sales price from the sale. **Attach a copy of the HUD-1 closing statement from the sale of this property.**

Line 3. In general, the cost or adjusted basis is the cost of the property plus purchase commissions and improvements, minus depreciation (if applicable). Increase the cost or other basis by any expense of sale, such as commissions and state transfer taxes. Complete the Schedule for Computation of Cost or Other Bases on the bottom of Form WV/NRER and enter the amount from Line d on Line 3. **Purchase price and improvement documentation is required.**

Line 4. Subtract the amount on Line 3 from the amount on Line 2. However, if you are reporting a gain under the installment method for federal income tax purposes, attach a separate sheet that lists the payments received during the tax year and the gross profit percentage. Multiply the amount of the payments by the gross profit percentage and enter the result on Line 4.

Line 5. Complete whichever applies: 2.5% of total payment or 6.5% of estimated capital gain.

Line 6. Subtract the amount on Line 5 from the amount on Line 1. If an overpayment is shown on Line 6, the State Tax Department will refund any amount of \$2.00 or more.

#### *SIGNATURE(S):*

Form WV/NRER must be signed by an individual (both taxpayer and spouse, if filing a joint income tax return), or a responsible officer of the company or corporation.

Your signature(s) signifies that your application, including all attachments, is, to the best of your knowledge and belief, true, correct and complete, under the penalties of perjury.

If a power of attorney is necessary, complete WV Form 2848 and attach to your application.

#### *WHERE TO FILE*

File the completed WV/NRER with the:  
West Virginia State Tax Department  
Tax Account Administration Division/Withholding Unit  
PO BOX 784  
Charleston WV 25323-0784

#### *ADDITIONAL INFORMATION*

For additional information, please call:  
1-800-982-8297 or  
TDD (hearing impaired) 1-800-282-9833