

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 Tax Division 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 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 NRER may not be filed prior to 30 days of the effective date of transfer or after December 15 of the tax year in which the property is sold. You must file the appropriate WV income tax return to obtain a refund.**

IMPORTANT

If Form 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 NRER. A pass-through entity transferor/seller may not file Form NRER.

SPECIFIC INSTRUCTIONS

At the top of Form 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.

Check the box applicable to the type of taxpayer.

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.

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 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 5.12% 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 Tax Division will refund any amount of \$2.00 or more.

Signature(s):

Form 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.

File the completed WV/NRER with the:

West Virginia Tax Division
Tax Account Administration Division
Withholding Unit
PO BOX 784
Charleston WV 25323-0784

For more information, you can:

- Call a Taxpayer Services Representative at (304)558-3333 or toll-free at (800) 982-8297 TDD (hearing impaired) 1-800-282-9833
- Email taxhelp@wv.gov
- Go Online to tax.wv.gov