



ALABAMA DEPARTMENT OF REVENUE  
 INDIVIDUAL & CORPORATE TAX DIVISION  
 WITHHOLDING TAX SECTION  
 P.O. Box 327480 • Montgomery, AL 36132-7480  
[www.revenue.alabama.gov](http://www.revenue.alabama.gov)

## Affidavit of Seller's Residence

SELLER'S NAME (AND SPOUSE'S NAME, IF JOINTLY OWNED)

SELLER'S IDENTIFICATION NUMBER (SSN OR FEIN)\*

SPOUSE'S IDENTIFICATION NUMBER (IF JOINTLY OWNED)\*

STREET ADDRESS

CITY

STATE

ZIP

### INSTRUCTIONS

This form is to be executed by the seller and furnished to the buyer to establish Alabama residency so that the proceeds of the sale of property are not subject to the withholding laws of this state (see Section 40-18-86, *Code of Alabama 1975*). Alabama residents include both individuals and business entities domiciled in Alabama. Business entities will be considered domiciled in Alabama if they are organized under Alabama law or they have their principal place of business in Alabama. Alabama residents are not subject to the withholding provisions of Alabama Code Section 40-18-86, and are not required to complete this form; however, a buyer may wish to have an Alabama resident complete this form as proof of residency for the buyer's records. In this case, the form should not be sent to the Alabama Department of Revenue, but should be retained by the buyer.

Sellers are not subject to withholding from the proceeds of a sale if either they are a resident of Alabama or they are deemed to be a resident of Alabama by virtue of the fact that they have filed Alabama tax returns in the preceding two years, do business or own property in Alabama, intend to file an Alabama tax return for the current year, and if they are a corporation or limited partnership, are registered to do business in Alabama.

The seller is to execute this affidavit by placing an initial in the blank preceding the statements which apply. The buyer may rely on the seller's affidavit unless the buyer knows or should know, based on the buyer's knowledge at the time of closing, that statements made on the affidavit are false. The buyer has no duty to investigate the statements made on a seller's affidavit. For a transaction where a nonresident seller is a "deemed resident," the buyer should retain a copy of the affidavit and submit the original copy to the Alabama Department of Revenue, Individual and Corporate Tax Division, Withholding Tax Section, P.O. Box 327480, Montgomery, AL 36132-7480.

**\*For privacy and confidentiality purposes, the SSN or FEIN of the seller and of the buyer may be omitted or deleted from copies of all documents exchanged between the parties involved. However, all documents required to be submitted to the Alabama Department of Revenue must contain the complete SSN or FEIN information on the original copy mailed to the Department.**

**Seller is exempt from withholding on the sale of property because:**

\_\_\_\_\_ Seller is a resident of Alabama. (If this statement applies, do not submit a copy of this form to the Alabama Department of Revenue. The buyer should retain a copy of the affidavit as a record of the transaction.)

**Seller is not a resident of Alabama, but is a "deemed resident" for purposes of withholding because ALL of the following apply:**

\_\_\_\_\_ Seller is a nonresident who has filed Alabama tax returns or appropriate extensions have been received by the Department for the preceding two years; AND

\_\_\_\_\_ Seller is an established business in Alabama and will continue substantially the same business in Alabama after the sale OR the seller has real property in Alabama at the time of closing of equal or greater value than the withholding tax liability as measured by the 100% property tax assessment of such remaining property; AND

\_\_\_\_\_ Seller will report the sale on an Alabama income tax return for the current year and file by its due date with extensions; AND

\_\_\_\_\_ If seller is a corporation or limited partnership, seller is registered to do business in Alabama.

Under penalties of perjury, I swear that the above information is to the best of my knowledge and belief, true, correct, and complete.

SELLER'S SIGNATURE (AND TITLE, IF APPLICABLE)

DATE

SPOUSE'S SIGNATURE (AND TITLE, IF APPLICABLE)

DATE

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Notary Public

My commission expires \_\_\_\_\_