

Exemption from Duty – Transfers to Married Couples and De facto Partners

Note:

- This form can only be used for Transfers executed prior to 11 April 2012. For Transfers executed on or after 11 April 2012, either Form ODA 067 or ODA 068 must be used
- This declaration is to be completed by the transferor/vendor under the transfer/agreement for sale or transfer of dutiable property for which the exemption from duty is claimed
- Print clearly in the boxed spaces and tick the most appropriate box
- Read the information section on the back page before completing this form.

I,
of

do solemnly and sincerely declare as follows:

1. I am the transferor/vendor under the transfer/agreement for sale or transfer of dutiable property dated / / lodged for stamping.
2. The dutiable property was originally acquired by me on / /
3. The other party to the transfer/agreement for sale or transfer is my:

Husband/Wife

My husband/wife's name is

We were married at

Place		
on the (Day)	of (Month)	(Year) 20

De facto partner

My de facto partner's name is

We entered into our de facto relationship*

on the (Day)	of (Month)	(Year) 20
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* This exemption under section 67 does not apply if the parties have not lived in the de facto relationship for at least two years before the date of transfer.

4. As a result of the transfer or agreement the dutiable property is or will be held by us as joint tenants or as tenants-in-common in equal shares.
5. The dutiable property is:
 - Land that has erected on it a private dwelling house and was solely or principally used, as at the date of the transfer or agreement, as our principal place of residence
 - Vacant land that we intend to use as the site of a private dwelling house to be solely or principally used as our principal place of residence
 - Shares that confer an entitlement to the exclusive possession of a company title dwelling that was solely or principally used, as at the date of the transfer or agreement, as our principal place of residence.

6. The dutiable property is more particularly described as:

Torrens Title

Folio identifier	Lot no.	Deposited/Strata plan no.
Street address		Postcode

Old system

Conveyance no.	Book	
Street address		Postcode

Shares relating to a company title dwelling

Numbered	From	To
in the company known as		
Street address of the dwelling		
		Postcode

Declaration

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1900*

Declared at (Place)	on (Date)	/	/20
Signature of declarant			

in the presence of an authorised witness, who states:

I (Name of authorised witness),
a (Qualification of authorised witness)

certify the following matters concerning the making of this statutory declaration by the person who made it (**please cross out any text that does not apply*):

- *I saw the face of the person OR
*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
- *I have known the person for at least 12 months OR
*I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was

(Describe identification document relied on)
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Signature of authorised witness	Date	/	/20
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Note: If a refund is to go to a third party, that person must have a Letter of Authority from the person who is primarily liable.

Information

1. For definitions of *de facto partner* and *company title dwelling* see the dictionary in the *Duties Act 1997*. The definition of *de facto relationship* can be found in section 4AA of the *Family Law Act 1975*.
2. A private dwelling house includes a lot within the meaning of the *Strata Scheme (Freehold Development) Act 1973* used as a place of residence.
3. An authorised witness in New South Wales includes:
 - ▶ Justice of the peace
 - ▶ Notary public
 - ▶ Commissioner of the court taking affidavits
 - ▶ Legal practitioner, i.e. a solicitor or a barrister with a current practising certificate issued under Part 3 of the *Legal Profession Act 1987*
 - ▶ Any person authorised to administer an oath.

Privacy statement

Information collected from you on this form is required by the Office of State Revenue (OSR) to determine if you have a liability or entitlement. The information may be provided to third parties with your consent or as required or permitted by law. OSR will correct or update your personal information at your request. Read more about privacy at www.osr.nsw.gov.au

Contact details

 1300 139 814* (Monday – Friday, 8.30 am – 5.00 pm) *Interstate clients please call (02) 9689 6200
 www.osr.nsw.gov.au  duties@osr.nsw.gov.au  Help in community languages is available.

Offices (Monday – Friday, 8.30 am – 4.30 pm)

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