

DETERMINATION OF VALUE

PER 12-24-30, SC CODE OF LAWS

EXEMPTIONS FROM RECORDING FEES

PER 12-24-40, SC CODE OF LAWS

Except as provided in this paragraph, the term "value" means the consideration paid or to be paid in money or money's worth for the realty. Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest, and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value must be used in calculating the Consideration paid in money's worth. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trusts beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remains on the land, tenement, or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

EXEMPTED FROM THE RECORDING FEES ARE DEEDS WHICH:

- 1) transfer realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than \$100;
- 2) transfer realty to the federal government or to a state, its agencies and departments, and to its political subdivisions, including school districts;
- 3) are otherwise exempted under the laws and constitution of the State of South Carolina or the United States (give cite);
- 4) transfer realty in which no gain or loss is recognized by reason of Section 1041 of the US Internal Revenue Code, as defined in section 12-6-40(A) of the SC Code of Laws;
- 5) transfer realty in order to partition the realty, as long as no consideration is paid for the transfer other than the interests in the realty(s) that are being partitioned;
- 6) transfer an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39;
- 7) constitutes a contract for sale of timber to be cut (but not the land upon which the timber stands);
- 8) transfers realty to a corporation, partnership, or trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity, provided no consideration is paid for the transfer other than stock in the entity, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, partnership, or trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, partnership, or trust;
- 9) transfers realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "family partnership" is a partnership whose partners are all members of the same family. A family trust is a trust, in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. A "family" means the grantor and the grantor's, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any of the above. A charitable entity means an entity which may receive deductible contributions under Section 170 of the US Internal Revenue Code, as defined in SC Code Section 12-6-40(A);
- 10) transfers realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;
- 11) transfers realty to a merger or consolidation from a constituent partnership to the continuing or new partnership;
- 12) constitutes a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective deed or quitclaim deed;
- 13) transfers realty subject to a mortgage to the mortgagee, whether by a deed in lieu of foreclosure executed by the mortgagee, or by deed pursuant to foreclosure;
- 14) transfers realty from an agent to the agent's principal, in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty; and,
- 15) transfers title to facilities for transmitting electricity that is transferred, sold, or exchanged by electrical utilities, municipalities, electric cooperatives, or political subdivisions to a limited liability company which is subject to regulation under the Federal Power Act (16 U.S.C. Section 791(a)), and which is formed to operate or to take functional control of electric transmission assets as defined in the Federal Power Act.