

Nick Jordan, Secretary  
David N. Harper, Director

Sam Brownback, Governor

### MEMORANDUM

**TO:** Kansas Register of Deeds  
**FROM:** David N. Harper, Director  
**DATE:** January 9, 2013  
**SUBJECT:** Kansas Real Estate Sales Validation Questionnaire – PV-RE-22-OP

This is to notify you that the Kansas Real Estate Sales Validation Questionnaire has been updated. Below is a summary of the additions or changes:

- Buyer/Seller information: Added a place for the Grantor and Grantee email address (optional)
- Q 1.  Short sale (amount of lien(s) exceeds sale proceeds)
- Q 1. Sale involved corporate affiliates ~~belonging to the same parent company~~ or related entities
- Q 1. Auction sale (absolute auction  Yes  No)
- Q 1. ~~Deed~~ Transfer in lieu of foreclosure or repossession
- Q 3.  Yes (number of years remaining on lease \_\_\_\_\_);  Tenant is buyer
- Q 4.  Yes (estimated value \$ \_\_\_\_\_)
- Q 5. Was any personal property included in the sale price (such as furniture, equipment, ~~business franchise or inventory, livestock, machinery, crops, etc.~~)?
- Q 6. Added a place to record Amount \$ \_\_\_\_\_
- Q 7. Were any **delinquent** property taxes paid by the buyer? Amt. \$ \_\_\_\_\_
- Yes **AND** the amount was included in the total sale price
  - Yes but the amount was **not** included in the total sale price
  - No delinquent property taxes were included in the sale
- Q 8. Added  IRS 1031 Exchange
- Q 9. Was the property offered to other potential buyers?
- Yes: Advertised (listed, Internet, yard sign, word-of-mouth, etc.)
  - No: Private purchase (not offered on the open market)
- Q 11. Are there any additional facts that would cause this sale to be a distressed, forced, or non-arms length ~~/non-market-value transaction~~ exchange?
- Q 12. Added statutory language from K.S.A. 1437g. \*
- Q 13. Added statement: I have read the instructions for completing this form and certify that the above information is true and accurate.

Deleted:

- Q 1.  Would this sale qualify for one of the exceptions listed on the reverse side of this form?

Instructions: Some of the wording has been slightly revised.

\* The reason for this change is so the signor of the SVQ will be informed of the penalty for falsifying the sale price information, without having to refer to the instructions printed on the back of the form. This change will enable the Register of Deeds to accept SVQ's that do not have the instructions printed on the back or provided on a separate page. We will continue to accept previous versions of the Kansas Real

Estate Sales Validation Questionnaire. If a previous version is submitted, the instruction page should accompany the SVQ when it is presented to the Register of Deeds.

If you have any questions or concerns, contact our ratio study section team leader, Melissa Crane at [melissa.crane@kdor.ks.gov](mailto:melissa.crane@kdor.ks.gov) or 785-296-5465.

**ONLY FOR USE IN COUNTIES APPROVED TO ACCEPT ONE-PART FORMS** (See website information below)  
**KANSAS REAL ESTATE SALES VALIDATION QUESTIONNAIRE**

<b>FOR COUNTY USE ONLY:</b>		COV # _____	CO. NO. _____	MAP _____	SEC _____	SHEET _____	QTR. _____	BLOCK _____	PARCEL _____	OWN _____
DEED BOOK _____	PAGE _____									
RECORDING DATE ____/____/____	TYPE OF INSTRUMENT CR _____ RA _____ DE _____	SPLIT <input type="checkbox"/> MULTI <input type="checkbox"/>		MO _____	YR _____	TY _____	AMOUNT _____	S _____	V _____	

SELLER (Grantor) NAME _____	BUYER (Grantee) NAME _____
MAILING _____	MAILING _____
CITY/ST/ZIP _____	CITY/ST/ZIP _____
PHONE NO. (____) _____	PHONE NO. (____) _____
email (optional) _____	email (optional) _____

**IF AN AGENT SIGNS THIS FORM, BOTH BUYER AND SELLER TELEPHONE NUMBERS MUST BE ENTERED.**

BRIEF LEGAL DESCRIPTION _____ _____ _____ _____	Property / Situs Address: _____ Name and Mailing Address for Tax Statements _____ _____ _____
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1. Check any special factors that apply:

Sale between immediate family members:  
Specify the relationship \_\_\_\_\_

Sale involved corporate affiliates or related entities

Auction sale (absolute auction  Yes  No)

Short sale (amount of lien(s) exceeds sale proceeds)

Transfer in lieu of foreclosure or repossession

Sale involved a build-to-suit or leaseback arrangement

Sale by judicial order (by a guardian, executor, conservator, administrator, or trustee of an estate)

Sale involved a government agency or public utility

Buyer (new owner) is a religious, charitable, or benevolent organization, school or educational association

Buyer (new owner) is a financial institution, insurance company, pension fund, or mortgage corporation

Sale of only a partial interest in the real estate

Sale involved a trade or exchange of properties

**None of the above**

2. Check use of property at the time of sale:

Single family residence       Agricultural land

Farm/Ranch with residence      Mineral rights included?  
 Yes  No

Condominium unit

Vacant land       Apartment building

Other: (Specify) \_\_\_\_\_       Commercial/Industrial bldg.

3. Was the property rented or leased at the time of sale?  
 Yes (number of years remaining on lease \_\_\_\_\_)  
 Tenant is buyer       No

4. Did the sale price include an operating business?  
 Yes (estimated value \$ \_\_\_\_\_)       No

5. Was any personal property included in the sale price (such as furniture, equipment, inventory, machinery, crops, etc.)?  
 Yes       No If yes, please describe \_\_\_\_\_

6. Were any changes made to the property since January 1<sup>st</sup>?  
 Yes       No  
 Demolition       New construction       Remodeling       Additions  
 Date completed \_\_\_\_\_ Amount \$ \_\_\_\_\_

7. Were any delinquent property taxes paid by the buyer? Amt. \$ \_\_\_\_\_  
 Yes AND the amount was included in the total sale price  
 Yes but the amount was **not** included in the total sale price  
 No delinquent property taxes were included in the sale

8. Method of financing (check all that apply):  
 New loan(s) from a financial institution       IRS 1031Exchange  
 Seller financing       Assumption of an existing loan(s)  
 All cash       Trade of property       Not applicable

9. Was the property offered to other potential buyers?  
 Yes: Advertised (listed, Internet, yard sign, word-of-mouth, etc.)  
 No: Private purchase (not offered on the open market)

10. Does the buyer hold title to any adjoining property?  
 Yes       No

11. Are there any additional facts that would cause this sale to be a distressed, forced, or non-arms length exchange?  
 Yes       No If yes, please describe \_\_\_\_\_

**K.S.A. 79-1437g. Same; penalty for violations. Any person who shall falsify the value of real estate transferred shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.**

12. TOTAL SALE PRICE \$ \_\_\_\_\_  
 DEED DATE \_\_\_\_/\_\_\_\_/\_\_\_\_

13. I have read the instructions for completing this form and certify that the above information is true and accurate.

Print name \_\_\_\_\_

Signature \_\_\_\_\_

Grantor (Seller)       Grantee (Buyer)  
 Agent Daytime phone number (\_\_\_\_) \_\_\_\_\_

**INSTRUCTIONS FOR COMPLETING THE SALES VALIDATION QUESTIONNAIRE**  
**One Part Form**

- ITEM 1** Please check all boxes which pertain to the sale.
- ITEM 2** Check the box which describes the current or most recent use of the property at the time of sale. Check all boxes which are applicable if the property has multiple uses.
- ITEM 3** Check yes if the buyer assumed any long term lease(s) (more than 3 years remaining) at the time of sale. Enter the years remaining if known. Check the box if a tenant (renter or lessee) purchased the property.
- ITEM 4** Check yes if the purchase price included an operating business that may include intangible personal property such as a franchise, trade license, patent, trademark, stocks, bonds, and/or goodwill. Estimate the value of the intangibles if this was part of the purchase agreement and included in the total sale price.
- ITEM 5** Check yes if any tangible items of property were included in the sale price. If possible, provide a brief description and your estimate of all personal property included in the total sale price.
- ITEM 6** Check yes if the property characteristics changed after January 1<sup>st</sup> of the sale year. Indicate what type of major change(s) (such as demolition, new construction, remodeling, rehabilitation) took place by marking the appropriate box. Indicate the approximate date the changes took place and the approximate cost.
- ITEM 7** Check yes if any delinquent property taxes were paid by the buyer and included as part of the sale price. Do not include the estimated real estate taxes prorated for the year the property sold included as part of the typical escrow closing cost.
- ITEM 8** Check the predominate method of financing used to acquire the property. Check "Not Applicable" if money did not exchange hands.
- ITEM 9** Check yes if the property was advertised on the open market, listed with a real estate agent or broker, displayed a for sale sign, advertised in a newspaper or other publication, listed on the internet, and/or offered by word of mouth. A private sale is an exchange that was not made available to the general public or the property was not exposed on the open market.
- ITEM 10** Check yes if the buyer owns or controls the property adjoining or adjacent to the property being purchased.
- ITEM 11** Provide a brief explanation if either the buyer or seller did not act prudently, was not fully informed about the property, did not have knowledge of the local market, was poorly advised, did not use good judgement in the negotiations, was acting under duress, or was compelled to sell or buy the property out of necessity.
- ITEM 12** Provide the total sale price and date of sale. The date should be the date that either the deed or the contract for deed was signed, not the date the deed was recorded.
- ITEM 13** Please sign the questionnaire and list a daytime phone number. The county appraiser may need to make a follow up phone call to clarify unusual terms or conditions.

When a real estate sales validation questionnaire is not required due to one or more of the exemptions provided in 1-16 below, the exemption must be clearly stated on the document being filed. The Register of Deeds cannot add this information to the deed at filing.

**TRANSFERS OF TITLE THAT DO NOT REQUIRE A SALES VALIDATION QUESTIONNAIRE:**

- (1) Recorded prior to the effective date of this act, i.e., July 1, 1991;
- (2) made solely for the purpose of securing or releasing security for a debt or other obligation;
- (3) made for the purpose of confirming, correcting, modifying or supplementing a deed previously recorded, and without additional consideration;
- (4) by way of gift, donation or contribution stated in the deed or other instruments;
- (5) to cemetery lots;
- (6) by leases and transfers of severed mineral interests;
- (7) to or from a trust, and without consideration;
- (8) resulting from a divorce settlement where one party transfers interest in property to the other;
- (9) made solely for the purpose of creating a joint tenancy or tenancy in common;
- (10) by way of a sheriff's deed;
- (11) by way of a deed which has been in escrow for longer than five years;
- (12) by way of a quit claim deed filed for the purpose of clearing title encumbrances;
- (13) when title is transferred to convey right-of-way or pursuant to eminent domain;
- (14) made by a guardian, executor, administrator, conservator or trustee of an estate pursuant to judicial order;
- (15) when title is transferred due to repossession; or
- (16) made for the purpose of releasing an equitable lien on a previously recorded affidavit of equitable interest, and without additional consideration.

- (b) **When a real estate sales validation questionnaire is not required due to one or more of the exemptions provided in 1-16 above, the exemption shall be clearly stated on the document being filed.**

If you have any questions or need assistance completing this form, please call the county appraiser's office.