

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2864 Session of
1980

INTRODUCED BY PITTS, ARMSTRONG, E. R. LYNCH, THOMAS AND
HELFRICK, JULY 9, 1980

REFERRED TO COMMITTEE ON FINANCE, JULY 9, 1980

AN ACT

1 Amending the act of December 27, 1951 (P.L.1742, No.467),
2 entitled, as amended, "An act to provide revenue by imposing
3 a State tax relating to certain documents and transactions;
4 prescribing and regulating the method and manner of
5 evidencing the payment of such tax; conferring powers and
6 imposing duties upon certain persons, partnerships,
7 associations, and corporations, sheriffs, recorders of deeds,
8 and the Department of Revenue; saving certain State and local
9 taxes and authorizing amendments, extensions and supplements
10 to the ordinances and resolutions relating thereto; and
11 providing penalties," excluding the transfer of a "family
12 farm" to a "family corporation."

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The definition of "document" in section 2, act of
16 December 27, 1951 (P.L.1742, No.467), known as "The Realty
17 Transfer Tax Act," reenacted and amended February 9, 1961
18 (P.L.13, No.9), and amended October 5, 1978 (P.L.1083, No.253),
19 is amended to read:

20 Section 2. The following words when used in this act shall
21 have meanings ascribed to them in this section, except in those
22 instances where the context clearly indicates a different

1 meaning.

2 * * *

3 "Document." Any deed, instrument or writing whereby any
4 lands, tenements or hereditaments within this Commonwealth or
5 any interest therein shall be quitclaimed, granted, bargained,
6 sold, or otherwise conveyed to the grantee, purchaser, or any
7 other person, but does not include wills, mortgages, transfers
8 between corporations operating housing projects pursuant to the
9 Housing and Redevelopment Assistance Law and the shareholders
10 thereof, transfers between nonprofit industrial development
11 agencies and industrial corporations purchasing from them, any
12 transfers to nonprofit industrial development agencies, and
13 transfers between husband and wife, transfers between persons
14 who were previously husband and wife but who have since been
15 divorced provided such transfer is made within three months of
16 the date of the granting of the final decree in divorce, and the
17 property or interest therein subject to such transfer was
18 acquired by the husband and wife or husband or wife prior to the
19 granting of the final decree in divorce, transfers between
20 parent and child or the spouse of such a child or between parent
21 and trustee for the benefit of a child or the spouse of such
22 child, by and between a principal and straw party for the
23 purpose of placing a mortgage or ground rent upon the premises,
24 correctional deeds without consideration, transfers to the
25 United States, the Commonwealth of Pennsylvania, or to any of
26 their instrumentalities, agencies or political subdivisions, by
27 gift, dedication or deed in lieu of condemnation, or deed of
28 confirmation in connection with condemnation proceedings, or
29 reconveyance by the condemning body of the property condemned to
30 the owner of record at the time of condemnation which

1 reconveyance may include property line adjustments provided said
2 reconveyance is made within one year from the date of
3 condemnation, leases, a conveyance to a trustee under a recorded
4 trust agreement for the express purpose of holding title in
5 trust as security for a debt contracted at the time of the
6 conveyance under which the trustee is not the lender and
7 requiring the trustee to make reconveyance to the grantor-
8 borrower upon the repayment of the debt, or a transfer by the
9 owner of previously occupied residential premises to a builder
10 of new residential premises when such previously occupied
11 residential premises is taken in trade by such builder as part
12 of the consideration from the purchaser of a new previously
13 unoccupied residential premises or any transfer from a purchase
14 money mortgagor to the vendor holding the purchase money
15 mortgage whether pursuant to a foreclosure or in lieu thereof,
16 or conveyances to municipalities, townships, school districts
17 and counties pursuant to acquisition by municipalities,
18 townships, school districts and counties of tax delinquent
19 properties at sheriff sale or tax claim bureau, or any transfer
20 between religious organizations or other bodies or persons
21 holding title to real estate for a religious organization if
22 such real estate is not being or has not been used by such
23 transferor for commercial purposes, [or] in any sheriff sale
24 instituted by a mortgagee in which the purchaser of said sheriff
25 sale is the mortgagee who instituted said sale, or transfers of
26 a farm from an individual to a corporation composed of the
27 grantor's spouse, parents or lineal descendants.

28 * * *

29 Section 2. This act shall take effect in 60 days.