

Real Estate Withholding Installment Sale Acknowledgement

2009

593-I

(This form can only be completed by the buyer. This is not a remittance document.)

Part I – Buyer’s Information

Return this form to your real estate escrow person.

Name			SSN or ITIN
Spouse's/RDP's Name (if jointly purchased)			Spouse's/RDP's SSN or ITIN (if jointly purchased)
Address (including apt./suite, room, PO Box, or PMB no.)			<input type="checkbox"/> FEIN <input type="checkbox"/> CA Corp no.
City	State	ZIP Code	Daytime telephone number () - -
Property address (if no street address, provide parcel number and county)			

Part II – Seller’s Information

Name			SSN or ITIN
Spouse's/RDP's Name (if jointly purchased)			Spouse's/RDP's SSN or ITIN (if jointly owned)
Address (including apt./suite, room, PO Box, or PMB no.)			<input type="checkbox"/> FEIN <input type="checkbox"/> CA Corp no.
City	State	ZIP Code	Installment Withholding Percent Apply this percent to all installment payments. _____ . _____ %

Part III – Installment Acknowledgement

Attach to Form 593-I, Real Estate Withholding Installment Sale Acknowledgement, a copy of the signed promissory note. If the seller has elected and certified the Optional Gain on Sale withholding amount, also attach an executed copy of seller's certification of Form 593, Real Estate Withholding Tax Statement, to Form 593-I.

Part IV – Buyer’s Acknowledgement to Withhold (Read the “Buyer” information below before you sign.)

I acknowledge that I am required to withhold on the principal portion of each installment payment to the seller for the above shown California real property either at the rate of 3 1/3% of the total sales price or the Optional Gain on Sale withholding percentage, as specified by the seller on Form 593, Real Estate Withholding Tax Statement, of the principal portion of each installment payment. I will complete Form 593 for the principal portion of each installment payment and send one copy of each to the Franchise Tax Board along with the withholding payment, and give one copy of Form 593 to the seller. I will send each withholding payment to the Franchise Tax Board by the 20th day of the month following the month of the installment payment. If the terms of the installment sale, promissory note, or payment schedule change, I will promptly inform the Franchise Tax Board. I understand that the Franchise Tax Board may review relevant escrow documents to ensure withholding compliance. I also understand that I am subject to withholding penalties if I do not withhold on the principal portion of each installment payment and do not send the withholding along with Form 593 to the Franchise Tax Board by the due date, or if I do not send one copy of Form 593 to the seller by the due date.

Buyer's name (if the buyer is not an individual, buyer's agent's name and title) (type or print) _____

Buyer's signature _____ Date: _____

It is unlawful to forge a spouse's/RDP's signature. Buyer's spouse's/RDP's name (if on title) _____

Buyer's spouse's/RDP's signature (if applicable) _____ Date: _____

Buyer: Make sure you copy both sides so you will have the instructions for withholding on subsequent payments. Give the original, along with copies of the promissory note and seller's certified Form 593, to your real estate escrow person who should mail them to the Franchise Tax Board. Your real estate escrow person will withhold on the principal portion of the first installment payment. You must withhold on the principal portion of **all** subsequent installment payments (including payoff or balloon payments). Complete Form 593, and mail the documents and payment to the Franchise Tax Board for the principal portion of each installment payment.

Real Estate Escrow Person: Make a copy of this Form for your records. Send the original Form 593-I, a copy of the promissory note, and seller's certified Form 593 to the Franchise Tax Board with the required amount of the first installment payment.

Instructions for Form 593-I

Real Estate Withholding Installment Sale Acknowledgment

What's New

For taxable years beginning on or after January 1, 2009, the buyer is required to withhold on the principal portion of each installment payment if the sale of California real property is structured as an installment sale.

General Information

Registered Domestic Partners (RDP) – RDPs under California law must file their California income tax return using either the married/RDP filing jointly or married/RDP filing separately filing status. RDPs have the same legal benefits, protections, and responsibilities as married couples unless otherwise specified.

If you entered into a same sex legal union in another state, other than a marriage, and that union has been determined to be substantially equivalent to a California registered domestic partnership, you are required to file a California income tax return using either the married/RDP filing jointly or married/RDP filing separately filing status. For more information on what states have legal unions that are considered substantially equivalent, go to our website at ftb.ca.gov and search for **RDP**.

For purposes of California income tax, references to a spouse, a husband, or a wife also refer to a California registered domestic partner (RDP), unless otherwise specified. When we use the initials RDP they refer to both a California registered domestic "partner" and a California registered domestic "partnership," as applicable. For more information on RDPs, get FTB Pub. 737, Tax Information for Registered Domestic Partners.

Purpose

When California real estate is sold on an installment basis, the buyer is required to withhold on the principal portion of each installment payment, an amount based on either 3 1/3% of the total sales price, or the Optional Gain on Sale withholding amount from Form 593, Real Estate Withholding Tax Statement, line 5, which is certified by the seller.

If you are the buyer you must withhold on the principal portion of each installment payment, complete Form 593-I, Real Estate Withholding Installment Acknowledgement, and have your real estate escrow person send the completed Form 593-I, a copy of the promissory note, and seller's certified Form 593 to the Franchise Tax Board (FTB) with the withholding on the principal portion of the first installment payment.

Specific Instructions

Buyer Instructions

Complete all four parts of Form 593-I.

Part I – Buyer's Information

Enter your name as it is shown on the escrow instructions. Each buyer is required to withhold on individual payments and must complete a separate Form 593-I. However, if you are purchasing the property with your spouse/RDP and both of you will be on the promissory note, then include both of your names, social security numbers (SSNs) or individual taxpayer identification numbers (ITINs), and signatures on one form. The buyer's taxpayer identification numbers, SSN or ITIN, is required on each form to be valid.

Part II – Seller's Information

Enter the seller's name as it is shown on the escrow instructions. Use a separate Form 593-I for each seller included on the promissory note. However, if the sellers are spouses/RDPs and both of them will be on the promissory note, then include both of their names and social security numbers or individual taxpayer identification numbers on one form. The seller's taxpayer identification number, SSN or ITIN, is required on each form to be valid. If the seller is electing the Optional Gain on Sale withholding amount, ask the seller to provide you the installment withholding percentage that the seller calculated in the instructions for the Form 593. Include this installment withholding percentage in the appropriate box and use this percentage as part of the calculation for withholding on the principal portion of each installment payment.

Part III – Installment Acknowledgment

Attach a copy of the signed promissory note to Form 593-I, and the seller's signed certification of Form 593.

Part IV – Buyer's Agreement to Withhold

By signing Part IV, you acknowledge that you will:

- Withhold on the principal portion of each installment payment.
- Authorize the real estate escrow person to withhold the required amount only on the first installment payment.
- Withhold 3 1/3% or the Optional Gain on Sale withholding percentage, as specified by the seller on Form 593, on the principal portion of all subsequent installment payments.
- Give one copy of Form 593 to the seller by the 20th day of the month following the month of the installment payments.
- Send each withholding payment, along with the completed Form 593 (you do not need to obtain seller's signature on each subsequent and completed Form 593), to the FTB by the 20th day of the month following the month of the installment payment (see Interest and Penalties, on this page, for more information).

- Promptly inform the FTB if the terms of the installment sale, promissory note, or payment schedule change.

Make sure you copy both sides so you will have the instructions for withholding on subsequent payments. Give the original, with a copy of the promissory note, and a completed Form 593, to your real estate escrow person. When you make subsequent installment payments, withhold either 3 1/3% of the total sales price, or Optional Gain on Sale withholding percentage, as specified by the seller on Form 593, on the principal portion of each installment payment. **You must complete Form 593 for each withholding payment.**

However, you do not need to obtain the seller's signature on each subsequent Form 593. When you send the withholding on the final installment payment, write "Final Installment Payment" on the bottom of Form 593.

We update our forms annually, so make certain you use the most current form. For more information on withholding on installment payments, see the instructions for Form 593 or call Withholding Services and Compliance at 888.792.4900 (toll free) or 916.845.4900 (not toll-free).

Real Estate Escrow Person Instructions

Make a copy of this form for your records. Send the completed Form 593-I, a copy of the promissory note, and the seller's certified Form 593 with the required withholding amount on the first installment payment to the FTB. Refer to the Form 593 instructions for more information.

Interest and Penalties

Interest will be assessed on late withholding payments and is computed from the due date to the date paid. If the real estate escrow person does not notify the buyer of the withholding requirements in writing, the penalty is the greater of \$500 or 10% of the required withholding. If the buyer (after notification) or other withholding agent does not withhold, the penalty is the greater of \$500 or 10% of the required withholding. If the buyer or other withholding agent does not furnish complete and correct copies of Form 593 to the seller by the due date, the penalty is \$50 per Form 593. If the failure is due to an intentional disregard of the requirement, the penalty is the greater of \$100 or 10% of the required withholding. If the buyer or other withholding agent does not furnish complete and correct copies of Form 593 to the FTB by the due date but does file them within 30 days of the due date, the penalty is \$15 per Form 593. If Form 593 is filed more than 30 days after the due date, the penalty is \$50 per Form 593. If the failure is due to an intentional disregard of the requirement, the penalty is the greater of \$100 or 10% of the required withholding.

Additional Information

To get a withholding form or publication, or to speak to a representative, contact our Withholding Services and Compliance's automated telephone service at:

888.792.4000, or
916.845.4900 (not toll-free)
FAX 916.845.9512

Or write to:

WITHHOLDING SERVICES
AND COMPLIANCE
FRANCHISE TAX BOARD
PO BOX 942867
SACRAMENTO CA 94267-0651

For more information on requirements to file a California tax return or to get forms, call:
From within the United States 800.852.5711
From outside the United States . . . 916.845.6500
(not toll-free)

You can download, view, and print California tax forms and publications from our website at **ftb.ca.gov**.

OR to get forms by mail write to:

TAX FORMS REQUEST UNIT
FRANCHISE TAX BOARD
PO BOX 307
RANCHO CORDOVA CA 95741-0307

Assistance for Persons with Disabilities

We comply with the Americans with Disabilities Act. Persons with hearing or speech impairments, call:
TTY/TDD 800.822.6268

Asistencia Telefonica y en el Internet

Dentro de los Estados Unidos,
llame al 800.852.5711
Fuera de los Estados Unidos,
llame al 916.845.6500
(cargos aplican)

Sitio web: **ftb.ca.gov**

Asistencia para Personas Discapacitadas

Nosotros estamos en conformidad con el Acta de Americanos Discapacitados. Personas con problemas auditivos o dificultad con el habla pueden llamar al: TTY/TDD 800.822.6268