

Miscellaneous/Transfer:

Nevada: Draft Rule Proposal Requires Transfer Tax Exemption Claimants to File Affidavit Attesting to Non-Tax Avoidance Motive

LCB File No. R135-24, Nev. Tax Comm. (7/15/24). Pursuant to existing Nevada law providing an exemption from Nevada real property transfer taxes on transfers between business entities that constitute a mere change in identity or form or place of organization *unless* the transfer is made to a business entity formed for the purpose of avoiding taxes on the transfer, the Nevada Tax Commission posted a draft rule proposal requiring a business entity claiming the exemption to submit to the county recorder:

URL: <https://www.leg.state.nv.us/Register/2024Register/R135-24P.pdf>

1. An affidavit containing an attestation by the affiant that the business entity to which the real property is being transferred was not formed for the purpose of avoiding the taxes on transfers of real property; and
2. Certain documentation sufficient to establish that the real property is not being transferred to a business entity formed for the purpose of avoiding those taxes – including, without limitation, a plan of reorganization, proof of continuity of interest, proof of continuity of business enterprise, or proof of legitimate business purpose for the reorganization.

Please contact us with any questions.

— Renae Welder (Los Angeles)
Principal
Deloitte Tax LLP
rwelder@deloitte.com

Joe Gurney (Chicago)
Managing Director
Deloitte Tax LLP
jogurney@deloitte.com

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms or their related entities (collectively, the “Deloitte organization”) is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser.

No representations, warranties or undertakings (express or implied) are given as to the accuracy or completeness of the information in this communication, and none of DTTL, its member firms, related entities, employees or agents shall be liable or responsible for any loss or damage whatsoever arising directly or indirectly in connection with any person relying on this communication. DTTL and each of its member firms, and their related entities, are legally separate and independent entities.

About Deloitte

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms, and their related entities (collectively, the “Deloitte organization”). DTTL (also referred to as “Deloitte Global”) and each of its member firms and related entities are legally separate and independent entities, which cannot obligate or bind each other in respect of third parties. DTTL and each DTTL member firm and related entity is liable only for its own acts and omissions, and not those of each other. DTTL does not provide services to clients. Please see www.deloitte.com/about to learn more.

Deloitte provides industry-leading audit and assurance, tax and legal, consulting, financial advisory, and risk advisory services to nearly 90% of the Fortune Global 500® and thousands of private companies. Our professionals deliver measurable and lasting results that help reinforce public trust in capital markets, enable clients to transform and thrive, and lead the way toward a stronger economy, a more equitable society and a sustainable world. Building on its 175-plus year history, Deloitte spans more than 150 countries and territories. Learn how Deloitte’s approximately 415,000 people worldwide make an impact that matters at www.deloitte.com.