

This rule was adopted on July 7, 2006 and becomes effective August 7, 2006. It may be used to determine tax liability on and after the effective date, until the codified version is available from the code reviser's office.

AMENDATORY SECTION (Amending WSR 05-23-093, filed 11/16/05, effective 12/17/05)

WAC 458-61A-207 Bankruptcy. (1) **Introduction.** The real estate excise tax does not apply to the conveyance of real property by a trustee in bankruptcy or debtor in possession made ~~((under either a))~~ after the plan is confirmed under a chapter 11 ~~((plan))~~ or ~~((a confirmed))~~ chapter 12 plan. Federal law preempts real estate excise tax on these transfers.

(2) **Documentation requirements.** A copy of the Order of Confirmation or an extract from the Confirmed Bankruptcy Plan, showing the date the bankruptcy plan was confirmed, the court case cause number, and the bankruptcy chapter number must be attached to the real estate excise affidavit provided to the department.