



Excise Tax Advisory

Excise Tax Advisories are interpretive statements authorized by RCW 34.05.230.

NUMBER: 3038.2009

ISSUE DATE: February 2, 2009

Deeds of Trust--Trustee Fees

Are trustee fees collected by a title insurance company when acting as a trustee of a Deed of Trust subject to retail sales tax?

RCW 82.04.050 (3) defines "sale at retail" or "retail sale" to include:

" . . . the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: . . .(b) abstract, title insurance, and escrow services."

Trustee fees are paid for services related to reconveyance or foreclosure. These services are entirely unrelated to title insurance business. The trustee services are not retail sales, such trustee fees are taxable under the "service and other activities" classification of the business and occupation Tax.

All ETAs were cancelled on February 2, 2009 and those which had a continued use were rewritten and reissued using a new numbering system. The new ETAs are numbered using the following format 3nnn.yyyy. The Department of Revenue issued ETA 3001.2009 which includes a cross reference table showing the old and new ETA numbers for those ETAs that were rewritten.

Please direct comments to:
Department of Revenue
Interpretation and Technical Advice
Division
P O Box 47453
Olympia, Washington 98504-7453
(360) 570.6124 eta@DOR.wa.gov

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