

# How to Sell or Assign Your Beneficial Interest in Your Land Trust

The procedure to sell your beneficial interest in your land trust is as follows:

1. Complete the Assignment of Beneficial Interest Instruction Sheet and have Seller(s) and Buyer(s) both sign. Mail with check or fax with credit card info to Land Trust Service Corp.(LTSC). We will prepare and send you an Assignment of Beneficial Interest form and Florida Department of Revenue form DR-228.
2. Buyer and Seller will sign the Assignment of Beneficial Interest and return to LTSC. We will sign our acceptance, return copies to both parties and file form 56 with the IRS. Form DR-228 should be sent to the Florida Department of Revenue with your check for the documentary stamp tax, if any.

If the transfer is to your own LLC, corporation or another trust there will probably not be any documentary stamp tax due. If it will be to a family member as a gift there will probably not be tax due unless there is a mortgage on the property.

If the transaction will be financed with a third party mortgage, we will need the contact information for the mortgage company or title company (*including their fax number*). We will need to sign the mortgage after obtaining a Direction to Trustee from the Buyer.

If the Seller wishes to finance the transaction by taking a mortgage back into another trust, contact us about setting up a mortgage trust with Federal Funding Group, LLC.

If you wish to finance the transaction with a pledge of the beneficial interest with a chattel mortgage and UCC-1, you should have these documents prepared by an attorney, or you can use the ones in our book, *Land Trusts in Florida*.

Our fee for completing a sale of beneficial interest transaction is \$100. If you are assigning the interest without consideration, such as to your own LLC or to your spouse the fee is \$50.

Land Trust Service Corporation  
Post Office Box 186  
Lake Wales, FL 33859

Phone: 863-678-0011

Fax: 863-678-0155

# Assignment of Beneficial Interest Instruction Sheet

To: Land Trust Service Corporation

From: \_\_\_\_\_ Phone: \_\_\_\_\_

Address \_\_\_\_\_ Fax: \_\_\_\_\_

I/we wish to sell/transfer my/our beneficial interest in Trust \_\_\_\_\_  
dated \_\_\_\_\_ as follows:

\_\_\_\_\_ % of my/our interest is being sold

Buyer(s) names(s): \_\_\_\_\_

Address: \_\_\_\_\_

Social Security Number(s) or EIN: \_\_\_\_\_

Buyer(s) successor in the event of death: \_\_\_\_\_

Sales price: \$ \_\_\_\_\_

Payment will be:  All cash  Assignment with no payment

\$ \_\_\_\_\_ in cash and balance financed by a mortgage to:

\$ \_\_\_\_\_ in cash and balance financed by a UCC-1 and chattel  
mortgage to: \_\_\_\_\_

Effective date of sale \_\_\_\_\_, 200\_\_\_\_\_

Florida documentary stamp tax will be paid by  Buyer  Seller

*(Land Trust Service Corporation will provide FDR reporting form DR-228.)*

*Fee for preparation of Assignment of Beneficial Interest and IRS and FDR reporting forms is \$100. (If you are assigning to your own LLC or spouse the fee is \$50.)*

The undersigned certify that this transaction is not made for any illegal purpose, that Buyer(s) is/are U. S. resident(s) for tax purposes, that Buyer(s) and Seller(s) will pay any taxes due on the transaction, and that Land Trust Service Corporation will be held harmless from any liability in connection with this transfer. Credit card charge is nonrefundable after work has begun.

Seller(s):

Buyer(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Payment:

Check enclosed.

Charge to my credit card: \_\_\_\_\_ Exp: \_\_\_\_\_

CC billing address + zip \_\_\_\_\_

Last 3 digits on back of CC \_\_\_\_\_

Signature \_\_\_\_\_

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