



## RECAPTURE NOTICE TO MORTGAGOR

**Loan Tracking Number:** \_\_\_\_\_

Your application for a Mortgage Loan, if determined eligible, will be financed with the proceeds of a tax-exempt qualified mortgage bond or a qualified mortgage credit certificate. As a result, pursuant to Section 143(m) of the Internal Revenue Code of 1986 (the "Code"), you may, at the time of disposition of the residence, be subject to a "recapture tax" for federal income tax purposes. The "recapture tax" applies to mortgage loans closed and mortgage credit certificates issued after December 31, 1990, where the proceeds or credit authority has been provided by bonds issued after August 15, 1986.

Generally, when you sell your home you may have to pay a recapture tax. The recapture tax may also apply if you dispose of your home in some other way. For instance, you may owe the recapture tax if you give your home to a relative.

In the following situations, no recapture tax will be due:

- (a) You dispose of your home later than nine years after you close your mortgage loan;
- (b) Your home is disposed of as a result of your death;
- (c) You transfer your home either to your spouse or to your former spouse incident to divorce and you have no gain or loss included in your income under Section 1041 of the Internal Revenue Code;
- (d) You dispose of your home at a loss; or
- (e) Your household income is less than the adjusted qualifying income for the tax year in which you dispose of the home.

The recapture amount, if any, can be expected to increase over time from \$0 on the closing date to a maximum of 6.25% of the original principal balance of your mortgage note after five years; such recapture amount declines from years six through nine on a similar pro rata basis. The recapture amount, if any, may not exceed the lesser of 50 percent of the gain you realize by the sale of your home or 6.25% of the original principal balance of your mortgage note.

You may deem it necessary to consult a tax advisor as to a potential future tax liability resulting from the federally imposed recapture tax provisions. The Montana Board of Housing and the Lender are available to provide you information on recapture tax provisions, but neither the Montana Board of Housing or the Lender takes any responsibility as a tax advisor or for the calculation of a recapture tax amount upon the disposition of the residence.

To continue the application process after reviewing the recapture tax provisions, please acknowledge your review and receipt of a copy of this Notice by signing, dating and returning this notice to your Lender. This executed notice is needed for the request for a reservation of funds or credit authority.

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Date

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Date