

# Mississippi Affidavit for Withholding Income Tax on Sale of Real Estate by Non-Resident

, duly swears under penalty of perjury the following facts:

\_\_\_\_\_  
Seller's Name

1. Seller's Name and Address \_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_  
City State Zip

2. Description, location and tax map parcel number of property sold \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. Buyer's Name and Address \_\_\_\_\_ Buyer's Name \_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

4. The total sales price is \_\_\_\_\_ Closing date \_\_\_\_\_

5. The gain to be reported on the seller's MS Income Tax Return  
(From Page 2, Schedule A, Line 5) \_\_\_\_\_

6. Income tax at 5% of the gain (Line 5 multiply by 5%) \_\_\_\_\_

7. The net proceeds payable to the seller (From Page 2, Schedule B, Line 5) \_\_\_\_\_

8. Income tax amount required to be withheld (Enter the smaller of line 6 or  
line 7) \_\_\_\_\_

9. The seller will file all state Income Tax Returns due

Witness my signature, this the \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
State of

\_\_\_\_\_  
Social Security Number or ID Number of Spouse

\_\_\_\_\_  
County of

\_\_\_\_\_  
Seller's Signature

This day personally appeared before me, the undersigned authority of law in and for said county and state, the above signed seller who acknowledges that he signed and delivered this affidavit on the day and year and for the purposes mentioned therein.

\_\_\_\_\_  
Signature of Spouse

Given under my hand and seal, this the  
\_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_\_

**Mail To: MS Department of Revenue  
P.O. Box 23050  
Jackson, MS 39225-3050**

My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

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Only mortgages and liens on the property being sold may be deducted from the sales price. Mortgages, liens or advances on credit lines in contemplation of the sale cannot be deducted unless, the buyer can presume that any mortgage, lien or credit lines made more than one year before the closing are not in contemplation of the sale and may be deducted. If the mortgage, lien or credit line advance is made less than one year prior to the closing, the buyer cannot deduct the mortgage, lien or credit line advance unless the buyer obtains an affidavit from the seller, which states that the loan or advance was not made in contemplation of the sale and meets the requirements and includes all of the information contained in this affidavit.

### Schedule A - Computation of Gain

1. Total sales price	
2. Less selling expenses - Attorney fees	
Real estate commission	
Termite, heating & air letter fees	
Other - list _____	
3. Net sales price (Line 1 minus Line 2)	
4. Less tax basis	
5. Gain for tax purposes (Line 3 minus Line 4, enter here and on Page 1, Line 5)	

### Schedule B - Computation of Net Proceeds

1. Total sales price	
2. Less selling expenses - Attorney fees	
Real estate commission	
Termite, heating & air letter fees	
Other - List _____	
3. Net sales price (Line 1 minus Line 2)	
4. Less mortgages, liens or advances on credit lines not made in contemplation of the sale (see above)	
5. Net proceeds payable to the seller (Line 3 minus Line 4, enter here and on Page 1, Line 7)	