

PROPERTY ARTICLE AND FOR WHICH A PAYMENT IS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, THE TOTAL PAYMENT SHALL BE DESCRIBED ON THE FORM THAT THE COMPTROLLER SPECIFIES BY REGULATION.

(2) THE FORM REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SIGNED UNDER OATH BY:

(I) THE TRANSFEROR OF THE PROPERTY;

(II) AN AGENT OF THE TRANSFEROR; OR

(III) THE REAL PROPERTY REPORTING PERSON, AS DEFINED UNDER § 6045 OF THE INTERNAL REVENUE CODE.

(c) Except as otherwise provided in this section, in a sale or exchange of real property and associated tangible personal property owned by a nonresident or nonresident entity, the deed or other instrument of writing that effects a change of ownership on the assessment books under the Tax – Property Article may not be recorded with the clerk of the circuit court for a county or filed with the Department of Assessments and Taxation unless payment is made to the clerk of the circuit court for a county or the Department of Assessments and Taxation in an amount equal to:

(1) 4.75% of the total payment to a nonresident; or

(2) 7% of the total payment to a nonresident entity.

(d) Subsection (c) of this section does not apply when:

(1) a certification under penalties of perjury that the transferor is a resident of the State or is a resident entity is provided by each transferor in:

(i) the recitals or the acknowledgment of the deed or other instrument of writing transferring the property to the transferee; or

(ii) an affidavit signed by the transferor or by an agent of the transferor that accompanies and is recorded with the deed or other instrument of writing transferring the property;

(2) the transferor presents to the clerk of the circuit court for a county or the Department of Assessments and Taxation a certificate issued by the Comptroller stating that:

(i) no tax is due from that transferor in connection with that sale or exchange of property;

(ii) a reduced amount of tax is due from that transferor in connection with that sale or exchange of property and stating the reduced amount that should be collected by the clerk of the circuit court for a county or the Department of Assessments and Taxation before recordation or filing; or

(iii) the transferor has satisfied the transferor's tax liability described in subsection (c) of this section or has provided adequate security to cover such liability;