FORM N-288B
(REV. 2008)

STATE OF HAWAII — DEPARTMENT OF TAXATION

Application for Withholding Certificate for Dispositions by Nonresident Persons of Hawaii Real Property Interest

Copy A - For State of Hawaii, Department of Taxation

Clear Form

- **File Copies A and B of this form with the Department of Taxation.**
- **DO NOT file Form N-288B if the transfer of property has already taken place. The Department of Taxation will not approve Form N-288B after the date of transfer reported on Line 4a has passed.**
- **Please be sure to complete ALL lines and attach ALL supporting documentation OR your application will be rejected.**
- **See Instructions on the back of Copy B.**

1 Name of applicant (Transferor/seller) | **Identification number (SSN or FEIN)**

Mailing address where you want withholding certificate sent | **Daytime phone no. of applicant** ( )

City, State, and ZIP code (province, postal code, and country)

2 Names of all transferors/sellers (Attach additional sheets if more than one transferor/seller.) | **Identification number (SSN or FEIN)**

Address (number and street)

City, State, and ZIP code (province, postal code, and country)

3 Names of all transferees/buyers (Attach additional sheets if more than one transferee/buyer.) | **I.D. no. (Last 4 numbers of the SSN or FEIN)**

Address (number and street)

City, State, and ZIP code (province, postal code, and country)

4 Description of Hawaii real property transaction:

a Date of transfer (month, day, year). _____ **DO NOT** file Form N-288B if the transfer of property has already taken place. The Department of Taxation will not approve Form N-288B after the date of transfer has passed.

b Location and general description of property (Include tax map key number) _____

5 Check the box to indicate the reason a withholding certificate should be issued.
NOTE: *The transferor/seller is required under section 235-92, HRS, to file an income tax return whether or not the person derives a taxable gain.*

☐ **a** The transferor/seller will not realize any gain with respect to the transfer. (Complete **5a** on the back of Copy A.)

☐ **b** There will be insufficient proceeds to pay the withholding required under section 235-68(b), Hawaii Revised Statutes, after payment of all costs, including selling expenses and the amount of any mortgage or lien secured by the property. (Complete **5b** on the back of Copy A.)

6 Was the property used at anytime as a rental? ..... **Yes** ☐ **No** ☐

If yes, enter your Hawaii Tax I.D. Number. | **Hawaii Tax I.D. Number** W __ __ __ __ __ __ __ __ - __ __

Please Sign Here

I hereby declare under penalties provided by section 231-36, HRS, that I have examined this application and accompanying attachments, and, to the best of my knowledge and belief, they are true, correct, and complete.

➤ _____ Signature | _____ Title (If applicable) | _____ Date

➤ _____ Spouse's signature (If applicable) | _____ Title (If applicable) | _____ Date

FOR OFFICIAL USE ONLY:

Approved: _____ Month Day Year

Disapproved: _____ Month Day Year

Amount required to be withheld $ _____

Signature _____

Form N-288B
(REV. 2008)

5a. Calculation and written justification showing that the transferor/seller will not realize any gain with respect to the transfer. Attach a copy of a tentative statement from your escrow company for this transaction showing the gross sales price. Also attach a copy of your closing escrow statement from your purchase or acquisition of this property. (Note: You must provide documentation for all items in the calculation.)

1. Sales Price $ _____

2. Cost or other basis (including selling expenses). ***Attach a schedule or list below to indicate the breakdown of your calculations.***
(If you checked "Yes" on line 6, page 1, or used the property for business purposes, provide your adjusted basis for the property, i.e., cost less depreciation. Also, attach a copy of your depreciation schedule, regardless of whether or not you have taken any depreciation.) _____

3. Line 1 minus line 2. (If greater than zero, you **DO NOT** qualify for a waiver of the withholding. Do not file this form with the State of Hawaii, Department of Taxation.) $ _____

_____

_____

_____

_____

5b. Calculation and written justification showing that there will be insufficient proceeds to pay the withholding required under section 235-68(b), Hawaii Revised Statutes, after payment of all costs, including selling expenses and the amount of any mortgage or lien secured by the property. Attach a copy of a tentative statement from your escrow company for this transaction showing the distribution of funds received.

1a. Sales price $ _____

1b. Sales proceeds to be received in forms other than cash (describe) _____ _____

1c. Sales proceeds to be received in cash (Line 1a minus line 1b) _____

2a. Selling expenses. ***Attach a schedule or list below to indicate the breakdown of your calculations.*** $ _____

2b. Mortgage(s) secured by the property sold to be paid off with cash proceeds. _____

2c. Other (list):

_____ _____

_____ _____

_____ _____

3. Add lines 2a through 2c _____

4. Amount to be withheld. Line 1c minus line 3 (If less than zero, enter zero.) $ _____

_____

_____

_____

_____

FORM N-288B
(REV. 2008)

STATE OF HAWAII — DEPARTMENT OF TAXATION

Application for Withholding Certificate for Dispositions by Nonresident Persons of Hawaii Real Property Interest

Copy B — To be returned to Transferor/seller

- **File Copies A and B of this form with the Department of Taxation.**
- **DO NOT file Form N-288B if the transfer of property has already taken place. The Department of Taxation will not approve Form N-288B after the date of transfer reported on Line 4a has passed.**
- **Please be sure to complete ALL lines and attach ALL supporting documentation OR your application will be rejected.**
- **See Instructions on the back of Copy B.**

1 Name of applicant (Transferor/seller)

Mailing address where you want withholding certificate sent | **Daytime phone no. of applicant** ( )

City, State, and ZIP code (province, postal code, and country)

2 Names of all transferors/sellers (Attach additional sheets if more than one transferor/seller.)

Address (number and street)

City, State, and ZIP code (province, postal code, and country)

3 Names of all transferees/buyers (Attach additional sheets if more than one transferee/buyer.) | **I.D. no. (Last 4 numbers of the SSN or FEIN)**

Address (number and street)

City, State, and ZIP code (province, postal code, and country)

4 Description of Hawaii real property transaction:

a Date of transfer (month, day, year). _____ **DO NOT** file Form N-288B if the transfer of property has already taken place. The Department of Taxation will not approve Form N-288B after the date of transfer has passed.

b Location and general description of property (Include tax map key number) _____

5 Check the box to indicate the reason a withholding certificate should be issued.
NOTE: *The transferor/seller is required under section 235-92, HRS, to file an income tax return whether or not the person derives a taxable gain.*

☐ **a** The transferor/seller will not realize any gain with respect to the transfer. (Complete **5a** on the back of Copy A.)

☐ **b** There will be insufficient proceeds to pay the withholding required under section 235-68(b), Hawaii Revised Statutes, after payment of all costs, including selling expenses and the amount of any mortgage or lien secured by the property. (Complete **5b** on the back of Copy A.)

6 Was the property used at anytime as a rental? ..... **Yes** ☐ **No** ☐

If yes, enter your Hawaii Tax I.D. Number. | **Hawaii Tax I.D. Number** **W** __ __ __ __ __ __ __ __ - __ __

Please Sign Here

I hereby declare under penalties provided by section 231-36, HRS, that I have examined this application and accompanying attachments, and, to the best of my knowledge and belief, they are true, correct, and complete.

➤ _____ Signature | _____ Title (If applicable) | _____ Date

➤ _____ Spouse's signature (If applicable) | _____ Title (If applicable) | _____ Date

FOR OFFICIAL USE ONLY:

Approved: _____ Month Day Year

Disapproved: _____ Month Day Year

Amount required to be withheld $ _____

Signature _____

INSTRUCTION
FORM N-288B
(REV. 2008)

STATE OF HAWAII — DEPARTMENT OF TAXATION

Instructions for Form N-288B

Application for Withholding Certificate for Dispositions by Nonresident Persons of Hawaii Real Property Interest

General Instructions

Purpose of Form

Use Form N-288B to apply for a withholding certificate to waive or adjust withholding on dispositions by nonresident persons of Hawaii real property interest. Use this form only for applications based on (1) a claim that the transferor/seller will not realize any gain with respect to the transfer, or (2) a claim that there will be insufficient proceeds to pay the withholding required under section 235-68(b), Hawaii Revised Statutes (HRS), after payment of all costs, including selling expenses and the amount of any mortgage or lien secured by the property. If a nonresident transferor/seller transfers two or more Hawaii real property interests, one Form N-288B should be filed for each property transferred.

Who Can Apply for a Withholding Certificate

The transferor/seller can file Form N-288B. If two or more nonresident transferors/sellers jointly transfer a Hawaii real property interest, a separate Form N-288B should be filed for each nonresident transferor/seller applying for a withholding certificate. One Form N-288B should be filed for a husband and wife if they will be filing a joint return for the year in which they transferred their Hawaii real property interest.

Withholding Certificate

Upon receipt of Form N-288B, the State of Hawaii, Department of Taxation (Department) shall determine whether the transferor/seller has realized or will realize any gain with respect to the transfer, or whether there will be insufficient proceeds to pay the withholding. After the form has been approved or disapproved, a copy of the form will be returned to the transferor/seller, who shall thereafter transmit the form to the transferee/buyer.

If the Department is satisfied that no gain will be realized, the Department will waive the withholding requirement and the transferee/buyer is not required to withhold any tax. The transferee/buyer shall attach a copy of the Form N-288B to Forms N-288 and N-288A, which must still be filed with the Department.

If the Department is satisfied that there will be insufficient proceeds to pay the withholding, the Department will adjust the amount required to be withheld and the transferee/buyer shall withhold the adjusted amount and submit the payment, Form N-288, Form N-288A, and Form N-288B to the Department.

When to File Form N-288B

Form N-288B must be filed with the Department no later than 10 working days prior to the date of transfer. **Forms N-288B filed later than 10 working days prior to the date of transfer will not be accepted and will be returned to the transferor/seller. The Department of Taxation will not approve Forms N-288B after the date of transfer reported on Line 4a has passed.** Timely mailing of Form N-288B by U.S. mail or any delivery service designated for purposes of section 7502 of the federal Internal Revenue Code will be treated as timely filed. See Tax Information Release No. 97-3 for more information.

Where to Send Form N-288B

Copies A and B of Form N-288B must be mailed or hand delivered to the taxation district office listed below which is located in the county where the closing of the sale is taking place, or the county in which the property is located. After the form has been approved or disapproved, copy B of Form N-288B will be returned to the transferor/seller at the address specified on Line 1. If copy B of Form N-288B is not submitted, a copy of the form will not be returned to the transferor/seller. The Department does not fax any confidential information in regards to Form N-288B, nor does the Department accept Form N-288B through fax.

Specific Instructions

Line 2. Enter "Same as line 1" unless you are entering another address. If you entered a mailing address on line 1 that is not your actual address, enter your actual address on line 2. If there are multiple transferor/sellers, attach additional sheets giving the required information about each one, indicating ownership percentage and residency status.

Line 3. Enter the name, address, and identification number (last 4 numbers of the SSN or FEIN), if any, of the transferee/buyer. The Internal Revenue Service (IRS) issues Individual Taxpayer Identification Numbers (ITINs) to certain aliens who are required to have a U. S. taxpayer identification number but who do not have, and are not eligible to obtain, a social security number. The last 4 numbers of the ITIN issued by the IRS must be used as the individual's identification number. If the individual has applied for an ITIN but the IRS has not yet issued the ITIN, write "Applied For". If there are multiple transferee/buyers, attach additional sheets giving the required information about each one.

Line 4. Enter the appropriate information. In 4b, enter the address and description of the property. Include the tax map key number.

Line 5. If 5a is checked, 5a on the back of Copy A must be completed. If 5b is checked, 5b on the back of Copy A must be completed.

NOTE: The transferor/seller is required under section 235-92, HRS, to file an income tax return whether or not the person derives a taxable gain.

Line 6. If the property was used as a rental property at anytime by the transferor/seller(s), check the box marked "yes" and fill in the appropriate Hawaii Tax I.D. Number. If not, check the box marked "no".

Back of Copy A

Line 5a(1). Enter the gross sales price from the sale. Attach a copy of a tentative statement from your escrow company for this transaction showing the gross sales price, the transferor(s)/seller(s), and the transferee(s)/buyer(s).

Line 5a(2). In general, the cost or adjusted basis is the cost of the property plus purchase commissions and improvements, minus depreciation (if applicable). Increase the cost or other basis by any expense of sale, such as commissions and state transfer taxes. Attach a copy of your closing escrow statement from your purchase or acquisition of this property, invoices for improvements, depreciation schedules, and any other evidence of the basis of the property.

Line 5b(1a). Enter the gross sales price from the sale. Attach a copy of a tentative statement from your escrow company for this transaction showing the distribution of funds received, the transferor(s)/seller(s), and the transferee(s)/buyer(s).

Line 5b(1b). Enter the amount of sales proceeds to be received in forms other than cash, such as an agreement of sale or purchase money mortgage.

Line 5b(2a). Enter any expense of sale, such as commissions and state transfer taxes.

Line 5b(2c). Enter any other cost associated with the sale of the property, such as liens secured by the property.

Signature

Form N-288B must be signed by an individual, a responsible corporate officer, a member or general partner of a partnership, or a trustee, executor, or other fiduciary of a trust or estate. If Form N-288B is being filed by a husband and wife, both must sign the form. In addition, Form N-288B may be signed by an authorized agent with a power of attorney.

MAILING ADDRESSES

OAHU DISTRICT OFFICE
OFFICE AUDIT BRANCH - N-288B
P. O. BOX 259
HONOLULU, HAWAII 96809-0259
(830 PUNCHBOWL STREET, #228)
808-587-1644

MAUI DISTRICT OFFICE
RE: N-288B
54 S. HIGH STREET, #208
WAILUKU, HAWAII 96793-2198
808-984-8500

HAWAII DISTRICT OFFICE
RE: N-288B
75 AUPUNI STREET, #101
HILO, HAWAII 96720-4245
808-974-6321

KAUAI DISTRICT OFFICE
RE: N-288B
3060 EIWA STREET, #105
LIHUE, HAWAII 96766-1889
808-274-3456