

Monday, November 23, 2009

## **\$6,500 toward your NEXT home – FREE!**

Time to take advantage of low Real-Estate prices and buy up? Are you an empty-nester looking to buy a smaller home? Would \$6,500 help you make it work before April 30, 2010?

You probably heard of a tax credit for first-time homebuyers. Now homeowners can qualify for up to \$6,500 of the same credit if you (and if married, your spouse) have maintained the same principle residence for five of the last eight years. Purchases after November 6, 2009 and before April 30, 2010 generally qualify. (If you have a binding contract by April 30, 2010, you may qualify if you close on the home by June 30, 2010.) There are several other requirements to qualify for the homebuyer credit, as well as some other common misunderstandings of the rules. Let's explore some of them:

You must buy the house from somebody who is not part of your family or your spouse's family. In this case, family includes your spouse, children, grandchildren, parents or grandparents. For purposes of this credit, brothers, sisters, aunts, uncles, cousins, nephews, nieces, etc. are not considered to be related. (I know some of you like to consider them outside of family anyway!)

Generally, the money does not have to be paid back, as long as you continuously use the home as your principle residence for three years. If you move from the home, convert the home to vacation property or a second home, convert it to business or rental use, or sell the home in the three years following the purchase, the credit must be repaid. There are exceptions for death or a sale at a loss.

For a 2009 purchase, you may claim the credit on your 2008 return by filing an amendment, or waiting and filing on your 2009 return. For 2010 purchases, you may claim the credit on your 2009 return or your 2010 return. Filing in the earlier year will help you receive the fund much sooner than waiting to file your tax return for the same year as the purchase.

Choosing which year to claim the credit may be important because you will have to use a year in which you qualify under the income limitations: The credit is phased out if your AGI is over \$125,000 (\$225,000 for a joint return). You may still qualify for a partial credit if your AGI is between \$125,000 and \$145,000 (\$225,000 and \$245,000 for joint returns).

### MAIN

1419 Coit Avenue N.E.  
Grand Rapids, MI 49505  
(616) 456-6464

[www.cwccpas.com](http://www.cwccpas.com)  
[cwccpa@cwccpas.com](mailto:cwccpa@cwccpas.com)

### SOUTH

901 Gezon Pkwy SW Ste D  
Wyoming, MI 49509  
(616) 257-1099  
Fax: (616) 988-2069

Additional rules to qualify for the credit are that you (or your spouse) must be at least 18 years of age as of the date of purchase, no-one else may qualify to claim you as a dependent on their tax return for the year of purchase, and the purchase price of the home must not be more than \$800,000.

Traditionally we think of a home purchase as a house on a lot, but that is not necessary to qualify for the credit. It may be a house-boat, modular home, condominium, co-operative apartment or other residence as long as you make it your principal residence. You also may build a new home, but in this case you make take the credit only if you have closed and moved into the home by April 30, 2010. The home may also be purchased from the seller on a contract instead of with a mortgage or cash sale.

Another important note, the credit is the smaller of 10% of the purchase price of the home or \$6,500. A home for \$50,000 would have a maximum credit of \$5,000, not \$6,500. (If you file married filing separately, the maximum credit is \$3,250 for each spouse.) If two or more unmarried individuals purchase a principle residence, the total credit allowed to all of the individuals is \$6,500, and usually, the credit may be allocated among the purchasers using any reasonable method.

For more information on the credit for first-time homebuyers (for people who have not owned a principle residence in the last 3 years), visit [www.cwccpas.com/grand-rapids-tax-articles.htm](http://www.cwccpas.com/grand-rapids-tax-articles.htm).

About the author:

Duane Culver, CPA received a Master of Science of Taxation degree from Grand Valley State University and is President of Culver, Wood & Culver CPA's in Grand Rapids Michigan. Duane is an Endorsed Local Provider for tax services by Dave Ramsey. (616) 456-6464 dculver@cwccpas.com [www.cwccpas.com](http://www.cwccpas.com)

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<sup>i</sup> Service members serving on qualified extended duty outside of the U.S. for at least 90 days after 12/31/2008 and before 5/1/2010 are granted one additional year until April 30, 2011 and June 30, 2011.