

EXEMPTION WORKBOOK

MIDDLEBOROUGH BOARD OF ASSESSORS

TOWN HALL

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WHAT IS AN EXEMPTION?

A “Clause Exemption” is a release from the obligation to pay all or a portion of taxes assessed on your property. The clause exemptions listed here are based on the personal circumstances of the property owner as of July 1st.

The Massachusetts Legislature has enacted the following clause exemptions, all of which are subparagraphs of the Massachusetts General Laws Chapter 59, Section 5.

- 17D Surviving Spouse, Aged & Minor Children of Deceased Parents
- 18 Financial Hardship
- 22 a-f Veterans-10% Disability, Surviving Spouse, Purple Heart, etc
- 22A Veterans-Loss or Permanent Loss of Use of Limb
- 22B Veterans-Loss or Permanent Loss of Use of Limbs
- 22C Veterans-Specially Adapted Housing
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Killed in the Line of Duty
- 43 Minor Children of Police Officer or Firefighter
Killed in the Line of Duty

CLAUSE 17D

(Surviving Spouse, Aged, Minor Children of Deceased Parents)

OWN AS OF JULY 1 - For surviving spouse or minor children of deceased parents they must own the property as of July 1st. In the case of elderly persons, they must have owned and occupied the property on which the exemption is being filed for the past 5 consecutive years.

DOMICILE AS OF JULY 1 - Property must be applicant's domicile.

INCOME REQUIREMENTS - None

AGE REQUIREMENTS - If applicant is filing for Clause 17D (Aged) they must be 70 years old as of July 1st.

PERSONAL ESTATE REQUIREMENTS - Total value of owner occupied domicile, including up to a 3-unit building, is exempt. Total value of estate, real and personal, including value of any portion of domicile over 3 units, which produces income, plus money in the bank, stocks, bonds, etc. cannot exceed \$40,000. Estate does not include value of the applicant's life insurance policy, individual retirement accounts or other pension plans. If a person has a joint bank account with another person, the total money in the account must be declared since either joint owner has access to all of the money in the account.

DOCUMENTATION REQUIRED - Death certificate of spouse or parent who died before July 1 of the tax year. If filing for elderly, a copy of the applicant's birth certificate.

FILING DATE - December 15th or within three months if the tax bill was issued after September 15th.

MARITAL STATUS - Surviving spouse must remain unmarried to qualify for the exemption. If the ex-spouse dies after the divorce, the applicant is not considered a surviving spouse. If the spouse dies while the applicant is separated, the applicant is considered a surviving spouse.

MULTIPLE OWNERS - If there are multiple owners of the property and one files for an exemption, they will still receive the total exemption provided they meet all other requirements. There is no concern with the total estate of any co-owners.

PROPERTY IN TRUST - When a property is held in trust with multiple trustees only the applicant, not the co-trustees, must meet the requirements for the exemption. In addition, the applicant upon qualifying is eligible for the full exemption amount regardless of the number of co-trustees. The applicant however, MUST be both a trustee and an beneficiary to qualify for the exemption.

***** EXEMPTION AMOUNT IS \$175.00 PER YEAR *****

CLAUSE 18
(Financial Hardship)

OWN AS OF JULY 1 - Must own the property as of July 1st.

DOMICILE - Property must be applicant's domicile.

INCOME REQUIREMENTS - None

AGE REQUIREMENTS - None

PERSONAL ESTATE REQUIREMENTS - None

FILING DATE - December 15th or within three months if the tax bill was issued after September 15th.

OTHER QUALIFICATIONS - In the opinion of the Board of Assessors, if the applicant is unable to contribute fully towards their taxes.

MULTIPLE OWNERS - If there are multiple owners of the property and one files for an exemption, the applicant could still receive the total exemption amount the Board of Assessors vote.

PROPERTY IN TRUST - When a property is held in trust with multiple trustees, only the applicant, not the co-trustees, must meet the requirements for the exemption. The applicant MUST be both a trustee and a beneficiary to qualify for the exemption

AMOUNT EXEMPTED - Any or all of the taxes may be exempted.

CLAUSE 22 (a, b, c, d, e, f)

(Veterans-10% Disability, Surviving Spouse, Purple Heart etc.)

OWN AS OF JULY 1 - Must own the property as of July 1.

DOMICILE AS OF JULY 1 - Property must be applicant's domicile. Also must have been domiciled in Massachusetts 6 months prior to entering the service or Massachusetts resident at least five consecutive years after discharge prior to filing for exemption.

INCOME REQUIREMENTS - None

FILING DATE - December 15th or within three months if the tax bill was issued after September 15th.

DOCUMENTATION REQUIREMENTS - A letter/certificate from the Veterans Administration verifying the extent of disability as of July 1 of the tax year.

OTHER REQUIREMENTS - Veteran must have been discharged from the armed forces with an honorable discharge.

CLASSIFICATION - (a) Veterans with certificate from Veterans Administration showing at least 10% disability from any branch of the armed forces. Veterans of the Lebanese peace keeping force or Granada rescue mission must in addition show receipt of a campaign medal. An Act effective 7/8/91 expands the definitions of "veteran" and "wartime service" to include service in the Panamanian Intervention Force or Persian Gulf. (b) Soldier/Sailor who served in the Spanish War, the Philippine Insurrection, or the Chinese Relief Expedition. (c) Veterans having a Purple Heart. (d) Surviving spouses, who remain unmarried, of Veterans described in this Clause and Clauses 22a, 22b, 22b who were entitled to exemption at the time of death or died while serving in war, insurrection or expedition. (e) Fathers and mothers of soldiers or sailors who lost their lives in service. This includes natural parents, adopting parents or those who stood in loco parentis. (The burden is on the applicant to show by two affidavits of two disinterested persons, not relatives, that they stood in loco parentis to the service person for a least one-year prior to induction into service.) (f) Surviving spouses of World War I soldiers/sailors who served for 4/6/17 through 11/11/18, or who were awarded W.W.I Victory Medal, so long as the spouse remains unmarried, resided in Massachusetts for five consecutive years before filing and whose whole estate does not exceed \$20,000.

MISCELLANEOUS - In the case of a husband and wife, both disabled veterans, both can qualify for Clause 22. If the applicant lives in a greater than single family home, they will still receive the full exemption amount. Once an exemption has been granted for a 10% Disability, Purple Heart, or World War I Surviving Spouse documentation is not required for subsequent allowances of the exemption (renewals).

CLAUSE 22 (Continued)

MULTIPLE OWNERS - If there are multiple owners of the property and one files for an exemption, the applicant will still receive the total exemption amount provided they meet all other requirements.

PROPERTY IN TRUST - When a property is held in trust with multiple trustees only the applicant, not the co-trustees, must meet the requirements for the exemption. In addition, such applicant upon qualifying is eligible for the full exemption amount. The applicant MUST be both a trustee and a beneficiary to qualify for the exemption.

***** EXEMPTION AMOUNT IS \$400 PER YEAR*****

CLAUSE 22A

(Veterans-Loss or Permanent Loss of Use of One Limb)

OWN AS OF JULY 1 - Applicant must own the property as of July 1.

DOMICILE AS OF JULY 1 - Property must be applicant's domicile. Also must have been domiciled in Massachusetts 6 months prior to entering the service, or Massachusetts resident at least five consecutive years after discharge prior to filing for exemption.

INCOME REQUIREMENTS - None

DOCUMENTATION REQUIREMENTS - A letter/certificate from the Veterans Administration verifying the extent of disability as of July 1 of the tax year.

FILING DATE - December 15th or within three months if the bill was issued after September 15th.

OTHER REQUIREMENTS - (A) Applicant must have suffered the loss or permanent loss of use of one limb or loss of sight of one eye or applicant must have been awarded the congressional Medal of Honor; Distinguished Service Cross; Navy Cross or Air Force Cross. (B) Veteran must have been discharged from the armed forces with an honorable discharge. (C) Surviving spouse of a veteran who met the requirements of this clause will qualify as a surviving spouse under this Clause and need only provide documentation the first year of filing.

MISCELLANEOUS - Once an exemption has been granted for the above, documentation is not required for subsequent allowances of the exemption (renewals). If applicant lives in a greater than single family home, a proportionate amount of the exemption will be granted according to the number of living units in the property.

MULTIPLE OWNERS - If there are multiple owners of the property and one files for an exemption, the applicant will still receive the total exemption amount provided they meet all other requirements.

PROPERTY IN TRUST - When a property is held in trust with multiple trustees only the applicant, not the co-trustees, must meet the requirements for the exemption. In addition, such applicant upon qualifying is eligible for the full exemption amount. The amount MUST be both a trustee and a beneficiary to qualify for the exemption.

***** EXEMPTION AMOUNT IS \$750 PER YEAR*****

CLAUSE 22B

(Veterans-Loss or Permanent Loss of Use of Limbs)

OWN AS OF JULY 1 - Applicant must own the property as of July 1.

DOMICILE AS OF JULY 1 - Property must be applicant's domicile. Also must have been domiciled in Massachusetts 6 months prior to entering the service, or Massachusetts resident at least five consecutive years after discharge prior to filing for exemption.

INCOME REQUIREMENTS - None

DOCUMENTATION REQUIREMENTS - A letter/certificate from the Veterans Administration verifying the extent of disability as of July 1 of the tax year.

FILING DATE - December 15th or within three months if the bill was issued after September 15th.

OTHER REQUIREMENTS - (A) Applicant must have suffered the loss or permanent loss of use of two limbs or loss of sight of both eyes. (B) Veteran must have been discharged from the armed forces with an honorable discharge. (C) Surviving spouse of a veteran who met the requirements of this clause will qualify as a surviving spouse under this Clause and need only provide documentation the first year of filing.

MISCELLANEOUS - Once an exemption has been granted for the above, documentation is not required for subsequent allowances of the exemption (renewals). If applicant lives in a greater than single family home, a proportionate amount of the exemption will be granted according to the number of living units in the property.

MULTIPLE OWNERS - If there are multiple owners of the property and one files for an exemption, the applicant will still receive the total exemption amount provided they meet all other requirements.

PROPERTY IN TRUST - When a property is held in trust with multiple trustees only the applicant, not the co-trustees, must meet the requirements for the exemption. In addition, such applicant upon qualifying is eligible for the full exemption amount. The amount MUST be both a trustee and a beneficiary to qualify for the exemption.

***** EXEMPTION AMOUNT IS \$1,250 PER YEAR*****

CLAUSE 22C
(Veterans-Specially Adapted Housing)

OWN AS OF JULY 1 - Applicant must own property as of July 1.

DOMICILE AS OF JULY 1 - Property must be applicant's domicile. Also must have been domiciled in Massachusetts 6 months prior to entering the service, or Massachusetts resident at least five consecutive years after discharge prior to filing for exemption.

INCOME REQUIREMENTS - None

DOCUMENTATION REQUIREMENTS - A letter/certificate from the Veteran Administration verifying the extent of disability as of July 1 of the tax year.

FILING DATE - December 15th or within three months if the tax bill was issued after September 15th.

OTHER REQUIREMENTS - (A) Applicant must have suffered in the line of duty, permanent and total disability and have received assistance in acquiring "Specially Adapted Housing". (B) Veteran must have been discharged from the armed forces with an honorable discharge. (C) Surviving spouse of a veteran who met the requirements of this clause will qualify as a surviving spouse under this Clause and need only provide documentation the first year of filing.

MISCELLANEOUS - Once an exemption has been granted for the above, documentation is not required for subsequent allowances of the exemption (renewals). If applicant lives in a greater than single family home, a proportionate amount of the exemption will be granted according to the number of living units in the property.

MULTIPLE OWNERS - If there are multiple owners of the property and one files for an exemption, the applicant will still receive the total exemption amount provided they meet all other requirements.

PROPERTY IN TRUST - When a property is held in trust with multiple trustees only the applicant, not the co-trustees, must meet the requirements for the exemption. In addition, such applicant upon qualifying is eligible for the full exemption amount. The applicant MUST be both a trustee and a beneficiary to qualify for the exemption.

***** EXEMPTION AMOUNT IS \$1,500 PER YEAR *****

CLAUSE 22D

(Surviving Spouse of service members or guardsmen who died or were presumed dead in a combat zone.)

OWN AS OF JULY 1 -Applicant must own the property as of July 1.

DOMICILE AS OF JULY 1 - Property must be applicant's domicile as of July 1.

INCOME REQUIREMENTS - None

DOCUMENTATION REQUIREMENTS – DD 1300 Report of Casualty.

MISCELLANEOUS - (A) Applicant must be a surviving spouse of a soldier/sailor or guardsman who lost their life from injury or disease due to being in combat zone, or who are missing in action and presumed dead due to combat. (B) Once an exemption has been granted for the above, documentation is not required for subsequent allowances of the exemption (renewals). (C) Applicant must remain unmarried as of July 1.

MULTIPLE OWNERS - If there are multiple owners of the property and one files for an exemption, the applicant will still receive the total exemption amount provided they meet all other requirements.

PROPERTY IN TRUST - When a property is held in trust with multiple trustees only the applicant, not the co-trustees, must meet the requirements for the exemption. In addition such applicant upon qualifying is eligible for the full exemption amount. The applicant MUST be both trustee and a beneficiary to qualify for the exemption.

Full exemption for the first five years of the exemption.
After five years full up to \$2500

Exemption retroactive for surviving spouses of service members or guardsmen who died in combat, or were presumed dead as a result of combat, on or after 9/11/2001.

CLAUSE 22E
(Veterans-100% Disability)

OWN AS OF JULY 1 - Applicant must own the property as of July 1.

DOMICILE AS OF JULY 1 - Property must be applicant's domicile. Also must have been domiciled in Massachusetts 6 months prior to entering the service, or Massachusetts resident at least five consecutive years after discharge prior to filing for exemption.

INCOME REQUIREMENTS - None

DOCUMENTATION REQUIREMENTS - A determination of 100% disability from the Veterans Administration is required annually along with an income tax return showing source of income.

OTHER REQUIREMENTS - (A) Applicant must be 100% service connected disabled and be incapable of working. (B) Veteran must have been discharged from the armed forces with an honorable discharge. (C) Surviving spouse of a veteran who met the requirements of this clause will qualify under this Clause and need only provide documentation the first year of filing.

MISCELLANEOUS - If the applicant lives in a greater than single family home, a proportionate amount of the exemption will be granted according to the number of living units in the property.

MULTIPLE OWNERS - If there are multiple owners of the property and one files for an exemption, the applicant will still receive the total exemption amount provided they meet all other requirements.

PROPERTY IN TRUST - When a property is held in trust with multiple trustee only the applicant, not the co-trustees, must meet the requirements for the exemption. In addition, such applicant upon qualifying is eligible for the full exemption amount. The applicant MUST be both trustee and a beneficiary to qualify for the exemption.

***** EXEMPTION AMOUNT IS \$1000 PER YEAR *****

PARAPLEGICS

OWN AS OF JULY 1 - Applicant must own property as of July 1.

DOMICILE AS OF JULY 1 - Property must be applicant's domicile as of July 1.

INCOME REQUIREMENTS - None

DOCUMENTATION REQUIREMENTS - A determination from the Veterans Administration verifying the applicant as a paraplegic.

FILING DATE - December 15th or within three months if the tax bill was issued after September 15th.

OTHER REQUIREMENTS - Applicant must be a disabled veteran and be designated a paraplegic (paralysis of lower half of body on both sides) or be the surviving spouse of such paraplegic veteran.

MISCELLANEOUS - Once an exemption has been granted for the above, documentation is not required for subsequent allowances of the exemption (renewals). If applicant lives in a greater than single family home they will receive the full exemption amount. A surviving spouse of a paraplegic receives the full exemption.

MULTIPLE OWNERS - If there are multiple owners of the property and one files for an exemption, the applicant will still receive the total exemption amount provided they meet all other requirements.

PROPERTY IN TRUST- - When a property is held in trust with multiple trustees only the applicant, not the co-trustees, must meet the requirements for the exemption. In addition, such applicant upon qualifying is eligible for the full exemption amount. The applicant **MUST** be both a trustee and a beneficiary to qualify for the exemption.

EXEMPTION AMOUNT - Total exemption is granted after the Board of Assessors have written to and received permission from the Tax Commissioner.

CLAUSE 37
(Blind)

OWN AS OF JULY 1 - Applicant must own property as of July 1.

DOMICILE AS OF JULY 1 - Property must be applicant's domicile as of July 1.

INCOME REQUIREMENTS - None

DOCUMENTATION REQUIREMENTS - Applicant must annually provide verification of blindness from the Division of the Blind or from their attending physician. The applicant must be legally blind as of July 1st.

MULTIPLE OWNERS - If there are multiple owners of the property and one files for an exemption, the applicant will still receive the total exemption amount provided they meet all other requirements.

PROPERTY IN TRUST - When a property is held in trust with multiple trustees only the applicant, not the co-trustees, must meet the requirements for the exemption. In addition, such applicant upon qualifying is eligible for the full exemption amount. The applicant MUST be both a trustee and a beneficiary to qualify for the exemption.

***** EXEMPTION AMOUNT IS \$437.50 PER YEAR *****

CLAUSE 41A
(Tax Deferral)

OWN AS OF JULY 1 - Applicant must own property as of July 1.

DOMICILE AS OF JULY 1 - Property must be applicant's domicile as of July 1.

AGE REQUIREMENT - A qualified applicant must be at least 65 year old as of July 1.

FILING DATE - December 15th or within three months if the tax bill was issued after September 15th.

INCOME REQUIREMENTS - Gross receipts from all sources in the preceding calendar year cannot exceed \$20,000. If the applicant is married, the combined marital gross receipts also cannot exceed \$20,000.

OTHER REQUIREMENTS - In the first year unless there is a change in persons with property interest, as a prerequisite for the deferral, the qualified applicant must enter into a written tax deferral and recovery agreement. All parties with an interest in the property such as joint tenants and mortgagees must give written prior approval. The applicant must have been domiciled in Massachusetts for the ten preceding years. In addition, the applicant must have owned and occupied such real property, or other real property in Massachusetts as a domicile for at least five years.

MISCELLANEOUS - The applicant's surviving spouse who qualifies may continue to defer taxes provided the surviving spouse enters into a tax deferral and recovery agreement. A surviving spouse who inherits the property must have occupied it or other real property in Massachusetts as a domicile for five years. The deferral is not a true exemption, and therefore, a taxpayer can use a deferral in conjunction with a personal exemption.

OTHER - Clause 41A allows an elderly taxpayer to postpone payment of all or a portion of his or her real estate taxes each year at 8% simple interest per annum, provided the aggregate of deferred taxes and interest does not exceed 50% of the taxpayer's proportional share of the fair cash value of the property. The deferred taxes and interest may be repaid at any time. However, payment in full upon sale of the property or the death of the taxpayer, if the surviving spouse does not continue to defer, is required. Upon the sale or death of the taxpayer, the interest rate increases from 8% to 16%. The Tax Collector may not institute foreclosure proceedings on the property for a period of six months if the deferred amount has not been paid.

CLAUSE 41A (Continued)

BOARD OF ASSESSORS REQUIREMENTS - A Statement of Entry into Tax Deferral & Recovery Agreement (Form 97-2) in conjunction with the parcel has to be recorded at the registry of deeds the first year only. If the parcel is registered land then the Statement of Entry into Tax Deferral and Recovery Agreement needs to be filed for registration instead of recording it at the Registry of Deeds. Notify the Tax Collector and Town Accountant of the amount deferred. Also forward copies of the Deferral and Recovery Agreement and the recorded statement to the Tax Collector the first year. Notify the taxpayer after the deferral has been approved using Property Deferred Certificate (Form 97-3).

CLAUSE 41C
(Elderly)

OWN AS OF JULY 1 - Applicant must own property as of July 1. In addition they must have owned real estate in Massachusetts for 5 years or be the surviving spouse of a person.

DOMICILE AS OF JULY 1 - Property must be applicant's domicile as of July 1. They must also have lived in Massachusetts for the preceding ten years.

AGE AS OF JULY 1 - The applicant must be 70 years of age as of July 1.

INCOME REQUIREMENTS - Gross receipts from all sources must be less than \$20,000 if single and \$30,000 if married.

PERSONAL ESTATE REQUIREMENTS - Total value of owner occupied domicile, including up to a 3-unit building, is exempt. Total value of estate, real and personal, including value of any portion of domicile over 3 units, which produces income, cannot exceed \$40,000 if single or if married cannot exceed \$55,000.

FILING DATE - December 15th or within three months if the tax bill was issued after September 15th.

CO-OWNERS - Both owners must qualify with regard to income and assets. You do not combine the income and assets, they are figured individually. If both owners qualify, then the applicant receives \$250 or 1/2 of the exemption. Co-owner does not include husband and wife.

MULTIPLE OWNERS - All owners must qualify with regard to income and assets. You do not combine the income and assets, they are figured individually. If all owners qualify, then the applicant receives their percentage of the legal interest in the property. (e.g. 3 owners - \$166.67, 4 owners - \$125.00). If there are three or more owners, the applicant would receive more of an exemption if they filed and qualified under Clause 17D and received \$175.00.

CLAUSE 41C (Continued)

PROPERTY IN TRUST - A property held in trust with multiple trustees other than the applicant's spouse, each co-trustee must satisfy the annual income and whole estate requirements. In addition the applicant must be both trustee or co-trustee and listed as a beneficiary. If all trustees qualify individually for both the income and whole estate requirements then the applicant would receive the percentage of the exemption as it relates to the percentage of their legal interest in the property. (e.g. 2 trustees - \$250.00, 3 trustees - \$166.67, 4 trustees - \$125.00) As in multiple owners, if there are 3 or more trustees the applicant would receive more of an exemption if they filed and qualified under Clause 17D and received \$175.

LIFE ESTATE - If the applicant has retained a LIFE ESTATE they qualify for the full exemption regardless of who the trustees or beneficiaries are or who is the legal owner.

***** EXEMPTION AMOUNT IS \$500 PER YEAR *****

CLAUSE 42

(Surviving Spouse of Police Officer or Firefighter)
(Killed in the Line of Duty)

OWN AS OF JULY 1 - Applicant only needs to own property. There is no qualifying date.

DOMICILE AS OF JULY 1 - Property has to be applicant's domicile. There is no qualifying date..

DOCUMENTATION REQUIREMENTS - Written verification from the Commissioner of the Fire Department or Police Department.

OTHER REQUIREMENTS - Real estate of a surviving spouse, unless he/she remarries, of a police officer or firefighter killed in the line of duty. Line of duty is defined as the police officer or firefighter having been killed as a result of injuries resulting from the performance of his/her duties. It is not enough that they simply lost their life while on duty.

MULTIPLE OWNERS - If there are multiple owners of the property and one filed for an exemption, the applicant will still receive the total exemption amount provided they meet all other requirements.

PROPERTY IN TRUST - When a property is held in trust with multiple trustees only the applicant, not the co-trustees, must meet the requirements for the exemption. In addition such applicant upon qualifying is eligible for the full exemption amount. The applicant MUST be both a trustee and beneficiary to qualify for the exemption.

EXEMPTION AMOUNT - Total tax.

CLAUSE 43

(Minor Children of Police Officer or Firefighter)
(Killed in the Line of Duty)

OWN AS OF JULY 1 - Applicant only needs to own property. There is no qualifying date.

DOMICILE AS OF JULY 1 - Property has to be applicant's domicile. There is no qualifying date..

DOCUMENTATION REQUIREMENTS - Written verification from the Commissioner of the Fire Department or Police Department.

OTHER REQUIREMENTS - Real estate of minor children of a police officer or firefighter killed in the line of duty, provided that the other parent of said children is also deceased. Line of duty is defined as the police officer or firefighter having been killed as a result of injuries resulting from the performance of his/her duties. It is not enough that they simply lost their life while on duty. Minor children must be under 18 years of age on July 1. Death of police officer or firefighter must have occurred before July 1.

MULTIPLE OWNERS - If there are multiple owners of the property and one filed for an exemption, the applicant will still receive the total exemption amount provided they meet all other requirements.

PROPERTY IN TRUST - When a property is held in trust with multiple trustees only the applicant, not the co-trustees, must meet the requirements for the exemption. In addition such applicant upon qualifying is eligible for the full exemption amount. The applicant MUST be both a trustee and beneficiary to qualify for the exemption.

EXEMPTION AMOUNT - Total tax.