**Private Letter Ruling**

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| **Ruling Number:** | **P-2000-037** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Sales of real property.** |
| **Keywords:** |  |
| **Approval Date:** | **07/27/2000** |

**Body:**

Office of Policy & Research

July 27, 2000

XXXXXXXXXX
XXXXXXXXXXXXXXXX
XXXXXXXX

Dear XXXXXXXXXX:

I have been asked to respond to your letter of July 26, 2000.

Your firm has been commissioned to sell a building. Your client owns the building. The real property that the building is located upon is owned by an unrelated third party. The third party leases to your client the real property upon which said building is located. The building is permanently affixed to the real property. You ask if the sale of the building constitutes for purposes of Kansas retailers’ sales tax a sale of tangible personal property or the sale of real property.

The building has been classified and taxed as real property as evidenced by documents from the XXXXXXXX County Appraiser. It is the opinion of the Kansas Department of Revenue that the building in question is real property. Therefore, the sale of said building would not constitute the sale of tangible personal property and is not subject to sales tax.

This is a private letter ruling pursuant to K.A.R. 92-19-59. It is based solely on the facts provided in your request. If it is determined that undisclosed facts were material or necessary to an accurate determination by the department, this ruling is null and void. This ruling will be revoked by operation of law without further department action if there is a change in the controlling statutes, administrative regulations, revenue rulings or case law that materially effects this determination.

Sincerely,

Mark D. Ciardullo
Tax Specialist

**Date Composed: 07/31/2000 Date Modified: 10/11/2001**