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April 18, 1989

Jerry Hawkins, Supervisor
Office of the Assessor
Stanislaus County
1100 H Street
P.O. Box 1068
Modesto, CA 95353-1068

Re: Pe Family Deeds

Dear Mr. Hawkins:

I am writing to confirm our recent telephone conversation.

On January 9, 1989, the Assessor of Stanislaus County, Mr. David W. Triplett, wrote to us requesting our opinion as to whether or not certain deeds by and between four brothers and members of their families constituted changes in ownership of the five subject parcels. Each such property was transferred twice, by successive deeds. The beginning and ending owners were the same, but the intermediate owners were all four brothers and their wives. Each Preliminary Change of Ownership Report stated that: "This is the first in a series of deeds required by Federal Reclamation law."

Your office has correctly stated the presumption that a deed grants full beneficial title to its recipients, unless such presumption can be overcome by clear and convincing proof. Evidence Code section 662. In an attempt to rebut such presumption in the instant case, the taxpayers have simply recited that the deeds are "required" by Federal Reclamation law. As I indicated to you during our telephone conversation, such statement, without further explanation, does not serve to carry the taxpayers' required rebuttal burden.

According to the letter, the taxpayers are asserting that they are entitled to an exclusion from change in ownership consequences as only "bare legal title" passed. While it is possible that the taxpayers could ultimately be shown to be correct in such assertion, we cannot issue an opinion on the matter unless and until we first (1) have an opportunity to determine the exact circumstances of the execution, delivery and recordation of the deeds, and (2) are advised of

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specifically what Federal Reclamation law requirements were purportedly being satisfied by such actions.

Unless additional information of this kind is proffered by the taxpayers, establishing their position by clear and convincing evidence, it would be reasonable to conclude, under the referenced presumption, that the deeds passed beneficial ownership of the five subject parcels to the named grantees.

In response to my remarks, you indicated that you would be contacting the taxpayers' attorney in order to obtain a statement of the taxpayers' reasons for the deedings, and, further, a reference to the precise Federal Reclamation law requirements with which they were attempting to comply.

Pursuant to our conversation, we will take no further action until we have heard from you with regard to the above-referenced matters. In the meantime, please do not hesitate to call me should you have any questions.

Yours very truly,



Robert W. Lambert
Tax Counsel

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cc: Hon. David W. Triplett
Stanislaus County Assessor
Mr. John Hagerty
Mr. Robert Gustafson
Mr. Verne Walton