



(916) 445-3076

March 11, 1980

Mr. Carl S. Rush
Contra Costa County Assessor
834 Court Street
Martinez, CA 94553

Attention: Mr. Steve Dawkins

Dear Mr. Dawkins:

You asked for our opinion on the meaning of a sentence from the October 29, 1979, Property Tax Assessment handbook compiled by the Assembly Revenue and Taxation Committee. The sentence appears on page 21 and is as follows:

"An 'original transferor' is one or more persons who hold joint tenancy interests in property immediately after a complete turnover of the previous original owners occurs."

In our opinion, the meaning of this definition of original transferor relates only to one element of Section 65 of the Revenue and Taxation Code. This element is found in the last paragraph of Section 65 (a) and indicates that when all original transferors have terminated their interests, then those persons who remain as joint tenants will be considered original transferors for the next series of transactions.

The sentence quoted above does not, in our opinion, affect the law as found in Section 65 which provides that in order to be subject to the provisions of Section 65, there first must be a Section 62(f) exclusion. Without a Section 62(f) exclusion as the foundation, the exclusions of Section 65 simply cannot come play and the interest transferred will always be reappraised.

Yours very truly,

Robert D. Milam
Tax Counsel

RDM:fr

bc: Mr. Gordon Adelman, Mr. Robert H. Gustafson, Mr. Verne Walton