



(916) 323-7714

May 23, 1985

Mr. Allen A. Haim
Chief Deputy County Counsel
County of Marin
Suite 342 Civic Center
San Rafael, CA 94908

Dear Mr. Haim:

Possessory Interest Held by a Federal Credit Union

We have noted your letter of May 21, 1985 to the Hamilton Federal Credit Union and concur with your conclusion that it is subject to a possessory interest assessment. Our interpretation of Title 12, Banks and Banking, section 1768 of the United States Code is that the provision subjecting real property of federal credit unions to local taxation to the same extent as other similar property renders the Hamilton property assessable as a possessory interest.

This will also reconfirm our prior telephone conversation wherein I pointed out that this was the first time that the question of assessment of federal credit unions has been brought to the attention of our staff. It will also confirm that the United States v. California State Board of Equalization, Civ. No. CV 81-1588-R, Central Dist. of Calif. was not appealed but is strictly limited by our staff to its holding on sales and use tax.

Very truly yours,

James M. Williams
Tax Counsel

JMW:fr

bc: Mr. Gordon P. Adelman
Mr. Robert H. Gustafson
Mr. Verne Walton
Legal Section