

LTA 2015/033 *Property Tax Rule 462.040, Change in Ownership – Joint Tenancies* requested response to you with proposed amendments. Here are my proposals:

Pg. 2, Example 5: there seem to be two examples here. They are very close in what happens, so I understand why they are together, but I think there should be a new paragraph at “Likewise, if A, as the sole owner ...”

When I am looking for examples to match a real world scenario, I look at the first few words or sentence of the example to see who transferred to whom to see if it matches my scenario. Separating these two examples by a paragraph break would allow me to quickly find the second example. Alternately, it could be a separate example, but I think the paragraph would be sufficient.

Example 8: Add at the end for clarity:

“Also, B and C remain on title as transferors who are transferees and thereby become “original transferors.”

Pg. 3, Example 10: replace the two “was” with “is”:

“... because C is the registered ...” and
“... because C is A’s registered ...”

Pg. 4, (C) move the word “an” to precede “other than original transferor”:

“...the transfer terminates a joint tenancy interest held by an “other than original transferor” in a joint tenancy ...”

Pg. 5, Example 18: this needs some clarity. Under the circumstances where application of the step-transaction doctrine to disregard the form of the transaction, would we then have two 50% changes in ownership, one on August 13, 2003 and one on January 13, 2004, or would we then have a 100% change in ownership on January 13, 2004?

Pg. 6, (6) **Cotenancy Exclusion**: add some verbiage:

“The transfer is one to which the cotenancy exclusion applies, and for which an affidavit has been submitted as required by ~~pursuant to~~ section 62.3 of the Revenue and Taxation Code.”

The clearer we can make things, especially regarding joint tenancies, the better!

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