

160.0000 ASSESSEE

*See Assessment Appeals Board
Escape Assessments
Property Statement
State-Assessed Property*

160.0002 Assessor's Records. After a property is sold, the former owner is no longer considered an "assessee" of that property and does not have access to the assessor's records pertaining to the property, when owned by the new owner, that are statutorily held to be confidential. "Assessee" is defined in Revenue and Taxation Code section 23 as "the person to whom the property or a tax is assessed" and is understood to mean the current owner. C 3/6/98.

160.0004 Computer Program Storage Media. Revenue and Taxation Code section 995 provides that storage media for computer programs are assessable for property tax purposes and should be valued as if there were no computer programs on them, except basic operational programs. Computer programs, even basic operational programs, existing separately from the storage media cannot be assessed. Therefore, pursuant to Revenue and Taxation Code section 405(a), the assessor can make assessments only to the persons owning, claiming, possessing or controlling storage media on the lien date. If the storage media is leased, the assessor has the option of making the assessment to the owner (lessor), to the lessee, or to both the lessor and lessee of the storage media as provided by Revenue and Taxation Code section 405(b). LTA 4/30/96 (No. 96/29).

160.0005 Cross-Securing of Personal Property. An assessor may not cross-secure personal property owned by a corporation to real property owned by the sole shareholder of the corporation unless the shareholder is also the assessee of the personal property. C 4/25/79.

160.0010 Estate Property. Property in an estate should be enrolled, whether the assessment is a regular one or an escape, in the name of the estate or in the name of the beneficiary who will receive the particular property. If the property has been distributed, the assessment, regular or escape, should be in the name of the beneficiary only since the executor's/administrator's liability to pay taxes ceases once the estate is distributed. This approach is proper whether the beneficiary is the recipient of a partial interest in or obtains sole ownership of the property. C 12/19/89.

160.0013 Name on Assessment Roll. Person desiring his name to appear on assessment roll with respect to parcel of land has right to have property so assessed to him if he has claimed it in property statement filed pursuant to Revenue and Taxation Code section 441, without showing further proof of interest in land to the assessor. C 3/14/89; OAG 5/29/59 (No. 59-70, Vol. 33, p. 118).

160.0015 Personal Property Leased to A Bank or Insurance Company. Personal property leased to banks and insurance companies is not entitled to the exemption accorded the personal property owned by such institutions, and such property should be assessed to the lessor. Personal property leased to a bank or insurance company is exempt if the bank or insurance company is the equity owner, however, even though the agreement between the lessor and the bank or insurance company is denominated a lease. C 7/24/79.

160.0020 Personal Property Leased by a Bank or Financial Corporation. Pursuant to Revenue and Taxation Code section 235, a lessee of personal property owned by a bank or

PROPERTY TAX ANNOTATIONS

financial corporation is conclusively presumed to be the owner of the property. Thus, in light of Revenue and Taxation Code section 441, which requires every person owning personal property to file a property statement, such a lessee must file a property statement if the property has an aggregate cost of \$30,000 or more. Revenue and Taxation Code sections 441(d) and 442 and *Roberts v. Gulf Oil Corp.*, 147 Cal.App.3d 770, however, require the bank or financial corporation to continue to report the leased property on its property statement. C 4/14/87.

Note: Stats. 1995, Ch. 498 changed \$30,000 threshold to \$100,000.

[160.0025](#) **Personal Property Leased by a Bank or Financial Corporation.** Leased personal property that is accurately reported pursuant to Revenue and Taxation Code section 441(f) by a financial corporation should be subject to a single assessment because Revenue and Taxation Code section 235 requires the conclusive presumption of ownership by the lessee. C 6/13/96.