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Executive Director

(916) 323-7715

December 19, 1989

Mr.

Attorneys at Law

Dear Mr. :

This is in response to your November 16, 1989 letter to this Board wherein you enclosed a copy of a January 21, 1982 letter from Ms. to Mr. regarding the proper assessee of real property in a decedent's estate for regular and escape assessment purposes; and you asked whether Revenue and Taxation Code section 531.2, discussed therein, applies equally to escape assessments made when the decedent owns only a partial interest in, rather than the entire real property:

"With regard to who is the proper assessee when property of a decedent's estate has escaped assessment, we believe the same principles are applicable: If at the time the escape is discovered the estate has not been distributed, then either the executor or the beneficiary is the proper assessee; if the estate has been distributed on the date of discovery of the escape, then the beneficiary is the proper assessee. Section 531.2 of the Revenue and Taxation Code provides that if prior to the date the escape assessment is made, the property has been transferred or conveyed to a bona fide purchaser for value, then the escape assessment 'shall not create or impose a lien or charge on the property and shall be entered on the unsecured roll in the name of the person who would have been the assessee in the year in which it escaped assessment.' In such instances, we would advise that if the estate has been distributed prior to discovery of the escape then the assessment should be enrolled in the name of the beneficiary, rather than the executor, since the executor's liability to pay taxes to the county on estate property ceases once the estate is distributed." (Page 2 of January 21, 1982 letter.)

In our opinion, Section 531.2 applies both to entire real properties and to portions of real properties that have escaped assessment, and we are unaware of any authority to the contrary.

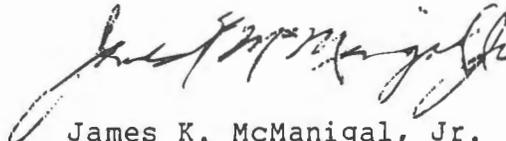
Mr.

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In conclusion, our intention is to provide prompt, courteous and helpful responses to inquiries such as your. Suggestions that help us accomplish this are appreciated.

Very truly yours,



James K. McManigal, Jr.
Tax Counsel

JKM:mw
2964H

cc: Mr. John Hagerty
Mr. Verne Walton