

170.0087 - -

170.0087 Sale After Assessment. Nothing in Revenue and Taxation Code Section 405 nor in any other related section of the code (other than those applicable to supplemental assessments) authorizes the county assessor or the county to prorate assessments or taxes between the person owning a property on the lien date and a person who subsequently purchases it. The proration of property taxes is typically a matter of contract between the buyer and seller. C 7/8/88.

STATE BOARD OF EQUALIZATION

1020 N STREET, SACRAMENTO, CALIFORNIA
(PO. BOX 942879, SACRAMENTO, CALIFORNIA 94279-0001)

(916) 445-4588

July 8, 1988



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Executive Secretary

Dear Mr. [redacted] t:

This will confirm our telephone conversation of Thursday, July 7, 1988, regarding your letter of June 24.

After reviewing your letter and the exhibits included with it, I regret that I am unable to agree with your conclusion that the Marin County Assessor is authorized by Revenue and Taxation Code section 405 to divide and prorate the taxes arising from the escape assessment for 1986-87 on the real property which was owned by your wife on March 1 of 1986 but was sold the following August 1. I find nothing in section 405 or the other provisions of the Revenue and Taxation Code (excluding the supplemental assessment provisions which are not applicable here) which authorize the county to prorate the property taxes for a given year between a buyer and a seller of the property. See Revenue and Taxation Code section 75.54(c) (copy enclosed) for an example of express legislative authority to apportion taxes. Unfortunately, this only applies to supplemental assessments.

The proration of property taxes is typically a matter of private contract between the buyer and seller. The obligation of the buyer to assume his or her share of the taxes for the current year arises from that private agreement and not from the authority or requirements of the Revenue and Taxation Code. It appears, therefore, that you do have a remedy but it lies in the direction of seeking reimbursement from the buyer under your sales contract rather than utilizing the tax system as a means of sharing the tax liability.

Very truly yours,

Richard H. Ochsner
Assistant Chief Counsel

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Escape Assessment