

Opinion No. 60-240

December 28, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

TO: Charles A. Feezer Assistant District Attorney Fifth Judicial District Carlsbad, New Mexico

QUESTION

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If a veteran owns shares in a closely held corporation, the only asset of which is land, may a veteran's exemption from taxation be claimed on the land?

CONCLUSION

No.

OPINION

{*665} **ANALYSIS**

The statutory exemption is bestowed on honorably discharged {*666} members of the armed forces of the United States who served while the United States was engaged in armed conflict, (72-1-11). An honorable discharge from such service is required to entitle the claimant to qualify for exemption. Such statutory exemptions are to be strictly construed against claimants. 84 CJS pp. 459, 460, **Taxation** § 241. Exemptions granted veterans often do not even inure to the benefit of their wives, **Idem**.

Under § 72-1-13, N.M.S.A., 1953 Comp., where a veteran is a trustee for the benefit of himself the others he may claim an exemption to the extent of his own beneficial interest in the trust, but here the veteran is no a trustee. The corporation, not the veteran, holds title. In our opinion the exemption does not apply.

It is our opinion that the statute does not grant to the corporation the exemption claimed since the veteran holds no title, neither legal or equitable in the land for which the exemption is sought.

By: Mark C. Reno

Assistant Attorney General