

Opinion No. 21-3088

August 16, 1921

BY: HARRY S. BOWMAN, Attorney General

TO: Honorable Richard H. Hanna, Attorney at Law, Albuquerque, New Mexico.

Appraisal of Property as Required By Inheritance Tax Law.

OPINION

{*84} In reply to your letter of the 11th instant regarding the appraisal to be filed under Section 10 of Chapter 122, Laws of 1919, the Inheritance Tax Law, I wish to say:

In my opinion, the appraisal provided for in Section 10, Chapter 122, Laws 1919, is the same appraisal required by Section 2251, Code 1915, and no other appraisal would be required unless the appraisement as filed was not satisfactory to the State Treasurer and he proceeded in accordance with the requirements of the law to have an additional appraisal made.

This view is sustained by referring to Section 10, Chapter 179, Laws 1921, the Inheritance Tax Law, passed by the last session of the legislature, which provides that the general inventory required by the probate laws Section 2251, Code 1915), would be the appraisal to be used in determining the amount of the inheritance tax to be paid.

I believe that the procedure provided for by the 1921 Act, (Chapter 179, Laws 1921), should be followed where there is any difference in the two acts, so that if there is any doubt regarding the matter of the appraisal, the one prescribed in the 1921 law should be used.

It would appear, therefore, that only one appraisal is necessary, and that, the one provided for in Section 2251, if the same is satisfactory to the officials having in charge the administration of the Inheritance Tax Law.