

Opinion No. 22-3591

September 22, 1922

BY: A. M. EDWARDS, Assistant Attorney General

TO: State Tax Commission, Mr. Van L. White, Secretary, Santa Fe, New Mexico.

Assessment for Taxation of Property and Mortgage Thereon.

OPINION

{*179} I have the letter of September 5th, addressed to the State Tax Commission by E. W. Hulbert, Deputy Assessor of Lincoln County.

From this letter, it seems that the Assessor has assessed certain land to the owner on January 1st, 1922, and also assessed the holder of a mortgage against the land for the full value of the mortgage. Since these assessments have been placed upon the tax rolls, the property has passed to the holder of the mortgage by warranty deed, the conveyance being presumably made in satisfaction of the mortgage.

I believe that under these circumstances, the Assessor should strike the assessment of the mortgage against Oliver Peaker, and allow the assessment against the land to stand in the name of Owen, who owned it on January 1st, 1922.