

State Lands—Mortgages—Foreclosure—Taxation—State Redemption.

Land bid in by the state upon foreclosure of mortgage is not taxable during the period of redemption.

Land deeded to the state, with the right of redemption in the former owner, is not taxable.

State Board of Equalization,
Helena, Montana.

March 20, 1925.

Gentlemen :

You have requested my opinion upon the following questions :

1. When state land is foreclosed and a certificate is issued to the state is the land taxable to the former owner by virtue of the fact that he has a period of redemption and has been given an option to re-purchase?

2. Is land which has been mortgaged to the state and which the owner quit-claims to the state taxable to the former owner where the deed gives the former owner the right of redemption for the period of one year and three months from the date of such quit-claim deed?

Both of your questions depend upon who is the owner of the property. I think it clear that in both instances the ownership of the property is in the state and hence the land is not taxable. This seems to be well settled in this jurisdiction. (See *McQueeney vs. Toomey*, 36 Mont. 282; *State ex rel Hopkins vs. Stephens*, 63 Mont. 318; *Citizens' Nat. Bk. vs. Western L. & B. Co.*, 64 Mont. 40.)

It is, therefore my opinion that both of your questions must be answered in the negative.

Very truly yours,

L. A. FOOT,
Attorney General.