

Credits—Taxation—Situs—Corporation.

Credits of a corporation domiciled outside the state of Montana are not taxable in Montana.

November 28, 1928.

State Board of Equalization,
Helena, Montana.

Gentlemen:

You have requested an opinion on the following question:

The Nichols & Shepard Company has its home office at Battle Creek, Michigan. It operates a branch office at Great Falls, Montana. The company was assessed by Cascade county, Montana, for credits in addition to other personal property, in the amount of \$125,000.00, which credits for some time prior to the first Monday in March, 1928, had been and were on the first Monday in March, 1928, at the home office of said company. Is the property represented by said credits subject to taxation by Cascade county, Montana, if it had been assessed and taxed at the home office of said company?

With the facts as given above the credits of the above company located at its home office without the state and which were not physically present in Montana, cannot be taxed by Cascade county, Montana. The situs of this personal property for taxation purposes is without the state of Montana and we have no jurisdiction over same for taxation purposes. "Bonds, mortgages and debts generally have no situs independent of the domicile of the owner." (Buck v. Beach, 206 U. S. 392, 71 N. E. 963, and other cases cited.)

Very truly yours,

L. A. FOOT,
Attorney General.