

**Sheriffs' Deeds—Deeds—Stamp Tax—Revenue Stamps.**

Sheriffs' deeds to federal land banks—where they are procured as the results of foreclosure proceedings—should be issued by the sheriff without the revenue stamps attached.

The Federal Land Bank of Spokane,  
Spokane, Washington.

November 18, 1932.

Gentlemen:

I have your request for an opinion relative to the necessity of the land bank paying stamp taxes on sheriffs' deeds where the bank has foreclosed a mortgage and is entitled to a sheriff's deed under the foreclosure proceedings. On August 4, 1932, this office rendered an opinion that sheriffs' deeds were subject to the stamp taxes and that the grantee in the deed was required to procure the stamps to be affixed to the deed or pay to the sheriff the money with which to procure them; otherwise, the sheriff would not be required to execute the deed. This opinion did not deal with sheriffs' deeds that would be issued to instrumentalities of the federal government but it had application only to the issuance of deeds to private persons and corporations.

The United States government is the beneficiary of these stamp taxes and, of course, its interpretation of the law as to what deeds are exempt from the taxes, should be controlling on the sheriff. If the government contends that deeds issued to the Federal Land Bank are not required to have the stamps affixed, then certainly the government would not be entitled to complain if the sheriff, relying on the construction of the law adopted by the United States, issues sheriffs' deeds to the Land Bank without the stamps affixed. The general counsel of the bureau of internal revenue, under date of August 11, 1932, gave it as his opinion that these deeds to the Federal Land Bank are exempt from these stamp taxes.

I agree with that opinion.

For the reasons hereinabove stated, the sheriffs of the state should issue sheriffs' deeds to the Land Bank where they are procured as the result of foreclosure proceedings, without requiring the land bank to either furnish the stamps or paying to the sheriff the money with which to procure them. These deeds should be issued without the stamps attached.

Very truly yours,  
L. A. FOOT,  
Attorney General.