

THE STATE OF SOUTH CAROLINA
OFFICE OF THE ATTORNEY GENERAL
COLUMBIA

OPINION NO. _____

March 15, 1990

SUBJECT: Taxation and Revenue - Owners Of A Mobile Home When Certificate Of Title Is To "A" Or "B".

SYLLABUS: A mobile home titled to "A" or "B" is jointly owned because "or" is to be construed to be conjunctive. "A" who meets the requirements for a homestead exemption is entitled to one-half the exemption.

TO: Honorable Kenneth S. Holt
Horry County Auditor

FROM: Joe L. Allen, Jr. *JA*
Chief Deputy Attorney General

QUESTION: The certificate of title to a mobile home is to "A" or "B". "A" qualifies for the homestead exemption, however, "B" does not qualify. "A" and "B" are not husband and wife. It is assumed that this is the legal residence of both "A" and "B". What is the amount of the homestead exemption?

APPLICABLE LAW: Section 12-37-250, Code of Laws of South Carolina, 1976.

DISCUSSION:
The section grants a homestead exemption from property taxation to certain persons. The exemption is granted to persons who own the homestead in fee or for life. When there is joint ownership with a person other than a spouse, the exemption is proportioned to the number of different owners. The question here is whether "A" is to receive the full exemption or a prorated exemption. In our view, the exemption is prorated.

Title or ownership to property must vest. It cannot be in one person or another.

"Title to real estate cannot remain in abeyance; it must be vested in someone."
Carter v. Wroten, 187 S.C. 432, 198 S.E. 13.

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In general, this rule is also applicable to personal property because without this controlling, neither "A" nor "B" would hold title or ownership to the property. Under such circumstances, it could be the property of "A" or it could be the property of "B" and title would always be in doubt.

The more logical application of the word "or" in this case is to apply it as conjunctive rather than disjunctive. (Cases applying the word "or" to be conjunctive are found in 30 Words & Phrases word "Or".)

Under this application, the word "or" is interpreted to mean "and" therefore "A" and "B" would be joint owners. "A", under such circumstance, would be entitled to one-half the exemption.

CONCLUSION:

A mobile home titled to "A" or "B" is jointly owned because "or" is to be construed to be conjunctive. "A" who meets the requirements for a homestead exemption is entitled to one-half the exemption.

JLAJr:wcg