

1980 S.C. Op. Atty. Gen. 122 (S.C.A.G.), 1980 S.C. Op. Atty. Gen. No. 80-71, 1980 WL 81953

Office of the Attorney General

State of South Carolina

Opinion No. 80-71

June 12, 1980

***1 SUBJECT: Property Tax—Homestead Exemption For Part Ownership**

When more than one person is the owner of a homestead and some but not all satisfy the other conditions provided by § 12–37–250, a proportional exemption is to be granted. All owners are deemed to possess equal interest and it is that part of the exemption that represents the percentage of ownership of qualified persons to the whole fee or life estate that is to be granted.

TO: Honorable Jeanette K. Hamm
Newberry County Auditor

QUESTION:

Under a 1980 Act of the General Assembly bearing Ratification No. 359, how shall the amount of the homestead exemption be calculated?

APPLICABLE LAW:

Act R. 359, Acts of 1980.

DISCUSSION:

Section 1 of the Act provides:

‘The homestead tax exemption shall be granted in the amount herein provided to those persons who own a dwelling in part in fee or in part for life when such persons satisfy the other conditions of the exemption. The amount of the exemption shall be determined by multiplying the percentage of the fee or life estate owned by such person to the full exemption. The exemption shall not exceed the value of the interest owned by such person. For purposes of the exemption, each owner of a part of the fee or life estate shall be deemed to own equal interest in the homestead.’

The Act declares further that all owners possess equal interest for the purpose of calculating the amount of the exemption. The amount of the exemption, however, is limited to the percentage of the ownership of qualified persons in the homestead to the full exemption of \$15,000, or the value of the homestead if such is less than \$15,000.

An example: A homestead is owned by five persons. It is the legal residence of three of such persons that otherwise meet the conditions for the exemption. The three persons qualifying for the exemption thus own three-fifths or sixty percent of the total fee or life estate. If the value of the homestead is \$15,000 or more, the exemption is sixty percent of the \$15,000, or \$9,000. Assume, however, that the value of the homestead is \$10,000. The exemption is sixty percent of the \$10,000, or \$6,000.

CONCLUSION:

When more than one person is the owner of a homestead and some but not all satisfy the other conditions provided by § 12–37–250, a proportional exemption is to be granted. All owners are deemed to possess equal interest and it is that part of the exemption that represents the percentage of ownership of qualified persons to the whole fee or life estate that is to be granted.

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