

AUGUST 28, 1950.

HON. WALTER T. MARGETTS, JR.,
State Treasurer,
State House,
Trenton 7, N. J.

FORMAL OPINION—1950. No. 55.

DEAR SIR:

This will acknowledge receipt of your letter, dated August 10, 1950, wherein you advise that Frank M. Deiner, Secretary of the Middlesex County Board of Taxation, has raised the following question:

“Must the veteran hold title to property as of October 1 of the pretax year in order to be entitled to claim a \$500 veteran's exemption where improvements added to the property subsequent to said date are assessed under the added assessment act (See N. J. S. A. 54:4-63.1)?”

It is our opinion that in order for a veteran to be entitled to his exemption, as provided for in the Constitution (Article VIII, section 1, paragraph 3), he must (1) assert his right to claim the exemption (54:4-3.12), and (2) be the owner of the property, upon which he claims exemption, on October 1 of the pretax year. (See R. S. 54:4-1).

As we view the law, the controlling date therefor is October 1 of the pretax year, and if the veteran would not be entitled to his exemption by reason of the fact that he did not own the property on October 1 of the pretax year, we see no reason nor do we find any provision in the law (R. S. 54:4-63.1 et seq.) which would grant to the veteran an exemption on property acquired subsequent to the taxing date, that is, October 1 of the pretax year. In *Jersey City vs. Montville*, reported in 84 N. J. L. 43, it was held that taxation of property is based upon the status as of the assessing date, not as of the tax year or any portion thereof. The court also followed this view in the case of *Corrado vs. Hoboken*, 20 Misc. 134.

We therefore conclude that the answer to your query, as stated in the first paragraph of this letter, must be that the assessor may not grant to the veteran an exemption on property acquired by him after the tax date (October 1), and this is applied also in the case of added assessments where the controlling date must be October 1 of the pretax year.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: BENJAMIN M. TAUB,
Deputy Attorney General.