

1979 S.C. Op. Atty. Gen. 134 (S.C.A.G.), 1979 S.C. Op. Atty. Gen. No. 79-97, 1979 WL 29102

Office of the Attorney General

State of South Carolina

Opinion No. 79-97

July 19, 1979

***1 SUBJECT: Property Tax—Fair Market Valuation of Timberlands for Nonagricultural Use.**

For roll-back taxes timber should not be separately valued or assessed for ad valorem tax purposes, but the value of the land is to be ascertained as the same is enhanced by the trees.

TO: Mr. James L. Brodie
Supervisor-Reassessment

QUESTION:

Section 12-43-220(d) provides for the taxation of agricultural land on a 'fair market value for such agricultural purposes'. A roll-back tax is provided when the use of the property changes to nonagricultural. The tax is calculated on the difference in values between the fair market value of the lands for agricultural use and the land's fair market value determined by the standard set forth in Section 12-37-930.

APPLICABLE LAW:

[§§ 12-43-220\(d\)](#) and [12-37-930](#), 1976 Code of Laws.

DISCUSSION:

In an opinion of this office of February 21, 1967 we advised:

'* * * timber should not be separately valued or assessed for ad valorem tax purposes, but that the value of the land is to be ascertained as the same is enhanced by the trees.'

We cited the following as authority for this conclusion:

'Generally, growing trees permanently located on land are part of the real estate for tax purposes and the value of the land is to be considered as enhanced by the value of the timber. In valuing timber land for purposes of assessment, the matters to be considered include the land itself, the kinds, quality, quantity, and density of the timber standing on the land, logging conditions, the distance from market and transportation, and the depreciation, if any, in the market value of timber and timber lands.' [84 C.J.S., page 806, Taxation, Section 411\(f\)](#).

We find no reason to modify the above and for purposes of determining the value of timberlands under [Section 12-37-930](#), the opinion of February 21, 1967 continues to reflect our conclusion.

Joe L. Allen, Jr.
Deputy Attorney General

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