

1973 S.C. Op. Atty. Gen. 10 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3440, 1973 WL 20905

Office of the Attorney General

State of South Carolina

Opinion No. 3440

January 4, 1973

***1 The Homestead Exemption applies to all life estates that were in effect on December 31, 1971, and to all other life estates that may by Will be created after December 31, 1971.**

Deputy Comptroller

The General Assembly, in Act No. 1132, Acts of 1972, extended the exemption effective for 1972 taxes to include qualifying persons who held a life estate in their ‘dwelling place’ as that term is defined in the Act. The last sentence of the Act provides however that:

‘The provisions of Section 65–1522.1 of the 1962 Code shall apply to life estates created by will and also to life estates otherwise created which were in effect on or before December 31, 1971.’

Your inquiry is to the effect of this provision upon the exemption.

Under settled rule of construction, statutes that grant tax exemptions are to be strictly construed with doubt resolved in favor of the tax. *Chronicle Publishers, Inc. v. South Carolina Tax Commission*, 244 S. C. 192, 136 S. E. 2d 261; *York County Fair Association v. South Carolina Tax Commission*, 249 S. C. 337, 154 S. E. 2d 361.

The above quoted provision of the 1972 Act is therefore a limitation and the exemption applies to all life estates that were in effect on December 31, 1971, and to all other life estates that may by will be created after that date, December 31, 1971. The life estate that is created after December 31, 1971, must, to qualify for the exemption, be created by will and in no other manner.

Joe L. Allen, Jr.

Assistant Attorney General

1973 S.C. Op. Atty. Gen. 10 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3440, 1973 WL 20905