

## Chapter 118

### Inheritance Tax

#### Chapter 118

##### NOTES OF DECISIONS

Under this chapter, inheritance taxes are calculated with regard to the relationship of the legatee or devisee to the decedent and the nature of the interest given. *Unander v. Stackpole*, (1956) 208 Or 63, 299 P2d 612.

FURTHER CITATIONS: *Butler v. State Tax Comm.*, (1965) 2 OTR 179.

#### 118.010

##### NOTES OF DECISIONS

###### 1. In general

An inheritance tax is imposed upon the estate as it passes to the legatee or beneficiary and not on the estate passing from the decedent. In *re Clark's Estate*, (1921) 100 Or 20, 195 P 370; In *re Lowengart's Estate*, (1938) 160 Or 118, 84 P2d 105; In *re Lewis' Estate*, (1939) 160 Or 486, 85 P2d 1032.

The right to dispose of property by will and the right to receive property by will is given by law and the law may impose restrictions and conditions in regulation thereof. In *re Inman's Estate*, (1921) 101 Or 182, 199 P 615.

A tax statute which does not grant exact equality of taxation is not depriving taxpayers of equal protection of the laws. In *re Estate of Heck*, (1926) 120 Or 80, 250 P 735.

A transfer of property not in contemplation of death or with the purpose of evading the succession tax but with the intention to convey the property absolutely is not chargeable with the succession tax under this statute. In *re Estate of Wallace*, (1930) 131 Or 597, 282 P 760.

Irrespective of whether the gift or transfer was made before or after the 1919 amendment to this statute, if made to take effect in possession or enjoyment after the donor or transferor's death, the same is taxable at his death. *Id.*

Where corporate stock transferred by gift *inter vivos* is not subject to the inheritance tax on the death of the transferee predeceasing the transferor because the enjoyment of the stock was postponed until the transferor's death, but the estate of the deceased transferee paid the inheritance tax on his shares, the amount so paid must be deducted from the amount of the total tax assessed on the transferor's death. *Id.*

Upon the death of a joint tenant, a joint deposit in a bank is subject to inheritance tax except as to such portion of the money that was deposited by the survivor and originally belonged to him. *Holman v. Mays*, (1936) 154 Or 241, 59 P2d 392.

Where the beneficiary succeeds upon the death of the settlor to an interest not previously enjoyed, that succession is a proper subject of tax. In *re Lowengart's Estate*, (1938) 160 Or 118, 84 P2d 105.

Where through the death of a settlor, a remainder is freed of the possibility that it may revert to the donor and the trust is thereby terminated, a transfer which is the appropriate subject of a succession tax is created. *Id.*

Where the terms of a trust instrument were such that grandchildren could never come into possession and enjoy-

ment of the corpus of the estate until after the death of their grandfather, their succession at his death presented a taxable interest. *Id.*

Oregon had jurisdiction to impose a tax upon the transfer although none of the securities involved were ever within the state. *Pearson v. McGraw*, (1939) 308 US 313, 60 S Ct 211, 84 L Ed 293.

###### 2. Property passing to transferee

The taxation situs of federal reserve notes which were never brought into Oregon but remained in Illinois was in the latter state. In *re Hayes' Estate*, (1939) 161 Or 1, 86 P2d 424, 87 P2d 766.

Where devisee died before the devisor's estate was fully administered, the realty, still in the hands of administrator, devised to said devisee passed as part of devisee's estate and was subject to an inheritance tax as tangible property. *D'Arcy v. Snell*, (1939) 162 Or 351, 91 P2d 537.

FURTHER CITATIONS: *Lee v. Barr*, (1921) 104 Or 32, 202 P 414, 206 P 548; *Coolidge v. Long*, (1931) 282 US 582, 51 S Ct 306, 75 L Ed 562; *Unander v. Murphy*, (1956) 208 Or 77, 299 P2d 813; *Bechtel v. State Tax Comm.*, (1961) 228 Or 123, 363 P2d 1102; *Roberts v. State Tax Comm.*, (1962) 229 Or 609, 368 P2d 342; *Whitney v. Canadian Bank of Commerce*, (1962) 232 Or 1, 374 P2d 441; *Pioneer Trust Co. v. State Tax Comm.*, (1967) 3 OTR 66.

ATTY. GEN. OPINIONS: Power to impose an inheritance tax on certificates of stock in a foreign corporation, 1920-22, p 9; when notes and mortgages are taxable, 1922-24, p 306; taxing of bonds issued by the state to a nonresident who took the bonds outside the state, 1922-24, p 524; imposition of tax based upon the right of devisees and legatees residing in other jurisdictions under the wills of such deceased beneficiaries of the undistributed portion of the Oregon estate, 1930-32, p 54; liability for tax in a property settlement reached by an antenuptial contract, 1930-32, p 167; authority to collect tax on the proceeds of realty sold in a foreign jurisdiction and brought into this state for distribution, 1930-32, p 467; inclusion of the value of a note given by a legatee to a testator and never paid by legatee as part of the taxable estate, 1932-34, p 13; imposition of tax against property in this state sold under an executory contract by a non-resident, 1932-34, p 109; taxability of joint bank account upon the death of one of the parties, 1934-36, p 653; taxability of property which tenants by the entirety conveyed to their children, reserving a life estate, 1936-38, p 331; homestead property conveyed by a husband to his wife in contemplation of death as exempt, 1938-40, p 508; transfer of Indian property by inheritance or Indian will, 1938-40, p 511; what court determines inheritance taxes, 1938-40, p 631.

Taxability of deposits in Oregon banks by a resident of Washington upon the death of the depositor, 1940-42, p 3; taxability of property going to the United States, 1940-42, p 31; taxability of payments to a widow under the Federal Employer's Liability Act, 1940-42, p 133; taxability of benefits conferred upon a widow of a Spanish American War

veteran, 1940-42, p 373; taxability of passing of succession to property as provided for by a power of appointment, 1940-42, p 640; taxability of property held by the entirety and conveyed by both parties three years prior to death of husband, 1942-44, p 30; whether rents and profits from lands held by the entirety are deductible from a joint bank account to an amount of one-half in computing the tax, 1942-44, p 181; taxability of intangible personal property placed in trust by a nonresident who subsequently became a resident, 1944-46, p 86; taxability of property which escheats to the state, 1944-46, p 207; property as tax exempt where it was conveyed by tenants by the entirety and only one-half of the purchase was paid at the death of one of the vendors, 1944-46, p 261; computation where there are substitutional beneficiaries under a will, 1948-50, p 18; taxability of money recovered under the wrongful death statute, 1948-50, p 271.

Taxing Oregon vendor's interest in executory contract regarding land located in Washington, 1952-54, p 181; taxability of unpaid balance under an executory contract of sale of property held as an estate by the entirety, 1952-54, p 253; taxation of creation of tenancy by the entirety created for no consideration by a decedent three years prior to death, 1954-56, p 143; validity of tax on social security benefits, 1962-64, p 210.

LAW REVIEW CITATIONS: 37 OLR 69; 39 OLR 123; 5 WLJ 229-251.

#### 118.020

##### NOTES OF DECISIONS

Charities in this state have no inherent right to exemption and are taxable except only in so far as they may be specifically exempt. *Unander v. United States Nat. Bank*, (1960) 224 Or 144, 355 P2d 729; *Oregon Methodist Homes, Inc. v. State Tax Comm.*, (1961) 226 Or 298, 360 P2d 293.

Where a charitable bequest is involved, a beneficiary is obliged to pay his proportionate share of the tax upon the net taxable estate. *Cabell v. Holman*, (1933) 144 Or 127, 24 P2d 1.

A bequest to the Christian Science Church to be used in the interest of the Christian Science Monitor was exempted from inheritance taxation. *Poe v. State Treasurer*, (1933) 144 Or 561, 25 P2d 924.

A student loan fund is an education use within the meaning of this section. *Unander v. United States Nat. Bank*, (1960) 224 Or 144, 355 P2d 729. *Distinguished in United States Nat. Bank v. Belton*, (1964) 237 Or 368, 391 P2d 611.

Limitation on the use of a testamentary bequest must be expressed in the will. *Id.*

The burden is on the claimant to establish clearly a right to a tax exemption. *Id.*

The rule that tax exemptions must be strictly construed in favor of the state and against the taxpayer applies with equal force to inheritance tax exemptions. *Id.*

Paragraph (c) subsection (1), prior to the 1971 amendment, did not require the funds to be used within this state if a substantial educational purpose was served within the state. *United States Nat. Bank v. Belton*, (1964) 237 Or 368, 391 P2d 611.

Subsection (2) [now subsection (5)] exempts a bequest to an out-of-state organization in trust for a charitable use as well as a bequest directly to a charitable organization. *United States Nat. Bank v. Straub*, (1967) 246 Or 61, 423 P2d 949.

FURTHER CITATIONS: *Coolidge v. Long*, (1931) 282 US 582, 51 S Ct 306, 75 L Ed 562.

ATTY. GEN. OPINIONS: Exemption of charitable bequests by deducting from gross estate, 1926-28, p 115; whether tax

levied upon the entire gift, legacy or devise, 1926-28, p 147; application of reciprocal exemptions to state imposing no tax, 1926-28, p 210; whether devise and bequest for the benefit of stray dogs is charity, 1930-32, p 158; whether certain institution was benevolent, charitable or educational, 1930-32, p 403; whether certain bequests to priests to be used for offering masses are taxed, 1932-34, p 537; whether a charitable association is exempt from tax where the association was not organized or did not exist in Oregon, 1936-38, p 402; whether a bequest to establish a trust for the benefit of the poor is exempt, 1938-40, p 385; whether college fraternities are benevolent, charitable or educational institutions, 1938-40, p 601; whether a devise to the Red Cross of property within the state is exempt, 1940-42, p 106; whether bequests for burial lots is a charitable purpose, 1940-42, p 601; whether a trust created by will for the maintenance of a public burial ground is charitable in nature, 1940-42, p 630; whether the beneficiary under a trust was a benevolent or educational institution, 1944-46, p 143; exemption of a gift to the Catholic Church, 1948-50, p 80.

#### 118.040

ATTY. GEN. OPINIONS: Taxability of the proceeds of a war risk insurance policy, 1924-26, p 517; imposition of tax on the proceeds of an insurance policy which passed to a trustee, 1930-32, p 738; taxability of the proceeds of a special refund annuity, 1932-34, p 199; exemption of benefits conferred as insurance, 1940-42, p 51; whether an annuity constitutes an insurance policy, 1940-42, p 456; taxability of the proceeds of an insurance policy, 1944-46, p 7.

LAW REVIEW CITATIONS: 39 OLR 124.

#### 118.050

ATTY. GEN. OPINIONS: Taxability of death benefits under the National Railroad Retirement Act prior to the passage of this section, 1948-50, p 123; validity of tax on social security benefits, 1962-64, p 210.

#### 118.060

CASE CITATIONS: *Department of Rev. v. Gruenwald*, (1970) 2 Or App 230, 467 P2d 660.

ATTY. GEN. OPINIONS: Whether the reciprocal exemption from inheritance tax applies to states imposing no inheritance tax, 1926-28, p 210; reciprocal exemption granted on intangible personal property, 1928-30, p 393; whether a joint bank account in this state in the name of a nonresident and another is subject to tax, 1940-42, p 638.

#### 118.070

##### NOTES OF DECISIONS

This section is not unconstitutional in so far as it provides that the federal estate tax shall not be deducted from the gross value of the taxable estate of a decedent in ascertaining the net value of such estate for the purpose of computing the amount of state inheritance tax. *In re Lewis' Estate*, (1939) 160 Or 486, 85 P2d 1032; *O'Donnell v. Scott*, (1945) 176 Or 500, 159 P2d 198.

Where the residuary estate is sufficient to satisfy the federal estate tax, the distributive shares of the estate need not be charged. *O'Donnell v. Scott*, (1945) 176 Or 500, 159 P2d 198.

Where the entire federal estate tax is paid out of the residuary estate, the tax may not be deducted from the residuum of the estate before computing the state inheritance tax. *Id.*

Amount heir receives under a will and amount he will

be treated as receiving for inheritance tax purposes need not be same. *Unander v. Stackpole*, (1956) 208 Or 63, 299 P2d 612.

When a special fund is established by decedent for payment of death duties with residuum payable to a collateral heir, the federal estate tax may not be deducted from the residuum of the estate before computing the state inheritance tax. *Unander v. Murphy*, (1956) 208 Or 77, 299 P2d 813.

Property used for a homestead deduction is "subject" to the tax. *Pioneer Trust Co. v. State Tax Comm.*, (1967) 3 OTR 66.

Where heir was given \$100,000 but such share was to bear its share of death duties plus any further taxes attributable to inclusion of \$100,000 in estate, none of the federal estate taxes paid by estate were deducted from \$100,000 in determining state tax. *Unander v. Stackpole*, (1956) 208 Or 63, 299 P2d 612.

**FURTHER CITATIONS:** *Black v. State Tax Comm.*, (1964) 1 OTR 614.

**ATTY. GEN. OPINIONS:** Whether a homestead conveyed to a wife by her husband exempt from inheritance tax, 1938-40, p 507; whether a homestead exemption can be allowed where the grantee is other than a surviving spouse or minor child, 1940-42, p 278; deductions on account of mortgage indebtedness, 1940-42, p 285; tax to be paid on a bequest of \$10,000 for funeral expenses and a family mausoleum room, 1942-44, p 176; whether a bequest of \$3,200 to be used for keeping fresh flowers in front of a vault is taxable, 1942-44, p 342; whether property real and personal, passing to the surviving spouse by survivorship, can be treated as a deduction, 1942-44, p 466; whether attorney fees, charged by an attorney acting as an executor, are allowable as deductions under "ordinary expenses," 1944-46, p 114; computation of deduction for previously taxed property, 1948-50, p 315.

#### 118.080

##### NOTES OF DECISIONS

Previously taxed property does not include the first \$15,000 not taxed under ORS 118.100. Department of Rev. v. Schilling, (1970) 4 Or App 288, 478 P2d 428.

**FURTHER CITATIONS:** *Staiger v. Holman*, (1933) 144 Or 67, 6 P2d 43, 18 P2d 591, 23 P2d 917.

**ATTY. GEN. OPINIONS:** How much of the previously taxed estate is exempt, 1930-32, p 377; computation of deduction for previously taxed property, 1948-50, p 315.

#### 118.090

**ATTY. GEN. OPINIONS:** In regard to the tax imposable against the estate of a nonresident decedent, 1938-40, p 708.

#### 118.100

##### NOTES OF DECISIONS

The state tax is to be computed under subsections (1), (2) and (3) as though there were no federal tax. *Unander v. Murphy*, (1956) 208 Or 77, 299 P2d 813; *Unander v. Stackpole*, (1956) 208 Or 63, 299 P2d 612.

Though the tax is computed on the aggregate estate as it exists before distribution, it remains a tax on each specific gift, legacy or inheritance. *In re Clark's Estate*, (1921) 100 Or 20, 195 P 370.

The measure of the tax is the value of the property which passes to or vests in a given person. *In re Inman's Estate*, (1921) 101 Or 182, 199 P 615, 16 ALR 675.

The state tax is to be computed as though there were no federal tax. *O'Donnell v. Scott*, (1945) 176 Or 500, 159 P2d 198.

Basic inheritance tax is not deducted before computing collateral tax to be paid on residuary legacies. *Unander v. Pasquill* (1957) 212 Or 213, 319 P2d 579.

In legal usage only children of brothers and sisters are called nephews and nieces. *Terney v. Belton*, (1964) 239 Or 101, 396 P2d 557.

An adopted child who received a substantial bequest in the will of her natural mother was not entitled to the preferential treatment a "child" is accorded under Oregon inheritance laws. Department of Rev. v. Martin, (1970) 3 Or App 594, 474 P2d 355, Sup Ct review denied.

**FURTHER CITATIONS:** *Kay v. Meyers*, (1925) 115 Or 178, 236 P 1064; *Cabell v. Holman*, (1933) 144 Or 127, 24 P2d 1; *In re Lewis' Estate*, (1939) 160 Or 486, 85 P2d 1032; *In re Buell's Estate*, (1941) 167 Or 295, 117 P2d 832; *Pearson v. Coulter*, (1949) 186 Or 570, 208 P2d 349; *Pearson v. McGraw*, (1939) 308 US 313, 60 S Ct 211, 84 L Ed 293; *Pioneer Trust Co. v. State Tax Comm.* (1967) 3 OTR 66; Department of Rev. v. Schilling, (1970) 4 Or App 288, 478 P2d 428; Department of Rev. v. First Nat. Bank, (1971) 5 Or App 65, 482 P2d 750.

**ATTY. GEN. OPINIONS:** Computing of the tax on realty and personalty passing to a brother and sister-in-law, 1920-22, p 552; taxability of bequests to step-children, 1924-26, p 93; whether lineal descendants of a grandaunt are taxed in the same manner as lineal descendants of an aunt, 1928-30, p 309; whether the vesting of succession in remainderman is taxable at death of testator at the rates then in force, 1940-42, p 639; rate of tax to be applied to a bequest for a funeral and a family mausoleum room, 1942-44, p 176; computation of deduction for previously taxed property, 1948-50, p 315.

#### 118.110

##### NOTES OF DECISIONS

In an intestate estate, when distribution is determined by an agreement of the claimants to compromise a suit to void an antenuptial agreement, the inheritance tax is computed upon the values of what each party would have received by reason of the antenuptial agreement, rather than on the value of what each did receive by reason of the settlement. *Hartung v. Unander*, (1960) 224 Or 165, 335 P2d 738.

When a will contest is compromised and the estate distributed according to a compromise agreement, the inheritance tax is levied upon the values as they would have passed to each party by reason of the will. (dicta) Id.

**FURTHER CITATIONS:** *In re Lewis' Estate*, (1939) 160 Or 486, 85 P2d 1032; *O'Donnell v. Scott*, (1945) 176 Or 500, 159 P2d 198; *Unander v. Pasquill*, (1957) 212 Or 213, 319 P2d 579; Department of Rev. v. Schilling, (1970) 4 Or App 288, 478 P2d 428.

**LAW REVIEW CITATIONS:** 46 OLR 200.

#### 118.150

##### NOTES OF DECISIONS

Prior to the 1935 amendment, the present value of a vested remainder for inheritance tax purposes was determined by actuaries' tables, not by deducting the value of the life estate from the value of the residuary estate. *Cabell v. Holman*, (1933) 144 Or 127, 24 P2d 1.

Evidence warranted discounting value of minority inter-

est in family-held corporation for inheritance tax purposes. *Unander v. Murphy*, (1956) 208 Or 77, 299 P2d 813.

Market value of U.S. Treasury bonds is not necessarily par value just because such bonds are redeemable at par in discharge of federal estate tax liability. *Department of Rev. v. First Nat. Bank*, (1971) 4 Or App 477, 479 P2d 256, Sup Ct review denied.

FURTHER CITATIONS: *Title & Trust Co. v. U.S. Fid. & Guar. Co.*, (1932) 138 Or 467, 1 P 2d 1100, 7 P2d 805; *Middlekauff v. Galloway*, (1940) 163 Or 671, 99 P2d 24; *Johnson v. State Tax Comm.*, (1965) 2 OTR 256, aff'd, 245 Or 390, 421 P2d 993.

ATTY. GEN. OPINIONS: Computation of taxes on vested, contingent and limited remainders, 1934-36, p 150; compilation of tax on a life estate, 1936-38, p 333; appraisal under O.P.A. regulations establishing market value, 1944-46, p 41.

LAW REVIEW CITATIONS: 11 OLR 214, 300, 311; 26 OLR 114.

## 118.160

## NOTES OF DECISIONS

The state was entitled to maintain a suit to set aside an order of distribution where the petition for appointment of the personal representative, the final account and order of distribution contained false statement as to the existence of heirs, and no documents containing the information required by this statute were filed with the State Treasurer. *State v. Vincent*, (1936) 152 Or 205, 52 P2d 203.

FURTHER CITATIONS: *In re Schmeer*, (1967) 245 Or 477, 422 P2d 676.

## 118.170

FURTHER CITATIONS: *Pape v. Title & Trust Co.*, (1949) 187 Or 175, 210 P2d 490; *Unander v. Murphy*, (1956) 208 Or 77, 299 P2d 813; *Department of Rev. v. First Nat. Bank*, (1971) 5 Or App 65, 482 P2d 750.

ATTY. GEN. OPINIONS: Whether State Treasurer has a right to collect more taxes after a final order of the court has fixed the amount of inheritance tax payable, 1930-32, p 465; jurisdiction of the court to determine inheritance tax, 1938-40, p 630.

## 118.180

## NOTES OF DECISIONS

Evidence warranted discounting value of minority interest in family held corporation for inheritance tax purposes. *Unander v. Murphy*, (1956) 208 Or 77, 299 P2d 813.

Intangible personalty has such a situs at the domicile of its owner that its transfer on his death may be taxed there. *Department of Rev. v. Gruenwald*, (1970) 2 Or App 230, 467 P2d 660.

The proceeds of the Arizona subdivision trust were intangible personal property and Oregon, as the state of domicile at death of the settlor entitled to the proceeds, could impose a tax on the right of succession to the proceeds. *Id.*

FURTHER CITATIONS: *In re Estate of Frank*, (1927) 123 Or 286, 261 P 893, 57 ALR 1155; *Title & Trust Co. v. U.S. Fid. & Guar. Co.*, (1932) 138 Or 467, 1 P2d 1100, 7 P2d 805.

## 118.210

## NOTES OF DECISIONS

An executor who has in his possession shares of stocks to be distributed to several donees may charge each donee proportionately in paying the inheritance tax. *In re Estate of Wallace*, (1930) 131 Or 597, 282 P 760.

In an intestate estate, when distribution is determined by an agreement of the claimants to compromise a suit to void an antenuptial agreement, the inheritance tax is computed upon the values of what each party would have received by reason of the antenuptial agreement, rather than on the value of what each did receive by reason of the settlement. *Hartung v. Unander*, (1960) 224 Or 165, 355 P2d 738.

When a will contest is compromised and the estate distributed according to a compromise agreement, the inheritance tax is levied upon the values as they would have passed to each party by reason of the will. (*dicta*) *Id.*

The fact that certificates of shares of stock sought to be charged with the inheritance tax were in the possession of the donees and beyond the control of the executor did not preclude a judgment against the latter for the amount of the tax. *In re Estate of Wallace*, (1930) 131 Or 597, 282 P2d 760.

FURTHER CITATIONS: *Unander v. Pasquill*, (1957) 212 Or 213, 319 P2d 579.

ATTY. GEN. OPINIONS: Preferences between general tax liens and inheritance tax liens, 1936-38, p 328; time within which inheritance tax must be paid, 1938-40, p 421; whether inheritance taxes may be paid before the death of the property owner, 1944-46, p 402.

## 118.220

## NOTES OF DECISIONS

The tax accrues on the death of the donor. *In re Estate of Wallace*, (1930) 131 Or 597, 282 P 760; *Staiger v. Holman*, (1933) 144 Or 67, 6 P2d 43, 18 P2d 591, 23 P2d 917.

No exception is made in reference to succession to real property where decedent owns the real property by virtue of a devise and the estate of the devisor had not been fully administered when decedent died. *D'Arcy v. Snell*, (1939) 162 Or 351, 91 P2d 537.

FURTHER CITATIONS: *Kay v. Meyers*, (1925) 115 Or 178, 236 P 1064; *Unander v. United States Nat. Bank*, (1960) 224 Or 144, 355 P2d 729.

ATTY. GEN. OPINIONS: Method of computing inheritance tax on a bequest of funds payable to divorced wife in monthly instalments, 1920-22, p 338; when the interest of the devisee takes effect, 1922-24, p 334; concerning interest charges on inheritance tax, 1924-26, p 269; collection of inheritance tax on proceeds of realty brought into the state, 1930-32, p 467; tax due on property sold at a foreclosure sale, 1930-32, p 716; when the five percent discount will be paid on tax obligations, 1934-36, p 376; whether the vesting of succession in remainderman was taxable at the death of the testator, 1940-42, p 639; taxability of vendor's executory interest in a contract of sale of realty, 1944-46, p 261; payment of inheritance taxes before the death of the person against whose estate they are charged, 1944-46, p 402.

## 118.230

## NOTES OF DECISIONS

The tax is not necessarily made a direct tax on property merely because provision is made for a lien upon the prop-

erty. In re Inman's Estate, (1921) 101 Or 182, 199 P 615, 16 ALR 675.

FURTHER CITATIONS: Unander v. United States Nat. Bank, (1960) 224 Or 144, 355 P2d 729.

ATTY. GEN. OPINIONS: Liability of a beneficiary for paying the tax, 1930-32, p 716; whether the State Treasurer may release realty from a tax lien before full payment of taxes, 1934-36, p 82; disposition of property acquired by the state through foreclosure of an inheritance tax lien, 1936-38, p 253; priority of tax liens, 1936-38, p 328; payment of liens by state for local improvements on property acquired through foreclosure of inheritance tax liens, 1936-38, p 200.

#### 118.240

CASE CITATIONS: Unander v. Pasquill, (1957) 212 Or 213, 319 P2d 579.

ATTY. GEN. OPINIONS: Inheritance tax on a bequest of \$3,200 for keeping fresh flowers continually before a vault, 1942-44, p 342.

#### 118.250

ATTY. GEN. OPINIONS: Filing inheritance tax receipt in estate proceeding without recording in deed records, 1948-50, p 12.

#### 118.260

##### NOTES OF DECISIONS

When the parties against whom the right to impose a tax is asserted resist its payment in good faith and on reasonable grounds, there is "necessary litigation" within the meaning of the statute. In re Lowengart's Estate, (1938) 160 Or 118, 84 P2d 105.

FURTHER CITATIONS: Kay v. Meyers, (1925) 115 Or 178, 236 P 1064.

ATTY. GEN. OPINIONS: Rate of interest to be charged where the devisee died before the devisor's estate was finally determined, 1922-24, p 333; whether a six percent interest shall be charged, 1924-26, p 269; when the tax accrues and the discount may be received, 1934-36, p 716.

#### 118.270

ATTY. GEN. OPINIONS: As to the avoidance of double taxation, 1926-28, p 210; extent to which our reciprocal exemptions apply, 1928-30, p 393; taxation of proceeds of sale of realty brought into the state for distribution, 1930-32, p 467; whether the state can tax the transfer of its bonds left in Massachusetts by a citizen of England and Switzerland, 1938-40, p 638; whether the state can tax deposits of a nonresident, 1940-42, p 3.

#### 118.300

ATTY. GEN. OPINIONS: In re filing a bond, 1938-40, p 421.

#### 118.310

ATTY. GEN. OPINIONS: Whether the state can tax its bonds left in Massachusetts by a citizen of England and Switzerland, 1938-40, p 638.

#### 118.350

CASE CITATIONS: City of Woodburn v. Domogalla, (1964) 238 Or 401, 395 P2d 150.

ATTY. GEN. OPINIONS: Whether the tax is collectible when there is doubt as to the value of the estate, 1920-22, p 550.

#### 118.360

CASE CITATIONS: D'Arcy v. Snell, (1939) 162 Or 351, 91 P2d 537.

ATTY. GEN. OPINIONS: Whether an inheritance tax may be refunded, 1930-32, p 629; as to an executor's claim for a refund, 1936-38, p 432.

#### 118.370

ATTY. GEN. OPINIONS: Liability of beneficiary of trust for taxes, 1930-32, p 716.

#### 118.390

ATTY. GEN. OPINIONS: Filing of receipts in estate proceedings, without recording, 1948-50, p 12; effect of 1965 amendment to ORS 205.320, 1964-66, p 349.

#### 118.410

##### NOTES OF DECISIONS

Issuance of ancillary letters testamentary in an estate of a nonresident entitled to a share of the proceeds of the sale of property of an estate of a decedent dying in this state is unnecessary, as this state is precluded from collecting an inheritance tax upon the interest inherited from the resident of this state. Haas v. Holman, (1933) 143 Or 141, 21 P2d 795.

#### 118.440

ATTY. GEN. OPINIONS: Concerning provisions which control payments made by a bank or trust company after the death of a depositor, 1924-26, p 278.

#### 118.510

ATTY. GEN. OPINIONS: Time for transfer of net revenues to General Fund, 1958-60, p 250.

#### 118.620

ATTY. GEN. OPINIONS: Collection of taxes by the domiciliary state, 1942-44, p 49.

#### 118.855 to 118.880

LAW REVIEW CITATIONS: 39 OLR 124.