

OPINION
54-10

June 4, 1954 (OPINION)

ASSESSMENT

RE: Implement Dealers Where Assessed

We have your letter of June first relating to assessment of merchandise of a machinery dealer which is stored and left for sale in your township.

As we understand, this merchant has a place of business in a city or village outside of your township, but has a lot outside of such city or village and in your township where he keeps for sale that part of his stock of merchandise consisting of used machinery and from which lot he makes sales of such machinery. In other words, part of his stock is located in a city, or village, and part is located in a lot in your township outside of a city or village.

By section 57-0215 stocks of merchandise and other personal property for which no special provision is made are to be assessed and taxed "in the county, city, township, village, or district in which it is situated."

A stock of merchandise is not assessed at its value on April first, as is other personal property. Section 57-0211 makes special provision for the valuing of stocks of merchandise, but does not change the rule that personal property is taxable where situated.

If the merchant keeps his stock of merchandise so separated that it is "situated" normally in two or more taxing districts, he must keep separate inventories, one for each place where he keeps part of his stock.

This is to his benefit, for normally the rate of taxation on such property is less in a township than in a city or village.

Each taxing district is entitled to the tax due from property therein situated and the merchant may not, by keeping only one inventory, make all his stock taxable in one certain taxing district.

LESLIE R. BURGUM

Attorney General