

INHERITANCE TAX: Missouri estate tax on property belonging to non-resident is equal to 80% of the Federal estate tax imposed on said property.

August 6, 1937

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Mr. Lynn Webb
McCune, Caldwell & Downing
2000 Fidelity Bank Building
Kansas City, Missouri

Dear Sir:

In reply to your letter of July 28, 1937, there is no question but that the State of Missouri is entitled to an estate tax under Section 573, Revised Statutes Missouri 1929, only to the extent of eighty per cent of the Federal tax imposed on property located in the State of Missouri belonging to a non-resident.

In this case if, as you say, the assets physically located in the State amount to only forty per cent of the entire estate of the non-resident, then for the purposes of assessing a tax under Section 573 only forty per cent of the Federal estate tax should be considered. In this case forty per cent of the Federal estate tax appears to be in the amount of \$1030.84; eighty per cent of that sum amounts to \$824.67, and if that sum is less than the Missouri inheritance tax already imposed and paid then there can be no further estate tax imposed under Section 573.

Respectfully submitted,

JOHN W. HOFFMAN, Jr.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

JWH:LC