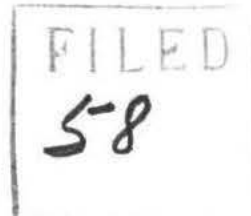


ANSWER BY LETTER: Ashby

March 17, 1970

LETTER OPINION NO. 58

Honorable Thomas R. Gilmore
Prosecuting Attorney
Scott County
217 South Kingshighway
Sikeston, Missouri 63801



Dear Mr. Gilmore:

This letter is written to answer your question on the computation of the interest that should be charged on "certificates of purchase" of real estate at delinquent tax sales.

As you noted in your letter, Section 140.290, V.A.M.S., provides the certificate, among other things, shall contain "the rate of interest that such certificate shall bear, which rate of interest shall not exceed the sum of ten per cent per annum." Section 140.340, V.A.M.S., provides for "interest at the rate specified in such certificate, not to exceed ten per cent annually."

The interest would begin to run from date of the certificate. *Stewart v. Brooks*, (Mo.) 28 Mo. 62, l.c. 65. It is a familiar rule of law that "interest generally is computed to the time the debt is paid or merged in a judgment." (47 C.J.S., Section 41, p. 53 n. 21). Therefore, the right to interest would normally terminate when the money is "paid over to the county collector, for use of the purchases, his heirs or assigns" as provided in Section 140.340, V.A.M.S.

Accordingly, it is our view that interest on a "certificate of purchase" would be computed by allowing the interest rate specified in the certificate (but not in excess of ten

Honorable Thomas R. Gilmore

per cent) as provided in Section 140.340 from the date of sale and payment by the purchaser of his bid until the date when the money for redemption is paid over to the county collector.

Yours very truly,

JOHN C. DANFORTH
Attorney General