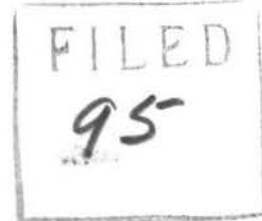


April 6, 1971

OPINION LETTER NO. 95
(Answered by letter - Nowotny)



Honorable D. R. Osbourn
Representative, 99th District
P. O. Box 224
Monroe City, Missouri 63456

Dear Representative Osbourn:

This is in reply to your request for an official opinion of this office concerning the question whether the property of the "Paris Senior Citizens Housing" is exempt from ad valorem taxation under Section 137.100, RSMo, during those years that rent charged does not exceed the operation expenses and interest, and there are no payments on the loan to the Farmers Home Administration.

Without further specific information to the contrary, we understand the facts in this opinion to be like those considered by the Supreme Court of Missouri in two recent cases, with the exception of the deferring of payment on the F.H.A. loan for several years. See *Defenders' Townhouse, Inc., v. Kansas City*, 441 S.W.2d 365 (Mo.1969), and *Paraclete Manor of Kansas City v. State Tax Commission*, 447 S.W.2d 311 (Mo.1969).

Based on the cited cases, it is our opinion that the facility in question does not qualify for a charitable exemption from ad valorem taxation under Section 137.100, RSMo. This is so, whether or not in any given year payments on the loan to the F.H.A. are deferred.

Very truly yours,

JOHN C. DANFORTH
Attorney General