

83-00018

# OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA

OCT 14 1982

ADMINISTRATIVE BUILDING  
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Honorable Myrtle Green  
Judge of Probate, Madison County  
Huntsville, AL 35801

## Taxation - Exemptions - Mortgage Tax

No mortgage recordation tax should be charged on a mortgage in which a YMCA is the mortgagee, as Code of Alabama 1975, §40-9-9 exempts YMCA's from payment of all privilege taxes.

Dear Mrs. Green:

Reference is made to your letter of August 16, 1982, in which you request the opinion of this office as to whether a mortgage tax must be paid when a YMCA borrows money from a national bank and secures the indebtedness with a real estate mortgage which is filed in the probate office, inasmuch as Code of Alabama 1975, § 40-9-9 "exempts YMCA's from ad valorem taxes and from the payment of any and all state, county and municipal taxes, licenses, fees and charges of any nature whatsoever, including any privilege or excise tax heretofore or hereafter levied by the State of Alabama or any county or any municipality thereof", and Code of Alabama 1975, § 40-22-2 "imposes a privilege tax for the filing of a real estate mortgage".

Since, as you correctly stated in your letter, § 40-22-2 imposes a privilege tax, the clear language of § 40-9-9, wherein it states that YMCA's "are exempt from the payment of any and all state, county and municipal taxes, licenses, fees and charges of any nature whatsoever, including any privilege or excise tax heretofore or hereafter levied by the state of Alabama or any county or municipality thereof" [emphasis added], would seem to exempt YMCA's from payment of mortgage recordation tax. Therefore, it would appear that no mortgage tax should be charged on a mortgage in which a YMCA is the mortgagee.

I trust that the above is sufficient to answer your questions.

Yours very truly,

CHARLES A. GRADDICK, Attorney General

By-

*Melissa C. Bowen*

MELISSA C. BOWEN

Assistant Attorney General

MCB:jt