

value located in the same county which is acquired by a qualified taxpayer. Revenue and Taxation Code section 69.5 provides for the transfer of base-year value to a "replacement dwelling" of equal or lesser value which is acquired by a qualified taxpayer "within two years of the sale by that person of the original property." (Subd.(a)). The term "original property" is defined as:

a building, structure, or other shelter constituting a place of abode, whether real property or personal property, which is owned and occupied by the claimant as his or her principal place of residence....  
(Subd.(g)(4)).

September 24, 1991

The term "replacement dwelling" is defined as:

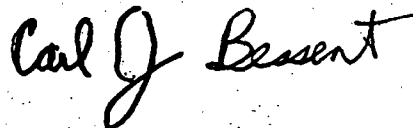
a building, structure or other shelter constituting a place of abode, whether real property or personal property, which is owned and occupied by a claimant as his or her principal place of residence... (Subd.(g)(3)).

As you can see from the above description and definitions, section 69.5 expressly requires the sale of the "original property" and acquisition of a "replacement dwelling" within two years. In your situation, you acquired the "original property" in 1976 and have continuously resided in that residence to the present. As you indicated, the adjacent dwelling in which you held an interest was never your principal place of residence. Thus, neither the 1979 nor the 1990 transaction involved a replacement dwelling as a principal place of residence. Since you have not acquired and occupied a replacement dwelling as a principal place of residence, you have not yet qualified for section 69.5 benefits.

The views expressed in this letter are advisory only and are not binding upon the assessor of any county. You may wish to consult the Orange County Assessor in order to confirm that the subject property will be assessed in a manner consistent with the conclusion stated above.

Our intention is to provide timely, courteous and helpful responses to inquiries such as yours. Suggestion that help us to accomplish this goal are appreciated.

Very truly yours



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cc: Honorable Bradley L. Jacobs  
Orange County Assessor  
Mr. John W. Hagerty  
Mr. Verne Walton