

*File letter as affidavit*State of South Carolina JUN 13 1960
#34284

South Carolina Tax Commission

COLUMBIA

#34284

OTIS W. LIVINGSTON
CHAIRMAN

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JAMES A. CALHOUN, JR.
OTIS W. LIVINGSTON
HAROLD F. MURPH
JAMES H. SULLIVAN
ROBERT C. WASSON
COMMISSIONERS

May 23, 1960

IN REPLY REFER
TOMrs. Ollie Farnsworth
Register of Mesne Conveyance
Greenville County
Greenville, South Carolina

Dear Mrs. Farnsworth:

It is the opinion of this office that lease dated May 2, between Walgreen Company and Wade Hampton Shopping Center, Inc., Greenville, S. C., would be subject to the South Carolina documentary tax on the fixed rent of \$1512.50 per month for the period of ten (10) years, amounting to the total of ~~\$18,500.00~~ *\$18,500.00* *ad valorem*.

This opinion is based upon ruling of Judge Woodrow Lewis, dated June 18, 1951 in the case of T. G. Griggs Trucking Company against the South Carolina Tax Commission, in which he stated that the South Carolina documentary stamp tax Act shall apply only to a direct written promise to pay a fixed amount of money and not to the duty to pay that may be established by proof of extrinsic facts.

Very truly yours,

SOUTH CAROLINA TAX COMMISSION

LICENSE TAX DIVISION

B. S. Breazeale
B. S. Breazeale, Director.

BSB:ee

CC: Mr. A. B. Jolly
Box 2035
Greenville, S. C.