

Opinion No. 21-3017

June 20, 1921

BY: HARRY S. BOWMAN, Attorney General

TO: Mr. Oscar B. Wood, County Treasurer, Las Cruces, New Mexico.

Interest Upon Tax Certificates When Redeemed.

OPINION

{*69} I have your letter of the 14th instant, requesting information regarding the rate of interest to be charged upon tax certificates wherein is included the amount of the taxes, interest to date of judgment, penalties and costs, and replying thereto wish to advise you as follows:

Section 10 of Chapter 80, Laws 1917, provides that the owner may redeem a tax sale certificate within three years of the date of sale by paying, for the use of the purchaser, the amount of such purchase money with interest at the rate of one per cent per month from the date thereof, together with any taxes that may have been paid upon such real estate by the purchaser, with interest thereon at the same rate.

It would appear that before redemption of property sold for delinquent taxes may be had that the interest of one per cent must be paid upon the total amount paid by the purchaser for the property and this, of course, would in all cases include the interest, penalty, and cost.

We can see no difference between tax certificates that have been purchased by the county and those that have been purchased by an individual, and in our opinion, the penalty of the interest of one per cent should be assessed upon the total amount paid by the purchaser, whether it be the county or an individual.