

Miscellaneous Tax Determinations
Mortgage Recording Tax A-2
Seventy-five Dollars - Small Business Admin.
Realty Corp.
STATE OF NEW YORK

DEPARTMENT OF TAXATION AND FINANCE

BEFORE THE STATE TAX COMMISSION

Case No. _____

In the Matter of the Instrument executed by

1247 REALTY CORPORATION

to

SMALL BUSINESS ADMINISTRATION

Miscellaneous Tax Determinations
Mortgage Recording Tax A-2
Small Business Admin.
: (11/21/66 - attachment)
ORDER OF REFUND

A petition having been filed by Small Business Administration, an agency of the United States Government, verified on its behalf by Raymond B. Curran, Acting Chief, Financial Assistance Division, Region II, for review of the determination of the recording officer of Kings County imposing mortgage recording tax in the amount of Seventy-five Dollars (\$75) on the instrument in the form of a mortgage dated January 11, 1966, executed by 1247 Realty Corporation to Small Business Administration, recorded in the office of said recording officer on January 17, 1966, in Book 15 of Records, at page 27, and

Application having also been made for refund of Seventy-five Dollars (\$75) mortgage recording tax paid to said recording officer at the time of recording said instrument; and

The petition and exhibits attached thereto having been duly examined and considered; and the essential facts recited in the petition having been confirmed by the recording officer of Kings County under date of March 9, 1966:

The State Tax Commission hereby finds:

(1) That on January 17, 1966, there was recorded in the office of the recording officer of Kings County in Book 15 of Records, at page 27, mortgage securing Fifteen Thousand Dollars (\$15,000), dated January 11, 1966, executed by 1247 Realty Corporation to Small Business Administration

(2) That mortgage recording tax of Seventy-five Dollars (\$75) was paid at recording and was entered under mortgage Serial Number RI-19250.

Based upon the foregoing findings and all of the evidence presented herein,

The State Tax Commission hereby determines:

(A) That said instrument in the form of a mortgage dated January 11, 1966, was not subject at recording to mortgage recording tax imposed by Article Eleven of the Tax Law.

(B) That the recording officer erroneously collected excess mortgage recording tax of Seventy-five Dollars (\$75) on said instrument.

(C) That the determination of the recording officer be and the same hereby is cancelled and annulled.

Now therefore, it is ordered:

(1) That G. Michael Morris, acting recording officer of Kings County, be, and he hereby is authorized and directed to deduct the sum of Seventy-five Dollars (\$75), from mortgage tax moneys in his hands or which shall come to his hands and to refund said amount to Small Business Administration.

(2) That two certified copies of this order be mailed to the recording officer of Kings County, one of which he is directed to file with the records of his office and the other with the treasurer of the City of New York as a warrant for the disbursement.

Adopted Albany, New York, this day of

STATE TAX COMMISSION

Commissioner

Commissioner

Commissioner

(11/23/66)