

M e m o r a n d u m**190.2032**

To: West Los Angeles – Auditing (JD)

Date: September 16, 1977

From: Headquarters – Legal (TPP)

Subject: G--- H--- Inc.
C--- K--- Division

SY -- XX-XXXXXX

In response to your memorandum of June 28, we have concluded that the parking gates and door locks in question are fixtures which, under Section 6016.3, are to be treated as tangible personal property when leased with the right of removal by the lessor, where the lessor is not also the lessor of the realty to which the items are affixed. Accordingly, tax is due on the lease receipts when the items are not leased in substantially the same form as acquired tax-paid.

The reason why the Board concluded the parking gates were not personal property in the earlier case is not entirely clear, but the conclusion appears to have been influenced by the hardship in the particular case and by certain testimony that the right of removal in that particular case was of no value. Under the circumstances, we think the conclusion was intended to be limited to that particular case.

TPP:po

cc: R. Nunes
D. F. Brady
W. E. Burkett
J. H. Murray
G. L. Rigby