

**M e m o r a n d u m****325.0660**

To: Oakland - Auditing {TFP}

Date: November 19, 1964

From: Tax Counsel (GAT) - Headquarters

Subject:

This is in reply to your memorandum of October 6 regarding the petition for redetermination of sales tax filed by ---. It is our understanding that on September 10, 1962, ---, ordered certain dredging equipment from --- for use in dredging operations for the ---.

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We understand that the equipment was actually placed aboard --- and Barge ---. The --- is owned by ---, and Barge --- is owned by ---. The dredging equipment was transported to the job site in ---.

As indicated in ruling 55, sales tax does not apply to sale property which is sold to a foreign purchaser for shipment abroad and delivered to a ship furnished by the purchaser for the purpose of carrying the property abroad and actually carry to a foreign destination, title and control of the property passing to the foreign purchaser upon delivery and no portion of the property being used or consumed in the United States.

It is our opinion that even if the Common Carrier is regarded as being an agent of --- for the purpose of taking delivery of --- for the purpose of taking delivery of the equipment in --- the terms of the sale fell within the provisions of ruling 55 A (1) (e), inasmuch as the equipment was transported on --- barge to --- job site in ---.

GAT:mm