

CHATTOOGA COUNTY
BOARD OF TAX ASSESSORS

Chattooga County
Board of Tax Assessors
Meeting of August 17, 2011

Attending: Hugh Bohanon, Chairman
David Calhoun
Richard Richter

- I. Meeting called to order 9:00 am.
- A. Leonard Barrett, Chief Appraiser – present
 - B. Wanda Brown, Secretary – present
- I. **BOA Minutes:**
- a. **Meeting Minutes August 10, 2011** – The Board reviewed, approved and signed.
- II. **BOA/Employee:**
- a. Board Member received a check
 - b. Time Sheets: PE August 16, 2011 – The Board reviewed, approved and signed.
 - c. Board members to review GAAO membership applications – The Board instructed forwarding to Sharon in the Commissioner's Office.
 - d. **Assessors Office Budget:** July Expenditure has not been received – The Board acknowledged
- III. **BOE Report:** The Board acknowledged no report on this item.
- a. Total cases certified to the Board of Equalization –
 - b. Cases Reviewed –
 - c. Total Cases Remaining For Review –
- IV. **Digest Submission Status:** The Board reviewed and discussed with Roger Jones.
- V. **Employee Group Session:** The Board acknowledged September for the next session
- VI. **Exempt Properties:** The Board acknowledged no report at this time.
- VII. **Pending Appeals, letters, covenants & other items:**
- a. **Map & Parcel: S27 PP:CF 23**

ON HOLD

 - i. **Owner Name: H & R BLOCK:** The Board instructed acquiring a return from new owner – Cindy Finster is researching this issue
 - b. **Map & Parcel: 00S11-00000-TR3-000**

Owner Name: Billy Leon Edwards

Tax Year: 2011

Owner's Contention: Owner contends he is being taxed with good access to his property but the portion of property with road frontage is unusable due to the steepness of grade. He requests that we change his access factor to no access.

Determination: According to a recorded plat in the Chattooga County Courthouse plat book 8 page 97, Mr. Edwards has approximately 456.95 feet of road frontage. After visiting this property it is Chad's determination that even with road frontage this property is inaccessible. Chad has also determined that there are no other easements of any kind to this property.

Recommendations: Chad recommends that we change the access factor from B4 which is good access to B6 which is no access.

The Board instructed Chad to prepare photos- Photos are ready for Board's review.

Motion to accept recommendations: Mr. Calhoun

Second: Mr. Richter

Vote: all in favor

c. Map & Parcel: 00S11-00000-TR4-000

Owner Name: Cindy Finster

Tax Year: 2011

Owner's Contention: Owner contends she is being taxed with good access to her property but the portion of property with road frontage is unusable due to the steepness of grade. She requests that we change her access factor to no access.

Determination: According to a recorded plat in the Chattooga County Courthouse plat book 8 page 97, Ms. Finster has approximately 86.7 feet of road frontage. After visiting this property it is Chad's determination that even with road frontage this property is inaccessible. Chad has also determined that there are no other easements of any kind to this property.

Recommendations: Chad recommends that we change the access factor from B4 which is good access to B6 which is no access.

The Board instructed Chad to prepare photos- Photos are ready for Board's review.

Motion to accept recommendations: Mr. Calhoun

Second: Mr. Richter

Vote: all in favor

d. Crabtree, Alfred; 2011; T16-68

Contentions:

Value of property as stated in 2011 Annual Assessment Notice is not correct per O.C.G.A §48-5-2(3).

Value of Manufactured Home exceeds Market

Value of outbuildings exceeds Market

Outbuildings are not being valued equitably with similar outbuildings.

Findings:

Manufactured Home is not on the tax digest, it is billed separately on the Mobile Home Digest – therefore its value is not reflected on the 2011 Annual Notice of Assessment sent to the Crabtree's.

Per the PT-61 on record with the GSCCCA, the selling price for this parcel was \$9,000. Per Mrs. Crabtree, this selling price included the land, the manufactured home, and any outbuildings existing on the property at the time of purchase.

Per OCGA §48-5-2(3) *"Notwithstanding any other provision of this chapter to the contrary, the transaction amount of the most recent arm's length, bona fide sale in any year shall be the maximum allowable fair market value for the next taxable year"*.

The value of the Mobile Home was adjusted by the BoA on 02/16/11 to \$ 13,620 as a result of valuation appeal by Crabtree. This breaks down to \$ 10,968 for the base mobile home and \$ 2,652 in additions. Per the NADA valuation guide for 2011, the base value for this make and model of manufactured home is \$ 10,633.

The 10 x 12 implement shed was not involved in the 2010 sales transaction. Mrs. Crabtree reports the shed was purchased for \$ 400.

There are indications outbuilding appraisals on properties where the main structure is a manufactured home, differ from properties where the main structure is a real improvement. Based on property record examination, when manufactured home properties are inspected, it appears the data on prefabricated carports and utility buildings are collected and values estimated. For other types of properties, it appears that these items may be listed, but no value is estimated.

Lot valuation does not take into consideration that the lot is triangular in shape, tapering off in back.

Conclusions:

Manufactured Homes which were on the Tax Digest for 2010, but are re-classified as Mobile Digest homes may not be valued consistently with the mandates of O.C.G.A § 48-5-2(3).

Pre-fabricated carports and utility buildings are not valued consistency between manufactured home properties and real properties.

Triangular lots on the north end of Rose Circle may not be valued according to the standard rule for estimating values on such lots.

Recommendations: Correct subject property land, manufactured home, and carport to a total value of \$9,000 for 2011.

Request documentation of purchase price of shed, and set 2011 value at that price.

Correct lot values on Rose Circle for 2012

Implement a program to correct inconsistent handling of outbuildings for 2012.

The Board instructed forwarding on to the Board of Equalization.

e. **Map & Parcel 64-93:**

Owner Name: Allison, Robert E:

Tax year: 2011

**ON HOLD under 10 acre
documentation**

Contention: Owner filing in lieu of an appeal

Determination: Property owner filed a covenant July 25, 2011 in lieu of an appeal for a new covenant on 8.60 acres. Previous year value \$31,992 – current year value \$31,992. The no change in value indicates this parcel may not be eligible for approving a covenant in lieu of an appeal. Also this parcel is less than 10 acres and does not join the map/parcel 59-52 Mr. Allison has applied for covenant on.

Recommendation: Obtain verification of valid covenant from the Department of Revenue and documentation from property owner for under 10 acre tract.

Email verification received from Ellen Mills that the covenant is valid.

NEW BUSINESS:

VIII. **Appointments:** Kathy Brown, Tax Commissioner plans to attend any meetings involving the Digest Submission updates.

IX. **Appeals:**

- a. Updated appeal's list emailed to the Board, also hard copy available for review.
 - i. The Board acknowledged.
- b. Appeal Status:
 - i. Total appeals taken: 224
 - ii. Total Appeals Reviewed by the Board: 49 not counting the 9 plus appeals on this agenda
 - iii. Pending Appeals: 175
 - 1. The Board acknowledged

c. **Map & Parcel: 00023-00000-002-000**

Owner Name: Bogan Mountain Farms & Timber LLC

Tax Year: 2011

Owner's Contention: Owner contends that the covenant value has been incorrect for previous years and would like the issue corrected for the 2011 tax year. The owner would also like to be refunded for previous years of paying tax on the incorrect covenant value and to correct the 2010 tax bill.

Determination: According to the Tax Assessors records the covenant was incorrectly entered, making the value of the property higher than what it should have been. The previous FMV was 96,629 and is currently at 74,932. The previous covenant value was at 92,272 and should be at 70,610. The taxes on this property have also not been paid for the tax year 2010.

Recommendations: Chad recommends that we correct the covenant value to 70,610 for the tax year 2011. Chad also recommends that we refund this account for past years of paying taxes on the incorrect covenant value and also correct the 2010 tax bill since it has not yet been paid.

Motion to accept recommendation and refund back to three years

Motion: Mr. Richter

Second: Mr. Calhoun

Vote: all in favor

d. **Map & Parcel: 39E-10**

Owner Name: Carl A & Deborah Kilgo

Tax Year: 2010

Owner's Contention: To apply for a veteran's homestead for tax year 2010.

Determination: Determined full 100% disability started August 2010, by calling Mr. Kilgo.

Recommendations: Recommends homestead be applied for 2010 tax year.

The Board instructed sending email to Ellen Mills to question 2010 tax year eligibility.

Question: Would this applicant be eligible for 2010 exemptions?

The property owner was granted 100% disability in July, 2010 as stated in the letter from the Veteran's Administration. The letter was not submitted to the Assessor's office until August, 2011.

e. Map & Parcel: 81-32C**Owner Name: STEVEN ERIC & KAY MILLER DUKE****Tax Year: 2011****Owner's Contention:**

1. Property owner comments on appeal form states: "appeal increase in value (70%) with no change to property and no upward movement in the market. Please return the value of the property to \$101,341 per legislative freeze".
2. Also, owner pointed out in e-mail dated 06/27/2011 that he is being taxed on 60.25 acres when in fact his plat and deed indicate the property contains 64.9 acres.

Determination: property records indicate the following:

1. Subject property is 64.9 acres per plat and deed. Only 60.25 is valued in the notice sent for tax year 2011. The property is vacant woodland under the conservation covenant located on the east side of the intersection of Little Sand Mountain Road and Haywood Valley Road.
2. The owner was notified for tax year 2011 of change in value from \$101,341 for tax year 2010 to \$172,195 for tax year 2011. Both these values were based on the 60.25 acres. The change in value was a result of correction of the land access factor. The access factor was for limited access for tax year 2010 and corrected to good access for tax year 2011 because the property has road frontage (approx. one half mile) on the east side of Haywood Valley Road.
3. Property values were frozen by 2009 legislative act House Bill 233 (O.C.G.A. 48-5B-1. However, paragraph c of O.C.G.A. 48-5B-1 has a limitation. Paragraph (c) states "this Code section shall not apply to the correction by local tax officials, pursuant to Chapter 5 of this title, of any manifest, factual error or omission in the valuation of property. Therefore, the correction of the record to reflect the property having access (road frontage) was allowed under the "legislative freeze".
4. The subject property is valued for tax year 2011 at \$172,195 for 60.25 acres (\$2,858 per acre). Similar properties near the subject ranging in size from 31.7 acres to 135.46 acres have a range in average value per acre from \$1,317 per acre to \$3,765 per acre. The median of this range is \$2,824 and the average is \$2,720 per acre.
5. Owner purchased property (64.9 acres) 12/17/2009 for \$201,500 (\$3,104 per acre). Tracts of land ranging from 35.7 acres to 211.04 acres sold in the year 2010 for an average sale price per acre ranging from \$598 to \$3,270 per acre. The median sale price per acre of these 8 sales was \$2,406 per acre.

Conclusion:

1. The acreage per tax record is in error at 60.25 acres and should be corrected for tax year 2011 to 64.9 acres.
2. The tax value did increase from 2010 to 2011 but the reason for the change was an exception to the "legislative freeze".
3. The subject property is valued within the range of properties near it and properties sold in the year 2010. The corrected value for the 64.9 acres is \$186,714 (\$2,876 average value per acre).

Recommendations: Corrected acreage and value for tax year 2011. Acreage should be 64.9 acres. The value should be \$186,714 and the covenant value should be \$ 27,892.

Motion to accept recommendation

Motion: Mr. Calhoun

Second: Mr. Richter

Vote: all in favor

f. Map & Parcel: 78-37F**Owner Name: HEDGE COTH, DARRELL****Tax Year: 2011****Owner's Contention:**

1. Owner made no contentions about this property for tax year 2011.
2. However, owner did make a contention about the property for tax year 2010. Owner indicated the fire department responded to a fire at the residence on 05/05/2009.

Determination:

1. Notes in computer indicate information about the fire was entered into the computer 05/03/2010 about the house burning on 05/05/2009.
2. The house value was deleted from the computer record for tax year 2010. There is no indication that the property was visited to verify the extent of the damage. However, the total building value was deleted.
3. On 04/14/2011 a representative from the District Attorneys Office came into the office and requested information about the house. The request was for the value estimated for property tax purposes before the house burned. The information provided was the front screen summary for tax years 2008, 2009 and 2010. Also, the 2010 property record including the land information and accessory building information. The notes indicate the office field representative provided this information.
4. A property owner contacted the office 08/09/2010 inquiring about the house and the estimated value. During the conversation the person indicated the house never burned down. The person indicated based on personal knowledge the house suffered only minor damage to one room (a hole burned in the floor).
5. 2010 Satellite imagery indicates the house is still on the site but does not show its condition.
6. Anissa visited the house 08/10/2011 and confirmed the original house still stands. The only exterior evidence of fire damage determined during visit seemed to be heat warping of a section of vinyl siding.
7. Even though property values were frozen by 2009 legislative act House Bill 233 (O.C.G.A. 48-5B-1 paragraph (c) of O.C.G.A. 48-5B-1 has a limitation to the "freeze". Paragraph (c) states "this Code section shall not apply to the correction by local tax officials, pursuant to Chapter 5 of this title, of any manifest, factual error or omission in the valuation of property. Therefore, the correction of adding the house value back would be allowed under the "legislative freeze". However, notices of value have already been sent for tax year 2011.

Conclusions:

1. It seems this house was left completely off the 2010 and 2011 digest in error because a property visit was not made to confirm if the house was a total loss.
2. Standard practice of verification was not followed. If verification was made then data entry of verification was not made.

Recommendations:

1. Add house back to digest for tax year 2012 and enter into property record notes that house is not on digest (NOD) for years 2010 and 2011.

Motion to accept recommendation

Motion: Mr. Richter

Second: Mr. Calhoun

Vote: all in favor

g. Map & Parcel: 13-676-00B**Owner Name: MMRJ SUBDIVISION LLC****Tax Year: 2011**

Owner's Contention: Owner contends the two tracts of property are adjoining and owner would like to combine these two parcels into one parcel. Since the property is already under Conservation Easement (see attached deed) owner would also like for the BOA to approve this property to be under Conservation Covenant.

Determination: After talking with Chad, Cindy Finster has determined that there are two tracts of property that can be combined into one parcel. Cindy Finster has also determined that this property is currently under the Conservation Easement.

Recommendations: Cindy Finster is recommending the BOA approve the consolidating of these two parcels 13-76-00B and 13-76-105 and also approve the request for conservation covenant.

The Board instructed placing this item on hold pending verification with the property owner on the following:

- 1) What are the restrictions under current easement for the 3 acre tract pertaining to developing or selling?
- 2) If no restrictions, is the property owner aware that combining this small parcel with a larger one then placing under conservation covenant could create complications in selling.

h. Map & Parcel: 13-68

Owner Name: CREEKSIDE FALLS LLC

Tax Year: 2011

Owner's Contention: Owner contends the three tracts of property are adjoining and owner would like to combine these three parcels into one parcel. Since the property is already under Conservation Easement (see attached deed) owner would also like for the BOA to approve this property to be under Conservation Covenant.

Determination: After talking with Chad, Cindy Finster has determined that there are three tracts of property that can be combined into one parcel. Cindy Finster has also determined that this property is currently under the Conservation Easement.

Recommendations: Cindy Finster is recommending the BOA approve the consolidating of these three parcels 13-68, 13-32 and 13-76 and also approve the request for conservation covenant.

The Board instructed placing this item on hold pending the above MMRJ appeal information is received – these properties have the same owner

i. Map & Parcel: 20 15

Owner Name: P & P Country Store

Tax Year: 2011

Determination: Cindy Finster has determined that his store has been vacant for a few years. There has never been a personal property return filed on this store. A flat value of \$100,000.00 was placed on account. Taxes are due for 2008, 2009 and 2010. Cindy Finster has called and also sent the owner of the building (Ronald Padgett) a letter asking him for information on the last person he rented the building to. Mr. Padgett has not returned any type of information.

Recommendations: Cindy Finster is recommending the value on this store be zeroed out since the value is \$100,000.00 and there is no information on the owner.

The Board instructed placing this item on hold pending verification on tax year 2008 and 2009 that there was no store or business.

The Board will decide on 2008-2011 once this information has been obtained.

X. Conservation Covenants: No covenants at this time – The Board acknowledged.

XI. Exemption Code: No presentation - The Board acknowledged.

XII. Information Items & Invoices:

- a. **EMAILS:** North Carolina Tables – forwarded to the Board of Assessors for review. - The Board acknowledged.

XIII. Homestead Applications: No exemption applications at this time - The Board acknowledged.

XIV. Personal Property: No personal property at this time - The Board acknowledged.

Adjourned: 9:55 a.m.

Hugh T. Bohanon Sr. Chairman
William M. Barker
David A. Calhoun
Gwyn Crabtree
Richard L. Richter

