

DEFINITION OF AGRICULTURAL REAL PROPERTY - S.C. CODE 12-43-230 (a)

Agricultural real property shall mean any tract of real property which is used to raise, harvest, or store crops or feed, breed or manage livestock, or to produce plants, trees, fowl or animals useful to man, including the preparation of the products raised thereon for man's use and disposed of by marketing or other means. It includes but is not limited to such real property used for agriculture, grazing, horticulture, forestry, dairying, and mariculture. In the event at least 50% of a real property tract shall qualify as "agricultural real property", the entire tract shall be so classified, provided no other business for profit is being operated thereon. The term "agricultural real property" shall not include any property used as the residence of the owner or others in that the taxation of such property is specifically provided for in Section 12-43-230 of the South Carolina Code of Laws and Department of Revenue Regulation 117-124.7. Property to be Subject to Roll-Back Taxes: It is understood by "Property Owner" that when real property which is in agricultural use and is being valued, assessed and taxed as agricultural real property and is applied to a use other than agricultural, it shall be subject to additional taxes referred to as roll back taxes.

QUALIFICATION REQUIREMENTS - S.C. CODE 12-43-220 (d)(1)

Agricultural real property which is actually used for such agricultural purposes shall be taxed on an assessment equal to:

A. Four percent of its fair market value for such agricultural purposes for owners or lessees who are individuals or partnerships and certain corporations which do not:

- (1) Have more than 10 shareholders.
- (2) Have as a shareholder a person (other than an estate) who is not an individual.
- (3) Have a nonresident alien as a shareholder.
- (4) Have more than one class of stock.

B. Six percent of its fair market value for such agricultural purposes for owners or lessees who are corporations except for certain corporations specified in (A) above. (S.C. Code 12-43-220(d)(1))

TIMBERLAND

Timberland tracts must be five acres or more. Tracts of timberland must be devoted to growing trees for commercial use. Tracts of timberland less than five acres qualify if any of the following conditions are met:

1. Contiguous to a qualifying tract.
2. Under the same management system as a qualifying tract.
3. Owned in combination with non-timberland tracts that qualify as agricultural real property.

NON-TIMBERLAND - The following uses do not qualify: (1) recreation; (2) hunting clubs; (3) fishing clubs; (4) vacant land lying dormant

Non-timberland (cropland) tracts must be ten acres or more. Tracts of non-timberland less than ten acres qualify if any of the following are met:

1. If contiguous tracts with identical ownership meet the minimum acreage requirements when added together.
2. If a person making application earned at least \$1,000 gross farm income in at least three of the five taxable years preceding the year of application or at least three of the first five years if this is an initial application, and
3. If the property has been owned by current owner of an immediate family member of the current owner for at least ten years ending January 1, 1994 and the property was classified as agricultural real property for tax year 1994.

NOTICE OF A CHANGE IN USE - S.C. CODE 12-43-220 (d)(3)

The owner shall notify the assessor within six months of a change in use. For failure to notify the assessor of a change in use, in addition to any other penalties provided by law, a penalty of ten percent and interest at the rate of one-half of one percent a month must be paid on the difference between the amount that was paid and the amount that should have been paid, but not less than thirty dollars nor more than the current year's taxes

ROLL-BACK TAXES

It is understood by "Property Owner" that when real property which is in agricultural use and is being valued, assessed and taxed as agricultural-real property and is applied to a use other than agricultural, it shall be subject to additional taxes referred to as roll-back taxes. The amount of the rollback taxes is equal to the sum of the differences, if any, between the taxes paid or payable on the basis of the fair market value for agricultural purposes and the taxes that would have been paid or payable if the real property had been valued, assessed, and taxed as other real property in the taxing district for the current tax year (the year of change in use) and each of the immediately preceding 3 tax years.

FILING REQUIREMENT WITH THE ASSESSOR'S OFFICE - PLEASE KEEP A COPY FOR YOUR FILES.

If this application is not filed by the close of business (5pm) on or before the first penalty date for taxes due for the first tax year in which the special assessment is claimed, the agricultural classification must be denied for that tax year. An inspection of your property may be necessary for qualification.

MAIL or DELIVER ORIGINAL COMPLETED and SIGNED APPLICATION TO:

Newberry County Assessor, P.O. BOX 712, Newberry, SC 291080