



North Carolina Department of Revenue

Beverly Eaves Perdue
Governor

Kenneth R. Lay
Secretary

February 4, 2010

MEMORANDUM

TO: County Assessors

FROM: Janet L. Shires, General Counsel
Property Tax Division

RE: Property Tax Commission Appeal Documents

Our office is asking for each county's full cooperation in utilizing the attached sample Notice of Decision letter. It is imperative that all information in this letter be used by your county's board of equalization and review when its Notice of Decision is sent to the taxpayer. This letter contains what our office must have in order to process a Notice of Appeal to the Property Tax Commission, including information to establish timeliness, the owner of the property, and the name of the property as it appears in county records. Also included is an informational brochure prepared by our office that may be sent to the taxpayer at the same time the Notice of Decision letter is mailed.

For appeals being filed to the Property Tax Commission in 2010 and thereafter, a taxpayer has the option of mailing a written notice of appeal or going online to the Department of Revenue's website at <http://www.dornc.com/downloads/property.html> and completing a Notice of Appeal and Application for Hearing (Form AV-14) form. Note this option in our sample Notice of Decision letter.

Even though tax representatives are allowed to represent the taxpayer at the county level during the appeal process, they cannot represent the taxpayer at the state level. Property owners may represent themselves but may not be represented before the Commission by any person not admitted to practice law in this State. A tax representative or agent is not authorized to prepare or sign forms, even when documents are accompanied by a power of attorney executed by the taxpayer.

For your reference, I am also including the Power of Attorney form that should be executed by the tax representatives who file appeals at the county level. As you will note, this document states that such representation is not allowed before the Property Tax Commission. Note that the attached sample Notice of Decision letter includes the correct statement in reference to a tax representative's appearance before the Property Tax Commission.

A copy of this letter, with attachments, should be forwarded to the Clerk to your Board of Equalization and Review. If our office may be of assistance, please contact us at 919-733-7711.

JLS/ds

NOTICE OF DECISION

This notice was mailed on: insert mailing date

Taxpayer's name
Taxpayer's mailing address

Dear Taxpayer:

On insert meeting date, the _____ County Board of Equalization and Review received evidence and heard testimony regarding the appeal. On the basis of that evidence and testimony, and in due consideration of all applicable laws, the Board made the following decision effective for tax year _____:

County Identification/Description of Property under Appeal:
PARCEL/PIN/ACCOUNT # _____
Description of Property: _____
Property address (if applicable): _____
Assessed Valuation under appeal: \$ _____
Decision of the Board: _____

You may appeal the Board's decision by filing a timely appeal with the North Carolina Property Tax Commission. The appeal must be received by the Commission or **postmarked by the U.S. Postal Service** within thirty (30) days from the mailing of the County Board's Notice of Decision. **A copy of this Notice of Decision must accompany your appeal to the Property Tax Commission.**

If you wish to appeal to the Property Tax Commission, you may: 1) Go online to the Department of Revenue's website at <http://www.dornc.com/downloads/property.html> and complete the Notice of Appeal and Application for Hearing (Form AV-14) **or** 2) Send a signed letter (notice of appeal) stating the grounds for the appeal and identifying the property being appealed.

The Notice of Appeal and Application for Hearing (Form AV-14) **or** your signed letter (notice of appeal) **and** a copy of this decision letter must be mailed to the:

North Carolina Property Tax Commission
P.O. Box 871
Raleigh, NC 27602
(919) 733-7711

In addition, send a copy of your notice of appeal to the county tax administrator/assessor and to the county attorney.

Taxpayers may prepare their notice of appeal to be filed with the Property Tax Commission. Attorneys licensed to practice law in this State may also prepare, sign and file the notice of appeal with the Property Tax Commission on behalf of the taxpayers. However, a tax representative or agent is **not** permitted to prepare, sign or file the appeal on behalf of the taxpayers.

Sincerely,

Clerk, Board of Equalization and Review

POWER OF ATTORNEY

Know all men by these presents that I, _____, in the County of _____, State of _____, City of _____, do hereby make, constitute and appoint, _____, my true and lawful attorney in fact to appear for me and represent me before the board of county commissioners or the county board of equalization and review in the County of _____, in connection with any matter involving the ad valorem taxation of the property described below; I grant unto said attorney in fact the full power and authority to appeal the property tax value assigned by the County to the described property, and the power to make full and complete settlement or other disposition of the matter; I hereby authorize the said County to disclose to my attorney in fact all information used by the County in connection with the listing, appraisal, or assessment of the said property, including specifically information of a confidential nature.

I understand that in the event of an adverse decision by either County Board, that if this matter is appealed to the North Carolina Property Tax Commission, the property tax value may be lowered, left unchanged, or increased as a result of the appeal. I also understand that my attorney in fact, unless he/she is an attorney at law, authorized to practice law in the State of North Carolina will not be allowed to prepare or file any documents with the North Carolina Property Tax Commission or represent me at any hearing to be held before the Commission, for such representation would constitute the unauthorized practice of law.

The specific property which my attorney in fact is authorized to appeal is described as follows:

NOTE: PLEASE USE THE PROPERTY TAX PARCEL IDENTIFICATION NUMBER(S) FOR REAL PROPERTY; PERSONAL PROPERTY SHOULD BE DESCRIBED AS CLEARLY AS POSSIBLE. ATTACH ADDITIONAL INFORMATION SHEETS IF NECESSARY.

I am the record owner of the property described above: YES NO (circle one). If No, please identify the record owner and state the relationship between the record owner and the person executing the power of attorney. _____

Witness my hand this the _____ day of _____, 20____.

TAXPAYER

STATE OF _____

COUNTY OF _____

The foregoing instrument was duly acknowledged before me by _____ for the uses and purposes therein expressed.

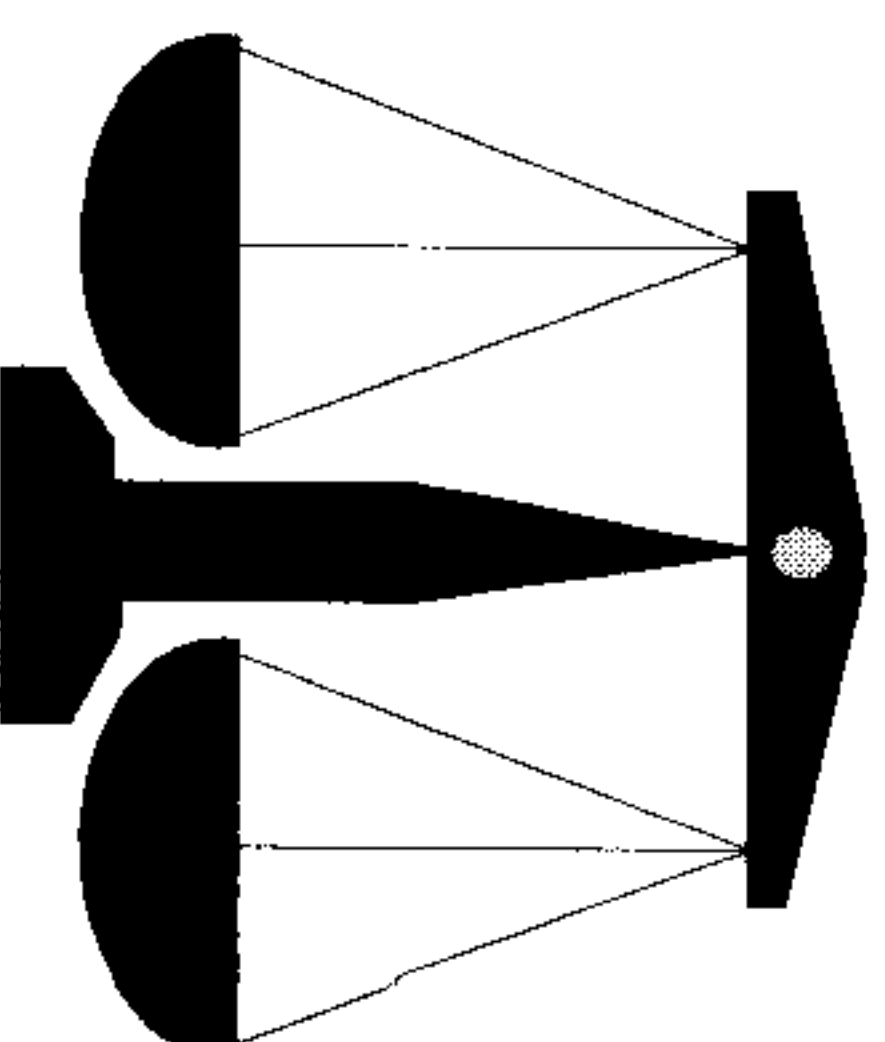
Witness my hand and seal this the _____ day of _____, 20____.

My commission expires : _____

Notary Public

The
North Carolina

**PROPERTY TAX
COMMISSION**



**Questions and Answers
Concerning the Commission
And the Appeal Procedure**

**N. C. Property Tax Commission
P. O. Box 871
Raleigh, NC 27602**

Telephone (919) 733-7711

THE INFORMATION INCLUDED IN THIS BROCHURE IS INTENDED TO PROVIDE PROPERTY OWNERS WITH A GENERAL UNDERSTANDING OF WHAT MUST BE DONE TO PURSUE AN APPEAL TO THE NORTH CAROLINA PROPERTY TAX COMMISSION. IN ADDITION, INFORMATION IS PROVIDED EXPLAINING THE HEARING PROCEDURE AND THE OPERATIONS OF THE COMMISSION.

QUESTION: *What is the Property Tax Commission?*

ANSWER: The Property Tax Commission is the trial court of record in property tax cases within its jurisdiction. It is authorized to hear appeals from listing and appraisal decisions of county boards of commissioners and boards of equalization and review, and from orders of county boards of commissioners adopting schedules, standards and rules for use in reappraisal programs. It also hears appeals by public service companies from the appraisal of their property by the Department of Revenue. The Commission is composed of five members; three appointed by the Governor and one each by the Senate President Pro Tempore and the Speaker of the House.

QUESTION: *How and when are appeals to the Property Tax Commission due to be filed?*

ANSWER: A notice of appeal to the Commission from a local property tax decision must be in writing. If you wish to appeal the county's decision to the Property Tax Commission, you may either: 1) go online to the Dept. of Revenue's website at: <http://www.dornco.com/downloads/property.html> and complete the Notice of Appeal and Application for Hearing (Form AV-14) or 2) send a signed letter stating the grounds for the appeal and identifying the property being appealed. **A copy of the county's decision must accompany your appeal.** The appeal must be signed by the property owner or the property owner's attorney. In the case of a partnership or corporation, a notice of appeal must be signed by a general partner of a partnership, an officer of a corporation, or an attorney for the organization. In all cases, a copy of the notice of appeal must be sent to the county assessor and the county attorney at the time the appeal is filed with the Commission.

Appeals to the Property Tax Commission from orders of boards of equalization and review or from boards of county commissioners (other than orders adopting uniform schedules of value) must be filed within 30 days after the board has mailed notice of its decision. Appeals from an order adopting schedules of value must be filed in accordance with G.S. 105-290 (c) and (e).

A notice of appeal submitted by a means other than United States mail is considered to be filed on the date it is received in the office of the Commission. A notice of appeal submitted by United States mail is considered to be filed on the date shown on the postmark stamped by the U. S. Postal Service. If there is no USPS postmark or if the USPS postmark does not show the date of mailing, the appeal will be considered to be filed the date it is received in the office of the Commission.

QUESTION: *What are grounds for an appeal?*

ANSWER: Valuation Decisions – Grounds for appealing “valuation” decisions are generally (1) that the property has been appraised at a figure in excess of its true value in money or (2) that the property has been appraised at a greater percentage of its true value in money than other similar property in the county. An increase in value, by itself, is not a basis for appeal.

Listing Decisions – Grounds for appealing “listing” decisions are (1) the property is not taxable, (2) the property has been assessed against the wrong person, or (3) procedural requirements have not been met.

Schedules of Values – Orders adopting schedules, standards, and rules may be appealed on the ground that their application will not result in the appraisal of all real property in the county at its true value in money.

QUESTION: *Where are appeals heard?*

ANSWER: Hearings before the Property Tax Commission are generally held in Raleigh, North Carolina.

QUESTION: *Who must appear at the hearings?*

ANSWER: In order to pursue an appeal, the property owner (or his attorney) must appear at the hearings. Individual property owners are allowed (but not encouraged) to represent themselves at Commission hearings. One family member may not represent another; nor may an attorney-in-fact represent the grantor of the power.

Corporate taxpayers must be represented at hearings by an attorney licensed to practice in N. C. A trustee may appear for a trust and a “general partner” may appear for a partnership.

QUESTION: *How are hearings conducted?*

ANSWER: Hearings before the Property Tax Commission are “de novo” (new hearings) and are not merely a review of the hearing that was heard by the county board. In hearings involving “valuation,” the county's appraisal is generally presumed to be correct. Of course, the presumption is only one of fact and is therefore rebuttable. A taxpayer may rebut this presumption by produc[ing] competent, material and substantial evidence that tends to show that: (1) Either the county assessor used an arbitrary method of valuation; or (2) the county tax assessor used an illegal method of valuation; and (3) the assessment substantially exceeded the true value in money of the property. All testimony is given under oath and is recorded by the court reporter. Decisions of the Commission are made in the form of an order setting forth its findings of fact and conclusions of law. Appeals from Commission decisions are to the Court of Appeals and are based on the record made at the hearing.

ANYONE DESIRING FURTHER INFORMATION CONCERNING THE PROCEDURE FOR FILING AN APPEAL WITH THE PROPERTY TAX COMMISSION OR OTHER INFORMATION AS TO THE LAW RELATING TO THE COMMISSION AND ITS FUNCTIONS MAY WRITE TO THE PROPERTY TAX COMMISSION, P. O. BOX 871, RALEIGH, NC 27602 OR CALL 919-733-7711.