

STATE OF NORTH CAROLINA

BEFORE THE PROPERTY TAX COMMISSION
SITTING AS THE STATE BOARD OF
EQUALIZATION AND REVIEW
15 PTC 0368

COUNTY OF WAKE

IN THE MATTER OF:
APPEAL OF:

**Frankie Hinshaw and
Celia Featherstone**

FINAL DECISION

from the decisions of
the Mecklenburg County
Board of Equalization
and Review concerning
the valuation of certain
real property for tax years
2011- 2014.

This appeal was heard before the North Carolina Property Tax Commission (“Commission”) sitting as the State Board of Equalization and Review in the City of Raleigh, Wake County, North Carolina on Thursday, March 17, 2016, pursuant to the appeal of **Frankie Hinshaw and Celia Featherstone** (Appellants”). Appellants are appealing the decisions of the Mecklenburg County Board of Equalization and Review (“County Board”) not to reduce the assessment of the subject property to \$0 for tax years 2011-2014.

Vice Chairman Terry L. Wheeler presided over the hearing with Commission Members David Smith, Jack C. Morgan III and Alexander A. Guess participating.

Appellants appeared at the hearing pro se; Robert S. Adden, Jr., Esquire, appeared at the hearing on behalf of Mecklenburg County.

STATEMENT OF THE CASE

The property under appeal is a vacant parcel of land near I-485 in Matthews, North Carolina.

The County’s general reappraisal was effective as of January 1, 2011. The Mecklenburg County Board of Equalization and Review established a value of \$1,200 for the property for tax years 2011-2014. From County Board’s decisions, the Appellants filed an appeal with the Commission and requested a hearing as provided in G.S. 105-290.

In the Notices of Appeal and Applications for Hearing, the Appellants contend that the subject property has been appraised in excess of its true value in money and that the value of the property should be \$0 for tax years 2011-2014.

The County contends that the subject property was appraised in accordance with the County's duly adopted schedule of values for the 2011 reappraisal. The County further contends, based on its analysis of sales and comparably assessed properties, that the subject property has not been appraised in excess of its true value. The County asserts that in its appraisal of the subject property, all important factors affecting the value of the property have been considered, and requests the Commission to affirm the value of \$1,200 assigned to the property by the County Board for tax years 2011-2014.

ANALYSIS AND ISSUES

In the Order on Final Pre-Hearing Conference, the parties presented different versions of the issues to be decided by the Commission. Noting that the North Carolina Supreme Court has established guidelines for property tax appraisal appeals in In re Amp, Inc., 287 N.C. 547, 215 S.E.2d 752 (1975), the Commission decided the issues presented in the appeal were:

Under this analysis, the Commission must consider the following issues:

1. Did Appellant carry their burden of producing competent, material and substantial evidence tending to show that:
 - (a) Mecklenburg County employed an arbitrary or illegal method of appraisal in reaching the property tax value for Appellants' property for the years at issue, and
 - (b) The County Board assigned a value that is substantially greater than the true value of the subject property for the years at issue?
2. If the above issues are answered in the affirmative, did Mecklenburg County demonstrate that its appraisal methodology produced a true value in view of both sides' evidence and the weight and sufficiency of the evidence, the credibility of the witnesses, and inferences as well as conflicting and circumstantial evidence?¹

FROM THE NOTICE OF APPEAL AND APPLICATION FOR HEARING FILED IN THIS MATTER, ANY STIPULATIONS AND EVIDENCE PRESENTED, THE COMMISSION MAKES THE FOLLOWING FINDINGS OF FACT:

1. The property under appeal is a strip of vacant land near I-485 in Matthews, North Carolina. Mecklenburg County identifies the subject property as Parcel Identification Number 227-501-60.
2. Mecklenburg County's most recent general reappraisal was effective January 1, 2011.
3. Appellants appealed the County's assessment of the subject property at a value of \$1,200 for tax years 2011-2014 to the County Board, which heard the matter on May 20, 2015, and entered decisions determining the property's value to be \$1,200 for tax years 2011-2014.

¹ In re Parkdale Mills & Parkdale Am., 225 N.C. App. 713, 741 S.E.2d 416 (2013).

4. When challenging the County Board's decisions assigning a value of \$1,200 to the subject property for the years at issue, the Appellants contend that the market value of the subject property should be \$0.
5. Upon calling this matter for hearing on March 17, 2016, Mecklenburg County, through counsel, made a motion to dismiss the subject appeal due to the de minimis value at issue in this appeal.
6. When presenting its Motion to Dismiss the subject appeal, Mecklenburg County, through counsel, argued that even if Appellants produce competent, material and substantial evidence tending to show that Mecklenburg County employed an arbitrary or illegal method of appraisal in reaching the property tax value for Appellants' property for the years at issue, the Appellants have no evidence that the County's value substantially exceeds the true value of the property since the value in this appeal is de minimis.²
7. In opposition to Mecklenburg County's Motion to Dismiss, the Appellants argue that the value should be \$0 since the property is within the future path (i.e. five years) of a DOT right of way taking.
8. Mecklenburg County's Motion to Dismiss is granted when the Appellants have no evidence that the County's value substantially exceeds the true value of the property since the value in this appeal is de minimis.

**BASED UPON THE FOREGOING FINDINGS OF FACT, THE COMMISSION
MAKES THE FOLLOWING CONCLUSIONS OF LAW:**

1. The Commission has jurisdiction over the parties and the subject matter of this appeal.
2. A county's ad valorem tax assessment is presumptively correct.³ The taxpayer rebuts this presumption by presenting "competent, material and substantial" evidence that tends to show that: (1) [e]ither the county tax supervisor used an arbitrary method of valuation; or (2) the county tax supervisor used an illegal method of valuation; and (3) the assessment substantially exceeded the true value in money of the property.⁴
3. Even if the Appellants produce competent, material and substantial evidence tending to show that the County employed an arbitrary or illegal method of appraisal in reaching the property tax value for Appellants' property, the Appellants have no evidence that the County's value substantially exceeds the true value of the property since the value at issue is de minimis.
4. As such, the Commission granted Mecklenburg County's Motion to Dismiss Appellant's appeal due to the de minimis value at issue in this appeal.

² The annual tax bill is \$13.00.

³ *In re Amp. Inc.*, 287 N.C. 547, 215 S.E.2d 752 (1975).

⁴ *Id.*

WHEREFORE THE NORTH CAROLINA PROPERTY TAX COMMISSION THEREFORE ORDERS that the decisions of the Mecklenburg County Board of Equalization and Review are affirmed; and Appellant's appeal is dismissed.

NORTH CAROLINA PROPERTY TAX COMMISSION



A handwritten signature in black ink, appearing to read "T. Wheeler", is written over a horizontal line.

Terry L. Wheeler, Vice Chairman

Commission Members Smith, Morgan and Guess concur. Chairman Peaslee did not participate in the hearing or deliberation of this appeal.

ENTERED: April 29, 2016

ATTEST:

A handwritten signature in black ink, appearing to read "Janet L. Shires", is written over a horizontal line.

Janet L. Shires, General Counsel