

NORTH CAROLINA

BEFORE THE PROPERTY TAX COMMISSION  
SITTING AS THE STATE BOARD OF  
EQUALIZATION AND REVIEW  
16 PTC 0362

IN THE MATTER OF:  
APPEAL OF:

**JONATHAN N. ROBBINS**

**FINAL DECISION**

from the decision of the Randolph  
County Tax Commission concerning  
the valuation of personal property for  
tax year 2015.

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This Matter came on for hearing 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, at its regularly scheduled meeting on Wednesday, May 17, 2017 pursuant to the appeal of Jonathan N. Robbins (“Appellant”). In this matter, Appellant challenges the decision of the Randolph County Tax Commission (“County Board”) not to reduce the value of his property for the tax year 2015.

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

Appellant appeared at the hearing pro se. Aimee Scotton, Randolph County Staff Attorney, appeared at the hearing on behalf of Randolph County.

**STATEMENT OF CASE AND FACTS**

The property subject to this appeal is a 2015 GMC Sierra 1500 4WD Crew Cab SLT pickup truck VIN: 3GTU2VEC2FG504789 (the “Truck”). Appellant purchased the Truck from Strider Buick GMC Subaru in Asheboro, North Carolina (“Strider”) on or about November 25, 2015. According to the Vehicle Invoice, the Vehicle Sales Price was Forty-Nine Thousand Three Hundred Fifty-One Dollars and Eighty-Five Cents (\$49,351.85). The license plate was issued in December 2015; at that time, taxes are assessed for tax year 2015. The Randolph County Tax Assessor (“Tax Assessor”) assigned a tax value to the Truck of Forty-Nine Thousand Three Hundred Fifty-One Dollars (\$49,351.00). Appellant challenged the value assigned to the Truck by filing an appeal with the County Board. After conducting a hearing, the County Board notified Appellant of their decision to affirm the Tax Assessor’s assessment of the Truck by notice of decision mailed July 20, 2016. Appellant challenged the County Board’s decision by filing an appeal with the Commission and requesting a hearing as provided in N.C. Gen. Stat. § 105-290.

The Appellant contends that the value placed on the Truck is in excess of its true value in money; and that the Tax Assessor should have appraised the Truck at Forty-One Thousand Six Hundred and Fifteen Dollars (\$41,615.00), the amount paid by Appellant to Strider for the Truck after a rebate of Seven Thousand Seven Hundred Thirty-Seven Dollars (\$7,737.00). The Appellant further contends that discounts taken from the MSRP of Fifty-One Thousand Five Hundred Eighty Dollars (\$51,580.00) are not validly included in the sales price.

Randolph County contends the Tax Assessor appraised the Truck at the vehicle sales price as required by N.C. Gen. Stat. § 105-332(b). Randolph County contends that rebates and other discounts should not be considered in arriving at this value due to the inconsistency with which these discounts are applied from buyer to buyer.

### ANALYSIS AND ISSUES

A county's *ad valorem* tax assessment is presumptively correct. The taxpayer rebuts this presumption by presenting "competent, material and substantial" evidence that tends to show that: (1) either 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.<sup>1</sup> If the taxpayer rebuts the initial presumption, then the burden shifts to the taxing authority to demonstrate that its methods produce true values.

N.C. Gen. Stat. § 105-332(b) provides that an assessor must appraise a classified motor vehicle at its true value in money as prescribed by N.C. Gen. Stat. § 105-283. N.C. Gen. Stat. § 105-332(b) further provides that the sales price of a classified motor vehicle purchased from a dealer, including all accessories attached to the vehicle when it is delivered to the purchaser, is considered the true value of the vehicle, and the assessor must appraise the vehicle at this value.

Under this analysis, the Commission considers the following issues:

- a. Did Randolph County employ an arbitrary or illegal method of appraisal in reaching the property tax value of the Truck for the year at issue?
- b. Was the tax value of the Truck, as determined by the Randolph County Tax Commission ("County Board"), substantially greater than the true value of the Truck?
- c. If issues 1 and 2 are answered in the affirmative, then what is the true value of the Truck for the year at issue?

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

1. Appellant purchased the Truck from a dealer on or about November 25, 2015.
2. The Randolph County Tax Assessor appraised the Truck at the sales price that was listed on the Appellant's Bill of Sale for said Truck.
3. Appellant voiced an opinion that the value of a motor vehicle purchased from a dealer should be based upon the amount actually paid by the buyer, stating that the buyer's ability to negotiate should be considered in determining the vehicle's value.
4. Appellant presented the aforementioned Bill of Sale and a Dealer Invoice, said invoice indicating that the MSRP of the Truck was Fifty-One Thousand Five Hundred and Eighty Dollars (\$51,580.00).
5. Appellant presented no further evidence that the value placed on the Truck by the Randolph County Tax Assessor substantially exceeded its true value in money.

**BASED ON THE FOREGOING FINDINGS OF FACT, THE PROPERTY TAX COMMISSION MAKES THE FOLLOWING CONCLUSIONS OF LAW:**

1. A county's *ad valorem* tax assessment is presumptively correct.<sup>2</sup> If the taxpayer rebuts the initial presumption, then the burden shifts to the taxing authority to demonstrate that its methods produce true values.<sup>3</sup> The Taxpayer rebuts this presumption by presenting "competent, material and substantial" evidence that tends to show that: (1) either the county tax supervisor used an arbitrary method of valuation; or (2) the county tax supervisor used an illegal method of valuation; and (3) that the assessment substantially exceeded the true value of the property.

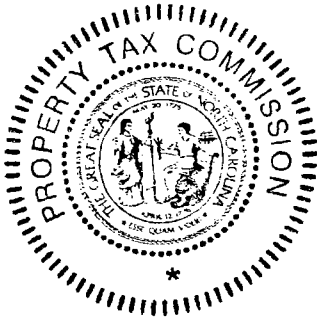
2. N.C. Gen. Stat. § 105-332(b) provides in pertinent part that an assessor must appraise a classified motor vehicle at its true value in money as prescribed by N.C. Gen. Stat. § 105-283.

3. N.C. Gen. Stat. § 105-332(b) further provides that the sales price of a classified motor vehicle purchased from a dealer, including all accessories attached to the vehicle when it is delivered to the purchaser, is considered the true value of the vehicle, and the assessor must appraise the vehicle at this value.

4. After considering the evidence presented by Appellant in this appeal, the Commission determined that the evidence presented by the Appellant did not tend to show that Randolph County used an arbitrary or illegal method of assessment, and that the Appellant did not present competent, material and substantial evidence that tended to show that the value assigned to the Truck substantially exceeded its true value for the tax year in question.

**BASED UPON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE COMMISSION THEREFORE ORDERS** that the decision of the Randolph County Tax Commission assigning the value of Forty-Nine Thousand Three Hundred Fifty-One Dollars (\$49,351.00) to the Truck for tax year 2015 is affirmed.

NORTH CAROLINA PROPERTY TAX COMMISSION



Terry L. Wheeler, Vice Chairman

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

Entered: 5/30/17

ATTEST:

  
Janet L. Shires, General Counsel