RESOLUTION 2014 - 121

A RESOLUTION ORDERING A REFUND OF TAXES/FEES/ASSESSMENTS PAID

WHEREAS, Floyd Hoff Sr., Floyd Hoff Jr. and Cleo Larue were erroneously assessed for real property under Geo Code No. 1889-06-4-01-25-0000 / PIN No. 29792; and

WHEREAS, the Department of Revenue has provided evidence regarding the change in valuation; and

WHEREAS, the error occurred in tax year 2013; and

WHEREAS, a hearing was held on November 25, 2014;

NOW THEREFORE, the Lewis and Clark County Commissioners make the following conclusions of law:

- 1. Floyd Hoff Sr., Floyd Hoff Jr. and Cleo Larue have paid the assessment in error.
- 2. Floyd Hoff Sr., Floyd Hoff Jr. and Cleo Larue have proven a refund is due to them.
 - 3. The claim for the refund was filed within five years of the collection.

IT IS HEREBY RESOLVED that, in accordance with Section 15-16-603, MCA, the Lewis and Clark County Commissioners refund the total amount of \$1,812.35 to Floyd Hoff Sr., Floyd Hoff Jr. and Cleo Larue, 4020 Lake Helena Drive, Helena, MT 59602

Dated this 2 day of November, 2014.

LEWIS AND CLARK COUNTY BOARD OF COMMISSIONERS

Susan Good Geise, Chair

Paulette DeHart. Clerk of the Board

3266216 B: M49 P: 2516 COUNTY 11/25/2014 01:10 PM Pages: 1 of 15 Fees: 0.00 Paulette DeHart Clerk & Recorder, Lewis & Clark MT

NOTE: Taxpayer ID Number/Social Security Number <u>is</u> required by IRS Code 6041(a) and Treas. Reg. Section 1.6041-1(a). Without this taxpayer information, a property tax refund cannot be issued.

Cheryl Green, Supervisor Delinquent Tax Collector 1-406-447-8362



City-County Building 316 North Park Ave. Rm 113 Helena, MT 59623

LEWIS AND CLARK COUNTY

Consolidated Office of Treasurer/Clerk and Recorder

October 27, 2014

Lewis & Clark County Commission 316 N Park Helena Mt 59623

Refund Request:

Hoff, Floyd F Sr & Floyd F Jr & Larue Cleo

4020 Lake Helena Dr Helena Mt 59 602

Pin # 29792 Geo-Code# 1889-06-4-01-25-0000

Dear Board of County Commissioners:

Pursuant to 15-16-603, MCA, the taxpayer has requested a refund for the above property. Please find documentation regarding the request. The taxpayer paid in full tax bill for 2013, but then Department of Revenue discovered that the property was not valued correctly.

A refund is in order: Tax Year: 2013

\$ 1714.12 General Tax

5.25 (2518) Open-Space Lands

5.70 (8013) Soil & Water

8.85 (2121) Forestvale Cemetery

60.74 (East Valley Fire)

17.69 (Mosquito)

Total Refund Due \$1812.35

Thanking you in advance, I am,

Cheryl Green Supervisor/Delinquent Tax Collector



Montana Department of Revenue



Steve BullockGovernor

October 17, 2014

Lewis & Clark County Commission 316 N Park Helena Mt 59623

Refund Request:

Hoff Floyd Jr & Larue Cleo 4020 Lake Helena Dr

Helena Mt 59602-9543

GEO Code# 05-1889-06-4-01-25-0000 (29792)

Dear Board of County Commissioners:

Pursuant to 15-16-603, MCA, the taxpayer has requested a tax refund for 2013 on the above properties. Adjustments have been made for 2014. Revised values as follows:

Tax Year: 2013 1889-06-4-01-25-0000	Class Code	Market Value	Taxable Value
From	2207	60775	1544
	2311	19016	1028
	3307	435888	11072
	3671	128515	1632
То	2207	3617	92
	2311	41589	528
	3307	358442	9104
, , ,	3671	157712	2003

Karie Frydenlund Lead PVS – Lewis & Clark, Broadwater & Meagher County (406) 444-7978 5 S Last Chance Gulch Helena, MT 59601 kfrydenlund@mt.gov

LEWIS AND CLARK COUNTY 316 N. PARK AVE HELENA, MT 59623 (406)447-8329

HOFF FLOYD F SR FLOYD F JR & LARUE CLEO 4020 LAKE HELENA DR HELENA MT 59602-9543

TAX CODE INFORMATION

Tax Year:

2013

Tax Code:

29792

Status:

Tax Type: Bank Code:

Levy Dist:

RE

Real Estate

Active

10-06 Tax District 10 TIF Base: 0.00

OWNERSHIP INFORMATION

Name:

City:

HOFF FLOYD F SR FLOYD F JR & LARUE CLEO HOFF FLOYD F SR FLOYD F JR & LARUE CLEO Type: Mail To: Legal

Alpha: Address:

4020 LAKE HELENA DR

HELENA

ST: MT

Zip: 59602 9543

LEGAL DESCRIPTION

Legal#: Desc Type: 1

Geo Code:

05-1889-06-4-01-25-0000

Levy Dist:

10-06

Tax District 10

Township:

Range:

02 W

Section:

06

Situs Address:

4030 FOX RIDGE DR

Situs City:

HELENA

10 N

ST: MT

Zip: 59602

Full Desc:

 $\rm S06, T10$ N, R02 W, C.O.S. 570569/M, IN NE4SE4 MORTGAGE TRACT

Short Desc:

S06, T10 N, R02 W, C.O.S. 570569/M, IN

NE4SE4 MORTGAGE TRACT

Date: 10/27/2014 Time: 08:01:53

LEWIS AND CLARK COUNTY, TREASURER

Oper: cgreen

Tax Year: 2013 Tax Code: 29792

					<i>F 2</i> 7	LUATION	Y / A.J.	אנפטטנפ	ACIVI					
egal#	Class Code	Class	Туре	Descrip	tion				Q	rty	Market Value	Taxable Value		
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pec list	Des	criptio	n			L	∡egal#	Туре	Flat/I %/N		Quantity/ Taxable	Amount	_	
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043B 518			UAL/C CE LA	OMM/C NDS	NTY			Rate Mill	1	67.64 90000.		67.64 27.53		
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Paulette DeHart Treasurer/Clerk and Recorder (406) 447-8334



City-County Building 316 North Park/Room #142 Helena, MT 59623

CONSOLIDATED OFFICE OF TREASURER/CLERK AND RECORDER

September 3, 2014

Mr. Floyd Hoff Jr 4020 Lake Helena Drive Helena, Montana 59602-9543

Dear Mr. Hoff;

I have visited with the Department of Revenue on the revised value information you gave me yesterday. The Department of Revenue has indicated that they have revised your values for the tax years 2014 and 2015. They have not revised the values for the tax year 2013.

Because they have not revised the value for tax year 2013, the only way to get a refund is through the Board of County Commissioners. If you want to persue a refund, just send a letter requesting a refund to the following address:

Lewis and Clark County Board of County Commissioners Attn.: Cheryl Green 316 N Park Ave. – Room #113 Helena, Montana 59623

Once the letter is received, Cheryl will then ask the Department of Revenue for revised 2013 values, calculate the refund amount and present it to the Board for approval.

I apologize for the confusion, but when you were in the office it was my understanding that the Department of Revenue had revised the taxes for the year you protested.

Sincerely;

Paulette DeHart Treasurer/Clerk and Recorder Lewis and Clark County

Paulette Dehart - RE: protested

From:

"Tice, Judy" <JudyTice@mt.gov>

To:

"DeHart. Paula" <PDeHart@lccountymt.gov>

Date:

9/3/2014 9:49 AM

Subject: RE: protested

CC:

"Frydenlund, Karie" <KFrydenlund@mt.gov>

Paulette,

We have revised the assessment for 2014 and 2015 and the taxpayer was informed that if they wished to pursue further refund that they are required by MCA to submit a letter to the Commissioners for their approval. Our department will never revise an assessment further back than current and one year back. I apologize if the taxpayer misrepresented the information we have provided them. We will process your request and attach this email as your written request as an alternative of the customary letter provided by the Commissioners.

Please let me know if you need any additional information.

Thank you

Judy Tice Area Manager Region 4 (A) (406) 444-7979 5 S Last Chance Gulch Helena, MT 59601 judytice@mt.gov

From: Paulette Dehart [PDehart@lccountymt.gov] Sent: Wednesday, September 03, 2014 8:36 AM

To: Tice, Judy Subject: protested

Good morning Judy:

Apparently your office has settled an appeal with East Bench Golf Course LLP, and Floyd Hoff, entailing three property tax bills that were paid under protest. The taxpayer has brought in copies of the letters he received from your office indicating the changes in values. Apparently your staff informed the taxpayer that a refund in the amount of \$4,750.00 would be made.

Can I please get market and taxable values for the three geo codes that the appeal have settled so a refund can

be processed? Attached are three pages. These pages were attached to each of the letters sent to the taxpayer.

Please let me know if you need additional information. Thank you Paulette DeHart

Paulette Dehart - protested

From:

Paulette Dehart

To:

judytice@mt.gov

Subject: protested

Good morning Judy:

Apparently your office has settled an appeal with East Bench Golf Course LLP, and Floyd Hoff, entailing three property tax bills that were paid under protest. The taxpayer has brought in copies of the letters he received from your office indicating the changes in values. Apparently your staff informed the taxpayer that a refund in the amount of \$4,750.00 would be made.

Can I please get market and taxable values for the three geo codes that the appeal have settled so a refund can be processed? Attached are three pages. These pages were attached to each of the letters sent to the taxpayer.

Please let me know if you need additional information. Thank you

Paulette DeHart

about:blank 9/3/2014

Ch House

Lewis & Clark County Dept of Revenue Office 5 South Last Chance Gulch Helena, MT 59601-4178 (406) 444-4000



ADDRESS SERVICE REQUESTED 0000029792

HOFF FLOYD F SR FLOYD F JR & LARUE CLEO 4020 LAKE HELENA DR HELENA, MT 59602-9543

Dear Property Taxpayer:

This property assessment notice is to inform you, for property tax purposes, of the market and productivity value of your property.

Understanding This Assessment Notice

Montana law requires the department to send an assessment notice to property owners at the beginning of each reappraisal cycle and whenever one or more of these events occurs: a change in ownership, a change in classification or a change in value. Note that this is not a tax bill.

Please review this information thoroughly. If you have questions or concerns, or would like further details about your property taxation values, please call your local Department of Revenue office. We welcome hearing from you.

If you disagree with the property values identified on this assessment notice and wish to file an appeal, you must do so within 30 days of the date on this notice. If you do not dispute your assessment notice within 30 days after the date on the notice, you forfeit your right to appeal. See page 2 for appeal instructions.

Reviewing Your Property's Market Value and Classification

Change in Taxable Value. The column labeled "Market/Productivity Value" shows the prior appraisal cycle value ("As of 1/1/2002") and the current appraisal cycle value ("As of 7/1/2008") of real property or the current year's depreciated value of personal property. The shaded column labeled "Taxable Value, Current Year" reflects the efforts of Montana lawmakers to mitigate property tax increases on real property due to the reappraisal. Comparing the shaded columns labeled "Taxable Value, Previous Year and Current Year" shows the change in taxable value of your property.

Personal Property. The 2013 Legislature passed Senate Bill 96, changing how Montana taxes business equipment. The first \$100,000 in the statewide aggregate market value of an individual or business entity's class-eight business equipment is exempt from taxation. The next \$6 million of aggregate taxable market value is taxed at 1.5 percent. Any portion of aggregate taxable market value greater than \$6,100,000 is taxed at three percent.

Livestock. While there is not a property tax on livestock, there are per capita fees assessed against all livestock as prescribed by the Board of Livestock annually. The per capita fees are billed by the Department of Revenue in November each year separately from any property tax. Changes in livestock numbers and/or ownership that occur after February 1 cannot be adjusted at the time of billing. If this notice does not reflect your livestock correctly as of February 1, 2014 please call your local Department of Revenue office.

Mobile Homes. If this notice lists a mobile home that you no longer own, please contact your local Department of Revenue office.

Appealing Your Property's Market Value or Classification

If you disagree with the property values identified in this assessment notice, please use the process below to initiate an appeal. Please note that his process can only be used to appeal property values and *not your property taxes*.

Request an Informal Review. To do this, please complete a Request for Informal Review (Form AB-26) and send it to the local Department of Revenue office in the county in which your property is located within 30 days after the date on this assessment notice. AB-26 forms are available at your local Department of

Revenue office or online at *revenue.mt.gov/home/property* and click on forms. Please note that you have only 30 days from the date of this notice to dispute your property valuation for this current tax year or the tax year identified on this notice. If you file an AB-26, you have the right to request information specific to your property. For agricultural, commercial, forestland and residential property, you can submit a Form AB-26 at any time but only once each valuation cycle.

Once we have had the opportunity to review your property values we will send you a letter explaining our determination. If you are not satisfied with the results of this informal review, you have the right to appeal our decision to the County Tax Appeal Board (CTAB) in the county in which your property is located. If you chose to appeal the department's decision to the CTAB, you must file your appeal within 30 days of the date on your determination letter.

• File an Appeal Directly to the County Tax Appeal Board. To do this, please complete a Property Tax Appeal Form and send it to the Clerk and Recorder in the County in which the property is located before the latest of the three following dates: 30 days after you receive this assessment notice, 30 days after you receive our determination of your AB-26 informal review or by the first Monday in June. Property tax appeal forms are available at your local County Clerk and Recorder's office or online at stab.mt.gov. You can find a more complete description of the appeal process on the State Tax Appeal Board's website at stab.mt.gov.

Paying Taxes Under Protest

If you chose to appeal the property values identified in this assessment notice or the classification we have assigned to your property and your taxes become due before your informal review or appeal is resolved, you will need to:

- · Pay the taxes disputed under protest by the due date and
- Specify the grounds of your protest in writing to the county treasurer.

If you do not pay your taxes under protest, you will not be entitled to a refund if your property values are reduced. Please contact your county treasurer for more information about paying taxes under protest or appealing your property taxes to your local County Tax Appeal Board.

Property Tax Assistance Programs

Several assistance programs are available to qualifying Montana property owners. Please see the enclosed worksheet for detailed descriptions of these programs.

- Montana Disabled Veterans or Spouses of Montana Disabled Veterans (Section 15-6-211, MCA)
- Property Tax Assistance Program (Section 15-6-134, MCA)
- Extended Property Tax Assistance Program (Section 15-6-193, MCA)
- Elderly Homeowner/Renter Income Tax Credit (Section 15-30-2337 through 15-30-2341, MCA)

Property Tax Exemptions

If you believe you may qualify for a tax exemption, you must submit an application to the Department of Revenue office in the county in which your property is located. Applications must be submitted by March 1. If you have already applied for and were granted an exemption after 1981 and your property or use of your property has not changed, you do <u>not</u> need to reapply for exemption. However, if your property or its use changed after 1981, you will need to reapply for an exemption. Exemption applications are available at your local Department of Revenue office or at *revenue.mt.gov/home/property* and click on forms.

If you have questions or concerns, please contact your local Department of Revenue office. We welcome hearing from you.

Owner(s): HOFF FLOYD F SR FLOYD F JR & LARUE CLEO 2014 Property Assessment Notice Property Subject to Taxation Date: 8/28/2014 Assessment Code: 0000029792 Levy District: 248706 2013 Mill Levy: 651.960

Lewis & Clark County Dept of Revenue Office 5 South Last Chance Gulch Helena, MT 59601-4178

THIS IS NOT A TAX BILL. For details about your property taxation values, please visit your local Department of Revenue office or call (406) 444-4000.

		Current Year		Value	Market/Pro Va	oductivity* lue	Taxable	· Value
Legal Description Geocode	Property Classification	Taxable Percent	Quantity	Before Reappraisal	As of 1/1/2002	As of 7/1/2008	Previous Year	Current Year
S06, T10 N, R02 W, C.O.S. 570569/M, IN NE4SE4 MORTGAGE TRACT	2207 - Commercial City or Town Lots	2.470%		61,538		4,538	1,544	88
05-1889-06-4-01-25-0000	2311 - Golf Course Land	1.240%	2.09	110,615	110,615	52,182	242	508
	3307 - Improvements on Commercial Tract Land	2.470%		420,058	420,058	455,690	11,072	8,836
	3671 - Golf Course Improvements	1.240%		105,642	105,642	216,374	1,632	2,106
			Totals	697,853	636,315	728,784	14,490	11,538

^{*}Agricultural and forest land values are based on the productive capacity of the land

NOTE: The total values in the shaded columns provide the best value change comparisons and reflect the Montana Legislature's reappraisal mitigation strategy. Livestock reflected on this notice are exempt from property tax but are subject to a per capita fee that is billed in November separately from any property tax.

If you have questions or concerns, please contact your local Department of Revenue office. We welcome hearing from you.

Understanding Your Property Assessment Notice

Use this example worksheet to help you better understand the property tax calculations. The numbers provided do not reflect your property assessment.

How Property Taxes Are Calculated			
Property Value x Tax Rate = Taxable Value x Mill Levy = Tax			
	Calculate an estimate using the information from <i>your</i> property	Using the example	
The state of the	assessment here	property below	
10 estillate property (as paged on more) on a minimore) (controlled property (as paged on more) on a minimore)		545.65	Ï
1. Enter the 2012 mill levy		0.54565	
2. Multiply the 2012 mill levy by 0.001 (one mill = one-tenth of a cent)	*	3 4/0 00	-
3. Enter the total current year taxable value (total of column O in the sample below)		0.740.00	
Multiply libe 2 to calculate estimated property tax amount		\$7,881.95	
Minibital to the continuous beautiful to the continuous be			
How Mill Levies Are Calculated			<u></u>
Taxing Jurisdiction Budget + Total Taxable Value of Taxing Jurisdiction = Mill Levy	•	-	<u></u>
Properties may be subject to locally assessed fees or charges in addition to property tax for such things as solid waste, light	lighting, and special or rural improvement districts.	improvement districts.	

Ĩ			261,055	189,996	189,996	Totals			
			257,721	188,270	188,270	0	2.54%	3501 - Improvements on Residential City/Town Lot	
			3,334	1,726	1,726	0,5	2.54%	2201 - Resignatial City/Town Lot	Original Townsite Block 1 Lots 2-3 57-1234-30-1-01-0000
٠			As of 7/1/2008	As of 1/1/2002	Before Reappraisal	Quantity	Taxable Percent	Broperty	Legal Description Geocode
			oductivity	et/P	Value				
	Ç	2.	· 5	· .	7.	ج	_4	н. м	G.
		Ι.	Revenue offi	Department of Revenue office	values, please contact your local De	please cont	Mayalles,	THIS IS NOT A TAX BILL. For details about your property	THIS IS NOT A TAX BILL.
							1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	100 Main Street, Anywhere, Museboo	
Ľ	,545.65	evy:	F. 2012 Mill Levy:				D.	Example County	
	111	strict:	E. School District:	ET.			!		JOHN TOOR
	11111	≱nt Code:	D. Assessment Code:	7-1		ion	et to Taxat	Property Subject to Taxation	
	3/31/2013		C. Date:	(nt Notice	Assessmer	B, 2013 Property Assessment Notice	A Dwner(s)
					North	ssment .	rty Asse	Example of Property Assessment	
						 - - - - -			

continued on other side

Part V – For Department of R	evenue Office Use Only	
A field inspection was completed: If either field inspection was not completed:		■ exterior, date 8/12/2014
if either field inspection was not compl	etcu, (eason why.	
As a result of this informal review, an a	djustment 🔳 was 🚨 was not mad	de for the following reasons:
■ Changes to property information	☐ Applicable fee appraisal	☐ Changes to property type
☐ Sales of comparable property	Changed valuation method	☐ Changed classification of land
Other		
Additional Notes		
Per internal and external inspection of	hanges were made:wall height is	16 ft not 20ft, Restaurant perimeter changed
due to shared wall. Added a gazebo a	ind moved some asphalt to regula	tion parcel for a correction. Land was in the sq ft
model and changed to acre model (9	1,258 sq ft=2.09 acres). Land unde	er restaurant was calculated at 8% and will get the
2207 commercial class code and the	remainder will receive the 2311 c	lass code for golf courses. Restaurant was
calculated at 68% of building and get	s the commercial class code(3307) and the remainder(Pro Shop) was calculated at
32% of building and gets the 3671 go	If course code. Value Before=\$84	7,803 Value After=\$728,784
The results of this informal review wer	e sent to the taxpayer on (date)	
Reviewed by Brian Connolly	Da	ate 08/20/2014
Title Commercial Appraiser		
Part VI – Appealing an Inform	nal Review	ww.
Per MCA 15-7-102(6), if any property of	owner feels aggrieved by the depart	tment's decision regarding classification or
valuation after the informal review, th	e property owner has the right to fi	ile an appeal with a county tax appeal board in the
		may be appealed to the State Tax Appeal Board,
county where the property is located.		,

whose decision may be appealed to district court.

An appeal to a county tax appeal board must be filed within 30 days after notice of the department's determination is mailed to the taxpayer.

See pages 4-6 for instructions on submitting this form.



Lewis and Clark County Board of Commissioners 316 N. Park Avenue Helena, MT 59623

and the same of th	Geo Code:l	889-66-4-01-25-0000
Dear Commissioners:		
Consider this my request for a tax request I am providing you the follo		eferenced property. As a part of this
Name and address of the legal ow	ner:	
Floyd Hoffsy, Flogs Ho	Sfjr + cleo Ly	i ye
Legal Description of the property (
306,7 10 N, K82 W, C.0	.5. 5/05kg/m, I	N NEUSEY Mortgage Tract
	ch the refund is reques	eted:
Reason for the refund request:		
taxes paid unbox for tes	A-	AND AND REPORTED THE CONTROL OF THE
avano.		
Were taxes paid under protest: If not, what is the reason they were		st?
Attached is other information for ye	our consideration:	No
Thank you for your consideration.		
Sincerely,		
IP FORM		11-2-14
Signature of Taxpayer		Date

Re: Tax Refund