

Thirteen NC Counties Set to Revalue in 2012

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Counties in North Carolina are required to revalue real property every eight years; however, some counties chose to do so in shorter intervals. According to the North Carolina Department of Revenue, thirteen counties are set to revalue in 2012, including Bertie, Cabarrus, Cherokee, Franklin, Guilford, Madison, Montgomery, New Hanover, Pamlico, Pitt, Rutherford, Surry and Watauga. In these counties, taxpayers will receive revaluation notices based on the value of their real property as of January 1, 2012. These notices are typically mailed in late January or February and provide taxpayers an opportunity to appeal. In revaluation years, counties typically encourage taxpayers to go through an informal review process prior to filing a formal appeal.

Formal appeals are heard by each county's Board of Equalization and Review ("BOER"), which are usually comprised of local citizens and appraisers appointed by the Board of County Commissioners. By statute, each county's BOER must convene between the first Monday in April and the first Monday in May and must adjourn by December 1 in revaluation years and July 1 in non-revaluation years. All appeals must be filed prior to the adjournment date of the BOER. The adjournment date for each county's BOER will vary in each county. Therefore, taxpayers who are dissatisfied with their property valuation should contact their county tax office immediately upon receipt of the revaluation notice to find out when the BOER is scheduled to adjourn.

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In non-revaluation years, taxpayers will not receive a reminder about their tax value until they receive their tax bill. Oftentimes, the tax bill is received after the appeal period for that year has expired. Therefore, taxpayers who want to appeal their tax value in a non-revaluation year, should do so early in the year and certainly before April 1. Appeals in non-revaluation years are limited in scope and require the taxpayer show that the value exceeds the market value as of the date of revaluation. For example, a taxpayer who appeals a value that was assessed in 2008, would have to show that the value exceeds the property's fair market value as of January 1, 2008. This is true even if the appeal is lodged in 2012. Data, sales and market conditions between January 1, 2008 and 2012 would be not be appropriate evidence for the taxpayer to use in support of their value. Any relief provided to a taxpayer in a non-revaluation year is only prospective and is not retroactive.

All BOER decisions can be appealed to the North Carolina Property Tax Commission ("PTC"). Proceedings before the PTC are judicial in nature and both parties, the taxpayer and county, are allowed to present witnesses that are subject to cross-examination. These witnesses are typically in the form of expert real estate appraisers. Parties are also allowed to conduct discovery in advance of the hearing before the PTC. Decisions of the PTC can be appealed to the North Carolina Court of Appeals.

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