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No. 2017/013

April 7, 2017

TO COUNTY ASSESSORS:

2016 LITIGATION

This letter summarizes court cases involving property tax issues that were decided in 2016 by one of California's Court of Appeals.

Jon Virgil Ellis v. County of Calaveras (2016) 245 Cal.App.4th 64

The Court of Appeal held that the value indicated in the property tax assessment of a partially constructed garage was a "base year value" rather than a regular assessment. The court further held that the taxpayer was not entitled to a refund of taxes paid on the partially-constructed garage, even if the base year value was incorrect, because the construction in progress was required to be appraised at its full value on each lien date until the date of completion and the taxpayer failed to timely challenge these interceding assessments.¹

Jewish Community Centers Development Corporation v. County of Los Angeles (2016) 243 Cal.App.4th 700

The Court of Appeal held that a third-party operator of property does not have to file its own claim for a welfare exemption. The court further held that the third-party operator need not obtain an organizational clearance certificate as a condition to the property owner obtaining a welfare exemption from property tax. And, finally, the court concluded that the property owner's failure to check the box on the claim forms did not constitute a waiver of the welfare exemption.²

The full text of these court cases may be viewed from the California Courts website at www.courts.ca.gov/opinions-slip.htm. If you have any questions regarding either of these court cases, please contact the County-Assessed Properties Division at 1-916-274-3350.

Sincerely,

/s/ Dean R. Kinnee

Dean R. Kinnee
Deputy Director
Property Tax Department

DRK:grs

¹ For more detailed information, please see Letter To Assessors 2016/042.

² For more detailed information, please see Letter To Assessors 2016/028.