

# Board of Property Tax Appeals

## 2009–2010 PERSONAL PROPERTY PETITION and Instructions for Filing

---

### General information

Use this form to request a reduction of the value of your taxable personal property. Personal property is taxable in Oregon if it is currently being used or being held for use in a business, or is floating property.

For the current tax year, your petition must be postmarked or delivered by December 31, 2009. See the back of this form for filing instructions.

The following information is provided to help you understand how your property is assessed.

- ▶ **Real Market Value (RMV)** is the value the assessor has estimated your property would sell for on the open market as of the assessment date. The assessment date for most property for the 2009–2010 tax year is January 1, 2009.
- ▶ **Maximum Assessed Value (MAV)** is the greater of 103 percent of the prior year's assessed value or 100 percent of the prior year's MAV. **MAV may be increased above three percent** of the prior year's assessed value if certain changes, defined as exceptions, are made to your property. Maximum assessed value does not appear on your tax statement.
- ▶ **Exception** means a change to property that adds value. Personal property exceptions include the addition of leased property, increased non-inventory supplies, and the acquisition of any other taxable personal property. The exception amount is derived by subtracting the prior year real market value from the current year real market value.
- ▶ **Assessed Value (AV)** is the value used to calculate your tax. It is the **lesser** of real market value or maximum assessed value.

*Contact your county assessor for more information about how your property value was determined.*

### Appeal rights

**Generally**—Except for centrally assessed property, you may appeal the 2009–2010 real market, maximum assessed, or assessed value of your taxable personal property to the board of property tax appeals. However, the authority of BOPTA to reduce the MAV and AV of your property is **limited to the calculation allowed by law**, and an appeal may not result in a reduction of tax.

**Industrial property**—If you are appealing personal property that is part of a **principal or secondary industrial** property appraised by the Department of Revenue, you may file your appeal with either the Magistrate Division of the Tax Court or with the county board of property tax appeals. The deadline for filing your complaint with the

Tax Court is the same as the deadline for filing with the board of property tax appeals. You may contact the Tax Court at 503-986-5650.

**Centrally assessed property**—The value of utilities and other centrally assessed property must be appealed to the Department of Revenue on or before June 15 of the assessment year.

**Penalties**—Penalties assessed for the late filing of a personal property return may also be appealed to the board of property tax appeals. Penalties should be appealed on a "Petition for Waiver of Late Filing Penalty" form.

### Instructions for filing a petition

*Read all instructions carefully before completing this form. If your petition is not complete, it will be returned to you. If your petition is not corrected by the date indicated on the "Defective Petition Notice" mailed to you, it will be dismissed.*

#### Petitioner (Lines 1–10)

The owner, an owner, or any person or business that holds an interest in the property that obligates the person or business to pay the property taxes is legally authorized to appeal to the board of property tax appeals. If the person or business is not the owner or does not receive the tax statement, **proof of an obligation to pay the taxes must be submitted with the petition.** Contracts and lease agreements are examples of documents that may allow a party other than the owner to appeal.

If property is owned by a business, the petition (or authorization to represent, if applicable) must be signed by a person who can legally bind the company. For most corporations, this is usually a corporate officer. **Employees regularly employed in tax matters for a corporation or other business may also sign the petition.**

If you need help in determining who can sign the petition for your business or other organization, contact the county clerk's office in your county.

#### Authorized representative (Lines 11–22)

The law allows only certain people to sign the petition and appear at the hearing to represent the petitioner.

**Those people who need a signed authorization from the petitioner in order to sign the petition include:**

- A relative of the owner(s). Relative is defined as: spouse, (step)son, (step)daughter, (step)brother, (step)sister, (step)father, (step)mother, grandchild, grandparent, nephew, niece, son- or daughter-in-law, brother- or sister-in-law, father- or mother-in-law.

- A real estate broker licensed under ORS 696.022.
- A real estate appraiser certified or licensed under ORS 674.310, or registered under ORS 308.010.
- A person duly qualified to practice accountancy in the state of Oregon. This includes Oregon licensed CPAs or PAs, or CPAs from another state who have proof of substantial equivalency authorization from Oregon.
- A lessee, if the lessee is **not** obligated to pay the taxes. Lessees obligated to pay the taxes are not required to provide authorization from the owner, but must provide proof of the obligation.

An attorney-in-fact under a general power of attorney executed by the owner of the property can also sign the petition and appear at the hearing to represent the petitioner. The attorney-in-fact must provide a copy of the general power of attorney with the petition.

**Those people who do not need a signed authorization from the petitioner in order to sign the petition include:**

- An attorney-at-law. The attorney's Oregon state bar number must be included on the petition.
- Legal guardian or conservator of the owner(s) with court appointment.
- Trustee in bankruptcy proceedings with court appointment.

**Attendance at hearing (Line 23)**

Checking the box in this section indicates you do **not** wish to appear to present evidence in person before the board. If you do not attend the hearing, the board will make a decision about the value of your property based on the written evidence you submit.

If you do not check the box in this section, the board will schedule a hearing and notify you of the time and place to appear. **Hearings will be scheduled between the first Monday in February and April 15.** Some counties have established time limits for you and the assessor to present evidence. The board clerk can advise you of your county's procedure.

**Property information (Lines 24–27)**

You must include the assessor's account number or a copy of your tax statement with your petition.

**Real market value (Lines 28–32)**

You may appeal the total real market value of your property or the value of a specific item, category, or schedule. The assessor can provide you with an itemized listing of the real market value of the items, categories, or schedules assessed to your account. You should review these values carefully before filing your petition.

Enter a description of the property, the value you are appealing, and the value you are requesting in this section. The requested value should represent what you think your property was worth on the open market as of **January 1, 2009.**

**Assessed value (Line 33)**

Enter the AV from your tax statement or the assessor's records. A new AV may result from your appeal based upon the RMV or MAV determined by the board.

*Note: Even if the board reduces the real market value of your property, your tax bill may not change unless the real market value is reduced below the assessed value.*

**Evidence of property value (Lines 34–37)**

Explain the basis of your appeal and provide evidence that the value the assessor has placed on your property is incorrect. The Department of Revenue information circular, *How to Appeal Your Property Value*, contains information about the type of evidence needed for a successful appeal.

**All evidence submitted to the board, including pictures and appraisals, will be kept by the board.** It will not be returned to you.

**Declaration and signature (Lines 38–39)**

Sign and date the petition form. The petition will be considered defective if not signed.



Attach additional pages if necessary.

Description of item, category, or schedule	Real Market Value (RMV) from assessor's records	RMV Requested
28	\$	\$
29	\$	\$
30	\$	\$
31	\$	\$
32 <b>Total RMV</b> →	\$	\$
33 <b>Total Assessed Value (AV)</b> →	<b>Assessed Value (AV)</b> from tax statement or assessor's records	<b>AV is limited to the calculation</b> allowed by law
	\$	

**Evidence of Property Value** Attach documentation such as recent purchase agreements, bills of sale, appraisals (attach complete report), or other information.

34 **Why do you think the value of your property is incorrect?** (Answer the question in the space provided or by attaching additional pages. Provide enough information to support the value(s) you are requesting. Be specific.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

35 **Did you purchase the property within the past three years?**  Yes  No If yes, complete the following:  
 Date purchased: \_\_\_\_\_ Purchase Price: \_\_\_\_\_

Did you purchase the property at an auction?  Yes  No If yes, where? \_\_\_\_\_

36 **Have you sold or attempted to sell the property within the past three years?**  Yes  No If yes, complete the following:  
 Sales / Asking price: \_\_\_\_\_ Date sold or dates offered for sale: \_\_\_\_\_

37 **Has your property been appraised within the past three years?**  Yes  No If yes, complete the following:  
 Appraised value: \_\_\_\_\_ Date of appraisal: \_\_\_\_\_  
 Purpose of appraisal: \_\_\_\_\_ Name of appraiser: \_\_\_\_\_

**Declaration:** I declare under the penalties for false swearing [ORS 305.990(4)] that I have examined this document, and to the best of my knowledge, it is true, correct, and complete.

38 Signature and name of petitioner or petitioner's representative (attach authorization if necessary)	39 Date
X Sign name	
Print or type name	

<p style="text-align: center;"><b>When and where to file your petition</b></p> <p>Appeal petitions must be filed with the board of property tax appeals by <b>December 31, 2009</b>. File your petition with the <b>county clerk</b> in the county where the property is located. Do not file your petition with the county assessor. Mail or deliver your petition to the address shown in the box. →</p>	<p style="text-align: center;"><b>Please return this petition to:</b></p>
--	---