

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Small Claims
Property Tax

MICHI DESIGNS INC.,)	
)	
Plaintiff,)	No. 011219A
)	
v.)	
)	
DESCHUTES COUNTY ASSESSOR,)	
)	
Defendant.)	DECISION AND JUDGMENT

Michi Designs Inc. has appealed the imposition of late charges imposed on property taxes due for the 1998-99, 1999-00, and 2000-01 tax years.

Richard Jennings appeared on behalf of Michi Designs Inc. David Lilley was present on behalf of Deschutes County.

STATEMENT OF FACTS

The taxes at issue were imposed on Michi Designs Inc.'s real property. Michi Designs Inc. testified that it never received the annual property tax statements. Apparently the statements were sent to Michi Designs Inc.'s prior California address and never forwarded. Deschutes County explained that the bills were sent to the address to be used "until instructed otherwise," as shown on the property's registered deed.

Michi Designs Inc. went on to testify that the assessor would not change the mailing address. Deschutes County's reply was that it changed its records to revise the address as soon as it received the information in writing, which is its practice as to address changes, and that Michi Designs Inc. did not request a change in address until November 7, 2001. Michi Designs Inc. also drew attention to the fact that its personal property tax statements were sent to its Bend address during the years at issue, and

were promptly paid.

COURT'S ANALYSIS

Who bears the burden if a taxpayer fails to acquire actual knowledge of the taxes annually due upon the property in time to make a timely payment? It depends upon the facts of each case.

A taxpayer has a duty to keep the assessor informed of his, her, or its address. This is set out in ORS 311.555,¹ which explicitly states, “[n]o * * * corporation who fails to keep the tax collector so informed shall be permitted to plead lack of due notice given by the tax collector* * *.” On the other hand, ORS 311.565 dictates that “[t]he failure of the tax collector to keep true and correct addresses” makes the tax collector liable for any damages that result from this lapse.

The conclusion of the court is that in this instance the taxpayer must bear the consequences of failing to inform Deschutes County of its address. The deed explicitly states that all tax statements, until requested otherwise, were to be sent to California. As this statement appears in a recorded instrument, Deschutes County’s policy of requiring all change of address requests to be in writing is reasonable.

There remains the point that Deschutes County did send out, and Michi Designs Inc. did pay, personal property tax statements. However, it is not at all unusual for taxpayers, especially corporate taxpayers, to have different tax statements sent to

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distinct addresses. If anything, the annual statement as to personal property taxes should have alerted Michi Designs Inc. that its real property was assessable and that

¹All references to the Oregon Revised Statutes are to 2001.

taxes would be annually due.

CONCLUSION

IT IS HEREBY ADJUDGED AND DECREED that the appeal is denied.

Dated this _____ day of June, 2002.

SCOT A. SIDERAS
PRESIDING MAGISTRATE

**THIS DOCUMENT WAS SIGNED BY MAGISTRATE SCOT A. SIDERAS ON
JUNE 12, 2002. THE COURT FILED THIS DOCUMENT ON JUNE 12, 2002.**