

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Small Claims
Property Tax

CHARLES EDWARDS,)	
)	
Plaintiff,)	No. 020458E
)	
v.)	
)	
DESCHUTES COUNTY ASSESSOR,)	
)	
Defendant.)	DECISION AND JUDGMENT OF DISMISSAL

This matter is before the court on its own motion to dismiss the above-entitled matter because Plaintiff is not aggrieved by Defendant's real market value determination. The court discussed its motion with the parties during the case management conference held June 26, 2002. Jamie Edwards, Plaintiff's wife, appeared on behalf of Plaintiff. Lane Thomas appeared on behalf of Defendant. For ease of reference herein, the parties are referred to as "taxpayer" and "the county."

COURT'S ANALYSIS

Taxpayer appeals the 2001-02 real market value assigned to his personal residence.¹ The county assigned the property a real market value of \$248,265. Taxpayer claims the real market value was no more than \$168,090. The property's maximum assessed value was \$149,812. Because the real market value requested by taxpayer remains significantly higher than the property's maximum assessed value, reducing the real market value will not result in any tax savings to taxpayer. As a consequence, the court must evaluate whether it has authority to consider taxpayer's appeal.

COURT'S ANALYSIS

¹ The property is identified in the county's records as Account No. R1-095 191120-CA-00600.
DECISION AND JUDGMENT OF DISMISSAL CASE NO. 020458E

ORS 305.275(1)(a)(B)² provides that a person must be “aggrieved by and affected by” an act of the county before filing an appeal with this court. In this case, reducing the real market value of the subject property to \$168,090 for the 2001-02 tax year will not lower the property’s tax liability for that year. The Tax Court has previously held that, where there is no tax consequence, a taxpayer is not aggrieved and may not maintain an action in this court. See *Parks Westsac L.L.C. v. Dept. of Rev.*, 15 OTR 50, 52 (1999) (holding that a taxpayer is not aggrieved within the meaning of ORS 305.275 as long as the “property’s maximum assessed value is less than its real market value”). Because there is no tax consequence to taxpayer’s claim, the court finds the case should be dismissed.

Ms. Edwards noted that the real market value appearing on the roll may be used for other reasons such as determining the value for insurance purposes. She also expressed concern about future changes to the property tax system that may cause the real market value to become relevant once again. The court has already considered these arguments and rejected them. In *Kaady v. Dept. of Rev.*, 15 OTR 124, 125 (2000), the Regular Division of the Tax Court stated:

“Taxpayer claims that although the assessed value is less than the real market value, an excessive real market value has potential for harm. Taxpayer argues that federal * * * estate and gift taxes would be increased. **However, real market value is established for property tax purposes only.** It is not used or established for the purpose of federal estate and gift taxes, or other taxes. Taxpayer is also concerned that the statutes could be changed in the future and real market value be used for a new base such as it was under Measure 50. However, this is pure speculation, particularly in light of the fact that Measure 50 was a constitutional amendment as a result of a public initiative. In requiring that taxpayers be ‘aggrieved’ under ORS 305.275, **the legislature intended that the taxpayer have an immediate claim of wrong. It did not intend that taxpayers could require the expenditure of public resources to litigate issues that might never arise.**” (Emphasis added.)

² All references to the Oregon Revised Statutes are to 2001.

CONCLUSION

The court finds that taxpayer's appeal should be dismissed because taxpayer is not aggrieved by the county's real market value determination. Now, therefore,

IT IS HEREBY ADJUDGED AND DECREED that this matter be dismissed.

Dated this ____ day of July, 2002.

COYREEN R. WEIDNER
MAGISTRATE

THIS DOCUMENT WAS SIGNED BY MAGISTRATE COYREEN R. WEIDNER ON JULY 12, 2002. THE COURT FILED THIS DOCUMENT ON JULY 12, 2002.