

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Property Tax

GEORGE G. KRUMMENACKER and	)	
ANTOINETTE M. KRUMMENACKER,	)	
	)	
Plaintiffs,	)	TC-MD 030201C
	)	
v.	)	
	)	
CLACKAMAS COUNTY ASSESSOR,	)	
	)	
Defendant.	)	<b>DECISION</b>

Plaintiffs appealed to the county board of property tax appeals (Board) and received a reduction in the real market value (RMV) of their property in the amount of \$6,450. In their Complaint to the court, Plaintiffs request a corresponding reduction in the maximum assessed value (MAV). The court explained during the May 22, 2003, case management conference that there was no relationship between RMV and MAV and that a reduction in the former has no impact on the latter.

MAV was established by constitutional amendment (under Measure 50) and in the first year of implementation (1997-98 tax year) it was 90 percent of the property's RMV on the tax rolls for the 1995-96 tax year. Or Const, Art XI, § 11(1)(a).<sup>1</sup> Thereafter, MAV is the greater of "103 percent of the property's assessed value from the prior year or 100 percent of the property's maximum assessed value from the prior year."

ORS 308.146(1).<sup>2</sup> RMV is the amount of money the property would sell for on the open

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<sup>1</sup> That provision reads:

"For the tax year beginning July 1, 1997, each unit of property in this state shall have a maximum assessed value for ad valorem property tax purposes that does not exceed the property's real market value for the tax year beginning July 1, 1995, reduced by 10 percent." Or Const, Art XI, § 11(1)(a).

<sup>2</sup> All references to the Oregon Revised Statutes (ORS) are to 2001.

market. Finally, assessed value (AV), which is also governed by statute, is the lesser of the property's MAV or RMV. ORS 308.146(2). A careful study of these statutory provisions makes it apparent that a reduction in RMV has no impact on MAV and does not affect AV unless RMV is reduced below MAV. In this case the board reduced the RMV from \$231,450 to \$225,000. The MAV on the rolls was \$185,916. Because the MAV is less than the RMV, the AV remained unchanged by the board's action, at \$185,916.

Plaintiffs believe the RMV was probably "a little off" in 1995. However, as the court explained during the May 22, 2003, proceeding, the 1995-96 tax year is well beyond the reach of the court.

For the reasons set forth above, Plaintiffs are not entitled to any relief in the form of a reduction in the MAV or AV. Now, therefore,

IT IS THE DECISION OF THIS COURT that Plaintiffs' appeal is denied.

Dated this \_\_\_\_\_ day of June, 2003.

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DAN ROBINSON  
MAGISTRATE

**IF YOU WANT TO APPEAL THIS DECISION, FILE A COMPLAINT IN THE REGULAR DIVISION OF THE OREGON TAX COURT, FOURTH FLOOR, 1241 STATE ST., SALEM, OR 97301-2563. YOUR COMPLAINT MUST BE SUBMITTED WITHIN 60 DAYS AFTER THE DATE OF THE DECISION OR THIS DECISION BECOMES FINAL AND CANNOT BE CHANGED.**

**THIS DOCUMENT WAS SIGNED BY MAGISTRATE DAN ROBINSON ON JUNE 18, 2003. THE COURT FILED THIS DOCUMENT ON JUNE 18, 2003.**