

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Property Tax

KOREAN PRESBYTERIAN CHURCH OF)	
EUGENE,)	
)	
Plaintiff,)	TC-MD 040127F
)	
v.)	
)	
LANE COUNTY ASSESSOR,)	
)	
Defendant.)	DECISION

Plaintiff appeals Defendant’s denial of its application for property tax exemption for the 2003-04 tax year. The property is listed as Account 0978849 by the Lane County Assessor. A case management conference was held June 15, 2004. Jim Choi appeared for Plaintiff. Joyce Kehoe appeared for Defendant. At issue is whether Plaintiff’s property qualified for an exemption from property taxes pursuant to ORS 307.140.¹

I. STATEMENT OF FACTS

Plaintiff purchased the property from the Northwest Conservative Baptist Association, Inc. in July 2002. Plaintiffs had previously been at another location for 27 years. Unaware that it was required to file an exemption application for the new location, Plaintiff was surprised to receive a tax statement in October 2003. Upon contacting Defendant, Plaintiff’s Finance Director, Richard Lee, (Lee) learned of the filing requirement and became aware of the late filing procedure. Unfortunately, Plaintiff missed the late filing deadline of December 31 because of the illness and ultimate death of Lee’s father. Lee helped care for his father, making multiple trips to San Jose. Upon his return to Oregon after his father’s death, Lee became aware of the missed December 31 deadline. Plaintiff filed the exemption application in February 2004.

¹ All references to the Oregon Revised Statutes (ORS) are to 2001.

II. ANALYSIS

Oregon law provides a property tax exemption to certain properties leased by an exempt organization. *See* ORS 307.112. Given that the exemption was granted in prior years at Plaintiff's former location, there is little doubt that otherwise Plaintiff's property would have qualified for an exemption.

The statute setting forth the filing requirements for the exemption is ORS 307.162. It states, in pertinent part:

“(1) Before any real or personal property may be exempted from taxation * * * for any tax year, the institution or organization claiming the exemption **shall file** with the county assessor, **on or before April 1** of the assessment year, a statement verified by the oath or affirmation of the president or other proper officer of the institution or organization, listing all real or personal property claimed to be exempt and showing the purpose for which such property is used.

“* * * * *

“(2) Notwithstanding subsection (1) of this section, a statement **may be filed under this section on or before December 31 of the assessment year** for which exemption is first desired. However, any statement filed after the time for filing the statement specified in subsection (1) of this section must be accompanied by a late filing fee of the greater of \$200, or one-tenth of one percent of the real market value of the property to which the statement pertains, as determined for the assessment year by the assessor for this purpose.”

ORS 307.162 (emphasis added). The statute requires an organization to file a claim for exemption in order to receive the exemption. The filing requirement is made mandatory by use of the word “shall.” The statute further requires the claim to be filed “on or before April 1 of the assessment year” for which the claim is made. As noted in ORS 307.162(2), Plaintiff could have received the exemption for the years in question had it filed prior to December 31 of the assessment year. It did not.

The court finds Plaintiff's claim must be denied because it failed to satisfy the requirements of the statute. The court recognizes the difficult circumstances of Lee.

Unfortunately, the legislature has been quite clear that, in order to receive the exemption, taxpayers must file their claim no later than December 31.

III. CONCLUSION

To receive an exemption from property taxation, the law requires an organization seeking the exemption to submit its claim by the filing deadline. Although the court is sympathetic to Plaintiff's situation, it cannot ignore the clear language of the statute. Plaintiff's claim must be denied. Now, therefore,

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

Dated this _____ day of October 2004.

SALLY L. KIMSEY
MAGISTRATE

IF YOU WANT TO APPEAL THIS DECISION, FILE A COMPLAINT IN THE REGULAR DIVISION OF THE OREGON TAX COURT, BY MAILING TO: 1163 STATE STREET, SALEM, OR 97301-2563; OR BY HAND DELIVERY TO: FOURTH FLOOR, 1241 STATE STREET, SALEM, OR. 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 SALLY L. KIMSEY. THE COURT FILED THIS DOCUMENT ON OCTOBER 8, 2004.