SUPREME COURT OF GEORGIA

Columbus Board of Tax Assessors v. Yeoman

293 Ga. 107 (2013) · Decided June 3, 2013

SUMMARY

The Georgia Supreme Court held that the 2010 amendment to OCGA § 48-5-2 (3), which makes the most recent arm's-length sale price the maximum allowable fair market value for the next taxable year, does not conflict with a 1981 local constitutional amendment governing homestead-property assessments in Muscogee County. The court affirmed the judgment determining that John Yeoman's property should be assessed using its $665,000 purchase price.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Nahmias, Justice; All other Justices
JURISDICTION	Georgia
DECIDED	June 3, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Columbus Board of Tax Assessors appealed to the Supreme Court of Georgia from a superior court ruling that the 2010 amendment to OCGA § 48-5-2 (3) did not conflict with a 1981 local constitutional amendment governing the valuation of homestead property in Muscogee County.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential
PARTIES	Columbus Board of Tax Assessors v. John Yeoman

TOPICS

property tax · state and local tax · statutory interpretation · constitutional law · municipal law

PRACTICE AREAS

property taxation · state and local taxation · constitutional law · statutory interpretation · municipal law

QUESTIONS PRESENTED

1. Whether the 2010 amendment to OCGA § 48-5-2 (3), which makes the most recent arm's-length, bona fide sale price the maximum allowable fair market value for the next taxable year, conflicts with the

1981 local constitutional amendment governing the valuation of Muscogee County homestead property.
2. Whether the 2010 amendment controls the assessment of Yeoman's recently purchased homestead for the 2011 tax year.

HOLDINGS

1. The 2010 amendment to OCGA § 48-5-2 (3) does not conflict with the 1981 local constitutional amendment because the local amendment requires valuation as of January 1 of the applicable year but leaves the method of determining fair market value subject to conditions and limitations specified by law.
2. The 2010 amendment controls the determination of the fair market value of Yeoman's homestead for the 2011 tax year, making the $665,000 arm's-length sale price the maximum allowable fair market value.

KEY QUOTATIONS

> *“Thus, OCGA § 48-5-2 (3), as amended in 2010, does not prevent the Board from determining the fair market value of homestead property on January 1 of the applicable tax year; it provides the method for assessing that value as of that date.”* (109)

> *“For these reasons, there is no conflict between the LCA and the 2010 Amendment to OCGA § 48-5-2 (3).”* (110)

FACTUAL BACKGROUND

John Yeoman purchased a homestead in Muscogee County in April 2010 for $665,000 in an arm's-length, bona fide transaction. He applied for a homestead exemption for the 2011 tax year. The Board initially assessed the property at $1,622,013 and later reassessed it at $769,350; the local board of equalization ultimately valued it at the $665,000 sale price under the 2010 amendment to OCGA § 48-5-2 (3).

PROCEDURAL HISTORY

John Yeoman challenged the Board's assessment of his recently purchased Muscogee County homestead. The local board of equalization determined that the property's fair market value was its $665,000 sale price. The Board appealed to the superior court, which ruled that the 2010 statutory amendment controlled and that no conflict existed with the local constitutional amendment. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Columbus-Muscogee County Consolidated Govt. v. CM Tax Equalization, Inc., 276 Ga. 332, 579 S.E.2d 200 (2003)