

THE STATE OF SC
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Shirley C. Robinson, Administrative Law Judge

Case No. 11-ALT-17-0536-CC

Gary Hearn ----

Respondent

vs.

Laurens County Assessor ---- Appellant

BRIEF OF RESPONDENT
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JUL 02 2013

SC Court of Appeals

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STATEMENT OF ISSUES ON APPEAL

- I. Did the ALC rely primarily on the admissible evidence of a fee paid SC licenced Commissioned Appraiser, or was this appraisal merely a backup to the Laurens County Assessor's three comparables (Comps A, B, C) used to determine the land value of Mr. Hearn's property on Lake Greenwood (map No. 431-00-00-057)?
- II. Was the SC Code of Laws section 12-37-90(d) used to make a final evaluation by the ALC to the assessed value of Mr. Hearn's property or was the SC Code of Laws section 12-37-90(d) used to emphasize the ~~importance~~ of a ratio of fair market price to the Assessor's assessed valuation and compare to the SC Dept. of Revenue of ratios for Laurens County? Was the SC Code of Laws section 12-37-90(d) meritless?
- III. Did ALC fail to qualify Respondent (Gary Hearn) as an "expert" on valuations of properties?

STATEMENT OF THE CASE

This appeal arises from a property assessment dispute between Laurens County SC (Appellant) and Gary Hearn (Respondent). For tax year 2010 Appellant sent Respondent an assessment notice regarding Tax Parcel No. 431-00-00-057, located

at 330 Ted Green Rd. Cross Hill, SC. The notice stated assessed value at \$ 302,500.

Respondant objected to the valuation. Following a review by the Assessors Office confirming the \$ 302,500 value, the Respondant timely appealed to the Laurens County Board of Assessment Appeals. A hearing was held on Sept 26, 2011. On Sept 27, 2011, the Board upheld the Assessors valuation.

Gary Hearn timely filed on Oct 11, 2011 with the ALC contesting the Laurens County Boards ruling. On Oct 18, 2012 Honorable Shirley Robinson conducted the contested case hearing. On Feb 15, 2013 the ALC issued a Final Order and Decision rejecting the Assessors valuation of \$ 302,500 (\$ 162,500 for building plus \$ 140,000 for land) and ordered the valuation to be \$ 243,500 (\$ 162,500 for building plus \$ 81,000 for land)

Laurens County timely filed a Motion for Reconsideration and on March 21, 2013 the ALC denied the motion. Laurens County secured new law counsel of Parker Poe to file Notice of Appeal on April 3, 2013. On May 17, 2013 Gary Hearn received notice of Initial Brief, Designation of matter Appellate Case No. 243-00853. On June 8, 2013, Gary Hearn filed a Reply Brief.

STATEMENT OF FACTS

Gary Hearn purchased said property in Nov. 2007 for \$375,000 - \$325,000 for land and building plus \$50,000 for non taxable items (R.00017 Line 7-12 -) (R.00031 L.19-25) (R.00032 L.14). The assessed value according to Mr. Satterfield (Assessor) was \$302,500 (R.00102, L.22-25) (R.00103, L.1). The assessed value for the building was \$162,500 and land was \$140,000 (R.00189 -) (R.00243 -)

ARGUMENT OF ISSUES

- I The ALC had NOT "relied expressly and exclusively" on inadmissible hearsay --- (ParkerPoes Initial Brief p.8 middle of page). The ALC stated in its Final Order (R.00005 part 8) that Mr. Burton (Appraiser for Laurens County) stated the Comp A lots value at \$80,000, Comp B lots value at \$81,000, and Comp C lots value at \$70,000. The ALC also stated in its Final Order (R.00008 part 11) "The Court finds it persuasive that the \$81,000 is in line with the lot values of the comparable properties used by Mr. Burton".
- II Mr. Satterfield (County Assessor) stated the SC Dept of Revenue gave the county an 89% ratio assessment value to sales price in 2008 (R.00103, L.9-19 -).

This ratio is the same ratio the SC Code of Laws stated under Assessors responsibilities under Title 12 Chapter 37, Section 90(d) "determine assessments and reassessments of real property in a manner that the ratio of assessed value to fair market value is uniform throughout the county". Mr. Hearn's property had a ratio of 93% and a number of other properties (14 listed) near by the property in question averaged a ratio of 58% (R.00018, L. 7-8) (R.00169 - R.00189) None of these 14 properties were even close to the 89% ratio stated by Mr. Satterfield. The justification for Mr. Hearn's request to lower the lot value from \$140,000 to \$81,000 was based on the values of Laurens County's Comps A, B, C (\$80,000, \$81,000, \$70,000 respectively) that were used to determine Mr. Hearn's lot value. The SC Code of Laws 12-37-90(d) was introduced to show the County's ratio was and is NOT very "uniform". The SC Code of Laws 12-37-90(d) is very important part of Assessors duties and is not to be considered "Meritless" as stated in Porter Poes (Laurens County) Appeal request.

III Mr. Hearn never stated to the court that he was submitting evidence that related to his valuations of property. All evaluations of properties presented to the ALC was information taken directly from the Laurens County Assessors Office as noted on (R.00169 - R.00189) (R.00212 - R.00231) The Court had NOT "Committed an error of law by failing to properly qualify the witness as an expert" (This is quoted from Parker Poes Appellant Laurens County Assessors Initial Brief, page 9, bottom of the page). Mr. Hearn never gave testimony as to his judgement of values of real property - he merely presented data originating and gathered exclusively by Laurens County Assessors Office.

CONCLUSION

The Issues and Arguments have been presented and Mr. Hearn respectfully requests the ALC's Final Order be upheld at \$ 243,500 and the Parker Poe Laurens County Appeal be denied.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Gary Hearn", with a long horizontal flourish extending to the right.

Gary Hearn

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Appeal Reply involving

Case No. 11-ALT-17-0536-CC

Appellate Case No. 2013-000853

Gary Hearn
Laurens County Assessor

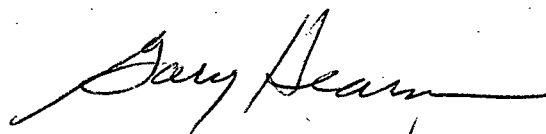
Respondent
Appellant

PROOF OF SERVICE

The undersigned certifies on June 8, 2013, the undersigned mailed a copy of this response to Appellant's Designation of Matter. Addressed as follows:

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GARY HEARN

THE STATE OF SC

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Gary Hearn -----

Respondent

vs.

Laurens County Assessor ---- Appellant

PROOF OF SERVICE

The undersigned hereby certifies that on July 1, 2013
has caused a copy of Brief of Respondent and Reply
Brief of Respondent to all parties by US Mail as follows:

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Gary Hearn Respondent

vs.

Laurens County Assessor Appellant

CERTIFICATE OF COUNSEL

The undersigned certifies that the Brief
of Respondent complies with Rule 211(b) SCACR

July 19, 2013

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JUL 24 2013

SC Court of Appeals

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