

## **Court: All Incline eligible for tax refund**

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A decision last Thursday by the Nevada Supreme Court has given Incline Village/Crystal Bay residents more reason to believe their five-year tax revolt is paying off.

The court's ruling further clarified an order it issued in December, said Maryanne Ingemanson, president of the Village League to Save Incline Assets, the nonprofit group of Incline tax protesters. The December decision did not just apply to the 17 taxpayers involved in that lawsuit, but is applicable to all Incline residents, she said.

Ingemanson said the state and Washoe County had been trying to argue that only the 17 appellants should be awarded the tax benefit, not the approximately 9,000 people in the Incline Village/Crystal Bay area.

"They effectively were saying that the ruling was just for those 17 people, that those were the only people who should get (a tax reduction) because they were the only people in the suit," Ingemanson said. "It's like saying the Roe v. Wade decision was just for Roe for one year."

Ingemanson said the ruling gave Washoe County 20 days, retroactive to Thursday, to appeal the decision.

If it does not offer new information to change the decision, then Washoe County would be responsible for refunding about 9,000 Incline residents for illegal taxation during the past five years, she said.

Terrence Hall, attorney for the Washoe County Assessor's Office, and Richard Gammick, Washoe County District Attorney, could not be reached Tuesday.

At the May 17, 2006 and June 27, 2006, hearings before the State Board of Equalization,

agreements were reached to issue property tax refunds plus interest to nearly all of the 300 taxpayers for whom the Village League filed appeals and won for the 2006-2007 tax year, according to the Village League's Web site.

Thursday's decision, Ingemanson said, could give the remaining 8,700 plaintiffs from that year a similar refund.

Furthermore, she said, if Thursday's ruling holds true, then the 9,000 Incline residents could be eligible for refunds on a yearly basis, including this fiscal year, and dating back to the 2002-2003 fiscal year, when the revolt began.

Thursday's ruling is also an example of how Incline Village/Crystal Bay residents are gaining momentum - and how Washoe County is losing it, said Chuck Otto, public relations officer for the Village League and also an Incline resident.

In March 2006, the Washoe County Board of Equalization unanimously ruled that all Incline/Crystal Bay residents were due a rollback or reduction, he said. Washoe County Assessors immediately appealed the decision to the state supreme court.

"A caveat was placed on (The Board of Equalization ruling), pending the supreme court ruling," Otto said. "The supreme court ruled (in December) that the tax system (in Incline) yielded unequal, unconstitutional and unlawful results. And ever since, Washoe County has sought different means of appealing those decisions."

Ingemanson said Thursday's ruling was "monstrous" because it basically leaves the county without further options for appeal.

Otto agreed.

"(Washoe County is) trying to run us out of resources by either frustration or time or by dollar," Otto said. "And their excuses for appeals are getting flimsier and flimsier."

A full detailed history of the Village League to Save Incline Assets tax revolt can be found at [www.nevadapropertytaxrevolt.org](http://www.nevadapropertytaxrevolt.org).

In a related story, the Washoe County Assessor's Office on Tuesday refuted a rumor that local residents won't be allowed to mail in petitions to appeal future property tax assessment valuations.

Ingemanson and Otto said they and other League members had learned residents would have to travel to the assessor's office in Reno to file a "Petition for Review of Assessed Valuation" regarding future property tax valuations.

Washoe County Assessor Josh Wilson said he had "no idea" where the rumor began.

"That's absolutely false," Wilson said in a Tuesday phone interview.

Incline residents can still mail a petition or fax it whenever they want until the deadline of Jan. 15, 2008, he said.

Incline Village/Crystal Bay residents received their tax bills for the 2007-2008 fiscal year a couple weeks ago. However, only about 1,000 of those residents saw a reduction, Ingemanson said, because they were the only ones who filed a "Petition for Review of Assessed Valuation" by the Jan. 15, 2007 deadline.

For those 1,000 people, their '07-'08 rates were rolled back to the 2002-2003 value, which, depending on parcel value, netted them a 30 percent to 50 percent tax reduction, she said.

Joe Freeman, who lives at 868 Lakeshore Blvd., said he received a \$3,500 rebate when he opened his tax bill a couple weeks ago.

He said he has felt cheated by Washoe County the past five years.

"(Washoe County) figured we didn't compared to the rest of the state. To them, a house worth \$1 million in Reno is worth about half as less in taxes than a \$1 million house in Incline,"

Freeman said. "I was floored - just tickled to see (the tax reduction). I absolutely didn't expect it."

Thelma Walker, who lives at 886 Lakeshore Blvd., was another tax reduction recipient who shared similar views with Freeman.

"People call us 'Income Village' for a good reason; they think we pay for everyone else," Walker said. "I'm very surprised (the tax reduction) happened."

Ingemanson said Incline residents who missed the deadline will have to wait until Jan 15, 2008, to file a petition for 2008-2009 property tax valuations.

Thursday's decision by the state supreme court, if it follows through after the 20-day waiver period allotted to the county, would affect this year's bills as well, Ingemanson said.

Similar to the 2006-2007 fiscal year described above where the remaining 8,700 residents would receive refunds to join about 300 residents who received them more than a year ago, the remaining 8,000 in this fiscal year would receive refunds to join the some 1,000 who got them a couple weeks ago.

"This truly is the biggest decision we've ever had," Ingemanson said. "If it goes through, then the county could have a multi-million dollar problem."

With Thursday's state supreme court decision and the recent reduction of about 1,000 residents' tax bills this year, Ingemanson said things finally are going Incline Village/Crystal Bay's way.

But the fight can't stop there, she said.

"This has been an extremely difficult battle. Fighting the government always is an extraordinary battle - the government never goes away." Ingemanson said. "But these people need to realize we're not going away either.

"I'll tell you one thing, I know we're not on their Christmas list."

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