



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

City Finance Office

300 Sixth Street

Rapid City, South Dakota 57701-5035

605-394-4143

TO: L&F Committee
FROM: Jim Preston
SUBJECT: Abatement
DATE: January 22, 2009

The L&F Committee continued the abatement of property for Mr. Tracy at the January 14, 2009 meeting requesting additional information. Attached is an e-mail from Shannon Rittberger, Director of Equalization, outlining the situation behind the request for abatement. I have also attached a letter from Janet Sayler, County Treasurer.

It appears that Mr. Tracy sold his trailer in 2005, but made little effort to get the property out of his name despite several contacts from the County Auditor's Office. The County eventually collected the taxes and penalties for 2006 from Mr. Tracy's checking account which did get his attention.

My take on this situation is that you have the following options:

- Abate the taxes for all three years since the property was not in the county for that time period.
- Abate the taxes for only 2007 and 2008 since he already has paid his 2006 taxes and penalties. Mr. Tracy did not make an attempt to get the property removed from his name.
- Do not abating any taxes.

I recommend that the City about the 2007 and 2008 taxes and not return the money for his 2006 taxes. The County has invested a lot of time and money in collecting the 2006 taxes that could have been avoided if he had only responded.



EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

Preston Jim

From: Rittberger Shannon
Sent: Tuesday, January 20, 2009 1:43 PM
To: Preston Jim
Subject: Tracy Abatement

Mr. Preston,

The abatement that you are questioning is for a mobile home assessed as real estate.

The home was located in the area of where Watiki is now. Richard Tracy purchased the home in, or shortly before, year 2005. The home was assessed in his name for the years of 2006, 2007, and 2008.

In 2005, Tracy accepted an offer to sell the home. The buyer paid Tracy and moved the home. No moving permit was purchased, and the taxes were not paid prior to moving. Eventually, it was discovered that the buyer did not gain title in his name, and that the home was moved into Meade County.

Because the county did not know that the home was moved or sold, taxes were mailed to Tracy. Those taxes became delinquent and were turned over to the sheriff's office for collection. A sheriff's deputy contacted Tracy and was told that the home was sold and moved, but that he did not know where it went or could not remember who purchased it.

The sheriff's office eventually collected the taxes, and penalties, for year 2006 from Tracy's checking account. This prompted Tracy to come to the courthouse and inquire about the tax bills, now including years 2007 and 2008. He has since located the home in Meade County. Meade County did not know that the home was moved there, so no taxes have been paid in that county. It is my understanding that the buyer of the mobile home has not been located.

The Pennington County Treasurer has attached to this abatement a letter addressed to the county commission. The letter expresses disagreement for approving the abatement, especially for year 2006. The reasons expressed are generally Tracy's lack of cooperation with the sheriff's office and his neglect of tax bills.

The equalization office does not get involved in the collection of delinquent taxes. The equalization office is concerned about the proper and timely assessment of property. The only opinion expressed by this office is that the mobile home was not in the county for these years. If this fact were known, the home would not have been on the tax rolls. It has been removed for the future.

Shannon Rittberger, CAA, CSDA
Pennington County Director of Equalization

PENNINGTON COUNTY

"PRIDE IN THE PAST; FAITH IN THE FUTURE"

**OFFICE OF THE PENNINGTON
COUNTY TREASURER**

Janet Sayler, Treasurer

315 Saint Joseph St., Suite 214 • Rapid City, SD 57701-2894
605/394-2163 • 605/394-6810 Fax.

To: Pennington County Commissioners

From: Janet Sayler, Treasurer

Re: Abatement/Refund Richard Tracy

Date: January 13, 2009

Mr. Tracy has applied for a refund/abatement on a mobile home. He has applied for a refund on 2006 and abatement on 2007 and 2008 taxes. When Mr. Tracy came to my office and spoke with my Chief Deputy Annette Brant in regards to this matter, he stated that he sold the mobile home but did not know whom he sold it to, when he sold it or where it was moved. He also told Annette that he had purchased a moving permit from this office in order to move the mobile home. In checking the Treasurer's Office we found no record of Mr. Tracy ever purchasing a permit to move this home. When asked when he purchased the permit he couldn't remember. The Treasurer's Office keeps records of all permits sold. Mr. Tracy told Deputy Fullen that he sold the mobile home the next day after he transferred the title into his name however, the mobile home still remains in the name Richard Tracy. When taxes are unpaid a Distress Warrant is issued to the Sheriff's Office and they are to collect the unpaid taxes. When Mr. Tracy was contacted via the Sheriff's Office with issuance of a distress warrant, he told Deputy Fullen that he had sold the mobile home but would never provide them with the information of the sale date, a bill a sale, the name of the purchaser or where the mobile home had been relocated to. He then told them he would try to get that information and never did. After several contacts from the Sheriff's Office he told them that he might be able to find the mobile home but never did. If he could not provide that information he was the legal owner of record and the Sheriff's Office would be levying on his bank account. Mr. Tracy would not provide the information so he was advised that further action would be taken. When he did not contact Deputy Fullen his bank account was levied on and the money was taken to pay the taxes. Deputy Fullen advised Mr. Tracy that he needed to go to the Director of Equalization Office and make them aware of the sale so that the

warrants would not continue to be issued in his name as the owner of the mobile home. Mr. Tracy however, chose not to do this until just recently. As of this date Mr. Tracy has still not transferred the mobile home out of his name and is still the legal owner. The Sheriff's Office has put in many hours in regards to this mobile home and the stories have been inconsistent in each office as to the events that have taken place. No two offices have been told the same story. I do know that the mobile still remains on the tax roles for 2007 and 2008 and that is why Mr. Tracy is requesting abatements on those years. In regards to the 2006 taxes that money was were removed from Mr. Tracy's bank account via levy and he has now applied for a refund. This could have been resolved when Mr. Tracy received the first tax bill but chose to ignore it and after he was sent a delinquent notice 11 months later. Mr. Tracy chose to wait until he was contacted by the Sheriff's Office when the distress warrant was issued. Had he been forthright with his information things might not have gotten to this point. I DO NOT feel that Mr. Tracy is eligible for a refund or abatement on this mobile home.