



MEMORANDUM

DEPARTMENT OF FINANCE & RISK MANAGEMENT

**Report of Review Officer
Board of Supervisors Policy D22.10
Appeal by Pima County Assessor of Review Officer Recommendation
Morning Glory Adult Care Home #1 LLC, Owner of Tax Parcel 225-40-5250
August 19, 2013**

Morning Glory Adult Care Home #1 LLC, an Arizona Limited Liability Company, filed an appeal under Arizona Revised Statutes §42-12052 and the provisions of Board of Supervisors Policy D22.10 to change the classification of tax parcel number 225-40-5250 to Legal Class 3 for Tax Year 2013. The Pima County Assessor had changed the classification on the Parcel from Class 3, residential property owned as a primary residence (formerly "owner occupied"), to Class 4, residential property that is not owned as a primary residence. The impact of the classification change by the Assessor from Class 3 to Class 4 is to make the property owner ineligible for the State Aid To Education subsidy on the property tax levied.

Under the provisions of Board Policy D22.10, I reviewed the appeal of the property owner and approved the appellant's request to have the property classification changed to Class 3, primary residence. The Pima County Assessor appealed that recommendation. The matter has therefore been set as a hearing for the Board of Supervisors to determine the classification of the property.

Morning Glory Adult Care Home #1 LLC, the legal owner of the property, is a limited liability company organized by Shelly Rodriguez. Although the tax parcel is owned by a limited liability corporation, I recommended Class 3, primary residence classification, for the tax parcel primarily because Ms. Rodriguez has lived in the home for the past 20 years.

- The parcel has been occupied by Shelly Rodriguez for twenty (20) years as her personal residence. In March 1993, Ms. Rodriguez acquired title to the property, originally with other relatives and, by 1994, exclusively in her name.
- Ms. Rodriguez formed the LLC in August 2009. The organizational document was approved by the Arizona Corporation Commission in September 2009. Ms. Rodriguez then deeded title to the property to the LLC on September 22, 2009.
- The parcel was deeded back to Ms. Rodriguez one year later by a deed notarized on September 10, 2010, although this deed was not recorded until July 30, 2013. A copy of the deed is attached.

In my review, I recommended that the parcel be treated as Class 3, primary residence, because the house located on the parcel was physically occupied as a residence by Ms. Rodriguez for 16 years before the LLC was formed and was deeded back to her within a year of the formation of the LLC.

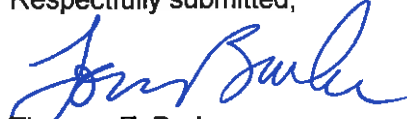
As I have reported before, there is no clear guidance in the Arizona statutes. At least one county, Cochise County, considers a tax parcel owned by an LLC with the members or their family residing in the residence as qualifying for Class 3, primary residence. Other States, such as Idaho and South Carolina treat the members of an LLC as the owners for property tax purposes.

2013 SEP 17 10:25 AM
PIMA COUNTY
CLERK OF SUPERVISORS
OFFICE

The question for the Board to consider is whether a residence continually occupied by Ms. Rodriguez for twenty years, and as the organizing member of the limited liability company should have a Class 3 designation.

After my review of the facts and circumstances, I recommended Class 3 designation.

Respectfully submitted,



Thomas E. Burke
Finance and Risk Management Director
Review Officer under Board of Supervisors Policy D22.1 0

Attachments:

Taxpayer Notice of Claim- Real Property dated June 17, 2013
Warranty Deed

Pictometry Photos

Mon 05/07/2012, 12:01 MST

100% Zoom

Year

2012

DEPUTY RECORDER
4917



SEQUENCE: 20132110873
NO. PAGES: 3
WTDEED 07/30/2013 16:14
MAIL
AMOUNT PAID: \$10.00

W
SHELLY RODRIGUEZ
7611 N RASMUSSEN AVE
TUCSON AZ 85741

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Exempt from affidavit and filing pursuant to A.R.S. §42-1614B-3 7

Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we,

MORNING GLORY ADULT CARE HOME #1, AN ARIZONA L.L.C.

Do/does hereby convey to

SHELLY RODRIGUEZ, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY

The following real property situated in Pima County, Arizona:

See attached legal description

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

And I or we do warrant the title against all persons whomsoever, subject to matters set forth above.

Dated: 9/16/2016

Grantors:

Morning Glory Adult Care Home #1
Shelly Rodriguez

Morning Glory Adult Care Home #1,

An Arizona L.L.C., by Shelly Rodriguez,

Its' Owner/Manager

Lot 122 of HERITAGE HILLS II, a subdivision of Pima County, Arizona, according to the map or plat thereof of record in the office of the County Recorder of Pima County, Arizona, in Book 28 of Maps and Plats at page 57 thereof.

13-000000 000000-1

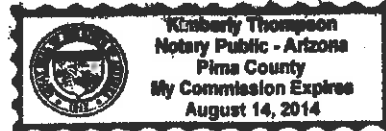
State of Arizona)
)SS
County of Pinal)
 Pima KT

This instrument was acknowledged before me this 18
day of September, 2010, by Shelly Rodriguez,
whose identity was established to me.

Kimberly Thompson
Notary Public

My Commission Expires:

8/14/2014



AFFIDAVIT FOR PRIMARY RESIDENCE CLASSIFICATION

Main Parcel No.



225405250

Book Map Parcel Split Letter

MORNING GLORY ADULT CARE HOME #1
6680 N MORNING GLORY DR
TUCSON AZ
85741-2947

Mailed On: 4/24/2013

Parcel: 225405250

Located at: 7611 N RASMUSSEN AV

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To ensure proper classification is assigned to your residential property, this office requires additional verification of property use. As of July 1, 2011 the definition of owner occupancy has changed and is now referred to as PRIMARY RESIDENCE. This application will verify that the correct classification is assigned to your property and if reclassification of this property is required.

PRIMARY RESIDENCE DEFINITION:

Primary Residence is your one and only main residence where you or a qualified family member resides. You can have only one primary residence no matter how many homes you own. If the property listed is used as a vacation home, leased or rented to a non-qualified family member or if you claim a home in another state as your primary residence, the listed home cannot qualify as a primary residence.

If you have questions concerning this matter, please contact our office at (520) 724-8630

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Please check the item(s) below which most accurately defines the status of your property, sign the application and return it to our office.

☒ This property is MY Primary Residence and is not used as a secondary residence or a vacation home.

This property is the Primary Residence of a Qualified Family member, as indicated below:

- ☐ a natural or adopted child or grandchild
- ☐ a stepson or stepdaughter
- ☐ the father or mother of the owner, grandparent or great-grandparent
- ☐ a stepfather or stepmother
- ☐ a son-in-law, daughter-in-law, father-in-law or mother-in-law
- ☐ a natural or adopted brother or sister

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The Undersigned states or declares under penalty of perjury that the foregoing information is a true and correct statement of the facts pertaining to the use of the above property.

Signature: Shelly Rodriguez Date: 6/15/13

PETITION / APPEAL TO THE PIMA COUNTY BOARD OF SUPERVISORS TO CHANGE
CLASSIFICATION OF OWNER'S PRIMARY RESIDENCE PURSUANT TO BOARD POLICY D 22.10
Pursuant to ARS §42-12052 or ARS §42-12054

Parcel number:

225405250

This Petition/Appeal is for tax years:

2013, 2012, 2011, 2010

Property address:

7611 N Rasmussen Ave Tucson AZ 85741

Name of Property Owner:

Shelly Rodriguez

Person filling this petition/appeal if other than the owner. (Please provide "power of attorney" or copy of a completed Arizona Department of Revenue Agency Authorization Form).

Mailing address:

7611 N Rasmussen Ave Tucson AZ 85741

Phone number where property owner and/or his/her representative can be reached:

1. Filing under ARS §42-12052, Review and verification of class three property:

- Did the Assessor send the property owner a Notice of Classification changing the property to legislative class four within the past 30 days? ☒ YES ☐ NO {Please circle.}
- Did the County Treasurer send the property owner a Notice of Penalty because the Assessor did not receive a timely response to his/her request for information to verify that the property is the primary residence of the property owner or the residence of a qualified family member? (Definitions of "Primary Residence" and "Qualified Family Member" are on page 2.) YES ☒ NO {Please circle.}

If the answer to both questions above is NO, go to #2 below.

If the answer to either question above is YES, then sign and date this document at the bottom of page 2 and provide the following:

- Copy of the Assessor's Notice of Classification showing the property has been classified as Legislative Class Four. (if applicable)
- Copy of the Treasurer's Notice of Penalty against the property. (if available)
- A completed and signed Affidavit for Primary Residence Classification. The form is available at the Assessor's Office or the Clerk of the Board of Supervisors' Office.

2. Filing under ARS §42-12054, Change in classification of owner-occupied residence

- Did the Classification of this property change recently from Class 3 to Class 4 or other class?
YES ☒ NO {Please circle.}
- Has this property been used as the residence of the owner or a qualified family member (see below)?
☒ YES ☐ NO {Please circle.}
- When did the owner or qualified family member occupy the property as a residence? 1993
- Please indicate who occupied the property:
 - ☒ The owner of the property,
 - ☐ A natural or adopted child or grandchild,
 - ☐ A stepson or stepdaughter,
 - ☐ The father or mother of the owner,
 - ☐ The grandparent or great-grandparent of the owner,
 - ☐ A stepfather or stepmother,
 - ☐ A son-in-law, daughter-in-law, father-in-law or mother-in-law of the owner,
 - ☐ A natural or adopted brother or sister of the owner,

PETITION / APPEAL TO THE PIMA COUNTY BOARD OF SUPERVISORS TO CHANGE
CLASSIFICATION OF OWNER'S PRIMARY RESIDENCE PURSUANT TO BOARD POLICY D 22.10

Pursuant to ARS §42-12052 or ARS §42-12054

- From 2012 forward, has the property been the owner's "primary residence" or the residence of a qualified family member? {"Primary residence" and "Qualified Family Member" are defined on page 2.}
 - ☒ YES NO {Please circle.}
 - How long is the property used as a residence each year? 12 months

- Please explain any of the following situations that might apply to this property:

- ☒ The mailing address of the owner is different than the physical address of the property:
The mail went to 6680 Morning Glory T/A 85741
- ☐ The owner's mailing address is outside Pima County:
- ☐ The same mailing address is used for multiple Class 3 primary residence properties:
- ☐ Any other residences either in Arizona or out of state:
- ☐ Please provide any additional information & documentation that will be helpful in making a determination. Items such as copies of voter registration cards, driver's license, and motor vehicle registration documents may be helpful.

Please sign and date this document at the bottom of page 2 and submit it along with any additional information that will assist in making a decision regarding change in classification.

PRIMARY RESIDENCE DEFINITION:

Primary Residence is your one and only main residence where you or a qualified family member reside. If the property listed is used as a vacation home, leased or rented to a non-qualified family member or if you claim a home in another state as your primary residence, the listed home cannot qualify as a primary residence.

QUALIFIED FAMILY MEMBER DEFINITION:

A natural or adopted child or grandchild
A stepson or stepdaughter
The father or mother of the owner
The grandparent or great-grandparent of the owner
A stepfather or stepmother
A son-in-law, daughter-in-law, father-in-law or mother-in-law of the owner
A natural or adopted brother or sister of the owner
The spouse of the owner

The Undersigned states or declares under penalty of perjury that the foregoing information and the documentation provided are true and correct.

Signature: Shelly Rodriguez Date: 6/17/13
Printed Name: Shelly Rodriguez Telephone Number: _____

Please deliver or mail your signed and dated petition/appeal to:

Pima County Clerk of the Board of Supervisors
Mailstop DT-AB5-130
130 W. Congress Street, 5th Floor
Tucson, Arizona 85701

If you have any questions about this form, please call (520) 724-8069 or (520) 724-4278.

AFFIDAVIT FOR PRIMARY RESIDENCE CLASSIFICATION

Parcel No.

225405250

Book Map Parcel Split Letter

Property Address:

7611 N. Rasmussen Ave

Owner(s):

Shelly Rodriguez

Mail address:

7611 N. Rasmussen Ave
Tucson, Az 85741

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If you have questions concerning this matter, please contact our office at (520) 724-8630

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Please check the item(s) below which most accurately defines the status of your property, sign the application and return it to our office.

1. This property is my Primary Residence as of 8-2010 and is not used as a secondary residence or a vacation home.
2. This property is the Primary Residence of a Qualified Family member, as indicated below, as of _____.

- _____ a natural or adopted child or grandchild
- _____ a stepson or stepdaughter
- _____ the father or mother of the owner, grandparent or great-grandparent
- _____ a stepfather or stepmother
- _____ a son-in-law, daughter-in-law, father-in-law or mother-in-law
- _____ a natural or adopted brother or sister

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The Undersigned states or declares under penalty of perjury that the foregoing information is a true and correct statement of the facts pertaining to the use of the above property.

Signature: _____

Shelly Rodriguez

Date: 6-16-13

Telephone Number:

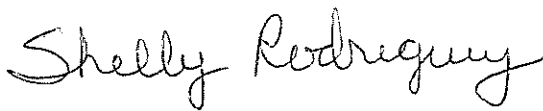
Pima County Board of Supervisors

Dear Clerk of the Board,

I am writing this letter in regards to Parcel: 225405250. Let this serve as an explanation as to the reason I did not respond to your notice. It was sent to the wrong address from which I reside and collect such mail. The notice was sent to 6680 N Morning Glory Dr. when it should have been mailed to 7611 N Rasmussen Ave. I own and reside in the home located at 7611 N Rasmussen Ave Tucson Az 85741. The home located at 6680 N Morning Glory Dr., Parcel: 101045460 is a rental therefore the classification of residential rental 4.2 is appropriate.

Please change the classification of this property Parcel: 225405250 back to Primary Residence 3.0. Thank you for your help and consideration in this matter. If you have any questions and would like to contact me in person my number is 520-235-1328. Please send any further correspondence to my home address 7611 N. Rasmussen Ave 85741. Please again take note that I do not receive my mail at the Morning Glory address and I'm lucky the notices were accidentally found at that address and then given to me on 6/15/13.

Shelly Rodriguez



7611 N Rasmussen Ave., Tucson AZ 85741

DATE RECEIVED
JUL 03 2013
PIMA COUNTY ASSESSOR