

## **Pima County Clerk of the Board**

#### Julie Castañeda

Melissa Manriquez Deputy Clerk Administration Division 130 W. Congress, 5<sup>th</sup> Floor Tucson, AZ 85701 Phone: (520)724-8449 • Fax: (520) 222-0448 Document and Micrographics Mgt. Division 1640 East Benson Highway Tucson, Arizona 85714 Phone: (520) 351-8454 • Fax: (520) 791-6666

#### **MEMORANDUM**

TO:

Honorable Chair and Board Members

Pima County Board of Supervisors

FROM:

Julie Castañeda, Clerk of the Board

DATE:

September 5, 2017

RE:

Petition for Refund - Christ Lutheran Vail Church

Christ Lutheran Vail Church owns Parcel Nos. 305-90-4370 and 305-90-4380, located at 14600 E. Colossal Cave Road. It filed a petition with the Clerk of the Board on July 25, 2017, for refund of the taxes paid for tax year 2014. The taxes were paid as follows:

Year	Parcel ID	Tax	Interest	Fee	Total
2014	305-90-4370	\$3,294.78	\$0.00	\$0.00	\$3,294.78
2014	305-90-4380	\$3,288.34	\$0.00	\$0.00	\$3,288.34
Total		\$6,583.12	\$0.00	\$0.00	\$6,583.12

Property that is used or held primarily for religious worship is exempt from property taxes by A.R.S. § 42-11109. The statute allows a non-profit organization that holds title to property used primarily for religious worship, which fails to file the affidavit required by A.R.S. § 42-11152 in a timely manner but otherwise qualifies for exemption, to petition the Board of Supervisors to direct the county treasurer to refund any property taxes paid by the organization. The organization is required to submit a claim for refund to the county treasurer within one year after the date the taxes were paid. The Treasurer's record reflect that the first installments of the property taxes for 2014 on both parcels were paid on September 26, 2014. The second installments were paid on February 27, 2015.

Separate from Christ Lutheran Vail Church's refund petition, in December of 2014, it filed a complaint and notice of property tax appeal in tax court pertaining to the two parcels. The defendants in the case are Pima County, Bill Staples (intervenor), and the Arizona Department of Revenue. The complaint alleges that the Assessor improperly denied exemptions for the two parcels for 2014, and it requests a refund of the property taxes. The lawsuit remains pending.

#### Attachments

- Notice of Hearing
- Treasurer's Reports
- Assessor's Review Forms
- Petitioner's Submission



Deputy Clerk

## **Pima County Clerk of the Board**

Julie Castañeda

Administration Division
130 W. Congress, 5th Floor
Tucson, AZ 85701
Phone: (520)724-8449 • Fax: (520) 222-0448

Document and Micrographics Mgt. Division 1640 East Benson Highway Tucson, Arizona 85714 Phone: (520) 351-8454 • Fax: (520) 791-6666

August 25, 2017

Jodi A. Bain Christ Lutheran Vail Church 6061 E. Grant Road, Suite 121-B Tucson, Arizona 85712

RE: Petition for Exemption – Parcel Nos. 305-90-4370 and 305-90-7380

Dear Ms. Bain:

Please be advised that your petition for exemption has been scheduled before the Pima County Board of Supervisors on Tuesday, September 5, 2017, at 9:00 a.m. or thereafter, at the following location:

Pima County Administration Building Board of Supervisors Hearing Room 130 West Congress, 1st Floor Tucson, AZ 85701

If you have any questions regarding this hearing, please contact this office at 724-8449.

Sincerely,

Julie Castañeda
Clerk of the Board





240 North Stone Avenue Tucson AZ, 85701-1199 (520) 724-8341

#### PIMA COUNTY TAX RECEIPT

CHRIST LUTHERAN VAIL CHURCH PO BOX 809 VAIL AZ 85641-0809

PAID BY: Lockbox

PROPERTY LOCATION: No Location Data Available

TOTAL TAX: \$3,294.78

PROPERTY TYPE: Real Estate

**PAYMENT DETAIL** 

Receipt No.	State Code	Tax Year	Install No.	Payment Description	Payment Date	Payment
2961872	305904370	2014	1	Tax Payment	09/26/2014	1,647.39
Total Payn	nent					\$ 1,647.39
Remaining	Remaining Amount					\$ 0.00

Remaining amount does NOT include interest, penalties or other charges on delinquent taxes.





#### PIMA COUNTY TREASURER'S OFFICE

Beth Ford, CPA Pima County Treasurer 240 North Stone Avenue Tucson AZ, 85701-1199 (520) 724-8341

#### PIMA COUNTY TAX RECEIPT

CHRIST LUTHERAN VAIL CHURCH 14600 E COLOSSAL CAVE RD VAIL AZ 85641-6173

PAID BY: Lockbox

PROPERTY LOCATION: No Location Data Available

TOTAL TAX: \$3,294.78

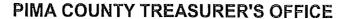
PROPERTY TYPE: Real Estate

#### **PAYMENT DETAIL**

Receipt No.	State Code	Tax Year	Install No.	Payment Description	Payment Date	Payment
3388487	305904370	2014	2	Tax Payment	02/27/2015	1,647.39
Total Paym	ient					\$ 1,647.39
Remaining	Amount					\$ 0.00

Remaining amount does NOT include interest, penalties or other charges on delinquent taxes.







240 North Stone Avenue Tucson AZ, 85701-1199 (520) 724-8341

#### PIMA COUNTY TAX RECEIPT

CHRIST LUTHERAN VAIL CHURCH PO BOX 809 VAIL AZ 85641-0809

PAID BY: Lockbox

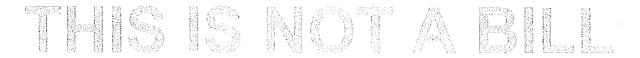
PROPERTY LOCATION: 14600 E COLOSSAL CAVE RD TOTAL TAX: \$ 3,288.34

PROPERTY TYPE: Real Estate

#### **PAYMENT DETAIL**

Receipt No.	State Code	Tax Year	instali No.	Payment Description	Payment Date	Payment
2961873	305904380	2014	1	Tax Payment	09/26/2014	1,644.17
Total Paym	ıent			· · · · · · · · · · · · · · · · · · ·		\$ 1,644.17
Remaining	Amount					\$ 0.00

Remaining amount does NOT include interest, penalties or other charges on delinquent taxes.





240 North Stone Avenue Tucson AZ, 85701-1199 (520) 724-8341

#### PIMA COUNTY TAX RECEIPT

CHRIST LUTHERAN VAIL CHURCH 14600 E COLOSSAL CAVE RD VAIL AZ 85641-6173

PAID BY: Lockbox

PROPERTY LOCATION: 14600 E COLOSSAL CAVE RD

TOTAL TAX: \$3,288.34

PROPERTY TYPE: Real Estate

**PAYMENT DETAIL** 

Receipt No.	State Code	Tax Year	Install No.	Payment Description	Payment Date	Payment
3388488	305904380	2014	2	Tax Payment	02/27/2015	1,644.17
Total Paym	ient					\$ 1,644.17
Remaining	Amount					\$ 0.00

Remaining amount does NOT include interest, penalties or other charges on delinquent taxes.







240 North Stone Avenue Tucson AZ, 85701-1199 (520) 724-8341

#### PIMA COUNTY TAX RECEIPT

CHRIST LUTHERAN VAIL CHURCH 14600 E COLOSSAL CAVE RD VAIL AZ 85641-6173

PAID BY: Lockbox
PROPERTY LOCATION: 14600 E COLOSSAL CAVE RD
TOTAL TAX: \$ 1,488.54

PROPERTY TYPE: Real Estate

#### PAYMENT DETAIL

Receipt No.	State Code	Tax Year	install No.	Payment Description	Payment Date	Payment
3936637	305904380	2015	1	Tax Payment	10/31/2015	744.27
Total Paym	ient					\$ 744.27
Remaining	Amount					\$ 0.00

Remaining amount does NOT include interest, penalties or other charges on delinquent taxes. Please call the Treasurer's Office at 520-724-8341 for payoff amount.







240 North Stone Avenue Tucson AZ, 85701-1199 (520) 724-8341

#### PIMA COUNTY TAX RECEIPT

CHRIST LUTHERAN VAIL CHURCH 14600 E COLOSSAL CAVE RD VAIL AZ 85641-6173

PAID BY: Lockbox

PROPERTY LOCATION: 14600 E COLOSSAL CAVE RD TOTAL TAX: \$ 1,488.54

PROPERTY TYPE: Real Estate

#### **PAYMENT DETAIL**

Receipt No.	State Code	Tax Year	Install No.	Payment Description	Payment Date	Payment
4162543	305904380	2015	2	Tax Payment	02/29/2016	744.27
Total Paym	nent					\$ 744.27
Remaining	Amount					\$ 0.00

Remaining amount does NOT include interest, penalties or other charges on delinquent taxes.



E 1 .: Const.

1989

91-170/1221 AZ 31437

9/24/2014

CHRIST LUTHERAN VAIL CHURCH PO BOX 809

VAIL, AZ 85641

PAY TO THE ORDER OF

Pima County Treasurer

**\*1,647.39** 

One Thousand Six Hundred Forty-Seven and 39/100\*\*\*\*\*

**DOLLARS** 

Beth Ford, Pima County Treasurer Pima County Treasurer

P. O. Box 29011

Phoenix, AZ 85038-9011

MEMO

305 90 4370 3 - (south side) 2014 Tax

First 1/2 2014

2083

91-170/1221 AZ 31437

#### **CHRIST LUTHERAN VAIL CHURCH**

PO BOX 809 VAIL, AZ 85641

2/26/2015

PAY TO THE ORDER OF

Pima County Treasurer

\*\*1,647.39

Ō **DOLLARS** 

Beth Ford, Pima County Treasurer Pima County Treasurer P. O. Box 29011 Phoenix, AZ 85038-9011

**MEMO** 

305 9047

second 1/2 2014

Bank of America 1990 ACH R/T 122101706 91-170/1221 AZ 31437 **CHRIST LUTHERAN VAIL CHURCH** PO BOX 609 9/24/2014 , VAIL, AZ 85641 · PAY TO THE ORDER OF Pima County Treasurer \*\*1,644.17 One Thousand Six Hundred Forty-Four and 17/100\* ⇧ **DOLLARS** Beth Ford, Pima County Treasurer Pima County Treasurer P. O. Box 29011 Phoenix, AZ 85038-9011 MEMO 305 90 4380 4 North side UTHORIZED SIGNATURE

First 1/2 2014

2082

91-170/1221 AZ 31437

2/26/2015

**CHRIST LUTHERAN VAIL CHURCH** 

PO BOX 809 VAIL, AZ 85641

PAY TO THE ORDER OF

Pima County Treasurer

\*\*1,644.17

DOLLARS

Û

Beth Ford, Pima County Treasurer Pima County Treasurer

P. O. Box 29011

Phoenix, AZ 85038-9011

MEMO

305 904380

second 1/2 2014

**CHRIST LUTHERAN VAIL CHURCH** PO BOX 809 VAIL, AZ 85641

2204

91-170/1221 AZ 31437

10/30/2015

PAY TO THE ORDER OF

Pima County Treasurer

\*\*744.27

DOLLARS

Beth Ford, Pima County Treasurer Pima County Treasurer

P. O. Box 29011 Phoenix, AZ 85038-9011

MEMO

State Code #305 90 4380 4

AUTHORIZED SIGNATURE

First 1/2 2015

America 2210170<del>6</del>

2292

91-170/1221 AZ 31437

2/12/2016

CHRIST LUTHERAN VAIL CHURCH

PO BOX 809 VAIL, AZ 85641

PAY TO THE ORDER OF Pima County Treasurer

\$ \*\*744.27

DOLLARS

Beth Ford, Pima County Treasurer Pima County Treasurer P. O. Box 29011 Phoenix, AZ 85038-9011

MEMO

State Code # 305 90 4380 4

second 1/2 2015



C:

# **Pima County Clerk of the Board**

#### **Robin Brigode**

Administration Division 130 W. Congress, 5<sup>th</sup> Floor Tucson, AZ 85701

Tucson, AZ 85701 Phone: (520)724-8449 • Fax: (520) 222-0448 Document and Micrographics Mgt. Division 1640 East Benson Highway Tucson, Arizona 85714 Phone: (520) 351-8454 • Fax: (520) 791-6666

#### Petition to the Board of Supervisors - Review Form

Pursu	ant to A R.S. §42-11104(G) (educational/library property) or A.R.S. §42-11109(E) (religious property)
Тахра	ayer
For ta	x year(s)
1)	Did the organization file an affidavit as required by A.R.S. §42-11153? Yes No
2)	Was the affidavit filed on or before March 1 of the tax year as required by A.R.S. §42-11153? Yes No
3)	If the affidavit had been filed timely, would the Assessor have granted the exemption? Yes No
4)	If the answer to Number 3 is "No", why was the exemption denied?  The required ownership of the property was not in effect during the time period required by statute.  The property was not being used for the exempt purpose during the time period required by statute.  The requesting church, educational or library property did not furnish the required documents requested by the Assessor at the time of application per A.R.S. §42-11152(3)&(B)  Other:
Comp	oleted by: Date:

Honorable Bill Staples, Pima County Assessor



Deputy Clerk

C:

## **Pima County Clerk of the Board**

Robin Brigode

Administration Division 130 W. Congress, 5<sup>th</sup> Floor Tucson, AZ 85701 Phone: (520)724-8449 • Fax: (520) 222-0448 Document and Micrographics Mgt. Division 1640 East Benson Highway Tucson, Arizona 85714 Phone: (520) 351-8454 • Fax: (520) 791-6666

#### Petition to the Board of Supervisors - Review Form

Purs	uant to	A R.S. §42-11104(G) A.R.S. §42-11109(E)	(educational/library property) or (religious property)
Тахр	ayer Ch	rist Lutheran Vail Church	
For t	ax year(s) _	2014 Parcel # 305-90-4380	
1)		rganization file an affidavit as r No	equired by A.R.S. §42-11153?
2)	Was the §42-1115 <u>×</u> Yes		ch 1 of the tax year as required by A.R.S
3)	If the af exemptio		would the Assessor have granted the
4)	The performance of the perfo	riod required by statute. the property was not being use triod required by statute. The requesting church, education of the property was not being use the requesting church, education of the requested by A.R.S. §42-11152(3)&(B) ther:	was the exemption denied?  property was not in effect during the time of for the exempt purpose during the time onal or library property did not furnish the oy the Assessor at the time of application on on the portion of the parcel used for religious worship in 2014
Com	pleted by:	Ryan Call	Date: July 28, 2017

Honorable Bill Staples, Pima County Assessor



July 25, 2017

Hand Delivered

Julie Castañeda Pima County Clerk of the Board 130 W. Congress St., 5th Floor Tucson, Arizona 85701

Re: Christ Lutheran Vail Church Exemption Request for BOS Agenda

Dear Julie Castañeda,

Enclosed please find the requested paperwork package for placing Christ Vail Lutheran Church on the BOS Agenda in August 2017 for 2014 tax year Property Tax Exemption. The property is owned by the church and actively used by the church for religious worship and church purposes. To assist, the Property Tax Exemption Questionnaire, IRS Ruling for Federal Tax Exemption, along with the tax matter lawsuit TX2014-000614 Plaintiff's Initial Disclosure with photos, etc, are enclosed.

If you have any questions, please contact me.

Very Truly Yours.

J. A. Bain

#### Iulie Castaneda

From:

admin@blfaz.com

Sent:

Thursday, July 27, 2017 9:27 AM

Го:

Julie Castaneda

Subject:

Christ Vail Lutheran Church

Good morning Julie,

The two parcel numbers for Ms. Bain's Clerk of the Board submission yesterday [Christ Vail Lutheran Church] are 305-90-4370 and 305-90-4380.

f you have any questions, please feel free to contact me.

lodi

#### Christ Vail Lutheran Church Property Tax Exemption request

Exhibit 1	Questionnaire for Property Tax Exemption
Exhibit 2	IRS Ruling- Federal Tax Exemption
Exhibit 3	Articles of Incorporation of a Tax Exempt Arizona Non-Profit Corporation
Exhibit 4	State of Arizona Annual Report & Certificate of Disclosure Corporation Commission
	Corporation
Exhibit 5	Previously submitted paperwork

# Exhibit 1 Questionnaire for Property Tax Exemption

# QUESTIONNAIRE FOR PROPERTY TAX EXEMPTION APPLICATION

1.	Name & Address of Non-Profit or Religious organization: Christ Vail Lutheran Church
	14600 E. Colosal Cave Road
	Tucson, Arizona 85641
2.	From which subsection of <b>Title 42</b> , <b>Chapter 11</b> , <b>Article 3-Exemptions</b> do you base your claim for exemption?  A.R.S. 42-11001 et al., A.R.S. 42-11109  (Arizona Revised Statutes can be found at: <a href="https://www.azleg.gov">www.azleg.gov</a> )
3.	Are there any type of business activities such as snack bars, cafés or restaurants operating on the premises? Yes No_x
4.	Is the organization exempt from Federal and/or State income taxes?  Yes X No
5.	Give day, month, and year deed/title was acquired by applicant.  Day Month_11 _ Year_2012
6.	Claimant is: Owner/Operator_XOwner onlyOperator only
7.	Exemption is claimed on: All landX Buildings & Improvements_X Personal PropertyX
8.	Is any portion of the property used as a place of residence? YesNox_ If yes, state number of individuals occupying the premises and the duration of the occupancy.
9.	Does applicant receive any income? (other than free will offerings in connection with this property) Yes $No_X$
10.	Is any portion of the property being leased or rented to a non-profit and/or a for- profit organization(s)? Yes No_X If yes, please list the name(s) of the organization(s)
11.	List date of occupancy: Day Month 11 Year 2012

#### Exhibit 2

**IRS Ruling- Federal Tax Exemption** 

#### 8.400: IRS RULINGS

8.405:

Federal Tax Exemption

Internal Revenue Service

Department of the Treasury

District Director 230 South Dearborn Street Chicago, IL 60604

The Lutheran Church-Missouri Synod

Attn: George Horensky 1333 South Kirkwood Road St. Louis, Missouri 63122 Date: JUN 0 3 1992



Re: 43-06#8188

#### Gentlemen:

By means of a letter dated July 23, 1941, issued to you under your name at the time (Evangelical Latheran Synod of Missouri, Ohio and Other States), you were determined to be organized and operated so as to be entitled to be exempt from federal income tax, and to be entitled to receive gifts for which the donors could claim deductions for federal income, gift and estate tax purposes. By means of a letter dated January 8, 1965, certain "subordinate" units were included in a group ruling, excluding, however, your commissions, committees, councils and your radio station, KFUO, all of which were observed to be merely activities of yours and not separate entities.

The purposes of this letter is to assure you that the Synod, including its boards, commissions, committees and councils, and any radio and television broadcast licenses owned by it and not structured as a corporation separate from the Synod, is exempt from federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, is not required to file federal income tax returns, and contributions to which are deductible by donors as provided in Section 170, 2055, 2106, and 2522 of the Code.

Finally, you may refer to this letter by its date in referring to our determination that you are an exempt organization.

Sincerely yours,

R. S. Wintrode, Jr. District Director

#### 8.410:

#### Group Tax-Exempt Ruling

Internal Revenue Service

Department of the Treasury

District Director 230 South Dearborn Street Chicago, IL 60604

Lutheran Church-Missouri Synod Attn: George Horensky 1333 South Kirkwood Road St. Louis, Missouri 63122 Date: JUN 0 3 1992

(5) ¥

Re: 43-0666188

#### Gentlemen:

In a letter dated January 8, 1965 your organization was issued a group ruling under Code Section 501(c)(3) of the Internal Revenue Code to cover your subordinate units. Based on the information recently submitted it is held that the subordinate units referenced below by category are those to be covered by the group ruling:

- Your fund-raising and fund-administering entities, presently consisting of The Lutheran Church-Missouri Synod Foundation.
- Your archives, presently consisting of Concordia Historical Institute.
- The districts of the Synod existing within the United States, including the circuits within those districts.
- 4. The incorporated church extension, funds of the Synod and its districts, presently consisting of (i) Lutheran Church Extension Fund-Missouri Synod, (ii) Ohio District Lutheran Church Extension Fund, Inc., (iii) The Church Extension Board of the Michigan District of the Lutheran Church-Missouri Synod, and (iv) The Southeastern District-Lutheran Church Missouri Synod Church Extension Fund, Inc.
- 5. The institutions of higher education of the Symod.
- 6. The member congregations of the Synod, including those in the formative stages of membership.
- 7. The elementary schools, middle schools and junior high schools, and high schools (a) that are operated by member congregations of the Synod and are not separately incorporated, (b) as well as those that are either separately incorporated or are otherwise identified as entities separate from congregations and which have consented in writing to be included in this group ruling.

Donors may deduct contributions to these organization as provided in Section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to your or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of Code Sections 2055, 2106, and 2522.

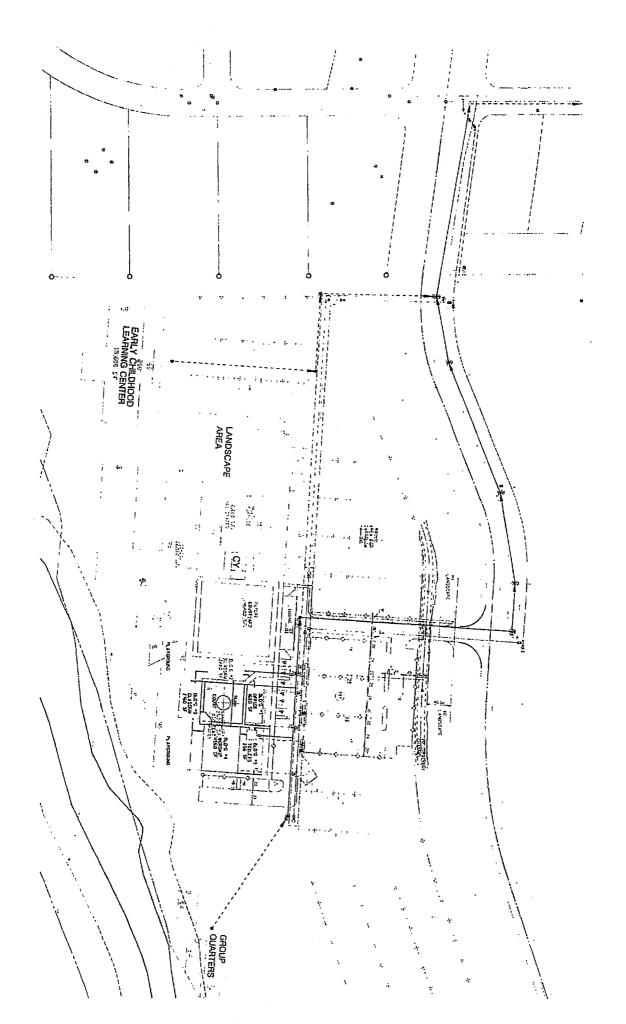
Lutheran Church-Missouri Synod

-2-

Because this letter could help resolve any questions about subordinates which are covered by this ruling, you should keep it in your permanent records.

Sincerely yours,

R. S. Wintrode, Jr. District Director



CONCEPT B CHURCH ON SOUTH SIDE CHRIST LUTHERAN VAIL CHURCH

Stations of the Chouse
Meditation
And
Spraiture
Rehews. FESIDANCE SOSCER 7E530E343E ADSE GARDEN COLUMBARIUM CHAPEL STRICES NATER FEATURE FCE SCHOOL COURTYARD MULTIFUHPOSE 9,000 SF 26,000 st Counseinto

Food Вамк

COMMUNITY CENTER GYMMASIUM

A11731415

#### Exhibit 3

Articles of Incorporation of a Tax Exempt Arizona Non-Profit Corporation

# AZ CORPORATION COMMISSION FILED



DCT 18 2008

FILE NO. -1318264-7

# ARTICLES OF INCORPORATION OF A TAX-EXEMPT

(Arizona Non-Profit Corporation)

ı.	Name: The Name of the Corporation	n is: Christ Lutheran Vail Church				
2.	Purpose: The purpose for which the corporation is organized is:  To strengthen families through the gospels of Jesus Christ					
3.	Character of Affairs: The character of affairs of the corporation will be:  Operate the Church and its Ministries					
4.	directors, officers, or other private property reasonable compensation for ser purposes set forth in Article 2. No su propaganda, or otherwise attempting intervene in (including the publishin candidate for public office. Notwiths on any other activities not permitted under Section 501C3 of the Internal Internal Revenue Law) or: (b) by a control of the property of the internal control of the Internal Internal Revenue Law) or: (b) by a control of the Internal Internal Revenue Law) or: (b) by a control of the Internal Internal Revenue Law) or: (b) by a control of the Internal Internal Revenue Law) or: (b) by a control of the Internal Internal Revenue Law) or: (b) by a control of the Internal Internal Revenue Law) or: (b) by a control of the Internal Internal Revenue Law) or: (b) by a control of the Internal Internal Revenue Law) or: (b) by a control of the Internal Internal Revenue Law) or: (b) by a control of the Internal Internal Revenue Law)	poration shall inure to the benefit of, or be distributable to its members, ersons, except that the corporation shall be authorized and empowered to vices rendered and to make payments and distributions in furtherance of the abstantial part of the activities of the corporation shall be the carrying on of to influence legislation, and the corporation shall not participate in, or g or distribution of statements,) any political campaign on behalf of any standing any other provision of these Articles, the corporation shall not carry to be carried on: (a) by a corporation exempt from Federal Income Tax Revenue Code (or the corresponding provision of any future United States corporation, contributions to which are deductible under Section 501C3 of or the corresponding provisions of any future United States Internal Revenue				
5.	payment of all of the liabilities of the corporation in such a manner, or to seducational, religions or scientific pumder Section 501C3 of the Internal Internal Revenue Laws) as the Board disposed of by the Superior Court of	ion, the Board of Directors shall, after paying or making provision for the ecorporation, dispose of all its assets exclusively for the purposes of the such organizations organized and operated exclusively for charitable, urpose as shall at the time qualify as an exempt organization or organizations. Revenue Code (or the corresponding provision of any future United States of of Directors shall determine. Any such assets not disposed of shall be fithe county in which the principle office of the corporation is then located, uch organization or organizations, as said Court shall determine, which are for such purpose.				
6.	The power of indemnification under	the Arizona Revised Statutes shall not be denied or limited by the bylaws.				
7.	Board of Directors: The initial board of directors shall consist of					
	Name	Address				
	David Hook	PO Box 809, Vail, AZ 85641				
	Richard Phillips	13846 E. Placita Perlina, Vail, AZ 85641				
	Larry Unger	8628 E. Esselmont Dr., Tucson, AZ 85747				
	Paul Schaefer	449 S. Sunny Rock, Vail, AZ 85641				

The number of persons to serve on the board of directors thereafter shall be fixed by the Bylaws

8. Kn 12	nown Place of Business. (In Arizona): The street address of the known place of business of the Corporation is: 775 E. Mary Ann Cleveland Way, Vail, AZ 85641			
9. Ma	Mailing Address of Corporation: The mailing address of the Corporation is: P. O. Box 809; Vail, AZ 85641			
	atutory Agent. (In Arizona): The name and address of the statutory agent of the Corporation is: chard Phillips, 13846 E. Placita Pezuna, Vail, AZ 85641			
Mi All	corporators: The name(s) and address(es) of the incorporator(s) is (are): chael Banner, PO Box 13092, Tucson, AZ 85732  I powers, duties and responsibilities of the incorporators shall cease at the time of delivery of these Articles of corporation to the Arizona Corporation Commission.			
DIS	(Check this box, if this provision will apply to your corporation.): SCRIMINATION: The corporation will not practice or permit discrimination on the basis of sex, age, race, ional origin, religion, or physical handicap or disability.			
	EMBERS (Check One): e corporation will will not have members.			
EX	ECUTED this day of , _2006 by all of the incorporators.			
Signed				
	Michael Banner			
	[Print Name Here] [Print Name Here]			
PHON	E <u>520-881-3989</u> FAX <u>734-468-6219</u>			
The une	dersigned hereby acknowledges and accepts the appointment as statutory agent of the above-named ution effective this 13 day of Color , 2006 .			
	Richard Phillips  [Print Name Here]  If sighing on behalf of ecompany serving as statutory agent, print company name here]			

#### ARIZONA CORPORATION COMMISSION CORPORATIONS DIVISION

Phoenix Address: 1300 West Washington Phoenix, Arizona 85007-2929 Tucson Address:

400 West Congre Tueson, Arizona 85701-1347

**PROFIT** 

### CERTIFICATE OF DISCLOSURE

A.R.S. §10-202.D

Christ Lutheran Vail Church

**EXACT CORPORATE NAME** 

A. Has any person serving either by election or appointment as officer, director, trustee, incorporator and persons controlling or holding over 10% of the issued and outstanding common shares or 10% of any other proprietary, beneficial or membership interest in the corporation:

- 1. Been convicted of a felony involving a transaction in securities, consumer fraud or antitrust in any state or federal jurisdiction within the seven-year period immediately preceding the execution of this Certificate?

  2. Been convicted of a felony, the essential elements of which consisted of fraud, misrepresentation, theft by false pretenses, or restraint of trade or
- monopoly in any state or federal jurisdiction within the seven-year period immediately preceding the execution of this Certificate?
- 3. Been or are subject to an injunction, judgment, decree or permanent order of any state or federal court entered within the seven-year period immediately preceding the execution of this Certificate wherein such injunction, judgment, decree or permanent order.
  - (a) Involved the violation of fraud or registration provisions of the securities laws of that jurisdiction?; or
  - (b) Involved the violation of the consumer fraud laws of that jurisdiction?; or
  - (c) Involved the violation of the antitrust or restraint of trade laws of that jurisdiction?

37-4	N-	1	
Yes	Nο	v	

- B. IF YES, the following information MUST be attached:
- 1. Full name, prior name(s) and aliases, if used.
- 2. Full birth name.
- 3. Present home address.
- 4. Prior addresses (for immediate preceding 7-year period).
- 5. Date and location of birth.

- Social Security number.
- 7. The nature and description of each conviction or judicial action, date and location, the court and public agency involved and file or cause number of case.

C. Has any person serving as an officer, director, trustee or incorporator of the corporation served in any such capacity or held or controlled over 20% of the issued and outstanding common shares, or 20% of any other proprietary, beneficial or membership interest in any other corporation which has been placed in bankruptcy, receivership or had its charter revoked, or administratively or judicially dissolved by any state or jurisdiction?

\_No. • Yes

IF YOUR ANSWER TO THE ABOVE QUESTION IS "YES", YOU MUST ATTACH THE FOLLOWING INFORMATION FOR EACH CORPORATION:

- 1. Name and address of the corporation.
- 2. Full name (including aliases) and address of each person involved.

D. The fiscal year end adopted by the corporation is Dec 31st

- 3. State(s) in which the corporation:
  - (a) Was incorporated. (b) Has transacted business. 4. Dates of corporate operation.
- 5. Date and case number of Bankruptcy or date of revocation/administrative dissolution.

Under penalties of law the and ridered in account of the	officer(a) declare(a) that [(use) have	examined this Certificate, including any attachments, and to the
hast a fermious) les solutes and finding in the solution of th	officer(s) declare(s) that I (we) have	examined his Cerumoate, including any anatomicins, and to the
		s indicated above. THE SIGNATURE(S) MUST BE DATE
WITHIN THIRTY(30) DAYS OF THE DELIVERY D	EUE.	
ву	ВУ	
Michael Banner	7	
PRINT NAME IVICINEL BROTHER	PRINT NAM	IE
Y	11.0.000	
TITLE Incorporator DATE 10	/13/2006 TITLE	DATE

DOMESTIC CORPORATIONS: ALL INCORPORATORS MUST SIGN THE INITIAL CERTIFICATE OF DISCLOSURE If within sixty days, may person becomes an officer, director, trustee or person controlling or holding over 10% of the issued and outstanding shares or 10% of any other proprietary, beneficial, or membership interest in the corporation and the person was not included in this disclosure, the corporation must file an AMENDED certificate signed by at least one duly authorized officer of the corporation.

FOREIGN CORPORATIONS: MUST BE SIGNED BY AT LEAST ONE DULY AUTHORIZED OFFICER OF THE CORPORATION. CF: 0022 - Business Corporations

Rev: 04/04

#### Exhibit 4

State of Arizona Annual Report & Certificate of Disclosure Corporation Commission Corporation





E-FILED

#### STATE OF ARIZONA CORPORATION COMMISSION CORPORATION ANNUAL REPORT & CERTIFICATE OF DISCLOSURE

04702194



DUE ON OR BEFORE

06/16/2014

FILING FEE

\$10.00

PLEASE READ ALL INSTRUCTIONS. The following information is required by A.R.S. §§10-1622 & 10-11622 for all corporations organized pursuant to Arizona Revised Statutes, Title 10. The Commission's authority to prescribe this form is A.R.S. £§10-121(A) & 10-3121(A). YOUR REPORT MUST BE SUBMITTED ON THIS ORIGINAL FORM. Make changes or corrections where necessary. Information for the report should reflect the current status of the corporation.

-1318264-7 CHRIST LUTHERAN VAIL CHURCH 14600 E COLOSSAL CAVE ROAD 14600 E COLOSSAL CAVE RD VAIL, AZ 85641

Business Phone: State of Domicile: ARIZONA		(Business phone is optional.)  Type of Corporation: NON-PROFIT
Statutory Agent: DICSA Meniling Address: 13845 City, State, Elp: VALL,	d Peillige E Flaciza Perupa Az 95641	Statutory Agent's Street or Physical Address: Physical Address: City, State, Eip: AE
ACC USE ONLY Fee \$ 10.00 Fenally 3 0.00		ew statutory agent, the new agent MUST consent to that signing below. Note that the agent address must be in Arizona.
Reinstate\$ 0.00		eporation or limited liability company) having been designated the new Statidary Agent to appointment until my removel or resignation purewent to law.
	- PL	mature of new Stabitory Agent
Resubmit\$	, un	

(Foreign Corporations are REQUIRED to complete this section).

4. CHARACTER OF BUSINESS

RELIGIOUS

Received: 06/03/2014 10:32

#### -1318264-7 CHRIST LUTBERAN VAIL CHURCH

Page 2

5. CAPITALIZATION:

(For-profit Corporations and Business Trusts are REQUIRED to complete this section.)

Business trusts must indicate the number of transferable certificates held by trustees evidencing their beneficial interest in the trust estate.

 Please examine the corporation's original Articles of Incorporation for the amount of shares authorized. Number of Shares/Certificates Authorized Class Series Within Class (If any)

5b. Review all corporation amendments to determine if the original number of shares has changed. Examine the corporation's minutes for the number of shares issued.

Number of Shares/Certificates issued

Class

Series Within Class (if any)

6. SHAREHOLDERS: (For-profit Corporations and Business Trusts are REQUIRED to complete this section.)

List shareholders holding more than 20% of any class of shares issued by the corporation, or having more than a 20% beneficial interest in the corporation.

NONE

#### 7. OFFICERS

Name: CHUCK BERSBACH

Title: PRESIDENT

Address: 8163 S CAMINO SERPE

TUCSON, AZ 85747

Date Taking Office: 01/01/2013

Name: DIANE SWARTZ

Title: SECRETARY

Address: 7671 S FRESHWATER PEARL DR

TUCSON, AZ 85747

Date Taking Office: 01/01/2012

Name: JEANNE LUMIA

Title: SECRETARY

Address: 13455 E. HAMPDEN GREEN WAY

VAIL, AZ 85641

Date Taking Office: 01/01/2014

Name: Title:

Address:

Date Taking Office:

#### 8. DIRECTORS

Name: RICHARD W PHILLIPS

Address: 13846 E. PLACITA PEZUNA

VAIL, AZ 856411400

Date Taking Office: 01/01/2011

Name:

Address:

Date Taking Office:

Name:

Address:

Date Taking Office:

Name:

Address:

Date Taking Office:

Q	FINANCIAL	DIRCI	OSHEE //	PR	K10	11622/A169)
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Nonprofits - if your annual report is due on or before September 25, 2008, you must attach a financial statement (e.g. income/spense statement, balance sheet including assets, liabilities). If your nonprofit annual report is due after September 25, 2008, a financial statement is not required. Cooperative marketing associations must in all cases submit a financial statement. All other forms of corporations are exempt from filing a financial statement no matter what date the annual report was due.

#### ONLY NONPROFIT CORPORATIONS MUST ANSWER THIS QUESTION:

9A. MEMBERS (A.R.S. \$10-11822(A)(6))

#### This corporation DOES A DOES NOT I have members.

#### 10. <u>CERTIFICATE OF DISCLOSURE</u> (A.R.S. §§ 10-202(D), 10-3202(D), 10-1622(A)(F) & 10-11822(A)(7))

- Has any person who is currently an officer, director, trustee, incorporator, or who, in a For-profit corporation, controls or holds more than 10% of the issued and outstanding common shares or 10% of any other proprietary, beneficial or membership interest in the corporation
- Convicted of a felony involving a transaction in securities, consumer fraud or antitrust in any state or federal jurisdiction within the seven year period immediately preceding the execution of this certificate?
- Convicted of a felony, the essential elements of which consisted of fraud, misrepresentation, their by false pretenses or restraint of trade or
- monopoly in any state or federal jurisdiction within the seven year period immediately preceding execution of this certificate?

  Subject to an injunction, judgment, decree or permanent order of any state or federal court entered within the seven year period immediately preceding execution of this certificate where such injunction, judgment, decree or permanent order involved the violation of:
  - (a) fraud or registration provisions of the securities lews of that jurisdiction, or
  - (b) the consumer fraud laws of that jurisdiction, or
  - (c) the antitrust or restraint of trade laws of that jurisdiction?

#### One box must be marked: YES D NO 2

If "YES" to A, the following information must be submitted as an attachment to this report for each person subject to one or more of the actions stated in Items 1 through 3 above.

B

- Full birth name.
- Full present name and prior names used.
- Present home address
- All prior addresses for immediately preceding 7 year
- Date and location of birth.
  - The nature and description of each conviction or judicial action; the date and location; the court and public agency involved; and the file or cause number of the case.
- Has any person who is currently an officer, director, trustee, incorporator, or who, in a For-profit corporation, controls or holds over 20% of the issued and outstanding common shares, or 20% of any other proprietary, beneficial or membership interest in the corporation, served in any such capacity or held a 20% interest in any other corporation on the bankruptcy or receivership of that other corporation?

#### One box must be marked: YES D NO XI

If "YES" to B, the following information must be submitted as an attachment to this report for each corporation subject to the statement above

- (a) Name and address of each corporation and the persons involved.
- (b) State(e) in which it (i) was incorporated and (ii) transacted business.
- (c) Dates of corporate operation.

#### 11. STATEMENT OF BANKRUPTCY OR RECEIVERSHIP (A.R.S. 58 10-1623 & 10-11623)

- Here the componentian filed a partition for bankruptcy or appointed a receiver? One box must be marked: YES O NO 12 If "Yes" to A, the following information must be submitted as an attachment to this report:
  - 1. All officers, directors, trustees and major stockholders of the corporation within one year of fling the petition for benkruptcy or the appointment of a receiver. If a major stockholder is a corporation, the statement shall list the current president, chairman of the board of directors and major stockholders of such corporate stockholder. "Major stockholder" means a shareholder possessing or controlling twenty per cent of the issued and outstanding shares or twenty per cent of any proprietary, beneficial or membership interest in the corporation.
  - 2. Whether any such person has been an officer, director, trustee or major stockholder of any other corporation within one year of the bankruptcy or receivership of the other corporation, if so, for each such corporation give:
    - (a) Name and address of each corporation;
    - (b) States in which it: (i) was incorporated and (ii) transacted business.
    - (c) Dates of operation.

12. SIGNATURES: Annual Reports must be signed and dated by at least one duly authorized officer or they will be rejected. I declare, under penalty of perjury, that all corporate income tax returns required by Title 43 of the Arizona Revised Statutes have been filed with the Arizona Department of Revenue. I further declare under penalty of perjury that I (we) have examined this report and the certificate, including any attachments, and to the best of my (our) knowledge and belief they are true, correct and complete.

Name	CHUCK HERSBACH Date 06/03/2014
Signat	tureCHUCK_BERSBACH
Title	PRESIDENT
	(Signator(s) must be duly authorized corporate officer(s) listed in section 7 of this report.)

AR HOUS Rav. 12/2008 Artzona Corporation Commission Corporations Division

# Exhibit 5 Previously Submitted Paperwork

Jodi A. Bain
BAIN LAW FIRM, P.L.L.C.
P.O. Box 64217
Tucson, Arizona 85728
Telephone: (520) 203-3044
State Bar No. 029270
jbain@blfaz.com
Attorney for Plaintiff
IN THE SUP

# IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN THE ARIZONA TAX COURT

Christ Lutheran Vail Church, an Arizona Tax Exempt Religious Non-Profit Corporation,

Plaintiff,

vs.

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Pima County, a body politic and subdivision of the State of Arizona; and Arizona Department of Revenue, an Agency of the State of Arizona,

Defendants.

Case No.: TX2014-000614

## PLAINTIFF'S INITIAL DISCLOSURE STATEMENT

Title 42 Property Tax

(Hon. Christopher Whitten)

Plaintiff, by and through counsel undersigned, pursuant to Rule 26.1 (b)(1), Arizona Rules of Civil Procedure, discloses the following information:

#### **Preliminary Statement**

This initial disclosure statement and its content represent the product of initial phases of discovery, and further investigation and discovery may bring to light additional information that may have a bearing on Plaintiff's factual disclosure, legal theories and defenses, witnesses and exhibits, and any required supplementation of, and revisions to, this initial disclosure statement. This initial disclosure statement is submitted subsequent to preceding informal disclosure over the past months. Accordingly, this initial disclosure statement is not now intended to represent Plaintiff's complete theory of the case entire defense, etc. Rather, it is merely a preliminary

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statement until further information is obtained. Plaintiff reserves the right to supplement this information as it becomes available to or brought to the attention of Plaintiff. Nothing in this initial disclosure statement should be construed as an admission as to the admissibility into evidence of any testimony or documents.

Plaintiff objects to the disclosure of information that is protected by the attorney-client privilege, the work product doctrine or any other applicable privileges. If Plaintiff inadvertently discloses information that may be protected from discovery under the attorney-client privilege, the work product doctrine or any other applicable privileges, then such inadvertent disclosure does not constitute a waiver of any such privileges/doctrine.

#### A. Factual Basis:

Plaintiff, Christ Vail Lutheran Church, an Arizona tax exempt religious non-profit Corporation ("Plaintiff" or "Church"), owns real property in Pima County, identified by Pima County Assessor parcel numbers 305-90-4370 and 305-90-4380 (collectively the "Subject Property"). The Church acquired the Subject Property in November of 2012 with the intent and for the purpose to utilize it for religious purposes.

Parcel 305-90-4380 consists of approximately 25 acres of land with a parking lot, a modular building and an early childhood center. Parcel 4380 received a partial exemption for the 2014 tax year. Parcel 305-90-4370 consists of approximately 10 acres of land with Stations of the Cross, a prayer path, which is also used for weekly spiritual community get-togethers.

Plaintiff properly submitted an Affidavit for Organizational Tax Exemption for tax year 2014 for the Subject Property on February 12, 2014, pursuant to A.R.S. § 42-11152. Included with this submission was the draft site plan for the two parcels that comprise the Subject Property, meeting minutes dated December 23, 2012 with discussion that the Subject Property

# ucson, AZ 85728 (520)203-3044

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was to be used primarily for religious worship and purposes, and two letters from the Internal Revenue Service describing the Church synod and federal tax exemption.

#### B. Legal Theories:

This Court has jurisdiction and venue is proper pursuant to A.R.S. 42-11005, A.R.S. 12-163 and A.R.S. 12-165. Defendant failed to properly consider, approve and apply A.R.S. § 42-11101, et al, including (but not limited to), in particular, an exemption for religious property pursuant to A.R.S. § 42-11109 to the Subject Property. For parcel 305-90-4370, the denial was erroneously grounded upon it "not meeting the requirements of any subsection in Arizona Revised Statute Title 42 Chapter 11 Article 3. Exemptions." Meanwhile, parcel 305-90-4380 inaccurately received merely a partial exemption.

Additionally, pursuant to A.R.S. 42-11054(B), the Assessor must consider current use in applying the prescribed standard methods and techniques to determine the full cash value of property for tax purposes.

A.R.S. 42-16055 requires the county assessors to consider the valuation of similar properties that are similarly situated, when valuing property for tax purposes.

A.R.S. 42-16107(B) and A.R.S. 42-16162(C) require that the county boards of equalization, and the state board of equalization consider the valuation of similar properties that are similarly situated in their decisions.

Article Nine, Section One of the Arizona Constitution requires uniformity of taxes and Article Two, Sections Four and Thirteen provide for due process and equal protection in the assessment of taxes.

Plaintiff believes that the Defendant did not comply with the above statutes, laws, and procedures in valuing the Subject Property.

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#### C. Witnesses Expected to Testify at Trial:

- 1. Grace Gutierrez, Specialized Office Support Supervisor, Exemption Services, Pima County Assessor's Office.
  - 2. Bill Staples, Pima County Assessor.
  - 3. Pastor David Hook\*, Christ Vail Lutheran Church. c/o The Bain Law Firm.
- Various persons mentioned in Plaintiff's responses to disclosures A through I and 4. the County Assessor personnel that are as yet unidentified.
- Any and all witnesses listed by Defendants in discovery responses and/or 5. disclosure statements, including any and all documents attached thereto.
  - 6. Custodian of records as necessary. Plaintiff will supplement as necessary and/or required.

\*These witnesses may be contacted through Jodi A. Bain, counsel for Plaintiff.

- D. Other Person(s) with Relevant Information or Knowledge: Names and addresses of all persons whom the Plaintiff believes may have knowledge relevant to the events, transactions, or occurrences that give rise to the action, and the nature of the knowledge or information each individual is believed to possess:
- 1. Grace Gutierrez, Specialized Office Support Supervisor, Exemption Services, Pima County Assessor's Office.
  - 2. Bill Staples, Pima County Assessor.
  - 3. Pastor David Hook\*, Christ Vail Lutheran Church. c/o The Bain Law Firm.
  - 4. All the persons mentioned in Plaintiff's responses to disclosures A through I and the County Assessor personnel that are as yet unidentified.

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Plaintiff will supplement as necessary and/or required.

\*These witnesses may be contacted through Jodi A. Bain, counsel for Plaintiff.

#### E. Persons who have Given Statements:

See C and D above. All the persons mentioned in Plaintiff's responses to disclosures A through I and the County Assessor personnel that are as yet unidentified. Plaintiff will supplement as necessary and/or required.

#### F. Expert Witnesses:

Plaintiff has not yet determined all expert witness(es) in this case at this time. Plaintiff will supplement as necessary and/or required.

G. Damages: A computation and the measure of damages alleged by the Plaintiff and the documents or testimony on which computation and measure are based, and the names, addresses and telephone numbers of all damages witnesses:

For the 2014 tax year, Plaintiff believes that the Pima County Assessor failed to properly consider, approve and apply the appropriate exemption for the Subject Property, pursuant to A.R.S. § 42-11001, et al, including but not limited to, in particular, an exemption for religious property pursuant to A.R.S. § 42-11109. Damages to the plaintiff include the illegally levied and assessed tax on the Subject Property. The exact tax refund and applicable interest are to be computed by the County Treasurer pursuant to Arizona statutes.

- H. Trial Exhibits: The existence, location, custodian and general description of any tangible evidence or relevant documents that the Plaintiff plans to use at trial and relevant insurance agreements:
  - A. Christ Lutheran Vail Church Site Plan. CHURCH 1.

### Jodi A. Bain BAIN LAW FIRM, P.L.L.C. P.O. Box 64217 Tucson, AZ 85728 (520)203-3044

#### B. Photos of Subject Property. CHURCH 2 - 9.

At this time, in addition to the Affidavit for Organizational Tax Exemption for tax year 2014 and its attachments by Plaintiff submitted to Defendants on or about February 12, 2014, the tangible evidence and relevant documents the Defendant plans to use at trial are attached hereto (if any) and incorporated herein. Plaintiff will supplement as necessary and/or required.

#### I. Other Relevant Documents:

Plaintiff believes that at this time, the relevant documents have been listed and produced pursuant to the preceding disclosures A through I, if any. Plaintiff will supplement as necessary and/or required. All of the disclosures herein include information and data in the possession, custody and control of the Plaintiff as well as that which can be ascertained, learned or acquired by reasonable inquiry and investigation.

DATED this 31st day of December, 2015.

BAIN LAW FIRM, P.L.L.C.

By: /s/ Jodi A. Bain
Jodi A. Bain
Counsel for Plaintiff

///

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1	Electronic copies emailed	
Jodi A. Bain BAIN LAW FIRM, P.L.L.C. P.O. Box 64217 Tueson, AZ 85728 (520)203-3044 12 13 14 15 16	this 31 <sup>st</sup> day of December, 2015, to:  Terri A. Roberts Law Office of Terri A. Roberts P.O. Box 85220 Tucson, Arizona 85754 (520) 850-5948 Terri.Roberts@azbar.org Attorney for Bill Staples	
		Brian Marchetti
		Marchetti Law Firm, PLLC 290 N. Meyer Avenue
		Tucson, Arizona 85701 (520) 334-2067
		brian@yourtucsonlawfirm.com  Attorney for Bill Staples
		BARBARA LAWALL
	PIMA COUNTY ATTORNEY	
	CIVIL DIVISION David W. Krula	
	32 N. Stone Avenue, Suite 2100	
	Tucson, Arizona 85701 David.Krula@pcao.pima.gov	
	Attorney for Pima County	
		Macaen Mahoney ARIZONA ATTORNEY GENERAL
	17	1275 W. Washington Street
	18	Phoenix, Arizona 85007 Macaen.Mahoney@azag.gov
	19	Attorney for Arizona Department of Revenue
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