

**Order of the Thurston County
Board of Equalization**

Property Owner: EUGENE KUNISHI

Parcel Number(s): 37870001200

Assessment Year: 2016

Petition Number: 16-0579

Having considered the evidence presented by the parties in this appeal, the Board hereby:

☒ sustains ☐ overrules the determination of the assessor.

Assessor's Determination

Does not qualify for the Senior Citizens Exemption Program; Exceeds income limit.

BOE Determination

Does not qualify for the Senior Citizens Exemption Program; Exceeds income limit.

This decision is based on our finding that: The Board supports the Assessor's determination to deny the Petitioner's renewal application for the Senior Citizens Exemption Program. The Board finds that the Assessor is correct in determining that the Petitioner's income exceeds the \$40,000 limit under the statute.

The Petitioner testified that he borrowed funds from a bank to secure a single premium annuity from another company. The Petitioner's residence was used as collateral for the loan. The Petitioner contends that annuity costs and loan costs should be deducted from his income. The Petitioner testified that he requires additional assistance to maintain his home.

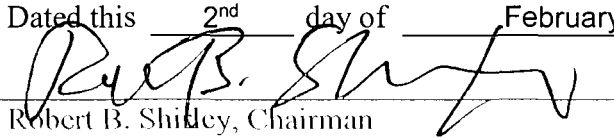
The Assessor contends that the documentation submitted by the Petitioner shows that his income exceeds the statutory maximum of \$40,000. The Assessor's representatives reviewed all of the sources of income that must be considered, including annuity payments and Social Security payments. The Assessor's representatives explained that program participants must renew their exemptions every six years.

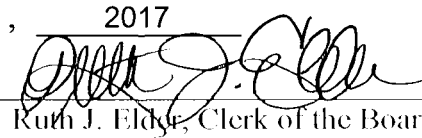
The annuity payments resulting from the investment of money borrowed from a bank with the property pledged as collateral are not very dissimilar from a reverse mortgage. The Assessors' representatives testified that income from a reverse mortgage would not be counted like income from the appellant's annuity. However, property tax exemption statutes must be strictly construed. WAC 458-16-100(2).

The Board concludes that the Petitioner's income exceeds the \$40,000 maximum allowed for the Senior Citizens Exemption Program. The Board finds that the Petitioner did not provide clear, cogent, and convincing evidence to overcome the Assessor's presumption of correctness.

Dated this 2nd day of February,

2017


Robert B. Shirley, Chairman


Ruth J. Elder, Clerk of the Board

NOTICE

This order can be appealed to the State Board of Tax Appeals by filing a notice of appeal with them at PO Box 40915, Olympia, WA 98504-0915 or at their website at bta.state.wa.us/appeal/forms.htm within thirty days of the date of mailing of this order. The Notice of Appeal form is available from either your county assessor or the State Board.

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