

Robyn A. Crittenden  
State Revenue Commissioner



Frank M. O'Connell  
Deputy State Revenue Commissioner

**Georgia Department of Revenue  
Office of the General Counsel**

1800 Century Boulevard, N.E., Suite 15107, Atlanta, Georgia 30345

March 22, 2022

**VIA:** First Class Mail

[REDACTED]

**RE: Intangible Recording Tax Protest and Claim for Refund for Security Deed, dated [REDACTED]**

[REDACTED]

[REDACTED]

The Department of Revenue has carefully considered your intangible recording tax ("IRT") Protest and Claim for Refund related to the above-mentioned recording. Under Georgia law, IRT is not required to be paid on any instrument that gives additional security for an existing note without the additional advance of indebtedness when "[i]t affirmatively appears that the [IRT] has been paid on the original security instrument recorded . . ." O.C.G.A. § 48-6-65(a)(1); *see also* Ga. Comp. R. & Regs. R. 560-11-8-.04.

The above-referenced instrument was recorded with an affidavit the inclusion of which was noted on the face of the security deed. *See* [REDACTED]. The affidavit explained that the instrument memorialized the Lender's final advance on Borrower's original indebtedness secured by the Borrower's pledge of additional property as collateral. *See* [REDACTED]. The affidavit further explained Lender had not extended any additional credit in exchange for the additional collateral. *See id.* Finally, the affidavit noted that \$ [REDACTED] in IRT was paid when the original security deed was recorded on [REDACTED], and concluded no additional tax was due. *See* [REDACTED]. The original instrument can be found at [REDACTED].

Based on our review of the documents on record, your Claim for Refund in the amount of \$ [REDACTED] is hereby granted. A copy of this determination is being provided to the [REDACTED] County

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Clerk of Superior Court to facilitate refund of the payment collected.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Capotosto".

Dominick Capotosto  
Deputy General Counsel  
Georgia Department of Revenue

cc: [REDACTED] Clerk of Superior Court