



Department of Revenue
State of Georgia
1800 Century Center Bldg.
Suite 15300
Atlanta, Georgia 30345
(404) 417-2100

C. Jerry Jackson
Commissioner

December 3, 2002

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

RE: Intangible Recording Tax Protest and Claim for Refund of tax paid when a security deed between [REDACTED] (Lender) and [REDACTED] and [REDACTED] (Borrowers) was recorded.

Dear [REDACTED]:

Your protest and claim for refund has been carefully reviewed based on your letters dated November 12, 1998, January 17, 2001 and October 3, 2001 with accompanying documentation. It is my determination that intangible recording tax in the amount of [REDACTED] was due when the security deed between the parties was recorded. It is my further determination that your clients [REDACTED] and [REDACTED] were not entitled to an exemption of the outstanding principal balance of the original loan from intangible recording tax when they refinanced their loan with [REDACTED]. The intangible recording tax that was paid may not be refunded.

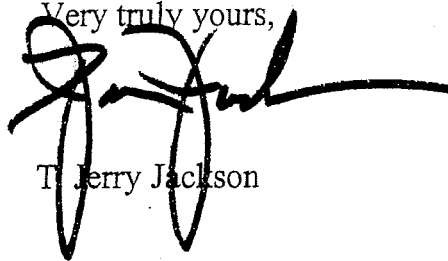
O.C.G.A. 48-6-65 (b) provides in pertinent part that no tax shall be collected on that part of the face amount of a new instrument securing a long-term note secured by real estate, which represents a refinancing by the original lender of unpaid principal on a previous instrument if all intangible recording tax due on the previous instrument has been paid or the previous instrument was exempt and the new instrument contains a statement of what part of its face amount represents a refinancing of unpaid principal on the previous instrument.

It is the policy of the Department of Revenue that when an original lender sells, transfers or assigns a mortgage to another lender after closing the original loan, an exemption of the outstanding principal balance of the loan from intangible recording tax may not be granted. [REDACTED] had assigned the original mortgage to [REDACTED].

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Your claim for a refund is denied because the refinancing did not meet the criteria for an exemption from the tax.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. Jerry Jackson", written in a cursive style.

T. Jerry Jackson

TJJ/JWM/jt

cc: Clerk of Superior Court, [REDACTED]