



Bart L. Graham  
Commissioner

State of Georgia  
Department of Revenue

Suite 15300  
1800 Century Boulevard  
Atlanta, Georgia 30345  
(404) 417-2100

December 27, 2006

[REDACTED]

Re: Protest and Claim for Refund Intangible Recording Tax totaling [REDACTED] paid upon recording a Deed to Secure Debt between [REDACTED] (Grantor) and [REDACTED] (Grantee) with the Clerk of Superior Court, [REDACTED] on March 31, 2006

Dear [REDACTED]

I have carefully considered the Protest and Claim for Refund of intangible recording tax in the amount of [REDACTED] when a Deed to Secure Debt between the parties was recorded with the Clerk of Superior Court, [REDACTED] on March 31, 2006. Your Protest, your Claim for Refund, your letters of April 20, 2006, May 4, 2006, and June 9, 2006 with supporting documentation, and your Protest and Claim for Refund with supporting documentation filed with the Clerk of Superior Court, [REDACTED] were all considered in the review.

It is my determination that intangible recording tax in the amount of [REDACTED] was not due when the security instrument between the parties was recorded on March 31, 2006.


Department of Revenue Comp. Rules and Regulations, 560-11-8-.14 provides, at subsection (b), that an exemption from payment of intangible recording tax shall apply, "Where any of the following is Grantee: a federal credit union, a state of Georgia chartered credit union, or a church."

[REDACTED]  
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In this matter, it was not until the Department's *third* request that a document was supplied indicating that the Internal Revenue Service, in a letter dated March 31, 1999, had conferred tax-exempt status upon the Grantee-Lender as a Church. At no time was that document supplied to the Clerk of Superior Court, [REDACTED] however.

A copy of this determination is being provided to the Clerk of Superior Court, [REDACTED] as their authority to refund the protested amount of [REDACTED] currently being held in a special escrow account under authority of the statute.

Sincerely,



Bart L. Graham

BLG/RJL/mb

cc: Clerk of Superior Court, [REDACTED]