

Bond Case Briefs

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Rankin County Board of Supervisors v. Lakeland Income Properties, LLC

Supreme Court of Mississippi - May 10, 2018 - So.3d - 2018 WL 2147128

Tenant, which operated shopping plaza on land leased from airport, appealed decision of county board of supervisors assessing ad valorem taxes.

The Circuit Court granted summary judgment to tenant but found that exemption applied for only one tax year. Parties appealed.

The Supreme Court of Mississippi held that:

- A taxpayer who claims entitlement to an exemption from ad valorem taxation that is automatic or self-operating need not file an objection before appealing to the circuit court;
- Tenant was entitled to exemption from ad valorem taxation;
- Tenant's exemption was automatic; and
- Tenant's right to refund was subject to general three-year statute of limitations.

Lease between tenant and airport, under which tenant used land to operate shopping plaza, was for "commercial purposes" in connection with operation of airport, and thus tenant was entitled to exemption from ad valorem taxation; leased premises had a commercial purpose, and with noise concern, land leased for commercial purpose was compatible with airport.