

Bond Case Briefs

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Emmanuel Worship Center v. City of Petersburg

Supreme Court of Virginia - January 6, 2022 - S.E.2d - 2022 WL 52390

Taxpayer filed bill of review challenging issuance of decree of sale.

The Circuit Court dismissed bill. Taxpayer appealed.

The Supreme Court held that:

- Action underlying taxpayer's bill of review sounded in equity, rather than being an action at law for which bill of review would be unavailable, and
- Fact that taxpayer would be barred by statute of limitations from bringing an action against city to challenge validity of assessments on property allegedly subject to the self-executing exemption for property owned by religious organizations did not preclude taxpayer's use of such exemption as defense to city's attempt to sell the property in a tax sale.

Action underlying taxpayer's bill of review, in which city sought to sell taxpayer's property to collect delinquent real estate taxes, sounded in equity, rather than being an action at law for which bill of review would be unavailable.

Fact that taxpayer would be barred by statute of limitations from bringing an action against city to challenge validity of assessments on property allegedly subject to the self-executing exemption for property owned by religious organizations did not preclude taxpayer's use of such exemption as defense to city's attempt to sell the property in a tax sale; it would be an absurd result if a locality could issue assessment against any tax-exempt property and then seek sale if taxpayer did not respond within limitations period.