

# **Bond Case Briefs**

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## **TAX - MISSISSIPPI**

### **G4, LLC v. Pearl River County Board of Supervisors**

**Supreme Court of Mississippi - February 6, 2020 - So.3d - 2020 WL 581905**

Taxpayer appealed decision of county board of supervisors denying his petition for refund of ad valorem taxes paid for land it leased on airport property and for lots in subdivision it was developing.

The Circuit Court affirmed. Taxpayer appealed.

The Supreme Court held that:

- Taxpayer was automatically exempted from paying ad valorem tax on land leased at city airport;
- County board of supervisors did not overvalue subdivision lots for ad valorem tax assessment; and
- Taxpayer was not entitled to ad valorem tax refund for not receiving unconstitutional developer's discount.

Tenant was automatically exempted from paying ad valorem taxes on land it leased at city's airport, since lease was entered under municipal airport law provision governing contracts and leases for airports owned by municipalities, and during period of lease, property was being used for commercial purposes.

County board of supervisors' method for assessing ad valorem tax on lots in subdivision being developed by taxpayer, based on actual market price, was not flawed, and thus, taxpayer was not entitled to refund of ad valorem taxes it believed it had overpaid as result of board's allegedly incorrect valuation of lots because lots were not held for sale, as subdivision plat was not yet approved, where board reasonably could have found that tax assessor determined that taxpayer intended to place the lots for sale, and there was no record of taxpayer having objected to assessment until years after such assessments were finalized, or that taxpayer had contested county tax roll equalization.

Taxpayer was not entitled to ad valorem tax refund on lots in subdivision it was developing for not receiving a developer's discount that county had provided to others for tax assessments on unsold lots within a subdivision, since discount scheme violated state constitution requirement that all taxable property be assessed under uniform rules and in proportion to its true value by class, and fact that others had received the unconstitutional discount did not support finding that taxpayer's equal protection rights were violated and that it now had be included in the discount.