

I have several issues with the Rescission Draft LTA (LTA). My main concern is that it is not supported by the law. The LTA refers only to contract law; contract law only applies to contracts. Property Taxes are governed by property tax laws. If the BOE is going to endorse reducing property taxes shouldn't they use property tax law? There is no mention of Property Tax Law. The LTA does not support its conclusion with any relevant property tax law; property tax law can be found in the California Constitution, Revenue and Taxation Code sections 60 -69.5 and Property Tax Rules 462.001 - 462.500. The LTA grossly misinterprets and misapplies contract law.

What property tax laws did the BOE rely on to conclude: that a rescission deed is not a change of ownership?; that an assessor has the authority to declare a valid deed void/cancelled?; that a property's base year value will revert to its prior base year value because of a rescission?

Please see my presentation for the August 2017 Tax Payer Bill of Rights Hearing: my submission was on this very topic, and I argued then as I argue now, that a rescission deed is a transfer of an interest in real property that is subject to the property tax laws and that the law does not permit the assessor to revert a prior base year value because property was transferred pursuant to a rescission.

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