

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE PROPERTY TAX COMMISSION  
SITTING AS THE  
STATE BOARD OF EQUALIZATION AND REVIEW

IN THE MATTER OF THE  
APPEAL OF:

**18 PTC 0146**

**NEW JERUSALEM  
PENTECOSTAL HOLINESS  
CHURCH, INC.,  
Appellant**

**FINAL DECISION**

From the decision of the Randolph  
County Board of Equalization and  
Review

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This matter came on for hearing before the North Carolina Property Tax Commission (“Commission”) sitting as the State Board of Equalization and Review in the City of Raleigh, Wake County, North Carolina on Wednesday, May 22, 2019, pursuant to the Appellant’s appeal from the decision of the Randolph County Board of Equalization and Review (“Board”).

Chairman Robert C. Hunter presided over the hearing, with Vice Chairman Terry L. Wheeler and Commission Member William W. Peaslee participating.

Attorney Amy C. Scotton appeared at the hearing on behalf of the County. Attorney John N. Fountain appeared on behalf of the Appellant.

**FROM ALL DOCUMENTS OF RECORD, THE COMMISSION MAKES THE  
FOLLOWING FINDINGS OF FACT:**

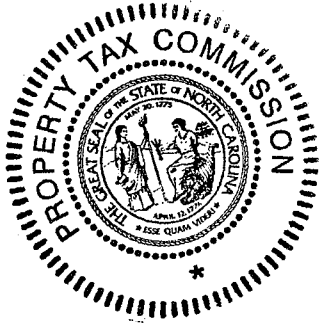
1. The real property that is the subject of this appeal consists of three separate parcels:
  - a. 622 Franks Street, an improved parcel, identified by the County as Parcel #7761144098;
  - b. an unimproved parcel on Franks Street, identified by the County as Parcel #7761144135; and
  - c. 718 Martin Luther King Drive, an improved parcel, identified by the County as Parcel #7761137579.
2. The Appellant filed an application with Randolph County (“County”), seeking exemption of the subject property, under the provisions of N.C. Gen. Stat. §105-278.3, for tax year 2018.
3. The County denied the Appellant’s application, and the Appellant subsequently appealed the denial to the Board.
4. Following the Appellant’s hearing before the Board, the Board denied the Appellant’s application and mailed notice of its decision to the Appellant on May 9, 2018.

5. The Appellant appealed the Board's decision to the Commission, and the Appellant's Notice of Appeal and Application for Hearing was filed with the Commission on May 18, 2018.
6. At the hearing before the Commission, the Appellant offered evidence that the subject property was owned by a church as of January 1, 2018. The County did not contest that the subject property was owned by a church. Accordingly, solely for the purposes of this appeal, we find that the subject property was owned by a church as of January 1, 2018.
7. The Appellant further offered evidence that the subject property was used for religious purposes as of January 1, 2018. The County did not contest that the subject property was used for religious purposes. Accordingly, solely for the purposes of this appeal, we find that the subject property was used for religious purposes as of January 1, 2018.
8. The County's sole concern as to whether the subject property qualified for the exemption is that use of the subject property as a church was not a permitted use of the property at the time in question. The property has since been rezoned to permit its use as a church.
9. The issue before the Commission is whether the subject property qualifies for the exemption provided by N.C. Gen. Stat. §105-278.3 and sought by the Appellant. Because the statute does not appear to consider how a particular property is zoned, we have disregarded the zoning of the subject property in reaching our decision.

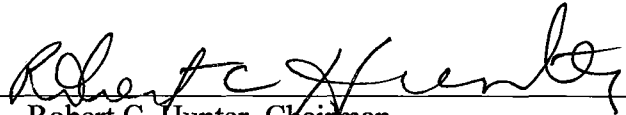
**BASED UPON THE FOREGOING FINDINGS OF FACT, THE PROPERTY TAX COMMISSION CONCLUDES AS A MATTER OF LAW:**

1. N.C. Gen. Stat. §105-278.3 provides an exemption for certain real and personal property used for religious purposes. The property must be both "wholly owned by an agency listed in subsection (c)" of the statute, and the property must also be "[w]holly and exclusively used by its owner for religious purposes."
2. Subsection (c) of the statute lists the following agencies that may obtain exemption for their properties:
  - "(1) A congregation, parish, mission, or similar local unit of a church or religious body;  
or
  - (2) A conference, association, presbytery, diocese, district, synod, or similar unit comprising local units of a church or religious body."
3. Subsection (d)(1) of the statute provides in pertinent part that "A religious purpose is one that pertains to practicing, teaching, and setting forth a religion."
4. Because all evidence indicates that the subject property is wholly owned either by a local church unit or by a unit comprised of local church units, as the same are defined by N.C. Gen. Stat. §105-278.3(c), the property was owned by a qualifying agency as of January 1, 2018.
5. Because all evidence indicates that the subject property is wholly and exclusively used by its owner for religious purposes, as the same is defined by N.C. Gen. Stat. §105-278.3(d)(1), the property was used for a qualifying purpose as of January 1, 2018.
6. Accordingly, the subject property qualifies for the exemption provided by N.C. Gen. Stat. §105-278.3 for Tax Year 2018.

**WHEREFORE**, the Commission herewith orders that the subject property be assessed for Tax Year 2018 with the benefit of the exemption provided in §105-278.3, and orders that the Randolph County abstracts and tax records be changed to give effect to the Commission's decision.



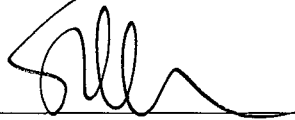
NORTH CAROLINA PROPERTY TAX COMMISSION

  
Robert C. Hunter, Chairman

Vice Chairman Wheeler and  
Commission Member Peaslee concur.

Date Entered: 10-7-19

ATTEST:

  
Stephen W. Pelfrey, Commission Secretary