

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: June 10, 2013 AGENDA ITEM NUMBER: 14-B

SUBJECT: REPORT OF NORTH CAROLINA PROPERTY TAX COMMISSION ORDERS
Wells Fargo Bank, National Association (as successor to Wachovia Bank, National Association)
10 PTC 076

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

ATTACHMENTS: YES NO

SIGNATURE: _____ DATE: _____
COUNTY MANAGER

BEFORE THE STATE OF NORTH CAROLINA PROPERTY TAX COMMISSION 10 PTC 076

In the Matter of Appeal by Wells Fargo Bank, National Association (as successor to Wachovia Bank, National Association) from the decision of the Forsyth County Board of Equalization and Review Regarding 2006-2007 Personal Property Discovery Assessment 10 PTC 076

CONSENT ORDER

Wells Fargo Bank, National Association ("Wells Fargo") and Forsyth County have settled the matters at issue in this appeal and consent to the entry of this Order by the Property Tax Commission.

1. This appeal deals with the taxability of 49 computer software programs that in 2006 and 2007 were located at Wells Fargo's Silas Data Center in Forsyth County, North Carolina. Forsyth County contended that this software is subject to taxation and issued discovery assessments to Wells Fargo for the 2006 and 2007 tax years in the amounts of \$420,333.56 and \$602,216.67, respectively.

2. Wells Fargo has contested the discovery assessment on the basis that the 49 computer software programs are not subject to taxation under the plain language of N.C. Gen. Stat. §105-275(40). Wells Fargo moved for summary judgment on this issue on April 4, 2013.

3. There is no dispute regarding the situs of the assets or their value. The sole issue between the parties is the legal issue of whether the assets in question are exempt from taxation under N.C. Gen. Stat. §105-275(40).

4. The parties have agreed to resolve this issue by the entry of this Consent Order.

5. Forsyth County agrees and stipulates that the 49 computer software programs referenced in paragraph 1 above are exempt from taxation pursuant to N.C. Gen. Stat. §105-275(40).

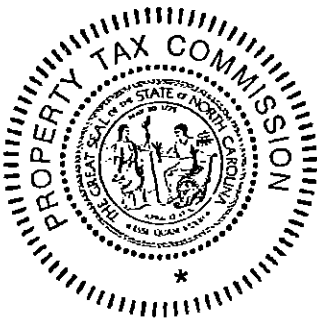
6. Wells Fargo agrees and stipulates that the only other personal property at issue on this appeal, which is diesel fuel stored at the Silas Data Center, is properly valued at \$150,000

for tax years 2006 and 2007 and that it owes Forsyth County the property taxes based on this valuation for tax years 2006 and 2007.

7. Wells Fargo and Forsyth County agree that this Consent Order resolves all matters at issue with respect to this appeal and consent to the entry of this Consent Order by the Property Tax Commission.

Based on the consent of the parties as reflected herein, it is therefore ordered (i) that the 49 computer software programs referenced in paragraph 1 above are exempt from taxation pursuant to N.C. Gen. Stat. §105-275(40); and (ii) that the only other personal property at issue on this appeal, which is diesel fuel stored at the Silas Data Center, is properly valued at \$150,000 for tax years 2006 and 2007 and that Wells Fargo owes Forsyth County the property taxes for the diesel fuel based on this valuation for tax years 2006 and 2007.

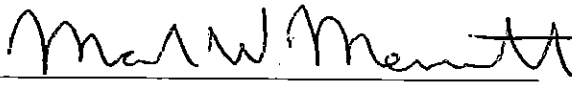
So ordered, this the 14th day of May, 2013.





Terry Wheeler
Chairman, Property Tax Commission

APPROVED AND CONSENTED TO:

Wells Fargo Bank, National Association


Mark W. Merritt
Robinson, Bradshaw & Hinson, P.A.
Counsel for Wells Fargo Bank, National Association

Forsyth County


B. Gordon Watkins, III
Assistant County Attorney
Counsel for Forsyth County