

## Fewer in Lee County challenge property appraisal

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Far fewer people filed to contest the tax-appraisal value of their residential real estate in Lee County this year, but commercial property protests surged as that market continued to melt down.

The deadline for filing a petition to challenge the Property Appraiser's Office appraisal of real estate was midnight Tuesday. On Wednesday, Clerk of Court office workers had processed 1,341 appeals, with some last-minute filers still being counted.

That's a far cry from the near-record 4,194 filed last year.

That's probably because by 2009, the appraisal process had largely caught up with the steep drop in residential prices that started in 2006, said Fort Myers-based attorney Michael Hagen, who worked for 10 years as an attorney for the property appraiser and now represents property owners before magistrate hearings for the county Value Adjustment Board.

"I'm seeing not quite as many calls as I have in the last few years," Hagen said. "A pretty fair number of the (residential) calls I'm getting, I'm looking at them and saying, 'Where's the beef?'"

It's a different story when it comes to commercial property, the prices of which didn't start to implode until 2008.

"I am seeing some commercial land prices that are pretty high," Hagen said.

With commercial property on the skids in 2009, he said, "I think most of what is selling is just the absolute steals, and to a degree perhaps the property appraiser's office is reluctant to use some of those transactions because the values are so low," Hagen said. "But in many cases, I think, that's the market."

Margaret Tuya, who worked for 19 years analyzing commercial values for the county property appraiser, left in February and now is executive director of Grubb & Ellis 1st Commercial's Property Tax Management Division. She represents people protesting their valuations.

For commercial property, Tuya said, "I think that last year's value was the hardest for me to defend. We didn't have any data. The bottom fell out of the market, nothing was happening."

Property Appraiser Ken Wilkinson said some of the problem with commercial values is that they've continued to go down in 2010, but his office is legally allowed to use only 2009 sales to determine what values were at the end of that year.

Also, Wilkinson said, "the biggest problem we have in a market like this is we have to use all the qualified sales" - and with a lot of distressed real estate of all description on the market, that sometimes leads to wildly different prices paid for similar properties.

As a result, Wilkinson said, the high and low prices paid are averaged to get the appraisal and the people who got a bargain find they have a higher appraisal than they'd anticipated.

Some recent purchasers don't see it that way, however.

John Oakley and his wife Amy Wolfe paid \$34,000 to Deutsche Bank in December for a two-bedroom, one-bath house in Lehigh Acres, but their assessed value is \$58,274.

They're petitioning the adjustment board to lower the assessment, Oakley said.

"Their original listing price was \$37,900, we only reduced it in our negotiations by \$3,400. Even the bank had it priced at

## This Lehigh home's value not dropping

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Get the latest dispatches from our investigative reporters by going to the Watchdog page.

Most homeowners pulled Truth in Millage notices from a mailbox last month and bemoaned our tumbling market values.

TRIM is not a strong enough acronym to define the fate of our homes.

But not Terry Stewart, 62, a new homeowner living in the sticks of Lehigh Acres.

The former wholesale mortgage banker took a single look at his TRIM and did a double-take.

"I bought my house for \$58,000 last December," he says. "Imagine my surprise when I received a TRIM notice indicating the property was worth \$91,317."

Two weeks later, Stewart, sitting at his kitchen table in east L.A., remains puzzled by the property appraiser's taxable value of his three-bedroom, two-bath, pool home at 126 Genoa Ave. S.

"The county, city, state and country are in a real estate decline," he says. "But not me, I'm up 57 percent."

Stewart says he will file a petition to appeal the sum before Tuesday's deadline.

"I know the county is hurting," he says, "but don't pass the hurt on to me."

Stewart says a reasonable assessment would be between \$62,000 and \$65,000.

Lee County Property Ken Wilkinson welcomes the challenge.

"No office is more accountable than the appraiser's office," he says. "We assess more than 600,000 properties. We'll make mistakes. Let the system work for him."

Mike Hagen, a Fort Myers tax lawyer who worked 10 years for the property appraiser, says Stewart's case is winnable.

"They disqualified the sale, which means it wasn't used in determining the 2010 TRIM," he says. "It should have been used."

Hagen says the appraiser's office probably excluded the sale because it was a foreclosed home.

"To me, this sale does not look like he underpaid for the house," Hagen says. "That was a pretty typical sale for Lehigh in 2009, and even this year."

He seconded Stewart's decision to get a second opinion from a magistrate.

"Get it straightened out," Hagen says. "The (bank) sale was listed with a Realtor, met arms-length transactions and had a willing buyer and seller."

Stewart says all of the above-referenced conditions are true and more.

"I understand appraisals and the market -- probably better than the average Joe," he says.

He researched the past two weeks of home sales in the 33974 ZIP code. He found 32 sales: The first week averaged

\$62,212 per house; the second week averaged \$62,100.

"I have a comparable home on my street that sold for \$51,100," he says about 758 Genoa Ave. S.

Stewart says he found two other homes -- 1117 Raymond St. E and 124 Napier Ave. S on real-estate online site Zillow - that sold for \$59,900 and \$45,000, respectively.

"There is no documentable evidence in public records to support a value in this range by any accepted appraisal guidelines," he says. "There is no way in the world this house is worth \$91,000."

Stewart haggled with Mary Lou Garofalo of the appraiser's office over the telephone. She reduced the total to \$85,697.

"They had a chain-link fence I put up valued at \$4,575," Stewart says. "The fence cost me \$2,700."

Stewart says making the total more improbable is he and wife Shari live in the land Lehigh forgot.

"We're in Tier 3, third being last for development," he says about his backyard proximity to Hendry County. "Tier 3 is one of those we'll-get-around-to-you-when-we-can kind of places."

He welcomes appraisers to see for themselves.

How's this for an assessment of his street?

"If an Afghan saw the road in front of my house, he would say: 'Gee, I am glad I live in Afghanistan,'" Stewart says.

-- Sam Cook's column appears Wednesdays, Fridays and Sundays. Call 335-0384 or fax 334-0708.

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#### **Abstract (Document Summary)**

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Most homeowners pulled Truth in Millage notices from a mailbox last month and bemoaned our tumbling market values. Two weeks later, Stewart, sitting at his kitchen table in east L.A., remains puzzled by the property appraiser's taxable value of his three-bedroom, two-bath, pool home at 126 Genoa Ave. S. "The county, city, state and country are in a real estate decline," he says.

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## Some in Lee County now ask for a higher tax bill

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Lee Property Appraiser Ken Wilkinson is used to fielding complaints from people who think their property assessments are too high.

After all, a higher assessment translates into higher taxes.

But what a difference the housing crash makes.

Now some people have a new complaint: "My assessment is too low."

"Before two years ago, I never got a call," Wilkinson said. "This year I got two calls. They wanted higher value because they wanted to sell it."

The News-Press also received calls from people upset about low assessments since Truth in Millage Notices were sent out with home values and tax rates last month.

Things changed when property values fell sharply after the residential real estate boom ended in 2006 and commercial property followed suit two years later.

On this year's county tax roll, for example, of properties the use of which hasn't changed, 459,226 went down in value (compared to 2009); only 36,716 went up; and 22,525 stayed the same.

But those who want to sell or refinance aren't all happy about the declining values.

"Our lot is appraised at \$18,000? That's insane," said certified public accountant Leslie D'Alessandro, who with her husband, Peter, has owned a three-bedroom, two-bath house in Caloosa Yacht & Racquet Club along the Caloosahatchee since 1999.

The value of their property on the notice sent out by Wilkinson's office last week was \$169,279, which Leslie D'Alessandro also considers a lowball figure. It's down from \$282,020 in 2009 and \$390,730 in 2008.

"It concerns me as far as homeowners insurance," she said. "How much is the replacement value?"

Refinancing the house also would be more difficult because of the low assessed value, D'Alessandro said, and selling would be even harder.

"I'm just glad we don't have to sell our house," she said.

Wilkinson said his hands are tied. Even though property owners would pay more taxes if their property were adjusted up in value, state law requires he assess everything equally.

The notices sent out by the property appraiser every August also are not intended to reflect current value, he said; they're based on comparable sales no later than the end of the previous year.

They're also more conservative than a private appraiser's estimate, Wilkinson said. Sales costs are deducted from the total figure, for example.

Mike Hagen, an attorney who handles property tax value appeals, said he hasn't been asked to get anyone's property value higher. But he said that typically he'd advise someone making the request to leave well enough alone.



Insurance companies and banks deciding whether to refinance don't rely on the property appraiser's figures to make

their calculations, Hagen said.

A higher assessed value would help only when trying to sell a house.

"There's no question a potential buyer may look at the property appraiser system, see what their opinion is," he said.

Bill Davis thinks his property value is too low but doesn't blame the property appraiser.

Davis, a retired banker who lives in Marietta, Ga., owns a unit in the Renaissance condominium on Winkler Avenue.

Over the past three years his assessment has fallen from \$133,000 in 2008 to \$76,430 in 2009 and \$22,200 this year.

His unit is worth more than that, Davis said, but lenders who are dragging their feet on foreclosures keep the complex in limbo.

Dominic Calabro, president of the Tallahassee-based taxation watchdog group Florida Taxwatch, said there's some concern about overly low assessed value by commercial property owners.

"They have a myriad of different loans to support the activity and they're often leveraged," he said. "It does (cause problems) in the sense that it can affect whether you have a net loss of value: whether the banks will continue to renew loans for the appraised value."

But generally, Calabro said, it's a perfect storm of low property values and a difficult lending environment that has some people in denial.

"Florida's seen some property tax declines once every 30 or 40 years," he said. "It's just we haven't seen the decline in value at the same time as tight money."

One thing remains constant, he said.

"Property taxes are a lot like the weather: People are never happy with them," he said.

#### FILING A CHALLENGE

Here's how to file a challenge to your property appraisal in Lee County:

\* FIRST STEP: You can talk to a county property appraiser's official about your assessment: call 533-6150

\* VALUE ADJUSTMENT BOARD: You have a right to make your case to the county value adjustment board

\* HOW: For details, go to the Lee County Clerk of Court site: [leeclerk.org](http://leeclerk.org).

\* MORE INFORMATION: Contact the board at 533-2328 or email: [InfoVAB@leeclerk.org](mailto:InfoVAB@leeclerk.org)

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## Lee County land owners appeal denial of agricultural exemptions

The News Press - Fort Myers, Fla.

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Tom Scannell, a farmer all of his adult life, finds himself again this year contesting the Lee County Property Appraiser's Office denial of his agricultural exemption.

It's no small matter: Reducing the assessed value of property to its agricultural area can make the difference between success and failure for a farmer in coastal Florida.

Despite elaborate rules detailing what constitutes a legitimate exemption, feelings are running high this year as Property Appraiser Ken Wilkinson continues to crack down on what he considers abuses of the system.

This year, 78 of about 500 people denied their exemptions are contesting the decision -- near last year's 79 but under 2007's 102, when the tougher enforcement started.

Like many contesting their exemptions, Scannell, 47, is passionate about the outcome of his scheduled Oct. 29 hearing before a special magistrate.

He grows ornamental plants at his Pine Island nursery but is being denied the exemption on part of the property because the appraiser's office says it doesn't qualify.

"I've been a farmer since I was 17 years old," Scannell said. "I have filed a Schedule F (farming) with my taxes since I was 18."

He considers himself a legitimate farmer and thinks the property appraiser is improperly using strict interpretation of the rules against him.

In-depth look

Wilkinson has a different view.

"We're being more thorough," he said. "This is the last of three years that we took a third of the properties and did a total review of everything. We went in-depth."

As a result, he said, there's more conflict with property owners now.

Not all exemptions are legitimate, Wilkinson said.

"The problem with ag over the years is there's a lot of abuse," he said, "just like homestead fraud."

But Mike Hagen, a lawyer who represents many challengers and worked for 10 years as in-house attorney for the property appraiser, said overzealous enforcement can sweep up legitimate operators such as Scannell, who he is representing.

"I think they've gone a little overboard," Hagen said.

Nothing to lose

For example, people who lease land for cattle are being asked to provide evidence of the sale of calves raised on a particular parcel. The problem, Hagen said, is that cattle owners often move the animals around to different parcels, making it impossible to pin a particular calf to a particular parcel's exemption.

J. Fred Burson, a LaBelle-based real estate broker who has represented ag exemption challengers, said "the property

appraiser's taken a hard line on it," but in many instances, that hard line's justified.

"There is a lot of land that applies that has no business being ag, but the tax break is so huge -- 97 to 98 percent of your tax bill," Burson said. "The savings itself almost encourages people to apply. What do they have to lose?"

For legitimate ag operations, Burson said, "I've seen bills reduced \$100,000. It would have been \$100,000, but with the exemption it's less than a hundred."

That's especially true of cattle, Burson said, because land used for grazing cattle is assessed extremely low and the relative savings is great.

"So if it's \$50,000 an acre (for commercially zoned land) and \$75 an acre for cattle, you save \$49,925 an acre."

As for Scannell, his concern is that legitimate agricultural property such as his horticultural nursery could lose its protection.

"If I had to sell 80 acres of non-agricultural land, I'd have to sell," Scannell said.

This year, he's appealing a decision by the property appraiser that part of the land isn't being used for agriculture.

But legitimate farmers routinely take land out of production, Scannell said. "If you rotate your crop, sometimes you leave the field dormant" so harmful organisms in the soil will die, for example.

#### Paradise lost

Without strong protection, areas such as Pine Island could quickly lose their rural charm, he said.

But Wilkinson said the ag exemption always has been "a very difficult part of the tax roll," complicated by court rulings that make it harder for him to apply specific criteria in the law.

Hagen said the lesson for ag land owners is to keep meticulous records and be careful about complying with the rules.

"You don't take this for granted," he said. "You've got to document your case. You've got to jump through the hoops. This an important benefit -- you have to earn it."

#### NURSERY

An above-ground or in-ground water source, or setup with irrigation is required. Only areas actually being used for the nursery and service area are entitled to agricultural classification. Personal nurseries and gardens do not qualify for the agricultural classification. Wholesale nurseries must have a state agricultural certification. Other documentation may be required for this classification.

#### PASTURE

Should be a minimum of 10 acres or used in conjunction with other parcels of the same owner. Property must be fenced and it should be evident that the land is maintained and cared for sufficiently. The ratio of livestock to acreage and the soil capability are factors that are considered in granting the classification. Production of livestock solely for your own use does not qualify.

#### CITRUS

It is typically considered to encompass a minimum of 5 acres and land must be planted according to generally accepted schedules. Proper care and management must be evident. A description of the variety, plantings and trees per acre must be on file with the Property Appraiser's Office. Production of citrus solely for your own use does not qualify.

#### HORSES

There should be at least four breeding horses (of which three must be brood mares) or at least four boarding horses (leases for all boarding horses must be on file with the Property Appraiser's Office). The property must be fenced and a facility for breeding or boarding is required. The ratio of animals to acreage is a factor in granting this classification. Other documentation may be required.

Contesting denial of an exemption

Contesting an agricultural land exemption denial:

\* **DEADLINE:** You have 30 days from the day the property tax notices are sent out in August to file a petition appeal with the Value Adjustment Board. Typically, the period ends about Sept. 15.

\* **HEARINGS:** The board appoints special magistrates to hear petitions and make recommendations to the board for a final decision. Hearings start in mid-October and are under way now.

\* **COURT APPEALS:** Petitioners denied by the board may file an appeal in state circuit court.

\* **MORE INFO:** Go to [leeclerk.org](http://leeclerk.org), the Web site of the Lee County Clerk of Court.

-- **SOURCE:** Lee County Clerk of Court

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**Abstract** (Document Summary)

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Reducing the assessed value of property to its agricultural area can make the difference between success and failure for a farmer in coastal Florida. [...] Wilkinson said the ag exemption always has been "a very difficult part of the tax roll," complicated by court rulings that make it harder for him to apply specific criteria in the law.

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## Local firm offers property tax help

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Just call it property tax negotiating on steroids.

With professional wrestler and actor Hulk Hogan as a spokesman, Fort Myers-based entrepreneur Courtney Jones is rolling out a service that vows to help you reduce your home's property taxes for a \$1,000 fee. And it comes with something of a money-back guarantee.

Jones' GuaranteedLowerPropertyTax.com is the latest in a burgeoning industry that's popped up as people see monster tax bills on houses that have already depreciated to a fraction of their assessed worth.

County property tax appraisers in Florida send out notices Friday telling the owners of each parcel how much they'll owe in property taxes.

But people have only until Sept. 8 to appeal the amount, and the company says the process can be daunting to a layman.

Will there be a bumper crop of people in Lee County eager to appeal?

"That is an understatement," said Kevin Connor, a partner and chief operating officer in GuaranteedLowerPropertyTax.com. Jones was an early partner in FindWhat.com and is a partner in the Blu Sushi restaurants in Southwest Florida.

Prices have fallen so far he expects the property appraiser's office to be behind the curve as far as what market value really is for many houses.

"Sixty to 70 percent of taxable property is over-assessed," Connor said -- a typical example would be a house in Lehigh Acres bought in 2005 for \$250,000 but now worth \$80,000. The appraiser's office might only knock down the price to \$150,000, still far above its actual value, he said.

For \$995, GuaranteedLowerPropertyTax will file an appeal and refund all but \$147 if the property owner doesn't benefit. The company has a staff of appraisers and attorneys who are qualified to help, he said.

But Lee County Property Appraiser Ken Wilkinson said homeowners should try going directly to his office before shelling out for services such as GuaranteedLowerPropertyTax. "If it were me, before I gave somebody \$150, non-refundable, to file a petition, I'd do it myself for \$15."

Often, he said, his employees can talk to the homeowner and sufficiently explain the assessment -- for example, he's only allowed to consider sales before Jan. 1, 2009, in calculating value.

Naples-based appraiser David Ashcroft of D.A. Appraisals said he can provide information that often lets a homeowner make the case for a lower assessment.

Starting at about \$300 for an uncomplicated appraisal in Lee or Collier County, he'll provide, for example, information on the home's interior. "The (county) property appraiser has never been inside the house to estimate its value," he said. "When you have an appraiser who comes in, that gives us a little more knowledge."

Michael Hagen, a Fort Myers-based attorney and real estate broker, operates Taxcuts1, which provides property tax help to commercial customers. He's already hearing from clients who have checked out their business property on the assessor's tax roll, which is prepared by July 1 and provides an early look at what the assessment likely will be.

He expects a lot of commercial and residential owners to appeal their valuation, especially in Cape Coral where the tax rate is going up. "I think that's going to cause a minor revolution over there."

The good news, Hagen said, is that a new law this year removes the presumption in the law that the government's assessment is correct. Now, he said, it's an "even playing field."

The company will have temporary offices around the state and is holding a series of special events starring Hogan where people can get free advice before deciding whether to sign up. Germain Arena in Estero is the site of the first event from 1-5 p.m. Saturday and Sunday.

Hogan, a reality show star who lives in Clearwater Beach in a beach house assessed at \$1.6 million, said he's eager to try out the service himself and suspects he's paying on too high a value.

"The funny thing is this is the little beach house my wife let me move into after the divorce," he said. "It took us five years to find it and buy it, but if you walk down my street now, there must be 30 or 40 houses for sale."

appealing your bill

Here's how to appeal your property tax appraisal:

\* DEADLINE: You have until Sept. 8 to appeal your bill to the Value Adjustment Board

\* PROOF: You must submit proof, such as comparable nearby sales, that your house isn't worth what the county assessor said it is.

\* COST: \$15

\* HEARINGS: Special magistrates hold hearings at which both homeowner and appraiser's office officials present their case

\* PETITION FORM: download from [leepa.org](http://leepa.org).

\* MORE INFO: Go to [leeclerk.org/VAB2009](http://leeclerk.org/VAB2009)

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#### **Abstract** (Document Summary)

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With professional wrestler and actor Hulk Hogan as a spokesman, Fort Myers-based entrepreneur Courtney Jones is rolling out a service that vows to help you reduce your home's property taxes for a \$1,000 fee. [...] it comes with something of a money-back guarantee.

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## Lee County assessment challenges drop off

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The number of petitions filed to challenge the value of property owners' property will likely fall short of last year's record.

More than 3,000 petitions to the Value Adjustment Board are expected, said Michele Cooper at the county minutes office, which compiles the petitions.

Tuesday marked the final filing day. That act triggers a date with a special magistrate to appeal the property appraiser's assigned market value.

Last year, property owners filed a record 3,741 petitions, up 69 percent from the previous year, though the number of land parcels disputed went up 171 percent. Petitions can have multiple land parcels in some cases.

Through 5 p.m. Tuesday, county workers entered into the system 2,595 petitions. It was unclear how many land parcels that represents. The petition figure will grow as those mailed in are put into the system. Property owners had until midnight to file online, a new option this year.

"I don't think the current value they have on there reflects the market," said Teresa Browning of Lehigh Acres. She is protesting three investment homes she owns. She said each property should be valued about \$20,000 less than the market value it was given.

"If they will buy it for what they have as its market value, I'll sell it to them," she joked.

It's statistically difficult to win a case before a special magistrate. Last year, about 7 percent of people who said the county overvalued their property received a reduction. Of that, in two-thirds of the cases, the property owner worked with a county appraiser to resolve the dispute before going to one of 15 magistrates.

"My phone has been ringing off the hook," said Mike Hagen, owner of TaxCuts1 Inc. He mainly represents businesses in property value protests.

Hagen said the recapture rule may play a part in driving up the petitions. The State Department of Revenue's "recapture" rule raises the assessed value for homes protected by Save Our Homes up to the 3 percent limit - even if the property value went down.

People filing petitions will be assigned a hearing date to appear before the magistrate and the Lee County appraiser who assigned the market value. Last year, that process lasted from October to February.

Due to record petitions last year, officials streamlined the process by allowing for online filing. About 45 percent of petitions have been filed online.

"Everybody has been kind," said Bob Johnston of Fort Myers, who filed a petition in person for a warehouse he partly owns with other investors. "Everything has been very efficient."

### Value Adjustment Board process

A special magistrate considers a property owner's dispute against an appraiser's assigned market value. After all the hearings, the Value Adjustment Board typically goes with his recommendations.

\* Non-agricultural VAB hearings start in October.

\* The magistrate reserves comment on most cases until he has more time to review both sides, and then a ruling is issued.

## Unpaid property tax a record

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Property owners this year failed to pay taxes on time on a record 58,000 parcels in Lee County, totaling more than \$150 million in unpaid taxes, an indication of Southwest Florida's floundering economy.

That means taxes on almost 10 percent of all county parcels are delinquent. Included as delinquent are people going through foreclosure but not those who have filed for bankruptcy.

Collier County experienced a record year as well, with 13,309 parcels advertised totaling about \$50 million.

"That is staggering," said Mike Hagen, a former Lee County appraiser turned owner of TaxCuts1 Inc., in Fort Myers. "What it tells me is real estate values have tanked; people are hurting."

Last year, Lee County advertised about 43,000 parcels totaling \$101 million in delinquent taxes. In 2006, it was 31,000 parcels and \$48 million.

That means delinquent tax dollars are up 211 percent in two years.

Many delinquent properties are vacant in areas such as Lehigh Acres, Cape Coral and Bokeelia.

Tax certificates are used when an owner

doesn't pay on time. A lien is placed on the property and the certificate is sold at auction. Someone buying those certificates pays the taxes, but property owners can buy back the certificates with fees and interest.

The public has a chance to purchase tax certificates at the 8 a.m. May 30 online auction. The News-Press will publish the delinquent tax advertising section Monday and again May 19 and 26.

Property owners redeemed about 14,000 certificates from the 2006 tax sale and 16,000 from last year's.

Unpaid taxes combined with other telltale figures to reveal the economic slump in the area. The median price of an existing single-family home has fallen 34 percent since December 2005, from \$322,300 to \$212,500 in March, the last month available. More than 15,000 foreclosure actions are pending in Lee County circuit court.

Jean Belizaire, 53, said his home in Cape Coral is going through foreclosure. He moved from Miami in mid-2006 when his brother-in-law said it was a strong real estate market. Belizaire couldn't pay this year's \$4,112 tax bill on the home he bought in mid-2006 for \$60,000 more than the county's most recent appraisal. The licensed Realtor who worked independently said he last sold a home in February 2007.

In July, his wife of 30 years had a stroke, he said. Her insurance expired after three months, and she continues to recover in Miami with their daughter. Belizaire said he plans to move in with his daughter this month, but not until his 13-year-old son who lives with him, finishes the school year.

Belizaire had no success finding another job.

"I have plenty of friends right here, they lost their job and can't find another one, I have three that have lost their homes already," Belizaire said. "It's tough. Real tough."

### COLLIER COUNTY

Collier County had a record year for parcels with delinquent property taxes.

This year the county advertised 13,309 parcels totaling about \$50 million, according to the Collier County Tax Collector's office.

That is up from 8,770 parcels advertised last year at \$37 million. In 2006 the county advertised 6,865 parcels for \$22 million.

If You Go

What: Lee County tax certificate auction

Time: 8 a.m.

Date: Friday, May 30

Information: Register and learn more about the process at [leetaxsale.com](http://leetaxsale.com)

[news-press.com/realestate](http://news-press.com/realestate)

Real estate listings, recently sold homes and foreclosures in Southwest Florida.

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**Abstract** (Document Summary)

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[rlengerich@news-press.com](mailto:rlengerich@news-press.com) Property owners this year failed to pay taxes on time on a record 58,000 parcels in Lee County, totaling more than \$150 million in unpaid taxes, an indication of Southwest Florida's floundering economy. More than 15,000 foreclosure actions are pending in Lee County circuit court.

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## Amendment's fate will impact tax revenues

Jan. 29 key for Lee County in 2008

The News Press - Fort Myers, Fla.

Author: RYAN LENGERICH

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### Document Text

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Expect 2008 in Lee County to be dominated by two topics -- elections and property taxes.

"A lot of what happens next year relates to what happens on Jan. 29," said Lee County Appraiser Ken Wilkinson about the Legislature's tax relief proposal on the ballot that day. "So much depends on where we go from there."

Should it pass, property owners can look forward to more money in their pockets for 2009, but taxing districts must analyze what tax rate it will set to raise the money it needs. Should the proposals fail, the Legislature will need to find out why, and consider other measures.

Roads, the budget and the environment also will be the stories to watch for in 2008.

#### Tax relief vote

The Jan. 29 tax-package vote outcome is crucial for local governments dependent largely on property taxes.

State economists estimate \$9.1 billion in savings for homeowners. It means about \$240 savings for the average homeowners, according to state government estimates.

If passed by a 60 percent margin, the package would double the homestead exemption to \$50,000. That would save Lee County taxpayers \$13.2 million next year based on this year's tax rate, or about 3.75 percent of the county's property tax revenue this year, according to the Lee County Appraiser's office.

The tax plan provides a 10 percent assessment increase cap for businesses and non-homesteaded properties. Local governments are still studying what it will mean for their budgets.

It also allows for portability -- the right for a homeowner to take the Save Our Homes benefits with them to another home, should they move. Supporters hope portability will jumpstart the housing market, freeing homeowners who believe they are trapped in their homes because of fears of higher taxes with relocating. What portability will mean to local governments' pockets is tough to estimate.

Local taxing units -- from commissioners and city councils, to fire departments and streetlighting districts -- are anticipating the vote. Its passage could mean less revenue and cutbacks, or compel officials to increase tax rates to offset lower assessments.

#### Market crash revealed

In 2007 landowners filed a record 740 petitions for 7,844 land parcels to the county's Value Adjustment Board, a 171 percent increase in parcels from the year before.

This year Lee County assessments were based on similar property sales made in 2006. But since then values, especially residential, have plummeted, leaving owners wondering why they are paying taxes on land valued at more than homeowners say it's worth.

Next year the appraiser's office will base assessments on similar property sales made this year. So homeowners should expect to see the recent market crash, which hit hardest early this year, reflected in next year's assessments.

"What we are looking for, is the big drop-off occurred in calendar year 2007, that needs to show up in assessments in 2008," said Mike Hagen, a former Lee County appraiser turned owner of TaxCuts Inc., which represents mainly commercial property owners challenging their assessments.

"We're definitely going to be looking for that."

Will that mean lower taxes? It would seem so, but Lee County Commissioners and the 91 other taxing districts in Lee County could raise the tax rate to make up for lower assessments.

Lee residents will have their chance to speak out on the tax rates during budget hearings in October.

Commissioners defending seats

Republican Commissioners Bob Janes, Ray Judah and Frank Mann will battle for re-election in 2008.

The primary election is Aug. 26. Final day to register as a candidate is June 20. So far no Democrats have filed.

\* Judah, a commissioner since 1988, is board chairman. Gerard David Jr. will challenge him in the Republican primary. David lost to Commissioner Brian Bigelow in the November 2006 general election when he ran without party affiliation.

\* Janes, first elected in 2000, will face Cape Coral Mayor Eric Feichthaler, elected in April 2005, in the primary.

\* Frank Mann, a commissioner since November 2006 will face Steve Haas and Shawn Seliger in the primary. Mann has not yet filed for candidacy. He said he will likely do so next month.

Interstate 75 tolls a possibility

This month, four of the five commissioners voted to have the Southwest Florida Expressway Authority produce an in-depth study to toll the two lanes under construction on Interstate 75 in Lee County. That money would help fund four more lanes on I-75 to be built by 2015.

The study will take about one year to complete. Expect commissioners to get that report late next year and then decide if tolling lanes five and six is the best way to fund four more lanes.

Only Bigelow has voted against tolls from the outset.

Here come the cuts

Lee County has already cut back in preparation for next year's budget season.

Commissioners killed a retirement bonus for new employees, but spared current employees.

The county is considering doing away with ribbon cuttings and better enforcing lease contracts it has for buildings occupied by organizations and nonprofits.

Animal Services is considering closing on Saturdays to save cash.

Expect all services and departments to get a thorough look, and more cuts to come.

Odds and ends

Other issues to watch include:

\* How a newly formed committee handles the issues surrounding the environmentally sensitive Density Reduction Groundwater Resource area in southeast Lee County.

\* Will Brian Bigelow continue to stand alone? He celebrated his first year in office in November. Throughout the year he has had no problem being the lone vote opposite other commissioners. He even posted the only nay vote when the 34-member Southwest Florida Regional Planning Council approved plans for Babcock Ranch.

\* Commissioners will continue to lobby the U.S. Army Corps of Engineers to ensure proper handling of massive discharges of nutrient-rich freshwater released from Lake Okeechobee during times of high water. The releases have been blamed for causing algae blooms and other environmental harm to the rivers.

COMMISSIONERS' TAKE

The News-Press asked all commissioners by e-mail and telephone what they expect to be the most important issues or events in 2008:

## Ag landowners ask for tax break

*Exempt farm on Metro has 3 or 4 horses; owner paid \$50 Layout space:*

The News Press - Fort Myers, Fla.

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Lee County property owners faced with higher property taxes as the value of land goes up applied for a record 400-plus agriculture exemptions this year.

If those requests are granted, they can mean significantly lower taxes for landowners.

Last year, about 330 new applications for agriculture exemptions were submitted to the Lee County Property Appraiser's Office, said Roger Alejo, an agricultural specialist for the office.

Each of the past three years has seen record numbers of applications for exemptions. Those three years are also when property values have skyrocketed.

"They are looking for any break they can get," said Lee County Property Appraiser Ken Wilkinson. "We anticipate having more applications because of what's going on in the market."

Only land used for commercial agriculture qualifies for an exemption. Decisions on requested exemptions will be released June 3.

One piece of potential agricultural property that's drawn scrutiny from the public and the media sits at 14131 Metro Parkway.

Three horses have been grazing on the 15.4 acres of open land for about three months.

Without an exemption, the land would be valued at more than \$6 million for tax purposes.

With an exemption last year, the landowner paid about \$50 in property taxes on land valued at \$3,750.

The exemption saved the owner about \$96,000.

Last year, the owner, Ohio-based Premier Island Group, leased the land to a cattleman and applied for an exemption under a cattle use. The appraiser's office denied it, but the owner won the exemption on an appeal.

This year, the horses' owner, Steve Game, has a \$10-a-year contract to graze the animals on the property, and Premier has applied again for an exemption.

"All the government wants is more money, but I assure you the owners of this property have so much damn money they don't care about the taxes," Game said. "Taxes are a write-off for them anyway."

Rules required to qualify for an exemption for horses say "there must be at least four breeding horses, of which three must be brood mares, or at least four boarding horses."

The landowner's attorney, Mike Hagen, said Premier's property qualifies because a stallion and three mares, one of them pregnant, are on the land.

"The good news is these horses keep the land in ag use," Hagen said. "If they didn't have this property, it would be rushed to development much sooner."

Jessica Dahlgren, of Fort Myers, disagrees that the horses qualify the land for an exemption.

With permission from the owner, Dahlgren has been taking food supplements and water to the horses for the last month

because she says Game isn't tending to them properly.

Dahlgren said only three horses are on the property, and one of them is a gelding, a neutered male horse.

"There is no proof that the mare is pregnant other than their word," she said. "The horses are not being used for anything. They are just sitting out there. There's no care being taken at all by the owner."

Hagen said Game owns several hundred head of cattle and horses on a farm in Arcadia and the horses on the Metro property are to be used on the farm.

Cattle will also be put on the Metro property later, Hagen said.

#### Plans for horse facility

Game said the land will be used as a rescue site to adopt out unrideable horses and as a breeding pasture for usable ranch horses.

There is no agriculture classification for operating a horse rescue.

For land to be used as a breeding site, "a facility for breeding or boarding is required." The property has none.

As of Thursday, only two breeding horses were on the Metro pasture, Game said. He said they are rotated out with other horses and four breeding mares will be there soon.

Most of the horses that have lived there in the last several months have been rescues from slaughter houses and racing, and one was found in the yard of a man who had died.

One is extremely thin while another has a badly infected tear duct and will have to be euthanized, Game said.

Dahlgren said some of the horses have cracked hooves and are unrideable.

Game said the sick horses are adoptable but not necessarily rideable.

Dahlgren said Game's use of the land doesn't seem to be agricultural.

Hagen said the horses were in worse shape before Game rescued them, "and now he is nursing them back to health out of the goodness of his heart."

Animal protection authorities recently investigated the property for claims of neglect but found no violations.

#### AG Exemptions

\* Sometimes an increase in applications for ag exemptions can be attributed to a change of name on a property, such as when a spouse has died, in which case the landowner must reapply.

When these continuing applications are included, about 500 total were filed last year. Roughly 300 of them were denied and 57 of those denied appealed. Only 17 appeals prevailed in getting an exemption.

\* Property owners who applied for an ag exemption will be notified by the property appraiser's office of whether it will be granted on June 3.

\* Those denied an exemption may choose to appeal to the Value Adjustment Board.

\* Only land found to be used for a bona fide commercial agricultural purpose is eligible for an ag exemption.

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#### Abstract (Document Summary)

jpape@news-press.com Lee County property owners faced with higher property taxes as the value of land goes up applied for a record 400-plus agriculture exemptions this year. Plans for horse facility Game said the land will be used as a rescue site to adopt out unrideable horses and as a breeding pasture for usable ranch horses.