

HALL COUNTY
BOARD OF TAX ASSESSORS

IN RE:

North Georgia Growth Fund II, L.P. -- Owner

2009 Real Property Tax Assessment

Tax Map Parcel I.D. Numbers 15-39F-15, 15-39F-16, 15-39F-17, 15-39F-18, 15-39F-19, 15-39F-109, 15-39F-110, 15-39F-111, 15-39F-112, 15-39F-113, 15-39F-114, 15-39F-115, 15-39F-116, 15-39F-117, 15-39F-118, 15-39F-119, 15-39F-120, 15-39F-121, 15-39F-122, 15-39F-123, 15-39F-124, 15-39F-125, 15-39F-126, 15-39F-127, 15-39F-128, 15-39F-129, 15-39F-130, 15-39F-132, 15-39F-133, 15-39F-134, 15-39F-135, 15-39F-136, 15-39F-141, 15-39F-142, 15-39F-143, 15-39F-144, 15-39F-145, 15-39F-146, 15-39F-147, 15-39F-151, 15-39F-195, 15-39F-196, 15-39F-197, 15-39F-198, 15-39F-199, 15-39F-200, 15-39F-201, 15-39F-202, 15-39F-203, 15-39F-204, 15-39F-205, 15-39F-206, 15-39F-207, 15-39F-208, 15-39F-209, 15-39F-210, 15-39F-211, 15-39F-212

NOTICE OF APPEAL

COMES NOW, North Georgia Growth Fund II, L.P. ("Appellant") and pursuant to O.C.G.A. § 48-5-311(g)(2), hereby files with the Hall County Board of Tax Assessors (the "Board of Tax Assessors") this Notice of Appeal from the decision of the Hall County Board of Equalization (the "Board of Equalization") mailed on September 30, 2009 which determined the appraised values of the aforesaid parcels of real property and improvements (the "Properties") and the assessed values as set forth below, this Notice of Appeal being to the Superior Court of Hall County. In light of the Board of Equalization's consolidated decision rendered on September 5, 2009 and mailed on September 30, 2009, this appeal shall apply to all parcels referenced in the Board of Equalization's consolidated decision pursuant to O.C.G.A. § 48-5-311(e)(6)(c). A true and correct copy of the Board of Equalization Decision appealed from is attached hereto as Exhibit "A."

Parcel Number	Appraised Value	Assessed Value
15-39F-15	\$50,954.00	\$20,382.00
15-39F-16	\$50,683.00	\$20,273.00
15-39F-17	\$50,963.00	\$20,385.00
15-39F-18	\$51,003.00	\$20,401.00

Parcel Number	Value
15-39F-15	50,954.00
15-39F-16	50,683.00
15-39F-17	50,963.00
15-39F-18	51,003.00
15-39F-19	51,512.00
15-39F-109	50,709.00
15-39F-110	50,692.00
15-39F-111	50,692.00
15-39F-112	50,692.00
15-39F113	50,709.00
15-39F-114	51,247.00
15-39F-115	51,300.00
15-39F-116	51,300.00
15-39F-117	51,300.00
15-39F-118	51,300.00
15-39F-119	51,300.00
15-39F-120	51,500.00
15-39F-121	52,537.00
15-39F-122	52,910.00
15-39F-123	53,294.00
15-39F-124	53,349.00
15-39F-125	53,146.00
15-39F-126	51,207.00
15-39F-127	50,676.00
15-39F-128	50,727.00
15-39F-129	50,716.00
15-39F-130	50,727.00
15-39F-132	50,727.00
15-39F-133	50,727.00
15-39F-134	50,727.00
15-39F-135	52,452.00
15-39F-136	53,474.00
15-39F-141	53,304.00
15-39F-142	50,831.00
15-39F-143	50,831.00
15-39F-144	50,831.00
15-39F-145	50,831.00
15-39F-146	50,831.00
15-39F-147	50,831.00
15-39F-151	50,460.00
15-39F-195	52,189.00
15-39F-196	51,502.00
15-39F-197	51,502.00
15-39F-198	51,502.00
15-39F-199	51,502.00



15-39F-200	51,502.00
15-39F-201	52,995.00
15-39F-202	51,502.00
15-39F-203	50,730.00
15-39F-204	50,730.00
15-39F-205	50,730.00
15-39F-206	50,730.00
15-39F-207	51,469.00
15-39F-208	51,733.00
15-39F-209	50,726.00
15-39F-210	50,726.00
15-39F-211	50,726.00
15-39F-212	52,525.00

15-39F-19	\$51,512.00	\$20,605.00
15-39F-109	\$50,709.00	\$20,284.00
15-39F-110	\$50,692.00	\$20,277.00
15-39F-111	\$50,692.00	\$20,277.00
15-39F-112	\$50,692.00	\$20,277.00
15-39F-113	\$50,709.00	\$20,284.00
15-39F-114	\$51,247.00	\$20,499.00
15-39F-115	\$51,300.00	\$20,520.00
15-39F-116	\$51,300.00	\$20,520.00
15-39F-117	\$51,300.00	\$20,520.00
15-39F-118	\$51,300.00	\$20,520.00
15-39F-119	\$51,300.00	\$20,520.00
15-39F-120	\$51,500.00	\$20,600.00
15-39F-121	\$52,537.00	\$21,015.00
15-39F-122	\$52,910.00	\$21,164.00
15-39F-123	\$53,294.00	\$21,318.00
15-39F-124	\$53,349.00	\$21,340.00
15-39F-125	\$53,146.00	\$21,258.00
15-39F-126	\$51,207.00	\$20,483.00
15-39F-127	\$50,676.00	\$20,270.00
15-39F-128	\$50,727.00	\$20,291.00
15-39F-129	\$50,716.00	\$20,286.00
15-39F-130	\$50,727.00	\$20,291.00
15-39F-132	\$50,727.00	\$20,291.00
15-39F-133	\$50,727.00	\$20,291.00
15-39F-134	\$50,727.00	\$20,290.00
15-39F-135	\$52,452.00	\$20,981.00
15-39F-136	\$53,474.00	\$21,390.00
15-39F-141	\$53,304.00	\$21,322.00
15-39F-142	\$50,831.00	\$20,332.00
15-39F-143	\$50,831.00	\$20,332.00
15-39F-144	\$50,831.00	\$20,332.00
15-39F-145	\$50,831.00	\$20,332.00
15-39F-146	\$50,831.00	\$20,332.00
15-39F-147	\$50,831.00	\$20,332.00
15-39F-151	\$50,460.00	\$20,184.00
15-39F-195	\$52,189.00	\$20,876.00
15-39F-196	\$51,502.00	\$20,601.00
15-39F-197	\$51,502.00	\$20,601.00
15-39F-198	\$51,502.00	\$20,601.00
15-39F-199	\$51,502.00	\$20,601.00
15-39F-200	\$51,502.00	\$20,601.00
15-39F-201	\$52,995.00	\$21,198.00

15-39F-202	\$51,502.00	\$20,601.00
15-39F-203	\$50,730.00	\$20,292.00
15-39F-204	\$50,730.00	\$20,292.00
15-39F-205	\$50,730.00	\$20,292.00
15-39F-206	\$50,730.00	\$20,292.00
15-39F-207	\$51,469.00	\$20,588.00
15-39F-208	\$51,733.00	\$20,693.00
15-39F-209	\$50,726.00	\$20,290.00
15-39F-210	\$50,726.00	\$20,290.00
15-39F-211	\$50,726.00	\$20,290.00
15-39F-212	\$52,525.00	\$21,010.00

1.

The grounds for this Appeal are the following:

- (a) The appraisals, upon which the assessments are based, are in excess of the fair market value of the Properties;
- (b) The Properties were not fairly and uniformly assessed when considered in relation to similar properties in the County, and the assessments are therefore inequitable and invalid;
- (c) The assessments were made without due regard to the particular characteristics of the Properties and the present use of the Properties;
- (d) The assessments are improper as they are based on improper appraisals that do not comply with Georgia Department of Revenue Regulations;
- (e) The Assessments and/or subsequent Board of Equalization hearing and decision violate the Due Process Clause of the United States Constitution, the Due Process Clause of the Georgia Constitution, and O.C.G.A. § 48-5-311 et seq. as Appellant was not provided a full and fair hearing before the Board of Equalization; the burden of proof was improperly shifted to Appellant at the Board of Equalization

hearing; the Board of Tax Assessors and/or Board of Equalization have failed to provide proper notice to Appellant regarding any changes in valuation or the reasons for any valuation decisions made in accordance with the Georgia Constitution and O.C.G.A. § 48-5-311 et seq.; and

- (g) Any other grounds, legal or equitable, which may be discovered upon further inquiry.

2.

This Notice of Appeal is filed within thirty (30) days from the date on which the decision of the Board of Equalization was mailed.

3.

Appellant has paid its filing fee as well as all taxes as required by O.C.G.A. §§ 48-5-29(a) and 15-6-77, thereby providing the Superior Court of Hall County with jurisdiction over this Appeal.

4.

The Board of Tax Assessors is hereby requested to certify to the Clerk of the Superior Court of Hall County as part of the record on appeal all papers and documents reviewed or used by the Board of Tax Assessors or the Board of Equalization with regard to the Property.

5.

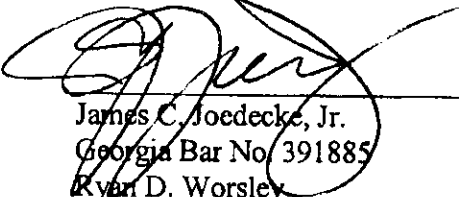
Appellant requests that this action receive preference on the jury trial calendar so as to meet the statutory requirement that this Appeal be heard in the Superior Court of Hall County before a jury at the first term following filing of the Appeal, pursuant to O.C.G.A. § 48-5-311(f)(4)(A).

6.

Appellant is entitled to its expenses of litigation in bringing this action, including reasonable attorney's fees, pursuant to O.C.G.A. §§ 13-6-11 and 48-5-311, as the Board of Assessors has acted in bad faith, has been stubbornly litigious, or has caused the Appellant unnecessary trouble and expense.

This 30th day of October, 2009.

ANDERSEN, TATE & CARR, P.C.



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Fund II, L.P.

1176717_1.DOC

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL
STATE OF GEORGIA

NORTH GEORGIA GROWTH FUND, II, L.P.

Parcel Nos:

15039F-000-015	15039F-000-124	15039F-000-195,
15039F-000-016	15039F-000-125	15039F-000-196,
15039F-000-017	15039F-000-126	15039F-000-197,
15039F-000-018	15039F-000-127	15039F-000-198,
15039F-000-019	15039F-000-128	15039F-000-199,
15039F-000-109	15039F-000-129	15039F-000-200,
15039F-000-110	15039F-000-130	15039F-000-201,
15039F-000-111	15039F-000-132	15039F-000-202,
15039F-000-112	15039F-000-133	15039F-000-203,
15039F-000-113	15039F-000-134	15039F-000-204,
15039F-000-114	15039F-000-135	15039F-000-205,
15039F-000-115	15039F-000-136	15039F-000-206,
15039F-000-116	15039F-000-141	15039F-000-207,
15039F-000-117	15039F-000-142	15039F-000-208,
15039F-000-118	15039F-000-143	15039F-000-209,
15039F-000-119	15039F-000-144	15039F-000-210,
15039F-000-120	15039F-000-145	15039F-000-211,
15039F-000-121	15039F-000-146	15039F-000-212,
15039F-000-122	15039F-000-147,	

Plaintiff,

v.

HALL COUNTY BOARD OF TAX ASSESSORS,

Defendant.

JURY VERDICT FORM

WE, THE JURY, hereby enter our Verdict as follows:

Did Defendant prove the fair market value of the proposed assessments by a preponderance of evidence?

Yes _____

No ☒ _____

If the answer is Yes, you shall end your deliberations and return your verdict to the Court.

If the answer is No, you shall go to the next question.

FILED IN OFFICE
This 21st day of April, 2010
Charles Baker 5:43pm.
Charles Baker

Civil Action File
No.: 2009-CV-4610B

Do you find the fair market values asserted by Plaintiff to be unreasonable?

Yes ✓

No _____

If the answer is No, please state the value you find to be reasonable and return your verdict to the Court.

\$ _____ per lot.

If you find the fair market values asserted by Plaintiff to be unreasonable, then go to the next question.

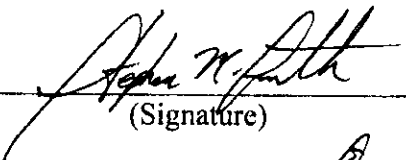
We, the jury, find the fair market value of Plaintiff's property to be as follows:

Parcel Number	Value
15-39F-15	\$ <u>42,424</u>
15-39F-16	\$ <u>42,424</u>
15-39F-17	\$ <u>42,424</u>
15-39F-18	\$ <u>42,424</u>
15-39F-19	\$ <u>42,424</u>
15-39F-109	\$ <u>42,424</u>
15-39F-110	\$ <u>42,424</u>
15-39F-111	\$ <u>42,424</u>
15-39F-112	\$ <u>42,424</u>
15-39F-113	\$ <u>42,424</u>
15-39F-114	\$ <u>42,424</u>
15-39F-115	\$ <u>42,424</u>
15-39F-116	\$ <u>42,424</u>
15-39F-117	\$ <u>42,424</u>
15-39F-118	\$ <u>42,424</u>
15-39F-119	\$ <u>42,424</u>
15-39F-120	\$ <u>42,424</u>
15-39F-121	\$ <u>42,424</u>

15-39F-122	\$ <u>42,424</u>	
15-39F-123	\$ <u>42,424</u>	
15-39F-124	\$ <u>42,424</u>	
15-39F-125	\$ <u>42,424</u>	
15-39F-126	\$ <u>42,424</u>	
15-39F-127	\$ <u>42,424</u>	
15-39F-128	\$ <u>42,424</u>	
15-39F-129	\$ <u>42,424</u>	
15-39F-130	\$ <u>42,424</u>	
15-39F-132	\$ <u>42,424</u>	
15-39F-133	\$ <u>42,424</u>	
15-39F-134	\$ <u>42,424</u>	
15-39F-135	\$ <u>42,424</u>	
15-39F-136	\$ 42,424 42,424 4/2/10	
15-39F-141	\$ <u>42,424</u>	
15-39F-142	\$ <u>42,424</u>	
15-39F-143	\$ <u>42,424</u>	
15-39F-144	\$ <u>42,424</u>	
15-39F-145	\$ <u>42,424</u>	
15-39F-146	\$ <u>42,424</u>	
15-39F-147	\$ <u>42,424</u>	
15-39F-151	\$ <u>42,424</u>	
15-39F-195	\$ <u>42,424</u>	
15-39F-196	\$ <u>42,424</u>	
15-39F-197	\$ <u>42,424</u>	
15-39F-198	\$ <u>42,424</u>	
15-39F-199	\$ <u>42,424</u>	
15-39F-200	\$ <u>42,424</u>	
15-39F-201	\$ <u>42,424</u>	
15-39F-202	\$ <u>42,424</u>	
15-39F-203	\$ <u>42,424</u>	

15-39F-204	\$ <u>42,424</u>
15-39F-205	\$ <u>42,424</u>
15-39F-206	\$ <u>42,424</u>
15-39F-207	\$ <u>42,424</u>
15-39F-208	\$ <u>42,424</u>
15-39F-209	\$ <u>42,424</u>
15-39F-210	\$ <u>42,424</u>
15-39F-211	\$ <u>42,424</u>
15-39F-212	\$ <u>42,424</u>

This 21 day of April, 2010.


(Signature)

Foreperson, Stephen M. Smith
(Printed Name)