



Legislation Details (With Text)

File #:	21-0109	Version:	1	Name:	
Type:	Action Item	Status:		Consent Agenda	
File created:	2/9/2021	In control:		Board of County Commissioners	
On agenda:	2/22/2021	Final action:			
Title:	Request Refund of Payment of Excise Tax to Bagwell, Holt, Smith P.A.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Return of excise tax request, 2. Misfiled Deed - Durham County, 3. Correcting instrument - Durham County, 4. Correctly filed deed - Orange County				

Date	Ver.	Action By	Action	Result
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Item:

Request Refund of Payment of Excise Tax to Bagwell, Holt, Smith P.A.

Date of BOCC Meeting: February 22, 2021

Request for Board Action:

The Board is requested to refund excise tax paid in error to Durham County to the Law Firm of Bagwell, Holt, Smith P.A. On October 14, 2020 a deed was electronically recorded in Durham County, with excise tax paid in the amount of \$1,150.00, which should have been filed in Orange County. Pursuant to N.C. General Statute, 105.228.37 *Before a tax is refunded, the taxpayer must record a new instrument reflecting the correct amount of tax due. If no tax is due because an instrument was recorded in the wrong county, then the taxpayer must record a document stating that no tax was owed because the instrument being corrected was recorded in the wrong county. The taxpayer must include in the document the names of the grantors and grantees and the deed book and page number of the instrument being corrected.*

When a taxpayer records a corrected instrument, the taxpayer must inform the register of deeds that the instrument being recorded is a correcting instrument. The taxpayer must give the register of deeds a copy of the decision granting the refund that shows the correct amount of tax due. The correcting instrument must include the deed book and page number of the instrument being corrected. Before a tax is refunded, the taxpayer must record a new instrument reflecting the correct amount of tax due. (see Attached)

Pursuant to the request by Tonia Allen of Bagwell, Holt, Smith P.A., a refund in the amount of \$1,150.00 is requested due to the misfiling in the office of the Durham County Register of Deeds.

Alignment with Strategic Plan: Goal 5, Accountable, Efficient and Visionary Government. The refund is due pursuant to the statutory requirements.

Resource Persons: James R. Tabron, Assistant Register of Deeds.

County Manager's Recommendation: The County Manager recommends that the Board refund the

overpayment in the amount of \$1,150.00 to Bagwell, Holt, Smith P.A.

County Manager: _____