



Notice of Assessment of Omitted Property
By the Auditor, Assessor, or Treasurer

STATE OF IOWA CITY/COUNTY OF
CITY/COUNTY Auditor Assessor Treasurer

TO:

ADDRESS:

You are hereby notified that certain property belonging to you located at

in the City / Township of, County of, State of Iowa, was erroneously omitted from assessment for taxation for assessment year.

Said property is further described as follows:

Parcel #

Legal Description of Property:

Class:

Assessed Value:

You are further notified that the Auditor Assessor or Treasurer by authority of section 443.6 or 443.14 of the Code of Iowa will proceed to assess the same and list it for taxation for the assessment year at

within ten days from the date of this notice and show good cause why said property should not be so assessed to you at such valuation. You also have the right, within said period of ten days from the date hereof, to set up any claims to exemptions or offsets to which you may be entitled under the laws of the state, failing in which the property will be assessed and listed for taxation without reference to such exemptions or offsets.

Auditor, Assessor, or Treasurer signature:

Date:



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### 443.6 CORRECTIONS BY AUDITOR.

The auditor may correct any error in the assessment or tax list, and the assessor or auditor may assess and list for taxation any omitted property.

### 443.7 NOTICE.

Before assessing and listing for taxation any omitted property, the assessor or auditor shall notify by mail the person in whose name the property is taxed, to appear before the assessor or auditor at the assessor's or auditor's office within ten days from the date of the notice and show cause, if any, why the correction or assessment should not be made.

### 443.8 RIGHT OF APPEAL.

Should such party feel aggrieved at the action of said assessor or auditor the party shall have the right of appeal therefrom to the district court.

### 443.11 PROCEDURE ON APPEAL.

The appeal provided for in section 443.8 shall be taken within ten days from the time of the final action of the assessor or auditor, by a written notice to that effect to the assessor or auditor, and served as an original notice. The court on appeal shall hear and determine the rights of the parties in the same manner as appeals from the board of review, as prescribed in sections 441.39 and 441.43.

### 443.14 DUTY OF TREASURER.

The treasurer shall assess any real property subject to taxation which may have been omitted by the assessor, board of review, or county auditor, and collect taxes thereon, and in such cases shall note, opposite the tract or lot assessed, the words "by treasurer".

## **701—71.25(441,443) Omitted assessments.**

### **71.25(1) Property subject to omitted assessment.**

*a. Land and buildings.* An omitted assessment can be made only if land or buildings were not listed and assessed by the assessor. The failure to list and assess an entire building is an omission for which an omitted assessment can be made even if the land upon which the building is located has been listed and assessed. See *Okland v. Bilyeu*, 359 N.W.2d 412 (Iowa 1984). However, the failure to consider the value added as a result of an improvement made does not constitute an omission for which an omitted assessment can be made if the building or land to which the improvement was made has been listed and assessed.

*b. Previously exempt property.* Property which has been erroneously determined to be exempt from taxation may be restored to taxation by the making of an omitted assessment. See *Talley v. Brown*, 146 Iowa 360, 125 N.W. 243 (1910). An omitted assessment is also made to restore to taxation previously exempt property which ceases to be eligible for an exemption.

### **71.25(2) Officials authorized to make an omitted assessment.**

*a. Local board of review.* A local board of review may make an omitted assessment of property during its regular session only if the property was not listed and assessed as of January 1 of the current assessment year. For example, during its regular session which begins May 1, 1986, a local board of review may make an omitted assessment only of property that was not assessed by the assessor as of January 1, 1986. During that session, the board of review could not make an omitted assessment for an assessment year prior to 1986.

*b. County auditor and local assessor.* The county auditor and local assessor may make an omitted assessment. However, no omitted assessment can be made by the county auditor or local assessor if taxes based on the assessment year in question have been paid or otherwise legally discharged.

For example, if a tract of land was listed and assessed and taxes levied against that assessment have been paid or legally discharged, no omitted assessment can be made of a building located upon that tract of land even though the building was not listed and assessed at the time the land was listed and assessed. See *Okland v. Bilyeu*, 359 N.W.2d 412, 417 (Iowa 1984).

*c. County treasurer.* The county treasurer may make an omitted assessment within two years from the date the tax list which should have contained the assessment should have been delivered to the county treasurer. For example, for the 1999 assessment year, the tax list is to be delivered to the county treasurer on or before June 30, 2000. Thus, the county treasurer may make an omitted assessment for the 1999 assessment year at any time on or before June 30, 2002. The county treasurer may make an omitted assessment of a building even if taxes levied against the land upon which the building is located have been paid or legally discharged. See *Okland v. Bilyeu*, 359 N.W.2d 412, 417 (Iowa 1984).

The county treasurer may not make an omitted assessment if the omitted property is no longer owned by the person who owned the property on January 1 of the year the original assessment should have been made.

*d. Director of revenue.* The director of revenue may make an omitted assessment of any property assessable by the director at any time within two years from the date the assessment should have been made. This rule is intended to implement Iowa Code chapter 440 and sections 443.6 through 443.15 as amended by 1999 Iowa Acts, chapter 174.