



ASSESSOR'S OFFICE
Douglas Harms, Assessor

1010 Tenth Street, Suite 2400 • Modesto, CA 95354
Phone: (209) 525-6461 • Fax: (209) 525-6586

2008

LESSORS' EXEMPTION CLAIM
BOE-263 (FRONT) REV. 7 (8-07)

PROPERTY USED FOR FREE PUBLIC LIBRARIES AND FREE MUSEUMS AND FOR PROPERTY USED EXCLUSIVELY FOR PUBLIC SCHOOLS, COMMUNITY COLLEGES, STATE COLLEGES, STATE UNIVERSITIES, UNIVERSITY OF CALIFORNIA, CHURCHES, AND NONPROFIT COLLEGES, SUBSECTIONS (d), (e) and (f) OF SECTION 3 OF ARTICLE XIII OF THE CALIFORNIA CONSTITUTION

(Property tax benefits claimed here must be passed on to the lessee. See sections 202.2 and 206.2 of the Revenue and Taxation Code.)

NAME AND MAILING ADDRESS

To receive the full exemption, this claim must be filed with the Assessor by February 15, 2008

states:

_____ (name of person making claim)

1. As _____ (title, such as president, etc.)

2. of the _____ (corporate name, if incorporated)

_____ (mailing address) Telephone No. _____;

3. that this claim for exemption is made on behalf of this organization for the 20 ____ – 20 ____ fiscal year for the property listed below:

PROPERTY DESCRIPTION	STATE PRIMARY AND INCIDENTAL USE OF PROPERTY DESCRIBED
Land: Area:	Use:
Buildings and improvements:	Use:
Personal Property:*	Use:

4. That the name and address of the qualifying institution(s)* is _____

5. That the lease confers upon the lessee the exclusive right to possession and use of the property except that for free public libraries and free museums the statute does not require "exclusive" use.

6. That as used here a qualifying institution is one whose property qualifies for the public school, community college, state college, state university, University of California, free public library, free museum, or nonprofit college property tax exemption.

7. That property included in this claim for exemption (check one) will will not be reported by the lessor on a business property statement submitted to the Assessor (see the instructions for property statement filing requirements).

8. That an affidavit in which the lessee declares it exclusively uses the property for exempt purposes (check one) is attached will be submitted by the lessor with the property statement.

Important: Failure to submit the lessee's affidavit will result in denial of the exemption for the lessor in cases of lessees which are public schools, community colleges, state colleges, state universities, University of California, churches, and nonprofit colleges. Submission of the lessee's affidavit after the date the claim form is due (for taxpayers not required to file a property statement) or after the last day for filing the lessor's property statement without penalty under section 463 of the Revenue and Taxation Code (for taxpayers required to file a property statement) will result in a portion of the exemption being denied. Lessee's affidavit not required for free public library or free museum exemption.

*If there are numerous items of property at various locations, you may attach a list that clearly identifies the property, the name and address of the lessee, and which exemption is applicable.

CERTIFICATION

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing and all information hereon, including any accompanying statements or documents, is true, correct and complete to the best of my knowledge and belief.

SIGNATURE OF PERSON MAKING CLAIM

TITLE

DATE

THIS EXEMPTION CLAIM IS A PUBLIC RECORD AND IS SUBJECT TO PUBLIC INSPECTION.

INSTRUCTIONS

The person signing this claim should enter his or her name on the first line.

- Line 3.** If land and/or building, enter the street address and parcel number. If personal property, describe in sufficient detail to identify (e.g., type, make, model, serial number, etc.). List the primary use to be made of the property; list other known uses of the property.
- Line 4.** Enter the name and address of the lessee. If there is more than one lessee, you may attach an itemized list.
- Line 7.** Check the appropriate box. If you own taxable personal property in any county whose aggregate cost is \$100,000 or more for any assessment year, you must file a property statement with the Assessor of that county whether or not specifically requested to do so. Any person not otherwise required to file a statement shall do so upon request of the Assessor regardless of aggregate cost.
- Line 8.** If the lessee is a public school, community college, state college, state university, University of California, church or nonprofit college, you must submit evidence of the lessee's exclusive use of the property for exempt purposes. Submit in accordance with the box checked on the form an affidavit of the lessee declaring under penalty of perjury that the property is exclusively used for the purpose for which is conferred. In the case of free public library or free museum, exclusive use is not required, and the fact of the lessee's possession is sufficient evidence of use.

If the property, or a portion thereof, for which exemption is claimed is a student bookstore that generates unrelated business taxable income as defined in section 512 of the Internal Revenue Code, property taxes as determined by establishing a ratio of the unrelated business taxable income to the bookstore's gross income will be levied.

Property tax benefits claimed herein must be passed on to the lessee in the form of:

- (1) Reduction in rental payments (sections 202.2 and 206.2, Revenue and Taxation Code).
- (2) Refund of rental payments, if paid (sections 202.2 and 206.2, Revenue and Taxation Code).
- (3) Claim by lessee under the provisions of section 5096, Revenue and Taxation Code, for a refund of taxes paid by a lessor (section 202.2, Revenue and Taxation Code).

Note: Where the lessee files a claim for an exemption mentioned in the heading of this form and reports leased property, such property will be allowed the exemption if used in an exempt manner.

SAMPLE AFFIDAVIT FORM FOR EXECUTION BY INSTITUTIONAL LESSEES

State of California

County of _____ Return to _____
(owner-lessor)

_____ hereby declares:
(name of declarant)

1. That he or she is the _____ of _____
(title or office) (name of lessee institution)

2. That this institution is a _____
(type of institution, e.g., nonprofit private college)
 qualifying for property tax exemption and meets all requirements prescribed by law for exemption.

3. That this institution leases from _____ the following
(name of lessor)
 _____ property as of January 1 of this year. *(Describe personal property: type, make, model, serial number, etc.)*
(real or personal)

- a. _____
- b. _____
- c. _____

4. That this leased property is being used/used exclusively for _____ purposes.

- a. Date the lease was signed _____
- b. Commencement date of the lease _____

[The Assessor may request a copy of the lease agreement(s)].

c. Is the property, or portion thereof, described herein used by a church for parking purposes? Yes No If **yes**, is the congregation of the church, religious denomination, or sect greater than 500 members? Yes No If **yes**, the property, or portion thereof, so used is not eligible for exemption.

5. Is the property, or a portion thereof, for which exemption is claimed a student bookstore that generates unrelated business taxable income as defined in section 512 of the Internal Revenue Code? Yes No If **yes**, a copy of the institution's most recent tax return filed with the Internal Revenue Service must accompany this claim. Property taxes as determined by establishing a ratio of the unrelated, business taxable income to the bookstore's gross income will be levied.

CERTIFICATION

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing and all information hereon, including any accompanying statements or documents, is true, correct and complete to the best of my knowledge and belief.

SIGNATURE OF DECLARANT	TITLE	DATE
▶		