

Date: February 14, 2003

To: Mary Ash, County Counsel

From: Angelina Hunter, *AH*
Tom Bryan

Subject: Claim for Refund of Property Taxes for WVP Income
Plus 3 for Parcel No. 055-253-170 for tax year 1998-99

Review of 055-253-170 for 1998-99 roll indicates an Assessment Appeal Stipulation was agreed on by County of San Mateo and WVP-Income Plus 3 (see attached). A check for refund was issued for over payment by County Controller (see attached). Since Applicant and County reached an agreement and refund was issued there is no basis for further refund of Property taxes.

COUNTY OF SAN MATEO
 2200 BROADWAY REDWOOD CITY, CALIFORNIA 94063

THIS CHECK VOID IF NOT PRESENTED FOR PAYMENT WITHIN 6 MONTHS FROM DATE OF ISSUANCE
 UNION BANK 350 CALIFORNIA STREET SAN FRANCISCO, CA 94104

CLEARING ACCOUNT NO. 0540 11-49
1210 **360790**

DATE
05-03-99

PAY: Eleven thousand seven hundred twelve and 98/100 Dollars

TO THE ORDER OF:
 WVP INCOME PLUS 3
 C/O DECLARATION SERVICES, INC
 97 E BROKAW RD STE 210
 SAN JOSE CA 95112

AMOUNT
\$11,712.98

John J. Jennings
 COUNTY CONTROLLER

⑈0000360790⑈ ⑆121000497⑆ 7020010090⑈ ⑆0001171298⑆

NCSC 6/21/99

⑈00012651⑈

51997

18102475
 06/21/99
 1210-0037-4

JE 09 21
 1910-0237-4

ENDORSE HERE
 PAY TO THE ORDER OF
 CUPERTINO NATIONAL BANK
 SAN JOSE, CA 95113
 12111152
 FOR DEPOSIT ONLY
 SOUTH BAY MANAGEMENT CORP.
 PROPERTY MGT. TRUST ACCT.
 002107732

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
 RESERVED FOR FINANCIAL INSTITUTION USE

Posted : 06/21/1999
 Bank : 0000
 R/T :
 Account : 7020010090
 Check : 360790
 Amount : 11712.98
 DIN : 80912651

PARCEL:	055-253-170-9	VOL:		Tax Year:	98-99	CLAIM NUMBER	
NAME:	WVP INCOME PLUS 3			TRA:	08-010	9027133	
ADDRESS:	C/O DECLARATION SERVICES, INC 97 E BROKAW RD STE 210 SAN JOSE CA 95112			Date Entered:	04/19/1999	STATUS*	PAID <input type="checkbox"/>
				Date Returned:	05/03/1999	TYPE*	SECURED
				Date Submitted:	5/3/1999		
Refund Tax Year 98-99 SECURED 055-253-170-9						Add Claim	Search
Assessment Appeals Board #98-287						Print Letter	Tax Calc
						Submit for Payment	INIT
							CC
Print Claim Rpt	Daily Summary Rpt						
Paid Claims	Check Advices						
				Fund/Org	Account	Amount	
				03137	0921	\$11,712.98	

**San Mateo County
Controllers Office**

Browse Unclaimed	Unclaimed Pending	Return to Switchboard
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**County of San Mateo
Assessment Appeals Board
Assessment Stipulation**

DOCKET: 98-287

For the 1998-99 Fiscal Year

The Assessor of the County of San Mateo and the undersigned Assessee hereby agree that the taxable value of the hereinafter described property shall be as stipulated below.

Secured Property	Tax	Unsecured Property
Parcel Number	Rate Area	Account Nbr
055-253-170-9	008-010	Tax Bill Nbr

Property Location
4040 Campbell Ave, Menlo Park

This change in value is based on the following facts:

Review of Market Data indicates that the Fair Market Value (FMV) as of 1/1/98 is lower than the factored base year value. Taxable value will be reviewed annually on Jan.1st and the lower of the FMV or the FBV will be enrolled per R&T code 51(b).

1998-99 Annual Roll

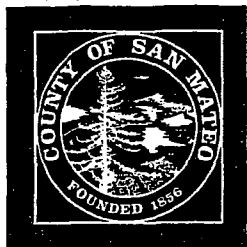
	<u>Assessment On Roll</u>	<u>Stipulated Taxable Value</u>	<u>Difference</u>
Land	\$2,319,601	\$2,319,601	\$0
Improvement Structures	\$4,795,045	\$3,680,399	\$-1,114,646
Improvement Fixtures	\$0	\$0	\$0
Personal Property	\$0	\$0	\$0
Less: Exemption	\$0	\$0	\$0
Net Taxable Value	\$7,114,646	\$6,000,000	\$-1,114,646

I hereby agree to the stipulated taxable values above. Assessee hereby further waives any and all other claims for refund of property taxes which could have arisen out of, or are related to, this change in assessment.

Assessor	Date	County Counsel	Date
<i>[Signature]</i>		<i>Mary C. Rafferty</i>	4-2-99
Signature of Owner (or Authorized Agent)	Date	Chairperson, AAB	Date
<i>Elizabeth Conroy</i>	3/22/99	<i>DR Behr</i>	APR -8 1999

Owner: WVP-Income Plus III
 c/o : Elizabeth Conroy Delcaration Services
 Address: 97 East Brokaw Road #210
 San Jose, CA 95112
 Phone: (408) 453-2700 (fax 408-453-2727)

County Manager's Office



COUNTY OF SAN MATEO

COUNTY GOVERNMENT CENTER • REDWOOD CITY • CALIFORNIA 94063-1662
WEB PAGE ADDRESS: <http://www.co.sanmateo.ca.us>

BOARD OF SUPERVISORS
MARK CHURCH
JERRY HILL
RICHARD S. GORDON
ROSE JACOBS GIBSON
MICHAEL D. NEVIN

JOHN L. MALTBIE
COUNTY MANAGER
CLERK OF THE BOARD

(650) 363-4123
FAX: (650) 363-1916

February 10, 2003

WVP Income Plus 3
Jonathan M. Rayden
4675 Stevens Creek Blvd., Suite 230
Santa Clara, CA 95051

Subject: Claim for refund of property taxes for WVP Income Plus 3 for Parcel No(s). 055-253-170

This will acknowledge receipt of your claim for refund of property tax for the referenced parcel(s). Your claim has been referred to the County Counsel for investigation and recommendation to the Board of Supervisors.

When I have the County Counsel's report, I will send you a copy and notify you of the date the Board will consider the matter.

Sincerely,

JOHN L. MALTBIE
County Manager/Clerk of the Board

c: ✓ County Counsel
Tax Collector
Assessor
Elizabeth Conroy, Declaration Services, Inc.,
97 East Brokaw Road, Suite 210, San Jose, 95112



Date being filed: _____, 2002

HAND-DELIVERED

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

NAME OF CLAIMANT: WVP Income Plus 3

CLAIM FOR REFUND OF PROPERTY TAXES
SAN MATEO COUNTY

<u>Tax Year</u>	<u>Total Property Tax Refund</u>
1998/99	\$19,908.73

THIS REFUND CLAIM IS BEING FILED FOR EACH
OF THE FOLLOWING ASSESSOR PARCEL NUMBERS ("APNs")
WITHIN SAN MATEO COUNTY:

APN: 055-253-170
Address: 4040 Campbell Ave
Menlo Park, CA

APN: _____
Address: _____

APN: _____
Address: _____

TO: THE BOARD OF SUPERVISORS, SAN MATEO COUNTY, STATE OF CALIFORNIA

1. WVP Income Plus 3 [NAME OF CLAIMANT] (hereafter "Claimant"), a Limited Partnership duly organized and existing under the laws of California, with business activity and property located in California, hereby makes this claim for refund pursuant to

California Revenue and Taxation Code ("R&TC") sections 5096 et seq., and demands that the Board of Supervisors order the Controller of San Mateo County to refund the following property taxes paid by Claimant for the 1998/1999 tax year (the "1998 tax year"), relating to the real property located at Claimant's above referenced business locations, hereafter collectively the "Properties."

2. For the 1998 tax year, the County assessed the Properties and taxes were levied based upon that assessment. Claimant paid the taxes in full with respect to the Properties as set forth in the attached Exhibit A. Claimant claims the Assessor's assessments, or portions thereof, to be invalid as set forth in the attached Exhibit A.

3. Claimant is entitled to a refund of at least \$19,908.73 on the below-described grounds with respect to the property. Claimant also demands interest on the above property taxes from the date of Claimant's original payment of these amounts. See R&TC § 5151 et seq.

4. The requested refund relates to overstatements of the assessed value of Claimant's real property at the Properties for the 1998 tax year. The San Mateo County Assessor (hereafter the "Assessor") overassessed such real property for such year. Specifically, the Assessor's Office incorrectly applied the pertinent provisions of the California Constitution and the Revenue and Taxation Code in assessing the property in the 1998 tax year. Article XIII A, Section 2 of the California Constitution requires that the property's full cash value base may reflect from year to year the inflationary rate not to exceed 2 percent for any given year (or reduction as shown in the applicable index), or may be reduced to reflect substantial damage, destruction or other factors causing a decline in value. In a year prior to the 1998 tax year, the Assessor's Office determined a full cash value base for this property (based on those substantial damage, destruction or other factors) and then in assessing such property in one or more subsequent years increased that full cash value base by more than 2%.

5. No refund of said taxes, or any part thereof, has previously been made.

6. Any and all correspondence to the taxpayer concerning this claim for refund should be directed to both of the following addresses:

[NAME OF PERSON:] Mr. Jonathan M. Rayden
[NAME OF COMPANY:] WVP Income Plus 3
[ADDRESS:] 4675 Stevens Creek Blvd., Suite 230
Santa Clara, CA 95051

AND

Ms. Elizabeth Conroy
Declaration Services, Inc.
97 East Brokaw Road, Suite 210
San Jose, CA 95112

or such substitute addresses as we may provide to you from time to time.

Thank you for your cooperation. Claimant reserves the right to file amendments and supplements to this Claim for Refund at a later date.

The undersigned verifies the accuracy of this Refund Claim on behalf of Claimant.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this 4 day of April, 2002, at Santa Clara, CA


(SIGNATURE)

JONATHAN M. RAYDER, President
(PRINTED NAME)

President
(TITLE OF OFFICER)

For: West Valley Properties Inc,
General Partner

for: WVP Group P.L.L.C.
(NAME OF TAXPAYER)

EXHIBIT A – PAGE 1 of 1

In the case of each parcel, the tax amounts shown below were all paid in two installments. Thus, one-half of each tax payment was paid on or before December 10, 1998, and the second half was paid on or before April 10, 1999.

<u>APN:</u>	<u>Amounts of Original Assessment:</u>		<u>Tax Amount Paid:</u>	<u>Portion of Assessment Claimed to be Void:</u>	<u>Refund:</u>
<u>055-253-170</u>	Land	<u>\$2,319,601</u>	<u>\$</u>	<u>\$<281,399></u>	<u>\$</u>
	Improvements	<u>\$4,795,045</u>	<u>\$</u>	<u>\$2,194,045</u>	<u>\$</u>
	Total	<u>\$7,114,646</u>	<u>\$78,568.76</u>	<u>\$1,912,646</u>	<u>\$19,908.73</u>

<u>APN:</u>	<u>Amounts of Original Assessment:</u>		<u>Tax Amount Paid:</u>	<u>Portion of Assessment Claimed to be Void:</u>	<u>Refund:</u>
<u> </u>	Land	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
	Improvements	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
	Total	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>

<u>APN:</u>	<u>Amounts of Original Assessment:</u>		<u>Tax Amount Paid:</u>	<u>Portion of Assessment Claimed to be Void:</u>	<u>Refund:</u>
<u> </u>	Land	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
	Improvements	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
	Total	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>