

RESOLUTION # \_\_\_\_\_

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAX

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WHEREAS, FI Realty, LLC sold certain property to M Realty, LLC as set forth and described in deed recorded on November 1, 2011 in Book 4927, Page 666 Buncombe County Registry indicating an Excise Tax paid in the amount of \$7,400 by the transferor which reflects a purchase price \$3,700,000; and

WHEREAS, pursuant to NCGS § 47-36.1, David E. Matney III of Matney & Associates, PA prepared and caused to be recorded an affidavit of Notice of Typographical or Other Minor Error in Previously Recorded Instrument; this Notice is recorded in Book 4976, Page 619 in said registry; and

WHEREAS, the Notice indicates that an error was made in reporting the excise tax reflected on the deed and that the same should be \$6,640 and not \$7,400; and

WHEREAS, pursuant to NCGS §105-228.37, George W. Morosani, Managing Member of FI Realty, LLC, made timely written request for a refund of overpayment of excise tax in the amount of \$760 based on the true consideration for the property of \$3,320,000; and

WHEREAS, this Board held a hearing on this request for refund on the date indicated below and upon motion made, seconded, and duly adopted has determined that it is in the best interests of the citizens and residents of the County that this request be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That the County Manager or her designee is hereby authorized to process a refund to FI Realty, LLC in the amount of \$760 in accordance with NCGS §105-228.37.
2. That this resolution shall be effective upon its adoption.

This the 1<sup>st</sup> day of May, 2012.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
Kathy Hughes, Clerk

By: \_\_\_\_\_  
David Gantt, Chairman

APPROVED AS TO FORM

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Michael C. Frue, County Attorney