



Brian Kroshus, Tax Commissioner

600 E. Boulevard Ave., Dept. 127
Bismarck, ND 58505-0599

taxinfo@nd.gov

701-328-7088

www.tax.nd.gov

County Information – State Board of Equalization Appeal

Please complete this form in its entirety. The information provided will be taken into consideration when investigating and reaching a conclusion regarding the appeal presented. To provide ample time for investigation, all information to support the appeal (property information, pictures, income information, etc.) must be received by August 1, 2026. Please provide one questionnaire per property.

Please email or mail any supporting documentation to:

propertytax@nd.gov

or

The Office of State Tax Commissioner, Attn: Property Tax, Dept. 127
600 E Boulevard Ave., Bismarck, ND 58505-0599.

Information for Property Referenced in Appeal:

Owner Name: Christian Sports Commission, INC (Craig + Irene Richie)
Address: 1241 Broadway N - Fargo ND 58102
Township Name (if applicable): City of Mayville
Parcel ID: 27-0001-04268-010
Legal Description: E 150' of S 315' of Lot 1 SW 1/4 N of Alm Add. 32-147-52
*This information should provide a calculated breakdown associated with the subject property. A-1.09

City/County Official Contact Information:

Name: Kayla Knudson, Director
Address: PO. Box 745 Hillsboro ND 58045
Phone Number: 701-636-5950
Email Address: Kayla.Knudson@co.trail.nd.us

Answer the questions below that apply to the appeal:

Was the appellant sent a notice of increase letter from the city/township? (use drop-down for all that apply)

Choose One Township/City Equalization Meeting
Choose One County Equalization Meeting
Choose One

N/A

Mayville City Tax Equalization

April 13, 2026

The Mayville City Council met in special session on April 13th, 2026, for the Open Tax Assessment Meeting held at Mayville City Hall at 6:30pm. Mayor Jorgenson called the meeting to order and then turned it over to Kayla Knudson with the following aldermen present: Moen, Soholt, O'Brien, Halvorson, Petersen, Garrett. Also attending was Michelle Mooney, Kayla Knudson, Gail Olstad, Julie Christianson and Cassie Tostenson. Please see the enclosed list of the people that were in attendance.

1. General Exemptions:

- a. Tim & Sue Strand 27003700006001
- b. Sanford 27001107559000;27001107560000
- c. Luther Memorial 270002600001000;270002702739010
- d. Mayville Senior Citizens 27000206905000
- e. Goose River Heritage 27800900017000
- f. Goose River Masonic Lodge 270027027220101
- g. Did not receive: West Traill Ambulance, CWND, Christian Sports Commission

2. Commercial, Improvement, or Ren Zone:

- a. Finley Motors (On Track Prop LLC) 27003200003000 taxable in 2027
- b. Finley Motors 27003402801010 taxable in 2027
- c. Delchar Theater 27000206970005 taxable in 2027
- d. Brad Richter Ins (Priority One Insurance) 27000206901000 taxable in 2027
- e. Richard & Janna Rygg 27000507231000 (Ren Zone) – 2025 thru 2029
- f. Jaffa Coffee Company (LI Jaffa Holding LLC) 27001400001000 taxable in 2030.

3. Residential Discussion – Two new houses that are coming on tax rolls are in Riverwood (Everett & Brooke Jordan) and Faye Grandalen.

4. Commercial Discussion – None

5. Follow Up items from previous year:

- a. Houses on gravel roads

- i. No change made
- b. Condos
 - i. Extra obso added for the HOA restrictions
- c. No individuals have been in contact about wanting home visits.
- d. Land – no change.

6. Building Permit Discussion

a. Procedures/Discussion – Mayville City Auditor makes copies of all building permits that take place in that office. Those copies get sent over to Traill County Tax Director's office. From there is where they start their rounds of looking at homes. Currently Mayville is sitting at 94% with the County at 95%. Mayville City Council asked Kayla & Michelle to see where if at all to get Mayville down to 91% instead of 94%. A motion to reject Mayville at 94% was made by O'Brien. Petersen seconded the motion, the motion carried.

Halvorson made the motion to convene meeting on April 27th, 2026, at 5p. Soholt seconded the motion, the motion carried.

Attest: Julie Christianson
Julie Christianson, Deputy Auditor

Mayor: Karl Jorgenson
Karl Jorgenson

City of Mayville Equalization Meeting attendees from 4/13/2026

Craig Richie

R. B. Christian

Colby Zupan

Lorrain Bolten

Marvin Aamold

Jasper Jacobson

Brad Angen

Cheryl Angen

Tim Martin

Matthew Donovan

Andrew Roufs

Samantha Sanchez

Attendees from 4/27/2026 follow up equalization meeting

Jasper Jacobson

Mary Whitaker

Samantha Sanchez

Mayville City Tax Equalization

April 27, 2026 @ 5pm

The Mayville City Council met in special session on April 27th, 2026, to reconvene for the Open Tax Assessment Meeting that was held previously at Mayville City Hall on April 13th at 6:30pm. Mayor Jorgenson called the meeting to order and then turned it over to Kayla Knudson with the following aldermen present: Moen, O'Brien, Halvorson, Petersen, Garrett. Attending by phone: Soholt. Also attending were Michelle Mooney, Kayla Knudson, Gail Olstad, Julie Christianson, Mary Whitaker, Samantha Sanchez and Jasper Jacobson.

Kayla Knudson talked about getting new software to make things more uniform. The average difference in taxes from 2025 to 2026 is \$72.00. There are no changes made in land values. The average is 6% increase in sales markets. She gave an example – if we started at 89% and if state comes in and says a 3% increase across – would be then at 92% (depends on what % increase they make you do).

There were 23 homes that were looking for a change in their taxes. Kayla & Michelle stated that if Council wants to manually change the 23 this year and then next year take those changes off for the next year. O'Brien made a motion to rescind the motion from April 13th, 2026, tax meeting to reject the proposed changes that was presented. Garrett seconded the motion and upon a roll call vote the following voted; Yea: Moen, Soholt, Petersen, Garrett, O'Brien, Halvorson; Nay: Zero; Absent: None.

A new motion was made by Moen to accept the tax changes as is originally from the April 13th, 2026, meeting (leaving Mayville at 94%). Halvorson seconded the motion and upon a roll call vote the following voted; Yea: Halvorson, Garrett, Moen; Nay: O'Brien, Petersen, Soholt; Absent: None. It ended in a tie so Mayor Jorgenson broke the tie by saying yes.

Moen made the motion to adjourn the meeting. Halvorson seconded the motion, the motion carried.

Attest: Julie Christianson
Julie Christianson, Deputy Auditor

Mayor: Karl Jorgenson
Karl Jorgenson

April 13, 2026, Mayville City Council

The Mayville City Council met in regular session on April 13, 2026, at 6:00 pm in the council chambers with Mayor Jorgenson presiding and the following Aldermen responding to call of the roll: O'Brien, Moen, Halvorson, Garrett, Petersen, Soholt. Absent: None. Also, in attendance: Gail Olstad, Julie Christianson, Cassie Tostenson, Alexis Whitehorn, Craig Ritchie & wife, Kelli Tvedt, Samantha Sanchez, Jasper Jacobson, Brad & Cheryl Angen, Lydell Schultz, Lorraine Bolton, Christian Berry, Tim Martin, Marvin Aamold, Colby Zupan, Jerrod Bergstrom and Cassie Braaten. Brandon Reber from Moore Engineering was also present.

Library Report - Alexis Whitehorn from the Mayville Public Library talked about the Library's annual report. In 2025 there were 4,598 visits with 6,892 total checkouts. She said that there are 467 active card holders with 58% being adults and 42% children (Ages 5-17). Some updates have been made at the library which included the main floor getting painted and the plaster in the stairwell being fixed in 2025. Lexi told us that 382 programs have taken place at the library with a total attendance of 4,583. Job well done!! Great work by Lexi and volunteers to help with these programs!!

Findings of Fact, Conclusion Action Items: Craig Ritchie spoke on wanting to get a tax exemption and tax abatement on the Christian Sports Commission building (Old Sanford Clinic). Craig was asking for a tax exemption for religious purposes. He claimed that church services were piped into Christian Sports Commission every Sunday. Craig said that \$18,000 were owed for back taxes. Petersen made the motion to approve a tax exemption for the CSC but denied a tax abatement for CSC. Halvorson seconded the motion and upon a roll call vote the following voted; Yea: Garrett, Halvorson, Petersen, Soholt; Nay: Moen, O'Brien; Absent: None. The conclusion is that CSC was approved for a tax exemption but not for a tax abatement.

**CITY OF MAYVILLE
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION**

RE: Application for Property Tax Exemption and Abatement

Parcel No.: 27-0001-04268-010

Applicant: Christian Sports Commission, Inc.

I. Background.

Christian Sports Commission, Inc. ("CSC") submitted applications seeking (1) property tax exemption and (2) abatement and refund of previously assessed and paid property taxes for the above-referenced parcel.

The City of Mayville, acting in its role within the property assessment and equalization process, has reviewed the applications, supporting materials, and applicable law. The City issues the following Findings of Fact and Conclusions of Law with respect to exemption, and a recommendation to the Trail County Board of Commissioners regarding abatement.

II. Findings of Fact

- A. CSC is a nonprofit corporation recognized as a tax-exempt entity under Section 501(c)(3) of the Internal Revenue Code.
- B. CSC acquired the subject property in approximately November 2011.
- C. The property consists of a residential structure used for multiple purposes, including:
 - i. Housing individuals, sometimes at reduced or no cost;
 - ii. Hosting Bible studies and Christian-oriented activities; and

- iii. Providing a gathering space associated with CSC's mission.
- D. The property is not a church building, parsonage, or structure used exclusively for formal public religious worship.
- E. The primary physical character of the property is residential.
- F. CSC did not file an application for property tax exemption for the subject property until 2025.
- G. Property taxes for prior years, including but not limited to 2022, 2023, and 2024, were duly assessed and paid.
- H. CSC has not met its burden to establish the nature, extent, and qualifying character of the property's use for each prior tax year at issue.
- I. CSC has not met its burden to establish that any prior tax assessment was illegal, erroneous, or the result of clerical mistake.

III. Conclusion of Law.

A. Standard.

- i. All property in North Dakota is taxable unless expressly exempted by law. N.D.C.C. § 57-02-03.
- ii. Tax exemptions are strictly construed against the taxpayer, and the burden of proof rests on the party claiming the exemption.
- iii. Eligibility for exemption must be established based on the actual use of the property, and each tax year is independently evaluated.

B. Determination of Exemption (Prospective)

- i. Property is exempt under N.D.C.C. § 57-02-08(8)(a) if it is:
 - Owned by an institution of public charity;
 - Used wholly or in part for charitable purposes; and
 - Not used with a view to profit.
- ii. CSC qualifies as an institution of public charity.
- iii. CSC has met its burden to establish that the current use of the property includes charitable activities with a direct and primary connection to its organizational purpose.

- iv. North Dakota law permits exemption where property is used "wholly or in part" for charitable purposes, even where residential use is also present, provided the use is not for profit.
- v. CSC has met its burden to establish eligibility for exemption under N.D.C.C. § 57-02-08(8)(a) on a prospective basis.

C. Abatement and Refund (Recommendation Only)

- i. Abatement or refund of property taxes is governed by N.D.C.C. ch. 57-23 and is within the authority of the Traill County Board of Commissioners.
- ii. Abatement is limited to circumstances where taxes were:
 - Illegally levied;
 - Based on an invalid or erroneous assessment; or
 - The result of clerical or factual error.
- iii. CSC has not met its burden to establish that any prior tax assessment was illegal, erroneous, or subject to abatement under N.D.C.C. ch. 57-23.
- iv. CSC has not met its burden to establish that the property qualified for exemption in each prior tax year at issue.
- v. A failure to timely apply for an exemption does not render prior taxes invalid or refundable.
- vi. Any doubt regarding qualification for exemption in prior years should be resolved against CSC.

IV. Determination and Recommendation.

- A. Exemption Determination (City of Mayville): The property qualifies for exemption under N.D.C.C. § 57-02-08(8)(a) on a prospective basis, effective for the next applicable tax year, contingent upon continued qualifying use.
- B. Abatement Recommendation (to Traill County Board of Commissioners):
The City of Mayville recommends that the application for abatement and refund of previously assessed and paid property taxes be DENIED.

Recess Council for Tax Equalization Meeting – Paused council meeting at 6:20pm

Please see minutes from that meeting

Called Council Meeting Back to Order at 7:50pm by Mayor Jorgenson presiding and the following Aldermen responding to call of the roll: Soholt, O'Brien, Garrett, Halvorson, Petersen, Moen. Absent: None. Also attending the meeting: Gail Olstad, Julie Christianson, Cassie Tostenson. Brandon Reber from Moore Engineering was also in attendance.

Additions to the agenda: Q. Firewall update for Water Treatment Plant from In Control, Inc.

O'Brien made a motion to accept the approval agenda on the following items:

1. **January 5th, 2026, minutes amended(Monthly meeting)**
2. **March 2nd, 2026, minutes (Monthly Meeting)**
3. **Landfill will go back to being open Thursdays 4-7 and Saturdays 8-Noon on May 1st.**
4. **Congratulations to Christian!! – Received Clean Drinking Water for 2025.**
5. **Northwood Deaconess Health Center Elder Adults Information.**
6. **NDIRF Conferment of Benefits – None for 2025 – Annual Meeting 05-07-26 – Annual report.**
7. **East Central Regional Water District Annual Meeting.**
8. **Unless there are any concerns the library will use the cement pad that the City Hall's shed stood on. Plan is to put the same type of storage shed up for the library's use. They will do the funding and work.**
9. **Auditor's Office Approval:**
 - a. Mayville Golf Course – Raffle 4-11-26
 - b. Floyd's Bar 04-17-26 Liquor Lic Transfer Hockey Smoker.
 - c. Smoke Eaters 03-14-26 Liquor Lic Transfer to armory – Fire Dept Fundraiser
 - d. Tiny Town Learning Center – Raffle 5-20-26

The Traill County Board of Equalization meeting came to order on June 2, 2026, at 9:09 a.m. with the following members present: Commissioners Thomas Eblen, Kurt Elliott, Ken Nesvig, Les Amb and Larry Young. Also in attendance: Auditor Heather Hovey, Tax Director Kayla Knudson, Tax Director Assistant Crissie Wilson, Joe, Becca and William Dufner, Jon Grindeland, Irene and Craig Richie, Laverne Koenig, Gregg Webster, Clerk of Court Jody Schill and Sheriff Steve Hunt.

Kayla Knudson, Tax Director presented the 2026 Taxable Value reports along with exemptions and special considerations for Commission approval.

PUBLIC COMMENT: Craig Richie spoke to the commission about his property being a 501 C3 organization that should be exempt from taxes based on its affiliation with a church. The City of Mayville exempted the property. Knudson stated that this property should be used to carry out the purpose of the charitable organization in addition to this purpose being the majority use of the property. Joe and Becca Dufner read a couple letters of support they had received from various individuals/entities regarding the ag classification of their building in Buxton Township. Knudson and County State's Attorney have drafted an AG opinion to clarify the classification on this property. Grindeland does not agree with the valuation of his property and has received a review from a real estate person that gave his property a lower value. Knudson stated she would review this document, when received from resident, against the property card to see if there are corrections that need to be done. LaVerne Koenig stated that there is land that is being taxed even though he cannot use it. Knudson stated that all land needs to be taxed unless exempt. Webster wants his 2025 valuation on his farmstead. Knudson stated that the 2026 value had decreased slightly after the township board due to classification of one of the outbuildings. The board mentioned to all appellants that if more information is presented to Knudson that abatements can be filed at that time. Board also mentioned that all appellants can go to the State Board to further dispute these issues.

The following motions were made:

1. **GENERAL EXEMPTIONS:**

On motion of Eblen, seconded by Nesvig and carried to allow the following general exemption which had been turned in after local equalization board met and application qualifies: (1) Basil Almquist (2) Harmonie DeFord both for wheelchair exemptions.

2. **FARM EXEMPTIONS DENIED:** On motion of Eblen, seconded by Nesvig and carried to deny the following farm resident exemptions for the 2026 tax year: (1) Greg Abentroth 02-0000-00229-020 (2) Jason Bring #11-0000-01767-010

3. **FARM RESIDENT EXEMPTIONS APPROVED:**

APPROVED: On motion of Young, seconded by Nesvig and carried to approve the following 2026 tax year farm resident exemptions that were filed after township boards met, this list also includes an entire township that didn't meet for their local board:

- Peter Thorseon – 17-0-2650-0 Retired
- Sonja Hefta – 17-0-2715-10 Surviving Spouse
- Brandon Nettum – 2-0-222-10 Active
- Curtis Hovde - 22-0-3541-0 Active
- Fugleberg Trust – 22-0-3602-0 Vacant
- Steve Fugleberg – 22-0-3602-10 Active
- Larry Syverson – 22-0-3575-1 Active
- Kipp Knudson – 22-0-3616-0 Active
- Ralph Chandler – 7-0-952-10 Retired
- Luke Ressler – 16-0-2489-0 Active

- Logan Boeddeker – 21-0-3451-0 Active
- Ryan Bryl - 9-0-1338-25 Active
- Glen Endrud - 25-0-4087-20 Retired
- Dan Finstrom – 25-0-4135-0 Active
- Curtis Hovde – 24-0-4040-10 Vacant
- Neal Pulskamp – 8-0-1120-10 Active
- Connie & Roger Anderson – 8-0-1306-10 Retired
- Jake Rust – 3-0-345-10 Vacant
- Kevin Elliott – 20-0-3165-10 Active
- Levi Elliott – 20-0-3218-10 Active
- Seth Erickson – 20-0-3283-10 Active
- Kurt Elliott – 13-0-1963-10 Active
- Kevin Kylo – 13-0-1961-10 Active
- Steven Kylo -13-0-1961-20 Active
- Olav Aarsvold – 13-0-1979-10 Vacant
- Paul Erickson – 13-0-2000-10 Retired
- James Halvorson – 13-0-2019-20 Active
- Joel Halvorson – 13-0-2022-0 Retired
- Reggie Tate – 13-0-2035-30 Active
- Robin Mitchell – 13-0-2066-11 Active
- Wesley Erickson – 13-0-2075-10 Active
- James Aarsvold – 13-0-1974-0 Farm Laborer
- Elliott Brothers – 13-0-2057-10 Vacant
- Mike Mitchell – 13-0-2066-20 Active
- Michael Bring – 11-0-1718-10 Vacant
- Michael Bring 11-0-1723-0 Active
- Lighthouse Associates – 11-0-1758-1 Vacant

4. On motion of Nesvig, seconded by Amb and carried to approve the valuations as presented by the Tax Director.

2026 ABSTRACT OF ASSESSMENT OF PROPERTY:

Townships	True & full Value	Assessed Value	Taxable Value
Belmont	29,294,400	14,649,200	1,435,361
Bingham	31,623,950	15,811,975	1,567,245
Blanchard	38,183,642	19,091,821	1,884,454
Bloomfield	45,136,900	22,568,450	2,190,111
Bohnsack	40,174,100	20,087,050	1,981,364
Buxton	32,909,500	16,454,750	1,600,056
Caledonia	34,447,105	17,223,553	1,684,298
Eldorado	102,850,861	51,425,431	5,099,325
Elm River	25,431,739	12,715,870	1,263,722
Ervin	46,409,957	23,204,980	2,254,362
Galesburg	29,838,060	14,919,030	1,473,433

Garfield	45,079,243	22,539,622	2,189,599
Greenfield	31,897,100	15,948,551	1,572,802
Herberg	33,622,322	16,811,162	1,657,010
Hillsboro	71,397,749	35,698,875	3,514,406
Kelso	33,403,600	16,701,800	1,650,385
Lindaas	43,631,058	21,815,531	2,147,180
Mayville	48,206,362	24,103,182	2,352,705
Morgan	35,459,600	17,729,800	1,728,841
Norman	28,209,990	14,104,995	1,395,835
Norway	45,967,500	22,983,750	2,225,850
Roseville	34,793,461	17,396,731	1,716,615
Stavanger	56,091,500	28,045,751	2,744,279
Viking	49,042,848	24,521,426	2,364,795
Wold	34,601,650	17,300,825	1,697,270

TOTAL TOWNSHIPS

Cities	True & full Value	Assessed Value	Taxable Value
Buxton	45,096,804	22,548,406	2,138,359
Clifford	5,699,438	2,849,719	279,481
Galesburg	16,706,198	8,353,101	809,758
Grandin	3,310,300	1,655,150	165,515
Hatton	52,020,210	26,010,106	2,398,639
Hillsboro	162,241,992	81,120,998	7,512,897
Mayville	156,597,644	78,298,824	7,280,452
Portland	48,425,676	24,212,840	2,232,713
Reynolds	19,402,261	9,701,134	899,167

TOTAL CITIES

GRAND TOTALS	1,557,208,720	778,604,389	75,108,284
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There being no further business to be brought before the Tax Equalization board, the meeting was adjourned at 10:14 a.m.

ATTEST:

Heather Hovey, Auditor

Kurt Elliott, Chairman

2026 Individual Considerations to review and approve for County Equalization June 2, 2026

Considerations listed below need to be noted and approved as presented by Tax Director:

1. General Exemption turned in after Local Equalization Board that needs to be approved:
 - Basil Almquist - 10-0-01586-10 – wheelchair exemption
 - Harmonie DeFord - 22-0-3672-10 – wheelchair exemption
2. Farm Resident Exemptions that need denying at the County Board – *Applicants did NOT turn in these applications/documentation needed for this exemption*
 - Greg Abentroth - 02-0000-00229-020 – resident isn't laborer anymore
 - Parcel total: \$234,000
 - Jason Bring - 11-0000-01767-010 – was not turned in
 - Parcel total: \$305,000
3. Farm Resident Exemptions that need approval from County Board- *late applicants denied at Township boards because items were missing at the time of the local board meetings – Greenfield Township did not meet for their local boards so all applications for this jurisdiction need approval*
 - Peter Thorson – 17-0-2650-0 Retired
 - Sonja Hefta – 17-0-2715-10 Surviving Spouse
 - Brandon Nettum – 2-0-222-10 Active
 - Curtis Hovde - 22-0-3541-0 Active
 - Fugleberg Trust – 22-0-3602-0 Vacant
 - Steve Fugleberg – 22-0-3602-10 Active
 - Larry Syverson – 22-0-3575-1 Active
 - Kipp Knudson – 22-0-3616-0 Active
 - Ralph Chandler – 7-0-952-10 Retired
 - Luke Ressler – 16-0-2489-0 Active
 - Logan Boeddeker – 21-0-3451-0 Active
 - Ryan Bryl - 9-0-1338-25 Active
 - Glen Endrud - 25-0-4087-20 Retired
 - Dan Finstrom – 25-0-4135-0 Active
 - Curtis Hovde – 24-0-4040-10 Vacant
 - Neal Puskamp – 8-0-1120-10 Active
 - Connie & Roger Anderson – 8-0-1306-10 Retired
 - Jake Rust – 3-0-345-10 Vacant
 - Kevin Elliott – 20-0-3165-10 Active
 - Levi Elliott – 20-0-3218-10 Active
 - Seth Erickson – 20-0-3283-10 Active
 - Kurt Elliott – 13-0-1963-10 Active
 - Kevin Kylo – 13-0-1961-10 Active
 - Steven Kylo - 13-0-1961-20 Active
 - Olav Aarsvold – 13-0-1979-10 Vacant
 - Paul Erickson – 13-0-2000-10 Retired
 - James Halvorson – 13-0-2019-20 Active
 - Joel Halvorson – 13-0-2022-0 Retired
 - Reggie Tate – 13-0-2035-30 Active
 - Robin Mitchell – 13-0-2066-11 Active
 - Wesley Erickson – 13-0-2075-10 Active
 - James Aarsvold – 13-0-1974-0 Farm Laborer
 - Elliott Brothers – 13-0-2057-10 Vacant
 - Mike Mitchell – 13-0-2066-20 Active
 - Michael Bring – 11-0-1718-10 Vacant
 - Michael Bring 11-0-1723-0 Active
 - Lighthouse Associates – 11-0-1758-1 Vacant

4. Special considerations - *these are changes made after the local boards of equalization, no separate motion needed on these because the changes are already reflected in final valuation totals*

- a. Christian Sports Commission - Mayville City - #27-0001-04268-010
 - a. City exempted this property but believe it should be taxed
 - i. New total value: \$283,700
 - b. The property's use must be devoted to charitable purposes, and it must be used in carrying out the charitable purposes of the organization claiming exemption.
 - c. This property's majority use is rental
- b. De Paolis, Richard and Mickie- Mayville City - #27-0002-06991-000
 - a. Applied obs for basement condition - applied same as building next door with same issues
 - b. New value \$179,600, City approved value \$185,800
- c. Dufner, Joe & Becca, #06-0-889-45
 - a. Value: \$860,300
- d. Northwood Elevator - Hatton City - #28-8010-00010-000
 - a. Corrections to ages of structures
 - b. New total value \$2,271,364 from \$2,464,308
- e. Tim & Sandra Wright - Hillsboro City - #26-8008-00026-000
 - a. New total value \$202,000, city approved value \$249,200
- f. LaVerne Koenig - Blanchard Township - #03-0000-00401-010
 - a. Adjustment made to residential acres- moved to 2 acres to account for improvements
 - b. New total value: \$182,800, old value \$196,300
- g. Chad Hanson - Mayville Township - #18-0000-02856-040
 - a. Adjustment made to comm acre prices - this property would sell as one (with house) so starting over on the top tier for the commercial building's land doesn't make sense
 - b. New total value: \$190,300, old value \$205,000
- h. Naastad Acres - JoAnn Naastad - Garfield Township - #12-0-1831-20
 - a. Correction made to one building and applied obs to this property for over improved-
 - b. New total value: Old value: 1,638,700
- i. James Miller - Eldorado Township - 8-0-1276-40
 - a. Adjusted condition of building and 3rd tier of land rate
 - b. New total value: \$222,300, old value \$268,600
- j. James Miller - Eldorado Township - 8-0-1276-50
 - a. Adjusted tier on back acres due to flooding inability to improve
 - b. New total value: \$2,300, old value \$4,600
- k. Gregg Webster - Eldorado Township - #8-0-1209-15
 - a. Reclassified one of the outbuildings as a Quonset
 - b. New total value: 412,900, old value: \$433,000
- l. Abentroth - Bingham Township - # 2-0-229-20
 - a. Does not qualify for FRE laborer
 - b. New total value: 259,200, old value: \$25,200
- m. Paul Mueller - Wold Township - #25-0-4171-10
 - a. Previously exempt wetland mitigation
 - b. New total value: \$3,200, old value: \$0
- n. Hamilton Enger - Lindaas Township - #17-0-2631-10
 - a. Previously exempt wetland mitigation
 - b. New total value: \$3,100, old value: \$0
- o. Hamilton Enger - Lindaas Township - #17-0-2632-20
 - a. Previously exempt wetland mitigation
 - b. New total value: \$4,400, old value: \$0
- p. Shane Vettel/Devin Abentroth - Bingham Township - #2-0-143-6
 - a. Previously exempt wetland mitigation
 - b. New total value: \$1,400, old value: \$0
- q. Shane Vettel/Devin Abentroth - Bingham Township - #2-0-145-6
 - a. Previously exempt wetland mitigation
 - b. New total value: \$28,700, old value: \$0
- r. Lori Belgarde - Hatton City - #28-9-8338-0
 - a. Added some obso for basement issues
 - b. New total value: 76,000, old value \$104,200
- s. Dennis Heskin - Hatton City - # 28-5-7687-0
 - a. Adjusted condition & removed bathroom.
 - b. New total value 29,700, old value: \$46,300
- t. Kleveland - Hatton City - #28-1-4299-0
 - a. sq ft adjustment
 - b. New total value: 279,700, old value: \$290,400

- u. Brett Kville – Mayville Township - #18-0-2760-10
 - a. Removed two buildings as ag use.
 - b. New total value 325,200, old value: \$351,500
- v. Tim Sorteberg – Mayville Township - #18-0-2798-40
 - a. Adjusted size of deck
 - b. New total value: 165,400, old value \$170,300
- w. Gary Vaagene – Garfield Township- #12-0-1840-30
 - a. corrected building dimensions
 - b. New total Value: 312,800, old value: \$314,900
- x. Russell Hanson – Hillsboro City - #26-38-1-0
 - a. Turned in WC Exemption
 - b. New total Value: 87,700, old value: \$207,700
- y. Ed Urban – Norway Township - #21-0-3305-10
 - a. Adjusted land for wetland acres
 - b. New total Value: 141,700, old value: \$176,700
- z. Chris Strand – Hatton City - #28-17-27-4
 - a. Adjusted unimproved excess site area
 - b. New total value 19,300, old value: \$33,400
- aa. Sven Mickels – Portland City - #29-4-9051-0
 - a. Asked to have this reassessed prior to next year's re-assessment – no interior inspection –summer 26
 - b. New total Value: \$72,200, old value: \$107,800
- bb. Mary Whitaker – Mayville City -#(27-7-7362-0
 - a. Did interior inspection – 2nd floor was only partially finished. Added obso for WIP
 - b. New total value – 146,500, old value \$149,300
- cc. Allen's – Mayville City -#27-2-6725-0
 - a. Inspected – adjusted condition and added obso
 - b. New total Value: 59,300, old value \$78,400
- dd. Beck – Bloomfield Township -#4-0-601-10
 - a. Inspected – changed condition up to normal, and added separate obso for the basement
 - b. New total value is 219,200, old value: \$318,700
- ee. James Hime – Hatton City -#28-2-7600-0
 - a. Inspected – adjusted condition and added obso for the area of no finishing on the 2nd floor
 - b. New total Value: 277,400, old value: \$297,700
- ff. Bjerke – Mayville Township -#18-0-2855-5
 - a. Concrete added to shop; increased basement finishing
 - b. New total Value: 461,900, old value: \$378,500
- gg. Bonnema – Hillsboro City -#26-7-6573-0
 - a. Updates to house – no Permit –
 - b. New total value 169,100, old value: \$160,700
- hh. Monroe – Hillsboro City #26-17-3-10
 - a. House updates were completed by 2/1
 - b. New total value: 298,000 old value: \$253,800
- ii. Dale – Portland City -#29-2-8412-0
 - a. lowered condition
 - b. New total Value: 179,900, old value: \$228,200
- jj. Hatton EDC – Hatton City -#28-18-5-0
 - a. house sold, no longer exempt, prorated value:
 - b. New total value: \$211,800, old value: 0
- kk. Thompson – Hatton City -#28-5-7740-0
 - a. inspected and added obso for foundation issues.
 - b. New total value: 152,100, old value: \$163,500
- ll. Portland vacant lots changed to .45/sq ft

	<u>New Value</u>	<u>Old Value</u>
a. 29-2-8384-0	\$13,500	\$15,000
b. 29-2-8442-0	\$5400	\$2,000
c. 29-2-8444-0	\$7800	\$3,000
d. 29-2-8446-0	\$3900	\$5,200
e. 29-2-8488-0	\$2900	\$1,850
f. 29-2-8489-0	\$2800	\$1,750
g. 29-2-8509-0	\$4100	\$2,500
h. 29-2-8519-6	\$5200	\$3,253
i. 29-2-8527-0	\$6300	\$8,400
j. 29-2-8538-0	\$9800	\$10,900
k. 29-2-8548-2	\$2600	\$3,400
l. 29-2-8548-3	\$2700	\$1,750

m.	29-2-8890-0	\$5600	\$0
n.	29-2-8894-0	\$4200	\$2,630
o.	29-2-8956-0	\$4000	\$5,300
p.	29-2-8956-10	\$3700	\$5000
q.	29-2-8957-0	\$6700	\$8,900
r.	29-2-8961-10	\$4700	\$6,300
s.	29-2-9129-0	\$8600	\$12,000
t.	29-4-9142-0	\$3200	\$4,200
u.	29-4-9174-0	\$3900	\$7,800
v.	29-4-9207-10	\$6300	\$8,400
w.	29-4-9213-0	\$3200	\$8,800
x.	29-8011-10-0	\$29600	\$29,600
y.	29-8011-12-0	\$28400	\$28,400
z.	29-8011-13-0	\$15300	\$15,300
mm. Property Works Rental properties -removed usage obs.:			

		<u>New Value</u>	<u>Old Value</u>
a.	27-2-7036-0	\$107,400	\$75,800
b.	27-2-6684-0	\$79,100	\$57,700
c.	27-2-6681-0	\$70,800	\$49,200
nn.	Ridgeview Properties – Mayville City -#27-21-3-0		
a.	Completely remodeled – no permits		
b.	New total Value: 136,600, old value: \$79,500		
oo.	Sola – Norway Township -#21-0-3298-10		
a.	Removed a fireplace		
b.	New total Value: 273,600, old value: \$278,000		

MOTIONS NEEDED FROM THE COUNTY BOARD OF EQUALIZATION

1. Motion to approve general exemption
2. Motion to deny the farm exemptions as presented
3. Motion to approve the farm exemptions as presented
4. Motion to approve the valuations as presented by the Tax Director

TRAILL COUNTY EQUALIZATION



Members of the board,

Christian Sports Commission Inc owns a dormitory-style apartment building in the City of Mayville, parcel #27-0001-04268-010. This property was obtained in 2011 from Sanford Clinic North.

This property has filed a general exemption for NDCC 57-02-08(8), (9) and (11). This exemption was approved at a City Meeting and was denied in June at the County Board. Secretary of State papers state that the purpose of this corporation that owns this property is to operate and manage athletic practices, events and tournaments based on participation in cooperation with local churches and the Christian community in ND and throughout the world. My understanding is there might be a connection with Christ is Lord Church, another non-profit in North Dakota. Both SOS papers are attached.

This property houses college athletes/students that are charged monthly rent to live there, this information has been shared by the owner. The letter from the owner states, "every Sunday it is the intent to have a church service come through the big screen TVs in the living room." Also noted that a prayer room might be onsite. In my opinion, the purpose of the non-profit that owns this building does not match the use of this building, much less to use this as a reason to exempt the structure of taxation. The affiliation with the organization, Christ is Lord Church, is similar to people within the State of ND having an affiliation with their church of choice, whether that be in person or online. The purpose of this church, according to documents filed with the secretary of state, suggest that they stream services online; I was unable to verify this Church website to verify streaming was even an option.

According to **Society For crippled Children and Adults vs Muphy** 94 N.W.2d 343 (N.D. 1959) , “The trial court decided that the plaintiff was a charitable institution by the use of which the property was put did not justify its exemption from taxation.” This building uses include sporadic bible studies, intended streaming of church on Sunday mornings, an occasional Christian meal, a Christian “hangout” for students, or Christian Super Bowl party. These occasional uses would not justify property tax exemption. These items are all things numerous people throughout the State do each week/month. Instead, the primary day-to-day use of this parcel would be better classified as a rental building for college students/athletes with strict rules on who or what can be on the premise according to Mr. Richie (letter attached). As described in this Supreme Court decision, the primary use is visibly an apartment, while the others described are simply incidental. The property is not being used exclusively for reasons that warrant an exemption.

Supreme Court response on **Riverview Place, Inc v Cass County** 448 N.W.2d 635 (N.D. 1989),

“The property’s use must be devoted to charitable purposes, and it must actually be used in carrying out the charitable purposes of the organization claiming the exemption.” The connection between the church affiliation/sporting events and rental of dorm rooms is still unclear to me why this would deem this property eligible for exemption. The information given to me by Mr. Richie doesn’t discuss athletic events or anything relating to managing these types of things, let alone in a Christian way, or how this would correlate to their exempt status of an apartment building.

AG Opinion 68-420 suggests that taxable status relies on both ownership and use. The AG opinion also suggests, “exclusive use” meaning that the entire building should be used for this charitable purpose which I do not believe is the case for this parcel. This parcel is again, owned by a non-profit, but the majority use of this property is an apartment building that students/athletes are being charged rent for, not for hosting sport activities that incorporate the Christian faith. I do not believe that providing housing for college athletes should be described as hosting a sporting event.

While Christian Sports Commission, Inc is organized as a nonprofit corporation, the evidence presently available indicates that the subject property’s primary use is as a dormitory-style commercial building occupied by rent-paying students and athletes. The religious activities described, online church viewing, Bible studies, prayer activities, and occasional fellowship events, appear incidental to the property’s principal commercial function. Under North Dakota law, property tax exemption depends not only upon ownership by a charitable or religious organization but also upon the actual use of the property in carrying out the organization’s exempt purpose. The record does not demonstrate that the subject property is being used primarily and directly to conduct the Christian athletic events, practices, tournaments, or other

charitable purposes identified in the corporation's organizational documents. Accordingly, the evidence supports commercial taxation on this parcel and shows it does not qualify for exemption under NDCC § 57-02-08(8), (9), or (11).

Thank you for your time.

Kayla Knudson

Trall County Equalization Director

Kayla Knudson

From: Hasenyager, Amber <ahasenyager@nd.gov>
Sent: Monday, July 13, 2026 11:15 AM
To: Kayla Knudson
Subject: SBOE Appeal-County Questionnaire
Attachments: SBOE Appeal - County Questionnaire - 2026.pdf

Good Morning,

A letter of appeal has been submitted to the State Board of Equalization from:

Property Owners: Craig and Irene Richie – Christian Sports Commission, INC.
Legal Description: E 150' OF S 315' OF LOT 1 SW1/4 N OF ALM ADD 32-147-52 A-1.09
Parcel Number: 27-0001-04268-010

Please submit:

Completed County Questionnaire (attached).
Minutes from all levels of equalization meetings.
Property record card(s) for property being appealed.
Comparable property information with corresponding property record cards.
Copies of the notice of increases with dates clearly noted.
Evidence deemed necessary to validate the assessment.

We request that this information be submitted by August 1, 2026. If you have any questions, please contact any one of us at the Property Tax Division.

Thanks so much,

Amber Hasenyager
Administrative Assistant
Property Tax Division
NORTH DAKOTA OFFICE OF STATE TAX COMMISSIONER
600 E Boulevard Ave., Dept. 127
Bismarck, ND 58505-0599
Phone: 701-328-7984



730 MAIN ST E, MAYVILLE

Deed: CHRISTIAN SPORTS COMMISSION INC

Map Area: MAYVILLE CITY-COM

Checks/Tags:

Contract:

Route: 000-000-000

Lister/Date: TJW, 11/30/2024

CID#:

Tax Dist: 2714000200

Review/Date:

DBA:

Plat Page:

Entry Status:

MLS:

Subdiv: 270001-FARM LANDS

Urban / Commercial

Legal: E 150' OF S 315' OF LOT 1 SW1/4 N OF ALM ADD 32-147-52 A-1.09 (ADDRESS: 730 MAIN ST E)

Land

Land Basis	Front	Rear	Side 1	Side 2	R. Lot	SF	Acres	Depth/Unit	EFF/Type	Qual./Land	Unit Price	Total	Topo	Econ	Other	\$Adj	Land Total (Rnd nearest \$100)
SqFt X Rate						47,250.00	1.085			C-.75	\$0.75					\$0	
Subtotal						47,250.00	1.085					\$35,438	0%	0%	0%	\$0	\$35,400
Grand Total						47,250.00	1.085					\$35,438					\$35,400

Street

Utilities

Zoning

Land Use

SqFt X Rate	Paved	City	Not Applicable	Commercial
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Sales

Building Permits

Values

Date	\$ Amount	NUTC	Recording	Date	Number	Tag	\$ Amount	Reason	Type	Appraised	B of R	St. Equalized	Pr Yr: 2026
12/30/2010	\$0	D007							Land	\$35,400	\$0	\$0	\$35,400
									Dwlg		\$0	\$0	
									Impr	\$248,300	\$0	\$0	\$248,300
									Total	\$283,700	\$0	\$0	\$283,700

Precomputed Structure		Verticals						Plumbing			
Occ. Code	825	Fig & Fdtn	Reinforced Concrete w/ Bsmt	8"					3-Fixture Bathroom	1	
Occ. Descr.	Dormitories	Exterior wall	Brick Veneer-Wood Stud	8					Sink-Kitchen	2	
Price Code	825	Interior wall	Drywall or Equiv.	0					Stall Shower -Prefab	1	
Price Descr.	Dormitories	Pilasters							Toilet Room	1	
Year Built	1960	Wall facing	Brick Veneer								
EFF Age/Yr	66/ 1960	Windows	Wood/Vinyl Double Hung	1							
Depr. Table	7	Fronts/Doors	Incl. w/ Base								
Condition	A NML										
Grade Mult.	1.100										
Phy-Depr.	35.00										
Description	B1: 1 STY/ BSMT										
Style	Average										
Stories	1										
Grade	4										
Base	4,203										
Basement	4,203										
1st Flr Inset Adj	0										
GBA	4203										
		Horizontals						Adjustments			
		Basement	Incl. w/ Base						Bsmt Finish	4,203	Low
		Roof	Rubber Membrane/Wood	Yes					Canopy - attached	116	Low
		Ceiling	Drywall	1							
		Struct. Floor	Concrete- Reinf. 4"	1	Wd Deck on Wood Joist	1					
		Floor Cover	Carpet	1	Vinyl Tile-Solid	1					
		Partitions	Apartment	1							
		Framing	Wood - Average	1							
		HVAC	Forced Hot Air	1							
		Electrical	Apartment	1							
		Sprinkler									
		Obsolescence									
		Occupancy	70%								
		Functional:	35%	External:	35%	Other:					

[illegible]

[illegible]

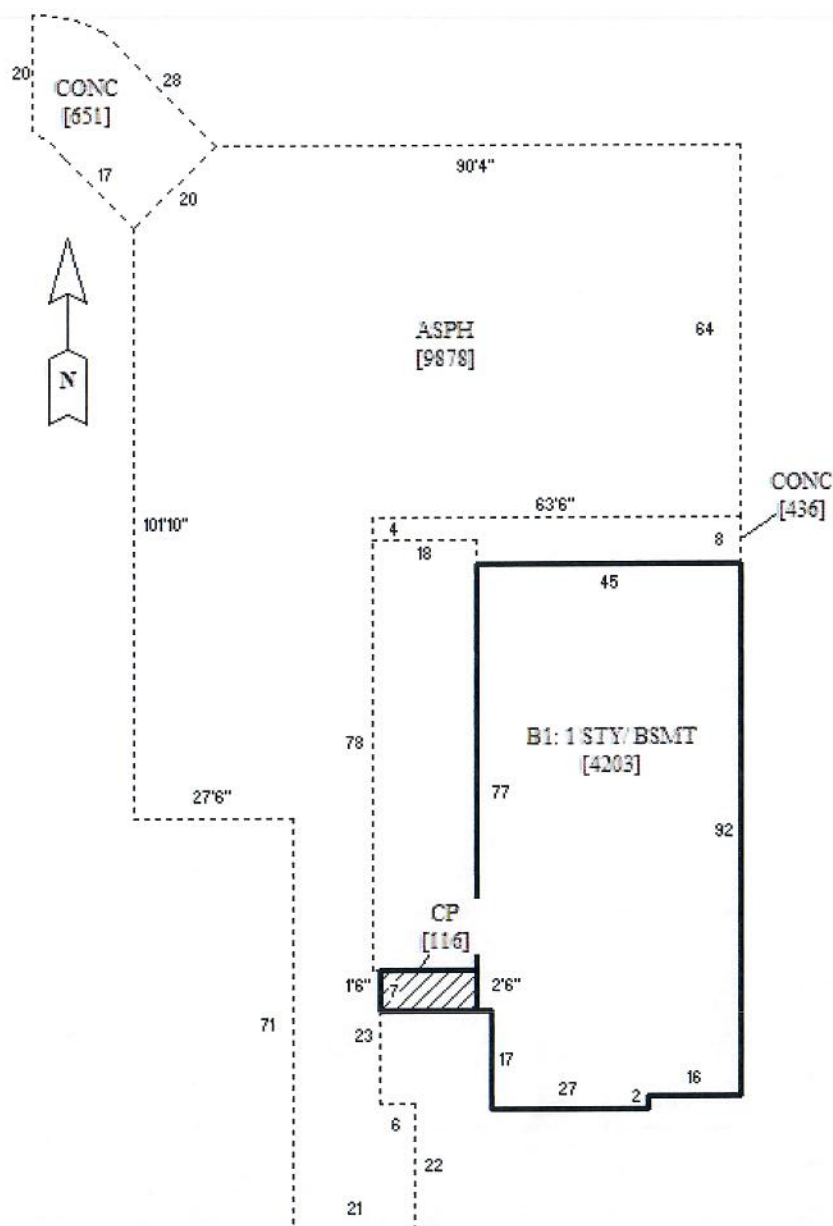
[illegible]

Prior Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
2026	VAI Import 2026 file	Import	Urban	Comm	\$35,400	\$0	\$248,300	\$0	\$283,700
2025	VAI Import from 2025 file	Import	Urban	Comm	\$47,250	\$0	\$225,900	\$0	\$273,150
2024	VAI Import from 2024 file	Import	Urban	Comm	\$35,400	\$0	\$225,900	\$0	\$261,300
2023	VAI Import from 2023 file	Import	Urban	Comm	\$35,400	\$0	\$225,900	\$0	\$261,300
2022	VAI Import from 2022 file	Import	Urban	Comm	\$23,600	\$0	\$193,800	\$0	\$217,400
2021		Import	Urban	Comm	\$23,600	\$0	\$193,800	\$0	\$217,400



730 MAIN ST (MAXVILLE MD)

Photo 1 of 1 11/29/2024



WARRANTY DEED

THIS INDENTURE Made as of the 30th day of December, 2010, between Sanford Clinic North, a North Dakota nonprofit corporation f/k/a MeritCare Medical Group, Grantor, and ~~Christian Sports Commission, Inc.~~, a North Dakota nonprofit corporation, Grantee, whose post office address is 203 8th St. S., Fargo, ND 58103-1824.

WITNESSETH, That the said Grantor, for and in consideration of the sum of One Dollar and other good and valuable consideration, to it in hand paid by the Grantee, the receipt of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL AND CONVEY, unto said Grantee, its successors and assigns, FOREVER, all those tracts or parcels of land lying and being in the County of Traill, State of North Dakota, and described as follows, to-wit ("Property"):

Part of Lot 1 of the Southwest Quarter and a Part of the Southeast Quarter of Section 32, Township 147 N., Range 52 W of the 5th P.M. described as follows: Commencing at a point on the North boundary line of "N" Street where the West boundary line of Lot 13 of Block 6 of the re-plat of the West Half (W1/2) of Blocks 2, 3 and 6 of Alm's Addition to the Townsite of Mayville, if extended would intersect said North boundary line of "N" Street, for a place of beginning; thence East along the North boundary line of "N" Street a distance of 150 feet; thence North at right angles a distance of 315 feet; thence West at right angles a distance of 150 feet; thence South at right angles a distance of 315 feet to the place of beginning, all being in Traill County, North Dakota.

Subject to easements and reservations of record.

No portion of the real property shall, at any time, without the prior written consent of Grantor, be used, directly or indirectly, by an owner, tenant, or any other party, for the following uses:

- a. the operation of a hospital, health care clinic, diagnostic imaging center, surgery center or any other business substantially involved in the provision of health care services;
- b. the advertisement of a hospital, health care clinic, diagnostic imaging center, surgery center or any other business substantially involved in the provision of health care services;
- c. the sale of tobacco or alcohol as a principal business;
- d. the operation of a casino or other gambling establishment or other business which maintains video lottery machines or similar devices; or
- e. the operation of an establishment engaging in exotic dancing.

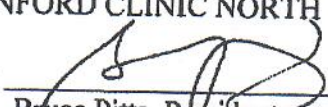
Such use restrictions shall run with the land. If the Grantee shall neglect, fail to adhere, or otherwise violate the use restrictions stated above, Grantor and its respective heirs, representatives, successors and assigns may elect that the title for a portion or to the whole of the real estate shall revert to Grantor, and title for a portion or to the whole of the real estate shall thereupon immediately and without the necessity of any further action on the part of Grantor, revert to and revest in Grantor, and the Grantee shall lose and forfeit all its right, title and interest in and for a portion or to the whole of the real estate and to the improvements and fixtures located thereon, and Grantor shall have the right to re-entry to the real estate.

In the event the Grantee no longer desires to own or operate the Property, Grantee grants Grantor a right of first refusal. In such event, Grantee shall send written notice to Grantor and Grantor shall have forty-five (45) days after the mailing of said notice to inform Grantee of its desire to either accept the Property in its current condition free of charge or to notify Grantee that Grantee may sell the Property to a third party. The failure of Grantor to exercise its right of first refusal within said forty-five (45) day period shall terminate such right of first refusal and Grantee shall be at liberty to convey the Property to a third party.

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, to the said Grantee, its successors and assigns; the said Grantee taking FOREVER and the Grantor, for itself and its successors, does covenant with the Grantee, that it is well seized in fee of the lands and premises aforesaid, and has good right to sell and convey the same in manner and form aforesaid, and that the same are free from all incumbrances, except: installments of special assessments or assessments for special improvements which have not been certified to the County Auditor for collection; utility easements; all covenants, reservations, conditions, restrictions, assessment agreements of record, zoning or other governmental ordinances laws or regulations; and the above bargained and granted lands and premises, in the quiet and peaceable possession of the said Grantee, its successors and assigns, against all persons lawfully claiming or to claim the whole or any part thereof (except those claiming under a title warranty exception listed above), the Grantor will WARRANT and DEFEND.

IN TESTIMONY WHEREOF, the Grantor has executed this deed on the day and year first above written.

SANFORD CLINIC NORTH

By: 

Bruce Pitts, President

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)



The foregoing instrument was acknowledged before me this 15 day of September, 2011, by Bruce Pitts, the President of Sanford Clinic North, a North Dakota nonprofit corporation f/k/a MeritCare Medical Group, on behalf of the corporation.

Wendy Westrick
Notary Public
My Commission Expires: 4-5-2013

The undersigned, certifies that this conveyance is exempt from the provisions of North Dakota Century Code §11-18-02.2 as it is a sale within that category (All sales to or from religious, charitable, or nonprofit organizations) as enumerated in NDCC §11-18-02.2(7)(g).

Dated: 11/29/11, 2011.

Glenda Haugen
Grantee or Authorized Agent

THIS DOCUMENT DRAFTED BY:

VOGEL LAW FIRM
218 NP Avenue
PO Box 1389
Fargo, ND 58107-1389

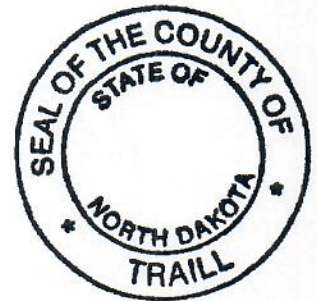
AUDITOR'S OFFICE, TRAILL CO., N.D.
Delinquent Taxes and Special Assessments or
Installments of Special Assessments paid and
transfer entered 11-29 20 11
Rebecca M. Brunten Co. Auditor
By Glenda Haugen Deputy
Current taxes or current special assessments
or installments of special assessments are
unpaid in the amount of \$ 0

OFFICE OF COUNTY RECORDER Fees: \$16.00
State of North Dakota)
County of Traill)

I hereby certify that the within instrument was filed in this
office for record on 11/29/2011 at 3:30 PM, and was
duly recorded as Document Number **177719**

Julie R. Foss Recorder
Deputy

CHRISTIAN SPORTS COMMISSION INC 203 8TH ST S
FARGO, ND 58103-1824



3

177719

Pg: 3 of 3

State of North Dakota}
County of Traill}
Recorded: 11/29/2011 At 3:30 PM

CHRISTian Sports Commission

**710 East Main
Mayville, North Dakota 58257**

Contact people

Dustin Olson

Box 241

Mayville, North Dakota 58257-0241

Craig M. Richie

1241 Broadway

Fargo, North Dakota 58102

701-541-3725 (C)

8-25-2025

Kayla Knutson

Trail County Equalization Director

Charlie Stock

Trail County State's Attorney

Hand Delivered

Kayla & Charlie,

This is a follow up to our conversations today and the application you sent Kayla. We have tried to comply with what you have asked for and sending what we think you need. This home has been used exclusively from when it was gifted to us in 2011 by Sanford Health for Christian purposes only. The intent and which it has become was to have a Christian home for people to show up and "hang out" in a Christian atmosphere as well as a place for them to have Bible studies, see Christian movies and carry on all kinds of Christian events including meals, a Christian Super Bowl party, and many more. It was also a place for some people to live cheaply, or for free, or a minimal cost who did not have the money while in school. Even though since covid we have run in a deficit this also helps some in overhead. It does not break even but loses money each year, of which is made-up for by private donations which is primarily been a foundation that was from our family and Dr. Sawchuk's family estates. In the past and continuing in the future it has by the grace of GOD done everything we would have hoped for and then some.

This property was gifted to us by Sanford Health with this intent in mind. I am enclosing letters sent by others that were requesting the property from Sanford which very clearly states the intent which has been lived up to. As I stated before, it is the home of Christian events from Bible studies to Christian services and meals for teams and otherwise. It is open to all.

I will also tell you that there is a church called CHRIST is LORD Church that this is their home. I am enclosing their 501-C3 information as well every Sunday it is the intent to have a church service come through the big screen TV's in the living room. Under North Dakota century code 57-02-08(9) We should be exempt from that alone. However, this has been a place designed for Christian activity exclusively. It has fulfilled its purpose for 14 years.

The way it was organized, and help was solicited for it was made clear from the inception because we had very little money. We needed to have volunteers of materials and

services. It would be difficult to mention all contributions to converting this clinic into a Christian home. However, Lydell Schultz, took the winter off from his construction business and remodeled all of this with volunteer help. We wanted to make sure that it was not put together in a haphazard way as many church activities are because of lack of money. To do that we had to have major volunteers of work and materials. The kitchen is a double kitchen with cupboards donated by Chuck Perkins at Cole Papers. We were donated piping from Vic Weigel of Northern Pipe Products, and many other donations including close out nice faucets and handles. Scott Berry's brother made all of the vanities in his business. The flooring was donated and put in by a friend who sells flooring. The list goes on and on.

We now have a double kitchen to be shared but many can cook at the same time. Granite countertops came from Hatton Granite, a prayer room with a donated fireplace, and a study room. Each room has its own shower tub and vanity, we have big screen TVs. They can not only watch games in a good healthy environment, but it is intended that church services can be zoomed in every Sunday. A friend of mine's father donated a pool table as the kids said there was no place to shoot pool other than the bars. All of this was by donation as we had no money. We also got a used dart board, ping pong table, and Foos ball table. This was to allow them to live in a healthy Christian environment and not feel compelled to hang out in the bars. They brought their girl friends over to participate in the Christian activities as well. Girls came over even if they did not have a boyfriend living there. It was the "place to be".

It has been a community project of which has really taken off. Now this is threatened because of taxes which we are not only confident but positive we should not owe except we did not understand what we had to do to claim an exemption. We were plain derelict/stupid. We paid these taxes not knowing from 2011 until 2021. We were just stupid! We are afraid this will be taken away, and it can no longer serve the glory of GOD. I will tell you what this is not. It is not an apartment house. These guys live there in community with shared everything some are even two and have been three to a bedroom. They share everything from kitchen to dining room to study area and even the prayer room. They often eat together, have Bible study together, have church services together invite friends over and for that matter anybody who wants to attend. As I believe I said before, Campus Crusade for Christ is going to have Bible studies there this year. Bible studies have been there in the past. Even the name of Laurie Berry CHRISTian Home says its purpose! It is also not a money-making proposition as a nonprofit individuals could not profit from it if we did but we are running deficits between \$2,000 and \$4000 a year which has to be made-up usually by our family or the small foundation. It is also not a party house were there are keggers and women sleeping over and that type of thing. By way of digression, before this house was in existence there was such a party house where they had booze parties and other nefarious activities. One time, someone showed up with a gun and another one was going to retaliate with a knife. We have had people move out of those types of places just to move in with us to have a Christian place to live. I can tell you if these taxes are going to be assessed it will have to go to the county as we have absolutely no ability to pay them and even owe a plumber something in the neighborhood of \$4000. All of us who have seen what good this has done and is doing implore you to help us in this regard. We do not doubt or make excuses for our inattention to this, but we

hope you understand now that we really should be exempt and to not grant this would be disaster for a good organization and the community!

Craig Richie,

Craig Richie

CHRISTian Sports Commission, CHRIST is LORD Church

s

CHRISTian Sports Commission

**710 East Main
Mayville, North Dakota 58257**

Contact people

Dustin Olson

Box 241

Mayville, North Dakota 58257-0241

701-341-0171 (C)

Craig M. Richie

1241 Broadway

Fargo, North Dakota 58102

701-541-3725 (C)

8-25-2025

City of Mayville

Wendy Mehus

Ray Petersen

Charlie Moen

Brian Halverson

Aaron Sohlt

Larry O'Brien

Dear Mayville Aldermen/City Commissioners,

We have sent this letter previously to Kayla Knutson who suggested we send it on to you. We have tried to comply with what you have asked for and sending what we think you need. This home has been used exclusively from when it was gifted to us in 2011 by Sanford Health for Christian purposes only. The intent and which it has become was to have a Christian home for people to show up and "hang out" in a Christian atmosphere as well as a place for them to have Bible studies, see Christian movies and carry on all kinds of Christian events including meals, a Christian Super Bowl party, and many more. It was also a place for some people to live cheaply, or for free, or a minimal cost who did not have the money while in school. Even though since covid we have run in a deficit this also helps some in overhead. It does not break even but loses money each year, of which is made-up for by private donations which is primarily been a foundation that was from our family and Dr. Sawchuk's family estates. In the past and continuing in the future It has by the grace of GOD done everything we would have hoped for and then some. This property was gifted to us by Sanford Health with this intent in mind. I am enclosing letters sent by others that were requesting the property from Sanford which very clearly states the intent which has been lived up to. As I stated before, it is the home of Christian events from Bible studies to Christian services and meals for teams and otherwise. It is open to all.

I will also tell you that there is a church called CHRIST is LORD Church that this is their home. I am enclosing their 501-C3 information as well every Sunday it is the intent to have a church service come through the big screen TV's in the living room. Under North Dakota century code 57-02-08(9) We should be exempt from that alone. However, this

has been a place designed for Christian activity exclusively. It has fulfilled its purpose for 14 years.

The way it was organized, and help was solicited for it was made clear from the inception because we had very little money. We needed to have volunteers of materials and services. It would be difficult to mention all contributions to converting this clinic into a Christian home. However, Lydell Schultz, took the winter off from his construction business and remodeled all of this with volunteer help. We wanted to make sure that it was not put together in a haphazard way as many church activities are because of lack of money. To do that we had to have major volunteers of work and materials. The kitchen is a double kitchen with cupboards donated by Chuck Perkins at Cole Papers. We were donated piping from Vic Weigel of Northern Pipe Products, and many other donations including close out nice faucets and handles. Scott Berry's brother made all of the vanities in his business. The flooring was donated and put in by a friend who sells flooring. The list goes on and on.

We now have a double kitchen to be shared but many can cook at the same time. Granite countertops came from Hatton Granite, a prayer room with a donated fireplace, and a study room. Each room has its own shower tub and vanity, we have big screen TVs. They can not only watch games in a good healthy environment, but it is intended that church services can be zoomed in every Sunday. A friend of mine's father donated a pool table as the kids said there was no place to shoot pool other than the bars. All of this was by donation as we had no money. We also got a used dart board, ping pong table, and Foos ball table. This was to allow them to live in a healthy Christian environment and not feel compelled to hang out in the bars. They brought their girl friends over to participate in the Christian activities as well. Girls came over even if they did not have a boyfriend living there. It was the "place to be".

It has been a community project of which has really taken off. Now this is threatened because of taxes which we are not only confident but positive we should not owe except we did not understand what we had to do to claim an exemption. We were plain derelict/stupid. We paid these taxes not knowing from 2011 until 2021. We were just stupid! We are afraid this will be taken away, and it can no longer serve the glory of GOD.

I will tell you what this is not. It is not an apartment house. These guys live there in community with shared everything some are even two and have been three to a bedroom. They share everything from kitchen to dining room to study area and even the prayer room. They often eat together, have Bible study together, have church services together invite friends over and for that matter anybody who wants to attend. As I believe I said before, Campus Crusade for Christ is going to have Bible studies there this year. Bible studies have been there in the past. Even the name of Laurie Berry CHRISTian Home says its purpose! It is also not a money-making proposition as a nonprofit individuals could not profit from it if we did but we are running deficits between \$2,000 and \$4000 a year which has to be made-up usually by our family or the small foundation. It is also not a party house where there are keggers and women sleeping over and that type of thing. By way of digression, before this house was in existence there was such a party house where they had booze parties and other nefarious activities. One time, someone showed up with a gun and another one was going to retaliate with a knife. We have had people move out of those types of places just to move in with us to have a Christian place to live. I can tell you if these taxes are going to be assessed it will have to go to the county as we have

absolutely no ability to pay them and even owe a plumber something in the neighborhood of \$4000. All of us who have seen what good this has done and is doing implore you to help us in this regard. We do not doubt or make excuses for our inattention to this, but we hope you understand now that we really should be exempt and to not grant this would be disaster for a good organization and the community!

Craig Richie,

Craig Richie

CHRISTian Sports Commission, CHRIST is LORD Church

Ps. We plan to have the property appraised which has been promised by the end of the week.

CHRISTian Sports Commission

**710 East Main
Mayville, North Dakota 58257**

Contact people

Dustin Olson

Box 241

Mayville, North Dakota 58257-0241

701-341-0171 (C)

Craig M. Richie

1241 Broadway

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701-541-3725 (C)

4-9-2026

City of Mayville

Wendy Mehus

Ray Petersen

Charlie Moen

Brian Halverson

Aaron Sohlt

Larry O'Brien

Dear Mayville Aldermen/City Commissioners and Equalization Committee

IT IS CLEAR THAT THIS PROPERTY FITS UNDER AT LEAST 3 OF THE CATEGORIES FOR TAX EXEPTION!

We are not sure how this has become confused that we are somehow just renting rooms or that we are not a church. I talked with a lawyer who used to work for me and is now a partner in the Taft Law Firm out of Minneapolis, Mn. who does property development work. I commented that we were hoping for a break as if not granted would likely mean we would have to close the doors. Her comment is that we do not need a break, but that if the law is followed there can be no other conclusion that it is exempt. In our last application that we are asking for again numbers 1 (N.D.C.C 57-02-08(9), 2 (N.D.C.C 57-02-08(9) and likely 3 (N.D.C.C 57-02-08(11) all apply. Another contributor who has been there from the start asked, "Doesn't this help the city, why is this so difficult?". This was money from my parents' estates that was used for this because we wanted to help people in a Christian way. The good news it has. It was our understanding that the exemption has been approved for future years, but the abatement for the past has not which is around \$18,000. We were told that we had to pay one year as the abatement could not go back that far. It was difficult, but we found it away. With \$18,000 in additional taxes will sink us. Mistakenly when we first had the place we were cash flowing and mistakenly we paid the taxes for several years when we would not have had to, but now after COVID it is a struggle which we are now getting "back on our feet" after paying for a new furnaces and the back taxes as well other repairs with more needed after 15 years.

It should be noted that many of the original contributors saw this as a legacy for the residents of the city, a place that would help people in the future. Many of them are now deceased, notably Jim LeClerc, Merwin Lyng and his brothers who were the first to help and gave money to it. Also, Dennis Olson, and Curly McClain to name a few. People from the Hatton Men's Club. Actually, Merwin and Myrna have their own little space representing them at the home which he always called, "The Laurie Berry Center" as that is what it is. It has always been a nonprofit that makes no money and has to be subsidized each year (See financial reports)

We have sent this letter previously to Kayla Knutson who suggested we send it on to you. We have tried to comply with what you have asked for and sending what we think you need. This home has been used exclusively from when it was gifted to us in 2011 by Sanford Health for Christian purposes only. The intent and which it has become was to have a Christian home for people to show up and "hang out" in a Christian atmosphere as well as a place for them to have Bible studies, see Christian movies and carry on all kinds of Christian events including meals, a Christian Super Bowl party, and many more. It was also a place for some people to live cheaply, or for free, or a minimal cost who did not have the money while in school. Even though since covid we have run in a deficit this also helps some in overhead. It does not break even but loses money each year, of which is made-up for by private donations which is primarily been a foundation that was from our family and Dr. Sawchuk's family estates. In the past and continuing in the future It has by the grace of GOD done everything we would have hoped for and then some. This property was gifted to us by Sanford Health with this intent in mind. I am enclosing letters sent by others that were requesting the property from Sanford which very clearly states the intent which has been lived up to. As I stated before, it is the home of Christian events from Bible studies to Christian services and meals for teams and otherwise. It is open to all.

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Craig Richie,

Craig Richie

CHRISTian Sports Commission, CHRIST is LORD Church

Ps. We planned to have the property appraised, but we do not have the money for that either even though we thought that would have been done a year ago. The cost would be approximately \$5,000 for such an appraisal.



NORTH DAKOTA NONPROFIT CORPORATION
ARTICLES OF INCORPORATION
SECRETARY OF STATE
SFN 13003 (3-00)

RECEIVED
AUG 28 2000
SEC. OF STATE

FOR OFFICE USE ONLY

ID#	16,223,000
WO#	807100
Filed	9/1/00
By	KA

**FILING FEE: \$30.00 + \$10.00 FOR
REGISTERED AGENT CONSENT TO SERVE**

REGISTERED AGENT CONSENT:
THE ARTICLES OF INCORPORATION MUST BE ACCOMPANIED
BY A SIGNED CONSENT OF THE REGISTERED AGENT.

SEE REVERSE SIDE FOR FEES, FILING AND MAILING INSTRUCTIONS.

We, the undersigned natural persons of the age of eighteen years or more, acting as incorporators of a corporation organized under North Dakota Century Code, Chapter 10-33, adopt the following Articles of Incorporation.

Article 1. Name of Corporation
Christian Sports Commission, Inc.

Article 2.A. Name of Registered Agent
Craig Richie

B. Complete Address of Registered Agent (Street/RR, PO Box, City, State, Zip +4) May not be only a post office box.
203 8th St S Fargo, ND 58103

Article 3. The corporation shall be effective:
(check one) ☒ When filed with the Secretary of State
☐ Later on _____
(month, day, year)

Article 4. Purposes for which the corporation is organized:
Operate and manage athletic practices, events and tournaments
based on participation in cooperation with local churches
and the Christian community in NORTH DAKOTA &
THROUGHOUT THE WORLD

Article 5. Any other provisions elected for inclusion:

Article 6. The name and address of each incorporator:

NAME	COMPLETE MAILING ADDRESS				
	Street/RR	PO Box	City	State	Zip +4
<u>Keith Kerbaugh</u>	<u>1755 Park Blvd</u>		<u>Fargo</u>	<u>ND</u>	<u>58103</u>
<u>Craig Richie</u>	<u>203 8th St S</u>		<u>Fargo</u>	<u>ND</u>	<u>58103</u>

"The above named incorporators, have read the foregoing Articles of Incorporation, know the contents, and believe the statements made therein to be true."

Keith Kerbaugh 8-20-2000
Original Signature Date

Original Signature Date

X Craig Richie 8-20-2000
Original Signature Date

Original Signature Date

Original Signature Date

Original Signature Date

Name of person to contact about these articles

Keith Kerbaugh

Daytime telephone #



REGISTERED AGENT
CONSENT TO SERVE
SECRETARY OF STATE
SFN 7974 (7-99)

RECEIVED

AUG 28 2000
SEC. OF STATE

FOR OFFICE USE ONLY

ID #	16,223,000
File #	
WO #	807100
Filed	9/1/00
By	TH

SEE REVERSE SIDE FOR FILING AND MAILING INSTRUCTIONS

1. FILING FEE: \$10.00

TYPE OR PRINT LEGIBLY

2. Name of the organization for which the registered agent is to serve (corporation, limited liability company, limited liability partnership, limited partnership, limited liability limited partnership or real estate investment trust)

Christian Sports Commission, Inc.

3. Name of the registered agent

Craig Richie

4. Registered agent is (Check one)

- ☒ An individual North Dakota resident
☐ A corporation
☐ A limited liability company
☐ A limited liability partnership

5. Federal ID # or social security # of registered agent

X

6. An individual appointed as registered agent must sign a consent to serve in that capacity. When a corporation, a limited liability company, or limited liability partnership is named as registered agent, an officer or someone authorized by the organization may sign on behalf of the corporation, limited liability company, or limited liability partnership.

"The undersigned, as the newly appointed registered agent, agrees to act as the registered agent for this organization until a change, or resignation, is submitted to the Secretary of State under the provisions of North Dakota law."

X Craig R. Richie 18-20-2000
Original signature of registered agent Date



0005772967



**NONPROFIT CORPORATION
ANNUAL REPORT**
SECRETARY OF STATE
(See SFN 50879)

For Office Use Only

-FILED-

SOS Control ID#: 0000064345

Date Filed: 1/19/2022

Fee for current filing year:

- \$10 if received on or before February 1; and
- \$15 if received after February 1.

Annual Report Due Date 02/01/2022	
Corporation Name CHRISTIAN SPORTS COMMISSION, INC. State or country of origin: NORTH DAKOTA	
Principal Executive Office Address 203 8TH ST S FARGO, ND 58103-1824	
Mailing Address 203 8TH ST S FARGO, ND 58103-1824	
Registered Agent in North Dakota CRAIG RICHIE Registered Agent Physical Address 203 8TH ST S FARGO, ND 58103 Mailing Address 203 8TH ST S FARGO, ND 58103	
Character of the Business Sponsors athletic events for children and adults	
Tax Status 501(C)(3)	
Officers and Directors	
Name of Officer or Director	Complete Mailing Address
Scott Berry	3609 5th St W West Fargo, ND 58078
Reed Danuser	1810 5th Ave S Fargo, ND 58103
Craig Richie	1241 Broadway Fargo, ND 58102
Dustin Olson	418 Parke Ave Portland, ND 58274
Ted Sawchuk	4715 Rosecreek Pkwy Fargo, ND 58104
☒ The officers listed above include at least a president and a secretary.	
This nonprofit corporation has at least three voting members and at least three directors are listed above.	



Signature

☒ I, the undersigned, am authorized to sign this Annual Report, know the contents, and believe the statements contained within to be true. I understand that if I make a false statement, I may be subject to criminal penalties.

Craig M Richie

Sign Here

01/19/2022

Date

B0442-5060 01/19/2022 Received by ND Secretary of State Alvin A. Jaeger



0006153258



**NONPROFIT CORPORATION
ANNUAL REPORT**
SECRETARY OF STATE
(See SFN 50879)

For Office Use Only

-FILED-

SOS Control ID#: 0000064345

Date Filed: 1/9/2023

Fee for current filing year:

- \$10 if received on or before February 1; and
- \$15 if received after February 1.

Annual Report Due Date 02/01/2023
Corporation Name CHRISTIAN SPORTS COMMISSION, INC. State or country of origin: NORTH DAKOTA
Principal Executive Office Address 203 8TH ST S FARGO, ND 58103-1824
Mailing Address 203 8TH ST S FARGO, ND 58103-1824
Registered Agent in North Dakota CRAIG RICHIE Registered Agent Physical Address 203 8TH ST S FARGO, ND 58103 Mailing Address 203 8TH ST S FARGO, ND 58103
Character of the Business Sponsors athletic events for children and adults
Tax Status 501(C)(3)

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Name of Officer or Director	Complete Mailing Address
Scott Berry	3609 5th St W West Fargo, ND 58078
Reed Danuser	1810 5th Ave S Fargo, ND 58103
Craig Richie	1241 Broadway Fargo, ND 58102
Dustin Olson	418 Parke Ave Portland, ND 58274
Ted Sawchuk	4715 Rosecreek Pkwy Fargo, ND 58104

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This nonprofit corporation has at least three voting members and at least three directors are listed above.

B0543-4272 01/09/2023 Received by ND Secretary of State



Signature

☒ I, the undersigned, am authorized to sign this Annual Report, know the contents, and believe the statements contained within to be true. I understand that if I make a false statement, I may be subject to criminal penalties.

craig Mark richie

Sign Here

01/09/2023

Date



0006566606



**NONPROFIT CORPORATION
ANNUAL REPORT**
SECRETARY OF STATE
(See SFN 50879)

For Office Use Only

-FILED-

SOS Control ID#: 0000064345

Date Filed: 1/17/2024

Fee for current filing year:

- \$10 if received on or before February 1; and
- \$15 if received after February 1.

Annual Report Due Date 02/01/2024	
Corporation Name CHRISTIAN SPORTS COMMISSION, INC. State or country of origin: NORTH DAKOTA	
Principal Executive Office Address 1241 BROADWAY N FARGO, ND 58102	
Mailing Address 1241 BROADWAY N FARGO, ND 58102-2636	
Registered Agent in North Dakota Craig M Richie Registered Agent Physical Address 1241 BROADWAY N FARGO, ND 58102 Mailing Address 1241 BROADWAY N FARGO, ND 58102-2636	
Character of the Business Sponsors athletic events for children and adults	
Tax Status 501(C)(3)	
Officers and Directors	
Name of Officer or Director	Complete Mailing Address
Scott Berry	3609 5th St W West Fargo, ND 58078
Reed Danuser	1810 5th Ave S Fargo, ND 58103
Craig Richie	1241 Broadway Fargo, ND 58102
Dustin Olson	418 Parke Ave Portland, ND 58274
Ted Sawchuk	4715 Rosecreek Pkwy Fargo, ND 58104
☒ The officers listed above include at least a president and a secretary.	
This nonprofit corporation has at least three voting members and at least three directors are listed above.	

B0654-3999 01/17/2024 Received by ND Secretary of State



Signature

☒ I, the undersigned, am authorized to sign this Annual Report, know the contents, and believe the statements contained within to be true. I understand that if I make a false statement, I may be subject to criminal penalties.

Craig Richie

01/17/2024

Sign Here

Date



0006969469

**NONPROFIT CORPORATION
ANNUAL REPORT**
SECRETARY OF STATE

(See SFN 50879)

For Office Use Only

-FILED-

SOS Control ID#: 0000064345

Date Filed: 1/27/2025

Fee for current filing year:

- \$10 if received on or before February 3; and
- \$15 if received after February 3.

Annual Report Due Date 02/03/2025	
Corporation Name CHRISTIAN SPORTS COMMISSION, INC. State or country of origin: NORTH DAKOTA	
Principal Executive Office Address 1241 BROADWAY N FARGO, ND 58102	
Mailing Address 1241 BROADWAY N FARGO, ND 58102-2636	
Registered Agent in North Dakota Craig M Richie Registered Agent Physical Address 1241 BROADWAY N FARGO, ND 58102 Mailing Address 1241 BROADWAY N FARGO, ND 58102-2636	
Character of the Business Sponsors athletic events for children and adults	
Tax Status 501(C)(3)	
Officers and Directors	
Name of Officer or Director	Complete Mailing Address
Scott Berry	3609 5th St W West Fargo, ND 58078
Reed Danuser	1810 5th Ave S Fargo, ND 58103
Craig Richie	1241 Broadway Fargo, ND 58102
Dustin Olson	418 Parke Ave Portland, ND 58274
Ted Sawchuk	4715 Rosecreek Pkwy Fargo, ND 58104
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This nonprofit corporation has at least three voting members and at least three directors are listed above.	



Signature

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Craig Richie

Sign Here

01/27/2025

Date

B0763-7828 01/27/2025 Received by ND Secretary of State



0007361708



**NONPROFIT CORPORATION
ANNUAL REPORT**
SECRETARY OF STATE

(See SFN 50879)

For Office Use Only

-FILED-

SOS Control ID#: 0000064345

Date Filed: 1/5/2026

Fee for current filing year:

- \$10 if received on or before February 2; and
- \$15 if received after February 2.

B0868-5262 01/05/2026 Received by ND Secretary of State

Annual Report Due Date
02/02/2026

Corporation Name
CHRISTIAN SPORTS COMMISSION, INC.
State or country of origin: NORTH DAKOTA

Principal Executive Office Address
1241 BROADWAY N
FARGO, ND 58102

Mailing Address
1241 BROADWAY N
FARGO, ND 58102-2636

Registered Agent in North Dakota

Craig M Richie
Registered Agent

Physical Address
1241 BROADWAY N
FARGO, ND 58102

Mailing Address
1241 BROADWAY N
FARGO, ND 58102-2636

Character of the Business

Sponsors athletic events for children and adults

Tax Status

501(C)(3)

Officers and Directors

Name of Officer or Director	Complete Mailing Address
Scott Berry	3609 5th St W West Fargo, ND 58078
Reed Danuser	1810 5th Ave S Fargo, ND 58103
Craig Richie	1241 Broadway Fargo, ND 58102
Dustin Olson	418 Parke Ave Portland, ND 58274
Ted Sawchuk	2716 1st St E West Fargo, ND 58078

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This nonprofit corporation has at least three voting members and at least three directors are listed above.



Signature

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Craig M Richie

Sign Here

01/05/2026

Date

B0868-5263 01/05/2026 Received by ND Secretary of State

COMPLETE, PRINT, SIGN, AND MAIL OR FAX (if paying with credit card, complete Credit Card Payment Authorization)



NORTH DAKOTA NONPROFIT CORPORATION
ARTICLES OF INCORPORATION
SECRETARY OF STATE
SFN 13003 (02-2013)

RECEIVED

JUL 12 2019



FILING FEE: \$40.00

FOR OFFICE USE ONLY

ID Number	
Work Order No.	For Office Use Only
Filed	-FILED-

SOS Control ID#: 0002857250

SEE INSTRUCTIONS FOR FEES, FILING AND MAILING INFORMATION.

Date Filed: 7/23/2019

organized under North Dakota Century

TYPE OR PRINT LEGIBLY

SEC. OF STATE

We, the undersigned natural persons of the age of eighteen years or more, acting as incorporators of a corporation organized under North Dakota Century Code Chapter 10-33, adopt the following Articles of Incorporation.

Article 1. Name of Corporation

Christ is LORD Church

Article 1A. Address of Principal Executive Office (Street/RR, City, State, ZIP+4). Address cannot only be a post office box.
1241 Broadway N., Fargo, North Dakota 58102

Article 2A. Name of Commercial Registered Agent in North Dakota

2.B. Name of Noncommercial Registered Agent in North Dakota

OR James Lester

2.C. Address of Noncommercial Registered Agent in North Dakota (Street/RR, PO Box, City, State, ZIP+4) May not be only a post office box.
203 S. 8th. St., Fargo, North Dakota 58086

Article 3. The corporation shall be effective: (check one)

☒ When Filed with the Secretary of State

☐ Later on (month, day, year):

(Must be within 90 days after filing with Secretary of State)

Article 4. Purpose for which Corporation is Organized

The purpose of the corporation is exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code and herein stated as follows:

To carry out all functions of a Christian Church including marrying people of one man one woman and to spread the good news of the salvation through Jesus Christ as well as conduct services we evangelize over the Internet and perform all functions of a Christian church.

The character and essence of the corporation is the same as the purpose.

Article 5. Other Provisions Elected for Inclusion

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth.

Article 6. Name and Address of Each Incorporator

Name	COMPLETE MAILING ADDRESS				
	Street/RR	PO Box	City	State	ZIP+4
Craig M. Richie	3729 W. Jacksonville Dr.		Anthem	Arizona	85086

"The above named incorporators have read the foregoing Articles of Incorporation, know the contents, and believe the statements made therein to be true. I (We) further authorize the Secretary of State to correct Articles 2.A., 2.B., or 2.C. if not correctly reflected. I (We) understand that if I (we) make a false statement in this document, I (we) may be subject to criminal penalties."

Signature		Date	July 12, 2019
Signature		Date	
Signature		Date	
Signature		Date	
Name of Person to Contact About This Document		Daytime Telephone Number and Extension	
Craig M. Richie			

B0198-9643 07/12/2019 Received by ND Secretary of State Alvin A. Jaeger



**NONPROFIT CORPORATION
ARTICLES OF AMENDMENT
SECRETARY OF STATE
SFN 13012 (12-2015)**

RECEIVED

JUN 10 2020

SEC. OF STATE

For Office Use Only

ID Number:
For Office Use Only
WO Number:
-FILED-
Filed:
SOS Control ID#: 0002857250
Date Filed: 6/12/2020

1. FILING FEE: \$20.00

TYPE OR PRINT LEGIBLY

SEE PAGES 2 AND 3 FOR FILING AND MAILING INSTRUCTIONS

2. Name of the corporation as reflected in the articles of incorporation or last amendment filed with the Secretary of State CHRIST is LORD Church		
3. Federal ID Number	4. Telephone Number (701) 541-3725	5. Toll-Free Telephone Number
6. Complete mailing address of the corporation's principal executive office (Street/RR, PO Box, City, State, ZIP+4) Street address <u>MUST</u> be provided; may not be only a post office box. 1241 Broadway N., Fargo, North Dakota 58102		
7. The following amendment has been adopted pursuant to the provisions of the North Dakota Nonprofit Corporation Act, N.D.C.C. Chapter 10-33 Article 4. The purpose of the corporation is exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code and herein stated as follows: To carry out all functions of a Christian Church including marrying people of one man one woman and to spread the good news of the salvation through Jesus Christ as well as conduct services, evangelize over the Internet and perform all functions of a Christian church. The character and essence of the corporation is the same as the purpose. Article 5. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth. Upon the dissolution of the organization, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government for a public purpose.		
8. The amendment shall be effective: (check one) ☒ When filed with the Secretary of State ☐ Later on (month, day, year): _____ (must be within 90 days after filing with Secretary of State)		
9. The amendment was adopted by the following method: (check one and complete as necessary) ☐ Voting members adopted the amendment: ☐ At a meeting held on the following date (month, day, year): _____ A quorum was present and the amendment received at least two thirds of the votes cast by members present at the meeting and entitled to vote, or by proxy. ☐ By a consent in writing signed by all members entitled to vote. OR ☒ There being no voting members, a majority of directors in office adopted the amendment at a meeting held on (month, day, year): 6/7/2020		
10. "The undersigned, a person authorized by the corporation to sign this amendment: • Has read the foregoing Articles of Amendment, knows the contents thereof, and believes the statements made thereon to be true. • Authorizes the Secretary of State to correct numbers 2 and 7 if not correctly reflected as explained in the instructions. • Understands that if I make a false statement in this document, I may be subject to criminal penalties."		
Signature <i>Craig M. Richie</i>		Date 6/8/2020
11. Name of person to contact about this document Craig M. Richie	Email Address [REDACTED]	Daytime Telephone Number [REDACTED]



0005772988



**NONPROFIT CORPORATION
ANNUAL REPORT**
SECRETARY OF STATE
(See SFN 50879)

For Office Use Only

-FILED-

SOS Control ID#: 0002857250

Date Filed: 1/19/2022

Fee for current filing year:

- \$10 if received on or before February 1; and
- \$15 if received after February 1.

Annual Report Due Date 02/01/2022									
Corporation Name Christ is LORD Church State or country of origin: NORTH DAKOTA									
Principal Executive Office Address 1241 BROADWAY N FARGO, ND 58102									
Mailing Address 1241 BROADWAY N FARGO, ND 58102-2636									
Registered Agent in North Dakota JAMES F LESTER Registered Agent Physical Address 203 8TH ST S PO BOX 9673 FARGO, ND 58106-9673 Mailing Address PO BOX 9673 203 8TH ST S FARGO, ND 58106-9673									
Character of the Business Church									
Tax Status N/A									
Officers and Directors									
<table border="1"><thead><tr><th>Name of Officer or Director</th><th>Complete Mailing Address</th></tr></thead><tbody><tr><td>craig M Richie</td><td>3729 W Jacksonville Dr Anthem, AZ 85086</td></tr><tr><td>Dustin Olson</td><td>418 Park Ave Portland, ND 58274</td></tr><tr><td>Krista L Sullivan</td><td>1151 32nd Ave N A514 Fargo, ND 58102</td></tr></tbody></table>		Name of Officer or Director	Complete Mailing Address	craig M Richie	3729 W Jacksonville Dr Anthem, AZ 85086	Dustin Olson	418 Park Ave Portland, ND 58274	Krista L Sullivan	1151 32nd Ave N A514 Fargo, ND 58102
Name of Officer or Director	Complete Mailing Address								
craig M Richie	3729 W Jacksonville Dr Anthem, AZ 85086								
Dustin Olson	418 Park Ave Portland, ND 58274								
Krista L Sullivan	1151 32nd Ave N A514 Fargo, ND 58102								
☒ The officers listed above include at least a president and a secretary. This nonprofit corporation has at least three voting members and at least three directors are listed above.									
Signature									



☒ I, the undersigned, am authorized to sign this Annual Report, know the contents, and believe the statements contained within to be true. I understand that if I make a false statement, I may be subject to criminal penalties.

Craig M Richie

Sign Here

01/19/2022

Date

B0442-5135 01/19/2022 Received by ND Secretary of State Alvin A. Jaeger



0006164384

**NONPROFIT CORPORATION
ANNUAL REPORT**

SECRETARY OF STATE

(See SFN 50879)

For Office Use Only

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SOS Control ID#: 0002857250

Date Filed: 1/20/2023

Fee for current filing year:

- \$10 if received on or before February 1; and
- \$15 if received after February 1.

Annual Report Due Date 02/01/2023	
Corporation Name Christ is LORD Church State or country of origin: NORTH DAKOTA	
Principal Executive Office Address 1241 BROADWAY N FARGO, ND 58102	
Mailing Address 1241 BROADWAY N FARGO, ND 58102-2636	
Registered Agent in North Dakota Craig M Richie Registered Agent Physical Address 1241 BROADWAY N FARGO, ND 58102 Mailing Address 1241 BROADWAY N FARGO, ND 58102-2636	
Character of the Business Church	
Tax Status 501(c)(3)	
Officers and Directors	
Name of Officer or Director	Complete Mailing Address
Dustin Olson	418 Park Ave Portland, ND 58274
Krista L Sullivan	225 20th Ave N Fargo, ND 58102
Craig M Richie	1241 Broadway N Fargo, ND 58102
☒ The officers listed above include at least a president and a secretary. This nonprofit corporation has at least three voting members and at least three directors are listed above.	
Signature ☒ I, the undersigned, am authorized to sign this Annual Report, know the contents, and believe the statements contained within to be true. I understand that if I make a false statement, I may be subject to criminal penalties.	

B0546-9109 01/20/2023 Received by ND Secretary of State



Craig M Richie

Sign Here

01/20/2023

Date

B0546-9110 01/20/2023 Received by ND Secretary of State



0006568431



**NONPROFIT CORPORATION
ANNUAL REPORT**
SECRETARY OF STATE
(See SFN 50879)

For Office Use Only

-FILED-

SOS Control ID#: 0002857250

Date Filed: 1/19/2024

Fee for current filing year:

- \$10 if received on or before February 1; and
- \$15 if received after February 1.

Annual Report Due Date 02/01/2024	
Corporation Name Christ is LORD Church State or country of origin: NORTH DAKOTA	
Principal Executive Office Address 1241 BROADWAY N FARGO, ND 58102	
Mailing Address 1241 BROADWAY N FARGO, ND 58102-2636	
Registered Agent in North Dakota Craig M Richie Registered Agent Physical Address 1241 BROADWAY N FARGO, ND 58102 Mailing Address 1241 BROADWAY N FARGO, ND 58102-2636	
Character of the Business Church	
Tax Status 501(c)(3)	
Officers and Directors	
Name of Officer or Director	Complete Mailing Address
Dustin Olson	418 Park Ave Portland, ND 58274
Krista L Sullivan	225 20th Ave N Fargo, ND 58102
Craig M Richie	1241 Broadway N Fargo, ND 58102
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Signature ☒ I, the undersigned, am authorized to sign this Annual Report, know the contents, and believe the statements contained within to be true. I understand that if I make a false statement, I may be subject to criminal penalties.	

B0654-9826 01/19/2024 Received by ND Secretary of State



Craig Richie

Sign Here

01/19/2024

Date

· B0654-9827 01/19/2024 Received by ND Secretary of State



0006969476

**NONPROFIT CORPORATION****ANNUAL REPORT**

SECRETARY OF STATE

(See SFN 50879)

For Office Use Only

-FILED-

SOS Control ID#: 0002857250

Date Filed: 1/27/2025

Fee for current filing year:

- \$10 if received on or before February 3; and
- \$15 if received after February 3.

B0763-7845 01/27/2025 Received by ND Secretary of State

Annual Report Due Date

02/03/2025

Corporation Name

Christ is LORD Church

State or country of origin: NORTH DAKOTA

Principal Executive Office Address

1241 BROADWAY N
FARGO, ND 58102

Mailing Address

1241 BROADWAY N
FARGO, ND 58102-2636

Registered Agent in North Dakota

Craig M Richie

Registered Agent

Physical Address

1241 BROADWAY N
FARGO, ND 58102

Mailing Address

1241 BROADWAY N
FARGO, ND 58102-2636

Character of the Business

Church

Tax Status

501(c)(3)

Officers and Directors

Name of Officer or Director	Complete Mailing Address
Dustin Olson	418 Park Ave Portland, ND 58274
Irene Richie	1241 Broadway N Fargo, ND 58102
Craig M Richie	1241 Broadway N Fargo, ND 58102

☒ The officers listed above include at least a president and a secretary.

This nonprofit corporation has at least three voting members and at least three directors are listed above.

Signature

☒ I, the undersigned, am authorized to sign this Annual Report, know the contents, and believe the statements contained within to be true. I understand that if I make a false statement, I may be subject to criminal penalties.



Craig Richie

Sign Here

01/27/2025

Date

B07-63-7846 01/27/2025 Received by ND Secretary of State



0007361713



**NONPROFIT CORPORATION
ANNUAL REPORT**
SECRETARY OF STATE
(See SFN 50879)

For Office Use Only

-FILED-

SOS Control ID#: 0002857250

Date Filed: 1/5/2026

Fee for current filing year:

- \$10 if received on or before February 2; and
- \$15 if received after February 2.

B0868-5272 01/05/2026 Received by ND Secretary of State

Annual Report Due Date
02/02/2026

Corporation Name
Christ is LORD Church
State or country of origin: NORTH DAKOTA

Principal Executive Office Address
1241 BROADWAY N
FARGO, ND 58102

Mailing Address
1241 BROADWAY N
FARGO, ND 58102-2636

Registered Agent in North Dakota
Craig M Richie
Registered Agent
Physical Address
1241 BROADWAY N
FARGO, ND 58102
Mailing Address
1241 BROADWAY N
FARGO, ND 58102-2636

Character of the Business
Church

Tax Status
501(c)(3)

Officers and Directors

Name of Officer or Director	Complete Mailing Address
Dustin Olson	418 Park Ave Portland, ND 58274
Irene Richie	1241 Broadway N Fargo, ND 58102
Craig M Richie	1241 Broadway N Fargo, ND 58102

☒ The officers listed above include at least a president and a secretary.

This nonprofit corporation has at least three voting members and at least three directors are listed above.

Signature

☒ I, the undersigned, am authorized to sign this Annual Report, know the contents, and believe the statements contained within to be true. I understand that if I make a false statement, I may be subject to criminal penalties.



B0868-5273 01/05/2026 Received by ND Secretary of State

Craig M Richie

Sign Here

01/05/2026

Date

JUSTIA

North Dakota Soc. for Crippled Child. & Ad. v. Murphy

Full Name: North Dakota Soc. for Crippled Child. & Ad. v. Murphy

Citation: 94 N.W.2d 343

Docket Number: 7794

Date: January 12, 1959

94 N.W.2d 343 (1959)

NORTH DAKOTA SOCIETY FOR CRIPPLED CHILDREN AND ADULTS, a North Dakota corporation, Plaintiff and Appellant, v. Louise MURPHY, as County Treasurer of Stutsman County, North Dakota, Defendant and Respondent.

No. 7794.

Supreme Court of North Dakota.

January 12, 1959.

Hjellum, Weiss, Nerison & Ottmar, Jamestown, for appellant.

M. C. Fredricks, State's Atty. of Stutsman County, Jamestown, for defendant and respondent.

Hendry K. Mackenzie, Jamestown, amicus curiae.

MORRIS, Judge.

In this action the plaintiff seeks to recover from the defendant the sum of \$483.08 representing taxes on real property levied by Stutsman County for the years 1954 and 1955 which the plaintiff paid under protest on November 27, 1956. Subsequent to the payment the plaintiff applied *344 to the Board of County Commissioners of Stutsman County for a refund of the amount so paid. The application for refund was rejected. The real property is known as Lot 8 of Hi-Acres Second Addition to the City of Jamestown, Stutsman County, North Dakota. This lot was during the period in controversy and still is owned by the plaintiff. During all of that time there was and is a house thereon occupied exclusively as a residence by an employee of the plaintiff known as its "executive director" who pays no rent and receives a cash salary of \$7,000 per year.

The plaintiff is a nonprofit corporation organized for charitable purposes. Its income of about \$80,000 per year is devoted to work in the field of physically handicapped children and adults. The general program and the limits within which the organization functions are determined by the executive committee of the board of directors which employs an executive director whose principal duties are administration, fund raising and the drafting of the overall program under which the society operates. It maintains a state headquarters with five permanent employees under the administration of the executive director. This headquarters has no physical connection with the residence in question and is located in a different part of the city.

The plaintiff contends that the residence in question is exempt from taxation because the plaintiff is an institution of public charity and the property is "used wholly or in part for public charity" and thus comes within the exemption provided by Section 57-0208, paragraph 8, NDRC 1943, which reads:

"All buildings and contents thereof belonging to institutions of public charity, including public hospitals under the control of religious or charitable institutions, used wholly or in part for public charity, together with the land actually occupied by such institutions not leased or otherwise used with a view to profit, and all moneys and credits appropriated solely to sustaining and belonging exclusively to such institutions;"

The defendant does not question plaintiff's assertion that it is an institution of public charity but contends that the use to which the property is put determines its taxability and that the use of the property as a residence for the executive director does not bring it within the exemption. No constitutional questions are presented. The issues involve only the construction and application of the statute.

The trial court decided that the plaintiff was a charitable institution but that the use to which the property was put did not justify its exemption from taxation under the statute and rendered judgment for the dismissal of plaintiff's action. The plaintiff has appealed from that judgment. The case is here for trial de novo.

The plaintiff was incorporated in 1947 and up to the present time has employed two successive executive directors both of whom have lived in residences furnished by the plaintiff. It is difficult to secure a competent director because few persons have experience in that field. It was difficult to find suitable housing in Jamestown and the plaintiff undertook to supply a residence as an inducement to competent persons to accept the position of director. At first the plaintiff rented a house for its director at \$80 per month. When the rent was raised to \$100 per month a committee was appointed to select and recommend the purchase of a residence, with the result that the property in controversy was purchased in 1954.

The plaintiff contends that the decision to purchase did not stem wholly from the raise in rent but that the executive committee considered that the ownership of a residence was a necessity in order to insure proper housing to applicants for the position of executive director and that therefore the ownership of a residence *345 contributes directly to the advancement of the charitable purposes of the organization in making it more easy to secure a competent director and to that extent at least the residence is "used wholly or in part for public charity". While the argument is resourceful it cannot prevail. We have here but a single use. The property is used as a residence and for no other purpose. The use of the residence by the director is as much a remuneration for his services as is the cash salary that he receives and whether the residence in which he lives is owned by the society or rented by it would seem to have little bearing on whether he should accept or retain the position as director. The fact asserted by the plaintiff that ownership rather than the rental of a house would render the inducement which it could offer more stable since an owned residence would always be available regardless of housing shortages has at the most a very remote bearing on the charitable activities of the plaintiff.

As we approach the construction of our statute and its application to the facts of this case we bear in mind the rules that the burden is on the claimant of a tax exemption to establish the exempt status of his property and that the laws under which such an exemption is claimed will receive a strict construction against the claimant. *Engstad v. Grand Forks County*, 10 N.D. 54, 84 N.W. 577; *In re McKee's Estate*, 71 N.D. 545, 3 N.W.2d 797; *Incorporated Trustees of Gospel Worker Society v. Evatt*, 140 Ohio St. 185, 42 N.E.2d 900; *City of Longview v. Markham-McRee Memorial Hospital*, 137 Tex. 178, 152 S.W.2d 1112;

Trinity Methodist Episcopal Church v. City of San Antonio, Tex.Civ. App., 201 S.W. 669; Cypress Lawn Cemetery Ass'n v. City and County of San Francisco, 211 Cal. 387, 295 P. 813; Walker v. State, 154 Cal. App. 2d 838, 316 P.2d 998; People ex rel. Kelly v. Avery Coonley School, 12 Ill. 2d 113, 145 N.E.2d 80; American Bridge Co. v. Smith, 352 Mo. 616, 179 S.W.2d 12, 157 A.L.R. 798 and Annotations.

In Boston Symphony Orchestra, Inc. v. Board of Assessors, 294 Mass. 248, 1 N.E.2d 6, 10, it was held that doubt as to whether property is used for charitable or benevolent purposes so as to exempt it from taxation must be resolved against the claimant and:

"Any doubt must operate against the one claiming tax exemption, because the burden of proof is upon the one claiming an exemption from taxation to show clearly and unequivocally that he comes within the terms of the exemption."

The plaintiff cites Cedars of Lebanon Hospital v. Los Angeles County, 35 Cal. 2d 729, 221 P.2d 31, 35, 15 A.L.R.2d 1045 which included actions by five other hospitals. Several properties were claimed to be exempt as "property used exclusively for * * * hospital * * * purposes." In the opinion it is stated:

"The first question presented is whether the use of property by plaintiff hospitals for a nurses' training school and to provide housing for hospital interns, resident doctors, student nurses, and certain other alleged essential employees required to be readily available in their effective operation constitutes a use exclusively for hospital purposes and so brings the property within the scope of the welfare tax exemption."

In sustaining the claims for exemption the court emphasizes the necessity of the ready availability of the personnel so housed in connection with the work of the hospitals. We infer from the opinion that these facilities were maintained in immediate connection with or in close proximity to the hospitals. The services performed for the plaintiff by its executive director bear little similarity to the services performed for a hospital by its nurses, interns and resident doctors. More similarity to the work of the director exists with respect to services performed for an educational institution by its administrators and instructors.

*346 In Knox College v. Board of Review, 308 Ill. 160, 139 N.E. 56, 57, 35 A.L.R. 1041, the court considered the application of an exemption from taxation of property used exclusively for school purposes. One of the properties under consideration was the residence of the president of the college. The court said:

"The home of the president of Knox College in this case was 11 blocks from the college campus and was not so closely connected with the work of the main institution as to distinguish it from any other home, although it may be true that the fact of the building being owned by the college and furnished to the president as a home and as a part of his compensation distinguishes it in that respect from other residences. These facts would apply with equal force to the residence of a minister of a church. It was argued in *People [ex rel. Thompson] v. First Congregational Church*, 232 Ill. 158, 83 N.E. 536, that the duties of the minister so peculiarly related his home to religious purposes as to render it exempt, but it was held that the home was for residence purposes the same as any other home, and was therefore not exempt. So far as the record shows here, the president's house is primarily a home, without any condition for educational purposes or work being required to be performed there."

The more recent case of *People ex rel. Kelly v. Avery Coonley School*, 12 Ill. 2d 113, 145 N.E.2d 80, 82, involved the exemption of a building on a tract that afforded the only means of ingress and egress to the principal school building. The land was held exempt and the building not exempt. It is a two-story common brick building containing two small apartments with a garage attached. The first floor apartment is occupied as a residence by the headmistress of the school who also used the garage. The second floor apartment is occupied as a residence by the principal custodian of the school buildings and grounds. The use of the apartments is a part of the compensation of the headmistress and the custodian. Neither of them pays rent. In an attempt to sustain the exemption, apparently on the ground of special benefit to the institution, it was pointed out that the residence there of the headmistress permits her to be available for conferences before and after school hours and on Saturdays, Sundays and holidays. With respect to the custodian it was claimed that because he lives on the school grounds it is unnecessary to employ a watchman. After citing a number of cases the court said:

"In these cases, and in many others the primary use of the property, and not its incidental uses, has fixed its status for taxing purposes. Here, as in the cases cited, the residential use is primary; other uses are incidental."

It was held that the building was not property used exclusively for school purposes and therefore was not exempt.

In *President, etc. of Williams College v. Assessors of Williamstown*, 167 Mass. 505, 46 N.E. 394, 395, the court considered a statute exempting from taxation the real estate of a college when occupied by it or by its officers for the purposes for which it was incorporated as applied to lots with dwelling houses on them owned by the college in the vicinity of the

institution. They were occupied by the superintendent of college buildings, the librarian, the registrar, the director of the gymnasium and by professors in the college. The residences were occupied under a parole agreement whereby each occupant received a stated salary per month and the use of the residence while in the service of the college but the value of the occupation of each residence was determined and deducted from the monthly salary of the occupant. In holding that the residences were not occupied by the college or by its officers for the purposes for which it was incorporated the court said:

*347 "In the present case the occupants were each in the sole occupation of the premises, and occupation was for strictly private purposes, and the control of the premises while they occupied was with them. That the rent was paid by a deduction made by the college monthly from the salary, instead of being paid directly to the college, is immaterial. It has been held many times that, to exempt the real estate of a corporation under the statutes we are considering, it is not enough that the income is applied to the purposes of the corporation, but the real estate itself must be occupied for those purposes. It is not enough that the corporation derives a benefit from the occupation of the real estate, but the real estate must be occupied by the corporation or its officers for the purpose of carrying into effect the purposes of the corporation."

The plaintiff cites *Scottish Rite Temple Association v. Board of Com'rs of Yankton County*, 62 S.D. 204, 252 N.W. 626, as being most in point. The opinion in that case follows the decision in *State ex rel. Eveland v. Erickson*, 44 S.D. 63, 182 N.W. 315, 13 A.L.R. 1189. In the A.L.R. Annotation following that case it is indicated as being representative of a minority rule. See 13 A.L.R. p. 1203.

In the case involving the *Scottish Rite Temple Association* the court construed and applied a statute exempting "all property belonging to any charitable, benevolent or religious society and used exclusively for charitable, benevolent or religious purposes." [Laws 1929, c. 243.] The court upheld the exemption of a dwelling house erected for and used exclusively as the place of residence for the secretary of the Consistory. The house was on property adjoining other property of the Consistory and was furnished as a residence for the secretary as a part of his salary. The court followed *State ex rel. Eveland v. Erickson*, *supra*, saying:

"In other words, under the *Eveland Case* it is not the mere use of the property that controls, but the 'purpose of the use.' Thus, 'the purpose of the use' of this property, so far as the owner is concerned, is not to shelter its secretary, but to promote the primary objects of the organization, which are stipulated to be benevolent and charitable."

Our statute does not use the term "purposes" but requires that the exempt property be "used wholly or in part for public charity."

The wording of our exemption does not lend itself to the construction placed upon the South Dakota statute. We hold that the use contemplated by our statute is one that results in a benefit that has at least some direct and primary connection with the public charitable activities of the institution. A monetary saving or a mere convenience is not such a benefit. In this case the property is exclusively residential. Its location with respect to the plaintiff's charitable activities is remote. While there may be an economical advantage and an administrative convenience in ownership, the connection between that ownership and the charitable activities of the plaintiff is nebulous and not of sufficient substance to support the claim of exemption. The judgment appealed from is affirmed.

SATHRE, C. J., and BURKE, J., concur.

Some case metadata and case summaries were written with the help of AI, which can produce inaccuracies. You should read the full case before relying on it for legal research purposes.

JUSTIA

Riverview Place, Inc. v. Cass County

Full Name: Riverview Place, Inc. v. Cass County

Citation: 448 N.W.2d 635

Docket Number: 890157

Date: November 29, 1989

448 N.W.2d 635 (1989)

RIVERVIEW PLACE, INC., Appellee, v. CASS COUNTY, acting By and Through the CASS COUNTY BOARD OF COMMISSIONERS, Appellant.

Civ. No. 890157.

Supreme Court of North Dakota.

November 29, 1989.

*636 J. Gerald Nilles and Daniel J. Crothers (argued), of Nilles, Hansen & Davies, Fargo, for appellee.

Robert G. Hoy, State's Atty., Fargo, for appellant.

Robert W. Wirtz, Asst. Atty. Gen., Office of the State Tax Com'r, Bismarck, for State of N.D., amicus curiae.

Wayne O. Solberg, of Solberg, Stewart, Boulger & Miller, Fargo, for City of Fargo, amicus curiae.

Steven K. Aakre, of Serkland, Lundberg, Erickson, Marcil & McLean, Ltd., Fargo, for American Lutheran Homes, amicus curiae.

VANDE WALLE, Justice.

Cass County appealed from a judgment of the district court which found Riverview Place, Inc., to be an institution of public charity and which abated Riverview Place's real estate taxes for the year 1987. Cass County contends that the trial court erred in finding Riverview Place to be an institution of public charity within the meaning of NDCC § 57-02-08(8). We agree with Cass County, and reverse the judgment of the district court.

Riverview Place is a modern, minimumcare, residential facility for the elderly located in Fargo, North Dakota. It is owned and operated by Riverview Place, Inc., a nonprofit corporation organized in 1986 pursuant to chapter 10-24, NDCC, and whose member-shareholders are the Presentation Sisters of the Blessed Virgin Mary and the Catholic Health Corporation. The purpose of the facility was stated in Riverview Place, Inc.'s articles of incorporation:

"The objects and purposes of this Corporation shall be the owning, organizing and managing of the affairs, property, business and activities of housing and services specially designed to meet the physical, social and psychological needs of the elderly and the promotion of the health, security, happiness and usefulness in longer living of retired persons. As such this Corporation shall be duly benevolent, beneficial, educational, charitable, religious and scientific. Its operation shall be conducted in such a manner as to support the mission of the Roman Catholic Church and shall be operated in compliance with the objectives and philosophy of the Members of this Corporation."

The undisputed facts in the record reveal that Riverview Place is located on property which was donated to Riverview Place, Inc., by the Presentation Sisters. The property was formerly used as a convent by the Presentation Sisters, and had an appraised value of two million dollars at the time of the donation. Upon making the donation of the property, the Presentation Sisters and the Catholic Health Corporation obtained ten million dollars in financing from the sale of Municipal Industrial Development Act bonds [see ch. 40-57, NDCC], and began to develop the property into a modern, apartment-style, living facility for the elderly. A feasibility study was conducted prior to the commencement of construction. The study indicated that the project would be "financially successful, even under the most conservative assumptions." The report estimated start-up losses for the first three years of operation, 1987 through 1989, and indicated that positive cash flows would begin in the fourth operating year. The report projected that Riverview Place would earn a net income of \$231,022 in fiscal year 1990, and a net income of \$362,807 in the fiscal year ending in 1991. In addition, a consultant's report from an accounting firm forecast similar net income figures after initial losses during the startup years. An

agreement between the Presentation Sisters and the Catholic Health Corporation also granted the Catholic Health Corporation an option *637 to purchase the buildings and land from the Presentation Sisters at specified prices within five years from the start up of operations. Since its inception in 1987, Riverview Place has actually operated with yearly losses which now total more than one million dollars. Moreover, the Catholic Health Corporation has not exercised its option to purchase the buildings and the land.

The facilities at Riverview Place consist of three interconnected, multilevel buildings. As of the assessment date, the three brick-veneered residence buildings provided a total of 95 units available for occupancy, ranging from small one-bedroom apartments to large two-bedroom apartments. All units have interior entrances, carpeting, kitchens with the ordinary appliances, private baths, and a full complement of utilities. Some units have exterior patios, and garages are available for residents.

Occupancy fees at Riverview Place range from between \$850 to \$1,205 per month. Stated differently, the units rent at an approximate rate of between \$1.23 to \$1.58 per square foot. A similar apartment in Fargo rents at approximately fifty cents per square foot. The occupancy fee at Riverview Place, however, contains the cost of amenities not typically found in an average apartment complex. As stated in the Occupancy Agreement, these amenities include: a dining room with one meal per day provided to each resident, a shuttle bus, a coffee shop, a chapel, a 24-hour emergency call system, a library, an arts and crafts room, and a greenhouse. For the payment of an additional fee, residents can also acquire such other amenities as housekeeping services, the use of a beauty salon and barber shop, and party catering.

Riverview Place has a number of admission policies. When making an application for residency at Riverview Place, an individual is required a complete a form detailing his or her current financial condition and assets. The Occupancy Agreement signed by the resident calls for the monthly payment of the designated occupancy fee, and allows Riverview Place to terminate the agreement and evict the resident if the resident is in default for a period of sixty days or more. However, the Occupancy Agreement does contain a provision allowing the management of Riverview Place to subsidize a resident to ensure that the resident does not have to leave the facility "solely due to the inability to pay." The granting of a subsidy is within the "sole discretion" of Riverview Place, and before making application for a subsidy, a resident must agree to first seek "any available family, state or federal financial assistance." A false statement made on the financial information form can disqualify an individual from obtaining a subsidy. Furthermore, residents agree not to make any gifts or dispositions which would impair their ability to satisfy any financial

obligation to Riverview Place. Since the beginning of its operation, no resident has made an application for a subsidy from Riverview Place, and no resident has been evicted due to the inability to meet Riverview Place's financial obligations.

Riverview Place policies also require a resident to be over 55 years of age. The youngest resident at Riverview Place is 63, and the oldest resident is 99 years. The median age of the residents is 82. In addition, the policies contain health requirements for continued residency. Under the Occupancy Agreement, a resident must be able to "function independently" while at Riverview Place. If a person can no longer function independently, Riverview Place assists the individual in relocating to a nursing home or other health care facility, and allows the resident to terminate his or her occupancy agreement under a "short notice" provision. Riverview Place is not a medical facility, and it offers no medical care or treatment for its residents.

This case was commenced on February 26, 1987, when Riverview Place, Inc., filed a Certificate For Real Estate Tax Exemption Claim seeking to exempt its property and buildings from 1987 general real estate taxes. See NDCC § 57-02-14.1. Riverview Place claimed that it was an institution of public charity and, therefore, exempt from property taxation under *638 § 57-02-08(8), NDCC.[1] The application was disapproved by the Cass County Director of Tax Equalization on the grounds that Riverview Place and its property did not qualify for the exemption under § 57-02-08(8). In rejecting the application, the Director acted on the advice of counsel who reviewed Riverview Place's certificate and exhibits, reviewed the case law surrounding § 57-02-08(8), and recommended rejection of the application. When the property was subsequently assessed for 1987 general real estate taxes, Riverview Place, Inc., timely filed an Application for Abatement and Settlement of Taxes. See NDCC ch. 57-23.

The tax abatement application was initially heard before the Board of County Commissioners of Cass County on January 19, 1988. A further hearing on the matter was held on January 26, 1988. Riverview Place had submitted a number of exhibits with its application to the Board of County Commissioners. The Board of County Commissioners, also acting on the advice of counsel, rendered a decision denying the application for abatement of the property taxes on January 26, 1988. Riverview Place subsequently filed a timely notice of appeal to the district court pursuant to NDCC § 11-11-39.

A hearing before the district court was held on November 9, 1988. At the hearing, the district court received evidence from the parties by way of stipulation, exhibits and testimony. The district court subsequently entered its findings of fact, conclusions of law, and order for judgment reversing the Board of County Commissioner's denial of Riverview

Place's application for abatement, and ordered Cass County to exempt Riverview Place's property from taxation for 1987. A judgment was entered, and Cass County timely filed a notice of appeal to this Court.

The issue presented by Cass County on appeal is whether the district court erred when it overturned the Board of County Commissioner's denial of Riverview Place's application for abatement, and found Riverview Place to be an institution of public charity within the meaning of § 57-02-08(8).

Initially, we examine the standard of review to be applied in an appeal from a decision rendered by a board of county commissioners. Section 11-11-39, NDCC, allows an appeal to the courts by any person who was aggrieved by a decision of a board of county commissioners. Moreover, NDCC § 11-11-43 provides:

"All appeals taken from decisions of a board of county commissioners shall be docketed as other causes pending in the district court and shall be heard and determined de novo." [2] [Emphasis added.]

While "de novo" review traditionally permits independent findings of fact by a reviewing court, this Court has found "de novo" review in the context of § 11-11-43 to be much more limited. See *Ulvedal v. Board of County Com'rs*, 434 N.W.2d 707 (N.D.1989). In *Shaw v. Burleigh County*, 286 N.W.2d 792 (N.D.1979), this Court meticulously defined the scope of a "de novo" review of a board of county commissioner's decision under § 11-11-43. For separation of powers purposes, [3] we held:

*639 "[T]hat a 'de novo' hearing, as applied to judicial review of decisions of the Board of County Commissioners under Section 11-11-43, N.D.C.C., means a trial to determine whether or not the Board acted arbitrarily, capriciously, or unreasonably. Section 11-11-43, N.D.C.C., must be treated as merely providing the procedure by which the proceeding may be brought before the court to determine whether or not the Board acted properly." [Emphasis added.] *Shaw v. Burleigh County*, 286 N.W.2d at 797. [4]

Accord *Ulvedal v. Board of County Com'rs*, supra; *Haman v. City of Surrey*, 418 N.W.2d 605 (N.D.1988); *Cloverdale Foods Co. v. City of Mandan*, 364 N.W.2d 56 (N.D.1985); *Pulkrabek v. Morton County*, 389 N.W.2d 609 (N.D.1986); *Larson v. Wells County Water Resource Bd.*, 385 N.W.2d 480 (N.D.1986); *Conway v. Bd. of County Com'rs*, 349 N.W.2d 398 (N.D. 1984). In *Shaw v. Burleigh County*, supra, we recognized the need of trial courts to receive evidence and to take testimony anew for the practical reason that a record is generally not available from a proceeding before a board of county commissioners, and

because such proceedings are usually not transcribed. See also *Barnes County v. Garrison Diversion, Etc.*, 312 N.W.2d 20 (N.D.1981). However, we noted that merely because it was necessary to receive evidence and to take testimony at the trial court level, that necessity provided no basis for the trial court to apply a different scope of review. Thus we concluded that the trial court could only view the evidence to determine whether or not the board of county commissioners acted arbitrarily, capriciously, or unreasonably. Furthermore, this Court has stated that our scope of review is identical to that of the district court's under § 11-11-43, and that on appeal it is our function to independently determine the propriety of the board's decision "without according any special deference" to the district court's findings or conclusions in its review of a board's decision. See *Pulkrabek v. Morton County*, 389 N.W.2d at 613; *Conway v. Bd. of County Com'rs*, 349 N.W.2d at 400; *Shaw v. Burleigh County*, 286 N.W.2d at 797.

In this case, the Board of County Commissioners of Cass County was called upon to determine whether or not Riverview Place was entitled to a real property exemption on the grounds that it was a public charity within the meaning of NDCC § 57-02-08(8). Section 57-02-08 provides, in relevant part: .

"57-02-08. Property exempt from taxation. All property described in this section to the extent herein limited shall be exempt from taxation: *640 8. All buildings belonging to institutions of public charity ... used wholly or in part for public charity, together with the land actually occupied by such institutions not leased or otherwise used with a view to profit, and this includes any dormitory, dwelling, or residential-type structure, together with necessary land on which such structure is located, owned by a religious or charitable organization...."

This Court has previously adopted a number of guidelines for use in determining whether a piece of property falls within the tax exemption of § 57-02-08(8). Initially, we have noted that the burden of establishing that property comes within the tax-exemption statute is upon the person or entity who claims the exemption, and that any doubt as to whether the property is used for charitable or benevolent purposes so as to exempt it from taxation must be resolved against the claimant. See *Evangelical Luth. G. Sam. Soc. v. Board of Cty. Com'rs*, 219 N.W.2d 900 (N.D.1974); *Y.M.C.A. of N.D. State Univ. v. Board of County Com'rs*, 198 N.W.2d 241 (N.D. 1972); *North Dakota Soc. for Crippled Child. & Ad. v. Murphy*, 94 N.W.2d 343 (N.D.1959). However, we have also observed that there should be a liberal construction of the language used in order to carry out the expressed intention of the law. We will give a liberal and not a harsh or strained construction to obtain a

reasonable result effectuating the intent of the Legislature. See, e.g., *Mills v. Board of County Com'rs*, 305 N.W.2d 832 (N.D. 1981).

We have also stated that the determination of whether an institution falls within the exemption is, essentially, a two-step process in which it must be determined "whether the organization claiming the exemption is in fact a charitable one, and whether the property on which the exemption is claimed is being devoted to charitable purposes." *Evangelical Luth. G. Sam. Soc. v. Board of Cty. Com'rs*, 219 N.W.2d at 904. See also 71 Am.Jur.2d *State and Local Taxation* § 362 (1973). The ownership of the property in question by an institution of public charity does not, by that fact alone, exempt the property from taxation. *Evangelical Luth. G. Sam. Soc. v. Board of Cty. Com'rs*, supra; *Y.M. C.A. of N.D. State Univ. v. Board of County Com'rs*, supra. Additionally, "[t]he mere fact that the services performed by a charitable corporation also are rendered by profit-making organizations [does] not of itself preclude [a charitable organization's] right to tax exemption." *Y.M.C.A. of N.D. State Univ. v. Board of County Com'rs*, 198 N.W.2d at 244. Rather, "[i]t is the use made of the property ... which determines whether the property is exempt from taxation." [Emphasis added.] *Id.* The property's use must be devoted to charitable purposes, and it must actually be used in carrying out the charitable purposes of the organization claiming the exemption. See *Evangelical Luth. G. Sam. Soc. v. Board of Cty. Com'rs*, supra; *Y.M. C.A. of N.D. State Univ. v. Board of County Com'rs*, supra. Moreover, we have noted that when a charitable organization charges a fee for its services and operates at a small net profit which is reinvested back into the organization's charitable operations, those facts do not automatically disqualify the entity's property from an exemption on the basis that it was operated "with a view to profit," as the concept of charity encompasses "something more than mere almsgiving" and therefore a "benevolent association is not required to use only red ink in keeping its books and ledgers." *Evangelical Luth. G. Sam. Soc. v. Board of Cty. Com'rs*, 219 N.W.2d at 907-08. Utilizing these basic guidelines, we review the Cass County Board of Commissioner's denial of Riverview Place's application for abatement to determine if its denial was arbitrary, capricious, or unreasonable.

As previously stated, it is necessary to initially determine whether or not the organization seeking exemption is in fact charitable. The evidence presented below shows that Riverview Place was incorporated in 1986 as a nonprofit corporation pursuant to NDCC ch. 10-24. Its member-shareholders are the Presentation Sisters and the Catholic Health Corporation, both of *641 which are religious organization listed in the Official Catholic Directory for the United States. Furthermore, the articles of incorporation of Riverview Place state that it was organized for benevolent purposes and to support the mission of the Catholic Church. There is no reason to believe that Riverview Place is not a charity. However, the second

step in our analysis is to review the Board of County Commissioner's determination that Riverview Place's property is not actually being used for a charitable purpose.

Riverview Place makes a number of arguments claiming that its property is being used for charitable purposes, and not otherwise used with a view to profit. First, quoting from a sentence in *Evangelical Luth. G. Sam. Soc. v. Board of Cty. Com'rs*, 219 N.W.2d at 906, that "the use of property for the care of the aged is generally recognized as a charitable use," Riverview Place claims that any aggregate-living facility specifically established for the elderly which is operated by a charitable organization is a devotion of property for charitable purposes. Second, Riverview Place argues that *Evangelical Luth. G. Sam. Soc. v. Board of Cty. Com'rs*, supra, allows a charitable organization, which reinvests any income back into its property and operations, to operate at a net profit without automatically being disqualified from tax exemption on the basis that its property is being operated "with a view to profit." Riverview Place notes that it has actually operated at a loss since the beginning of operations, and that even though the feasibility studies projected future net profits, the articles of incorporation of Riverview Place require it to use any monetary gains for the enhancement of its facilities and services.

Evangelical Luth. G. Sam. Soc. v. Board of Cty. Com'rs, supra, involved the operation of a congregate-living facility for the aging and infirm by the Evangelical Lutheran Good Samaritan Society. The Society was incorporated in North Dakota as a nonprofit and religious corporation. The average age of the residents at the Society's facility was approximately 70 years, and most of the residents were in need of care and supervision. As this Court noted:

"Of the 83 residents of the Home, 6 are blind, 23 require wheelchairs, 6 are diabetics, 28 are mentally ill, and 4 are retarded. Most of the mentally ill or retarded patients were formerly patients in State institutions at Jamestown and Grafton, prior to their admission to the Devils Lake Home." *Evangelical Luth. G. Sam. Soc. v. Board of Cty. Com'rs*, 219 N.W.2d at 902.

The Society also provided care to its residents including "dispensing medications, giving therapy treatments, taking blood pressures, and keeping a medical chart for each resident in addition to providing for the daily needs of the residents." *Id.* Regarding the financial operations of the Home, sixty-four percent of the residents were welfare recipients, and the cost of caring for the residents was primarily paid for by welfare programs or by the residents themselves. The Home did not provide care for any resident on a "free" basis. For the years 1968 through 1972, the Home produced small profits ranging from between \$9,627.61 to \$16,756.07. All profits made by the Home were reinvested into the

maintenance of the building and to purchase needed furniture and fixtures. On appeal to this Court, the Board of County Commissioners argued that the property of the Home was not devoted to a charitable purpose, and that the property was being operated with a view to profit. This Court disagreed. While making a broad assertion that "the use of property for the care of the aged is generally recognized as a charitable use," the Court specifically noted that the aged often require special care and attention apart from financial assistance, and the supply of this care and attention is a charitable purpose. *Evangelical Luth. G. Sam. Soc. v. Board of Cty. Com'rs*, 219 N.W.2d at 906. We also held that when a profit earned by a facility is "directly and entirely related to the ... charitable use" of the property, and such profit "is reinvested" into the property, a tax exemption to the facility should not automatically be denied on the grounds that the facility is operated with a view to *642 profit. *Evangelical Luth. G. Sam. Soc. v. Board of Cty. Com'rs*, 219 N.W.2d at 908.

We believe that Riverview Place misapplies the holding in *Evangelical Luth. G. Sam. Soc. v. Board of Cty. Com'rs* when it argues that any aggregate-living facility established for the elderly constitutes a devotion of property for a charitable purpose on the grounds that "the use of property for the care of the aged is generally recognized as a charitable use." The residents in *Evangelical* were not just "elderly." Rather, the residents at the Devils Lake facility were elderly persons with a demonstrated need for considerable care and supervision. Most residents had some sort of physical or mental affliction, and most residents at least received some minimal type of care and supervision in the form of dispensing medicines, giving therapy treatments, and the like. In *Evangelical*, it was the care given to the aged that was recognized as a charitable use. Indeed, Riverview Place's quotation from *Evangelical* that "the use of property for the care of the aged is generally recognized as a charitable use," demonstrates that a facility for the elderly must supply some type of care for their residents in order to constitute a charitable use.

Here, the record does not reflect any evidence presented by Riverview Place to indicate that their residents have a demonstrated need for care or charity. In fact, the record is absent of evidence to show that residents of Riverview Place are anything but "functionally independent" and fully capable of living on their own while at Riverview Place.

Furthermore, there is nothing to demonstrate that "care" is being rendered to the elderly at Riverview Place. When compared to the residents of the facility in *Evangelical*, the residents at Riverview Place do not receive any form of periodic monitoring for health or other purposes. In short, we believe that *Evangelical* requires something more than merely providing an aggregate-living facility for the elderly in order to qualify as a charitable use of property under § 57-02-08(8). Rather, in order for similar facilities to qualify as a charitable use of property, *Evangelical* requires the organization operating a living-facility

to also provide care to elderly persons who have a demonstrated need for it. Here, Riverview Place simply provided attractive residences to "functionally independent" elderly persons, and offered them features such as greenhouses, chapels, coffee shops, party catering, and other similar amenities. We conclude that the Cass County Board of County Commissioners could have properly found that the property of Riverview Place did not qualify for a tax exemption under § 57-02-08(8), and that its decision to deny the exemption was not "arbitrary, capricious, or unreasonable." [5]

In view of our conclusion that the use of Riverview Place's facilities do not constitute a "charitable use" of the property, we need not address the second argument of Riverview Place regarding profits earned by a charitable organization. As we have already noted, it is only when the profit earned by a facility is "directly and entirely related to the ... charitable use" of the property that a tax exemption should not automatically be denied on the grounds that the facility is operated with a view to profit.

In an appeal from a decision of a board of county commissioners denying a tax exemption, a trial court may not substitute its judgment for that of the board when there is no showing that the board acted arbitrarily, oppressively or unreasonably, or when it has not been shown that the evidence did not support the board's decision. *Appeal of Johnson*, 173 N.W.2d 475 (N.D.1970). As we have found that the Board of County Commissioners did not act arbitrarily in denying Riverview Place exempt *643 status under § 57-02-08(8), the judgment of the district court is reversed.

ERICKSTAD, C.J., and LEVINE, MESCHKE and GIERKE, JJ., concur.

NOTES

[1] Riverview Place, Inc., did not seek a property tax exemption on the grounds that it was a religious institution. See NDCC § 57-02-08(7). Nor did Riverview Place, Inc., seek an exemption as a public hospital or nursing home licensed pursuant to NDCC § 23-16-01, which operates under the control of a religious institution. See NDCC § 57-02-08(8).

[2] In 1989, the North Dakota Legislature amended NDCC § 11-11-43. The amended version of § 11-11-43 was designed to eliminate the "de novo" review standard, and to reform the procedures for appealing from decisions of local governing boards. See *Ulvedal v. Board of County Com'rs*, 434 N.W.2d 707, 709 n. 2 (N.D.1989). The amended version of § 11-11-43 was approved by the Legislature on March 9, 1989. Because, in the instant case, the appeal to the district court was heard in November of 1988, we apply the former version of § 11-11-43. See *Kottke v. U.A.M.*, 446 N.W.2d 23 (N.D.1989).

[3] In *Shaw v. Burleigh County*, 286 N.W.2d 792 (N.D.1979), we noted that a traditional-type "de novo" review of a board of county commissioners' decision pursuant to § 11-11-43 would be unconstitutional by usurping legislative authority granted to the county commission and improperly delegating such authority to the judiciary. In *State ex rel. Spaeth v. Meiers*, 403 N.W.2d 392, 394 (N.D.1987), we noted:

"The legislative, executive, and judicial branches are coequal branches of government, and each branch is supreme in its own sphere. Art. XI, § 26, N.D. Const.; *State ex rel. Mason v. Baker*, 69 N.D. 488, 288 N.W. 202 (1939). This court has long recognized that the creation of the three branches of government by our constitution operates as an apportionment of the different classes of power whereby there is an implied exclusion of each branch from the exercise of the functions of the others. *Ranta v. McCarney*, 391 N.W.2d 161 (N.D.1986); *City of Carrington v. Foster County*, 166 N.W.2d 377 (N.D.1969); *Kermott v. Bagley*, 19 N.D. 345, 124 N.W. 397 (1910). In recognition of these abiding principles, the judiciary exercises great restraint when requested to intervene in matters entrusted to the other branches of government."

[4] *Shaw v. Burleigh County* involved an appeal from a decision of the board of county commissioners concerning the construction and application of a zoning ordinance enacted by the county commissioners. The issue presented by the instant case involves the construction and application of a state statute. All laws of a general nature are to have a uniform operation. Art. I, § 22, N.D. Const. As a result, the interpretation of a statute is a question of law, fully reviewable by the courts. *Ladish Malting Co. v. Stutsman County, Etc.*, 351 N.W.2d 712 (N.D. 1984). Furthermore, the interpretation of a statute must be consistent with legislative intent and done in a manner which will accomplish the policy, goals and objectives of the statute. *Heartview Foundation v. Glaser*, 361 N.W.2d 232 (N.D.1985). Insofar as a state statute is subject to two interpretations, either of which may appear to be reasonable, we nevertheless would not approve different interpretations or applications of the statute. Therefore, the deference paid to the decision of the local governing body may be less when the construction and application of a state statute is involved than it is when a purely local issue, such as existed in *Shaw v. Burleigh County*, is presented for review.

[5] In reaching this decision, we note that many courts have denied "charitable" tax exemptions to homes for the aged which have imposed substantial fees, stringent health requirements, and afforded little care to their residents. See generally, *Annotation, Homes for the Aged as Exempt From Property Taxation*, 37 A.L.R.3d 565 (1970). See, e.g., *Madonna Towers v. Commissioner of Taxation*, 283 Minn. 111, 167 N.W.2d 712 (1969).

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OPINION
68-420

July 3, 1968 (OPINION)

Honorable Edwin Sjaastad

Tax Commissioner

RE: Taxation - Exemptions - Public Purpose

This is in response to your question whether or not part or all of a lot and a building on it and personal property in the building would be exempt from property taxes under the following situation, which is in the tentative planning stage.

It is proposed to construct a memorial center honoring the memory of a former United States president, to consist of a one-story building approximately 40x100 feet in size. The building would have a twofold purpose, (1) honoring the memory of the former president and (2) use of the building for an office headquarters for a political party. The memorial center would be open to the general public for visiting during reasonable hours without charge. The memorial would include collections of historical materials, books, momentos, and various items relating to the life of the former president during the period for which he held public office. In addition to the memorial center, space would be provided for a political headquarters, office equipment, etc. You then call our attention to Section 176 of the North Dakota Constitution and Subsection 8 and 11 of Section 57-02-08, as amended, of the North Dakota Century Code, and ask the following questions:

1. Would all, or any part, of the lot, building, and personal property in the building be exempt if ownership of all the property was in the political party organization and if no financial charges or payments of any kind were required of anyone with respect to the part of the property devoted to the memorial center? In this connection, Subsections 8 and 10 both apparently require ownership by an exempt organization whereas section 176 of the constitution does not require ownership but only an exclusive use for the exempt purpose.
2. If ownership by an exempt organization is required and if a political party is not regarded as an exempt organization, would all, or any part, of the property be exempt if it was owned by a nonprofit foundation whose primary purpose was the providing of the memorial center for the general public at no charge to the public and if -
 - a. one part of the building and furnishings were used only by the memorial center and the other part only by the political party with the political party paying a reasonable rental to the foundation for use of that part of the property occupied by it?
 - b. the same as 'a', immediately above, but with the

political party not being required to pay any rental or other charge for the use of that part of the property occupied by it?"

(Underscoring yours.)

Section 176 of the North Dakota Constitution provides, amongst other things, that the Legislature may by law exempt any and all classes of personal property from taxation. It specifically provides that:

"* * * The property of the United States and of the state, county and municipal corporations and property used exclusively for schools, religious, cemetery, charitable or other public purposes shall be exempt from taxation. * * *." (Emphasis supplied.)

This section, except for governmental ownership, seems to place emphasis on the "use" of the property in determining whether or not it comes within the exempt status.

The property in question and its use as a memorial center might qualify under the phrase, "other public purposes." "Public purpose" was defined in *Green v. Frazier*, 44 N.D. 395, 176 N.W. 11, and affirmed in 253 U.S. 233, 64 L.ed. 878, as follows:

"Public purpose or public business has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within a given political division."

The courts have also said that memorials to inspire sentiment or patriotism or to respect the memory of worthy individuals constitute a "public purpose." In this respect World War II memorials were authorized by the Legislature.

On this basis it would appear that the building as a memorial center to commemorate various items relating to the life of a former president could come within the meaning of a "public purpose" and as such could qualify under Section 176 of the North Dakota Constitution. However, as to the use of a portion of said building or memorial center for other purposes, we encounter other legal questions, the examination of which raise serious doubts as to whether or not such use would invalidate the exemption.

The latest expression on the use of property can be found in *North Dakota Society for Crippled Children and Adults v. Louise Murphy*, 94 N.W.2d. 343, wherein the Supreme Court said that the use of a building or property must clearly come within the exemptions provided for by law. In this case the court held that although a corporation was a charitable institution the use of realty (home) solely for the purpose of providing its executive director with a residence at no cost to him did not justify an exemption of realty from taxation. It also reaffirmed the rule of law followed by North Dakota that the burden is upon the claimant to clearly bring himself within the exemption provisions and that the exemption statutes are to be strictly construed against the claimant.

It is not clear whether Section 176 of the North Dakota Constitution is self-executing or whether it requires specific legislation. In this respect we do note that said execution contains two separate provisos, one permitting the legislature to exempt all classes of personal property and the other exempting certain property. The legislature did, however, under Section 57-02-08 exempt various properties. The examination of the exemptions provided disclosed that the property used exclusively for schools, religious, cemeteries, charitable and other public purposes are specifically exempted. This raises a question whether or not a statutory provision is necessary before the property is exempt. It would indicate that the legislature thought it advisable or necessary to enumerate the properties which are exempt and the conditions under which they are exempt.

We have examined the various subsections under Section 57-02-08 and we do not believe that the property in question here comes specifically within any of the exemptions stated. We do not believe that a memorial as such is considered to be a charitable institution - not in the sense as said term has been employed throughout the Century Code and such would not come within the provisions of Subsection 8 of Section 57-02-08. The only section under which a memorial center might qualify is Subsection 11 of Section 57-02-08 which, as is material here, provides as follows:

1. Real and personal property owned by lodges, chapters, commanderies, consistories, farmers' clubs, commercial clubs, and like organizations, and associations, grand or subordinate, not organized for profit, and used by them for places of meeting and for conducting their business and ceremonies, and all real and personal property owned by any fraternity, sorority, or organization of college students if such property shall be used exclusively for such purposes; provided further that any portion of such premises not exclusively used for places of meeting and conducting the business and ceremonies of such organization shall be subject to taxation. * * *." further that any portion of such premises not exclusively used for places of meeting and conducting the business and ceremonies of such organization shall be subject to taxation. * * *."

In examining the various exemptions under Section 57-02-08, including Subsection 11, as amended, of the North Dakota Century Code, we find that the statutes require "ownership" as a necessary condition to come within the exemptions, whereas Section 176 of the North Dakota Constitution, except for governmental ownership, predicates exemptions upon the "use." By reading the constitutional provisions and the statutory exemptions together, we must necessarily recognize that both requirements must be met.

Subsection 11 quoted herein relates to certain types of organizations and associations. It would appear difficult to bring a memorial center under the classification of such organizations and associations, particularly in view of the action by the legislature in enumerating the various classes of organizations and associations under Section 57-02-08. The legislature having taken such action, we are inclined to believe that the rule, "the inclusion of some is the

exclusion of those not named", would come into operation. It is significant to note that Subsection 11 provides that if a portion of the premises is not exclusively used for places of meeting and conducting the business of the organization or association, such portion would be subject to taxation. It also provides that if food or alcoholic beverages are sold for profit the portion of the building in which this is done is no longer exempt. These provisions apply only to Subsection 11.

Following the rule of the North Dakota Supreme Court in 94 N.W.2d. 343 (Crippled Children's case) which was, in effect, a reaffirmation of a long-standing rule, we come to the conclusion that the memorial center does not specifically come within the statutory exemptions and may qualify only under the constitutional provision (176) pertaining to "public purposes."

If the property were used exclusively for a memorial purpose these questions would not arise and from the tenor of the cases and statutory provisions, the same would be exempt from taxation.

The manner in which the property of political parties or contributions to political parties are treated under the income tax laws clearly illustrates that for taxation purposes political parties are not considered in the same light as other activities which have a public purpose. We are also mindful that under social security acts certain organizations and associations are exempt, provided they do not engage in activities which would come within the general heading of "political activities."

The functions, activities and purposes of a political party do not fall into the same category as "public purpose." "Political purposes" and "public purposes" have in common alliteration but thereafter the relationship is different. A political party is merely a body of men associated for the purpose of furnishing and maintaining the prevalence of political principles or beliefs in the public policies of government. It can also be said that it is an organization seeking or exerting power in government or political affairs of the state, municipality, or the like; or that it is a voluntary organization for the purpose of furthering particular political or economic beliefs; or that it is an organization of electors believing in certain principles concerning governmental affairs and urging the adoption and execution of those principles through the election of their respective candidates at the polls.

The term "political party" embraces many organizations and associations. Even under its broad concept, socialism or communism can qualify as a "political party." Even a party which is opposed to our concept of government or has as its avowed purpose the overthrow of the United States government could still come within the term "political party."

On such basis we are compelled to conclude that the activities of a political party do not constitute activities relating to a memorial, nor can it be said that political parties constitute a public purpose as such term has been defined by the North Dakota Supreme Court and the United States Supreme Court.

While there may be doubt whether or not Section 176 of the North Dakota Constitution is self-executing in every respect, we do believe that the property which squarely comes within the constitutional provision may qualify. Such conclusion necessarily contemplates that the property must be used exclusively for a "public purpose." From this there can be no deviation because the constitutional provision does not permit a dual use (tax exempt and subject to tax), split use, or partial use. It requires exclusive use. The property in question must come fully within the exemption in its entirety and meet all of the conditions to qualify.

Thus in direct response to your questions, it is our opinion that if the ownership of the property were vested in a political party it is doubtful that such property would be exempt, because we have been unable to find any statutory exemptions which would exempt property belonging to a political party, and, on the basis that a political party per se does not meet the "public purpose" concept. This doubt arises because where the legislature has confirmed an exemption, ownership has been made a necessary criteria.

In answer to Question No. 2, it is our opinion that if the ownership of the memorial center were vested in an exempt organization the property, both real and personal, could qualify as exempt from taxation if the memorial center were used exclusively for commemorating the life of a former president of the United States, if no charge for admission or viewing any of the articles and items stored therein were made.

In response to Question No. 2.a. and 2.b., we have no statutory guide to follow where a building is used partly for an exempt status and partly a nonexempt activity. The only guideline we have is Subsection 57-02-08, as amended, of the North Dakota Century Code, wherein the legislature specifically provided that portions of a building which would otherwise be exempt be used for the sale of alcoholic beverages or food is no longer exempt under certain conditions. A serious question then arises that if a portion of the building which would be exempt is used for nonexempt purposes whether or not it loses its exempt status. It is significant to note that the legislature specifically provided that certain exempt activities lose a portion of the exemption if the activities engage in the sale of alcoholic beverages or food under certain conditions and that portion pertaining to the sale of alcoholic beverages or food loses its exempt status. We have no other statutory provision which permits a partial exemption.

This raises the further question, can the memorial center be divided into exempt activities and nonexempt activities and still retain its tax exempt status?

As to making a portion of the memorial center available to a political party as a headquarters on either for a rental fee or rent free basis, both instances can lead into serious tax problems. If a portion were made available rent free the center would, in fact, be contributing to a political party and as such could lose its exempt status under the federal rulings and possibly the state rulings, and might also be in violation of law (Sections 16-20-08 and 16-20-09). If a portion of the center were made available for a fee it would no

longer be used exclusively for public purposes and could not qualify under Section 176 of the North Dakota Constitution. In either event, the tax exempt status would be placed in jeopardy.

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