



United States Tax Court

Washington, DC 20217

CARTERS LAKE LAND, LLC, F.K.A.
SASSAFRAS POINT II, LLC,
PIEDMONT PRIVATE EQUITY
MANAGER, LLC, TAX MATTERS
PARTNER, ET AL.,

Petitioners

v.

COMMISSIONER OF INTERNAL
REVENUE,

Respondent

Docket Nos. 1034-21,
1038-21,
1178-21.

ORDER

These cases are currently calendared for trial during the Court's Jacksonville, Florida special trial session, scheduled to begin on Monday, September 15, 2025. Currently before the Court is petitioner's Motion to Review the Sufficiency of Answers or Objections to Requests for Admissions, filed May 16, 2025¹. Therein, petitioner requests that we order respondent to supplement his Response to First Request for Admissions regarding requests 4, 5, 12, 17, and 20. Petitioner seeks to establish for the truth of the matter requests 19 and 24. On June 20, 2025, respondent filed an Objection to Motion to Review the Sufficiency of Answers or Objections to Requests for Admissions. On June 27, 2025, petitioner filed a Reply to Objection to Motion to Review the Sufficiency of Answers or Objections to Request for Admissions. For the reasons set forth below, we deny petitioner's motion.

Sassafras Point I, LLC (Sassafras) reported a noncash charitable contribution of \$8,000,000 on its 2016 income tax return for its donation of 266.67 acres of land located in Gilmer County, Georgia. Sassafras obtained an appraisal of the land from Integrity Appraisal Management Co. (Integrity) and attached an appraisal report to the partnership's 2016 income tax return. The appraisal valued the land at

¹ This motion solely relates to petitioner's First Request for Admissions filed in Docket Number 1178-21 even though the motion was filed in all consolidated cases.

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\$8,000,000. Respondent selected petitioner's return for exam and disallowed the noncash charitable contribution deduction. Respondent issued a notice of deficiency, and petitioner timely petitioned this Court for redetermination of the deficiency. On April 1, 2025, petitioner filed a First Request for Admissions. On May 1, 2025, respondent filed a response to petitioner's First Request for Admissions. On May 15, 2025, petitioner filed a Motion to Review the Sufficiency of Answers or Objections to Request for Admissions. On June 20, 2025, respondent filed his objection to petitioner's motion. In respondent's objection to the motion, respondent included supplemented responses to some of the requests in petitioner's First Request for Admissions. On June 27, 2025, petitioner filed a reply to respondent's objection.

Discussion

Rule 90(a)² permits a party to serve upon another party written requests for admission of the truth of any nonprivileged matter relevant to the pending action, so long as the matter is "set forth in the request and relate[s] to statements or opinions of fact or of the application of law to fact . . ." Upon being served with written requests for admission, the answering party must: (1) specifically admit or deny the matter; (2) state in detail why the matter cannot be truthfully admitted or denied; or (3) state a detailed objection. *See* Rule 90(c). Under Rule 104(d), an evasive or incomplete answer to a Rule 90 request for admission is treated as a failure to respond.

A party who has requested admissions may move for a determination as to the sufficiency of any answers or objections. *See* Rule 90(e). In that case, absent a justified objection, the Court "shall order that an answer be served." *See id.* Further, should the Court determine that any answer does not comply with the requirements of Rule 90, we have discretion either to order an amended answer or order that the matter is admitted. *See id.*

Now, we apply Rule 90 to the specific requests and responses at issue. Request 4 requests that respondent admit that the Sassafras appraisal was prepared, signed, and dated by the appraiser. In his amended response provided in the objection to the motion, respondent admitted that the Sassafras appraisal was signed and dated by the appraiser. Respondent neither admitted nor denied that the Sassafras appraisal was prepared by the appraiser because respondent contends that more information is needed to determine if the appraiser from Integrity, Mr. Duane Miller, acted alone or with others in preparing the appraisal. Respondent recently received a partial response to his subpoena duces tecum and is in the process of reviewing the new information. We find respondent's supplemented response satisfies the requirements of Rule 90(c). Thus, we deny petitioner's motion as it relates to request 4.

Request 5 requests that respondent admit that the Sassafras appraisal does

² Unless otherwise indicated, Rule references are to the Tax Court Rules of Practice and Procedure, and regulation references are to the Code of Federal Regulations, Title 26 (Treas. Reg.), in effect at all relevant times.

not involve an appraisal fee based on a percentage of the appraised value of the property. Respondent neither admitted nor denied this statement due to lack of information. Respondent requested additional information needed to answer this request through a subpoena duces tecum from Integrity. Integrity returned over 19,000 pages of responsive documents, and respondent is in the process of reviewing them. Petitioner contends that it shared various documents with respondent showing an \$8,000 appraisal fee and argues that respondent has the information he needs to admit or deny the statement. In his objection to the motion, respondent argues that the information requested directly from Integrity is necessary to verify both the accuracy and completeness of petitioner's production of documents. We agree with respondent. We find that respondent's response has satisfied the requirements of Rule 90(c). Therefore, we deny petitioner's motion as it relates to request 5.

Request 12 requests that respondent admit that the Sassafras appraisal includes the date on which the property was appraised. Respondent admits the appraisal includes a date that purports to be the date on which the property was appraised. Respondent contends that it cannot truthfully admit or deny whether the date is accurate without the complete copy of the appraiser's work file. Respondent requested the appraiser's work file in a subpoena duces tecum and has received a partial response. Respondent is actively working to review the information which Integrity produced. We find respondent's answer to satisfy the requirements of Rule 90(c). Therefore, we deny petitioner's motion as it relates to request 12.

Request 17 requests that respondent admit that the Sassafras appraiser held himself out to the public as an appraiser and performed appraisals on a regular basis. Respondent neither admitted nor denied this statement. Respondent contends that the subpoena duces tecum and the outstanding document requests will allow for the determination of whether the appraiser held himself out to the public as an appraiser and performed appraisals on a regular basis during the year at issue. Respondent recently received a voluminous partial response from Integrity and is reviewing those documents. We find respondent's answer to satisfy the requirements of Rule 90(c). We deny petitioner's motion as it relates to request 17.

Request 20 requests that respondent admit that the appraiser did not perform a majority of his appraisals during tax year 2016 for Sassafras. Respondent neither admitted nor denied this statement. Respondent contends that the documents requested through the subpoena duces tecum will allow for a determination as to whether the appraiser performed a majority of his appraisals for petitioner. These documents from the appraiser are still outstanding. We find that without receiving or reviewing the necessary documentation for this inquiry, respondent's response is adequate under Rule 90(c). Thus, we deny petitioner's motion as it relates to request 20.

Request 19 requests that respondent admit that the Sassafras appraiser is not any of the following: (1) the donor, (2) a party to the transaction in which Sassafras acquired the property, (3) the donee, or (4) employed by or related to any such

individuals or entities. In his initial response, respondent denied this statement. In his objection to the motion, respondent supplemented his answer and admitted that the appraiser is not the donee and was not employed by or related to the donee. Respondent also admitted that the appraiser is not the donor. Respondent denied that the appraiser was not employed by, related to, or an agent of the donor and also denied that the appraiser was not a party to the transaction in which Sassafras acquired the property or an agent of a party to such transaction. We find that the amended response complies with the requirements set forth in Rule 90(c) and therefore deny petitioner's motion as it relates to request 19.

Request 24 requests that respondent admit that Form 8283, Noncash Charitable Contributions, which was attached to Sassafras's tax return, included the information required by Treas. Reg. § 1.170A-13(c)(4)(ii). In his original response, respondent denied the statement. In respondent's supplemented answer provided in his objection to the motion, respondent denied that the Form 8283 included the information required by Treas. Reg. § 1.170A-13(c)(4)(ii)(E), (I), (J), (K), and (L). Respondent admitted that the Form 8283 included the information required by Treas. Reg. § 1.170A-13(c)(4)(ii)(A), (B), (C), (D), (F), (G), (H), and (M). We find that this response is sufficient to satisfy the requirements of Rule 90(c) and deny petitioner's motion as it relates to request 24.

Accordingly, it is

ORDERED that petitioner's Motion to Review the Sufficiency of Answers or Objections to Request for Admissions, filed May 16, 2025, is denied.

(Signed) Travis A. Greaves
Judge