

FINDINGS AND CONCLUSIONS

1. On November 22, 1996, the Board issued assessment determinations on the above captioned Form 133 petitions. These determinations held that the assessments made by the Franklin County Board of Review were without error.
2. The Petitioner appealed the Board's determinations to the Indiana Tax Court (the "Tax Court"). Subsequently, the Board requested this case be remanded for a further proceeding. On March 2, 1999, the Tax Court remanded the case to the Board for "further proceedings on the issue of the kit adjustment".
3. As ordered by the Tax Court, the Board conducted a hearing on April 29, 1999. As a result of that hearing the Board published a "FINAL DETERMINATION – Remand" on May 26, 1999. In the Final Determination the Board found that the Petitioner had not met its burden of demonstrating that it was entitled to a kit adjustment for the improvement in question.
4. On July 26, 1999, the Petitioner again made a timely appeal to the Tax Court. On November 18, 1999, the parties stipulated to the record and on March 9, 2001, oral arguments were presented.
5. On February 10, 2003, the Tax Court reversed the Board's Final Determination and, on remand, ordered the Board to apply the fifty percent kit building adjustment to Petitioners' improvement for the years at issue
6. Accordingly, the Board now grants a fifty percent kit building adjustment to the improvement in question for tax years 1991, 92, 93 & 94.

The above stated findings and conclusions are issued in conjunction with, and serve as the basis for, the Final Determination in the above captioned matter, both issued by the Indiana Board of Tax Review this 5th day of March 2003.

Chairperson, Indiana Board of Tax Review

IMPORTANT NOTICE

- APPEAL RIGHTS ON REMANDED CASE -

You may petition for judicial review of this final determination of corrected assessment pursuant to the provisions of Indiana Code § 6-1.1-15-9. The action shall be taken to the Indiana Tax Court in the manner prescribed under Indiana Code § 4-21.5-5. To initiate a proceeding for judicial review you must take the action required within forty-five (45) days of the date of this notice.