

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Issue

1. The issue presented for consideration by the Board was:
Whether the machinery assessed by the Wayne Township Assessor as a late personal property assessment was inoperable and therefore incorrectly valued.

Procedural History

2. Pursuant to Ind. Code § 6-1.1-15-3, Steve Gottlieb, Inc. (Gottlieb) filed a Form 131 petitioning the Board to conduct an administrative review of the above petition. The Form 131 was date-stamped on December 4, 2002. The determination of the PTABOA was signed on October 18, 2002. In response to the Board's defect notice, which questioned the timeliness of Gottlieb's Form 131 petition, the Petitioner submitted evidence showing the PTABOA's determination was received on October 23, 2002 and the Form 131 was mailed via certified mail on November 22, 2002, within the thirty-day deadline.

Documentary Hearing Facts and Other Matters of Record

3. Pursuant to Ind. Code § 6-1.1-15-4, a hearing was scheduled for June 24, 2003 in Richmond, Indiana. Gottlieb requested a continuance for the scheduled hearing. Additionally, due to its location in New York State, Gottlieb requested in writing that the hearing be held telephonically. The Board, unable to comply with Gottlieb's request for a telephonic hearing, agreed to a documentary hearing to be conducted by mail based on the prerequisite that both parties to the appeal provide signatures approving of said documentary hearing.
4. On August 28, 2003, the Board received a signed document from the parties to the appeal agreeing to the documentary hearing. Subsequently, on September 12, 2003, the Board

mailed the parties to the appeal the Notice of Documentary Hearing with a deadline of October 15, 2003 for the submission of evidence.

5. On October 15, 2003, Gottlieb submitted a brief of evidence to the Board. Gottlieb, however, failed to submit copies of their brief of evidence to the Respondents as required by the Board's procedural rules. Therefore, to facilitate the proceedings, the Board mailed a copy of Gottlieb's brief along with instructions for rebuttal via certified mail to the Wayne County officials for their review. No evidence was received from the Wayne County officials prior to the Board's October 15, 2003 deadline for submission. The deadline set by the Board for the County officials to rebut Gottlieb's evidence was November 15, 2003.

6. The following persons participated in serving documentary evidence to the Board:

For the Petitioner:

Steven Gottlieb, President of Steve Gottlieb, Inc.

Vera Savcic, Business Manager, Steve Gottlieb, Inc.

Jeffrey W. Davis, Attorney-at-law, Kramer Levin Naftalis & Frankel, LLP.

For the Respondent:

Michael Statzer, Wayne County Assessor

Betty R. Smith, Wayne Township Assessor

7. The following persons submitted affidavits as documentary evidence:

For the Petitioner:

Steven Gottlieb, President of Steve Gottlieb, Inc.

Jeffrey Davis, Attorney for Gottlieb, Inc.

8. The following exhibits were submitted prior to the documentary hearing deadline:

For the Petitioner:

Petitioner's Ex. 1 – A copy of Gottlieb's request for continuance of the scheduled hearing, dated June 9, 2003, with an attached letter requesting a telephonic hearing.

Petitioner's Ex. 2 – A copy of a document dated August 11, 2003 and signed by Steve Gottlieb agreeing to the proposed documentary hearing.

Petitioner's Ex. 3 – A brief submitted on October 15, 2003, which includes:

- a. A cover letter with outline of Gottlieb's documentary evidence.
- b. A copy of the subject documentary hearing notice.
- c. An affidavit of Steven Gottlieb, President and sole proprietor of Gottlieb.
- d. An affidavit of Jeffrey W. Davis, Attorney-at-Law, representing Gottlieb in a federal lawsuit against the manufacturer of the machinery at appeal.
- e. A copy of the federal complaint filed on behalf of Gottlieb, as the Plaintiff against Gerhard Schubert GMBH, as the Defendant, dated July 12, 2000 and identified as Exhibit A in the brief.
- f. A copy of an Order from the United States District Court regarding the timeline for pretrial motions and depositions, dated May 22, 2003 and identified as Exhibit B in the Petitioner's brief.
- g. A copy of correspondence dated November 24, 1997 to Schubert regarding the breakdown of the subject machinery.
- h. A copy of correspondence dated November 13, 1997 showing daily production report for subject machinery.
- i. A copy of correspondence dated July 17, 1998 regarding ongoing machinery problems and issues.
- j. A copy of correspondence dated July 16, 1999 containing an urgent memorandum regarding the subject's machinery problems.
- k. A copy of correspondence dated February 11, 1999 regarding notes from a conference call with the subject machinery's manufacturer detailing its inefficiencies.

1. A copy of a Termination Agreement dated May 7, 2000 for the subject manufacturing equipment effective August 20, 2000.

For the Respondent:

Respondent's Exhibit 1:

A copy of the agreement to documentary hearing signed by Betty R. Smith, Wayne Township Assessor, and Michael Statzer, County Assessor, and date-stamped as received by the Board on August 28, 2003.

9. As a result of Gottlieb's submission of documentary evidence, the Respondents mailed a timely rebuttal on November 14, 2003, which was entered into the record as Respondent's Exhibit 2 a-f.
 - a. A cover letter from the Wayne Township Assessor.
 - b. A copy of the Form 113 Notice of Assessment Change dated September 13, 2002 and sent to Gottlieb for failure to file the required assessment return for the March 1, 2002 assessment date.
 - c. A Copy of Gottlieb's personal property Forms 103 and 104 for the March 1, 2002 assessment year, with attached Form 106 Explanation of Adjustment for permanently retired equipment, dated as received by Wayne County on October 22, 2002.
 - d. A copy of the September 7, 2001 Form 113 Notice of Assessment Change mailed to Gottlieb for failure to file the required assessment return for the March 1, 2001 assessment date.
 - e. A copy of Gottlieb's Form 130 Petition for Review of Assessment for the March 1, 2001 assessment year, date-stamped as received October 18, 2001 by the Wayne Township Assessor.
 - f. A copy of a page of notes and comments made by Wayne County assessing officials regarding telephone conversations with Gottlieb on various dates in 2001 and 2002.

10. On December 10, 2003, Gottlieb submitted evidence in response to the county's rebuttal. The evidence is entered into the record as Petitioner's Exhibit 4 a - d.
 - a. A letter of contention from Gottlieb signed by Vera Savcic and dated December 9, 2003.
 - b. A copy of an undated letter from Wayne County Assessor regarding 2003 tax statements with explanation of the 2002 reassessment and subsequent appeal rights.
 - c. A copy of the subject 2002, payable 2003 undated fall tax statement.
 - d. A copy of the purported envelope used for mailing the above tax statement with no visible postmark.

11. The following additional items are officially recognized as part of the record of proceedings:
 - Board Ex. A – Form 131 petition with related attachments.
 - Board Ex. B – Notice of Hearing on Petition.
 - Board Ex. C – Notice of Documentary Hearing on Petition.
 - Board Ex. D – Proof of Mailing the Notice of Documentary Hearing.
 - Board Ex. E – Proof of Mailing of Gottlieb's evidence to Wayne County with attached letter detailing the deadline for rebuttal.
 - Board Ex. F – Letter from the Board, dated 10/25/03, regarding the deadline and procedure for Petitioner's rebuttal to Respondent's exhibits.

12. The assessment date under appeal is March 1, 2001. The personal property subject to this appeal is manufacturing equipment, a.k.a. the Schubert machinery used in the packaging of audio and videocassettes. The equipment under appeal was located at 1600 Rich Road, Richmond, Wayne Township, and Wayne County, Indiana. The ALJ did not inspect the property.

13. The Petitioner did not file any personal property forms for the March 1, 2001 assessment date in Wayne County. The Wayne Township Assessor applied the personal property assessment as a late assessment. The property was valued at \$371,250 for the 2001 assessment year. The Wayne County PTABOA upheld Wayne Township's assessment.

Jurisdictional Framework

14. This matter is governed by the provisions of Ind. Code § 6-1.1-15, and all other laws relevant and applicable to appeals initiated under those provisions, including all case law pertaining to property tax assessment or matters of administrative law and process.
15. The Board is authorized to issue this final determination pursuant to Indiana Code § 6-1.1-15-3.

Indiana's Property Tax System

16. The Indiana Constitution requires Indiana to create a uniform, equal, and just system of assessment. See Ind. Const. Article 10, §1.
17. Indiana's personal property tax system is a self-assessment system. Every person, including any firm, company, partnership, association, corporation, fiduciary, or individual owning, holding, possessing, or controlling personal property with a tax situs within Indiana on March 1 of any year is required to file a personal property tax return on or before May 15 of that year unless an extension of time to file is obtained. See 50 IAC 4.2-2-2.

State Review and Petitioner's Burden

18. The State does not undertake to reassess property, or to make the case for the petitioner. The State decision is based upon the evidence presented and issues raised during the hearing. See *Whitley Products, Inc. v. State Bd. of Tax Comm'rs*, 704 N.E. 2d 1113 (Ind. Tax 1998).
19. The petitioner must submit 'probative evidence' that adequately demonstrates all alleged errors in the assessment. Mere allegations, unsupported by factual evidence, will not be considered sufficient to establish an alleged error. See *Whitley Products, Inc. v. State Bd. of Tax Comm'rs*, 704 N.E. 2d 1113 (Ind. Tax 1998), and *Herb v. State Bd. of Tax*

Comm 'rs, 656 N.E. 2d 890 (Ind. Tax 1995). [‘Probative evidence’ is evidence that serves to prove or disprove a fact.]

20. The petitioner has a burden to present more than just ‘de minimis’ evidence in its effort to prove its position. See *Hoogenboom-Nofzinger v. State Bd. of Tax Comm 'rs*, 715 N.E. 2d 1018 (Ind. Tax 1999). [‘De minimis’ means only a minimal amount.]
21. The petitioner must sufficiently explain the connection between the evidence and petitioner’s assertions in order for it to be considered material to the facts. ‘Conclusory statements’ are of no value to the State in its evaluation of the evidence. See *Heart City Chrysler v. State Bd. of Tax Comm 'rs*, 714 N.E. 2d 329 (Ind. Tax 1999). [‘Conclusory statements’ are statements, allegations, or assertions that are unsupported by any detailed factual evidence.]
22. Essentially, the petitioner must do two things: (1) prove that the assessment is incorrect; and (2) prove that the specific assessment he seeks, is correct. In addition to demonstrating that the assessment is invalid, the petitioner also bears the burden of presenting sufficient probative evidence to show what assessment is correct. See *State Bd. of Tax Comm 'rs v. Indianapolis Racquet Club, Inc.*, 743 N.E.2d 247, 253 (Ind. Tax, 2001), and *Blackbird Farms Apartments, LP v. DLGF* 765 N.E.2d 711 (Ind. Tax, 2002).
23. The State will not change the determination of the County Property Tax Assessment Board of Appeals unless the petitioner has established a ‘prima facie case’ and, by a ‘preponderance of the evidence’ proven, both the alleged error(s) in the assessment, and specifically what assessment is correct. See *Clark v. State Bd. of Tax Comm 'rs*, 694 N.E. 2d 1230 (Ind. Tax 1998), and *North Park Cinemas, Inc. v. State Bd. of Tax Comm 'rs*, 689 N.E. 2d 765 (Ind. Tax 1997). [A ‘prima facie case’ is established when the petitioner has presented enough probative and material (i.e. relevant) evidence for the State (as the fact-finder) to conclude that the petitioner’s position is correct. The petitioner has proven his position by a ‘preponderance of the evidence’ when the petitioner’s evidence is sufficiently persuasive to convince the State that it outweighs all evidence, and matters officially noticed in the proceeding, that is contrary to the petitioner’s position.]

Discussion of the Issue

ISSUE: *Whether the machinery assessed by the Wayne Township Assessor as a late personal property assessment was inoperable and therefore incorrectly valued.*

24. The Respondent contends Gottlieb failed to file personal property returns for equipment located in Wayne County for the 2001 assessment year. In accordance with 50 IAC 4.2-3-1(b), the Respondent estimated the value of subject machinery to be \$371,250 and mailed the required Form 113/PP Notice of Assessment on September 7, 2001.
25. The Notice of Assessment prompted Gottlieb to file a Form 130 petition to contest the applied assessment. Gottlieb argues the machinery at appeal located in Wayne Township had innumerable operational defects and ceased to function in March of 2000 and therefore the personal property assessment is incorrect. Gottlieb claims the unused equipment located at the Wayne County situs should have been assessed as permanently retired equipment in accordance with 50 IAC 4.2-4-3(c) and estimated at its scrap value.
26. The applicable rules governing this Issue are:

50 IAC 4.2-3-1(b) Return not on file or omitted property

The assessor is required by law to make an assessment of personal property if they have sufficient information to indicate there is omitted property. If a person owning, holding, possessing, or controlling any personal property fails to file a personal property return or list with the township assessor, the township assessor may examine:

- (1) the personal property of the person;
- (2) the books and records of the person; and/or
- (3) under oath, the person or any person whom the assessor believes has knowledge of the amount, identity, or value of the personal property not reported by the person on a return.

As an alternative to such an examination, the township assessor may estimate the value of the personal property of the taxpayer and shall assess the person owning, holding, possessing, or controlling the property in an amount based upon the estimate. Upon receiving a notification of estimated value from the township assessor, the taxpayer may elect to file a personal property return within thirty (30) days from the date of the written notice of assessment by the assessor subject to the penalties imposed under 50 IAC 4.2-2-10. At the time that notice is given to the taxpayer, they shall also be informed in writing of their opportunity for review and the procedures they must follow in order to obtain review before the county property tax assessment board of appeals.

Steve Gottlieb Findings and Conclusions

50 IAC 4.2-4-3(c) Permanently retired depreciable personal property defined “Permanently retired depreciable personal property” means depreciable personal property that has been removed from the manufacturing process or has been removed from service other than manufacturing on the assessment date and is awaiting disposition, or scheduled to be scrapped, removed or disposed of and will be considered to be permanently retired providing the taxpayer actually scraps or sells such property.

27. Documentary evidence considered particularly relevant to this determination includes the following:
- (a) The parties to the appeal agreed to a documentary hearing by mail due to Gottlieb’s principle location in New York. *Petitioner’s Ex. 2; Respondent’s Ex. 1*. The deadline for submittal of all documentary evidence was listed as October 15, 2003. *Board’s Ex. C*.
 - (b) Gottlieb timely submitted a brief in support of its contentions for the documentary hearing. *Petitioner’s Ex. 3 a-l*. Wayne County did not submit any initial evidence by the October 15, 2003 deadline.
 - (c) In its brief, Gottlieb does not dispute the contention that the machinery was located at the Wayne Township tax situs on the assessment date. *Petitioner’s Ex. 3c; Affidavit of Jeffrey Davis*. Rather, Gottlieb disputes the value applied to the machinery by the Wayne Township Assessor. *Petitioner’s Ex. 4a*.
 - (d) Gottlieb asserts the machinery designed by Gerhard Schubert (Schubert) and referred to as the Schubert machinery in litigation never performed at its optimal capacity, had innumerable operational defects, and ceased to function altogether in March of 2000. *Petitioner’s Ex. 3c; Affidavit of Jeffrey Davis*.
 - (e) “By the end of 1999” Gottlieb was “forced to stop all use of the Schubert system.” *Petitioner’s Ex. 3e; Complaint #5189 in the United States District Court, page 19 ¶58*.
 - (f) Due to the non-performing status of the Schubert machinery, a lawsuit was originated in July 2000 against the manufacturer and is still pending as of December 2003 in the United States District Court for the Southern District of New York. *Petitioner’s Ex. 3c and 3e*.

- (g) The plaintiffs in the District Court litigation have preserved the non-working Schubert machinery as evidence of its design and operation in the litigation against the manufacturer. *Petitioner's Ex. 3d.*
- (h) The Petitioner asserts that the defendant and its representatives in District Court requested a physical inspection of the Schubert machinery for purposes of defending the lawsuit at the Wayne Township tax situs in the spring of 2003. *Petitioner's Ex. 3d.*
- (i) As evidence of the Schubert machinery's numerous inadequacies and operational defects, Gottlieb submitted several items of correspondence dated between November 1997 and May of 2000 to the Board. *Petitioner's Ex. 3g-3k.*
- (j) Gottlieb contends that the Schubert machinery, which remains at the Richmond tax situs is not reparable. *Petitioner's Ex. 3c.* Due to the patented nature of the cassette packaging created by it, no other manufacturer or company can use the machinery. *Id.* The Schubert machinery cannot be sold in its current form and would have been scrapped or destroyed in the first quarter of 2000 had it not been the subject of a pending lawsuit. *Petitioner's Ex. 3c; Affidavit of Steven Gottlieb.*
- (k) The Form 130 appeal petition filed by Gottlieb, however, stated the assessment was incorrect because the machinery should be classified as permanently retired equipment with a true tax value of one dollar. *Board Exhibit A; Respondent's Ex. 2e.*
- (l) Gottlieb further contends on the Form 130 petition that they tried to sell the equipment at scrap value with no interested buyers. *Respondent's Ex. 2e.* Gottlieb also asserts the 2001 late assessment value applied by Wayne Township fails to account for abnormal obsolescence. *Id.*
- (m) Again, as stated above, the Respondents did not submit any initial evidence to the Board by the prescribed October 15, 2003 deadline. However, the Respondents timely submitted a rebuttal of Gottlieb's evidence prior to the November 15, 2003 deadline.
- (n) The Respondent's rebuttal includes copies of the subject Form 113/PP Notice of Assessment for the 2001 and 2002 personal property assessment years, a

copy of the subject Form 130 petition for the 2001 assessment year, and notes and comments regarding conversations with Gottlieb made by Wayne County assessing officials. *Respondent's Exhibits 2 a-f*.

- (o) On the Form 130, Section III, Township Assessor Conference with the Taxpayer, the Wayne County Assessor stated that the taxpayer has never filed a Form 103 and, therefore, there is no way of knowing what the original cost of the equipment should be. *Board Exhibit A; Respondent's Ex. 2e*.
- (p) Further, the County Assessor wrote on the Form 130, Section III, "some obsolescence might be warranted" for the personal property, but he disagreed with the value of one dollar placed on the equipment by the Petitioner. *Id.*
- (q) Again, Gottlieb did not file its personal property returns by the May 15th deadline for the 2002 assessment year. Subsequently, on September 13, 2002 the Wayne Township Assessor again added Gottlieb to the late assessment tax rolls with an estimated value of \$408,380, which is not pertinent to the 2001 appeal at hand. *Respondent's Ex. 2b*. However, the 2002 Form 103 Business Tangible Personal Property Assessment Return filed by Gottlieb represents the sole evidence of the purported value for the subject machinery, other than the statement made on the Form 130 Petition that the equipment should be valued at one dollar. *Respondent's Ex. 2c*.
- (r) Gottlieb reported the value of the subject machinery for the 2002 assessment year on their late personal property return as \$1,251,096, all which was adjusted as permanently retired. *Respondent's Ex. 2c; Form 106*. The machinery was reported at its estimated scrap value of \$7,500. *Id.*
- (s) In their rebuttal, Gottlieb supported the above adjustment stating that the valuation listed on their 2002 personal property return is relative to the 2001 appeal. *Petitioner's Ex. 4a*. Gottlieb admits that they filed late personal property returns on two occasions, which should only be relevant with respect to penalties imposed for late filing and not affect the underlying valuation of the machinery. *Id.*
- (t) Gottlieb asserts they seek a revaluation by the Board of the value of the subject machinery for reasons stated in their 2002 personal property returns

and in the documents presented for the 2001 assessment year. *Petitioner's Ex. 4a.*

Analysis of the ISSUE

28. Gottlieb failed to timely file its personal property return for the 2001 assessment year for machinery located in Wayne Township, Wayne County Indiana. The Wayne Township Assessor estimated the value of the machinery as a late personal property assessment and notified Gottlieb of the assessment.
29. Gottlieb filed a Form 130 disputing the 2001 personal property assessment stating that the Schubert machinery in question had not been in operation since early 2000 and therefore should have been classified as permanently retired equipment and valued at one dollar. Gottlieb was denied relief by the Wayne County PTABOA, thus prompting the filing of the subject Form 131.
30. On the subject Form 131, Gottlieb asserts that the machinery, which was designed and developed by a German firm for the purpose of packaging audio and video cassettes ceased to function altogether in March of 2000 and a decision was made at that time to close the business. Gottlieb contends there was no activity with the Schubert machinery for the 2001 assessment year and the only reason it had not yet been scrapped was because it was the subject of a lawsuit against the manufacturer. Gottlieb contends that in the *estimation* of management, the machinery has no value with the exception of scrap metal.
31. Gottlieb has met the first prong of the two-prong burden of proof as required by statute by providing the Board probative evidence that the Schubert machinery was not being used on the March 1, 2001 assessment date through various items of evidence, including the Affidavits by Mr. Gottlieb and Mr. Davis, and the United States District Court Complaint. The second step in the appeal at hand, however, is the statutory requirement that Gottlieb offer probative evidence of what the *correct* 2001 personal property assessment should be.

32. Again, Gottlieb failed to file the required personal property returns for the 2001 assessment year. Therefore, there is no documentation to support the Schubert machinery's purported total value or its adjusted value as permanently retired equipment according to 50 IAC 4.2-4-3(c) for the March 1, 2001 personal property assessment date.
33. Gottlieb reported the Schubert machinery to be inoperable in 2001 with a true tax value of one dollar listed on the Form 130 petition to the Wayne County PTABOA. However, for the Board's documentary hearing, a 2002 personal property return was submitted, which indicated the machinery had a scrap value of \$7,500. Gottlieb lacks the necessary support for either of these two purported contradictory values.
34. The sole estimate of the Schubert machinery's value as permanently retired equipment, other than the one-dollar figure listed on the Form 130, can be found in Gottlieb's late-filed personal property returns for the 2002 personal property assessment year (Respondent's Ex. 2c). In their letter of contention of Wayne County's rebuttal, Gottlieb stated that the 2002 personal property valuation shown on the returns are relative to the 2001 assessed valuation.
35. Assuming that Gottlieb's 2002 personal property returns could be considered applicable to Gottlieb's 2001 valuation, the 2002 record lacks probative evidence of the Schubert machinery's scrap value. While Gottlieb did follow the proper procedure for reporting the permanently retired equipment on their 2002 late-filed return by indicating an adjustment on the Form 106 Schedule of Adjustments to Business Tangible Personal Property Return, they failed to offer probative evidence in support of an explanation of what the machinery's correct value should have been.
36. Gottlieb's 2002 personal property return shows a value of \$1,251,096 for the Schubert machinery, all adjusted to a value of zero with an estimated scrap value of \$7,500. Although Gottlieb explains why the machinery should be considered permanently retired, the only explanation of the reported \$7,500 scrap value listed on the return is that the scrap value is an "estimation of management". In short, the reported \$7,500 figure

merely appears to represent the amount (an estimate) that Gottlieb chose to self-report on the 2002 personal property return.

37. While the Board appreciates Gottlieb's circumstances with the Schubert machinery, Gottlieb's failure to provide a detailed explanation detailing how the \$7,500 scrap value was arrived at renders the adjustment ambiguous and without credibility. Questions remain regarding the derivation of the \$7,500 scrap value amount, including: 1) Whether the Schubert machinery was appraised by a knowledgeable person to determine the proper scrap value; 2) Whether there is any supportive documentation given for Gottlieb's estimation of scrap value and how it was determined; and, 3) Whether Gottlieb reported any losses of value contributable to the Schubert machinery on their federal income tax return to support their claims. *See*, ¶ 22, "In addition to demonstrating that the assessment is invalid, the petitioner also bears the burden of presenting sufficient probative evidence to show what assessment is correct". *State Bd. of Tax Comm'rs v. Indianapolis Racquet Club, Inc.*, 743 N.E. 2d 247, 253 (Ind. Tax, 2001).
38. Gottlieb's 2002 personal property returns are not considered determinative evidence of its 2001 assessment. Further, the record is devoid of further documentation in the form of federal income tax returns or detailed itemizations of the 2001 value. Other than Gottlieb's "estimation of management" reported for the subsequent 2002 assessment year, Gottlieb has not provided any evidence to determine what the correct assessed value for the machinery should be for the 2001 personal property assessment.
39. The 2001 personal property year is regulated under 50 IAC 4.2. The 2002 personal property assessment year is regulated under 50 IAC 4.3. The Petitioner has offered evidence for their 2001 appeal through their 2002 personal property returns. However, even if correct, the late-filed 2002 personal property returns are not determinative of how the personal property should be assessed for the assessment year under review. This is because each assessment and each tax year stands alone. In Indiana, each tax year is separate and distinct. *See*, *William's Industries v. State Board of Tax Comm'rs*, 648 N.E. 2d 713 (Ind. Tax 1995).

40. For all the reasons listed above, the Petitioner has not met the second prong of its two-prong burden of proof regarding the invalidity of the local assessment. Accordingly, there is no change to the assessment.

Summary of Final Determination

Determination of ISSUE 1: *Whether the machinery assessed by the Wayne Township Assessor as a late personal property assessment was inoperable and therefore incorrectly valued*

41. The Petitioner failed to meet its burden on this issue. No change is made to the assessment as a result of this issue.

This Final Determination of the above captioned matter is issued this by the Indiana Board of Tax Review on the date first written above.

Commissioner, Indiana Board of Tax Review

IMPORTANT NOTICE

- APPEAL RIGHTS -

You may petition for judicial review of this final determination pursuant to the provisions of Indiana Code § 6-1.1-15-5. The action shall be taken to the Indiana Tax Court 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.