

ORIGINAL

IN THE SUPREME COURT
STATE OF OHIO
APPEAL FROM THE BOARD OF TAX APPEALS

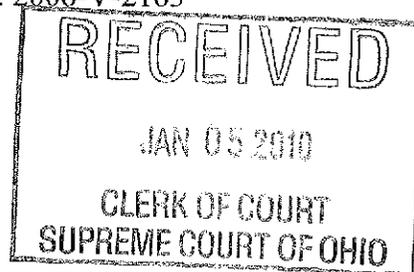
FOREST PARK PARTNERS)
LIMITED PARTNERSHIP,)
)
Appellant,)

SUPREME COURT CASE
NUMBER: 2009-1317

v.)

MONTGOMERY COUNTY BOARD OF)
REVISION, MONTGOMERY COUNTY)
AUDITOR, DAYTON CITY SCHOOL)
DISTRICT BOARD OF EDUCATION)
AND TAX COMMISSIONER OF THE)
STATE OF OHIO,)
)
Appellees.)

BOARD OF TAX APPEALS
CASE NO. 2006-V-2163



AGREED MOTION OF PARTIES TO REMAND APPEAL
IN ORDER TO IMPLEMENT A SETTLEMENT

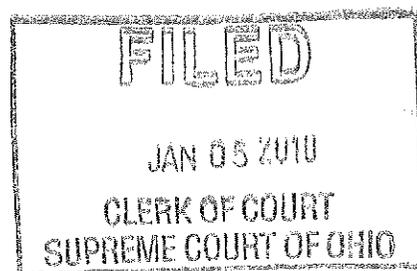
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ATTORNEYS FOR APPELLEE
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BOARD OF EDUCATION

ATTORNEYS FOR APPELLANT
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LIMITED PARTNERSHIP

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ATTORNEY FOR APPELLEES
MONTGOMERY COUNTY BOARD OF REVISION
AND MONTGOMERY COUNTY AUDITOR

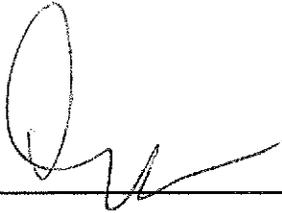
IN THE SUPREME COURT
STATE OF OHIO
APPEAL FROM THE BOARD OF TAX APPEALS

FOREST PARK PARTNERS	)	SUPREME COURT CASE
LIMITED PARTNERSHIP,	)	NUMBER: 2009-1317
)	
Appellant,)	
)	
v.)	
)	
MONTGOMERY COUNTY BOARD OF	)	BOARD OF TAX APPEALS
REVISION, MONTGOMERY COUNTY	)	CASE NO. 2006-V-2163
AUDITOR, DAYTON CITY SCHOOL)	
DISTRICT BOARD OF EDUCATION)	
AND TAX COMMISSIONER OF THE)	
STATE OF OHIO,)	
)	
Appellees.)	

AGREED MOTION OF PARTIES TO REMAND APPEAL
IN ORDER TO IMPLEMENT A SETTLEMENT

Now come the parties to this appeal and move this Court to remand this appeal back to the Ohio Board of Tax Appeals to implement the settlement of this matter agreed to by the parties. The grounds for this motion are that the parties have agreed to a settlement and will submit a Stipulation of Value to the Board of Tax Appeals on remand. A copy of the agreed-upon Stipulation is attached hereto.

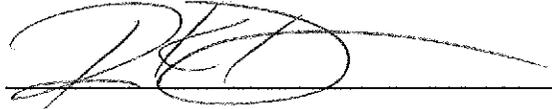
For the reasons set forth herein, the parties respectfully request this Court to remand this appeal back to the Board of Tax Appeals to implement the settlement of the appeal.



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BOARD OF EDUCATION

Respectfully submitted,



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AND MONTGOMERY COUNTY AUDITOR

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Joint Motion for Remand was sent by regular United States mail this 9th day of Nov October, 2009 to the following:

Richard Cordray, Esq.
Ohio Attorney General
State Office Tower, 17th Floor
30 East Broad Street
Columbus, Ohio 43215-3428

ATTORNEY FOR APPELLEE TAX COMMISSIONER
OF THE STATE OF OHIO



Robert K. Danzinger

OHIO BOARD OF TAX APPEALS

FOREST PARK PARTNERS)	
LIMITED PARTNERSHIP,)	
	)	CASE NO. 2006-V-2163
Appellant,)	
)	
-v-)	
)	
MONTGOMERY COUNTY BOARD)	
OF REVISION, et al.,)	
	)	<u>STIPULATION</u>
Appellees.)	

It is hereby stipulated and agreed by the parties in the captioned matter that the taxable value of the property which is the subject of this appeal, and identified upon the tax records of the Auditor of Montgomery County, Ohio, was as follows:

As of the first day of January, 2005 and January, 2006:

TAXABLE VALUE

<u>Permanent Parcel Number</u>	<u>Land</u>	<u>Building</u>	<u>Total</u>
E20-10-8-128	\$ 73,000	\$ 135,250	\$ 208,250
E20-10-9-132	12,250	-0-	12,250
E20-10-8-133	51,450	34,300	85,750
E20-10-8-134	12,250	-0-	12,250
E20-10-8-135	24,500	-0-	24,500
E20-10-8-136	73,500	49,000	122,500
E20-10-8-137	12,250	-0-	12,250
E20-10-8-138	33,680	64,320	98,000
E20-10-8-169	<u>550,000</u>	<u>99,250</u>	<u>649,250</u>
TOTAL:	\$ 842,880	\$ 382,120	\$1,225,000

As of the first day of January, 2007:

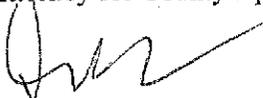
TAXABLE VALUE

<u>Permanent Parcel Number</u>	<u>Land</u>	<u>Building</u>	<u>Total</u>
E20-10-8-128	\$ 66,640	\$ 123,760	\$ 190,400
E20-10-9-132	11,200	-0-	11,200
E20-10-8-133	47,040	31,360	78,400
E20-10-8-134	11,200	-0-	11,200
E20-10-8-135	22,400	-0-	22,400
E20-10-8-136	72,000	40,000	112,000
E20-10-8-137	11,200	-0-	11,200
E20-10-8-138	33,680	55,920	89,600
E20-10-8-169	<u>505,000</u>	<u>88,600</u>	<u>593,600</u>
TOTAL:	\$780,360	\$339,640	\$1,120,000

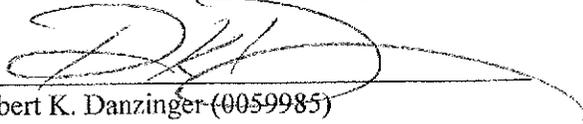
It is further stipulated that the Montgomery County Auditor shall be directed to correct his tax records accordingly and the Board of Tax Appeals of Ohio may enter its order accepting this stipulation and terminating this appeal. It is further stipulated that such values be carried forward according to law.


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School District Board of Education


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Attorneys for Appellant
Forest Park Partners Limited Partnership

OHIO BOARD OF TAX APPEALS

ROSELAWN ASSOCIATES, LLC,)	
	)	CASE NO. 2006-Z-1333
Appellant,)	
	)	(REAL PROPERTY TAX)
-v-)	
	)	ORDER
HAMILTON COUNTY BOARD)	
OF REVISION, et al.,)	
	)	(Stipulating Appeal)
Appellees.)	

APPEARANCES:

For the Appellant	-	Sleggs, Danzinger & Gill Co., LPA Robert K. Danzinger, Esq, 820 W. Superior Avenue, Suite 400 Cleveland, Ohio 44113
For the County Appellees	-	Thomas J. Scheve, Esq. Assistant Prosecuting Attorney 230 East Ninth Street, Suite 4000 Cincinnati, Ohio 45202
For the School District	-	David C. Di Muzio, Inc. David C. DiMuzio, Esq. 1900 Kroger Building 1014 Vine Street Cincinnati, OH 45202

Entered

Ms. Margulies, Mr. Johrendt, and Mr. Dunlap concur.

This matter is before the Board of Tax Appeals pursuant to a stipulation of value filed November __, 2009 by the parties. Upon consideration of the stipulation and the existing record, the Board of Appeals hereby approves the stipulation and orders the Auditor of Montgomery County to adjust his tax records as follows:

As of the first day of January, 2005 and January, 2006:

TAXABLE VALUE

<u>Permanent Parcel Number</u>	<u>Land</u>	<u>Building</u>	<u>Total</u>
E20-10-8-128	\$ 73,000	\$ 135,250	\$ 208,250
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TOTAL:	\$ 842,880	\$ 382,120	\$1,225,000

As of the first day of January, 2007:

TAXABLE VALUE

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E20-10-8-169	<u>505,000</u>	<u>88,600</u>	<u>593,600</u>
TOTAL:	\$780,360	\$339,640	\$1,120,000

It is further ordered that the stipulated values be carried forward according to law.

BOARD OF TAX APPEALS			
RESULT OF VOTE	YES	NO	DATE
Mr. Dunlap			
Ms. Marguiles			
Mr. Eberhart			

CCY

I hereby certify the foregoing to be a true and complete copy of the action taken by the Board of Tax Appeals of the State of Ohio and entered upon its journal this day, with respect to the captioned matter.

Sally F. Van Meter, Board Secretary