STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
MICHIGAN TAX TRIBUNAL

Real Ventures Trenton Road, LLC,
Petitioner,
v MTT Docket No. 328563

City of Southgate, *et al*,
Respondents. Tribunal Judge Presiding
Patricia L. Halm

FINAL OPINION AND JUDGMENT

ORDER GRANTING RESPONDENT'S MOTION FOR SUMMARY DISPOSITION

INTRODUCTION

In this Motion for Summary Disposition, Respondents City of Southgate and Wayne County argue that Petitioner filed the Petition in this matter after the June 30 deadline established in MCL 205.735(2) and, as such, the Tribunal does not have jurisdiction in this matter. Respondents state that there is no genuine issue of material fact regarding this issue and request that the Tribunal dismiss Petitioner Real Ventures Trenton Road, LLC's Petition pursuant to MCR 2.116(C)(4).

Petitioner argues that it purchased the subject property after the City of Southgate's Board of Review met in March 2006 and that it did not receive actual notice of the subject property's assessment until it received a copy of the tax bill on July 24, 2006. Because of these special circumstances, Petitioner argues that, pursuant to another part of MCL 205.735(2), it had 30 days from receipt of the tax bill to file a petition. Having done so, Petitioner argues that the Tribunal's jurisdiction has been properly invoked.

The Tribunal finds, based upon the Findings of Fact set forth herein, that there is no genuine issue as to any material fact. The Tribunal further finds that, based on the pleadings and other documentary evidence filed with the Tribunal, it does not have jurisdiction in this matter. Given this, the Tribunal finds that granting Respondents' Motion for Summary Disposition under the criteria set forth in MCR 2.116(C)(10) is warranted.

Respondents' Motion for Summary Disposition was filed on August 29, 2006. Petitioner filed its opposition to Respondents' Motion and request for oral argument on September 11, 2006. Oral argument was held on January 4, 2007. Petitioner was represented in this matter by attorney Joshua M. Wease; Respondents were represented by attorney Jacob S. Ghannam.

FINDINGS OF FACT

Based upon the documents and pleadings filed in this matter and the statements made by the parties during oral argument, the Tribunal makes the following findings of fact:

1. Petitioner is a Michigan limited liability company (LLC).
2. Petitioner's authorized tax agent with regard to the subject property is Farbman Management Group of Michigan, Inc.
3. The subject property is located at 1633 Trenton Road, Southgate, Michigan.
4. The subject property's parcel identification number is 53-028-99-0070-706.
5. The subject property is classified as commercial property for taxation purposes and is used as a commercial office facility.
6. Respondent is the governmental agency responsible for assessing the subject property and for levying and collecting ad valorem property taxes pursuant to the General Property Tax Act (GPTA), being MCL 211.1, *et seq*.

7. This Petition involves the subject property's 2006 assessment and the property taxes levied pursuant to that assessment.

8. The subject property was sold two times during 2006. At the beginning of the year, National City Corporation owned the subject property. On March 6, 2006, ownership was transferred to First State Investors 4501, LLC, an entity owned by National City Bank. On March 16, 2006, ownership was transferred to Petitioner.

9. On January 17, 2006, the Vice President of Corporate Tax for National City Corporation filed a letter of authorization with Respondent stating that:

> This is to advise you that Corporate Tax Resources, LLC is authorized to represent the undersigned property owner in connection with any tax appeal to the local assessor, Board of Review, the State Tax Commission or the Michigan Tax Tribunal. **This authorization shall continue in effect unless and until revoked by written notice by the undersigned to the taxing jurisdiction**. (Emphasis added.)

10. There were no other letters of authorization filed with the BOR regarding the subject property.

11. National City Corporation's letter of authorization was never revoked.

12. Frederick Mawson, of Corporate Tax Resources, LLC, protested the subject property's assessed and taxable values to the 2006 BOR on behalf National City Corporation. (Affidavit of Sharon Bentley, the City of Southgate's Deputy City Assessor.)

13. On March 6, 2006, National City Corporation sold the subject property to First State Investors 4501, LLC, for $1,434,030.

14. On or before March 29, 2006, a Property Transfer Affidavit was filed with the City of Southgate regarding this transfer of ownership.

15. On March 16, 2006, First States Investors 4501, LLC, sold the subject property to Petitioner for $2,235,000.

16. On April 5, 2006, a Property Transfer Affidavit was filed with the City of Southgate regarding this transfer of ownership.

17. It was Petitioner's belief that Corporate Tax Resources, LLC, would protest the subject property's assessment before Respondent's March 2006 Board of Review (BOR).

18. Corporate Tax Resources, LLC, did, in fact, protest the subject property's assessment before Respondent's March 2006 Board of Review.

19. The protest filed by Corporate Tax Resources, LLC was the only one filed with the 2006 BOR for the subject property.

20. On April 6, 2006, the BOR mailed its decision regarding the subject property to Frederick Mawson at Corporate Tax Resources, LLC.

21. Petitioner did not receive notice as to the BOR's decision from National City Corporation, Corporate Tax Resources, LLC or First States Investors 4501, LLC and proceeded under the assumption that the BOR "…had made appropriate adjustments to the property's 2006 assessment that would be satisfactory to Petitioner." (Affidavit of Betty Drapinski, paragraph 4)

22. "On or about July 24, 2006, [Betty Drapinski] received from National City Bank a facsimile copy of the tax bill for the subject property that was issued to 'Sue National City Bank MI/IL,' and for the first time learned that National City Bank had not further appealed the assessment of the subject property to the Michigan Tax Tribunal, and that the assessment had not been adjusted by the Board of Review." (Affidavit of Betty Drapinski, paragraph 5)

23. The notice Petitioner received on July 24, 2006 was the first notice it had that the BOR had confirmed the subject property's 2006 assessment.

24. Petitioner filed this appeal with the Tribunal on August 7, 2006.

EXHIBITS

The Tribunal received the following exhibits:

1. A copy of the "Letter of Authorization," dated January 17, 2006, and signed by National City Corporations' Vice President of Corporate Tax.

2. A copy of the April 6, 2006 letter from the BOR to Corporate Tax Resources, LLC, notifying them of its decision regarding the subject property.

3. A copy of a property transfer affidavit, dated March 2, 2006, indicating that ownership of the subject property was transferred from National City Corporation to First States Investors 4501, LLC on March 6, 2006. While the copy does not indicate when it was received by the City of Southgate, a notation on the document indicates that it was received by March 29, 2006.

4. A copy of a property transfer affidavit, dated March 16, 2006, indicating that ownership of the subject property was transferred from First States Investors 4501, LLC to Real Ventures Trenton Road, LLC on March 16, 2006. This document was received by the City of Southgate assessor's office on April 5, 2006.

5. An affidavit from Sharon Bentley, the City of Southgate's deputy city assessor, stating that National City Corporation filed a letter with the 2006 March BOR authorizing Corporate Tax Resources, LLC to represent its interest with regard to any property tax appeal. The affidavit also states that National City Corporation did not file a revocation

of agency and, as a result, the BOR's decision regarding the subject property was mailed to Corporate Tax Resources, LLC.

6. An affidavit from Susan Blanton, the City of Southgate's deputy treasurer, stating that the City of Southgate 2006 City/School tax bills were "…delivered to the U.S. Postal Service, Wyandotte, MI, 48192 and were sent first class delivery on July 7, 2006."

7. Petitioner's Petition in this matter, postmarked August 7, 2006.

RESPONDENTS' ARGUMENT

Respondents argue that the Petition filed in this matter was not filed timely pursuant to MCL 205.735(2). In pertinent part, MCL 205.735(2) states: "The jurisdiction of the tribunal in an assessment dispute is invoked by a party in interest, as petitioner, filing a written petition on or before June 30 of the tax year involved." Because the petition was not filed until August 7 of the tax year involved, Respondents argue that Petitioner has not invoked the jurisdiction of the tribunal. As a result, Respondents argue that if a court lacks jurisdiction, "…the outcome must always be dismissal." *Fox* v *Board of Regents of the University of Michigan*, 375 Mich 238, 242; 134 NW2d 146 (1985).

In response to Petitioner's argument that it did not receive notice of the BOR's decision, Respondents point to the letter of authorization filed by National City Corporation. Respondents argue that the City of Southgate's Board of Review ("BOR") acted pursuant to this authorization. Moreover, the BOR sent its decision to the party that appeared before it pursuant to that authorization, Corporate Tax Resources, LLC. As stated in the authorization letter, "[t]his authorization shall continue in effect unless and until revoked by written notice by the undersigned to the taxing jurisdiction." The City of Southgate never received a written notice of revocation and, as such, the authorization was never revoked. Therefore, the BOR had no notice

that Corporate Tax Resources, LLC was no longer the authorized representative for the subject property.

Respondents further argue that the sale of the subject property was a multi-million dollar transaction and that the closing documents should have disclosed the proration for the subject property's 2005 and 2006 property taxes and Petitioner's obligation as to payment of those taxes. According to Respondents, Petitioner's tax agent, the Farbman Management Group of Michigan, Inc., ("Farbman") is not an unsophisticated purchaser. Farbman is a business that is "…well-versed in property tax consequences. They deal with it as property managers, as property owners, as property brokers on a daily basis." (Transcript, pp5-6)

Moreover, because the BOR's record is a matter of public record, "…it was easily obtainable by anyone who was interested in purchasing or any sort of a transaction involving this property." (Transcript, p6) Furthermore, information as to the subject property's assessment and property taxes is available on the City of Southgate's website. Therefore, Farbman knew or should have known of the tax consequences of the BOR's decision.

Although Petitioner characterizes this as an uncapping situation, and cites an unpublished Court of Appeals decision on uncapping in support of its argument, Respondent argues that there is not an uncapping issue in the 2006 tax year.

PETITIONER'S ARGUMENT

According to Petitioner, Respondents' argument ignores applicable language in MCL 205.735(2), which states, in pertinent part: "In all other matters, the jurisdiction of the tribunal is invoked by a party in interest, as petitioner, filing a written petition within 30 days after the final decision, ruling, determination, or order that the petitioner seeks to review, or within 35 days if the appeal is pursuant to section 22(1) of 1941 PA 122, MCL 205.22." Petitioner argues that

this language means that there are several procedures that may be utilized to invoke the Tribunal's jurisdiction and that the circumstances of a particular case must determine which procedure is used.

In the instant case, it is Petitioner's position that there are special circumstances that warrant ignoring the June 30 filing deadline and permit a petition to be filed within 35 days of actual notice of the assessment. Petitioner purchased the subject property after its assessment was protested by National City Corporation at the 2006 March BOR. Neither National City Corporation nor its authorized agent notified Petitioner as to the BOR's decision regarding the protest. Moreover, the BOR did not notify Petitioner as to its decision even though it had filed a Property Transfer Affidavit. Petitioner first learned that the subject property's assessment was six times the purchase price when it received a copy of the tax bill from National City Corporation on July 24, 2006. (Petitioner's Brief in Opposition to Respondents' Motion for Summary Disposition, p2) According to Petitioner:

> There are three critical facts that set this case apart from the typical property tax assessment appeal. First, the transfer of the subject property was a transfer of ownership and subject to uncapping under MCL 211.27a. Consequently, the December 31, 2005 assessment that the prior owner protested at the March Board of Review would not necessarily be the same as the assessment that the Petitioner would be subject to after Respondent uncapped the taxable value. Second, Petitioner could not determine the uncapped value because the transaction price was lower than the prior assessed and taxable values in tax year 2005. Third, because the timing of the transaction was after tax day for 2006 and took place just before the March Board of Review convened, Petitioner could not know what the new assessed and taxable values would be until Respondent sent them the tax bill. "In cases involving inadequate notice, the courts have held that a petition must be filed within 30 days of receiving actual notice of a property tax assessment, such as a receipt of a tax bill." Because of these facts -- which clearly establish that Petitioner had no actual notice of the subject property's 2006 assessment before July 24, 2006 -- Petitioner was completely precluded from pursuing a tax appeal by June 30, 2006. The statute clearly accommodates these circumstances by providing time for the owner to contest the tax bill under MCL 205.735(3); Petitioner fully complied with this provision by timely filing its

> Petition within 35 days of the date which it received actual notice of its 2006 assessment. (Citations omitted.) (Petitioner's Brief in Opposition to Respondents' Motion for Summary Disposition, pp3-4)

In support of its position regarding the right to appeal within 35 days of notice of an uncapping of a property's taxable value, Petitioner cites *Raplinger* v *Twp of Marenisco*, unpublished opinion per curiam of the Court of Appeals, decided November 8, 2002 (Docket No. 234198.)

During Oral Argument, Petitioner took issue with the fact that the City of Southgate sent the 2006 summer property tax bill to National City Corporation. Petitioner stated that it filed a Property Transfer Affidavit with the City of Southgate within 45 days of purchasing the subject property, as required by statute. However, "…despite this Transfer Affidavit being filed when the tax bill was issued later that summer well after the June 30 Petition deadline, the bills still went to the old owner…[Petitioner] really [wasn't] going to be privy to what their tax bill was going to be until they were sent a tax bill." (Transcript, p9)

In response to Respondents' argument that Petitioner is a sophisticated taxpayer, Petitioner stated that "…the statute does not base notice provisions or notice requirements on the sophistication of the taxpayer. Just because they happen to be in the real estate business doesn't change what notice they're entitled to, or the fact that they should somehow have to go to some other extra effort that some other taxpayer would not, if they were less sophisticated." (Transcript, p10) Petitioner also stated that "…the seller is not obligated to tell the purchaser what happens at the Board of Review. The seller is not really obligated to tell the purchaser whether they took it to the Board of Review or not." (Transcript, p8)

When asked what notice Petitioner was legally required to receive that it did not receive, Petitioner stated that "…we don't believe we received what the assessment was" and that the BOR was required to send it a copy of its decision. (Transcript, p14) Moreover, "…by filing the

affidavit, we would have received the tax bill on a timely notice and would have known that the assessment was wrong, or that the Board of Review had made the changes they did before June 30." (Transcript, p16)

In response to Respondents' argument that National City Corporation never filed a written notice revoking Corporate Tax Resources, LLC's authorization to represent its interest at the BOR, Petitioner argues that the City of Southgate has no standard form to revoke authorization and that there is no legal requirement to do so. Furthermore, Petitioner argues that the Property Transfer Affidavit should have served as a revocation since it indicated that National City Corporation no longer owned the subject property.

Finally, Petitioner argued that "[w]hile MCL 211.27b(6) limits appeals to issues of transfer of ownership and correcting arithmetic errors, Petitioner has not been able to establish how Respondent calculated its assessment since it is different from the purchase price and the prior owner's 2006 assessment. An arithmetic error may be to blame for this exorbitant assessment." (Petitioner's Brief in Opposition to Respondents' Motion for Summary Disposition, p4)

In conclusion, Petitioner argues that because it "…was involved in a transfer of property that constituted a transfer of ownership, the assessment that was sent to the prior owner would not necessarily apply to the new owner, and therefore Petitioner was left to wait until it received its tax bill to learn of the property's new assessment." Because it filed its appeal within 35 days of receipt of the 2006 tax bill, Petitioner argues that the Tribunal has jurisdiction in this matter.

CONCLUSIONS OF LAW

The statute that sets forth the requirements that must be met for the Tribunal to acquire jurisdiction is MCL 205.735, which provides, in pertinent part:

> (1) A proceeding before the tribunal is original and independent and is considered de novo. For an assessment dispute as to valuation of property or if an exemption is claimed, the assessment must be protested before the board of review before the tribunal acquires jurisdiction of the dispute under subsection (2)…
>
> (2) The jurisdiction of the tribunal in an assessment dispute is invoked by a party in interest, as petitioner, filing a written petition on or before June 30 of the tax year involved…In all other matters, the jurisdiction of the tribunal is invoked by a party in interest, as petitioner, filing a written petition within 30 days after the final decision, ruling, determination or order that the petitioner seeks to review, or within 35 days if the appeal is pursuant to section 22(1) of 1941 PA 122, MCL 205.22.

MCL 205.22(1) states:

> (1) A taxpayer aggrieved by an assessment, decision, or order of the **department** may appeal the contested portion of the assessment, decision, or order to the tax tribunal within 35 days, or to the court of claims within 90 days after the assessment, decision, or order. The uncontested portion of an assessment, order, or decision shall be paid as a prerequisite to appeal. However, an action shall be commenced in the court of claims within 6 months after payment of the tax or an adverse determination of the taxpayer's claim for refund, whichever is later, if the payment of the tax or adverse determination of the claim for refund occurred under the single business tax act, Act No. 228 of the Public Acts of 1975, being sections 208.1 to 208.145 of the Michigan Compiled Laws, and before May 1, 1986.

Pursuant to MCL 205.1(3), the "department" means the department of treasury. Therefore, the 35 day appeal period does not apply in the instant case.

Petitioner argues that there are "special circumstances" that exempt it from the June 30 filing deadline set forth in MCL 205.735(2) and that it has invoked the Tribunal's jurisdiction by filing this appeal within 30 days of receipt of the 2006 tax bill. The Tribunal disagrees. Additionally, the Tribunal finds Petitioner's reliance on *Raplinger* v *Twp of Marenisco, supra,* in support of this argument misplaced. *Raplinger* v *Twp of Marenisco* is an unpublished Court of Appeals decision regarding lack of notice of the uncapping of a property's taxable value. In that case, the petitioner did not receive an assessment notice that, by statute, it was entitled to receive.

In the instant case, the assessment notice was sent to National City Corporation, the entity that was listed on the assessment roll. See MCL 211.24c. Because Petitioner was not an owner of record, it was not entitled to receive this same notice. The instant case also differs from *Raplinger* v *Twp of Marenisco* because, as discussed below, the subject property's taxable value was not uncapped during the tax year at issue.

In support of its argument that its situation is a "special circumstance," Petitioner argued that:

> …the transfer of the subject property was a transfer of ownership and subject to uncapping under MCL 211.27a. Consequently, the December 31, 2005 assessment that the prior owner protested at the March Board of Review would not necessarily be the same as the assessment that the Petitioner would be subject to after Respondent uncapped the taxable value. (Petitioner's Brief in Opposition to Respondent's Motion for Summary Disposition, p3)

MCL 211.27a(3) provides: "Upon a transfer of ownership of property after 1994, the property's taxable value for the calendar year following the year of the transfer is the property's state equalized valuation for the calendar year following the transfer." While it is true that the assessment protested at the 2006 March Board of Review is not necessarily the same that Petitioner is subject to after the taxable value is uncapped, this is not an issue in 2006. Pursuant to MCL 211.27a(3), a property's taxable value is not uncapped until the calendar year following the transfer. In the instant case, this means that the subject property's taxable value will be uncapped for the 2007 calendar year.

Petitioner also argued that it "…could not determine the uncapped value because the transaction price was lower than the prior assessed and taxable values in tax year 2005," also fails. (Petitioner's Brief in Opposition to Respondent's Motion for Summary Disposition, p3)

Again, the subject property's taxable value is **not** uncapped in the 2006 calendar year; thus, it was not necessary for Petitioner to "determine" the uncapped value. Petitioner will be provided an assessment notice in 2007 that will include the uncapped value and Petitioner will have plenty of time to protest this value to the 2007 March Board of Review.

Petitioner's final argument is that "…because the timing of the transaction was after tax day for 2006 and took place just before the March Board of Review convened, Petitioner could not know what the new assessed and taxable values would be until Respondent sent them the tax bill." (Petitioner's Brief in Opposition to Respondent's Motion for Summary Disposition, p3) This is simply not true; there are many ways that Petitioner could have found out what the assessed and taxable values were according to the BOR's decision had it chosen to do so.

Petitioner purchased the subject property on March 16, 2006. The BOR did not begin meeting until March 13, 2006, at the earliest. By Petitioner's own admission, the BOR hearings ended on March 21, 2006. Sales of property of this magnitude do not happen overnight. Petitioner had more than enough time to understand what its obligations were and to appear before the BOR. If it had, the BOR would have known that Petitioner was the owner of the subject property and would have given Petitioner a copy of its decision. Even if the BOR required appointments, as Petitioner alleged it did, the BOR cannot refuse to hear a property owner's protest if timely filed. Moreover, as Respondent argued, even though Petitioner chose not to protest to the BOR, there were many ways it could have determined what the subject property's 2006 assessed and taxable values were prior to June 30, 2006, such as simply accessing the City of Southgate web page. Petitioner merely had to take some initiative. Instead, Petitioner chose to sit back and then place the blame on Respondent for its late filing.

The Tribunal notes that Petitioner's Property Transfer Affidavit wasn't filed until April 5, 2006. Pursuant to MCL 211.30(6), the assessment roll had to be delivered to the county equalization director no later than April 5, 2006. The notices the BOR sent to those who protested before it were dated April 6, 2006. Given this timing, it is simply not feasible to expect the BOR to have sent this notice to Petitioner based solely upon the Petitioner's Property Transfer Affidavit, especially when National City Corporation had not rescinded its Letter of Authorization. While it may be true that the BOR does not have a requirement to rescind a Letter of Authorization, had this been done in a timely fashion the BOR would have known that National City Corporation no longer owned the subject property.

When asked what notice it did not receive regarding the subject property's assessment that it was legally entitled to receive, Petitioner could not provide a definitive response. The Tribunal finds that there was no requirement to provide Petitioner with any notice regarding the subject property's 2006 assessment and that Respondent provided all assessment notices as required pursuant to the General Property Tax Act. Petitioner argued that if Respondent had processed the Property Transfer Affidavit and timely changed its records to reflect Petitioner as the owner of the subject property, it would have received the summer property tax bill in time to file a petition with the Tribunal by June 30, 2006. Again, this is simply not true. As the City of Southgate Deputy Treasurer stated in her affidavit, the tax bills were not delivered to the Post Office to be mailed until July 7, 2006, well after the June 30, 2006 deadline.

There is no dispute that the BOR mailed its decision to National City Corporation. This notice must be imputed to subsequent purchasers. Petitioner argued that "…the seller is not obligated to tell the purchaser what happens at the Board of Review. The seller is not really obligated to tell the purchaser whether they took it to the Board of Review or not." (Transcript,

p8) A seller's obligations are typically spelled out in the purchase agreement. The Tribunal finds it telling that Petitioner did not submit this document in support of its position.

The Tribunal further finds nonsensical Petitioner's argument that:

> While MCL 211.27b(6) limits appeals to issues of transfer of ownership and correcting arithmetic errors, Petitioner has not been able to establish how Respondent calculated its assessment since it is different from the purchase price and the prior owner's 2006 assessment. An arithmetic error may be to blame for this exorbitant assessment.

MCL 211.27b(6) deals with the situation where the ownership of a property is transferred and the appropriate assessing officer is not notified of the transfer. No one claimed that this happened in the instant case.

Finally, Petitioner stated that, due to the timing of the sale, it would not "…have a right to proceed with a claim before the Board of Review…." (Transcript, p15) After considering this argument further, the Tribunal disagrees. The Tribunal notes that National City Corporation transferred ownership of the subject property to First States Investors 4501, LLC on March 6, 2006, before the BOR even met. First States Investors 4501, LLC transferred the subject property to Petitioner on March 16, 2006, during the time the BOR was meeting. Because it is possible that all three owners may have had an obligation to pay the subject property's 2006 property taxes, depending upon the proration set forth in the purchase agreements, all three owners had the right to protest before the 2006 March BOR and to further appeal to the Tribunal.

However, this did not occur. The only property owner that appealed before the BOR was National City Corporation. National City Corporation did not appeal to the Tribunal. There is no evidence that First States Investors 4501, LLC appealed to the BOR and even if it had, it did not appeal to the Tribunal. While Petitioner appealed to the Tribunal, it did not appeal to the BOR. Moreover, Petitioner presented no evidence that National City Corporation assigned its

right to appeal to Petitioner. Therefore, even if the Tribunal agreed with Petitioner that special circumstances existed to permit the filing of a petition within 30 days of receipt of the tax bill, which it does not, none of the three owners both protested to the BOR and appealed to the Tribunal.

For these reasons, the Tribunal finds that the language relied upon by Petitioner in MCL 205.735(3) does not provide Petitioner a safe harbor from its lack of diligence in filing this Petition. Like other property owners that acquired property during the month of March, Petitioner was required to file this Petition by June 30, a deadline that has been in the Tax Tribunal Act for almost 30 years. Having found that this Petition was not timely filed, the Tribunal has no choice but to find that it does not have jurisdiction in this matter. As the Michigan Supreme Court stated in *Fox,* "[a] court which has determined that it has no jurisdiction should not proceed further except to dismiss the action." *Supra*, p 243.

IT IS ORDERED that Respondent's Motion to for Summary Disposition is GRANTED.

IT IS FURTHER ORDERED that this Petition is dismissed with prejudice.

This Order resolves all pending claims in this matter and closes this case.

MICHIGAN TAX TRIBUNAL

Entered: February 23, 2007

By: Patricia L. Halm