STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

GRETCHEN WHITMER
GOVERNOR

ORLENE HAWKS
DIRECTOR

Hartland ABG, LLC,
Petitioner,

v

Hartland Township,
Respondent.

MICHIGAN TAX TRIBUNAL

MOAHR Docket No. 17-002207

Presiding Judge
Victoria L Enyart

FINAL OPINION AND JUDGMENT

INTRODUCTION

Petitioner, Hartland ABG, LLC, appeals ad valorem property tax assessments levied by Respondent, Hartland Township, against Parcel No. 4708-28-200-025 for the 2017 and 2018 tax years. L. Rider Brice, III, Attorney, represented Petitioner, and Michael D. Homier and Laura J. Genovich, Attorneys, represented Respondent.

A hearing on this matter was held on May 7 and 8, 2019. Petitioner's sole witness was David Bur, Appraiser. Respondent's sole witness was John Widmer, Appraiser.

Based on the evidence, testimony, and case file, the Tribunal finds that the true cash values ("TCV"), state equalized values ("SEV"), and taxable values ("TV") of the subject property for the 2017 and 2018 tax years are as follows:

Parcel No.	Year	TCV	SEV	TV
4708-28-200-025	2017	$6,600,000	$3,300,000	$3,300,000
4708-28-200-025	2018	$7,200,000	$3,600,000	$3,369,300

The value on the assessment roll is:

Parcel No.	Year	TCV	SEV	TV
4708-28-200-025	2017	$6,932,000	$3,466,000	$3,466,000
4708-28-200-025	2018	$7,015,200	$3,507,600	$3,507,600

PETITIONER'S CONTENTIONS

Petitioner contends that the subject property has been improperly valued at more than 50% of the property's fair market value, based on an appraisal prepared by David Bur, MAI. Petitioner utilized a -15% adjustment for both the Sales and Income approach is due to deed restrictions.

PETITIONER'S ADMITTED EXHIBITS

P-1 Agreement of Sale, dated June 21, 2016

P-2 Assignment of Agreement of Sale, dated June 22, 2016

P-3 Covenant Deed, dated February 17, 2017

P-4 Appraisal by David Bur, MAI

P-5 Appraisal Correction Page for Appraisal Page 66

P-6 Appraisal Correction Page for Appraisal Page 85

P-7 Hartland Township Zoning Ordinance, Section 4.38

P-8 Hartland Township Zoning Ordinance, Section 4.46

P-9 News Article about Subject Property, dated March 2, 2017

P-10 Listing for Subject Property asking price $5.5 million, ($31.20 per square foot) for 176,311 square feet

PETITIONER'S WITNESS

Petitioner's witness was David Bur, MAI. Mr. Bur prepared Petitioner's valuation disclosure in this proceeding. The parties stipulated to his expertise as an appraiser, and he was so admitted.

Upon direct examination, Mr. Bur began by identifying two errors in his report that did not affect his value conclusion.[1] Mr. Bur testified that the report relied in part upon restrictions recorded in the 2016 transfer, which restricted or otherwise precluded the property's being used for the following purposes for a period of 25 years: grocery store or supermarket; wholesale club; discount department store; pharmacy; or gaming activities. Further, the property is permanently restricted from being used for adult business or bar/nightclub activities.[2] He testified that these restrictions impact the property's marketability because a typical buyer for this type of property would be a discount department store, wholesale club, or grocery store.[3] Additionally, the subject building's depth reasonably restricts its marketability to small tenants. He testified that the subject's marketability was also impacted by only 30,000 people living within five miles of the subject, which is the radius from which a typical big-box retailer draws its customers. Household income in the area is higher than average. Most of the site is set back from Highland Road, and the site is not visible from U.S. 23.[4] Blaine Road has more frontage than M-59 and was used as the primary frontage.

The subject improvement was designed to be a single-tenant big-box retail store. It was built in 2009 and is well-maintained. It features high ceilings and has outdoor

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[1] See Transcript ("Tr") at 12-13.
[2] Tr7 at 14-16.
[3] Tr7 at 17-18.
[4] Tr7 at 18-21.

storage areas.[5] In 2016, Petitioner began a remodel that finished in 2017; it included the building of a dividing wall and separating the utilities so two users could occupy the building. The wall was still under construction as of December 31, 2016. However, as of December 31, 2017, one side of the subject was occupied by the owner-occupant retailer Rural King, equaling about 60 percent of the available space; the other side was vacant and available on both valuation dates but eventually sold to Noble Appliance.[6]

Mr. Bur concluded that the subject's highest and best use is as retail, but that use is partially prohibited by the deed restrictions.[7]

The cost approach was not applicable because the subject property is subject to a significant amount of depreciation, some physical and quite a bit of economic obsolescence. Buyers and sellers of this type of property do not use the cost approach.[8]

Mr. Bur relied upon the sales comparison and income approaches in determining the subject's value.[9] In his sales comparison approach, he considered 40 to 50 sales before narrowing down to the five sales.

The following is a summary of Mr. Bur's sales and adjustment's. The Tribunal notes that Sale 4 is the subject property.

	Sub/Sale 4	**Sale 1**	**Sale 2**	**Sale 3**	**Sale 5**
Subject	10400 Highland Rd	18055 Silver Pkwy	3541 Highland Rd	495 Summit	1740 E Sherman Blvd
City	Hartland	Fenton	Waterford	Waterford	Muskegon
Sale Date	12/31/2016	7/17/2018	1/11/2018	7/17/2017	8/2/2016
Sale Price	$4,175,000	$3,000,000	$4,000,000	$1,600,000	$2,100,000
Sq Ft	186,763	128,914	120,719	110,526	95,772
SP/SF	$22.35	$23.27	$33.13	$14.48	$21.93

[5] Tr7 at 21.
[6] Tr7 at 21-22.
[7] Tr7 at 23.
[8] Tr7 at 24.
[9] Tr7 at 23-24.

Fee Simple or	FEE SIMPLE	-15%	-15%	-15%	-15%
Deed Rest	DEED RESTRICTED				
Market Trends	1.5%	-4.5%	30.0%	-1.6%	1.2%
Location	0%	0%	-25%	25%	10%
Age	0	15	20	15	10
L/B Ratio	6.3%	4.9%	5.0%	5.6%	3.4%
% ADJ		-0.94	-1.37	0	0
Adj GBA	**$22.69**	**$20.79**	**$24.59**	**$16.95**	**$21.70**
Net Adjust.		10.00%	-10.00%	40.00%	15.00%
Gross Adjust		39.50%	68.00%	56.60%	41.20%

Sales were selected based upon their comparability to the subject property and then adjusted for differences between the subject and the comparable sales. The property rights were adjusted a -15% to reflect that the subject property has deed restrictions that cannot be taken out.[10] Differences between his 2017 and 2018 conclusions of value were solely based upon the effect of market trends and the improved condition resulting from the wall installation. He concluded that his comparable sales 1, 4, and 5 were most comparable to the subject. This resulted in a $22 per square foot value or $4,110,000 for tax year 2017.

The same sales were used to determine the tax year 2018 with economic trends and year built adjustments differing. By the 2018 tax year the reconfiguration of utilities and devising wall for the subject property’s 78,800 square feet was completed, readying the subject property for a tenant. The reconciled value is $24 per square foot or $4,480,000 true cash value via the sales comparison approach for tax year 2018.

[10] Tr7 at 28. The Tribunal notes that the only deed restricted property is the subject property.

The income approach was considered Mr. Bur utilized four market rent comparables, as shown below:

	Subject	Rent 1	Rent 2	Rent3	Rent 4
Address	10400 Highland Rd	28582 Dequindre	41601 Garfield	2101 S Telegraph	23859 Eureka
City	Hartland	Warren	Clinton	Bloomfield Hills	Taylor
Tenant		G4 Complete	Kmart	At Home	Value City Furniture
Eff Date		1995	1980	1993	1995
Lease Date		6/1/2018	12/1/2016	9/28/2016	2/1/2016
Term of Lease		60 mo	60 mo	120 mo	60 mo
Type of Rent		NNN	Absolute Net	NNN	NNN
Sq Footage	111,763 &75,000	101,773	84,966	120,650	48,191
Eff Rent/SF		$4.75	$3.90	$5.60	$5.00
Deed Restrictions		-15%	-15%	-15%	-15%
Market Trends		-4.10%	0.20%	0.80%	2.70%
Location		-15%	-15%	-30%	-15%
Year Built		5%	20%	15%	10%
Adjusted Rent		$3.48	$3.62	$4.08	$3.93
Net Adj		-10%	5%	-15%	-10%
Gross Adj		39.10%	50.20%	60.80%	47.70%

A -15% adjustment was made for Conditions of the leases. The deed restrictions impacted the comparable properties utilized in the income approach. Since the deed restriction does not allow many types of uses that would otherwise be considered. The deed restrictions significantly impacts the marketability of the subject property.[11]

Location adjustment of -15% for comps 1,2, and 4, and -30% for comp 3 were made. All comps were adjusted for the year built (they were all older, comparable 1 was renovated in 2009 and comparable 4 was renovated in 2000) which resulted in positive adjustments from 5% to 20%.

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[11] Tr7 at 38.

The rent was reconciled to $3.70 for 2017 and $3.80 for 2018, including consideration of the following:

`vacancy and credit loss of 10% was utilized. Although the historical vacancy for the area is 4% to 5%, the collection loss (non-payment of rent) is typically 1% to 2% in the subject area. Management is 3% of revenue. Miscellaneous expenses that the owner may pay during vacancy is $0.40 per square foot.

Reserves for replacement was considered and found not to be appropriate for subject property.

The overall capitalization rate selected for the subject property is 9%. Property taxes are included as an effective tax rate, (not actual property taxes which are based upon the taxable value) The millage rate is 45.4673 (.0464673 *.50 = .022734) and 9.00 +.022734 = 9.2% rounded.

Mr. Bur's next step was a "stabilization calculation" utilized to adjust for 75,000 square feet of vacant space. Two-years was the estimated market time to fill the space based upon the deed restrictions, net operating income loss was calculated; a leasing commission of 5% for three years was typical, and additional expense was made for cost not paid by a tenant to owner (above V&C allowance), plus a deduction of 20% profit for risk. This calculation is as follows:

	Year 1	Year 2
Vacant SF	$75,000	
Rent /SF	$3.70	
Rent Loss	$277,500	$285,825
Lease Commission	-$69,375	
Ins, Tax, HVAC	-$187,500	-$193,125

Profit Risk	-$162,375	-$208,455
Total	-$696,750	-$687,405
Rounded	$1,380,000	

The December 31, 2016 income approach is as follows:

$3.70/sf at 186,763 sf		$691,023
Vacancy & Credit Loss	-10%	($69,102)
Effective Gross Income ("EGI")		$621,921
Expenses:		
Management	3%	($18,658)
Other ($0.40 per sf)		($74,705)
Total Expenses		($93,363)
Net Operating Income ("NOI")		$528,558
Overall Capitalization Rate ("OAR")	9.20%	
NOI/OAR		$5,745,195
Deduction for Lease-up Costs		($1,330,000)
TCV Rounded		$4,420,000

The same process was utilized for the December 31, 2017 income calculation to result in a rounded True Cash Value indication of $4,550,000.

Mr. Bur's final reconciliation gives more weight to the Sales Comparison Approach with the Income Approach also considered reliable. The market value of the subject property as of December 31, 2016 is $4,200,000; and the market value as of December 31, 2017, is $4,500,000.

He testified upon cross-examination to the following:

Q. Mr. Bur, if you had appraised the true fee simple interest, isn't it true that your opinion of value would be markedly different?

A. It would be different. I'm not sure what your definition of markedly different is.

Q. Okay, It would be more, correct?

A. Correct.

Q. But you can't tell us how much more, is that true too?

A. My adjustment to these comparables is 15 percent for those factors.[12]

Q. Is there a better way that you may have been able to describe your process in the appraisal?

A. It would have been more clearer if I would have said fee simple subject to deed restrictions.[13]

RESPONDENT'S CONTENTIONS

Respondent contends that Petitioner's appraisal artificially reduces the true cash value of the subject property based on deed restrictions that were voluntarily imposed upon the subject property. One way Petitioner reduced the value was the negative 15% adjustment, for all comparable properties to reflect the subject's deed restrictions. Respondent's appraiser completed a cost, market and income approaches and opined that there was no basis for the value to be reduced for deed restrictions. The income approach was given the most weight.

RESPONDENT'S ADMITTED EXHIBITS

R-1 2017 Property Record Card and Valuation Report for Subject Property

R-2 2018 Property Record Card and Valuation Report for Subject Property

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[12] Tr7 at 110,111.
[13] Tr7 at 112.

R-3 Appraisal of John R. Widmer, Jr., MAI

R-4 Board of Review Decision

R-5 Land Installment Contract for Deed dated April 25, 2018, and attachments

R-6 Master Deed for Hartland Noble Condominium

R-7 Exhibit B to Master Deed

R-8 Other Hartland Noble Condominium development documents

R-9 Bylaws for Hartland Noble Site Condominium

R-10 Articles of Incorporation for “The Hartland Noble Condominium Association,” a Michigan Nonprofit Corporation

R-11 Buyer-Seller Settlement Statement for Subject Property dated July 1, 2016

R-12 Hartland ABG LLC’s Appraisal Report dated December 27, 2016

R-13 Warranty Deed for Subject Property dated July 1, 2016

RESPONDENT’S WITNESS

Respondent’s witness was John Widmer, MAI. Mr. Widmer prepared Respondent’s valuation disclosure in this proceeding. The parties stipulated to his expertise as an appraiser.

Mr. Widmer testified that “when you look at fee simple, versus leased fee, leasehold, you‘re restricting the rights of that owner to use or occupy the property. In the situation of a lease, you’re going to leased fee interest. You may have a positive leasehold, you may have a negative leasehold, but your bundle of rights are impacted by that rent whether it’s below market or above market. In a situation where you have a deed restriction, it’s analogous, because you do have some restriction in terms of what you can use on the property. "[14] Whether or not the deed restriction, when you look at it in quantifiable terms, impacts value, to me it doesn't, because I'm asked to appraise true cash value 100% unencumbered fee simple.[15]

Mr. Widmer explained "Whether or not deed restricted, when you look at deed restrictions in quantifiable terms, impact value, to me it doesn't, because I'm asked to appraise true cash value 100% all right that's unencumbered fee simple. So, it has not affected the value I concluded to in this appraisal."[16] he contends that deed restrictions in an unencumbered fee simple does not reduce the bundle of rights when measuring true cash value. Any adjustments should be analyzed first and then disregarded or explained. "In a situation where you have a deed restriction, it's analogous, because you do have some restriction in terms of what you can use on that property. To me, true cash value is directed to be determined on a fee simple encumbered basis, and it should not be considered that deed restriction."[17] he contends that some of the restricted-use properties are already located in the area, so the impact is meaningless to retailers such as Meijer, Costco, and Kroger that are already located in the general area.

The 186,000 square foot big-box store was purchased and utilized. After the purchase 78,800 square feet was partitioned off, as Rural King did not need the additional square footage to function. Respondent's report states the dividing wall could easily be demolished and the building made to a single tenant building again.[18]

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[14] Tr7 at 130.
[15] Tr7 at 132.
[16] Tr7 at 132.
[17] Tr7 at 130.
[18] P-1 p 38.

Mr. Widmer opined on Petitioner's use and adjustments of some of the sale comparables. Petitioner's Sale 2 was the sale of an old K-Mart store to AMERCO, a division of U-Haul. They purchase big box stores and convert it to climate controlled interior self-storage. The exterior additional land is available for the exterior units for cold storage. The resulting use is not really retail but is most likely the highest and best use for that location. When questioned with his familiarity with Respondents Sale 5 (Muskegon), Mr. Widmer answered that he was very familiar. The sale has traffic counts of less than 5,000 cars, and it is not a vibrant retail market. This was compared with Hartland which has just under 35,000 cars along M-59. Respondent's Sale 5 was on the market for eight years with a self-imposed deed restriction, which when taken off, helped the subject property to sell.

Mr. Widmer did not know the source from which the 15% adjustment for property rights came in Mr. Bur's report. (P-1, p 61) The explanation/basis was not found within the report.

Mr. Widmer is familiar with Petitioner's Lease Comp 1, which was a Crowley's, then Value City and sat vacant for almost ten years. It is dilapidated in very poor condition. It was reported that the tenant expended close to $2 million in repairs. Petitioner's adjustment for year built at $0.19 a square foot is an adjustment of less than $20,000. Petitioner's Lease 2 is also familiar to Mr. Widmer, as it was a former K-Mart store that signed a lease renewal, it sold July 2018 for $4 million or $45.60 a square foot[19]. The same buyer for Petitioner's Lease 2 also was the buyer for Petitioner's Sale 3 (Tommy's boat trailer store) was a former K-mart that Lormax Stern acquired and

[19] Tr7 at 148.

leased as-is to At Home and akin to Lease 1 the tenant also put $2 million into repairing deferred maintenance and renovations.

Mr. Widmer also found that Mr. Bur's report indicated 4-5% vacancy but found insufficient evidence of the use of Mr. Bur's 10% vacancy and credit loss.[20] The only market vacancy was the subject indicating an excessive adjustment. Mr. Widmer's fact checking also indicated that Petitioners capitalization rate calculations (P-1, p 89) did not match Realty Rates. The stabilization calculations (P-1, p 81) line item Profit shows 20%, and is a deduction, which makes no sense and the second year for the calculation made even less sense. Nothing in the appraisal explains the basis for the 20% profit deduction.

Respondent's first approach is the cost new less depreciation approach. This starts with the six sales of vacant land below:

Sale	Project	Location	Acres	Sale Date	Sale Price	Sale Price/SF
1	Off/Retail	Genoa T	14.094	3/30/2015	$5,075,000	$8.27
2	Menard's	Taylor	76.35	5/15/2015	$11,500,000	$3.46
3	Menard's	VanBuren T	23.963	7/28/2015	$3,550,000	$3.40
4	Cabela's	Chesterfield T	11.066	10/28/2016	$3,044,250	$6.32
5	At Home	Wixom	11.41	4/27/2017	$3,478,307	$7.00
6	General RV	Springfield T	17.27	1/9/2018	$3,500,000	$4.65

Adjustments for differences in market conditions, infrastructure, external influences, parcel size, and overall utility were made. The resulting indicated land values were $4.50 and $4.60 per square foot for land or $5,290,000 and $5,400,000.

Marshall Valuation Services ("MVS") was utilized to determine the replacement cost new ("RCN") for the subject property. The Class C Average Warehouse Stores

[20] P-4 p 75.

Average Quality was used for one-half of the square footage and Class C Average Warehouse Stores Low Quality was used for the remaining one-half of the square footage.[21] The Building RCN is $9,256,307, total site Improvements were $3,212,626, and an estimate of soft costs of 8% yields $997,515 for a total estimated cost of $13,466,448 or $72.06 per square foot.

The subject's depreciation was weighted equally for straight line and curvilinear depreciation; assuming a physical life of 30 years, 7 years effective age, 23% straight line and 14% curvilinear depreciation for the real property. The site improvements depreciation included physical life 20 years, 7 years effective age, 35% straight line and 26% curvilinear depreciation. The total depreciated value yielded was $10,542,137, plus land of $5,290,000 is $15,832,137. Non-stabilized occupancy of $2,241,822 was deducted for a 2017 conclusion of $13,600,000 and 2018 tax year of $13,800,000.

Mr. Widmer's next approach is the sales or market comparison approach. Eight sales of similar properties sold between March 2014 and January 2018 are as follows:

Sale	City	SF	ACRES	SALE DATE	SP/SF	L B RATIO	YEAR BUILT
1	Benton T	115,327	11.84	3/14	$89.22	4.47	1994
2	Commerce T	66,154	7.26	9/14	$37.79	4.78	1998
3	Detroit	143,941	14.58	12/15	$35.43	4.41	1995
4	Roseville	109,600	10.54	1/16	$43.34	4.19	1994
5	Farmington Hills	106,167	9.77	4/16	$42.86	4.01	1989
6	Holland T	75,956	9.06	6/16	$103.68	5.2	1994
7	Southgate	182,454	15.65	8/16	$30.14	3.74	1998
8	Waterford T	119,396	13.92	1/18	$33.50	5.08	1973

After adjustments the sales are:

[21] Tr8 p 40. Marshall Valuation's description on average quality versus low-cost, there may be some components where you may not have finish on some of the interior retail display…I weigh the two indications.

Sale	City	SF	ACRES	SALE DATE	SP/SF	ADJ SP/SF	% Adj
1	Benton T	115,327	11.84	3/14	$89.22	$74.37	0.83%
2	Commerce T	66,154	7.26	9/14	$37.79	$51.13	1.35%
3	Detroit	143,941	14.58	12/15	$35.43	$56.22	1.59%
4	Roseville	109,600	10.54	1/16	$43.34	$57.54	1.33%
5	Farmington Hills	106,167	9.77	4/16	$42.86	$56.17	1.31%
6	Holland T	75,956	9.06	6/16	$103.68	$55.77	0.54%
7	Southgate	182,454	15.65	8/16	$30.14	$50.54	1.68%
8	Waterford T	119,396	13.92	1/18	$33.50	$52.81	1.58%

Mr. Widmer considered population, households, median income, consumer spending, and retail vacancy population, for both years at issue. Differences in physical characteristics, that influence a property's sale price includes age and condition factors building size, building quality and utility factor. Adjustments are required when the buildings are somewhat smaller than the subject property, age and condition adjustments were taken from the depreciation in the MSV manual. Economic modifications that affect its income is applied to the vacant Sales 2, 3, 5, 7, and 8. Sale 1,4 and 6 were leased at the time of sale.

A building size adjustment was not applied to Sale 7, and a building quality/utility adjustment was not applied to Sales 3 and 8.[22] Sale 1 was disregarded, leaving a range of $50 to $55 per square foot. Sales 1, 4 and 6 were leased at the time of the sale requiring a property rights conveyed adjustment. The subject's 78,800 square feet vacancy (available for lease or sale) reduced the effective price range to $7,760,000 or $41.52 per square foot as of December 31, 2016, and $7,900,000 or $42.47 per square foot as of December 31, 2017 via the sales comparison approach.

[22] Note that Petitioner's Sale 2 and Respondent's Sale 8 are in common.

The last approach is the income approach, although, the subject property was not encumbered by a lease during the valuation period. Twelve leases were reviewed from 2013 to 2018 and they are:

	Retailer	Location	SF	Term Yrs	LCD	Rent/SF	Eff $/SF
1	Lowe's	Adrian	103,872	10	9/13	$6.26	$5.40
2	Planet Fitness	Gr Rapids	38,459	10	11/14	$6.01	$5.40
3	JC Penney	Roseville	109,600	10	11/14	$3.75	$3.75
4	Lowe's	Benton T	115,327	10	11/14	$6.31	$5.79
5	TJ Maxx	Flint T	25,000	10.25	2/15	$6.50	$6.75
6	Rebounderz	Jenison	54,533	10	2/16	$5.00	$5.46
7	Kohl's	Holland	75,956	10	8/19	$7.25	$7.25
8	Family Farm Home	Flat Rock	40,000	10	10/16	$3.50	$3.91
9	Family Farm Home	Big Rapids	38,080	10	12/16	$4.10	$4.20
10	Fowling Whse Bowl	Cascade T	45,000	5.75	9/17	$4.00	$3.83
11	Entertainment Center	Warren	101,773	5	6/18	$4.75	$3.67
12	Crunch Fitness	Farmington Hills	25,000	10	7/18	$9.00	$7.45

Adjustments were made for expense obligation, market conditions, size, age, quality, and utility. The adjusted rent ranged from $3.95 to $8.45. The concluded rent was $6.00 for the Rural King portion and $6.10 for the 78,800 square foot area. The vacancy allowance included term of lease, renewal probability, roll over probability, releasing months, weighted average lag vacancy, and total lease cycle which resulted in the weighted average lag vacancy of 5%, Annual inflation was 2.5%. The normal expenses to the owner include insurance ($0.25), common area maintenance ($1.50), management (2.5% of EGI), owner's expenses ($0.15), and capital reserves ($0.22). PwC Real Estate Investor Survey and Realty Rates.com, were compared and weighted to determine an 8.50% overall rate for both tax years.

Real estate taxes as a percentage added to the capitalization rate is the typical treatment of taxes. "However, from a simple algebraic perspective, it is considered more fundamentally sound to apply iterations for the property tax expense based upon the true cash value conclusion for each retrospective date of valuation.[23]

Upon cross examination Mr. Widmer was questioned on adjustments, and how the deed restrictions were considered. Questions were asked about his opinion on the 15% list-to-sale price ratio for the 78,800 square foot property that sold April 2018 to Noble Appliance. [24] Further, he was questioned about why the subject asking price-to-sale price ratio was slightly higher than 15%.[25] Location adjustments were based on differences in household median income, per capita consumer spending, retail market vacancy as of the fourth quarter, utility freeway, accessibility, exposure, employment, consumer spending population and household growths. The adjustment is a cumulative which considers 15 items that results in the adjustment for location.

Sales 1, 4, and 6 were national tenants in place and they sold for the highest dollar per square foot. The other sales were vacant at the time of sale and sold for less per square foot. The largest adjustments (plus or minus) were economic. It includes all the operating expenses, management, tenant, rent and concessions, lease terms, length of lease; and other attributes that directly affect income or value from a potential user's prospective.

Further, Sale 1 required and economic adjustment of -55%, as Kohls purchased several Lowe's stores, and the adjustment was to reflect the difference in the cap rate. Rent was considered market:

> Q. So these two properties, Sale 1 and Sale 6, require a large adjustment based on the fact that a tenant is in place?

[23] R-3 at 92.
[24] Tr7 at 166.

[25] Tr7 at 167.

> A. No. It has to do with the tenant in place. It's strictly to contrast that the comparables have 6 percent and 7 percent cap rate to the subject's concluded cap rate, which with market rent deemed applicable for this comp, then we adjust economically to reflect the difference with the subject's cap rate. That's it.[26]
>
> Q. And your value conclusions, as approached didn't make any allowance for the deed restrictions correct?
>
> A. Yes
>
> Q. Your value conclusion calculated out to – for 2017 to $41.52 a square foot; is that correct?
>
> A. That's correct.
>
> Q. And you've testified that the Hartland ABG purchased the property in July 2016 for $4,175,000 or $22.34 a square foot; is that correct?
>
> A. I haven't testified, but I can calculate that. $22.34 per square foot.
>
> Q. So though this property sold in July 2016, your per square-foot conclusions are almost double the actual sales price, correct?
>
> A. Yes.
>
> Q. And we've had testimony, and I believe you testified – correct me—not that Noble Appliance purchase was for $32.99 a square foot correct?
>
> A. Yes.
>
> Q. And that was in April 25, 2018?
>
> A. Yes.[27]

In the final reconciliation Mr. Widmer gave the income approach 85% weight, the sales approach 10%, and the cost approach 5%. He recognized that the subject was not leased. The final true cash value as of December 31, 2016 was $8,860,000 and $9,050,000 as of December 31, 2017.

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[26] Tr7 at 194.
[27] Tr7 at 204-205.

FINDINGS OF FACT

1. The subject property is located at 10400 Highland Road in Hartland Township, Livingston County, Michigan, and is classified as commercial real property for the tax years at issue.
2. The subject property was sold from Wal-Mart to Bedford ABG, LLC for $4,175,000, or 22.34 per square foot on July 1, 2016, with 186,763 square feet and 26.96 acres.
3. The subject property sold with deed restrictions, however, subject's anticipated uses were "carved out", the subject's use was excluded from the deed restriction and therefore the current uses are not restricted.
4. The deed restrictions included types of properties that already have a presence in the area.
5. Bedford ABG, LLC transferred the subject property to Petitioner on February 17, 2017, for an unrecorded price.
6. Bedford ABG, LLC and Petitioner (Hartland ABG, LLC) are related entities.
7. Subsequent to the July 1, 2016, sale Petitioner divided the building into two spaces (respectively 107,963 and 78,800 square feet).
8. Rural King occupied approximately 107,963 square feet, of the subject property as of the dates of the appeal.
9. The vacant 78,800 square feet was listed for lease or sale for $3,040,000 on Co-Star in the second quarter of 2017.
10. The 78,800 Square feet was sold on April 25, 2018 for $2,600,000 ($32.99 per square foot).

11. The Highest and Best Use as Vacant is Commercial per Petitioner[28].
12. The Highest and Best Use as Vacant represents near term retail development per Respondent.[29]
13. Petitioner's Highest and Best Use as Improved is "retail but is prohibited from uses that are named in the deed restrictions."[30]
14. Respondent's Highest and Best Use as Improved is "to represent a multiple-user, big-box retail use."[31]
15. Petitioner's report did not contain a cost approach.
16. Petitioner's report did contain a sales comparison approach and an income approach.
17. Respondent's report contained a cost approach with six vacant land sales, a sales comparison approach and an income approach.
18. Both Petitioner and Respondent testified that they appraised the fee simple interest.
19. Petitioner's appraiser testified throughout his testimony to his understanding of deed restrictions.
20. Petitioner made 15% adjustments in both the sales and income Approach for lack of deed restrictions.
21. Respondent's appraiser testified that he did not make an adjustment for deed restrictions.
22. The subject property is not an income producing property.

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[28] P-4 at 50.
[29] P-4 at 50; R-3 at 57.
[30] P-4 at 51.
[31] R-3 at 58.

23. The property record card for the subject property indicates values of $6,931,941 and $7,015,271 for 2017 and 2018 respectively.

CONCLUSIONS OF LAW

The assessment of real and personal property in Michigan is governed by the constitutional standard that such property shall not be assessed in excess of 50% of its true cash value.[32]

The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law except for taxes levied for school operating purposes. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not . . . exceed 50 percent. . . .[33]

The Michigan Legislature has defined "true cash value" to mean:

The usual selling price at the place where the property to which the term is applied is at the time of assessment, being the price that could be obtained for the property at private sale, and not at auction sale except as otherwise provided in this section, or at forced sale.[34]

The Michigan Supreme Court has determined that "[t]he concepts of 'true cash value' and 'fair market value' . . . are synonymous."[35]

"By provisions of [MCL] 205.737(1) . . . , the Legislature requires the Tax Tribunal to make a finding of true cash value in arriving at its determination of a lawful property

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[32] See MCL 211.27a.
[33] Const 1963, art 9, sec 3.
[34] MCL 211.27(1).
[35] *CAF Investment Co v Michigan State Tax Comm*, 392 Mich 442, 450; 221 NW2d 588 (1974).

assessment."[36] The Tribunal is not bound to accept either of the parties' theories of valuation.[37] "It is the Tax Tribunal's duty to determine which approaches are useful in providing the most accurate valuation under the individual circumstances of each case."[38] In that regard, the Tribunal "may accept one theory and reject the other, it may reject both theories, or it may utilize a combination of both in arriving at its determination."[39]

A proceeding before the Tax Tribunal is original, independent, and de novo.[40] The Tribunal's factual findings must be supported "by competent, material, and substantial evidence."[41] "Substantial evidence must be more than a scintilla of evidence, although it may be substantially less than a preponderance of the evidence."[42]

"The petitioner has the burden of proof in establishing the true cash value of the property."[43] "This burden encompasses two separate concepts: (1) the burden of persuasion, which does not shift during the course of the hearing, and (2) the burden of going forward with the evidence, which may shift to the opposing party."[44]

The three most common approaches to valuation are the capitalization of income approach, the sales comparison, or market, approach, and the cost-less-depreciation approach.[45] "The market approach is the only valuation method that directly reflects the

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[36] *Alhi Dev Co v Orion Twp*, 110 Mich App 764, 767; 314 NW2d 479 (1981).
[37] *Teledyne Continental Motors v Muskegon Twp,* 145 Mich App 749, 754; 378 NW2d 590 (1985).
[38] *Meadowlanes Ltd Dividend Housing Ass'n v Holland,* 437 Mich 473, 485; 473 NW2d 636 (1991).
[39] *Jones & Laughlin Steel Corp v City of Warren*, 193 Mich App 348, 356; 483 NW2d 416 (1992).
[40] MCL 205.735a(2).
[41] *Dow Chemical Co v Dep't of Treasury*, 185 Mich App 458, 462-463; 462 NW2d 765 (1990).
[42] *Jones & Laughlin Steel Corp, supra* at 352-353.
[43] MCL 205.737(3).
[44] *Jones & Laughlin Steel Corp, supra* at 354-355.
[45] *Meadowlanes, supra* at 484-485; *Pantlind Hotel Co v State Tax Comm*, 3 Mich App 170, 176; 141 NW2d 699 (1966), aff'd 380 Mich 390 (1968).

balance of supply and demand for property in marketplace trading."[46] The Tribunal is under a duty to apply its own expertise to the facts of the case to determine the appropriate method of arriving at the true cash value of the property, utilizing an approach that provides the most accurate valuation under the circumstances.[47] Regardless of the valuation approach employed, the final valuation determined must represent the usual price for which the subject would sell.[48]

Both valuation experts employed the sales approach and income approaches to value, in addition, Respondent also utilized a cost approach. That is where the similarities ended. Petitioner's expert adjusted the sales a negative fifteen percent for property rights (because the subject has a deed restriction). Unfortunately, the calculation or source of the 15% deduction was not properly explained or supported by Petitioner's expert as "the adjustments are based upon discussions with market participants as well as our experience,"[49] and those discussions were not documented. As such, the Tribunal finds that there was no conclusive evidence of the basis for Mr. Bur's decreasing all of the sale properties by 15%. Mr. Bur was not clear in his understanding of deed restrictions, as well as who has the authority to remove the restrictions. He was aware that the purpose of the deed restriction was to prohibit certain uses of the property. For example, Walmart did not want competing stores within 10 to 20 miles. Mr. Bur agreed that self-imposed deed restrictions may artificially reduce the true cash value of property.[50]

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[46] *Jones & Laughlin Steel Corp, supra* at 353 (citing *Antisdale v City of Galesburg*, 420 Mich 265; 362 NW2d 632 (1984) at 276 n 1).
[47] *Antisdale, supra* at 277.
[48] See *Meadowlanes Ltd Dividend Housing Ass'n v Holland*, 437 Mich 473, 485; 473 NW2d 636 (1991).
[49] P-4 at 62.
[50] Tr7 at 122.

Notwithstanding the above, Petitioner's comparable sales other than the subject property had gross adjustments of more than 50%. The sales were all constructed in the 1990's. It is unclear why Petitioner adjusted the subject's sale 10% for age. Sale 1 and Sale 5 were deemed to be most like the subject property. Both sales were vacant at the time of the sale. Sale 5 in Muskegon was listed for eight years with a deed restriction by the owner, and the property sold when the restriction was removed. Rebuttal testimony indicated that this was not in a comparable retail area as the subject and should not be considered as it simply was not as vibrant a market as the subject property. This Tribunal agrees that Muskegon is not as vibrant a retail market as the subject area, based on traffic, income, and length of time on the market. Mr. Bur's final value in the sales comparison approach is $4,480,000 ($24 per square foot) as of December 31, 2017, with the most weight on Sales 1, 4 and 5. The Tribunal notes that Sale 4 is the subject property. While it is permissible to include the subject's sale, it defeats the purpose of the Principal of Substitution. "The principal of substitution holds that the value of a property tends to be set by the cost of acquiring a substitute or alternative property of similar utility and desirability within a reasonable amount of time." [51] That is Petitioner's Muskegon Sale 5 is found to be not comparable. Sale 1 (also vacant at the time of sale) had Gross Adjustments of 39.5% which resulted in an adjusted sale price of $20.79 per square foot. The range of adjusted sale prices is from $16.95 to $24.59.

In contrast to Petitioner, Respondent did not adjust any of its comparables for the deed restriction, stating that the presence of a deed restriction in an unencumbered fee simple does not reduce the bundle of rights when measuring true cash value.

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[51] Appraisal Institute, *The Appraisal of Real Estate* (Chicago: Appraisal Institute, 14th ed, 2013), p 379.

Respondent did not offer any evidence into the record to support this statement. The Tribunal finds that the treatment of deed restrictions here is distinguishable from that in *Menard, Inc. v. Escanaba*.[52] In *Menard*, the subject property was not subject to a deed restriction, but sales used as comparables were. This is the opposite of facts here—the subject property is subject to a deed restriction, and the comparable properties are not. In *Menard*, there was extensive discussion regarding the impact of a deed restriction on the true cash value of a property. Here, Petitioner and Respondent simply claim that the amount of such deed restriction is 15% or 0%, respectively. These percentages are not supported by the record.

Respondent's sales comparison approach utilized eight sales, with Sales 1, 4, and 6 adjusted for financing terms. These properties were leased at the time of sale. Sale 1 was a Lowe's Home Center at the time of the sale, Sale 4 was leased to JCPenney, and Sale 6 was a leased-fee purchase of a property that was leased to Kohl's. The remainder of the sales were vacant buildings. Respondent's adjusted sale prices ranged from $50.54 to $74.34, with the majority of the sales in the mid-$50 per square foot range. Respondent's final 2017 conclusion for the sales comparison approach is $7,760,000, or $41.52 a square foot. This took into consideration the vacant 78,800-square-foot portion of the building.

Although not deed restricted, the common sale utilized by both parties, is 3541 Highland Road. It was a former Kmart store built in 1973 with 119,396 square feet and 13.92 acres. The buyer converted it to a U-Hall facility. It sold for $4 million ($33.13 sf) on January 8, 2018. Petitioner adjusted it for the fee simple, market trends, location,

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[52] See *Menard, Inc v Escanaba*, 315 Mich App 512; 891 NW2d 1 (2016).

year built and, land-to-building ratio. Its gross adjustments were 75%, resulting in an adjusted per-square foot value of $28.14. Respondent adjusted the subject property 3% for market conditions, 4% for location, 2.5% for building size, and 36% for age and condition (based on MVS), for a total cumulative adjustment of 62.5%, resulting in $52.81 per square foot. The Tribunal finds that Petitioner's adjustment of 25% for location is extreme and replaces that adjustment with Respondent's 5% adjustment. Petitioner's land-to-building ratio is less than the subject property's and should have been a +5% adjustment instead of a negative adjustment.

Considering both Petitioner and Respondent's adjustments for the common sale results in an adjusted $35.45 per square foot to equal $6.6 million (rounded) for tax year 2017 and 38.46 per square foot to equal $7.2 million (rounded) for the 2018 tax year. The disparity between the Petitioner's and Respondent's resulting values for the common sale leaves this Tribunal pondering what were the appraisers thinking and why they couldn't have discerned how to use the common sale in the final analysis.

The income approach was the next approach used by both parties. Petitioner has four comparables, and Respondent has 12 comparables. They have one comparable in common, which is Petitioner's comp 1 and Respondent's comp 11. The parties agree that the rent was $4.75 per square foot before adjustments. Petitioner does not show the adjustments on a grid but shows the estimated final rent for all four of its comparables to be reconciled at $3.70 per square foot. Each party differed to the actual total annual rent, vacancy and credit, an effective gross income, and a slightly different overall rate. Petitioner, however, utilized a below-the-line deduction for lease-up costs of $1,330,000 in tax year 2017. Petitioner, utilizing the 75,000-square-foot vacant space at market rent, deducted leasing commissions at a rate of 5% for five years, resulting in expenses of $69,375. Further, Petitioner deducted for lost profits that the landlord would have to cover until the space was rented in the amounts of $162,375 in year 1 and $208,455 in year 2, resulting in respective totals of $696,750 and $687,405. Mr. Bur then added together those totals for a grand total of $1,380,000, which was then deducted from $5,745,195, resulting in the true cash value of $4,420,000.

The Tribunal finds that utilizing 5% vacancy (found in Mr. Bur's grid)[53] adjusts the vacancy and credit loss to a $34,551 deduction, which then results in a net operating income of $563,109, which when capitalized yields a value of $6,120,000. The one year lease-up commission of $13,875 and the estimated $187,500 in expenses as a deduction result in an amended true cash value of 5.9 million or $31.47 per square foot for tax year 2017; and of $6.1 million or $32.63 per square foot for tax year 2018.

Respondent in its income approach considered the subject's relevant three-mile demographics, including a population of 12,106, 4,232 households, median household income of $96,864, and consumer spending per capita of $11.71. Rent modifications were based on the same economic fundamentals as the subject. Respondent's Comp 11 resulted in a final per-square foot value of $5.80, an overall concluded rent of $6.00 per square foot for the Rural King space, and $6.10 per square foot for the 78,800-square-foot space to equal a total gross income of $1,129,214. Respondent deducts percentage rent cam and insurance recovery for a potential gross income of $8.86 per square foot, or $1,656,030. Operating expenses are insurance, CAM, management fee, owner's expense, and capital reserve for a total expense of $635,104. The net operating

[53] P-4 at p75.

income is $930,454, capitalized at 8.50% to equal $10,946,519, a deduction of $2,240,346 for vacant space absorption, resulting in an indicated value for 2017 of $8.7 million ($45.54 per square foot). Tax year 2018 resulted in an indicated true cash value of $8.9 million ($47.62 per square foot).

The Tribunal finds that the subject property is not an income-producing property, nevertheless the income approach was considered and given the weight it deserves.

Respondent's cost approach began with six vacant land sales, which indicated $4.49 per square foot value for land.[54] Respondent did a replacement cost new for a warehouse discount store using 50% low cost and 50% average cost quality construction. Mr. Widmer's December 31, 2016 cost per square foot was $72.06 or $13,466,448 with the December 31, 2017 cost per square foot $72.72 or $13,590,315.

The values indicated by Respondent's cost approach are outliers when compared to values arrived at through other approaches, which all fall within a close range. The values indicated by the cost approach are also inconsistent with the recent sale price of the subject property. Further, the improvements on the subject property are 9 years old, causing the subjective depreciation portion of the cost approach formula to account for a larger portion of the total value conclusion. For these reasons, Respondent's cost approach is given no weight in the conclusion of value.

The assessor's property record card was admitted into evidence by stipulation of the parties. Although the property record card was admitted without specific evidence supporting the economic condition factor (ECF) and the land value contained within, the

[54] Respondent contends that this information came from MVS, Section 13, page 28 from May 2016 for a warehouse discount store as used to cost out the components of the subject property.

Tribunal finds the property record card reliable because the indicated value falls within the range indicated by the sales comparable and income approaches.

The property record cards for 2017 and 2018 were entered into evidence by stipulation of the parties.[55] The property record cards provide a cost approach valuation prepared by Respondent's assessor. Both property record cards included adjustments for a local economic condition factor (ECF) of 0.43. No evidence was admitted in support of this ECF, nor was any evidence of a land study admitted supporting the land values included in the property record cards. Support for these amounts would be needed for the Tribunal to give full weight to the property record cards. Despite this, the Tribunal finds the values indicated by the property record cards to be reliable because they fall within the range indicated by the sales comparable approach and income approach. As such, the property record cards tend to support the value conclusions reached under those approaches.

The following is a recap of the parties' value contentions for each approach:

2017	Sales		Income		Cost	
Petitioner	$22.00	$4,110,000	$23.67	$4,420,000	N/A	
Respondent	$41.52	$7,760,000	$42.27	$7,900,000	72.06	$13,466,488

2018	Sales		Income		Cost	
Petitioner	$23.97	$4,480,000	$23.67	$4,420,000	N/A	
Respondent	$46.55	$8,700,000	$47.62	$8,900,000	72.72	$13,590,315

Property Record Card		
2017	$37.12	$6,931,941
2018	$37.56	$7,015,271

[55] R-1 and R-2.

The large disparity in Respondent's cost approach with its other two approaches is troublesome to this Tribunal as it is unlikely given the deed restrictions, that the subject property would double in cost over the actual sale price from 2016.

The Tribunal has carefully considered all information provided, including some adjustments to Petitioner's information and to Respondent's information. The adjustments bring the sales and income approaches for both parties closer together. No weight is given to Respondent's cost approach, as it does not reflect market value.

2017	Sales		Income		Cost Approach	
Petitioner	$35.45	$6,600,000	$31.47	$5,900,000		
Respondent	$41.52	$7,760,000	$42.27	$7,900,000		
Assessor					$37.12	$6,931,941

2018	Sales		Income		Cost Approach	
Petitioner	$38.46	$7,200,000	$32.63	$6,100,000		
Respondent	$46.55	$8,700,000	$47.62	$8,900,000		
Assessor					$37.56	$7,015,271

The Tribunal has carefully considered all of the information provided, including the assessment (based upon the cost approach), and some adjustments to Petitioner's information as to adjusted sales and income approach, and to Respondent's information, although no weight is given to Respondent's cost approach, as it does not reflect market value . The sales approach is the proper technique to utilize in determining the true cash value of the subject property. Because the values arrived at using the income approach are similar, the income approach even though the property is not an income producing property confirms the validity of the values arrived at using the sales comparable approach. The values indicated by the property record card provide a further indication that the value of the subject property falls within a narrow range. The Tribunal finds that Respondent's $7,760,000 sales comparison approach at $41.52 per square foot is above market, and Petitioner's $22 per square foot is below the market .[56] However, after consideration of the adjustments, the Tribunal finds a 2017 value of $35.45 per square foot as indicated above for a total value of $6.6 million and a value of $38.46 per square foot for a total value of $7.2 million for 2018 is properly bracketed by the parties' contentions.

The Tribunal finds the true cash value of the subject property is $6,600,000 as of December 31, 2016 and is $7,200,000 as of December 31, 2017 based upon the sales comparison approach.

JUDGMENT

IT IS ORDERED that the property's state equalized and taxable values for the tax year(s) at issue are MODIFIED as set forth in the Introduction section of this Final Opinion and Judgment.

IT IS FURTHER ORDERED that the officer charged with maintaining the assessment rolls for the tax years at issue shall correct or cause the assessment rolls to be corrected to reflect the property's true cash and taxable values as finally shown in this Final Opinion and Judgment within 20 days of the entry of the Final Opinion and Judgment, subject to the processes of equalization. See MCL 205.755. To the extent that the final level of assessment for a given year has not yet been determined and

[56] R-13 $4,175,000 or $22.33 per square foot sale price July 1, 2016.

published, the assessment rolls shall be corrected once the final level is published or becomes known.

IT IS FURTHER ORDERED that the officer charged with collecting or refunding the affected taxes shall collect taxes and any applicable interest or issue a refund within 28 days of entry of this Final Opinion and Judgment. If a refund is warranted, it shall include a proportionate share of any property tax administration fees paid and penalty and interest paid on delinquent taxes. The refund shall also separately indicate the amount of the taxes, fees, penalties, and interest being refunded. A sum determined by the Tribunal to have been unlawfully paid shall bear interest from the date of payment to the date of judgment, and the judgment shall bear interest to the date of its payment. A sum determined by the Tribunal to have been underpaid shall not bear interest for any time period prior to 28 days after the issuance of this Final Opinion and Judgment. Pursuant to MCL 205.737, interest shall accrue (i) after December 31, 2009, at the rate of 1.23% for calendar year 2010, (ii) after December 31, 2010, at the rate of 1.12% for calendar year 2011, (iii) after December 31, 2011, through June 30, 2012, at the rate of 1.09%, (iv) after June 30, 2012, through June 30, 2016, at the rate of 4.25%, (v) after June 30, 2016, through December 31, 2016, at the rate of 4.40%, (vi) after December 31, 2016, through June 30, 2017, at the rate of 4.50%, (vii) after June 30, 2017, through December 31, 2017, at the rate of 4.70%, (viii) after December 31, 2017, through June 30, 2018, at the rate of 5.15%, (ix) after June 30, 2018, through December 31, 2018, at the rate of 5.41%, (x) after December 31, 2018 through June 30, 2019, at the rate of 5.9%, and (xi) after June 30, 2019 through December 31, 2019, at the rate of 6.39%.

This Final Opinion and Judgment resolves all pending claims in this matter and closes this case.

APPEAL RIGHTS

If you disagree with the final decision in this case, you may file a motion for reconsideration with the Tribunal or a claim of appeal with the Michigan Court of Appeals.

A Motion for reconsideration must be filed with the required filing fee within 21 days from the date of entry of the final decision.[57] Because the final decision closes the case, the motion cannot be filed through the Tribunal's web-based e-filing system; it must be filed by mail or personal service. The fee for the filing of such motions is $50.00 in the Entire Tribunal and $25.00 in the Small Claims Division, unless the Small Claims decision relates to the valuation of property and the property had a principal residence exemption of at least 50% at the time the petition was filed or the decision relates to the grant or denial of a poverty exemption and, if so, there is no filing fee.[58] A copy of the motion must be served on the opposing party by mail or personal service or by email if the opposing party agrees to electronic service, and proof demonstrating that service must be submitted with the motion.[59] Responses to motions for reconsideration are prohibited and there are no oral arguments unless otherwise ordered by the Tribunal.[60]

A claim of appeal must be filed with the appropriate filing fee. If the claim is filed within 21 days of the entry of the final decision, it is an "appeal by right." If the claim is filed

[57] See TTR 261 and 257.
[58] See TTR 217 and 267.
[59] See TTR 261 and 225.
[60] See TTR 261 and 257.

more than 21 days after the entry of the final decision, it is an "appeal by leave."[61] A copy of the claim must be filed with the Tribunal with the filing fee required for certification of the record on appeal.[62] The fee for certification is $100.00 in both the Entire Tribunal and the Small Claims Division, unless no Small Claims fee is required.[63]

By Victoria L. Enyart

Entered: September 30, 2019

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[61] See MCL 205.753 and MCR 7.204.
[62] See TTR 213.
[63] See TTR 217 and 267.