STATE OF MICHIGAN
DEPARTMENT OF LICENSING & REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
MICHIGAN TAX TRIBUNAL

Rustic Glen Golf Club LLC,
Petitioner,

v MTT Docket No. 415005

Township of Bridgewater, Tribunal Judge Presiding
Respondent. Victoria L. Enyart

OPINION AND JUDGMENT

Petitioner, Rustic Glen Golf Club LLC, appeals the ad valorem property tax assessment levied by Respondent, Township of Bridgewater, against the real property owned by Petitioner for the 2011 and 2012 tax years.

A hearing was held on May 22, 2013, to resolve the real property dispute. Peter J. Ellenson and Frederick Gordon, attorneys at Law Offices of Fred Gordon, P.C., appeared on behalf of Petitioner. Mary Selover-Rider, Assessor, appeared on behalf of Respondent. Michael Rende, MAI, was Petitioner's valuation witness. Mary Selover-Rider, Michigan Certified Assessing Officer (MCAO), was Respondent's valuation witness.

SUMMARY OF JUDGMENT

The parties' contentions and the Tribunal's findings of the subject property's 2011 and 2012 True Cash Values (TCVs), Assessed Values (AVs) and Taxable Values (TVs) are set forth below:

Petitioner's value contentions are:

Parcel No. Q-17-24-400-013

Year	TCV	SEV	TV
2011	$402,000	$201,000	$201,000
2012	$402,000	$201,000	$201,000

Values as determined by Respondent are:

Parcel No. Q-17-24-400-013

Year	TCV	SEV	TV
2011	$1,060,800	$530,400	$412,388
2012	$755,600	$377,800	$377,800

The Tribunal's conclusions are:

Parcel No. Q-17-24-400-013

Year	TCV	SEV	TV
2011	$552,400	$276,200	$276,200
2012	$552,400	$276,200	$276,200

GENERAL PROPERTY DESCRIPTION

The subject property is an 18-hole public golf course and driving range, with a 5,000 square foot clubhouse, pro shop, restaurant-bar, offices, and miscellaneous maintenance outbuildings. The subject property is located in two taxing jurisdictions. 14.54 acres of the total 137.01 acres are located in Saline Township. The subject property is 122.47 acres in Bridgewater Township.

Petitioner presented an appraisal indicating that the highest and best use of the subject property is a golf course on an interim basis until the land is needed for development.

SUMMARY OF PETITIONER'S CASE

Petitioner presented testimony from its appraiser, Michael Rende, MAI. Based on his experience and training, the Tribunal accepted Rende as an expert appraiser.

In support of its value contentions, Petitioner offered the following exhibit, which was admitted into evidence:

P1: An Appraisal of the subject property, prepared by Michael Rende, MAI.

Rende prepared an appraisal that determined the market value of the fee-simple interest of the subject property. The appraisal considered all three approaches to value: cost, market, and the income approaches. The cost approach was not used, due to obsolescence, age of the subject property, and market conditions. Commercial golf courses are not traded based upon the cost to construct. The income approach was considered because of the revenue potential. The sales comparison approach of golf courses was also considered. However, sales of vacant agricultural land exceed the value of the subject property as a golf course.

The subject property lies in a rural area surrounded by single-family residential properties and large agricultural properties. The population within a 10-mile radius is 53,951. The National Golf Foundation states that the distance to the most frequently played courses is 10.4 miles. The credit crisis of 2008 reduced financing available for commercial property. This includes golf courses. Rende estimated exposure time would be 24 to 36 months.

Rende’s report contained the sale and resale of three golf courses in Michigan which indicated a decline in value. The decline in golfers and the increase in public courses has watered down the number of golfers, leading to lower revenues.

14.54 acres, owned and used by the golf course are located in Saline Township (adjacent to the subject property). The acreage located in Saline Township contains the storage building that houses the golf carts, driving range, and some parking. It can be sold separately from the subject property. However, Rende believes it contributes value to the subject property.

The highest and best use of the subject property is as an interim use - the continuing use as golf course. This is based on the national and state statistics that golf courses are no longer used at premium rates. The number of courses in Michigan is overbuilt for the declining number of golfers. This glut has left golf courses with discounting the rates per round. The decline in the economy leaves little extra discretionary money to be spent on extracurricular activities.

Income Approach

The initial step in estimating the potential income for the subject property was to do a survey of surrounding courses. Rende determined that $39 was the “rack rate” or the advertised rate for 18 holes with a golf cart.[1] The

[1] Revenue for golf carts was a separate line item.

typical discount was 33%. The result after deducting carts was $18 for weekends and $16 for weekdays. Rende calculated the revenue for golf cart usage. It was very close to the actual. The estimate of 18-hole equivalent rounds that was used to estimate the green's fees as well as cart usage is 16,589.

The Pro Forma Income and Expense Statement (using December 31, 2010) indicates that gross revenue includes green's fees, cart rental, pro-shop, food and beverage, and driving range.[2] Rende explained each category of expenses and its basis. As an example, payroll and general manager are typically 40% of expenses according to the industry standard. The two categories are broken down for this report. Maintenance and equipment reserve was discussed as a break-even point, where minimal work has to be done or the quality of the course will suffer. The 2011 tax year pro forma is as follows:

Revenue	
Greens/Carts	$405,402
Pro-Shop	$50,000
Food/Beverage	$150,000
Range	$21,000
Cost of Goods	-$102,750
Expenses	
Gen Mgr	$50,000

[2] The driving range is not under appeal as it is located in a different taxing jurisdiction.

Payroll	$200,561
Maint/Equip	$39,082
Maintenance	$53,244
Utilities	$37,584
Admin	$37,584
Cart Reserve	$45,954
Insurance	$10,962
Repl Reserves	$12,528
Net Operating	$36,153

The next step was the selection of the overall capitalization rate. Rende considered ten sales which resulted in a range of 7.53% to 18.49%. (The higher rates are distressed courses.) Realtyrates.com was also considered, as well the *Dashboard*, a published newsletter by the National Golf Foundation. Rende calculated an overall rate using the band-of-investment. However, he blended the two township's millages by determining that Bridgewater represented 85.7% of the value, with the remaining 14.3% in Saline Township. This ratio is applied throughout the report. The final selection is an overall rate ("OAR") of 14.3804% for tax year 2011. The net operating income is divided by the OAR for an indicated value of $250,000 as of December 31, 2010, and $240,000 as of December 31, 2011.

The personal property is deducted from the indicated true cash value.

It has a true cash value of $236,600 for 2011, and $121,000 for 2012, resulting in the residual real estate value of $13,400 as of December 31, 2010, and $28,000 as of December 31, 2011.

Sales Comparison Approach

Rende presented sales of 19 golf courses between December 2000 and January 2012. The sale prices range from $27,500 to $333,333 per hole. He discussed the decline in sale prices and in the golf industry. The sales are indicating an oversupply and lack of demand for golf clubs with clubhouses, pools, and private memberships. Rende reported that, based on all of the information that he was able to gather; the sales are not indicating a robust outlook. He again deducted the personal property from the market value to result in indicated market values of $300,000 as of December 31, 2010, and $325,000 as of December 31, 2011.

Rende considered the market value of the land as if unimproved. Seven sales of agricultural parcels were found. They ranged from 43.83 acres TO 115.74 acres, with unadjusted sale prices per acre from $2,597 to $5,511. Adjustments were made for location, size, paved frontage, and “other”. The adjusted sale prices ranged from $2,467 to $5,787 per acre. Rende eliminated the extreme high and low sale prices for an indicated $3,250 per acre. The land is not vacant but would require work to accommodate cultivation. Rende opined at the lower end of the vacant land value.

Rende's reconciled, as of each tax date, is $450,000.

Rende testified in rebuttal that he was familiar with Respondent's Brentwood sale. It was all inclusive for the real estate, personal property, furniture, fixtures, and etcetera.

SUMMARY OF RESPONDENT'S CASE

Respondent presented testimony from its assessor, Mary Selover-Rider, MCAO. Respondent was not represented by counsel.

In support of its value contentions, Respondent offered the following exhibits, which were admitted into evidence:

R-1: Respondent's valuation disclosure.
R-2: Mortgage dated December 9, 2009.
R-5: Value base on the financing of property.

The result of the valuation disclosure is:

2011	
Approach	Revised TCV
Cost	$1,088,300
Income	$1,166,700
Market	$1,041,600
Financing	$942,800
Final	$1,088,300

2012	
Approach	Revised TCV
Cost	$793,053
Income	$991,667
Market	$736,400
Financing	$802,400
Final	$736,400

Rider represented the township. Rider testified that she calculated a cost approach and went through the 2011 and 2012 property records. The cost approach was applied using mass assessment as her basis.

Rider testified that she received income information too late from Petitioner to use it. She was able to determine that the gross income for 2011 was $200,000; expenses were $60,000, for a net operating income of $140,000. The capitalization rate was 6.00% plus a tax rate of 6.00% for an overall capitalization rate of 12.00%. The net operating income divided by the overall capitalization rate results in an indicated value of $1,166,667 as of December 31, 2010, and $991,667 as of December 31, 2011.

Three sales were found by Rider. They are Brentwood, Thorne Brothers, and Copper Ridge. She calculated the sale price per hole and per acre. The average sale price was $57,870 per hole, resulting in an indicated value for the subject property of $1,041,660 as of December 31, 2010, and $736,400 as of December 31, 2011.

Rider testified that the purpose of the mortgage for the subject property is to indicate that a financial institution loaned the subject property $905,000 a year prior to the appeal. Upon cross-examination, Rider explained that she looked at the loan-to-value ratio (R-1, p 147) from RealtyRates.com, for loan-to-value ratio of 65%. Rider multiplied $905,000 by 1.50% and then made adjustments for the economic condition factor for the commercial class (-6% and -10%) for the years at issue.

This “Value based on the Financing of the Property” was calculated as follows:

Mortgage per Security Instrument	$905,000
Average loan to value ratio	1.50%
True Cash Value (2010)	$1,357,500
2011 Commercial decrease -6%	$1,303,200
2012 Commercial decrease -10%	$1,172,900

Respondent then allocated the resulting value by calculating the percentage of the property located in Saline Township, and the real and personal property located in Bridgewater Township using twice the State Equalized Value and calculating a ratio. The 2011 calculations are:

Parcel No.	Location	SEV	TCV	%	TCV of Finance Value	Description
R-18-19-300-020	Saline	$88,500	$177,000	13.21%	$172,100	Driving Range
Q-17-24-400-013	Bridgewater	$530,400	$1,060,800	79.16%	$1,031,700	Golf Course
Q-99-10-000-300	Bridgewater	$51,100	$102,200			Personal Property
Total TCV			$1,340,000		$1,203,800	

Rider explained that she started the calculations using the 2010 tax year as the base because the financing document was recorded December 17, 2009.

Rider has multiple conclusions for her true cash value based on Respondent's exhibit 5. The 2011 true cash value is $942,800, $1,031,700, or $1,303,200. The 2012 true cash value is $802,400, $878,000, or $1,172,900.

Rider testified:

> The purpose of presenting the mortgage is the value of the mortgage based a year prior on December 7th –December 9th, 2009 was created for a value of 905,000. And the purpose of this is to show the previous year the property that a bank … a lending institute gave this property owner this amount of money and that the value … can be determined of the property based on, going through the income approach and doing investment bands when you determine an overall rate. You can take the mortgage amount and then for it to determine the amount of principal to determine the value, and also that I do not believe that a property went less than half the value in a year from what the previous appraiser has said. Tr. pp. 94-95.

Rider testified that she learned this methodology from Lewis Rogers when he taught a class for Ingham County Equalization. She also stated that Micheal Lohmeier also used this methodology in an income class.

FINDINGS OF FACT

1. Subject property is located at 12090 West Michigan Avenue, Saline, Michigan.
2. Subject property is located in Township of Bridgewater, Washtenaw County.
3. Subject property is an 18-hole golf course.
4. Subject property has 122.76 acres.
5. The subject property contains the following:
    a. 5,000 square foot one-story clubhouse,
    b. 2,400 square foot pole barn,
    c. 1,840 square foot wood storage building,
    d. 1,540 square foot barn,
    e. 1,280 square foot pole barn,
    f. 1,648 square foot farmhouse, and
    g. Small pump house.
6. A contiguous parcel is located in Saline Township which contains 14.54 acres the public driving range, practice green and some additional parking. This parcel is not included with the value of the subject property.
7. Petitioner's highest and best use analysis considers the current use as an interim use.
8. Petitioner considered all three approaches to value.
9. Respondent's use of a value based on financing of the property is found to be inappropriate.
10. Respondent placed the greatest weight on its value based on its financing of property method.

Expert witness status is based on the appraiser's education, experience, skill, and training. Based on the MAI designation, Rende was designated as an expert in the appraisal field. The expert witness status does not automatically grant the witness or exhibits credibility or weight.

Rider is a Michigan Certified Assessing Officer; this is an entry-level assessor. She was not qualified as an expert in the field of assessing.

APPLICABLE 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.

> The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. 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% . . . . Const 1963, art 9, sec 3.

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. MCL 211.27(1).

The Michigan Supreme Court has determined that "true cash value" is synonymous with "fair market value." See *CAF Investment Co v State Tax Comm*, 392 Mich 442, 450; 221 NW2d 588 (1974).

A proceeding before the Tax Tribunal is original, independent, and de novo. See MCL 205.735a(2). The Tribunal's factual findings must be supported by competent, material, and substantial evidence. See *Antisdale v Galesburg*, 420 Mich 265, 277; 362 NW2d 632 (1984); *Dow Chemical Co v Dep't of Treasury*, 185 Mich App 458, 462-463; 462 NW2d 765 (1990).

"Substantial evidence must be more than a scintilla of evidence, although it may be substantially less than a preponderance of the evidence." *Jones & Laughlin Steel Corp v City of Warren*, 193 Mich App 348, 352-353; 483 NW2d 416 (1992).

"The petitioner has the burden of proof in establishing the true cash value of the property." MCL 205.737(3). "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." *Jones & Laughlin* at 354-355.

Under MCL 205.737(1), the Tribunal must find a property's true cash value in determining a lawful property assessment. See *Alhi Dev Co v Orion Twp*, 110 Mich App 764, 767; 314 NW2d 479 (1981). The Tribunal is not bound to accept either of the parties' theories of valuation. See *Teledyne Continental Motors v Muskegon Twp*, 145 Mich App 749, 754; 378 NW2d 590 (1985). 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. See *Meadowlanes Ltd Dividend Housing Ass'n v Holland,* 437 Mich 473, 485-486; 473 NW2d 636 (1991).

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. See *Meadowlanes* at 484-485; *Pantlind Hotel Co v State Tax Comm*, 3 Mich App 170; 141 NW2d 699 (1966), aff'd 380 Mich 390 (1968). 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. See *Antisdale* at 277.

Pursuant to MCL 211.27(5), "the purchase price paid in a transfer of property is not the presumptive true cash value of the property transferred."

The Michigan Supreme Court held in *Edward Rose Bldg Co* v *Independence Twp*, 436 Mich 620, 640-641; 462 NW2d 325 (1990):

> The uniformity requirement of the Michigan Constitution compels the assignment of values to property upon the basis of the true cash value of the property and *not upon the basis of the manner in which it is held*. Noticeably absent from the statutory definition of "cash value" and those enumerated factors which an assessor must consider is any reference to the identity of the person owning an interest in the property or whether there are other parcels which are owned by the same taxpayer. MCL 211.27; MSA 7.27. In other words, *the fact of*

> *ownership is not a germane consideration in determining value*: [Emphasis added.]
>
> ’The Constitution requires assessments to be made on property at its cash value. This means not only what may be put to valuable uses, but what has a *recognizable pecuniary value inherent in itself, and not enhanced or diminished according to the person who owns or uses it*.’” [Emphasis in original.]

CONCLUSIONS OF LAW

The parties are charged with determining the market value of the fee simple interest for the subject property.

Rende first detailed the market conditions which indicated a decline in the golf course market. The decrease in demand resulted in investment uncertainties and lack of financing, with foreclosures of golf courses increasing. The highest and best use analysis resulted in vacant agricultural land with the interim use as a golf course.

The sales comparison approach was utilized by both parties. Rende utilized 19 sales from December 2000 to January 2012 to show the trend of excess supply and lagging demand. However, given the quality of the subject, age, condition, and amenities, he found that the subjective estimate of the value of the going-concern was $30,000 a hole. However, when the personal property[3] was deducted, the 2011 value is reduced from $540,000 to $300,000; 2012 value is reduced to $325,000.

However, after discussion and analysis, Rende determined that the sales were not comparable to the subject property. Petitioner was not able to make market-based adjustments for differences in amenities. Each golf course has different amenities that cannot be adjusted for in the market. The sales included private and public golf courses. Due to the economy, location, and overpopulation of courses, sales were not an indication of value. The sales indicated the declining trend in the market for golf courses.

Respondent's sales comparison approach consists of three sales. The name, location, acres, sale price, price per hole, and price per acre was the data submitted. When questioned, Rider did not know when the properties sold, amenities, or if the sale prices included the value of the going-concern. She was not familiar with the locations of the comparable sales. After calculating the sale price per hole, she used the average value of

[3] This was based on the self-reporting value of the personal property.

$57,870 per hole. This Tribunal finds that the sales comparison approach was not properly utilized by Rider.

The sales comparison approach requires some familiarity with the sales and a discussion with the buyer, seller, or broker to determine the motivation of the parties to a transaction. The comparable properties are then adjusted for differences in amenities. The result, regardless of the type of property, is an indication of what a similar property and the market indication of value should be for the subject property.

The State Tax Commission publishes a *Guide to Basic Assessing* (2012)[4]. Regardless of an assessor's experience, the guide is a helpful reference tool. The sales comparison approach is defined as:

> The **sales comparison approach** compares the property being appraised to similar properties that have recently sold. Comparable properties are selected based on how similar they are to the subject. The sale price is adjusted for differences and a market value is estimated. Adjustment increases or decreases are made to the comps to make them equal to the subject property. This approach also is based on the principle of substitution. *Guide to Basic Assessing,* p. 22

---

4 http://www.michigan.gov/documents/treasury/STC_Guide_to_Basic_Assessing_2012_405304_7.pdf

The State Tax Commission's *Guide to Basic Assessing,* page 77, states:

There are four basic steps in the sales comparison approach:

1. You must select sales of comparable properties.
2. List the sales.
3. Adjust the sales TO THE SUBJECT and tabulate.
4. Correlate and justify the value of the subject property

The steps above apply to any sales comparison approach. The sales must be similar to the subject property, and adjustments must be market-based.

Respondent's sales comparison approach is lacking. It is apparent that Respondent was not competent in using a sales comparison approach. The Tribunal recognizes that Rider may be unfamiliar with the required steps to determine if the three sales presented are comparable. However, she should have done the necessary research or requested the assistance of a colleague. A phone call to determine the date a property sold, if the personal property was included, or if there was motivation on the part of a buyer or seller would have been the minimum requirement. An Entire Tribunal hearing is a formal process. A party should be familiar with the Tribunal's practice and procedures, as well as standard valuation principals.

Both parties also utilized the income approach. Rende properly considered the income and expenses necessary to operate the real estate as a golf course. He was able to extract information based on determining the subject property's actual income and expenses and comparing them to National Golf Foundations. Rende began with an overview of the golf industry, supply and demand, the reasons why the industry has declined, and the over-building of courses at the time of an economic recession. He then narrowed the information to an overview of Michigan's course openings, construction and closings. The picture was bleak for current golf courses. The decline in golfers and overbuilding impacts revenues negatively. The highest and best uses of golf courses in Michigan are changing. Golf courses that are not profitable are considered an interim use. Rende gave examples of other golf courses that have sold for alternative uses.

Rende's projected net operating income was $36,153 and $34,800, respectively. The Tribunal notes that the income for the driving range was included in the calculation. The expenses attributed to the driving range, however, were not separated from the golf course. Regardless, the resulting indicated value (after deducting personal property) was $13,400 and $28,000. Rende did not find that the income approach was considered to be a good indication of value for the subject property.

Respondent utilized her own rendition of an income approach titled "Conclusion of Value based on the Financing of Property" (R-5). This Tribunal is unclear on the basis for this technique. She clarified that the instructors were City Assessor for Auburn Hills, Micheal Lohmeier, MMAO(4), FASA, MAI, RES, SRA, and Lewis Rogers, MMAO(4), Assessment Certification Division of the State Tax Commission. Rider testified, "It's used in the investment bands, and I've been told by a previous assessor in my teaching in income, you can always go backwards in your process when you do income as well as forward. You know, you fill in the puzzle in where you have to." Tr. P 102.

Rider utilized RealtyRates.com Investor Survey 4th Quarter 2012, golf courses and country clubs, as the basis for her loan-to-value ratio of 65%, (She actually used a ratio of 50%.) Rider did not know the terms of the mortgage security instrument.

$905,000 is the value on the mortgage instrument. Rider does not believe that the subject property would decline 50% since the December 17, 2009 mortgage security document. Rider's second income approach was using the computer-assisted mass-assessing software. Gross income was $200,000, expenses were $40,000, and net operating income was $160,000. Capitalization rate was 6% and effective tax rate was 6%. Rider testified that the software separated the 12.00% overall rate from RealtyRates.com. This resulted in an indicated value of $1,166,667 for the 2011 tax year.

Rider may have misunderstood the "investment bands" when using the loan-to-value ratio of a mortgage without understanding the document that she relied upon and the process used to apply an income approach. Rider did not properly utilize the income approach. Although she used two methods, neither was appropriate. The State Tax Commission's *Guide to Basic Assessing,* page 83, states that:

> The income approach considers the income a property can earn for its owner. It is most often used when the market is more responsive to the income stream of a property or when comparable sales data is not available. Investors will not purchase income-producing property unless they can obtain a reasonable return on their investment. If an investor can earn 6% by purchasing bonds and 4% purchasing a building, a prudent investor would be more inclined to buy bonds.

> The value of an income-producing property is set by the income it has historically earned and the potential it has for a future income stream. If the assessor can estimate a stabilized income stream, property value can be determined using the income approach.
>
> The income approach uses both the principles of substitution and anticipation. The principle of anticipation states that the market value is the present worth of all the anticipated future benefits to be derived from the property. With the income approach, potential gross income is estimated by reviewing market data that includes the historical income. After allowing for estimates of vacancy and collection loss, miscellaneous income, and appropriate operating expenses, the net operating income is derived. A capitalization method is then chosen to obtain the capitalization rate that is used to calculate the estimated market value.
>
> The income approach can be broken down into two components: Determination of net operating income and development of a capitalization rate. Each of these components has multiple steps in their development.

The Tribunal finds that Respondent fails in defending the assessments or requesting an increase in value[5]. The failure to understand and properly utilize the sales comparison approach and the income approach gives Rider no credibility. In fact, the Tribunal is left doubting that the initial cost approach was properly applied.

Petitioner's value concepts are appropriate and properly utilized. The Tribunal, however, gives greater weight to Petitioner's Sales 5 and 7.

[5] Respondent's valuation disclosure contains several contentions of value.

These are closest in location and size to the subject's 122.76 acres. The range of the two adjusted sale prices is $4,437 to $5,787 per acre. The Tribunal having considered all of the sales, finds that the lower-end of the value range would not be appropriate for the subject's 122.76 acres. The subject would sell closer to the midrange. The Tribunal's final value conclusion is $4,500 per acre for the subject property. This results in a rounded indication of $552,400 for the subject property for the tax years at issue. Rende's determination that the vacant land exceeds the value of the real estate as a golf course is appropriate. The continued use as a golf course in the interim will not contribute additional value to the subject property. The existing buildings do not have any contributory value as agricultural.

The underlying land value of the subject property exceeds the value of the golf course as a going-concern. This was partially due to the rural nature of the location, the decline in golfers, competition, and overall economic conditions. The value of the land, as vacant, is worth more than the current golf course. However, the interim use as a golf course is appropriate.

Therefore, based on the discussions above, the Tribunal finds that Petitioner's presentation, inclusion of data sources, reasoning, and reconciliation is the appropriate methodology. However, the application of the sales for the subject property is modified to reflect the value of the subject property without the adjacent Saline Township driving-range parcel that is not part of this appeal nor required to make the subject property whole. The highest and best use as an agricultural property was properly identified.

JUDGMENT

IT IS ORDERED that the subject property's true cash, assessed, and taxable values for the 2011 and 2012 tax years are those shown in the "Summary of Judgment" section of this 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 assessed and taxable values in the amounts as finally shown in the "Summary of Judgment" section of this Opinion and Judgment, subject to the processes of equalization, within 20 days of the entry of this Opinion and Judgment. To the extent that the final level of assessment for a given year has not yet been determined and 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 as required by this Opinion and Judgment within 20 days of the entry of this Opinion and Judgment. If a refund is warranted, it shall include a proportionate share of any property tax administration fees paid and of 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 Order. 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, and prior to July 1, 2012, at the rate of 1.09% for calendar year 2012, and (iv) after June 30, 2012, through December 31, 2013, at the rate of 4.25%.

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

MICHIGAN TAX TRIBUNAL

By: Victoria L. Enyart

Entered: July 17, 2013