



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

Schoolcraft Commons LLC¹,
Petitioner,

MICHIGAN TAX TRIBUNAL

v

MOAHR Docket No. 22-000365

City of Livonia,
Respondent.

Presiding Judge
Jason C. Grinnell

SUMMARY OF PREHEARING CONFERENCE

SCHEDULING ORDER

NOTICE OF VIDEO CONFERENCE HEARING

A Prehearing Conference on this matter was held on August 28, 2023. Attorney Kelsea M. Melcher appeared on behalf of Petitioner. Attorney Leo D. Neville appeared on behalf of Respondent. A scheduling order has been established and a video conference hearing, held via Microsoft Teams, was discussed and a hearing was set as follows:

HEARING DATE:	Monday, April 22, 2024 through Wednesday, April 24, 2024
HEARING TIME:	9:00 a.m.
TEAMS HEARING LINK:	Click here to join the meeting Or call in (audio only) +1 248-509-0316,,140286323# United States, Pontiac
PARTICIPANTS' GUIDE:	https://bit.ly/34fBXnN

¹ See Tribunal's September 6, 2023 Order granting Petitioner's joint motion to correct typographical error in naming of Petitioner.

This hearing is open to the public and this notice is provided under the Open Meetings Act. Any participant in the hearing or member of the public wishing to attend this hearing must click on the link above to gain access to the hearing.

PREHEARING CONFERENCE SUMMARY

I. VALUATION INFORMATION:

- A. The true cash value (TCV), assessed value (AV), and taxable value (TV) for each parcel and tax year at issue as established by the Board of Review:

Parcel Number: 46-189-01-0004-00

Year	TCV	AV	TV
2022	\$1,699,200	\$849,600	\$748,515

- B. The parties' contentions of TCV, state equalized value (SEV), and TV for each parcel and tax year at issue:

Parcel Number: 46-189-01-0004-00

Petitioner				Respondent		
Year	TCV	SEV	TV	TCV	SEV	TV
2022	\$1,170,000	\$585,000	\$585,000	\$1,699,200	\$849,600	\$748,515

- C. Amounts in dispute for the tax years at issue:

Parcel Number: 46-189-01-0004-00

Year	SEV	TV
2022	\$264,600	\$163,515

III. TAX INFORMATION

The property's taxes have been paid for the tax year at issue.

This is an important legal document. Please have someone translate the document.

Este es un documento legal importante. Por favor, haga traducir este documento.

এটি একটি গুরুত্বপূর্ণ আইনি দলিল, অনুগ্রহ করে কেউ দলিলটিকে অনুবাদ করুন।

هذا هو وثيقة قانونية هامة يرجى لديك شخص تترجم الوثيقة.

Ito ay isang mahalagang legal na dokumento. Mangyari lamang na magkaroon ng isang tao isalin ang dokumento.

IV. FACTUAL STATEMENT OF CLAIMS:

A. Classification of property:

Parcel Number	Classification
46-189-01-0004-00	Commercial Condominiums

B. Highest and best use (H&BU) for the tax year at issue:

Tax Year	H&BU
2022	Commercial - Restaurant

C. The property's TCV and TV are at issue for each tax year under appeal.

D. Petitioner's claims or counterclaims: Petitioner contends that the subject property is over assessed and a reduction in TCV and TV is warranted. The subject property is a full-service restaurant, constructed in 2004, with 9,528/SF, that was previously occupied for 15-years by Claddagh Irish Pub. As of the 2022 tax day, Petitioner submits the subject property was vacant and is presently in the process of being remodeled into a Hopcat restaurant, with a lease commencing June 1, 2023. The subject property's sub-market occupancy level for the fourth quarter of 2021 was 95.1%.

Petitioner submitted a sales comparison approach consisting of 15 sales. Of those sales, four sold in 2019, four sold in 2020, four sold in 2021, and three sold in 2022. Petitioner's unadjusted sales ranged from \$106.24/SF to \$289.69/SF. Petitioner's appraiser choose to use sales comparable nos. 8, 10, 11, and 12 with an unadjusted sales price range per SF between \$145.24 and \$161.01. After making total cumulative adjustments of negative 16% to comparable 8, negative 35% to comparable 10, negative 17% to comparable 11, and negative 18% to comparable 12, Petitioner's appraiser arrived at an adjusted price per SF between \$102.76 and \$132.10. Petitioner's appraiser concluded a reconciled TCV of \$1,170,000 or \$122.80/SF.

Petitioner's appraiser also submitted an income capitalization model to test the validity of his sales comparison approach. After deducting for underlying vacancy, collection loss, and various operating expenses Petitioner's appraiser used a 7.50% capitalization rate to arrive at a stabilized TCV of \$1,750,000 or \$183.67. However, Petitioner's appraiser then made a non-stabilized adjustment of \$580,000 to conclude a retrospective TCV of \$1,170,000. In the end, Petitioner's appraiser submits that his implied modified gross rent of \$30/SF supports the TCV of \$1,170,000 he concluded to in his sales comparison approach.

E. Respondent's claims or counterclaims: Respondent contends the subject property is properly assessed based on the evidence submitted in its valuation disclosure. Respondent submits the subject property is in good condition and is typical to above average for the area. For its valuation disclosure, Respondent submitted the 2022 property record card, a 2022 commercial vacant land sale study, a 2022 restaurant ECF analysis, and five sales comparables. Of the five sales comparables, two sold in 2019, one in 2021, and two in 2022. Respondent made no adjustments for differences between the sales comparables and the subject property, and submits that the evidence supports the current assessment of the subject property is properly valued at a TCV of \$1,699,200 or \$178.34/SF. Notably, Respondent and Petitioner both selected sales located at 43200 Crescent (P's comp 14 and R's comp 5) and 39715 – 6 Mile Road (P's comp 14 and R's comp 1).

V. PENDING MOTIONS OR DISCOVERY:

A. Motions: None pending at this time.

B. Discovery: Discovery is closed unless otherwise stated below.

VI. VIDEO CONFERENCE HEARING INFORMATION

The parties and the Tribunal have determined the above-captioned case shall be conducted via video conference.

A link to the **MOAHR MTT Guide for Participants for the Conducting of Entire Tribunal Hearings as Video Conference Proceedings** is provided above. Participants are encouraged to review this Guide prior to hearing and are **required** to comply with the requirements of the Guide, as said requirements will facilitate the conducting of the scheduled hearing.

The Tribunal's [Remote Witness Instructions](#) must also be reviewed by any witnesses who may be called at hearing.

SCHEDULING ORDER

- I. April 8, 2024
- is the final date to file and serve upon the opposing party and the Tribunal a final exhibit list and to furnish the opposing party with a copy of each exhibit. **The parties must use the form prescribed by the Tribunal.** An exhibit will not be admitted into evidence unless the exhibit is disclosed and furnished in accordance with this Order (even though admissible) except upon a finding of good

cause by the Tribunal.

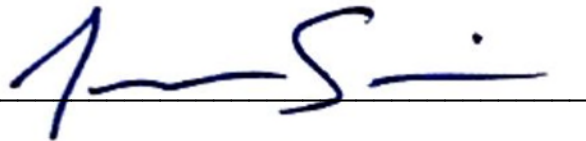
II. April 8, 2024

is the date for Petitioner to notify the Tribunal in writing of the name and telephone number of the court reporter retained by the parties to transcribe the hearing.

Failure to comply with this Order may result in the dismissal of the case or the conducting of a show cause or default hearing, as provided by TTR 231.²

Date Entered: September 8, 2023
jcg

By

A handwritten signature in blue ink, appearing to be "JMS", written over a horizontal line.

² See also MCL 205.732.

HEARING INFORMATION – PLEASE READ IMMEDIATELY

GENERAL INFORMATION: An impartial hearing will be conducted in accordance with the Michigan Administrative Hearing Rules (R 792.10101-R 792.11289) and the Michigan Administrative Procedures Act, MCL 24.201 *et seq.* The Michigan Rules of Evidence and the Michigan Court Rules may be applicable. A party is expected to exercise proper respect and courtesy toward other parties, witnesses and administrative law judges, which includes attending the hearing on time, silencing cell phones, and dressing in appropriate clothing for in-person hearings.

REPRESENTATION: A party may be represented by an attorney or other authorized representative of the party's own choosing and at the party's own expense. The Michigan Office of Administrative Hearings and Rules does not recommend or appoint attorneys.

WITNESSES: Parties may present witnesses, if any, identified in the Prehearing Statements, to testify under oath or affirmation at the hearing, subject to cross-examination by the opposing party, and questions by the administrative law judge.

EXHIBITS: The parties shall submit exhibits pursuant to the Guide for Participants.

COURT REPORTER: The parties shall not only provide a court reporter to transcribe the hearing but shall also provide an electronic copy of the hearing transcript to the Tribunal by e-mailing it to taxtrib@michigan.gov. The costs attributable to the court reporter shall be shared equally by the parties. If the parties fail to pay the costs of the transcript to the court report prior to the submission of the transcript to the Tribunal, the court reporter may report this to the Tribunal with the submission of the transcript. As a result, the party or parties who failed to pay the costs associated with the transcript may be held in default.³

WITHDRAWAL: If Petitioner no longer wants to continue with the appeal, Petitioner may submit a written request to withdraw the case. Respondent must concur with the withdrawal. The request must be submitted to the Tribunal and served on Respondent at least 14 days before the hearing. Respondent may file a concurrence or objection to the request within 7 days of the service of the request on that party. If Respondent does not timely submit a concurrence or objection to the request will be deemed to be a concurrence to the request. If the request is granted, the case will be dismissed. If a request is not granted or the Tribunal has not notified you that it has been granted, you are required to attend the hearing.

SETTLEMENT: Parties may submit a written agreement settling a case (i.e., stipulation). The stipulation must be on a form made available by the tribunal or shall be in a written form that is in substantial compliance with the tribunal's form and be signed by the parties' attorneys or authorized representatives, if they have attorneys or authorized representatives, or by the parties, if they do not have attorneys or authorized representatives. There is a \$50 fee for the filing of the stipulation. If the stipulation with appropriate filing fee is received by the Tribunal or the parties email a copy of the signed stipulation to the Tribunal by 4:30 p.m. on the business day immediately preceding the day of the scheduled hearing, the hearing may be adjourned. Parties that email a copy of a signed stipulation to the Tribunal for purposes of adjourning a hearing are also required to submit the original signed stipulation with appropriate filing fee. The

³ See TTR 321.

stipulation, once submitted, will be reviewed and, if accepted, the Tribunal will issue a consent judgment.

FAILURE TO APPEAR: The failure of a party to timely appear or otherwise participate in a hearing will result in adjournment of the hearing and the holding of that party in default. The defaulted party will be given an opportunity to show good cause for the failure to appear. Failure to respond or show good cause may result in dismissal of the case or the conducting of a default hearing.

REASONABLE ACCOMMODATION: All hearings are conducted in a barrier-free location in compliance with the Americans with Disabilities Act. An individual requiring reasonable accommodation for effective participation in a hearing, including accessible documentation such as braille, large print, electronic or audio reader, should contact the MOAHR by telephone at (517) 335-9760, or complete and submit an accommodation request form at https://www.michigan.gov/documents/lara/Disability_Accommodation_FORM_v1_2_464017_7.doc within five (5) days of receipt of the Notice of Hearing to ensure availability of accommodation.

Hearing participants and observing members of the public who need assistance with speech or hearing may also participate in a telephonic or virtual hearing by dialing 7-1-1 and using the Michigan Relay service. More information about this service may be found at https://www.michigan.gov/mpsc/0,9535,7-395-93308_93325_93425_94040_94041---,00.html.

PRIVACY OF INFORMATION: In order to conduct a comprehensive and fair hearing, a party's private or confidential information, such as health or financial information, may be disclosed to the Tribunal and other parties and their attorneys or representatives. The MOAHR will use the private information solely for purposes related to the hearings process. A party may file a motion to request that a public hearing be closed in part or file a motion for protective order to deem certain information private and confidential in order to afford that information special protection.

CONTACT INFORMATION:

Michigan Tax Tribunal
U.S. Postal Mailing Address: 611 W. Ottawa St., Lansing, MI 48933
Overnight Carrier Address (UPS, FedEx, DHL Deliveries):
2nd Floor MOAHR, 2407 N. Grand River Avenue, Lansing, MI 48906
Phone: (517) 335-9760
E-Mail: taxtrib@michigan.gov
Website: www.michigan.gov/taxtrib
E-Filing: <https://eFiling.apps.lara.state.mi.us>
Office Hours: 8:00 a.m. – 5:00 p.m., our office is closed from 12:00 p.m. – 1:00 p.m.

PROOF OF SERVICE

I certify that a copy of the foregoing was sent on the entry date indicated above to the parties or their attorneys or authorized representatives, if any, utilizing either the mailing or email addresses on file, as provide by those parties, attorneys, or authorized representatives.

By: Tribunal Clerk