

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **EXEMPT PROPERTY - WISCONSIN**

### **SSM Health Care of Wisconsin, Inc. v. City of Fitchburg**

**Court of Appeals of Wisconsin - September 24, 2015 - Slip Copy - 2015 WL 5598829**

SSM Health Care of Wisconsin, Inc., which owns and operates St. Mary's Hospital, sought a refund for property taxes levied by the City of Fitchburg against all of SSM's personal property that was located in a renal center and a sleep center owned and operated by SSM in Fitchburg during the 2009, 2010, and 2011 tax years.

On summary judgment, the circuit court held that some of SSM's personal property in the two centers was exempt from tax under WIS. STAT. § 70.11(4m)(a) (2013-14), the non-profit hospital tax exemption, and that SSM was entitled to a refund for that tax-exempt personal property.

The City appealed, arguing that the circuit court erred in granting summary judgment in favor of SSM for two reasons: (1) the non-profit hospital tax exemption under WIS. STAT. § 70.11(4m) does not apply here because the renal center and the sleep center are each used as a "doctor's office" and, therefore, all of the personal property located in each center is taxable; and (2) SSM initially sought tax exemption for "all" personal property in each center and, according to the City, SSM cannot subsequently "convert a request for a total tax exemption into a partial exemption in the midst of litigation."

The Court of Appeals affirmed, holding that:

- Neither the renal center, nor the sleep center are "doctor's offices" and
- Although SSM did not provide an itemized list of non-exempt property when it initially filed the tax-exemption requests, it does not follow that this bars SSM from entitlement to a refund for taxes levied against property that is tax-exempt.