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In re Appeal of Springfield Hospital Folio No. 42-00-066-5-01

Commonwealth Court of Pennsylvania - February 13, 2018 - A.3d - 2018 WL 828284

Following entry of order adopting payment in lieu of tax (PILOT) agreement between taxing authorities and non-profit corporation, which operated hospital, sale of hospital property from non-profit corporation to tax-exempt entity, and sale of hospital property from tax-exempt entity to limited liability company (LLC), taxing authorities filed petition to enforce order adopting PILOT agreement, which exempted property from real estate taxes so long as it was used solely for hospital purposes by non-profit corporation or by any entity exempt from federal tax.

The Court of Common Pleas granted petition and ordered property's status to be changed to taxable non-exempt. LLC appealed.

The Commonwealth Court held that:

- LLC failed to file its motion to remand, for assignment to different judge, at earliest possible moment, and thus LLC waived such motion, and
- LLC waived for appellate review its argument that Consolidated County Assessment Law (CCAL) prohibited trial court from enforcing PILOT agreement.

Limited liability company (LLC), which purchased hospital property from tax-exempt entity, which in turn had acquired hospital property from non-profit corporation, failed to file its motion to remand, for assignment to different judge, at earliest possible moment, and thus LLC waived such motion, in taxing authorities' action to enforce prior court order exempting non-profit corporation and its successors from real estate tax on hospital building, where LLC knew over four months before filing motion of alleged conflict of interest arising from judge serving on board of directors for foundation of tax-exempt entity.

Commonwealth Court would deny motion for remand filed by liability company (LLC), which purchased hospital property from tax-exempt entity, which in turn had acquired hospital property from non-profit corporation, in taxing authorities' action to enforce prior trial court order adopting payment in lieu of tax (PILOT) agreement exempting non-profit corporation and its successors from real estate tax on hospital building, since LLC failed to allege any facts or present any evidence tending to show bias, or even the appearance of bias, of any trial court judge.

Limited liability company (LLC), which acquired hospital building from tax-exempt entity, which in turn had acquired hospital property from non-profit corporation, waived for appellate review its argument, that section of Consolidated County Assessment Law (CCAL) governing tax assessment role and interim revisions prohibited trial court from enforcing payment in lieu of tax (PILOT)agreement between taxing authorities and non-profit exempting non-profit corporation and its successors from real estate tax on hospital building, in taxing authorities' action to enforce such order, since argument was not raised in LLC's answer to taxing authorities' petition to enforce

order, nor was argument raised in LLC’s statement of errors complained of on appeal.

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