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Columbus City Schools Board of Education v. Franklin County Board of Revision

Supreme Court of Ohio - February 6, 2020 - N.E.3d - 2020 WL 573459 - 2020 -Ohio- 353

Limited liability company (LLC) appealed determination of the Board of Tax Appeals (BTA), No. 2016-2365, that sale price paid for transfer of LLC's ownership constituted the tax value of real estate owned by LLC.

The Supreme Court granted LLC's petition to transfer appeal.

The Supreme Court held that:

- Purchase and sale agreement were sufficiently authenticated;
- Conveyance-fee-exemption form and deed obtained from the public record were sufficiently authentic;
- Hearsay rule did not bar admissibility of documents; and
- Sale price paid for transfer of LLC's ownership was presumed to constitute value of real estate owned by LLC.

Limited liability company's production of purchase and sale agreement, documenting its transfer of ownership to purchaser, in discovery with school board was sufficient to regard the document was what it facially purported to be, and thus, document was sufficiently authenticated for admission in proceedings before the Board of Tax Appeals (BTA) concerning school board's complaint seeking increase in the tax value of real estate owned by LLC based on sale price for transfer of LLC's ownership.

Conveyance-fee-exemption form and deed obtained by school board from the public record were sufficiently authentic, for admissibility in proceedings before the Board of Tax Appeals (BTA) concerning school board's complaint seeking increase in the tax value of real estate owned by LLC based on sale price for transfer of LLC's ownership, where conveyance-fee-exemption form had notarized affidavit attached, and accompanying deed bore stamps showing the auditor's acceptance of fee-exempt status and receipt of deed by the county recorder.

Purchase and sale agreement, documenting transfer of ownership of taxpayer, a limited liability company (LLC) did not constitute inadmissible hearsay, in proceedings before the Board of Tax Appeals (BTA) concerning school board's complaint seeking increase in the tax value of real estate owned by LLC based on sale price of transfer of LLC's ownership, because agreement was documentary evidence of contract between the parties.

Board of Tax Appeals' (BTA) decision that sale price paid for transfer of limited liability company's (LLC) ownership constituted the tax value of real estate owned by that entity did not permit taxation of personal property in violation of state constitution provision providing that real property tax be based on value of land and improvements thereon, where BTA deducted an amount from the sale price relating to personal property based on appraisal evidence, and by law, BTA was justified in

presuming the rest constituted real estate value.