

OCTOBER 20, 1999

The Special Master of the Value Adjustment Board, Manatee County, Florida, convened a REGULAR session in the Jury Room of the Courthouse, 1115 Manatee Avenue West, Bradenton, Florida, Wednesday, October 20, 1999, at 9:12 a.m.

Presiding was: Anthony J. Comparetto

Also present was:

Robin Liberty, representing  
R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

99-010 JANUSZ AND DANUTA FEDYK

Scott Tussing, Property Appraiser's office, stated this was a late filing due to extenuating circumstances for homestead exemption. Notifications were sent to the petitioner in September and November 1998; however, the petitioner did not file until August 1999.

Mr. Comparetto stated the petitioner did not demonstrate extenuating circumstances and he will recommend denial to the Value Adjustment Board (VAB).

99-038 DAVID G. PHILLIPS AND PAUL J. HAYES

Mr. Tussing stated the petitioners are arguing against the removal of homestead exemption for the former owner.

Mr. Comparetto stated he will recommend denial to the VAB, as the petitioner has no standing to argue the former owner's exemption status.

99-049 KENNETH J. AND JOANNE S. PANCIOCCO

Mr. Tussing advised this is a late filing of homestead exemption for extenuating circumstances. The petitioner and her husband purchased the property with Mrs. Panciocco's mother on August 20, 1998, and Mrs. Panciocco's mother was killed in October 1998. He referred to a sample homestead exemption letter and stated the petitioner thought her mother filed for homestead exemption before she passed away. Mr. Tussing stated the petitioner would not have inherited the homestead exemption.

Mr. Comparetto stated he will make a recommendation to the VAB.

99-122 ALICE J. NICHOLS

Mr. Tussing stated this petition was based on a late filing of homestead exemption due to denial in 1998, which Ms. Nichols did not appeal. There was a divorce and in July 1999, Ms. Nichols advised the Property Appraiser that the house was in her name.

Mr. Comparetto stated he will recommend denial to the VAB.

99-157 JON LOGAN

Mr. Tussing stated the petitioner had homestead exemption on another house and did not file until March 15, 1999.

Mr. Comparetto stated he will recommend denial to the VAB.

Recess/Reconvene.

99-101 TARGET; 99-102 THROUGH 99-104 K-MART CORPORATION; 99-118 SAM'S WHOLESALE CLUB; 99-119 THROUGH 99-121 WAL-MART STORES, INC.

Steve Schluchter, Property Tax Control, referred to portions of his exhibit, which reflect his request to reduce the economic life of assets from nine years to seven years. He stated K-Mart has 2,500 stores and assets are not shown at individual locations. He referred to the seven-year tracking sheet and a financial booklet.

Discussion: Whether petitioner is requesting a reduction to a specific amount, or whether cases should be remanded to Property Appraiser; equipment other than what is on the market study is included in petitioner's request, etc.

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(Continued)

Debra Lentz, Property Appraiser's office, stated that Jack West (representing K-Mart) did not object to the nine-year life. Ms. Lentz stated the information provided by K-Mart could not be related to a particular location. She pointed out that the gridlocks referenced (in the financial booklet) were dated 1997. She entered an event log that tracked her attempts to obtain information regarding fixed asset listings. She stated there is an issue of disposals and a reconciliation between the 1998 and 1999 tax returns. She stated in 1998, K-Mart reported over \$400,000 worth of assets acquired in 1997. This year the spreadsheet shows that same \$400,000 and then a negative number of \$380,000, a negative number of \$6,000, with an end result of 1997 acquisitions as minus \$1,063.

In the absence of the additional information requested from K-Mart, Ms. Lentz stated she took the information from the 1998 tax return and added the new acquisitions. She advised Mr. West if K-Mart can demonstrate that the Property Appraiser has assessed property that is not located in Manatee County, they will adjust the records accordingly.

Wal-Mart and Target tax returns were accepted as filed. Ms. Lentz submitted a copy of the Department of Revenue (DOR) recommended Guidelines that were used in the computation. The Retail Trade Fixtures is the midpoint. It has been reduced to nine-year life midpoint this year.

Ms. Lentz advised that the Property Appraiser is studying the information that has been supplied in the last few days. It appears that Mr. West and Wal-Mart are asking for a seven-year life as a means to settle the dispute because the rates on the tables for a seven-year economic life seem more appropriate to them.

Discussion: Property Appraiser did not conduct a market study; all other market information that has been shared throughout the state was basis for adjustment to nine-year life this year; Property Appraiser considered the information submitted and made the adjustment; nine-year life seemed to be appropriate to other retailers in the County; an audit of K-Mart; whether Property Appraiser received appropriate information; K-Mart bookkeeping methods; established markets; DOR guidelines, etc.

Mr. Comparetto advised that he will make recommendations to the VAB.

**99-089 SINGER'S SAVE ON**

**Robert Singer**, petitioner, stated the appraisal of \$37,200 has increased by \$30,000. Mr. Singer advised that most of the older items have been on the list from past years and he used a depreciation schedule to value the items.

Larry Bartgis, Property Appraiser's office, stated that he reduced the value of the property to \$14,468. He provided a list of assets and worksheets with depreciated figures. He stated there were items not on Mr. Singer's tax return with an assessed value of \$12,000. Mr. Bartgis referred to comparison sheets of convenience stores and stated Mr. Singer's store is next to the last in total value. He also included five comparable 7-11 stores. He took the combined value of the stores and removed all gas equipment, all signs, and all leasehold improvements. The final comparison shows an average value of \$47,174. He then took all of the 7-11 stores, included them in the average, and came up with \$47,318. Mr. Singer sells gas and has the necessary equipment; however, McCarley Oil files on those assets. He entered a letter from Mr. McCarley, who owns five stores in the County.

Mr. Comparetto advised the petitioner that he must show evidence of the values, and a depreciated schedule is not considered credible evidence.

Based upon the evidence and testimony presented, Mr. Comparetto concurred with the Property Appraiser's adjusted value of \$14,468.

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(Continued)

99-100 TROPICANA PRODUCTS, INC.

Ms. Lentz advised that no additional information was provided to the Property Appraiser, but the petition incorrectly indicated the assessed value, which is \$174,540,280. She advised that the petitioner indicated that appraisal was taking place on all the assets for Tropicana and the information would be forthcoming. Nothing has been received to date.

Mr. Comparetto stated that since the petitioner has presented no evidence or testimony, he would recommend denial to the VAB.

99-146 JENNY CRAIG WEIGHT LOSS CENTER

Ms. Lentz stated that tangible property assessment of \$55,222 was accurate.

Mr. Comparetto stated that Petitioner presented no evidence or testimony and he will recommend denial to the VAB.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

4/14/00  
Date

Adj: 11:53 a.m.  
/pat

APPROVED:

[Signature]  
Special Master (Signed 4/12/00)

Attest:

[Signature]  
Clerk