

REPRESENTATIVE FOR PETITIONER:
Joshua C. Neal, Barrett & McNagny, LLP

REPRESENTATIVE FOR RESPONDENT:
Dustin D. Huddleston, Huddleston & Huddleston

**BEFORE THE
INDIANA BOARD OF TAX REVIEW**

KC Propco LLC,)	Petition No. 41-041-09-2-8-00001
d/b/a KinderCare Learning Center,)	
)	Parcel No. 41-04-02-013-057.001-038
Petitioner,)	and Parcel No. 41-99-95-022-053.000-038
)	
v.)	
)	Johnson County
Johnson County Assessor,)	White River Township
)	2009 Assessment
Respondent.)	

Appeal from the Final Determination of the
Johnson County Property Tax Assessment Board of Appeals

November 2, 2011

FINAL DETERMINATION

The Indiana Board of Tax Review (Board) has reviewed the evidence and arguments presented in this case. The Board now enters its findings of fact and conclusions of law.

ISSUE

Is the Petitioner's real and personal property owned, occupied, and used for educational purposes so that it is exempt from property tax under Ind. Code § 6-1.1-10-16?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

HEARING FACTS AND OTHER MATTERS OF RECORD

1. The subject property is located at 980 South State Road 135 in Greenwood. The Petitioner described the subject property (a/k/a the Greenwood KinderCare) as an early learning center for children. The Respondent described it as primarily child care. Proper characterization of the use lies at the heart of this dispute.
2. The Petitioner filed an Application for Property Tax Exemption, Form 136, with the Johnson County Assessor on May 15, 2009. It claimed the Petitioner provides educational programs for children, and therefore, both the real and personal property should be 100% exempt pursuant to Ind. Code § 6-1.1-10-16. According to this application, the 2009 total assessed value of the real property is \$1,315,000. Nothing in the record indicates what the value of the personal property might be.
3. On November 25, 2009, the Johnson County Property Tax Assessment Board of Appeals (PTABOA) issued determinations that the real and personal property is 100% taxable. (Following the PTABOA hearing a separate tax key number, 41-99-95-022-053.000-038, was created for the personal property.)
4. On December 28, 2009, the Petitioner filed Petitions for Review of Exemption, Form 132, seeking the Board's review of those determinations.¹
5. The Board's designated Senior Administrative Law Judge, Ted Holaday, held the hearing on July 7, 2011. He did not conduct an on-site inspection of the property.

¹ Form 132 states the exemption is claimed for charitable use, but at the hearing everyone agreed the case is based entirely on a claim of educational use. Furthermore, at the hearing it was agreed that both the real property and the personal property would be addressed in this case.

6. Connie Mortensen was sworn as a witness for the Petitioner. Vickie L. Broshears was sworn as a witness for the Respondent, but she did not testify.

7. The Petitioner presented the following exhibits:
 - Exhibit 5 – Financial Statements for December 31, 2008, December 31, 2009, and December 31, 2010,
 - Exhibit 6 – Knowledge Learning Corporation Enrollment Agreement,
 - Exhibit 7 – KinderCare Learning Centers’ brochure,
 - Exhibit 8 – Application for Property Tax Exemption (Form 136) with attachments,
 - Exhibit 9 – Notices of Action on Exemption Application (Form 120) issued by the PTABOA,
 - Exhibit 10 – Petitions for Review of Exemption (Form 132),
 - Exhibit 11 – Affidavit of David A. Benedict,
 - Exhibit 14 – List of KinderCare employees,
 - Exhibit 16 – Standards for Participation in Indiana for Licensed Child Care Center as adopted by The Indiana Family & Social Services Administration,
 - Exhibit 17 – Post-hearing brief.(Petitioner Exhibits 1, 2, 3, 4, 12, 13, and 15 were not offered.)

8. The Respondent presented the following exhibits:
 - Exhibit A – Certificate of Formation of KC Propco, LLC,
 - Exhibit B – Amended and Restated Limited Liability Company Agreement of KC Propco, LLC,
 - Exhibit C – Amended and Restated By-Laws of Knowledge Learning Corporation (formerly Children’s Discovery Centers of America, Inc.),
 - Exhibit D – Certificate of Amendment of Certificate of Incorporation of Children’s Discovery Centers of America, Inc.,
 - Exhibit E – KinderCare Learning Centers, Inc. Restated Bylaws,
 - Exhibit F – Certificate of Incorporation of KinderCare Learning Centers, Inc.,
 - Exhibit G – Post-hearing brief.

9. The following additional items are recognized as part of the record:
 - Board Exhibit A – Form 132 Petition,
 - Board Exhibit B – Notice of Hearing on Petition–Re-Schedule,
 - Board Exhibit C – Hearing Sign-In Sheet.

SUMMARY OF THE PETITIONER'S CASE

10. The subject property is owned by KC Propco, LLC, but it is used and occupied by KinderCare Learning Centers, Inc. These two entities are affiliated and share common ownership by Knowledge Learning Corporation. KinderCare created KC Propco, which is an abbreviation for “KinderCare Property Company.” Because KC Propco and KinderCare are related entities there is no formal lease agreement between them for the subject property. Despite the absence of a written lease, the Financial Statements show a monthly rent from KinderCare to KC Propco, but no money actually is exchanged for rent. It is just an internal accounting entry. *Mortensen testimony; Neal argument.*
11. As a result of the common ownership, KinderCare considers the location in Greenwood (the subject property) to be an “owned” facility. Although KinderCare operates at some other locations where property is leased from independent third parties, the Greenwood KinderCare is not one of those locations. *Mortensen testimony.*
12. KinderCare is a state licensed child care and early learning center that is accredited by the National Association for the Education of Young Children, the National Accreditation Commission for the Early Care and Education Programs, a division of the National Association of Child Care Professionals, and the National Early Childhood Program Accreditation. *Mortensen testimony; Pet'r Ex. 11.*
13. KinderCare also participates in the Paths to Quality program administered by the Indiana Family and Social Services Administration. This program provides a quality rating system for early childhood centers based on factors that include, but are not limited to, the implementation and adherence to health and safety policies, employment of teachers with educational degrees, staff participation in continuing education courses, and the content and quality of the curriculum. *Mortensen testimony; Pet'r Ex. 16.*

14. KinderCare has not been just a day care facility for at least ten years. For infants and toddlers a lot is involved that is just physical care—of course, feeding and changing diapers is required. But beyond that, KinderCare provides age-appropriate educational programs for infants, toddlers, pre-school, pre-kindergarten, and all-day kindergarten. The curriculum is developed in conjunction with national and regional experts in early childhood learning. In most respects, the curriculum is aligned with that of local elementary schools to make the transition from KinderCare to the public school system smooth and natural. The curriculum at this level includes reading, language, arts, math, science, social studies, music, and physical fitness. *Mortensen testimony; Pet'r Ex. 7, 11.*
15. KinderCare has program specialists who observe in every classroom two times every week to insure that the prescribed lesson plans and curriculum are followed. *Mortensen testimony.*
16. This KinderCare is open Monday through Friday from 6 a.m. to 6 p.m. and the educational curriculum is administered daily between 8:30 am and 4:30 pm. Educational goals and objectives, however, are emphasized at all times. During the times before and after those hours it is not just free play—there still is an established educational curriculum for the children who are there. But the children are coming and going during those times. Hardly anyone is there. *Mortensen testimony.*
17. For the school-aged children during the before school and after school periods, there is a focus on getting homework done, if parents have asked for that help. During this time KinderCare also offers club activities relating to literacy, math, science, drama, art, and music. *Mortensen testimony; Pet'r Ex. 7, 11.*
18. Additional enrichment programs also are offered in phonics, reading, math, Spanish, music, and physical fitness. Enrollment in these classes typically increases during the summer. These classes meet three times a week for thirty minutes. *Mortensen testimony.*

19. KinderCare is a for-profit entity. *Mortensen testimony; Pet'r Ex. 6.* That status, however, does not preclude exemption for the subject property. *Neal argument.*

20. Weekly tuition is \$260 for an infant, \$225 for toddlers and two year olds, and \$205 for three, four and five year old children. Additionally, vouchers are accepted at this facility. Approximately 25-28% of the 111 students receive assistance of some type. The State subsidizes some students based on the family's income and work status. There is also a military subsidy for families who qualify. *Mortensen testimony; Pet'r Ex. 5, 6.*

21. KinderCare employs teachers with differing levels of education. A Teacher I has a high school diploma. A Teacher II has a two or four year degree in early childhood education. A Teacher III has earned or is working on a master's degree. All three levels must have prior experience in early learning centers. KinderCare also offers continuing education opportunities. KinderCare has been upgrading its teaching staff. Although several Teacher I are still working, nobody new is being added in that category and several Teacher I employees are getting a degree. When the application for the 2009 exemption was filed, five of eighteen teachers were level II and none were level III. Since then three individuals advanced from Teacher I to Teacher II designation and another individual got her master's degree, thereby upgrading status to Teacher III. The precise number of teachers will vary with the number of children who are enrolled at the facility. *Mortensen testimony; Pet'r Ex. 14.*

22. The Board allowed exemptions under similar circumstances in the following cases:
 - a) *Richmond Day Nursery Ass'n, Inc. v. Wayne Co. Property Tax Assessment Bd. of Appeals*, Petition No. 89-014-02-2-8-00003 (March 2004),
 - b) *Elkhart Child Dev. Center, Inc. v. Elkhart Co. Property Tax Assessment Bd. of Appeals*, Petition No. 20-012-04-2-8-00009 (March 2006),
 - c) *Mark & Deborah Shubert v. Elkhart Co. Assessor*, Petition No. 20-015-07-2-8-00037 (November 2008).*Neal argument.*

SUMMARY OF THE RESPONDENT'S CASE

23. The Petitioner did not establish that the real or personal property is owned, occupied, and used predominantly for educational purposes. The educational use is “incidental” to the child care use of the property. *Huddleston argument.*
24. Indiana Code § 12-7-2-28.4 defines “child care center” to be where at least one child receives child care from a provider while unattended by a parent for regular compensation for more than four but less than twenty-four hours in each of ten consecutive days per year. KinderCare’s marketing materials describe the facility as a licensed child care center. *Huddleston argument; Petitioner’s Ex. 16.*
25. The Petitioner did not establish that the Greenwood KinderCare relieves the State’s burden to provide education. Only 25 students are enrolled in KinderCare’s Head Start program. Only 10 of the 111 students are enrolled in its kindergarten programs. Neither of these programs demonstrates use of the facility for predominately educational purposes. No teacher or official appeared at the hearing to establish that the programs offered by KinderCare are, in fact, similar to classes offered in public schools. The Petitioner failed to account for the time spent on snacks, breaks, or naps. The Petitioner failed to show the educational programs are more than incidental to the function of the facility as a child care center. *Mortensen testimony; Huddleston argument.*
26. The Certificate of Formation of KC Propco, LLC shows that it was formed in Delaware on April 7, 2003. *Resp’t Ex. A.* Its principle business office is in Portland, Oregon, while the registered office and registered agent are both located in Delaware. *Resp’t Ex. B.* Knowledge Learning Corporation is a Delaware corporation. *Resp’t Ex. C.* Children’s Discovery Centers of America was organized and exists under the general corporate law of Delaware. *Resp’t Ex. D.* The record does not establish that these different business entities are authorized to conduct business in Indiana or that the Petitioner meets the definition of a “person.” *Huddleston argument.*

27. KC Propco's Amended And Restated Limited Liability Company Agreement states:

Section 7. Purposes

(a) Notwithstanding anything to the contrary ... the sole purpose ... is to engage exclusively in the following activities:

- (i) to acquire, own, develop, improve, and hold the Property;
- (ii) to sell, lease, transfer, service, convey, dispose of, operate, manage, pledge, assign, borrow money against, finance or otherwise deal with the Property to the extent permitted under the Loan Documents;
- (iii) to enter into and perform its obligations under the Loan Agreement and the other Loan Documents with the Lender and the borrowings and other transactions contemplated thereunder;
- (iv) to enter into and perform its obligations under the Operating Lease;
- (v) to engage in any lawful act or activity and to exercise any powers permitted to limited liability companies organized under the laws of the State of Delaware that are related or incidental to and necessary, convenient or advisable for the accomplishment of the above-mentioned purposes.

(b) The Company, and the Member or any Director or Officer on behalf of the Company, may enter into and perform the Master Contribution and Distribution Agreement, the Basic Documents and all documents, agreements, certificates, or financing statements contemplated thereby or related thereto, all without any further act, vote or approval of any Member, Director, Officer or other Person notwithstanding any other provision of this Agreement, the Act or applicable law, rule or regulation. The foregoing authorization shall not be deemed a restriction on the powers of the Member or any Director or Officer to enter into other agreements on behalf of the Company.

Resp't Ex. B. These purposes say nothing about education or child care. *Resp't Ex. B;*
Mortensen testimony; Huddleston argument.

28. Similarly, the express purpose of Children’s Discovery Centers of America, Inc. is “to be engaged in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware.” It does not mention education or child care. *Resp’t Ex. D; Mortensen testimony; Huddleston argument.*
29. Article III of the Certificate of Incorporation of KinderCare Learning Centers, Inc. states: “The nature of the business or purpose to be conducted or promoted is to be engaged in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware.” *Resp’t Ex. F; Mortensen testimony; Huddleston argument.*
30. The property record card (part of Pet’r Ex. 8) shows the parcel consists of 2.607 acres with 1.607 acres classified as undeveloped/usable land. No evidence about the use of the undeveloped/usable land was presented. The Petitioner failed to establish how this vacant land, lacking any structures or even a playground, supports educational activities at the facility. *Huddleston argument.*
31. The Petitioner provided no evidence to establish the personal property is exempt. The Petitioner provided no evidence describing its personal property or any explanation about how its personal property might be used to advance an educational purpose. *Huddleston argument.*

BASIS OF EXEMPTION AND BURDEN

32. The General Assembly may exempt any property used for municipal, educational, literary, scientific, religious, or charitable purposes from property taxation. IND. CONST., art. 10 § 1.
33. Property that is owned, occupied, and used by a person for educational purposes is allowed an exemption from property taxation under Ind. Code § 6-1.1-10-16. To qualify,

the property must pass the predominant use test in Ind. Code § 6-1.1-10-36.3. Property that is predominantly used for an exempt purpose is exempt in proportion to the amount of time it was used for exempt purposes during the year that ends on the assessment date. Ind. Code § 6-1.1-10-36.3(c)(3).

34. When a property is exempt from taxation, the effect shifts the amount of taxes that exempt property would have paid to other parcels that are not exempt. *See generally, Nat'l Assoc. of Miniature Enthusiasts v. State Bd. of Tax Comm'rs*, 671 N.E.2d 218, 220-221 (Ind. Tax Ct. 1996). Therefore, a taxpayer seeking exemption bears the burden of proving the property is entitled to the exemption by showing that the property is specifically within the statutory authority for the exemption. *See Monarch Steel v. State Bd. of Tax Comm'rs*, 611 N.E.2d 708, 714 (Ind. Tax Ct. 1993); *Indiana Assoc. of Seventh Day Adventists v. State Bd. of Tax Comm'rs*, 512 N.E.2d 936, 938 (Ind. Tax Ct. 1987).
35. Exemptions must be strictly construed in favor of taxation. Nevertheless, determinations must "give full effect to the legislature's intent and avoid construing [the exemption] 'so narrowly its application is defeated in cases rightly falling within its ambit.'" *Monarch Steel*, 611 N.E.2d at 713 (quoting *Harlan Sprague Dawley, Inc. v. Dep't of State Rev.*, 605 N.E.2d 1222, 1225 (Ind. Tax Ct. 1992)).

ANALYSIS

36. "Persons" as used in Ind. Code § 6-1.1-10-16 and defined in Ind. Code § 6-1.1-1-10 includes a corporation and a limited liability company. The Petitioner, KC Propco, is a Delaware limited liability company and KinderCare is a Delaware corporation. The Respondent argued their status is not sufficient because there is no evidence either one was organized, incorporated, or registered in accordance with the laws of Indiana. No supporting statute or case law was provided for such an additional requirement, which is more restrictive than the actual language in Ind. Code § 6-1.1-1-10. Furthermore, the Respondent provided no substantial argument for a more restrictive application.

Therefore, both the Petitioner and KinderCare are persons for the purposes of Ind. Code § 6-1.1-10-16.

37. There is no dispute that both the Petitioner and KinderCare are for-profit entities. Nevertheless, the involvement of for-profit entities does not preclude this exemption. *See College Corner v. Dep't of Local Gov't Finance*, 840 N.E.2d 905, 908 (Ind. Tax Ct. 2006). “As early as 1879, the Indiana Supreme Court scrutinized our Constitution and its focus with respect to tax exemption statutes. The Court said our Constitution, ‘contemplates the character and purpose of the property that may be exempted from taxation, not the character and purpose of the owner of the property.’” *Sangrlea Boys Fund, Inc. v. State Bd. of Tax Comm'rs*, 686 N.E.2d 954, 956 n.2 (Ind. Tax Ct. 1997) (quoting *State ex rel. Tieman v. City of Indianapolis*, 69 Ind. 375, 377 (1879)).
38. The evidence shows that KC Propco owned the real property while KinderCare occupied and used it.² Being owned, occupied, and used by a single entity, however, is not a requirement for exemption. The Indiana General Assembly did not intend to require that a single entity “achieve a unity of ownership, occupation, and use.” *Sangrlea*, 686 N.E.2d at 958. “Importantly however, ‘when a unity of ownership, occupancy, and use is lacking (as is the case here), both entities must demonstrate that they possess their own exempt purposes....’” *Hamilton Co. Property Tax Assessment Bd. of Appeals v. Oaken Bucket Partners*, 938 N.E.2d 654, 657 (Ind. 2010).
39. The entities involved in this case are affiliated and share common ownership by Knowledge Learning Corporation. They are integral parts of one operation. KC Propco has authority to engage in other kinds of business, but no evidence was presented that it actually has other business operations not related to what KinderCare does. Undisputed testimony indicated that the Greenwood KinderCare facility was considered to be an “owned” facility. There is no formal, written lease agreement with respect to

² Other than a vague reference to furniture and equipment, the record contains no relevant facts about the personal property—not even what it is or what the value might be. (The personal property return is not in the record.)

KinderCare's use and occupancy of the subject property, although the Financial Statements reflect rent from KinderCare to KC Propco. Again, according to the undisputed testimony presented in this case, no money actually is exchanged and the rental amount is included on the financial statements merely as an indicator of the fiscal health of the early learning center. KC Propco acquired the subject property for the specific purpose of operating an early learning center and the then existing improvements were specifically renovated, pursuant to plans approved by KinderCare, exclusively for the purpose of facilitating KinderCare's early learning programs. Under these circumstances, the use by KC Propco and KinderCare is indistinguishable for purposes of Ind. Code § 6-1.1-10-16.

40. Is the use predominantly (or entirely) educational? As the term is broadly understood, "education" can occur anywhere, including private homes, but a more restrictive definition is required to avoid irrationally applying the exemption. *See Fort Wayne Sports Club, Inc. v. State Bd. of Tax Comm'rs*, 258 N.E.2d 874, 881 (Ind. App. 1970).

41. Exemptions from property tax are generally granted based on the expectation that the public will derive a corresponding benefit that justifies the loss of tax revenue. Accordingly, applicants for the educational exemption must show their use of the property provides some public benefit. *See Oaken Bucket*, 938 N.E.2d at 657; *Dep't of Local Gov't Finance v. Roller Skating Rink Operators Ass'n*, 853 N.E. 2d 1262, 1266 (Ind. 2006); *Indianapolis Osteopathic Hospital, Inc. v. Dep't of Local Gov't Finance*, 818 N.E.2d 1009, 1014 (Ind. Tax Ct. 2004); *Foursquare Tabernacle Church of God in Christ v. State Bd. of Tax Comm'rs*, 550 N.E.2d 850, 854 (Ind. Tax Ct. 1990); *Ft. Wayne Sports Club*, 258 N.E.2d at 881. Examining "the public benefits that accrue from a property's use [is] a method of determining whether the predominant use of a property is educational." *Trinity School of Natural Health, Inc. v. Kosciusko Co. Property Tax Assessment Bd. of Appeals*, 799 N.E.2d 1234, 1237 (Ind. Tax Ct. 2003). "If a property owner's use of property does not serve the public good, the property is taxable." *Roller*

Skating Rink Operators, 853 N.E.2d at 1265 (citing *Travelers' Ins. Co. v. Kent*, 50 N.E.562, 564 (Ind. 1898)).

42. Educational use does not require providing educational programs or classes that are identical to those of tax-supported institutions. The public benefit test can be met by providing courses found in tax-supported institutions, but it also can be met by providing “related” programs and courses. Accordingly, “a taxpayer need only relieve the State’s burden ‘to some limited extent’ with programs and courses merely ‘related’ to those found in tax-supported schools.” *Trinity School*, 799 N.E.2d at 1238; see also *Roller Skating Rink Operators*, 853 N.E.2d at 1266 (stating that “educational” programs need not be the same as offerings of public schools).
43. This kind of determination is fact sensitive. See *6787 Steelworkers Hall, Inc. v. Scott*, 933 N.E.2d 591, 596 (Ind. Tax Ct. 2010). Every exemption case depends on its own facts and, ultimately, how those facts were presented. See *Jamestown Homes of Mishawaka, Inc. v. St. Joseph Co. Assessor*, 914 N.E.2d 13, 15 (Ind. Tax Ct. 2009).
44. The Board’s prior determination on *Richmond Day Nursery* (March 2004) provides particularly strong guidance for this issue with similar facts. The Board held that Richmond Day Nursery was entitled to an exemption in connection with its operation of a daycare and pre-school facility. In that case, the Board relied on evidence that Richmond Day Nursery provided scheduled educational training, employed teachers with educational degrees, offered educational opportunities to children from lower income families who attended the daycare on a government voucher program, and provided a program similar to the government sponsored Head Start program. Approximately five to six hours each school day were devoted to age-related education for children enrolled at Richmond Day Nursery, where a program similar to typical preschool education was provided. The Board concluded that Richmond Day Nursery “demonstrated that their educational activities and curriculum confer a benefit to the general public, (e.g. families, children, public schools, community) similar to the government based Head Start

program, but with the added bonus of onsite training in conjunction with the child's full time day care." As a result, Richmond Day Nursery's property was determined to be 100% exempt. Furthermore, the Petitioner correctly pointed out that the Board's *Elkhart Child Development* and *Shubert* determinations also support allowing the educational use exemption in this case.

45. KinderCare provides scheduled educational training, employs teachers with educational degrees, offers educational opportunities to children from lower income families who attend the early learning center on the government voucher program, and provides a program similar to the government sponsored Head Start program. Moreover, KinderCare teachers and staff meet, on a regular basis, with local public school officials to insure that KinderCare's curriculum is accomplishing its education objective. All of its programs, including programs for infants and children under the age of three, are a complement to and prepare children for enrollment in school by providing the foundational elements children need to thrive in more advanced programs. In other words, KinderCare's programs were designed to prepare pre-school children for school and other parts of the curriculum mirrored programs taught in several local, public schools.
46. The Petitioner has shown that the use of the subject property is substantially related to the programs and courses public schools provide. The Petitioner has also shown that at least to "some limited extent" its curriculum, goals, and educational and physical activities provide a benefit to the public. On the other hand, the Respondent offered very little to impeach or rebut what the Petitioner offered about the curriculum, the teaching staff, the accreditation, or the programs at the Greenwood KinderCare.
47. After weighing all the evidence, it is clear that both educational programs and child care activities take place at the Greenwood KinderCare. From the Petitioner's point of view, the educational programs are the focus and the child care activities are merely incidental. The Respondent, of course, views the child care activities as the focus and the educational programs as incidental. Ultimately, in this case the Petitioner's point of view

is more persuasive. The weight of the evidence establishes that use of the subject property is most accurately characterized as educational. The exemption for the real property should not be denied based on the incidental child care activity that necessarily takes place due to the ages of the children.

48. The Respondent argued that part of the land should be denied exemption based on the property record card classification of 1.607 acres as undeveloped/usable land and the lack of evidence related to the use of that portion of the property. The Respondent failed to provide supporting authority for considering use of the tract of land in separate segments. The Respondent also offered no evidence that any part of the subject property actually was being used for some other purpose. Although Ind. Code § 6-1.1-10-16(a) provides authority for determining exemption based on parts of a building, it is not clear that a tract of land with an exempt building on it can be considered in parts. The Board will save that broader question for another time when the facts and arguments are more fully developed. Here, the Respondent simply has not established that part of the exemption should be denied for that reason.
49. The Respondent's argument that the Petitioner failed to make a case for exemption on personal property, however, is correct. Indiana Code § 6-1.1-10-16(e) generally extends this exemption to personal property if it is owned and used in an exempt manner. But the record contains no probative facts about the personal property. An exemption must be based on more than speculation about what is being exempted.

SUMMARY OF FINAL DETERMINATION

50. The Petitioner proved the land and improvements that constitute the subject property qualify for 100% exemption based on educational use and that part of the claim is granted. As to personal property, however, the Petitioner failed to prove what might qualify for any exemption and that part of the claim is denied.

This Final Determination of the above captioned matter is issued on the date first written above.

Commissioner, Indiana Board of Tax Review

Commissioner, Indiana Board of Tax Review

Commissioner, Indiana Board of Tax Review

- APPEAL RIGHTS -

You may petition for judicial review of this final determination under the provisions of Indiana Code § 6-1.1-15-5, as amended effective July 1, 2007, by P.L. 219-2007, and the Indiana Tax Court's rules. To initiate a proceeding for judicial review you must take the action required within forty-five (45) days of the date of this notice. The Indiana Tax Court Rules are available on the Internet at <<http://www.in.gov/judiciary/rules/tax/index.html>>. The Indiana Code is available on the Internet at <<http://www.in.gov/legislative/ic/code>>. P.L. 219-2007 (SEA 287) is available on the Internet at <http://www.in.gov/legislative/bills/2007/SE/SE0287.1.html>