COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

POCONO MOUNTAIN SCHOOL DISTRICT,	:	**No. 10745 Civil 2008**
Appellant,	:	
vs.	:	
	:	**TAX ASSESSMENT APPEAL**
MONROE COUNTY BOARD OF ASSESSMENT APPEALS and SKYTOP LODGES, INC.,	:	
Appellees.	:	

OPINION

Before the court are various tax assessment appeals involving five parcels that are owned by Appellee, Skytop Lodges, Inc. ("Skytop"), which together with other parcels, make up the Skytop Lodge Resort ("Skytop Resort") in Barrett Township, Monroe County, Pennsylvania. Skytop Resort is located in the taxing district of Appellant, Pocono Mountain School District.

These appeals were consolidated by order dated October 7, 2011. On March 13, 2012, the parties filed a written stipulation in which the assessment records of the Monroe County Board of Assessment Appeals ("MCBAA") for Skytop properties 1/6/1/33, 1/4/14, 1/25/1/9, 1/5/1/17 and 1/110549 were placed on the record. The parties agreed that the MCBAA had thus established its prima facie case. Accordingly, the burden of overcoming the validity of the tax assessment shifted to Skytop and the

School District, who challenge the MCBAA's assessment. *See Green v. Schuylkill County Bd. of Assessment Appeals*, 772 A.2d 419, 425-26 (Pa. 2001) (*quoting Deitch Co. v. Bd. of Prop. Assessment*, 209 A.2d 397, 402 (Pa. 1965)). Although the taxing authority has the right to rebut the evidence presented, the MCBAA chose not to participate in the hearings. *See Green*, 772 A.2d at 426 (*quoting Deitch Co.*, 209 A.2d at 402).

Hearings were conducted on April 25, April 30, and May 18, 2012. The parties requested transcripts and leave to file post-trial memoranda, which they have done. The matter is now ripe for disposition.

FINDINGS OF FACT

1. The five parcels that are the subject of the appeals in this case are parcel numbers 1/4/1/4, 1/5/1/17, 1/6/1/33, 1/25/1/9, and 1/110549 (collectively the "Subject Property"). The total area of parcels combined exceeds 500 acres.

2. The MCBAA appraised parcel 1/6/1/33 at $1,488,920 and assessed the property at $372,230 for the 2009 tax year. The School District appealed that assessment as unreasonably low. The appeal was denied by the MCBAA. The School District appealed that denial by appeal filed November 7, 2008 at Case Number 10745 Civil 2008.

3. The MCBAA appraised parcel 1/4/1/4 at $11,935,488 and assessed the property at $2,983,872 for the 2009 tax year. The School District appealed that assessment as unreasonably low. The appeal was denied by the MCBAA. The School

District appealed that denial by appeal filed November 7, 2008 at Case Number 10749 Civil 2008.

4. The MCBAA appraised parcel 1/5/1/17 at $40,160 and assessed the property at $10,040 for purposes of the 2011 tax year. Skytop appealed that assessment and sought a reduction. The appeal was denied by the MCBAA. Skytop appealed that denial by appeal filed on November 18, 2010 at Case Number 11175 Civil 2010.

5. The MCBAA appraised parcel 1/4/1/4 at $11,940,198 and assessed the property at $2,985,050 for the 2011 tax year. Skytop appealed that assessment and sought a reduction. The appeal was denied by the MCBAA. Skytop appealed that denial by appeal filed on November 18, 2010 at Case Number 11174 Civil 2010.

6. The MCBAA appraised parcel 1/25/1/9 at $273,560 and assessed the property at $68,390 for the 2011 tax year. Skytop appealed that assessment and sought a reduction. The appeal was denied by the MCBAA. Skytop appealed that denial by appeal filed on November 18, 2010 at Case Number 11173 Civil 2010.

7. The MCBAA appraised parcel 1/110549 at $81,000 and assessed the property at $20,250 for the 2012 tax year. Skytop appealed this assessment and sought a reduction. The appeal was denied by the MCBAA. Skytop appealed that denial by appeal filed July 28, 2011 at Case Number 6507 Civil 2011.

8. The parties' stipulation established the following MCBAA valuations and assessments for the Skytop properties:

Property number	Valuation	Assessed value
1/6/1/33	$1,488,929	$372,230.
1/4/1/4	11,940,198.	2,985,050.
1/25/1/9	273,565.	68,390.
1/5/1/17	40,167.	10,040.
1/110549	81,013.	20,250.

9. At all times relevant hereto, the predetermined assessment ratio as established by the MCBAA and the Monroe County Commissioners was 25%.

10. The State Tax Equalization Board ("STEB") ratios for Monroe County are as follows:

a. for tax year 2009—12.8%;

b. for tax year 2010—13.5%;

c. for tax year 2011—15.8%; and

d. for tax year 2012—16.8%.

11. The Subject Property is improved with a full service hotel, an inn, cottages, a conference center, and a golf course. All the expert witnesses who testified on behalf of the parties stated that this resort hotel use was the highest and best use of the Skytop property.

12. The School District presented the expert testimony of Lawrence E. Henry, MAI at trial.

13. Mr. Henry used the income approach to determine the fair market value of the Subject Property for tax years 2009, 2010, 2011 and 2012. *See* Trial Tr. (hereinafter "N.T.") vol. 1, 19:6-14 (April 25, 2012); PKF Consulting Report, Plaintiff's Exhibit 1, pages V-15, V-31,V-48, V-65, V-69.[1]

14. Mr. Henry concluded that a fair market value for the Subject Property for tax year 2009 was $30,200,000; $24,200,000 for tax year 2010; $25,350,000 for tax year 2011; and $29,450,000 for tax year 2012. *See* N.T. vol. 1, 17:17-24; PKF Consulting Report, page V-69.

15. Mr. Henry's valuation of the Subject Property was not based upon the income and expenses of Skytop alone. He considered "historical trends within the defined competitive market, the historical financial results (of Skytop), and our knowledge of operating results for generally comparable hotels." PKF Consulting Report, page V-5.

16. Mr. Henry admitted that, had he used only the actual historical performance of Skytop in his analysis, the value of the property would be $8,000,000 for 2009 and not the $30,200,000 he concluded using his projections; $18,000,000 for 2010 and not $24,200,000; and $14,000,000 for 2011 instead of his conclusion of $25,350,000. *See* N.T. vol. 1, 106:15-107:21.

[1] Volume 2 of the transcript includes the notes of testimony from the second day of the non-jury trial, which took place April 30, 2012. Volume 3 of the transcript includes the notes of testimony from the third day of the non-jury trial, which took place May 18, 2012.

17. The School District also presented the expert testimony of Dr. John O'Neill, MAI, Ph.D. Dr. O'Neill only performed an expert valuation for the tax year 2012.

18. Dr. O'Neill did not interview Skytop's management in connection with his appraisal of the Subject Property. *See* N.T. vol. 1, 230:1-9.

19. Dr. O'Neill utilized both the income approach and the sales comparison approach to determine a fair market value for the Subject Property. Dr. O'Neill testified that the income approach is most appropriate for valuing this type of property. *See* N.T. vol. 1, 148:16-149:3.

20. Under the sales comparison approach, Dr. O'Neill testified that the fair market value of the Subject Property for the tax year 2012 is between $30,000,000 and $34,000,000. *See* N.T. vol. 1, 192:22-23.

21. Under the income approach, Dr. O'Neill testified that the fair market value of the Subject Property for the tax year 2012 is $30,000,000. *See* N.T. vol. 1, 186:10-25.

22. Dr. O'Neill testified that he subjected the various values to a reconciliation process, which ultimately led him to conclude that the fair market value of the Subject Property for the tax year 2012 is $30,000,000. *See* N.T. vol. 1, 194:5-195:4.

23. Dr. O'Neill determined the fair market value of the Subject Property based on projections of how Skytop should have performed in the past to reach a predicted value for 2015, which was then deflated to a 2011 value. *See* N.T. vol. 1, 241:23-242:2.

24. Despite determining that, recently, Skytop had been "underperforming" compared with the market, Dr. O'Neill testified that a purchaser would pay a premium

for the potential value that may be realized in the future if Skytop was to perform at market level. *See* N.T. vol. 1, 238:13-240:2.

25. Both Dr. O'Neill and Mr. Henry testified that they used conservative capitalization rates in their calculations of the fair market value of the Subject Property because both opined that Skytop is a relatively low risk investment despite identifying various risks with the Resort (i.e. age, need for significant repairs, decline in occupancy rate). *See* N.T. vol. 1, 177:12-178:7; 100:9-101:1.

26. Both Dr. O'Neill and Mr. Henry stated that the *lowest* capitalization rates for properties like the Subject Property are around 6% to 8% and both used base rates close to that end. Mr. Henry used a capitalization rate of 8.25% with a tax adjustment bringing it to 10.378%. *See* N.T. vol. 1, 100,:18-101:1, Plaintiff's Exhibit 1, V-15; Dr. O'Neil used a capitalization rate of 7% "loaded" with the local real estate tax rate multiplied by a common level ration. This resulted in a rounded capitalization rate of 10.2%. NT vol. 1, 178,15-21-180:1-8, Plaintiff's Exhibit 3, pate 44.

27. Dr. O'Neill and Mr. Henry opined that the *highest* capitalization rates for properties such as the Subject Property are 13% to 18%. *See* N.T. vol. 1, 1026-15; 251:9-15.

28. Skytop offered the expert testimony of Frederick Lesavoy, MAI, SRA, at trial.

29. Mr. Lesavoy conducted a sales comparison approach and income approach to determine the fair market value of the Subject Property. *See* A Summary Appraisal Report of Skytop, Prepared By Frederick Lesavoy at 18.

30. In his analysis of value, Mr. Lesavoy took into consideration that a dam on the Resort is in need of repairs, which are estimated by Skytop's President and General Manager, Edward Mayotte, to cost approximately $2,000,000. *See* N.T. vol. 2, 16: 22, 93:22-94:3.

31. Dr. O'Neill estimated the dam repairs to cost approximately $100,000 and took that figure into consideration when calculating the fair market value. *See* N.T. vol. 1, 212:7-213:1.

32. Mr. Lesavoy testified that a water filtration system at the Resort must also be repaired, at a cost of $250,000. *See* N.T. vol. 2, 94:3-5.

33. Mr. Lesavoy explained that the significant repairs to the dam and water filtration system are considered as risks associated with the Resort that would support the application of a higher capitalization rate to appropriately reflect the risk. *See* N.T. vol. 2, 93:22-94:6.

34. Mr. Lesavoy concluded that the fair market value of the Subject Property using the sales comparison approach was $12,600,000[2] for the tax year 2009 and $12,550,000 for the 2011 tax year. *See* N.T. vol. 2, 106:10-17.

[2] The transcript reads "$2,600,000", but the actual figure is $12,600,000. *See* A Summary Appraisal Report of Skytop, Prepared By Frederick Lesavoy at 167.

35. Mr. Lesavoy concluded that the fair market value of the Subject Property using the income approach was $13,450,000 for the 2009 tax year and $12,690,000 for the 2011 tax year. *See* A Summary Appraisal Report of Skytop, Prepared By Frederick Lesavoy at 156, 167.

36. Ultimately, Mr. Lesavoy concluded that the fair market value of the Subject Property was $13,250,000 for tax year 2009 and $12,650,000 for tax year 2011. *See* N.T. vol. 2, 101:18-102:6. He used a total capitalization rate of 13.28% for both years. Skytop Exhibit 1, Report of Frederick Lesavoy, pages 155, 165.

37. Mr. Lesavoy also testified that if he were to appraise the property for 2012, he would conclude that the value of the Subject Property is between $12,650,000 and $13,250,000. *See* N.T. 135:6-20.

38. Skytop also presented the expert testimony of Joseph C. Fisher, M. Ed. at trial.

39. Mr. Fisher utilized a sales comparison approach and income approach to determine the fair market value of the Subject Property for the 2010 tax year. *See* N.T. vol. 3, 52:19-22.

40. Mr. Fisher concluded that under a sales comparison approach, the fair market value of the Subject Property for the tax year 2010 was $13,000,000. *See* Skytop Exhibit 2, Real Property Appraisal Report for Skytop Resort, Prepared By Joseph C. Fisher at p. 34.

41. Mr. Fisher concluded that under an income approach, the fair market value of the Subject Property for the tax year 2010 was $14,200,000. *See* N.T. vol. 3, 73:21-74:2. He used an "overall rate of capitalization loaded for taxes of 13.23%. Fisher Appraisal Report, Skytop Exhibit 2, page 40.

42. Having reconciled the values reached under the sales comparison and income approaches, Mr. Fisher ultimately concluded that, for tax year 2010, the fair market value of the subject property is $13,500,000. *See* N.T. vol. 3, 97:3-11. Fisher Appraisal Report, Skytop Exhibit 2, page 45.

43. Both Mr. Lesavoy and Mr. Fisher based their appraisals on the actual performance of the Resort. *See* N.T. vol. 2, 164:25-165:9; vol. 3, 125:4-6.

DISCUSSION

The sole issue before the court is a determination of the fair market value of the Subject Property for tax years 2009, 2010, 2011 and 2012. The market value of property for purposes of tax assessment appeals has been defined by Pennsylvania courts as "the price which a purchaser, willing but not obliged to buy, would pay an owner, willing but not obliged to sell, taking into consideration all uses to which the property is adapted and might in reason be applied." *Green*, 772 A.2d at 425 n.6 (*quoting Buhl Found. v. Bd. of Prop. Assessment, Appeals and Review of Allegheny County*, 180 A.2d 900, 902 (Pa. 1962).

In a tax assessment appeal, the trial court hears the matter de novo. *See Green*, 772 A.2d at 425 (*citing Deitch Co.*, 209 A.2d at 402). The trial court is charged with the task of receiving competent evidence, assessing the credibility and weight of that evidence, and, ultimately, making a value determination based on what the court deems relevant, credible, and reliable evidence. *See Green*, 772 A.2d at 426 (citations omitted). The trial court is the factfinder in tax assessment appeals. *See id.* Still, the function of the trial court "is not to independently value the property . . ., but to weigh the conflicting testimony and values expressed by the competing experts and arrive at a valuation based on the credibility of their opinions." *County of Monroe v. Bolus*, 613 A.2d 178, 181 (Pa. Cmwlth. 1992) (citation omitted).

"Viewing the trial court's role as factfinder . . . it is evident that where, as here, the taxpayer offers expert testimony challenging the official assessment and the taxing authority offers no evidence in rebuttal, several factual scenarios are possible[.]" *Green*, 772 A.2d at 427. The first scenario is that the court could conclude that the offered expert opinion is not credible and, accordingly, determine that the taxpayer has not overcome the prima facie case set out by the assessment authority. *See id.* In the second scenario, the court could credit the expert's opinion as credible and competent in all respects, which, "pursuant to settled law, [means] the expert's opinion as to fair market value must be accepted." *Id.* (citations omitted). Third, the court may wholly credit the expert testimony, but make appropriate adjustments to the ultimate valuation for simple errors, i.e., "a mathematical error that can be corrected utilizing principles grounded in common experience." *Id.* The court could also find an expert's opinion is sufficient to overcome the assessment authority's prima facie case, but nonetheless disagree with the ultimate valuation offered by the expert. *See id.*

As stated at the outset, the parties stipulated that the MCBAA had established its prima facie case. The MCBAA did not participate in the trial and, accordingly, did not present any evidence to rebut the proffered experts' testimony. The court must now consider the opinions of the competing experts and determine what weight, if any, they are due.

The court concludes that the expert testimony offered by Mr. Lesavoy and Mr. Fisher was more credible than that offered by Mr. Henry and Dr. O'Neill. In making their respective valuations of the Subject Property, both Mr. Henry and Dr. O'Neill rely heavily on what other hotels achieved in the way of occupancy and average daily rates in a given year, and projected the income Skytop *could have* earned if it performed in the way other hotels did. Both experts admit that Skytop did not historically achieve the numbers they projected. Additionally, both Mr. Henry and Dr. O'Neill used conservative capitalization rates in reaching their value conclusions despite acknowledging that there were substantial risks associated with the Resort.

In contrast, both Mr. Lesavoy and Mr. Fisher offered their expert valuations of the Subject Property relying primarily on the actual performance of Skytop, while still taking into consideration how other properties perform and sell in the market. Further, Mr. Lesavoy and Mr. Fisher used capitalization rates that accounted for the financial risks peculiar to the Resort which were discussed during the testimony. The rates they used were not unjustifiably high. They were consistent with what all experts considered as the median range of capitalization rates used in the market for this type of property.

The School District's first witness, Lawrence E. Henry, MAI, found the income approach to be the most accurate way to value the resort, and he was provided with Skytop's financial operating statements for 2008, 2009 and 2010. He was also given detailed year-to-date statements through September 2011. He identified the Tarrytown, Penn Stater and Scranton Hilton as a competitive set to establish the income and expenses used in the appraisal, rather than Skytop's actual expenses. However, in many ways, these properties were not comparable to Skytop. For instance, the Scranton Hilton and the Penn Stater are hotels and conference centers but do not have golf courses and resort facilities.

He then considered 2008 operating data for "three selected comparable hotels and an aggregate statement for all Northeast and Middle Atlantic resorts." He did not reveal which three hotels in the Northeast/Middle Atlantic region he used, *Henry Report, page V-15*, so there was no way of comparing them to Skytop. After looking at the results achieved by these three unnamed hotels and a compilation of results from resort hotels in the Northeast and Middle Atlantic regions, he developed a weighted average of revenues. NT volume 1, page 33. Mr. Henry then determined a "projected operating result" for 2008 for Skytop of $3,349,000, which was significantly in excess of what Skytop actually earned.[3] NT volume 1, page 46.

The experts for the School District did not base their appraisals on the net operating income results Skytop's management achieved from 2007 through 2011. Instead, they used income predictions in the past and the future. For instance, Dr. O'Neil found that Skytop's year end net operating income for 2008 was $1,906,262; for 2009 was $7,371 and for 2010 was $921,662. He "stabilized" the net operating income of the resort by predicting where occupancy and income could be increased in coming years and further predicting the amount of future operating expenses. He used data from other hotels that he found to be in Skytop's "competitive set" to assist in making these predictions. He then opined that by 2015, net operating income, "deflated to 2011 dollars" would be $3,490,866. *See* O'Neill Report, page 44. This figure was higher than Skytop's performance in recent years.

The court agrees with Mr. Lesavoy that Skytop is a unique, older resort property that cannot be compared with most other hotels. He was asked:

> Q: (Attorney Repka) So without doing a market study, how do you come up with the occupied rooms per night compared to a competitive set?
>
> A: There is no competitive set to the subject. If there was, we would have really great comparable sales and we would have a list of competitors. The manager of the hotel, of Skytop Resort, would have been able to supply to us from Star the competitive set which don't exist.
>
> What we look at clearly is the performance that this hotel that's been operating for 84 years, that's a pretty good length of time. We looked at that performance and determined how – what's happening to those room rates. Do I

[3] He reports Skytop's actual 2008 Net Operating Income as $2,509,597, $452,111 for 2009, and $1,424,501 for 2010.

really care what the room rates are occurring in Florida or in New York State or somewhere else? It's the subject property. I look at those and I see that the room rates are $221 in 2007, $208 in 2008, $181 in 2009, $184 in 2010 and $177 in 2011, and I don't know what they are so far in 2012, but from looking at that, I can see that there's a trend. And I think you can too. The trend is not upward by 3, 5 or 7 percent a year, but it's downward.

Testimony of Frederick Lesavoy, NT Volume II, page 154-155.

Mr. Lesavoy and Mr. Fisher used the actual results of Skytop in developing the numbers used for the income approach. Mr. Lesavoy testified:

So in forecasting, what would I do? Would I forecast that room rates are going to go down until they are zero and people just stay there for free and it becomes a homeless shelter? No. What I've done is I've looked at that span of years and I've averaged them out to say that in this particular frame of time, not looking at 2020, I'm not looking at 2015, I'm looking at a valuation for 2009 and 2011, during that span of time it's reasonable to conclude that at best the room rates should be at an average rate during that period of time. I didn't pull numbers out of the air for this.

Testimony of Frederick Lesavoy, NT Volume II, pages155-156.

Later, he was asked:

Q: (Mr. Repka) In terms of a purchaser, is a purchaser trying to determine the value, the fair market value of a property based upon anticipated return of benefits sometime into the future in an income-producing property?

A: I can't speak for all purchasers, but I can tell you that a buyer is out there to buy the property at the least price that they possibly can buy it for, and they are looking at the actual performance of the property with the hopes of it being a good investment. If they buy a property that's under performing and buy it at a low price and it makes sense, then they will go ahead and do it. If they are buying an underperforming property at a very high price, then there's a tremendous amount of risk in liability and they probably wouldn't buy it.

Testimony of Frederick Lesavoy, NT Volume II, page 164.

The problem with the School District's appraisals is that they predict what Skytop might have done in comparison with other anonymous resorts, in Mr. Henry's case, and what they might do in the future, in Dr. O'Neill's case. These predictions are speculative and not based on the reality experienced by Skytop during these years. There has been no credible evidence of lackadaisical efforts or mismanagement of the resort by current management. The resort, like many others in this area, has been going through difficult economic times and this is not the fault of management. As has been pointed out, Skytop has invested millions in the property, over the last decade, by creating more modern rooms and a conference center among other improvements. This shows that the owners of the property are taking significant financial risks to try and improve net operating income. This court is not ready to bet that these difficult times for Skytop are over.

The School District appraisers seemed to be coming up with a "best case scenario" analysis for a potential investor, as to what the property could be worth if it were run better. This type of analysis might be helpful to an investor who thought it possible to buy low now, based on today's economy and Skytop's actual numbers, and hope to achieve the valuations described by Mr. Henry and Dr. O'Neill over a period of time. This approach certainly involves a lot of risk, with a healthy dash of wishful thinking about bull markets in vacations and real estate thrown in as well. But it does not impress the court as a rational way to assess what someone would pay for Skytop in the years in question.

Accordingly, the court finds the expert testimony of Mr. Lesavoy and Mr. Fisher as reliable and competent, and will base its decision on their appraisals. Mr. Lesavoy's appraisals determined that there was a "Business Enterprise Value" that should be deducted from his "going concern" value. He was the only appraiser to do so, and the court agrees with Dr. O'Neill that Skytop has no business enterprise value separate from its real estate value, using the income approach to valuation. Mr. Mayotte testified that Skytop is underperforming the market. Therefore, Mr. Lesavoy's deduction for business enterprise value will be added back into the value of the property.

Mr. Fisher's income approach to valuation determined the value of the property to be $14,200,000 with an average room rate of $73,575 per guest room. This figure was slightly below the "average and median selling prices" ($73,659 and $73,919) of seven similar resorts throughout the Northeastern and Mid Atlantic areas of the United States on a per guest room basis. Fisher Report, page 41.

Mr. Fisher then gave his final valuation of the property, $13,500,000 for 2010. This equated to $70,000 per guest room. Although he did not explain why he reduced his overall evaluation from his income approach to valuation, he did point out that his sales comparison approach to valuation yielded a value of $13,000,000.

The court finds that Mr. Fisher's income approach to valuation led to the appropriate valuation. This valuation was still less than his finding of the average selling price per guest room for his comparable hotels. As Mr. Lesavoy stated, "As an investment property (Skytop's) value is best described by the results of the income approach." Lesavoy report, page 169.

CONCLUSIONS OF LAW

1. The MCBAA has established a prima facie case for purposes of the tax assessment appeals at issue here.

2. Skytop has overcome the prima facie case through the credible expert testimony of Mr. Lesavoy and Mr. Fisher.

3. The MCBAA has not rebutted the expert valuations of Mr. Lesavoy or Mr. Fisher. Accordingly, the court accepts those expert valuations.

4. The testimony of Frederick Lesavoy and Joseph Fisher as to the valuation of the property are more credible than the experts offered by the School District.

5. The fair market value of the Subject Property for purposes of tax year 2009 is $14,160,000.

6. The fair market value of the Subject Property for purposes of tax year 2010 is $14,200,000.

7. The fair market value of the Subject Property for purposes of tax year 2011 is $13,500,000.

8. The fair market value of the Subject Property for purposes of tax year 2012 is $13,250,000.

9. The fair market values above reflect the total value of the five parcels that are the subject of this appeal. These values must be apportioned among the parcels based upon the overall percentage of the whole each part reflects.

10. The State Tax Equalization Board ("STEB") ratios for Monroe County are as follows:

a. for tax year 2009—12.8%;

b. for tax year 2010—13.5%;

c. for tax year 2011—15.8%; and

d. for tax year 2012—16.8%.

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

POCONO MOUNTAIN SCHOOL DISTRICT,	:	**No. 10745 Civil 2008**
Appellant,	:	
vs.	:	
MONROE COUNTY BOARD OF ASSESSMENT APPEALS and SKYTOP LODGES, INC.,	:	
Appellees.	:	

DECISION

AND NOW, this 12th day of September, 2012, following non-jury trial on the parties' respective appeals, the court finds that the combined total fair market value of parcel numbers 1/4/1/4, 1/5/1/17, 1/6/1/33, 1/25/1/9, and 1/110549, owned by Appellee, Skytop Lodges, Inc., is as follows:

1. For purposes of tax year 2009--$14,160,000;
2. For purposes of tax year 2010--$14,200,000;
3. For purposes of tax year 2011--$13,500,000; and
4. For purposes of tax year 2012--$13,250,000.

Appellee, Monroe County Board of Assessment Appeals, is directed to apportion the aforesaid total, combined value among the separate parcels based upon the overall percentage of the whole each part reflects in assessing the subject parcels for the tax years at issue in this appeal.

BY THE COURT:

ARTHUR L. ZULICK, J.

cc: Lucas J. Repka, Esquire
Mark S. Love, Esquire
Francis J. Hoegen, Esquire

ALZ2012-045