

Michigan Court of Appeals

DOCKETING STATEMENT

Case No:
Circuit: 16-001828 TT
Court of Appeals: 346894

Please read before completing form.

- MCR 7.204(H) and 7.205(D)(3) require an **appellant** in a civil action to complete and file a docketing statement within 28 days after the claim of appeal is filed or the application for leave to appeal is granted. Failure to timely file this document may lead to dismissal of the appeal. An appellee may respond by filing a separate docketing statement.
- This document will be used to screen the appeal for suitability and eligibility for the settlement conference program, and will be used to help resolve jurisdictional and transcript issues. It is important that you complete this form accurately and legibly.
- The issues identified in the docketing statement do not limit appellant's presentation of the issues in appellant's brief. Omission of an issue in the docketing statement will not provide a basis for a motion to strike appellant's brief.

1. Case Name:

Patru ☒ Appellant
☐ Appellee

Name of first Plaintiff

Address: 3309 Solway, Knoxville TN 37931

Telephone No: (734) 274-9624

Attorney Name: Daniel Patru Bar No: P74387

Address: 3309 Solway, Knoxville TN 37931

Telephone No: (734) 274-9624

v

City of Wayne ☐ Appellant
☒ Appellee

Name of first Defendant

Address: 3355 S Wayne Rd, Wayne MI 48184

Telephone No: (734) 722-2000

Attorney Name: Bar No: _____

Address:

Telephone No:

2. ☐ A bankruptcy or other proceeding has been filed which affects this Court's jurisdiction over this appeal.

Identify and explain.

3. ☒ There are pending or prior appeals in the Court of Appeals or Supreme Court which arose out of the same transaction, lower court case, or between the same parties.

Specify case name, lower court number, appellate court number(s), and citation, if available.
Patru v City of Wayne, Docket No. 337547

4. ☐ I am aware of the following pending appeals in the Court of Appeals or Supreme Court raising the same or closely related issues.

Specify case name, lower court number, appellate court number(s), and citation, if available.

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5. Identify **all** the lower court hearings.

Type of proceeding (i.e. motion, trial, etc.)	Date(s) Occurred	Court Reporter
Tax Tribunal Hearing	12/1/2016	None, see POJ and FOJ
Tax Tribunal Rehearing	10/18/2018	None, see FOJ

6. **Nature of case:**

a. If the lower court case number provided on page 1 does not include a suffix, please specify the circuit court case code (i.e. NI, CK, etc): _____.

b. Identify the procedural nature of the case being appealed.

- ☐ arbitration ☐ bench trial ☐ post-judgment action ☐ declaratory judgment
☐ interlocutory matter ☐ jury trial ☐ summary disposition
☒ administrative proceeding (specify agency) Tax Tribunal
☐ other (i.e. default judgment) _____

7. Briefly describe the nature of the action and the result in the trial court. Conclusory statements such as "the judgment of the trial court is not supported by law" are unacceptable. Attach additional pages as needed.

Appellant petitioned the Tax Tribunal to determine the True Cash Value per MCL 211.27(2). The Tax Tribunal refused to apply the law, making both errors of law and fact.

8. Briefly state the issues to be raised in this appeal. Attach additional pages as needed.

- I. Did the Tax Tribunal fail in its duty to independently determine the when it refused to determine the before-repair TCV because a) Appellant had the burden of proof and 2) the Tribunal disagreed with Appellants proof?
 II. Did the Tax Tribunal misinterpret MCL 211.27(2) when it ruled that normal repairs may be ignored if there is some evidence that the assessor does not need to consider repairs to justify the assessed value?
 III. Did the Tax Tribunal err when it gave the selling price of the property no weight or credibility as to the market value of the property based solely on a) the fact that the seller was a government entity and b) speculation that the seller may not have been motivated to receive market value?

9. The amount and terms of the judgment appealed are:

TCV at issue is about \$18,000.

10. Settlement negotiations. (Check all boxes that apply.)

- ☐ Settlement negotiations have been conducted or are scheduled.
☒ Settlement is unlikely.
☐ Other _____

2/15/19

Date

Signature

Provide the Proof of Service on a separate form.