

own appraised values and proposed **tax** liability for her 1994-2001 **tax** bills.

A. Property of Lindon Corporation

The following chart demonstrates the assessed values and **tax** liability for the Frostco Building as well as Lindon's

			Tax at		
Tax	Assessed	Plt.'s		Plt.'s	
Bill	Value	Value	Tax Paid	Value	Overpaid
1994	\$3,887,420	\$1,945,000	\$28,927.78	\$14,587.50	\$14,340.28
1995	\$3,183,557	\$1,990,000	\$26,176.68	\$14,925.00	\$11,251.68
1996	\$4,497,596	\$1,930,000	\$39,275.82	\$14,475.00	\$24,800.82
1997	\$4,760,208	\$1,970,000	\$26,176.68	\$14,775.00	\$11,401.68
1998	\$4,509,543	\$2,115,000	\$33,821.58	\$15,862.00	\$17,959.08
				Total	\$79,753.34
1999	\$5,064,007	\$2,200,000	\$37,980.05	\$16,500.00	\$21,480.05
2000	\$5,013,314	\$2,190,000	\$37,599.86	\$16,425.00	\$21,174.86
2001	\$4,962,619	\$2,185,000	\$ 0.00	\$16,387.50	\$ 0.00
				Total	\$42,654.91

Having reviewed the testimony and evidence presented by plaintiff Lindon, and noting the inability of the Government to produce any evidence to support its values, I find Lindon's values to be credible and the Government's values to be overinflated and not credible. Accordingly, per my August 13, 2003 memorandum in the individual case of Equivest St. Thomas, Inc., I will accept and declare that the values provided by Lindon for the 1994-1998 **tax** bills are the actual values for those **tax** *583 years. Moreover, I find that Lindon has overpaid its property taxes for those years and is entitled to a refund of \$79,753.34 plus interest at the statutory rate of 12 percent from the date each **tax** bill was paid.

Lindon's proffered values as good faith estimates of its **tax** obligations and order the Government to treat these values as the assessed values of the Frostco Building until the Special Master has certified the Territory's assessment system to be capable of assessing properties at their actual value. As Lindon has already paid its 1999 and 2000 **tax** bills at the Government's assigned values, it is entitled to a credit of \$42,654.91 plus interest at the statutory rate of 12 percent from the date each **tax** bill was paid. The Government may not apply this credit to any future property **tax** obligation without Lindon's consent. The Government may, however, chose to refund this credit and interest to Lindon.

Finally, for the 1999 **tax** bill and beyond, I will accept

B. Properties of Gordon Coffelt

1. 19H Estate Smith Bay

The following chart demonstrates the assessed values and tax liability for 19H Estate Smith Bay as well as Coffelt's

own appraised values and proposed tax liability for his 1999-2001 tax bills.

		Tax at			
Tax	Assessed	Plt.'s		Plt.'s	
Bill	Value	Value	Tax Paid	Value	Overpaid
1999	\$604,473.00	4 \$125,000.00	\$360.05	5 \$46.87	\$313.18
2000	\$604,473.00	\$125,000.00	\$360.05	\$46.87	\$313.18
2001	\$604,473.00	\$125,000.00	\$360.05	\$46.87	\$313.18
				Total	\$939.54

Having reviewed the testimony and evidence presented by Coffelt, and noting the inability of the Government to produce any evidence to support its values, I find his values to be credible and the Government's values to be overinflated and not credible. Accordingly, per my August 13, 2003 memorandum in the individual case of Equivest St. Thomas, Inc., I will accept Coffelt's proffered values as good faith estimates of his tax obligations and order the Government to treat these values as the assessed values of 19H Estate Smith Bay until the Special Master has certified the Territory's assessment system to be capable of assessing properties at their actual value. As Coffelt has already paid his 1999-2001 tax bills at the Government's assigned values, it is entitled to a credit of \$939.54 plus interest at the statutory rate of 12 percent from the date each tax bill was paid. The Government

may not apply this credit to any future property tax obligation without Coffelt's consent. The Government may, however, chose to refund this credit and interest to him.

2. 19-1-3 Estate Smith Bay

The following chart demonstrates the assessed values and tax liability for 19-1-3 Estate Smith Bay as well as Coffelt's own appraised values and proposed tax liability for his 1999-2001 tax bills.

		Tax at			
Tax	Assessed	Plt.'s		Plt.'s	
Bill	Value	Value	Tax Paid	Value	Overpaid
1999	\$246,736.00	6 \$37,000.00	\$3,114.02	\$277.50	\$2,866.52

2000	\$246,736.00	\$37,000.00	\$3,114.02	\$277.50	\$2,866.52
2001	\$246,736.00	\$37,000.00	\$ 702.03 7	\$ 13.87	\$ 688.16
Total					\$6,421.20

***584** Having reviewed the testimony and evidence presented by Coffelt, and noting the inability of the Government to produce any evidence to support its values, I find his values to be credible and the Government's values to be overinflated and not credible. Accordingly, per my August 13, 2003 memorandum in the individual case of Equivest St. Thomas, Inc., I will accept Coffelt's proffered values as good faith estimates of his tax obligations and order the Government to treat these values as the assessed values of 19-1-3 Estate Smith Bay until the Special Master has certified the Territory's assessment system to be capable of assessing properties at their actual value. As Coffelt has already paid his 1999-2001 tax bills at the Government's assigned values, he is entitled to a credit of \$6,421.20 plus interest at the statutory rate of 12 percent from the date each tax bill was paid. The Government may not apply this credit to any future property tax obligation without Coffelt's consent. The Government may, however, chose to refund this credit and interest to him.

DECREE

Having considered the entire record in this matter, including the testimony and documentary evidence presented at the trial on January 28, 2003, and based on the Memorandum of even date, it is hereby,

DECREE that the Tax Assessor's Office has failed to assess and tax the litigated property of plaintiff at its actual value.

The Court further enters the following remedial orders:

ORDERED that Parcel No. 210-3A Estate Altona & Welgunst, the Frostco Building shall have a value of \$1,945,000.00 and a tax liability of \$14,587.50 for its 1994 tax bill, a value of \$1,990,000.00 and a tax liability of \$14,925.00 for its 1995 tax bill, a value of \$1,930,000.00 and a tax liability of \$14,475.00 for its 1996 tax bill, a value of \$1,970,000.00 and a tax liability of \$14,775.00 for its 1997 tax bill, a value of \$2,115,000.00 and a tax liability of \$15,862.50 for its 1998 tax bill, a value of \$2,200,000.00 and a tax liability of \$16,500.00 for its 1999 tax bill, a value of \$2,190,000.00 and a tax liability of \$16,425.00 for its

2000 tax bill, and a value of \$2,185,000 and a tax liability of \$16,387.50 for its 2001 tax bill; it is further

ORDERED plaintiff Lindon Corporation is entitled to a refund of \$14,340.28 for the overpayment of its 1994 tax bill plus interest at the statutory rate of 12 percent accruing from the date of the payment to be refunded within thirty (30) days of this Order, a refund of \$11,251.68 for the overpayment of its 1995 tax bill plus interest at the statutory rate of 12 percent accruing from the date of the payment to be refunded within thirty (30) days of this Order, a ***585** refund of \$24,800.82 for the overpayment of its 1996 tax bill plus interest at the statutory rate of 12 percent accruing from the date of the payment to be refunded within thirty (30) days of this Order, a refund of \$11,401.68 for the overpayment of its 1997 tax bill plus interest at the statutory rate of 12 percent accruing from the date of the payment to be refunded within thirty (30) days of this Order, a refund of \$17,959.08 for the overpayment of its 1998 tax bill plus interest at the statutory rate of 12 percent accruing from the date of the payment to be refunded within thirty (30) days of this Order, a credit of \$21,480.05 for its overpayment of its 1999 tax bill plus interest at the statutory rate of 12 percent accruing from the date of the payment, and a credit of \$21,174.86 for its overpayment of its 2000 tax bill plus interest at the statutory rate of 12 percent accruing from the date of the payment; it is further

ORDERED that Parcel 19H Estate Smith Bay shall have a value of \$125,000.00 and a tax liability of \$46.87 for its 1999 tax bill, a value of \$125,000.00 and a tax liability of \$46.87 for its 2000 tax bill, and a value of \$125,000.00 and a tax liability of \$46.87 for its 2001 tax bill; it is further

ORDERED plaintiff Gordon Coffelt is entitled to a credit of \$313.18 for his overpayment of his 1999 tax bill plus interest at the statutory rate of 12 percent accruing from the date of the payment, a credit of \$313.18 for his overpayment of his 2000 tax bill plus interest at the statutory rate of 12 percent accruing from the date of the payment, and a credit of \$313.18 for his overpayment of his 2001 tax bill plus interest at the statutory rate of 12 percent accruing from the date of the payment; it is further

ORDERED that Parcel 19-1-3 Smith Bay shall have a

value of \$37,000.00 and a **tax** liability of \$277.50 for its 1999 **tax** bill, a value of \$37,000.00 and a **tax** liability of \$277.50 for its 2000 **tax** bill, and a value of \$37,000.00 and a **tax** liability of \$13.87 for its 2001 **tax** bill; it is further

ORDERED plaintiff Gordon Coffelt is entitled to a credit of \$2,866.52 for his overpayment of his 1999 **tax** bill plus interest at the statutory rate of 12 percent accruing from the date of the payment, a credit of \$2,866.52 for his overpayment of his 2000 **tax** bill plus interest at the statutory rate of 12 percent accruing from the date of the payment, and a credit of \$688.16 for his overpayment of his 2001 **tax** bill plus interest at the statutory rate of 12

percent accruing from the date of the payment; and it is further

ORDERED that the values and **tax** liabilities for plaintiffs' properties for their **tax** bills up to and including 1998 are the actual values and **tax** liabilities. The values and **tax** liabilities for plaintiffs' properties for their **tax** bills from 1999 and later shall remain in effect until such time as the Special Master certifies the Territory's property **tax** system will produce credible and reliable actual values.