

November 23, 2011

IN RE: Rose Spraglin
Docket No: 36REINPZZ2614

STATEMENT OF RECORD:

1. Rose Spraglin (hereafter "Petitioner") filed a Petition for Appeal requesting waiver of interest and penalties accrued against delinquent Real Estate taxes for the property at 1010 South 60th St. Philadelphia, Pa. for the tax years 2001 to 2006. This petition was filed with the Tax Review Board on July 23, 2008.
2. A public hearing was scheduled for October 17, 2008 and continued at Petitioner's request.
3. A public hearing was held on December 19, 2008 before a Tax Review Board Master. The decision of the Master, as ratified by the Tax Review Board, was No Action Needed by the Tax Review Board
4. Petitioner requested and was granted a rehearing before the full Tax Review Board.
5. A public hearing before the Tax Review board was held May 12, 2009. The matter was continued from the hearing for the City to provide a full accounting of Petitioner's account.
6. A public hearing was held December 14, 2010 and was continued for the City representative to provide an accounting to Petitioner for all payments made on the account.
7. A public hearing was held on January 18, 2011 following which the Tax Review Board continued the matter for Petitioner to have an opportunity to review the accounting of payments received on the account that the City had provided at the hearing.
8. A public hearing was held on July 28, 2011 following which the Board announced its decision to abate all interest and all penalty contingent on payment arrangements being entered into by petitioner within 90 days.
9. Petitioner filed a new Petition for Appeal on August 24, 2011 again requesting review of the 2001 Real Estate tax year. This petition was not accepted as this tax year had been previously reviewed by the Tax Review Board.
10. Petitioner has appealed the decision rendered on July 28, 2011 to the Philadelphia Court of Common Pleas.

FINDINGS OF FACT:

1. Petitioner filed a Petition for Appeal requesting waiver of interest and penalty accrued against delinquent Real Estate taxes for the tax years 2001 and 2006 for the property located at 1010 South 60th St. Philadelphia, Pa.
2. The principal amount due totaled \$367.91, with interest of \$275.34 and penalty of \$25.75 as of the TRB hearing date, lien charges of \$40 and legal fees of \$127.62, for a total amount due of \$836.62.
3. Petitioner testified that she always paid the taxes for this property.

4. For the year 2006, Petitioner had a 12 month payment plan for the annual Real Estate taxes. The City's records showed that only 11 of the 12 payments were received, leaving a principal balance with interest and penalty accruing since January 1, 2007.
5. The city provided Petitioner an accounting of how all the payments she made in 2001 were applied. Most payments were applied to liabilities open for previous tax years. The city was able to show that Petitioner entered into a payment plan in May 2001. This agreement for \$127 monthly was a standard agreement to cover tax delinquencies and was not limited to the 2001 taxes. Payments made in 2001, starting in April 2001 were applied to outstanding Real Estate tax balances for 1997 and 1998. All payments made pursuant to this agreement were applied to the 1997 through 2000 tax years. This left a balance due on the 2001 tax principal at the end of 2001.
6. In 2002, Petitioner continued to make payments, using the City's installment plan that covered 2002 taxes.
7. All taxes were paid for subsequent years.

CONCLUSIONS OF LAW:

The Philadelphia Code Chapter 19-1705(2) provides that (u)pon the filing of any petition for the waiver of interest and penalties accruing upon any unpaid money or claim collectible by the Department of Revenue, for or on behalf of the City or the School District of Philadelphia, the Tax Review Board may abate in whole or in part interest or penalties, or both, where in the opinion of the Board the petitioner acted in good faith, without negligence and no intent to defraud.

Petitioner testified and City records confirmed that Petitioner regularly and faithfully had made payments toward the Real Estate taxes for this property since 2001. While it was not stated how the property first fell into arrears in 1997, the taxes had been paid in full up to the current time, with the exception of the balances for 2001 and 2005 that were under appeal.

The finding of the Tax Review Board was that Petitioner had acted in good faith by entering into and fulfilling payment agreements with the city for arrearages, and installment agreements for current year taxes where needed.

The decision of the Tax Review Board was to abate all interest and penalty and provide 90 days to enter into a payment agreement.

Concurred:

T. David Williams, Esq., Chair
Nancy Kammerdeiner
Joseph Ferla