

PROPOSED PREHEARING ORDER

INSTRUCTIONS: In cases where a prehearing conference is scheduled, the parties shall prepare and submit to the Board a proposed Prehearing Order in the following format. The proposed Prehearing Order shall be a joint effort of all parties. The parties have an equal obligation to cooperate fully in drafting the order.

The proposed Prehearing Order shall be submitted to the Board on or before the date set forth in the scheduling order. If the scheduling order fails to provide a due date, the proposed Prehearing Order shall be submitted at least one week prior to the prehearing conference date.

The proposed Prehearing Order shall clearly set forth the issues, a brief statement of the facts and applicable law, deadlines for the completion of discovery and the filing of dispositive motions, witnesses to be called at hearing, exhibits to be submitted, the party with the burden to initiate the production of evidence at the hearing, motions pending or to be filed, any procedural problems, stipulations filed or to be filed, estimated time for hearing and any other information relevant to this matter. If the parties disagree on any particulars, they shall submit a single proposed order with bracketed notations revealing the nature of the disagreement.

The Board's Presiding Officer will review the proposed Prehearing Order and pursuant to K.S.A. 77-517(c), issue the order as submitted or with alterations. The Prehearing Order shall regulate the conduct of the proceedings.

**BEFORE THE BOARD OF TAX APPEALS
STATE OF KANSAS**

IN THE MATTER OF THE {protest or
equalization} APPEAL OF
{APPLICANT} IN {NAME OF
COUNTY}, KANSAS

Docket No. _____

PREHEARING ORDER

Pursuant to K.S.A. 77-517, the Presiding Officer on behalf of the Board issues this Prehearing Order to regulate the conduct of the proceedings, a hearing before the Board scheduled for the ____ day of _____, 20__.

1. Counsel for the Parties:

[Include party name, name of counsel, address and Supreme Court Number.]

2. Jurisdiction:

The Board has jurisdiction of the subject matter and the parties hereto as a proper appeal has been filed pursuant to K.S.A. [APPLICABLE STATUTE]. [or]
[If there is an issue of jurisdiction or an objection to jurisdiction or propriety of the parties, explain.]

3. Subject Property:

- A. [Specific description of the property at issue including identification number.]
- B. [Tax years at issue.]
- C. The following appeals are hereby consolidated for purposes of hearing and consideration: [List Docket Numbers]

4. Burden to Initiate Production of Evidence:

- A. The subject property is [leased commercial or industrial real

property/owner-occupied commercial property/residential property/commercial personal property/etc.].

- B. Complete income and expense statements for the three years next preceding the year of appeal [have been or have not been] furnished to the county appraiser. (If the subject property is leased commercial or industrial real property, this subsection is required. See K.S.A. 79-1609 & K.S.A. 79-2005.)
 - C. The [County or Taxpayer] has the burden to initiate the production of evidence at the hearing.
 - D. [Any unresolved issues regarding the burden to initiate the production of evidence at the hearing.]
5. Amendments to Pleadings:
6. Amount in Controversy:
- A. [Taxpayer Value: \$]
 - B. [County Value: \$]
 - C. [Penalty]
 - D. [Interest]
7. Stipulations of Fact:
8. Factual Contentions:
- A. Taxpayer's Contentions
 - B. County's Contentions
9. Theory of Claims:
- A. Taxpayer's Claims
 - B. County's Claims
10. Theory of Defenses:
- A. Taxpayer's Defenses
 - B. County's Defenses
11. Disputed Questions of Fact:
12. Disputed Questions of Law:

13. Discovery:
 - A. [Describe discovery completed.]
 - B. [Describe discovery yet to be completed with agreed upon deadlines. See K.A.R. 94-2-8.]

14. Motions:
 - A. [List any pending motions with dates of oral arguments.]
 - B. [List any motions anticipated with agreed upon deadlines for filing said motions and responses.]

15. Procedural problems:

16. Witnesses:
 - A. [Taxpayer Witnesses]
 - B. [County Witnesses]

17. Exhibits Intended to be Offered at Hearing:
 - A. [Taxpayer Exhibits]
 - B. [County Exhibits]
 - C. [Any stipulation regarding admissibility of exhibits?]

18. Hearing:
 - A. The hearing is scheduled for the ____ day of _____, 20__.
 - B. The parties request a setting of [two hours/half day/one day/two days, etc.].
 - C. At the request of the [Taxpayer or County or both], the Board will have a Board reporter at the hearing. The [Taxpayer or County or both] will be responsible for paying the untranscribed transcript fee/sitting fee. The Board reporter will bill the appropriate party. [Or - No Board reporter has been requested.]

19. Other matters:

Respectfully Submitted,

Counsel for [Taxpayer/County]
[DATE]

Respectfully Approved,

Counsel for [Taxpayer/County]
[DATE]

BOARD OF TAX APPEALS

Presiding Officer