

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

UNIVERSITY HEALTHCARE FOUNDATION, INC.
f/k/a CITY HOSPITAL FOUNDATION, INC.,
Appellant,

v.

LARRY A. HESS, ASSESSOR OF
BERKELEY COUNTY, WEST VIRGINIA, and
MARK W. MATKOVICH,
STATE TAX COMMISSIONER,
Respondents.

CASE NO. 15-AA-6

BERKELEY COUNTY
CIRCUIT CLERK
2015 APR 28 AM 10:34
VIRGINIA M. SINE, CLERK

RESPONDENT HESS' RESPONSE TO PETITION

COMES NOW, Larry A. Hess, Assessor of Berkeley County, and makes his response to the Petitioner's Petition, as follows:

1. That, the Respondent Assessor Admits the allegations set forth in Paragraphs 1, 2, 3, 4 a, b, c, d, and e, and Paragraph 5.
2. That, he Admits upon information and belief the allegations set out in Paragraph 6 a, b, and c.

WHEREFORE, the Respondent Assessor joins the Petitioner in its recommendation and request that this matter be referred to the Business Court Division and consolidated with that certain case pending before the Circuit Court of Berkeley County, West Virginia, Business Court Division, Case No. 14-AA-4, styled *University Healthcare Foundation, Inc. f/k/a City Hospital Foundation, Inc. v. Larry A. Hess, Assessor of Berkeley County, West Virginia and Mark W. Matkovich, State Tax Commissioner*; further that the Court will affirm the Assessor's denial of the Petitioner's application for exemption of the DMC from 2015 *ad valorem* property taxes; and, affirm the Respondent Tax

Commissioner's ruling against the Petitioner with respect to the tax exemption issue for
Tax Year 2015.

**LARRY A. HESS, ASSESSOR OF BERKELEY
COUNTY, WEST VIRGINIA**

By Counsel



Norwood Bentley III, Esquire
State Bar No. 4234
Berkeley County Council
400 West Stephen Street, Suite 201
Martinsburg, West Virginia 25401
304-267-5009

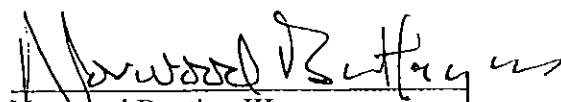
BERKELEY COUNTY
CIRCUIT CLERK
2015 APR 28 AM 10:34
VIRGINIA M. SMITH, CLERK

CERTIFICATE OF SERVICE

I, Norwood Bentley III, do hereby certify that I have served a true and accurate copy of the foregoing RESPONDENT HESS' RESPONSE TO PETITION upon the following, by electronic mail and by placing the same in the United States mail, postage pre-paid and directed as hereinbelow indicated, on this the 28th day April, 2015.

Michael E. Caryl, Esquire
J. Tyler Mayhew, Esquire
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Norwood Bentley III

Berkeley County Council



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15-AA-6

April 28, 2015

The Honorable Virginia Sine, Clerk
Circuit Court of Berkeley County
Berkeley County Judicial Center
380 West South Street, Suite 2200
Martinsburg, West Virginia 25401

BERKELEY COUNTY
CIRCUIT CLERK
2015 APR 28 AM 10:34
VIRGINIA M. SINE, CLERK

Re: UNIVERSITY HEALTHCARE FOUNDATION, INC.
f/k/a CITY HOSPITAL FOUNDATION, INC., v. LARRY
HESS, ASSESSOR OF BERKELEY COUNTY, WEST VIRGINIA,
and MARK W. MATKOVICH, STATE TAX COMMISSIONER

Dear Clerk Sine:

I have enclosed for filing, the *Respondent Hess' Response to Petition* with regard to the above referenced case. A copy of the response has been delivered to all parties involved.

Thank you for your assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Norwood Bentley III".
Norwood Bentley III

Cc: Michael E. Caryl, Esquire
J. Tyler Mayew, Esquire
L. Wayne Williams, Esquire
Larry Hess, Assessor